The Jewish Quarterly Review

EDITED BY

I. ABRAHAMS AND C. G. MONTEFIORE

VOLUME XX

London
MACMILLAN AND CO., LIMITED
NEW YORK: THE MACMILLAN COMPANY
1908

Digitized by Project Zikaron
Touro University-NY Libraries
www.zikaron.tourolib.org
2026

OXFORD
HORACE HART, PRINTER TO THE UNIVERSITY

THE JEWISH QUARTERLY REVIEW

VOL. XX



CONTENTS

PAGE

ADDENDA AND CORRIGENDA TO *J. Q. R.*, X. By Dr. S. Poznański 232

AUSDRÜCKE MIT DENEN DIE TRADITION BEZEICHNET WIRD. By Prof. W. Bacher 572

BIBLICAL CRITICISM, "MODERATE" AND "ADVANCED". By Stanley A. Cook 145

BOOK-LISTS FROM THE CAMBRIDGE GENIZA FRAGMENTS. By E. J. Worman 450

BUSTĀNĪ, THE EXILARCH. By E. J. Worman 211

CRITICAL NOTICES—

G. F. Abbott's "Israel in Europe" 358

Century Bible, The 149

W. H. Daubney's "The Three Additions to Daniel" 146

E. Day's "The Promulgation of Deuteronomy" 162

S. R. Driver's "Minor Prophets" 150

D. R. Fotheringham's "Chronology of the Old Testament" 148

B. P. Grenfell and A. S. Hunt's "Fragment of an Uncanonical Gospel" 330

D. Gunzburg and V. Stassof's "L'Ornement Hébreu" 121

R. H. Kennett's "Date of Deuteronomy" ... 164

F. Küchler, "Die Stellung des Propheten Jesaja zur Politik seiner Zeit" 150

H. C. Lea's "History of the Inquisition of Spain" 509

Lévy's "Une Religion Rationnelle" 871

McNeile's "Exodus" 862

Manchester Inaugural Lectures 155

E. Meyer's "Israeliten und ihre Nachbarstämme" 155

PAGE

CRITICAL NOTICES (*continued*)—

W. OESTERLEY AND G. BOX'S "THE RELIGION AND WORSHIP OF THE SYNAGOGUE" 347

D. PHILIPSON'S "HISTORY OF REFORM JUDAISM" ... 866

J. SKINNER'S "KINGS" 150, 158, 161

TEANO'S "ANNALS OF ISLAM" 875

WEISZ AND LORGE'S "THE MURSHID OF SAMUEL AL-MAGRIBI" 631

WESTMINSTER COMMENTARIES 862

O. WHITEHOUSE'S "ISAIAH i–xxxix" 150, 153

F. WILKE'S "JESAJA UND ASSUR" 150

EDITORIAL ANNOUNCEMENT... 1

ETHER. *See* KABBALAH.

GEHENNA, THE EIGHTH CIRCLE OF (from the Hebrew of J. L. Peretz). By HORACE M. KALLEN 640

GENESIS RABBA, A GENIZA FRAGMENT OF. By EPHRAIM LEVINE 777

GENIZA. *See*—

BOOK-LISTS, &c.; BUSTĀNI, &c.; EINE GENIZA-STUDIE; GENESIS RABBA; GEONIC RESPONSA; KARAITE, &c.

GENIZA-STUDIE, EINE. By Dr. N. PORGES 187

GEONIC RESPONSA. By Prof. LOUIS GINSBERG 86

GOSPEL, THE NEW FRAGMENT OF AN UNCANONICAL. By Dr. A. BÜCHLER 330

HABAKKUK, AN APPEAL FOR A MORE COMPLETE CRITICISM OF THE BOOK OF. By the Rev. Prof. T. K. CHEYNE, D.D.... 3

ILLUMINATED MANUSCRIPTS, HEBREW. By the Rev. G. MARGOLIOUTH 118

INCUNABULA, HEBREW, IN CAMBRIDGE. By A. COHEN 464

INQUISITION OF SPAIN, LEA ON THE. By E. N. ADLER 509

JAVAN, NOTES ON. By E. ROBERTSON. I. 466

" " " II. 812

JEHU. *See* OMRI, &c.

JOB: AUS EINEM ANONYMEN ARABISCHEN HIOBKOMMENTAR. By Prof. W. BACHER 31

PAGE

KABBALAH, THE DOCTRINE OF THE ETHER IN THE. By the Rev. G. Margoliouth 825

KARAITE LITERARY OPPONENTS OF SAADIAH GAON. By Dr. S. Poznański 74, 216

LAW, HEBREW AND ENGLISH, SOME NOTES ON RESEMBLANCES OF. By Herman Cohen 784

LIBERAL JUDAISM. By C. G. Montefiore... 363

LITURGY, THE BLESSING בונה ירושלים IN THE. By Dr. A. Büchler 798

MALACHI, SOME NEW CONSIDERATIONS TOWARDS THE DATING OF THE BOOK OF. By Dr. Hans H. Spoer... 167

MARRIAGES, JEWISH, AND THE ENGLISH LAW. By H. S. Q. Henriques... 391

MEANING OF חרבות. By Dr. S. Daiches. 637

MIŠNAIC HEBREW AND ITS RELATION TO BIBLICAL HEBREW AND TO ARAMAIC. By the Rev. Moses H. Segal 647

MYSTICS, JEWISH—AN APPRECIATION. By Dr. S. A. Hirsch 50

OMRI AND JEHU, NOTES ON THE DYNASTIES OF. By Stanley A. Cook 597

PHILO OF ALEXANDRIA: CONCERNING REPENTANCE, CONCERNING NOBILITY, CONCERNING CURSES, CONCERNING MIGRATION. By J. H. A. Hart ... 294

PRAYER, SOME RABBINIC IDEAS ON. By I. Abrahams 272

RELIGION OF ISRAEL, THE ORIGINS OF THE. By Grey Hubert Skipwith 738

SAADIAH. *See* KARAITE, &c.

SPAIN, THE EXPULSION OF THE JEWS FROM. By Prof. A. Marx 240

CONTRIBUTORS TO VOLUME XX

ABRAHAMS, I., 272.
ADLER, E. N., 509.
BACHER, W., 31, 572.
BÜCHLER, A., 330, 798.
CHEYNE, T. K., 3.
COHEN, A., 464.
COHEN, H., 784.
COOK, S. A., 145, 597, 862.
DAICHES, S., 637.
GINSBERG, L., 86.
HART, J. H. A., 294.
HENRIQUES, H. S. Q., 391.
HIRSCH, S. A., 50.
HIRSCHFELD, H., 875.
KALLEN, H. M., 640.
LEVINE, E., 777.
LOEWE, H., 358.
MARGOLIOUTH, G., 118, 825.
MARX, A., 240.
MONTEFIORE, C. G., 347, 363.
PORGES, N., 187.
POZNAŃSKI, S., 74, 216, 232, 631
ROBERTSON, E., 466, 812.
SEGAL, M. H., 647.
SKIPWITH, G. H., 738.
SPOER, H. H., 167.
WOLF, A., 866, 871.
WORMAN, E. J., 211, 450.

THE JEWISH QUARTERLY REVIEW

OCTOBER, 1907

EDITORIAL ANNOUNCEMENT.

WITH this number, the JEWISH QUARTERLY REVIEW enters on its twentieth volume. The Editors have decided to discontinue the serial publication of the Review after the issue which will appear in July, 1908.

This decision has been made, and is persisted in, with much reluctance. Except for some disappointment of their hope that the Review might be the medium for a living Theology, the Editors have derived unalloyed pleasure from their undertaking, and it has been a source of happiness to them to be associated with one another in this literary work just as they have been intimately united in personal friendship. Moreover, many scholars have in the most generous terms expressed their appreciation of the services rendered to Biblical and later Jewish literature and theology by the Review, and several of them have urged the Editors to reconsider their intention to discontinue the publication. But, for reasons upon which it is here unnecessary to dwell, the editorial work has fallen almost entirely upon the Editor whose name stands first upon the title-page. Twenty years is a long period to have borne the brunt of the labour, and the work, though sweetened by appreciation, grows more and not less onerous as the Editor grows older. He thinks,

and his colleague agrees with him, that he has earned the right to relinquish an undertaking which makes such serious inroads on his time and energy as to prevent him from devoting himself to his own literary work.

But the Editors do not intend to make a complete end to the Review. It is the *serial* publication that they find it imperative to abandon next July. From time to time the Editors hope to issue volumes which will be constituted on the same general lines as before, with, if possible, rather more attention than previously to Theology. Yet, on the whole, these new occasional volumes (which will not necessarily be published annually, or at any regular intervals) will not essentially differ (except in size) from the present annual volumes of the Review.

These occasional volumes, at whatever intervals they may happen to appear, will continue to bear the old title even when it no longer accurately describes the publication. Such an inconsistency between title and character has a precedent in the *Fortnightly Review* which comes out once a month. Moreover, it will be much more convenient for purposes of reference, if the first "occasional" volume be termed vol. XXI of the JEWISH QUARTERLY than if a brand new title were invented.

It will be the endeavour of the Editors to make the occasional volumes worthy of the reputation of the Review. Relying, as they feel confident they may, on the continued support of the eminent scholars, Jewish and Christian, whose work has made the Review what it is—the Editors hope that their publication will, in the future as in the past, contribute to the record of research and the promulgation of ideas which may benefit learning and promote truth.

AN APPEAL FOR A MORE COMPLETE CRITICISM OF THE BOOK OF HABAKKUK.

THE subject of the Book of Habakkuk has of late been taken up with fresh zeal and energy. A favourite question is, whether this short prophetic writing, together with the psalm (chap. iii) which forms an appendix to it, possesses literary unity? Professor Duhm [1], who has done so much for Isaiah, has discussed this question, on the basis of a critically revised text, and returned an answer in the affirmative. He considers Professors Wellhausen and Marti to be self-condemned as critics of Habakkuk by their want of logical consistency. Were they consistent they would have to go much further, till at last nothing would be left but the utterance, "Behold, I stir up the Chaldaeans" (i. 6). This result, he says, they are only able to avoid by violent treatment of the traditional text. For as that text stands, not even the immediate context in i. 5–11, much less the remainder of chaps. i and ii, and lastly chap. iii, can be made to agree.

But the truth is, according to Duhm, that not a single passage in the whole book compels us to think of the Chaldaeans as the invaders and oppressors, while on the other hand there are a great many which absolutely forbid it. I am of opinion that Duhm's objections to the reading "Kasdim" deserve consideration. Indeed, it seems to me fatal to "Kasdim" that the adherents of this reading frankly admit that some of the characteristics assigned to the "Chaldaeans" were borrowed from another people (according to them, the Scythians). But to emend "Kasdim" into

[1] *Das Buch Habakuk: Text, Übersetzung und Erklärung.* Tübingen, 1906.

"Kittim," i.e. the Greeks and their kinsfolk in the European empire of Alexander the Great, seems to me as arbitrary here as in Isa. xxiii. 13. Altogether, Duhm's criticism is in a high degree provisional, and to be told by an American writer[1] that his theory will not only "command attention" but even "win adherents," seems to me to be no happy augury for the future.

In fact, the investigation of Hebrew proper names is still, comparatively speaking, in its infancy, and this is as injurious to the study of the prophets as to that of the narrative books. Take, for instance, Duhm's treatment of the name Ḥabaḳḳuḳ, or as this scholar prefers to vocalize, Ḥabbaḳuḳ. With several recent scholars, he explains it as "a garden-plant," on the ground that this is the sense given by Friedrich Delitzsch to the Babylonian ḥambaḳuḳu (cp. LXX, Αμβακουμ). This explanation seems to him to favour an exilic or rather post-exilic origin of the name. But is it very much easier to suppose that such a name existed in the post-exilic than in the pre-exilic age? One might understand and accept "cedar," or "cypress," or "oak," as a personal name, but that an Israelite should be named after some obscure garden-plant is not less improbable than that benê Baḳbuḳ (Ezra ii. 51 = Neh. vii. 53) is to be explained "the pitcher-clan," or benê Par'osh (Ezra ii. 3 = Neh. vii. 8) "the flea-clan," or benê Haḳḳoṣ (Ezra ii. 61 = Neh. vii. 63) "the briar-clan[2]." Peiser, it is true, supposes[3] that the name Ḥabbaḳuḳ may be a *nom de plume* of the author, who was probably a royal prince of Judah—a son or grandson of Manasseh (see below). I cannot myself find any *nom de plume* probable, and would suppose that the original portion of the prophet's traditional name is baḳḳuḳ, and that the letter ḥ(a) was prefixed to suggest

[1] *American Journal of Theology*, Jan., 1907, p. 147.

[2] Into the question whether "Shoshannah" (lily) and "Tamar" (palm-tree) are the original forms of certain Hebrew women's names, I need not now enter.

[3] *Der Prophet Habakuk*, in *Mitteilungen der Vorderasiatischen Gesellschaft*, 1903, 1.

the meaning "embrace" or "ardent embrace," for which, with Davidson, we may compare the use of ḤBḴ in 2 Kings iv. 16, unless indeed the initial ḥa should rather be ḥam. At any rate [Ḥa]bakkuk may very plausibly be grouped with Yabboḳ, Yaʿaḳob, and ʿAḳḳub, which certainly have nothing to do with any garden-plant.

Another point relative to proper names in which Duhm appears to me to have been somewhat unfortunate is connected with i. 9a, where the text has מְנַמַּת פניהם קדימה. Wellhausen, Nowack, and even Marti give this up in despair. It is true Duhm is able to recognize that the impossible מנמת covers over a proper name. His view is that מנמת is miswritten for מִגֹּמֶר "from Gomer," and קדימה "forward (?)" for קֵדְמָה "eastward." "Gomer" is considered to mean Cappadocia; one of the sons of Gomer (Gen. x. 2) is Yawan (="Ionia"). But if גמר were at all manipulated by a scribe, is it likely that it would have become such an untranslatable word as גמת (in מנמת)? And then, how can גמר be safely identified with Cappadocia[1] till the Table of Nations has been much more thoroughly examined? It seems to me rather too bold to assert with Duhm that the prophecy must refer to Alexander the Great, because the foreign conquering people is described as marching eastward, whereas the progress of the Chaldaeans was from west to east. For the question (cp. Marti) cannot be evaded whether the corruption in the line quoted from i. 9 is not more deeply seated than Duhm has supposed.

That Marti's criticism of Habakkuk amounts to a *reductio ad absurdum* of his whole system is another assertion of Duhm's which appears to me a great mistake. Giesebrecht has, I venture to think, long since shown[2] that i. 5–11 cannot be the sequel of i. 2–4, nor have been originally followed by vv. 12–17, since it presupposes a situation entirely different from that in either of those

[1] See the present writer's *Traditions and Beliefs of Ancient Israel*, p. 157.

[2] *Beiträge zur Jesaiakritik* (1890), pp. 196–8.

prophetic sections. In i. 12–17 the cruelty of the wicked (רשע), i. e. the foreign oppressor of Israel, is presupposed as going on, but in i. 5–11, which is an oracle complete in itself, the Chaldaeans are pointed to as the power which is to appear on the scene, and are represented with characteristic features borrowed from the Scythians. (I am here a reporter, not a defender of my own views.) That i. 12–17 is the continuation of i. 1–4 cannot (cp. Marti) be doubted. In both passages (probably exilic) the oppressor is the Chaldaean power; the name of this power is unmentioned because the Jewish readers knew it only too well. It was in the beginning of the oppression that vv. 1–4 and 12–17 were written. The conditions of the critical problem are therefore satisfied if we place i. 5–11 as the introduction to the (on the whole) consolatory passage, i. 1–4 and i. 12–ii. 8. Giesebrecht further remarks that the word תמיד "continually," implies that when i. 12–17 was written the barbarous tyranny spoken of had lasted for a considerable time.

From Wellhausen and Nowack not much help can be had. Prof. Budde, however, is fresh and interesting. He places i. 5–11 at the end of the section after ii. 4. "The divine response waited for begins indeed in ii. 2, but after ver. 4 we find an unaccountable hiatus[1]." According to Budde, the prophecy in i. 5–11 is excellently adapted to fill up the hiatus, for it calls by name the mighty warrior-nation which is destined to conquer the oppressor. The enemies are not, he thinks, the Chaldaeans, but the people which was vanquished by the Chaldaeans, i. e. the Assyrians. The "law" (תורה) in ver. 4 is that of Deuteronomy, and the "righteousness" is "the will for good produced by this law." The "righteous" community feels that it has a claim for a recompense, and is shocked at Yahweh's inaction. Then the prophet is divinely commanded to

[1] Budde, "Habakkuk," *Encyclopaedia Biblica*. Cp. *Theol. Studien und Kritiken*, 1893, pp. 383 ff., and article in *Expositor*, May, 1895.

write legibly on a tablet that deliverance is on the way, but must be waited for (ii. 2, 3). It is the will of Yahweh to dispatch the Chaldaeans as his instruments, and thus the might of Assyria will vanish. The language used in i. 4 fixes the date as subsequent to Josiah's reformation in 621, but prior to the death of that pious king in 609. The enemy of whose sins we have a catalogue in ii. 6–20 (apart from some editorial additions) is Assyria. This theory, as a whole, does not appear to me acceptable, but in one respect at least (see below, on ver. 11) points in the right direction, equally with Duhm's emendation of a word in i. 9. A modification of it has been put forward by Prof. W. R. Betteridge[1]. According to this scholar the "righteousness" referred to was that produced by the state-reformation under Josiah; he dates the book of Habakkuk in 701 B. C., the year in which Sennacherib was summoned home from Palestine on the news of the revolt in Babylonia. Like Duhm, he assigns the whole book to Habakkuk.

Reference has already been made to the theory of Peiser, the Assyriologist, who thinks that the obscurity of Habakkuk may be removed by supposing that the violence complained of in the book was committed not in the land of Judah but in Nineveh. Habakkuk is merely the *nom de plume* of a Judahite prince detained as a hostage in the guilty city, who is the author of the book including even the third chapter. The divine vengeance will be executed upon the Assyrians by the Chaldaeans. Peiser endeavours to support his hostage-theory by a correction of iii. 16, where for יְגוֹדֵנִי he reads מְגוּרָי (cp. LXX, *παροικίας μου*). I must confess that I am not myself attracted by his Assyriological illustrations, and thus far have got no help from his theory that mistakes arose in the text owing to the plan of writing in columns[2]. The theory is not in itself

[1] *American Journal of Theology*, Oct., 1903, VII, 644–61.

[2] Peiser, however, deserves some credit for seeing that the Assyrians are *not* referred to in Isa. v. 25–30. So also Winckler.

unplausible, but the results thus far are not at all helpful to a critical exegesis.

I will next make due mention of Prof. G. A. Smith, who has done so much to help forward the study of the Twelve Prophets in this country. He is of opinion that "the prophet in i. 2–ii. 4 appeals from oppression by a heathen power which is not the Chaldaean, but upon which the Chaldaean shall bring the just vengeance of God." "The tyrant," he adds, "is either Assyria up to about 618 or Egypt from 608 to 605, and there is not a little to be said for the latter date[1]."

Prof. A. S. Peake[2] thinks differently. He holds that i. 2–4 and i. 12–ii. 4 originated during the Exile, probably between 560 and 550, and that ii. 5–20 (19) is also exilic, and may belong to Habakkuk. The outrages of which, both in i. 2–4 and in i. 12–17, the prophet complains, were committed by a foreign oppressor. And since in these two passages the oppression is of no recent date, i. 5–11 must be an older pre-exilic prophecy which has somehow been misplaced. Chap. iii is regarded as probably post-exilic.

Prof. Duhm, as we have seen, thinks but little of the criticism of his Berne colleague. I am sorry for this, because Marti's commentary[3] seems to show a greater command of sound critical methods, and to arrive at more satisfactory results than that of Duhm. He divides the book thus:—(*a*) a psalm of post-exilic origin, closing, like some of our canonical psalms, with a divine oracle; (*b*) a prophecy announcing the appearance of the Chaldaeans on the scene of history, written in 605 B. C.—the year of the battle of Carchemish; (*c*) a series of "woes" directed against the Chaldaeans, written a good while after the establishment of the Chaldaean empire, about 546 B. C.;

[1] *Twelve Prophets*, II, 124 (1898).

[2] *The Problem of Suffering in the Old Testament* (1904), pp. 4–11, 151–71.

[3] In the *Dodekapropheten*, vol. II (1904), which will in due time be supplemented by the critical edition of the Minor Prophets in Prof. Haupt's Bible.

(*d*) a psalm taken, as the superscription and subscription show, from a collection of psalms, and belonging to the Maccabaean period. The passages respectively are—(*a*) i. 2–4, 12 a, 13, ii. 1–4; (*b*) i. 5–10, 14–16 (17); (*c*) ii. 5–20; (*d*) chap. iii. This critic thinks that in the first of the two psalms "the righteous" and "the wicked" are class-names referring to members of the Jewish community. Prof. Marti's work, as it seems to me, represents at the present time the high-water mark of Habakkuk criticism.

But before taking a side in the critical discussions of the day, it seems to me necessary to consider the chief textual and exegetical questions, with the view of ascertaining how far we really understand the text of this difficult book. I will take such account as my space permits both of Duhm's and of Marti's emendations, though the former in my opinion takes a much too favourable view of the state of the text, nor does he show as much critical resource and insight as Prof. Marti. I cannot, however, doubt that it is possible to surpass Marti in this respect as much as this scholar has surpassed his colleague. By this I intend no disparagement either of these or of any previous critics. Each scholar has his own place, his own merit, but names and reputations are nothing in comparison of truth. Let us not mind changing our views and rewriting our lectures, however "despised and rejected" the discoverer of new avenues to truth may chance to be.

We will begin with the first of the two psalms, pausing at i. 2–4. This little section is composed of two tetrastichs, each composed of lines of three and two beats respectively. Such at least is my own view, though it may seem to be opposed by the fact that what should be the last line of the second tetrastich (ver. 3), as it stands, is rather a tetrameter than a dimeter. The truth is that the existing last line is not the line which originally existed. Let us first look at the troublesome words ויהי and ישא. Marti omits them as being unintelligible, but fails to explain how they came into the text. Further, according to Marti, ריב and מדון are

parallel to שד and חמס. But how can we venture to admit this? One may indeed refer to Ps. lv. 10, "for I behold חמס וריב in the city." But surely before we do this a thorough textual criticism needs to be applied. I ask then whether the text of the psalm-passage referred to is correct. If it is, one may at any rate say that none of the extant commentaries has proved it. The problems must, of course, be considered together, on the basis of the experience gained by a wide study of textual phenomena. Prof. Duhm coolly omits חמס in Habakkuk, and rather audaciously supposes ריב to refer to the great "strife" which in 334–331 raged among the nations in nearer Asia. מדון he ventures to alter into בידון, and ויהי into היה or והיה. Thus the following distich emerges:—

And destruction arises before me,
And strife lifts up the javelin.

It is difficult however to deny that ויהי has again and again come out of והוא "that is," and ריב (like ירב in Hos. v. 13) from עָרַב, and that ישא probably belongs to a group of words which are corruptions of ישמעאל. The fact that this is denied by prejudiced critics does not make it really deniable. מדון, too, can be accounted for much more satisfactorily. Both here and in Joshua xi. 1 it has most probably come from רמון=רחמן. Thus we get:—

Why causest thou me to see wrong,
And (why) must I look (אביט) on wickedness?
Destruction and outrage are before me,
* * * *

An early glossator inserted, "that is, Arabia of Raḥman; Ishmael[1]."

I can imagine that such an explanation of ver. 3 b may not please every one. But is it not both methodical and plausible? And where are the corrections which more adequately remove the textual difficulties? Will any

[1] The original fourth line has been displaced by the glosses in a highly corrupt form.

uncommitted scholar seriously advocate either Prof. Duhm's reading, as given above, or Prof. G. A. Smith's arrangement in his *Twelve Prophets*[1]? Can we say that these are more than provisional makeshifts, resources of despair? Surely sound method compels us to admit that the clause at the end of ver. 3 is corrupt, and further that it covers over two glosses which mark out the violence and oppression spoken of as wrought by the peoples of North Arabia. This result will become, I think, still more probable if confirmed by similar results elsewhere in the book.

In the very next verse (4) such a confirmation appears to be found. All will, I hope, admit that תפוג, מכתיר, and מעקל are troublesome and questionable words, and that the repetition of the words על־כן, יצא, and משפט makes us doubt the text, also that לנצח, in usage, refers to the future[2], and therefore does not suit in this context. For תפוג Nowack proposes תֵּפֶר (Ps. cxix. 126), and for מכתיר, מכרית. I am not prepared with anything better, but in some other points think I can see somewhat better than Nowack. For is it not obvious that, omitting מעקל (to which we will return), the line is simply a corruption of ולא יֵצֵא משפט, which is in fact the true reading of line 2, לנצח being a redactor's emendation of an ill-written ולא יצא? Lastly, מעקל, like קמואל, must surely come from ירחמאל. We thus obtain the tetrastich:—

> Therefore law is made void,
> And the right does not go forth;
> For the wicked cuts off the righteous,
> * * * *

As a gloss on רשע ("the wicked") a redactor or scribe has inserted a corrupt form of ירחמאל (מעקל).

Passing on to vv. 12 a, 13, which, as is most reasonably held, are the continuation of vv. 2–4, we have now to ask, what confirmation, if any, does this passage supply to the new theory? Well, of course the passage must be read and

[1] "Why make me look upon sorrow and trouble? Why fill mine eyes with violence and wrong? Strife is come before me, and quarrel arises."

[2] See Davidson, Cambridge Bible, *Nah., Hab., and Zeph.*, p. 66.

wind shifts, and they pass! But doomed are those whose own strength is their god." Budde and Duhm strike out new plans. The former gives, "Then will he vanish like the wind and pass by—Asshur, whose might became his god." Here the emendations are רוּחַ יחלף, וַיַּעֲבֹר (points), אשור (for ואשם), לאלהיו (so all recent critics). The latter on the other hand changes חלף into חָל ("whirled"), רוח into רָוָה, וְאָשֵׁם into ויֵשׁם, and לאלהו into לאלהיו; no objection is taken to וַיַּעֲבֹר. The sense produced is, "Then he (the Macedonian) whirled onward as a storm-wind, and made his might his god." According to Prof. Peake (p. 157) Budde's proposal deserves consideration, but, for all that, he does not see his way to accept it. Nor can I myself find it acceptable, though Budde certainly deserves credit for recognizing that ויֵשׁם covers over the name of some foreign people. But a far more penetrating textual criticism seems to me to be required. The whole piece of Hebrew which now figures as Hab. i. 11 is in the highest degree questionable; the first half is senseless, and the second contains a statement which as it now stands is most improbable. It is usual no doubt to remark that ver. 11 b is parallel to ver. 16 a. But how can any people be said to "sacrifice to their net," a phrase which would never have been used simply in a figurative sense (see G. A. Smith)? And, returning to ver. 11, how can a Hebrew writer have asserted that in the excess of his boasting the oppressor of the nations had made his energy his god? Such an abstract conception of the Deity is not in harmony with the mode of speech of the Hebrew writers elsewhere.

Prof. Budde would, I am sure, have produced a more methodical and a more satisfactory correction of ואשים if he could have seen what a large part was played by Arabian peoples in the affairs of Palestine. That משא and משע have again and again been produced out of ישמעאל, can hardly be doubted; nor is it rash [1] to assign a similar origin to אמש in 2 Kings ix. 26, Job xxx. 3, and אל-יאשם in Hos. iv. 15. Does

[1] *Traditions and Beliefs of Ancient Israel*, p. 387.

it not at once become highly probable that אשם in Hab. i. 11 is really a corruption of the same widespread ethnic? And looking more closely into the rest of the verse we shall see that Hab. i. 11 is really a collection of glosses. Probably these glosses were derived by the redactor from the margin of various manuscripts, and were designed to emphasize the fact that the oppressing people was North Arabian. The true reading may have been like this,—עֲרַב חלם ירח הוא עֲרַב ישמעאל, "Arabia of Yeraḥme'el, Yeraḥme'el, that is Arabia of Ishmael."

Of זו כחו לאלהו no emendation has been offered. And yet זו (=זה) may very well introduce a gloss (cp. זה סיני, Judges v. 5), while כחו may be fitly illustrated by כלח (Gen. x. 11), כחול (Gen. xxii. 17), חכילה (1 Sam. xxiii. 19), and חכלילי[1] (Gen. xlix. 12). It is in fact a corruption of some popular form of ירחמאל which had obtained an independent existence[2], while אלהו, like אלהים (frequently), is also a corruption of the same ethnic term. We thus obtain the gloss, "this is Kelaḥ of Yeraḥme'el," a supplement to the glosses noted above.

On ver. 13 not much needs to be said. Ver. 13 a is clearly the continuation of ver. 12 a; at least, so it appears to me as well as to Marti, though Duhm dissents, and makes both v. 12 and v. 13 into tetrastichs. I cannot, however, go with Marti when (following Wellhausen) he inserts בְּבָגֹד before בוגדים. To me Duhm appears to judge better when he reads—

מָה תַּבִּיט בּוֹגְדִים תַּחֲרִישׁ
בְּבַלַּע רָשָׁע צַדִּיק

I do not, however, find that Prof. Duhm accounts for the מִמֶּנּוּ which closes ver. 13 in MT. (not in LXX). Why, pray, should a foolish scribe have inserted it? On the other hand Marti, who retains ממנו, seems rather violent in trans-

[1] On the Genesis passages see *Traditions and Beliefs of Ancient Israel*, pp. 188 f., 330, 503 f.

[2] I mean that the origin of the popular form had been forgotten.

lating it "over against him" (literally, "away from him"); ממנו occasionally covers over an ethnic inserted in a corrupt form by a scribe. The ethnic might be either שמעון (ישמ׳) or רמאון (ירחמ׳).

We now come to ii. 1–4 (i. 14–17 being out of its context), which, according to Marti, makes two tetrastichs and a distich. Duhm, however, combines vv. 1–3 in three tetrastichs, and makes ver. 4 the first half of the first tetrastich of a new poem. This hangs together with the view that the vision or prophecy which is to be written down is contained in ver. 3. But surely the vision is given us in ver. 4, the first half of which refers to the fate of the wicked oppressor, the second to that of righteous Israel.

In ii. 1 and 3 there is no serious or unsurmountable difficulty, and in ver. 2 the difficulty begins with the passage which follows the command to "write the vision." Peiser has already remarked (p. 4) that whoever connects על־הלוחות with כתב must grapple with the syntactic harshness of the intervening ובאר. This is most true, nor am I aware that ובאר has been adequately explained. The verb באר only occurs twice besides (Deut. i. 5, xxvii. 8), and in neither passage is the meaning quite clear, or indeed the reading quite certain. In our present passage it is probable that ובאר is a corruption of הוא עֶרֶב (cp. בְּאֵר, Judges ix. 21), probably from עֶרֶב, a gloss upon ירחמאל, underlying בו קורא[1].

Peiser also remarks that למען ירוץ וגו׳ is a startling expression. We expect the "vision" to contain the name of a people, for "Maher-shalal-ḥash-baz" in the parallel passage really contains two double ethnics, viz. "Yarḥam-Ishmael" and "Ashḥur-Ṣibe'on." It is probable that we ought to read here, instead of למען ירוץ קרא בו, למען יֵרוּץ ירחמאל, "in order that Yeraḥme'el may be broken." The meaning is that prophecy has a self-fulfilling power (Isa. ix. 9, lv. 11; Zech. ix. 1), and in order that this particular prophecy may

[1] Cf. *Crit. Bib.*, p. 14, which presents nearly, but not quite, the right explanation.

be fulfilled, it is to be imprinted on tablets (perhaps in different localities). It is thus more fully objectified.

The first part of ver. 4 is also difficult. It runs thus in MT.: הנה עפלה לא ישרה נפשו. Of עפלה Marti declares that "a secure correction has not yet been reached[1]." But surely, if ver. 4 a is to be strictly parallel to ver. 4 b, עפלה has most probably come from נִבְלַע and ישרה should be יִשְׁיַע, while בּוֹ will be a fragment of רכבו' (see above on קורא בו), i. e. Yeraḥme'el, an explanatory gloss[2]. The closing distich therefore is:—

Lo! he is swallowed up—cannot save his soul,
But the righteous liveth on by his faithfulness.

It is now time to consider the prophecy (i. 5–10, 14–16). It will be noticed that vv. 11, 12, which are combined with vv. 5–10 by Wellhausen, are not here included. This is, I think, sufficiently justified both by what has been said already and by Marti's commentary. In ver. 5 בגדים (LXX, Pesh.) for בגוים scarcely needs defence; the persons intended are primarily Jews. So גוים for בגדים in Ps. ix. 6, &c., lix. 6. In ver. 6 we meet with the fateful announcement:—

For behold, I stir up the * *
The fierce and impetuous nation,
Which marches into the broad spaces of the earth,
To occupy dwelling-places not its own.

The two asterisks indicate the present uncertainty of the text. MT. gives את־הכשדים "the Chaldaeans." But was there, asks Duhm, anything so astounding in the successes of the Chaldaeans? And, granting that a Judahite might call the Chaldaeans "bitter" (מר), yet how could he possibly call them "hasty" (נמהר)? That is precisely what Nabopolassar and Nebuchadnezzar were not in their relation to Judah. Duhm also insists that in ver. 9 the conquering people presses on towards the east. He

[1] Wellhausen's הֲעַגָל is a poor colourless word.

[2] See on נכרו, Gen. x. 15; רכבו, Exod. xv. 1, in *Traditions and Beliefs*.

therefore corrects into כתים, which would mean here the European empire of Alexander the Great. I have already rejected this (see above). It is as violently wrong as the same critic's corrections of Isa. xxiii. 13, where, not only is כשרים altered into כתיים, but the important word אשור is emended into אֲשֶׁר (the scribes' plan is just the opposite—to alter אֲשֶׁר into אַשּׁוּר).

It is perhaps worth mentioning that LXX (A) gives *τοὺς Χαλδαίους τοὺς μαχητάς*. The latter phrase is surely wrong; it is not nearly distinctive enough for a gloss on *τοὺς Χαλδαίους*. But can we not get behind *μαχητάς*? Certainly; *μαχ.* = גִּבֹּרִים, and גב׳ may easily have come from גמרים (corrupted in Ezek. xxvii. 11 into גמדים, A. V., "the Gammadims"). And who are the גמרים? Clearly, the "Gomerites," i. e. virtually the Gogites (Ezek. xxxviii. 3–6), are a group of Arabian peoples. We may therefore consider it probable that כשרים in this passage, precisely as in Gen. xi. 28[1] (Ur-kasdim), has come from כשרם, which is equivalent to אַשְׁחוּר אֲרָם. By a curious accident Duhm actually represents the invading people as coming "from Gomer" (see on i. 9), and by another, כתיים or כתים (according to a theory not held by Duhm) is the designation of an Arabian region. This, of course, is only important as showing that the names of countries in Genesis and elsewhere need a much more careful examination, and that none of our critics can help forwarding the Arabian theory, however much against the grain.

Several fresh confirmations follow. In ver. 7 the second stichus is too long. Peiser and Marti take the "unintelligible" שאתו for a miswritten gloss, belonging properly to ישאו in ii. 6. Duhm on the other hand, inferring from LXX[2] that משפטו and שאתו are variants, omits the former, and deletes the ו in שאתו, which he would read שְׁאַת "desolation" (Lam. iii. 47). It should be plain however that words

[1] On this and on the next Genesis passage see the same work.

[2] LXX (A) has *ἐξ αὐτοῦ τὸ κρίμα αὐτοῦ ἔσται, καὶ τὸ λῆμμα αὐτοῦ ἐξ αὐτοῦ ἐξελεύσεται.*

meaning respectively 'judgment" and "desolation" cannot possibly have been variants; Duhm has, I fear, made a great mistake. The true reading is plainly מִמֶּנּוּ מִשְׁפָּט יֵצֵא. ושאתו is a corrupt gloss; for explaining it I must refer to my (presumed) preliminary study of שת in Num. xxiv. 17[1] and וישת in Gen. xxv. 34[2], from which it appears that שת may represent אשתר just as שם represents ישמעאל and חם represents ירחמאל. I hold therefore that, in the absence of any other satisfactory theory, and considering that there is abundance of textual evidence in Habakkuk itself for an Arabian (Hebraized) regional name Ashtar, we have to correct ושאתו into הוא אשתו', "that is, Ashtor (Ashtar)." As the prefixed ו *explicativum*, or perhaps (the original reading?) הוא, sufficiently shows, "Ashtar" is a gloss on some other word, most probably כשדים or rather כשרם (see above). We thus get an accurate trimeter line.

In ver. 8 every one seems well content with "wolves of the evening," but עֶרֶב is so often mispointed for עֲרָב, that we can hardly help following LXX (*τῆς Ἀραβίας*), unless indeed we prefer (and the present writer does prefer) ערבות. ופשו and פרשיו are, of course, superfluous. חש is best regarded as a fragment of אשחר, a gloss (like חש in חש־בז, Isa. viii. 1). But more important are the corrections in ver. 9: מגמת פניהם קדימה, as we have seen already, baffles the resources of the prevalent criticism. It is however transparent to those who are not prejudiced. Grätz long ago pointed out that פני is sometimes miswritten for בני, and my own researches fully corroborate this. Let us pass on to the very difficult מגמת. No exceptional penetration is required to emend this into מתמן. תמן or תימן does not, as the lexicons say, mean "south-land," but represents יתמן, i. e. Ishmael. פניהם has been produced by transposition (parallels abound) from הֵם בְּנֵי, and קדימה (like קדם often) comes from ירחם. Thus we get a fresh gloss, "they are the benê Yarḥam."

The prophetic passage concludes with i. 14–17 (Marti, 16).

[1] In Jer. xlviii. 35 the place of שת is taken by שאן, i. e. שמעון (=ישמעאל).

[2] See *Traditions and Beliefs*, pp. 110, 362.

This statement, of course, involves reading in ver. 14, not ותעשה (which improperly ascribes to God the details of the process of invasion), but וַיַּעֲשֵׂהוּ (Marti), the subject of which is the same as in ver. 10. As to ver. 15 we must, I think, agree with Marti, who only recognizes the first two clauses, the rest being glossatorial.

Verse 16 is very strange. How and why do the invaders "sacrifice to their net and send a sweet smoke to their drag"? Are "net" and "drag" figures for weapons? and if so, is there a reference to the sacrifices of sheep and horses offered by the Scythians to the scimitar (Herod. iv. 62)? Wellhausen, indeed, suggests that this feature may have been transferred from the Scythians to the Chaldaeans, and Giesebrecht, who holds the same view, actually changes מכמרתו, "his net," into מִכֶּרֶתוֹ (*seinen Krummsabel*), without proving that מִכֶּרֶת in Gen. xlix. 5 is correctly read or understood.

I know well how popular the idea of transformed prophecies on the Scythians has become among critics, but it is only the product of a deep-lying uncertainty as to the meaning of certain prophecies. Davidson (*Nah., Hab., Zeph.*, p. 74) does well to reject it, but he has nothing really better to offer in its place. Surely זבח and קטר imply some deities as the recipients of the sacrifices, and, if the people referred to are North Arabians, surely Yarḥam or Yeraḥme'el and his consort must be the deities referred to. Now, that ירחם might easily become חרמו, can hardly be denied, and I shall be greatly surprised if all the evidence for various titles of the great Mother Goddess furnished elsewhere[1] should, by any one, be pronounced worthless. Consequently I have no great hesitation in emending למכמרתו into לרכמית (cp. כמרים, Hos. x. 5, &c.); רכם, כמר, and רקם are all from ירחם = ירחמאל[2]. The two corruptions

[1] *Op. cit.*, pp. 18–22.

[2] Yarḥam or Yerahme'el is at once the name of a race and of the chief god of that race. Kemārīm (כמרים = רכמים or רכמנים) are 'Yeraḥme'elite priests.' Cp. *Traditions and Beliefs*, pp. 27 ff., 62, 376.

here assumed are certainly easy ones; they would be suggested by the occurrence of חרמו and מכמרתו in ver. 15. It should be noted that חרמו is again corruptly read in ver. 17, where Giesebrecht is right in reading חַרְבּוֹ. This scholar also reads הַעַלְם for הַעַל־כֵּן. Probably תָּמִיד should be omitted as an early gloss on עַלְם; יהרג for להרג (Wellh.) is also a probable emendation.

The series of "woes" in ii. 5–20 next claims our attention. The woes properly begin at ii. 6 b; ver. 6 a is a redactional prefix. And what as to ver. 5? It seems to be made up partly of glosses; the central part, "who enlarges his desire as Sheol, and like Death cannot be satisfied," may be a genuine passage out of its context (cp. Isa. v. 14). One of the glosses, however, is of some importance. It should perhaps run thus:—

וְאַף־כִּי הַיְוָנִי בֹּגֵד
גֶּבֶר ירחמאל יְמָנָה

Of היין, no use can be made. The correction here adopted (for which cp. Hos. iv. 11, היין from ימן) has been proposed by H. W. Robinson and Prof. Duhm. Paul Ruben (in a letter to the writer dated Nov. 20, 1898) objects to היוני on the ground that the prophet does not elsewhere speak of the Greeks, but of a king of Babylonia or Assyria. He had not observed that both here and elsewhere in this Book the power spoken of is most probably Arabian.

Turning to the first "Woe," we notice first (ii. 6 b) the unsuitable question עד מתי "how long?" I do not think that any critic has really explained it. And yet, only give up prejudice, and the solution of the problem is clear. עד מתי and עבטים both represent the same phrase. The latter is the earlier of the two; in fact, the phrase underlying עד־מתי was probably inserted as a correction of עבטים. Does any one doubt that a correction was required? What says Marti? "Signification uncertain." Gesenius: "Pignora capta." Duhm: "a debt for which one has deposited a pledge." Kelly[1]: "A mass of pledges." None of these

[1] *American Journal of Semitic Languages*, Jan., 1902, p. 109.

writers has acquired the habit of a sufficiently keen textual criticism. Almost certainly עבטים has come from עבתים, and this from עֲרַב תמו׳; תמול, as we have seen already, represents אתמאל = ישמעאל[1]. As for עד־מתי, it has no doubt come from ער׳ תמו׳, i. e. עֲרַב תמול. Then, for המכביד read המרחיב. עליו probably comes from יעל = ישמעאל, another variant. Thus we get, "That widens Arabia of Yeraḥme'el."

To give a full commentary is unnecessary; I can limit myself here to essentials. In ver. 17 the riddle of הֲעָרֵל can now, perhaps, be solved. Not by reading הֲרָעֵל "reel"; the Nifal of רעל is not found. Read rather ירחמאל (for which elsewhere ערל, אריאל and אראל occur). The same explanation may be given of הרעלו (no word for the movements of horses) in Nahum ii. 4. In ver. 17 "violence to Lebanon" and "destruction of beasts" are not completely parallel, nor do they come at all naturally into a prophecy of South Israel. But what is the true remedy? The answer is 1. (as to Lebanon) that a southern Lebanon[2] is intended, and 2. (as to the beasts) that in compound names the popular speech often drops all but one or two letters in the first element. Hence, just as בצלאל probably comes from ערב ישמ׳, so בהמות (which can have nothing to do with "beasts") very possibly represents עֲרַב־המות, though for המות we should most probably read חֲמָת. The cruelty of the Arabian invaders at the capture of some well-known North Arabian city or region called "Hamathite Arāb" seems to be meant (cp. Hos. x. 14). I may mention here that Dr. P. Ruben has privately suggested חמן as a substitute for בהמות; by חמן he supposes Mons Amanus to be meant. At any rate, he deserves credit for suspecting a place-name.

This, however, is not all that demands to be said. Must we not insist that if חמם and שד are right, יכסך and יחיתן cannot possibly be so. Doubtless the more impossible of

[1] We may perhaps compare the phrase עץ עבת (Lev. xxiii. 40, &c.), i. e. either עץ ערב־תמול or עץ אתבעאל.

[2] On the origin of "Lebanon" and the "Laban" clan see *Traditions and Beliefs*, pp. 123, 457, and *Crit. Bib.* on Jer. xxiii. 20–3.

the two is the latter. But, if we reflect on the matter, must we not admit that, though "shame" may, "violent dealing" cannot be said to "cover" a man. Perhaps יסכלך is the true reading, and if so, יחיתך (ך for ן is obvious) should be emended into ישחיתך.

And then, what can we make of ver. 17 b (= ver. 8 b)? Duhm naturally takes offence at the repetition of חמס, and boldly changes וחמס into ומס, "and the forced labour (of the land)." But surely this is most unnatural. The error is not in חמס but in ארץ, which must come from ארז. In fact, ver. 17 b is a gloss on ver. 17 a. אדם should be אֲרָם, and קריה represents אַשְׁחֹרֶת [1], synonymous with אַשְׁחַר (or אַשְׁחֵר), and also a permissible equivalent of אֲרָם. Thus בהמות, i. e. עֲרַב חמת, is replaced in the gloss (ver. 17 b) by ארם and אשחרת.

Marti seems right in regarding ver. 19 as the last of the "woes," and ver. 18 as the gloss upon this. Still the text of both verses deserves examination. In ver. 19 הוא יורה, according to Marti, is a gloss, because inaccurate, the object of making the idol-god being, not that he may teach, but that he may help and deliver. Hence the "wood" is called upon, not to speak, but to awake. But what a miserable gloss it would be! Surely the meaning of הוא יורה is plain—"that is, Yarḥam (or Yeraḥme'el)." Similarly in ver. 18, according to Marti, מורה שקר is a second name for the idol-god, and means "a teacher of lies"; Marti compares the use of מורה in אלון מ׳, Gen. xii. 6. But how, I ask, can "teacher of lies" be parallel to "molten image"? The true solution of the problem is evident; ומורה שקר is a corruption of (or at any rate equivalent to) אַשְׁחֵר הוא ירחמאל "that is, Yeraḥme'el Ashḥur [2]."

It remains to consider the meaning and character of the appended psalm (chap. iii). In spite of Duhm's opposite opinion, I am still obliged to hold that it is of post-exilic origin, and that it is not by Habakkuk. The ascription in

[1] See *Traditions and Beliefs*, pp. 335, 337.

[2] Cp. *Traditions and Beliefs*, pp. 23, 276.

the heading of the psalm seems to me parallel to the ascription of certain psalms to prophets in the Septuagint. But the most important thing is to comprehend the psalm, and this cannot, I think, be done as long as one refuses to admit even the possibility of an Arabian captivity. Let us take ver. 2. Can we account for the present form of the text as long as we persist in our preconceived opinion? The opening words are, no doubt, sufficiently intelligible, and furnish us with two good parallel lines, provided that we read ראיתי for יראתי, which is indeed supported by the original Septuagint [1]. The two lines are:—

O Yahweh! I have heard a report of thee,
I have seen, O Yahweh, thy doing.

The speaker, who shares the pious belief that the captivity is a sign of God's anger, has heard a report of a change in the circumstances of Israel, and has even himself seen some of the events which point in that direction. But then we encounter a difficulty. What does חייהו "revive it," mean? and how comes the imperative to be followed by an imperfect? Marti would read חַוֵּיהוּ "announce it," and excise the whole stichus as a gloss; but the rare poetical word חוה is surely not to be expected in a gloss. Duhm, on the other hand, keeps חייהו, and renders "carry it out," i. e. "realize the visionary announcement, which has been granted, of the deliverance of Israel." He then proceeds to excise the last stichus, ברגז רחם תזכור, which he thinks unsuitable to the context, and assigns to a liturgical editor. To me both Marti and Duhm appear not quite keen enough in their criticism. A fresh solution has, in my opinion, to be devised.

I would begin with בקרב שנים. Can this phrase be satisfactorily explained? Marti, Duhm, and Davidson reply in the affirmative. The first explains, "in the course of the

[1] In LXX notice the accumulation of readings. We can choose between *ἐφοβήθην*, *κατενόησα*, and *ἐξέστην*. But the preferable reading is *κατενόησα* = ראיתי (so Marti and Duhm).

years, in the next years" ; the second, "in the years which now are, or which are coming, in this or the next year, in whichever year thou wilt, so long as we are permitted to see it"; the third, "at this late time in our history." None of these explanations is quite natural. On the other hand, if the text ran, "in the land of Egypt make thyself known"—or, better still (see ver. 7), in the land of Arabia, make thyself known ; "in wrath remember mercy"—this would be exceedingly natural.

Now is it not worth considering whether this exceedingly natural reading may not be really and truly in existence and only waiting for recognition at the hands of unprejudiced critics? We have seen that בקרב שנים and חייהו are both troublesome to the critics. Now, may not שנים cover over a regional name, and חייהו be made up out of הוא "that is," and חי, a corrupt form of ירח, i. e. ירחמאל (for it is not uncommon for the introductory הוא of glosses to get transferred to the other side of the gloss)? And what may be the original of שנים? In my opinion there can be no reasonable doubt. The affinities of שנם and שמן are as clear as anything in textual criticism can be. ש[ו]נם "Shunem," and שמן in the phrase עין שמן, not less than שמעון, belong to the same group of formations as ישמעאל, and שנים in בקרב שנים may, without audacity, be corrected into בקרב ישמן, where the second element plainly represents "Ishmael.' Thus the second part of ver. 2 becomes :—

> In the midst of Ishmael make thyself known,
> In wrath think upon mercy.

It will be noticed that with Marti and Duhm I read תִּוָּדֵעַ (LXX *γνωσθήσῃ*), and that the second line beginning בקרב שנים becomes "In the midst of Ishman. That is, Yeraḥme'el." In fact, "Ishmael" and "Yeraḥme'el" are constantly used as synonyms, according to the unsought results of a keen textual criticism.

At the end of ver. 4 occur some of the most difficult words in the whole book—ושם חביון עזה. A recent American

scholar[1] explains, "and there (i. e. in his long hair) is the depository of his strength." It is vastly more probable that the words are an interpolated gloss. But to render them "a mysterious expression for his strength" (Duhm) is surely assuming a lateness of phraseology which is not to be paralleled even in glosses. I can only suggest a not impossible correction of the text which throws the context into stronger relief. It seems to me that Debher (דבר) and Resheph (רשף), who are mentioned in ver. 5 as satellites of Yahweh[2], must originally have been the attendants of another divine potentate, viz. the power which (as I have sought to show) was displaced by Yahweh—the North Arabian deity Yeraḥme'el[3]. They must, in fact, have originally been among those "helpers of Rahab" of whom we read in Job ix. 13. I conjecture, then, that שם חביון עזה has come from שָׁם עֹזְרֵי יָוָן "there were the helpers of Yavan." יָוָן, as can easily be shown, comes from יָמָן, which is a contraction of ירחמאל, i. e. ירחמאל, the name by which the great North Arabian deity was chiefly known among the Israelites. Prefixed to יון we find חב, possibly a shortened form of רחב, which is probably a more correct form of the name commonly called רהב. The clause, if rightly read, is a gloss on the distich relating to Debher and Resheph, the old satellites of Rahab (Raḥab?) or Yeraḥme'el.

At the end of ver. 6 occurs a fresh difficulty; הלכות עולם לו. That these words overload the description is undeniable; the repetition of עולם is particularly unpleasing. Have they any suitable meaning, even as a gloss? Is the phrase "the ancient walks" an explanation of "the everlasting mountains"? Surely the latter phrase is plain enough, and would only be obscured, not illustrated, by the substitution of "walks" for "mountains," and this in spite of

[1] W. R. Arnold, *American Journal of Semitic Languages and Literatures*, April, 1905, p. 171.

[2] Nearly so Gressmann, *Eschatologie*.

[3] For details of this theory see my *Traditions and Beliefs of Ancient Israel*.

Mic. i. 3, Amos iv. 13. Surely, too, it is much the most natural theory that here, as well as in ver. 4 b, corruption has been much concerned in the matter. What, then, may we most reasonably suppose to be the word underlying הלכות? It has to be a word which will describe the actions just now ascribed to Yahweh. Can there be a more probable word for this purpose than מלאכות (cp. Ps. lxxiii. 28)? Thus the gloss, as restored, will have this meaning, "His ancient works."

In ver. 7 תַּחַת אָוֶן is emended by Perles (*Analekten*, p. 66) into תֹּחַת אוֹן "On is dismayed." This is ingenious; but how can a city in Egypt ("On" is taken to mean the Egyptian Heliopolis) be parallel to Cushan and Midian? And even if we take "On" to be the North Arabian region called On or Ono[1], we can hardly feel quite satisfied, nor can we acquit Perles of arbitrariness when he changes ראיתי into יִירָאוּ. At the very least, I would point out that such a change can only serve our purpose provisionally. The true reading, out of which ראיתי is a corrupt development, must be אַרְמְנוֹת, and a fragment of the same word (dittographed?) has evidently become און, while תַּחַת retains its proper meaning, "instead of." אהלי and ירעיות still remain. If we are bent on "moderation," there may be no absolute necessity to object to them. But it is more probable that the former word is a corruption of היכלי[2], and the other (cp. ראיתי) of ארמנות. Ver. 7 will then become—

> The palaces of Cushan trembled,
> The castles of the land of Midian;

and a scribe has inserted, in error, a marginal gloss on "palaces," viz. "instead of castles." The gloss means to say that היכלי "palaces," is a substitute for ארמנות "castles." If, however, any one prefers he can adopt Duhm's explanation

[1] See *Encyclopaedia Biblica*, "On."

[2] Cp. Cheyne, *Psalms* (1904), I, 94, crit. note on Ps. xv. 1, for other instances of this corruption.

of the three opening words pronounced by Marti to be "unintelligible," viz. "under (the walls of) Heliopolis have I seen them (the people of Cushan)." A very strange statement, and an equally extraordinary form of expression!

Verses 8 b and 15 are various forms of the same text. The truest restoration seems to me to be—כי הדרכת בימן סוסיך מרכבתיך באשור "that thou didst direct thy horses against Yaman, thy chariots against Asshur." In this I partly follow Gunkel[1] and Marti, who however have missed the North Arabian references, and consequently cannot adequately explain the co-existence in vv. 8 and 15 of two various forms of the same text. They can see indeed that תרכב (ver. 8) and דרכת (ver. 15) have both come from הדרכת (cp. LXX, ver. 15, ἐπιβιβᾷς), but they do not perceive that ישועה (ver. 15) comes from אשׁור (the North Arabian Asshur), that בים (as in Isa. xxvii. 1) may, with strong probability, be traced to בְּיָמָן, that חמר (ver. 15) is not = "mire" (Duhm after Vg.), but comes from ירחם (Yarḥam, i. e. Yeraḥme'el), and that מים רבים probably represents ימן ערבים. "Asshur" is in fact equivalent in usage to "Yarḥam" or to "Yaman of Arabia."

The opening distich still waits to be explained—"Was thy wrath kindled against the rivers? or thy fury against the sea?" As Gunkel has seen, the reference most probably is to some mythic description of the primaeval conflict between Yahweh and the dragon of chaos. The destruction wrought by Yahweh in the land of Israel's oppressors is so complete that one might well suppose the conflicts of the olden time to be renewed. In fact, the mythic dragon is expressly identified by Ezekiel (xxix. 3) with that great North Arabian potentate—the king of Miṣrim. Miṣrim being a part of the larger Yeraḥme'elite region[2], it might well be said that in rescuing Israel from its latest oppressors,

[1] *Schöpfung und Chaos*, p. 105, note 5.

[2] Cp. Ps. cvi. 21, 22, "They forgot God their deliverer, | Who had done great things in Miṣrim, | Wondrous things in the land of Yarḥam, | Terrible things by the sea of Suph. ||

Yahweh delivered his people from the dragon. Cp. Isa. li. 9, 10.

On ver. 9 not much need be said here. One stichus however must be referred to—"Thou didst cleave the earth into streams." As Duhm has pointed out, the streams are probably caused by the breaking forth of the subterranean water, as the Priestly Writer (Gen. vii. 11) supposes to have taken place at the Deluge. But then, if this be the case, we must suppose an inconsistency in the mode of representation adopted by the psalmist. For in ver. 8, Yahweh is supposed to have repeated the primaeval conflict with the sea; it is the transformed myth of Cosmogony which supplies the basis of the poetic description. Here, however, as Duhm evidently holds, it is the Deluge myth which is in the psalmist's mind. Yet, strange to say, he confesses himself baffled by the parallel passage, Ps. lxxvii. 17–20. I venture therefore to propose the theory given in my own commentary on the Book of Psalms (1904, II, 15).

"The idea of both psalms (i. e. that in Hab. iii, and that preserved in part in Ps. lxxvii$^{(2)}$) appears to be that Yahweh, in the midst of his wrath remembering mercy (Hab. iii. 2 b), will renew that great catastrophe of old time—the overwhelming of the guilty Yerahme'elites by a deluge[1]."

In ver. 10 occur the difficult words זֶרֶם מַיִם עָבָר, which have to be considered in connexion with the form of text in Ps. lxxvii. 17. It appears to me most probable that names of North Arabian peoples underlie at any rate the first two words, probably also the last word. We shall thus get מצרים ימנים ערב, a triplet of geographical glosses. It is possible, however, to regard the עבות of Ps. lxxvii$^{(2)}$ as more correct than the עבר of Hab., and to modify this into נבעתו.

I pass on to ver. 13, which, with Marti, I regard as a tetrastich. The difficulties occur in the second half.

[1] See *Traditions and Beliefs*, pp. 229 f.; *Encyclopaedia Biblica*, "Sodom and Gomorrah."

That no help is given by LXX [1], is recognized by Marti; the text was already in disorder when the version of Habakkuk was made. Marti rightly sees that מ ראש is superfluous, but omits to account for its insertion. And yet there are cases enough in which ראש and רשע have arisen out of אַשֻּׁר; prejudice alone can fail to see that ראש and רשע are competing corruptions of אַשֻּׁר, i.e. the North Arabian Asshur. The מ before מבית is either accidental (influence of מ in מחצת) or redactional.

In the last stichus a problem is caused by עד־צואר. Duhm supposes that this is a popular expression, like the German *mannshoch*. Very strange! Oort and Marti, however, would emend צואר into צור, i.e. the rock which is the foundation of the "house." But, as Duhm remarks, צור would surely not have been altered into צואר. Let us consider the present passage in connexion with Isa. viii. 8 and xxx. 28, where the same phrase occurs, assuming the North Arabian theory, and recollecting the recurrent types of textual corruption. In all these passages it is possible to read, for עד־צואר, ערב־צבעון; the linking form would be ער־צאון [2]. All this gives the following sense in the passage before us:—

> Thou didst smite in pieces the house of Asshur,
> Laying bare the foundation of ʿArab-ṣibʿon [3].

Ver. 16 describes the effect of the signs of the coming theophany which present themselves to his ears. Ver. 17 follows very strangely; probably it is a marginal quotation [4]. Verses 18 and 19 a are a liturgical appendix which

[1] Βαλεῖς εἰς κεφαλὰς ἀνόμων θάνατον.

[2] In Isa. xxx. 28 יְחֻצָּה may come from some North Arabian place-name, such as יהצה.

[3] A place-name like "Arab-Hamath" in ii. 17.

[4] I do not agree with Duhm that the substitution of סמדר "wine-blossom," for שדמות, and אשכל "grape-cluster," for אכל involves the transposition of the third and fourth stichi, and I dispute the legitimacy of rejecting a correction of an impossible text without considering the reasons for this correction. See *Enc. Bib.*, "Grapes," col. 1917, note 1; "Isaiah," in *Sacred Books of the O. T.*, critical edition, pp. 198 f.

may have supplanted the genuine close of the psalm (Wellhausen, Marti).

Looking back on the whole book we perceive in all its parts the shadow of the Arabian invasion of Judah, followed by an Arabian captivity of some part of the people of Judah. The result is more startling than I could have wished, but it is unavoidable. That the unity of the book is not thereby proved, is obvious. It would be interesting to follow up our study of Habakkuk by a similar study of Nahum. I may have made many mistakes, but can hardly fail to have pointed out some problems which have been overlooked, and many solutions which a methodical critic may rightly put forward when all attempts at more conservative solutions have failed. This is my justification for having put forward an appeal for a more complete criticism of Habakkuk than either Duhm, or Budde, or even Marti has offered.

T. K. CHEYNE.

AUS EINEM ANONYMEN ARABISCHEN HIOBKOMMENTAR.

DER in Neubauers *Cataloge der Handschriften der Bodleiana* als No. 125 bezeichnete Kodex (Hunt. 511) ist zuerst durch Ewald in seinen Mittheilungen über "das Buch Hiob nach Saadia, B. Geqatilia und einem Ungenannten" ausgiebig benützt worden [1]. Ich selbst habe auf Grund einer Abschrift des frühe verstorbenen Sal. Fuchs das durch den genannten Kodex aus Saadjas Übersetzung und Erklärung dargebotene Material für meine Ausgabe [2] vollständig benützt und damit die Ausgabe J. Cohn's [3] ergänzt: Was der Kodex aus der Übersetzung und dem Kommentare Moses Ibn Ḡiḳatilla's enthält, habe ich auf Grund derselben Abschrift behufs Veröffentlichung im *Harkavy-Jubelwerke* [4] zusammengestellt. Von dem Ungenannten, der bei einzelnen Versen zu den genannten zwei alten Kommentatoren hinzutritt, rührt ohne Zweifel ein längerer Excurs zu 1, 6 her, der bisher meines Wissens noch nirgends bekannt gemacht wurde, der aber wegen der in ihm ausgesprochenen Ansicht über den "Satan" des Hiobbuches verdient, an die Öffentlichkeit gezogen zu werden. Der Excurs ist mit den Worten eingeleitet: "Von ihrer (scil. der Erklärer) Einem über diesen Gegenstand." Der arabische Text, der unten abgedruckt ist, sei hier vollinhaltlich übersetzt.

[1] Ewald und Dukes, *Beiträge zur Geschichte der ältesten Auslegung u. s. w.* (Stuttgart, 1844), I, 75 ff.

[2] *Œuvres complètes de R. Saadia*, vol. V (Paris, 1899).

[3] Das Buch Hiob (Altona, 1889).

[4] Unter der Presse.

"Dann erzählt er — der Verfasser — dass die Leute einen Ort hatten, an dem sie sich zu versammeln pflegten, und einen Versammlungstag, wie es ein Feiertag und ein heiliger Tag ist. Denn es heisst: ויהי היום[1] und nicht: Es war an irgend einem Tage, was irgend ein beliebiger Tag gewesen wäre. Indem der Verfasser von einem Tage spricht, zeigt er, dass es sich um eine irdische, nicht um eine himmlische Begebenheit handelt; denn nur die Erdbewohner wissen von Tag und Nacht, vermöge der durch die beiden Leuchten — Sonne und Mond — und die Sterne bewirkten Gliederung der Zeit. ויהי היום bedeutet also: sie hatten einen Tag der Feier und der Versammlung, an dem sich die Schüler Gottes, er sei gepriesen und verherrlicht, versammelten, um sich vor den Herrn hinzustellen. בני bedeutet nämlich Schüler, wie in בני הנביאים[2]; ebenso sind es hier diejenigen, die die Wege des Herrn, d. h. die Wege seiner Gebote lernen. Wir finden wirklich diesen Ausdruck[3] überall so angewendet, dass er den Auserlesenen und die Auserlesenen anzeigt; so wie Moses, Friede über ihn, sagt[4]: Söhne seid ihr dem Ewigen, euerem Gott[5]; und ebenso[6]: Mein erstgeborener Sohn ist Israel[7]. Der Sinn des Ausdruckes ist: So wie der Vater dem Sohne in allen Dingen[8] voran ist, so ist der Herr seinen An-

[1] Auch nach dem Targum bedeutet היום einen bestimmten Tag, und zwar den Neujahrstag, als Tag des göttlichen Gerichtes.

[2] II Kön. ii. 3 und sonst. Auch Abulwalîd, Art. בנה (*Kitâb-al-aṣûl*, p. 98, Z. 34), übersetzt den Ausdruck mit תלאמיד אלאנביא.

[3] Nämlich den Ausdruck: Gottes Söhne.

[4] Deut. xiv. 1.

[5] Hier lautet die arabische Übersetzung: أَوْلِيَا أَنتم لِلَّه. Saadja hat: אנתם אוליא אללה. So übersetzt Saadja auch בני האלהים in Hiob i. 6; ebenso Abulwalîd (ib., Z. 33). Jehuda Ibn Tibbon giebt das (ס' השרשים, p. 68, Z. 18) mit אנשי האלהים wieder. Im *Kitâb-al-uṣûl*, Art. אלה (p. 49, Z. 14) ist scheinbar Hiob i. 6 zu Gen. vi. 2 gestellt. Aber im ס' השרשים (p. 32, Z. 18) steht richtig יבאו statt ויבאו, also Gen. vi. 4.

[6] Exod. iv. 22.

[7] בני ist mit خاصّتى übersetzt. Mit נאצה übersetzt Saadja סגלה, Exod. xix. 5, ebenso Abulwalîd, Art. סגל.

[8] Wörtlich: in den Dingen des Voranseins (des Ranges).

hängern voran. Ebenso heisst es[1]: Ich hatte gesagt: ihr seid Engel, Söhne des Höchsten, ihr allesammt![2]"

"Es kamen die Söhne Gottes, die Anhänger Gottes[3] vor ihn, und es geschah, dass Hiob unter ihnen erwähnt wurde, aber auf Gegnerschaft traf, so wie es heisst[4]: die Gegnerschaft[5] war in ihrer Mitte[6]. Gemeint ist die Gegnerschaft Hiobs, und der Mann hat keine andere Gegnerschaft, als sich selbst[7]. Was zu wissen nöthig ist, das ist der Umstand, dass der Ausdruck שָׂטָן nicht über den Begriff der Gegnerschaft hinausgeht, so wie es in der Erzählung von Isaak gesagt ist[8]: Er nannte den Brunnen Gegnerschaft, weil ihm die Philister Gegnerschaft erwiesen hatten. Ferner wie David sagt[9]: Sie feinden mich an, dafür dass ich Gutem nachstrebte[10]. — Der Gegner des Menschen und sein Widersacher, das ist die Schlechtigkeit seines Handelns und sein Leugnen[11], so wie gesagt ist[12]: Mein Leugnen erhob sich gegen mich und antwortete und zeugte gegen mich mir in's Angesicht[13]. Und Jesaja, Friede über ihn, sagte[14]: Und unsere Sünden zeugten gegen uns[15]."

[1] Ps. lxxxii. 6.

[2] Die Übersetzung lautet: أنا قُلْتُ انتم املاك (b. ملائك) يا بنى العالى كُلّكم. ובני עליון ist also als Vocativ verstanden.

[3] اولياء الله S. oben.

[4] Eigentlich: "sowie du sagst," entsprechend der Citierungsformel des Midrasch כמה דאת אמר.

[5] العِناد, nomen actionis zu عاند, mit dessen Participium Saadja hier השטן übersetzt (מתאנד איוב).

[6] Wiedergabe der Worte: ויבא גם השטן בתוכם.

[7] ولا عناد للمرء إلّا نفسه. Das scheint eine Sentenz zu sein.

[8] Gen. xxvi. 21. שטנה übersetzt unser Autor mit عناد, Saadja hat דאת אלעגאר.

[9] Ps. xxxviii. 21.

[10] Die arabische Übersetzung ist nicht gegeben.

[11] Gemeint ist das Leugnen Gottes und seiner Gerechtigkeit.

[12] Hiob xvi. 8.

[13] جحودى قَاوَمَنى وأجاب وشَهِد عَلَىّ فى وَجْهى. Saadja hat ebenfalls כחשו für גחודו.

[14] Jesaja lix. 12.

[15] خطايانا شهدت علينا. Genau so Saadja.

"Ich will dir nun sagen, was hier unter Zeugniss zu verstehen ist. Denn das Zeugniss bedeutet hier nicht ein körperliches Reden, sondern die Thatsache, dass die Strafe den Sünder trifft, so wie Moses, Friede über ihn, sagt[1]: Ich rufe den Himmel und die Erde zu Zeugen an. Nicht dass diese beiden reden, sondern dass, wenn die Israeliten das göttliche Gebot übertraten, der Himmel und die Erde ihnen die Segnungen entzogen: der Himmel die Erhörung des Gebetes behinderte und die Erde ihr Gras und ihre Gewächse verdoren liess, und das war dann ihr Zeugniss. Ebenso ist auch hier[2] die Thatsache, dass die Strafe den Widerspenstigen und den zur Prüfung Heimgesuchten[3] trifft, so verstanden, dass sein Missgeschick gegen ihn Zeugniss ablegt[4]."

"Nimm den Gedanken, den ich andeute, zur Kenntniss und verkörperliche nicht das Wort Gottes, denn es ist ein hocherhabenes, in Weisheit gesprochenes Wort."

"Was nun den folgenden Satz betrifft: Der Satan antwortete u. s. w.[5], so ist das ebenso zu verstehen, wie wenn es von der Weisheit heisst: Der Ewige hat mich besessen am Anfange seines Weges . . .[6]. So wie diese Aussagen den Anschein haben, als ob die Weisheit es wäre, die zu den Menschen spricht, obwohl sie ihrem Wesen nach nicht redebegabt ist, sondern der biblische Autor[7] in ihrem

[1] Deut. xxx. 19. Mit אלמסלה (viell. = المسألة, Frage, Gegenstand der Erörterung) ist hier der die Mahnrede Moses' enthaltene Abschnitt Deut. xxix und xxx bezeichnet.

[2] Nämlich in Jes. lix. 12 und Hiob xvi. 8.

[3] المُمْتَحَن, d. i. Hiob.

[4] Der arabische Text إذا شاهد بليّته حالَه به scheint so verstanden werden zu müssen.

[5] Hiob i. 7.

[6] Prov. viii. 22. Hier folgen dann noch die anderen der Weisheit in den Mund gelegten Verse, ib. Verse, 23, 24, 30; ferner Verse 15, 16. Dann die abkürzende Formel: و سائر القصّة eig. "und die übrige Erzählung."

[7] الوَلِي, eig. der Fromme (Singular des oben in Anmerkung ... erwähnten Plurals). Das Wort wird auch von den Gaonen Saadja und Samuel b. Chofei zur Bezeichnung des biblischen Schriftstellers angewendet

Namen redet, ebenso verhält es sich mit dieser Aussage[1]. Und wie wenn Jemand sagt: so und so sagt die heilige Schrift, dieses nicht heisst, dass die heilige Schrift redet, sondern vielmehr der das sagt im Namen der heiligen Schrift redet: ebenso ist es der Prophet, der über die Wirkung der Sünde im Sünder berichtet, d. h. nachdem er sie ergründet hat und sich ergiebt, dass des Sünders Handlungen es sind, die reden und gegen ihn beweisen, sowie es angegeben ist, dass die Gegnerschaft[2] antwortete und vor Gott sagte: Ich komme vom Umherstreifen und Umherwandeln auf der Erde[3]. Der Sinn ist: Ich gehöre zum Zustande der Erdbewohner[4]. Dies beweist, dass die Leute jener Zeit Sünder waren und Hiob zu ihnen gehörte, wenn auch die Einheit Gottes bekennend."

Unser Anonymus folgt Saadja darin, dass er die Anklagescene im ersten Kapitel des Prologes sich auf der Erde unter Menschen abspielen lässt; aber während Saadja im "Satan" einen menschlichen Gegner, einen Widersacher Hiobs erblickt, findet der Anonymus mit dem Worte "Satan" die Sündhaftigkeit des Menschen, seinen inneren Feind bezeichnet. Diese Auffassung berührt sich mit der Moses Maimuni's, der in der Deutung des Prologes[5] den Satan für eine Allegorie der sublunaren Materie, der Quelle der irdischen Übel erklärt und auf den bekannten Ausspruch Simon b. Lakisch's[6] hinweist, wonach Satan, böser Trick und Tod aequivalent seien[7]. Während aber Maimuni den ganzen Prolog allegorisch erklärt und in den "Söhnen

(s. mein: *Aus der Schrifterklärung des Abulwalîd*, S. 58, Anm. 1). Hier ist der Verfasser des Buches der Sprüche gemeint.

[1] Nämlich über das Reden des "Satan" in Hiob i. 7.

[2] Statt אלמעאנד muss im Sinne der Auffassung unseres Autors gelesen werden אלעניד. S. oben.

[3] انّى أقْبَلْتُ من الطوف والذهاب فى الارض. Saadja: מן אלטוף פי הדא אלבלד ואלסלוך פיה.

[4] Die Sündhaftigkeit, die als Gegnerschaft Hiobs spricht, ist überall zu finden.

[5] *More*, III, 22. [6] *Baba Bathra*, 16 b.

[7] S. mein: *Die Bibelexegese Moses Maimuni's*, S. 127.

Gottes" die geistigen Wesen der höhern Welt erblickt, steht unser Autor, trotz seiner Abweichung von Saadja in der Auffassung des "Satan," auf dem Boden des Saadja'schen Rationalismus und erklärt es als Hauptzweck seiner Auffassung, vom Gottesworte die Verkörperlichung fernzuhalten.

Aus dem Hiobkommentare, dem das vorstehende Fragment angehört, glaube ich ein weiteres Stück in einem andern Oxforder Fragmente entdeckt zu haben. Dasselbe findet sich auf zwei Blättern des Cod. 2760 (Fol. 8 und 9) und wird im Kataloge[1] als "Fragment einer arabischen Einleitung zu Hiob" bezeichnet. Hier möge die Übersetzung dieses nach mehr als einer Seite interessanten Fragmentes folgen; das arabische Original ist unten nach dem ersten Fragmente abgedruckt.

[Die ersten zwei Zeilen des Fragmentes sind in der Abschrift unverständlich. Ich beginne die Übersetzung mit der dritten Zeile.]

[8 a] . . . die Menschen in den Missgeschicken, die sie von Seiten ihrer Seele betreffen: in ihren bösen und schlechten Handlungen, was dann die zu ihnen gehörige und gegen sie sich wendende Gegnerschaft[2], das heisst der "Satan" ist. Nicht dass Gott, sein Lob ist erhaben, einen Satan erschaffen und dass dieser ihn gegen die Menschen aufgereizt habe, um sie zu verderben: Gottes Lob ist über eine solche Vorstellung erhaben. Vielmehr dass jede schlechte und böse Handlung eines jeden Menschen ein zu ihm gehörender und gegen ihn sich wendender Satan ist.

Man muss wissen, dass dieses Buch[3] auf die Menschen[4]

[1] Neubauer und Cowley, *Catalogue* . . . (Oxford, 1906), Col. 176. Die Abschrift des Fragmentes verdanke ich Herrn Isaac Last.

[2] אלעינאד (s. S. 35, Anm. 2). Im Fragmente ist die Schreibung des ד bei kurzem Vocale auch sonst häufig.

[3] Das Buch Hiob.

[4] אהל אלעאלם, dasselbe was אהל אלארץ im anderen Fragmente (Z. 4 und 34).

überhaupt und nicht auf Hiob allein sich bezieht, ferner dass aus ihm sich eine Erklärung ergiebt für manches, was in der heiligen Schrift[1] sich findet und aus der betreffenden Stelle selbst nicht verstanden werden kann.

So z. B. was im Buche Jecheskel gesagt ist[2], dass wenn irgend ein Gerechter, Frommer, Rechtschaffener sich abkehrt von seiner Gerechtigkeit[3], Frömmigkeit und Rechtschaffenheit und etwas Ungerechtes, Schlechtes, Böses begeht, ihm am Tage seiner Ungerechtigkeit seine — ehemalige — Frömmigkeit nicht angerechnet wird, so dass ihm jene um dieser willen verziehen würde. Das ist keineswegs der Fall. Vielmehr wird ihm Vergeltung zu Theil für seine Frömmigkeit, die keine immerwährende, d. h. keine so feste war, dass es keine Abkehr von ihr gab. Wenn ein solcher Mensch nicht ungläubig ist, so wird ihm die Frömmigkeit mit irdischer, sichtbarer Vergeltung vergolten, indem ihm Lohn gewährt wird. Ist es aber ein Ungläubiger, der kein Begehren mehr nach dem hegt, was sich früher in seiner Übung der Frömmigkeit kundgab, so ist dieses ganz von ihm hinweggewälzt worden[4]. Wenn aber[5] ein Mensch eine Zeit lang das Böse und Schlechte geübt hat und dann bereut und umkehrt und Frömmigkeit übt, die fortan immerwährend ist, so dass er sich von ihr sicher nicht mehr abkehrt, so gebührt ihm als Vergeltung immerwährender Lohn. Es ist jedoch unumgänglich, dass jenes von ihm geübte Böse[6] durch eine sichtbare Strafe geahndet werde.

Der Beweis hiefür ergiebt sich auch aus dem, was in der Thora gesagt ist[7]: "Erkenne, dass der Ewige, dein

[1] אלכתאב bedeutet hier die ganze heilige Schrift. S. mein: *Aus der Schrifterklärung des Abulwalîd*, S. 56.

[2] Ez. xviii. 14.

[3] צדיקותה ist das mit arabischem Possessivsuffixe verbundene hebr. Abstractum zum hebr. Adj. צדיק.

[4] فقد حُذْرِجَ ذلك عنه. Über حذرج = دحرج s. *Lisân al-'Arab*, III, 56, Z. 14.

[5] Ez. xviii. 27.

[6] Das Substantiv nach זולך ist nicht leserlich.

[7] Deut. vii. 9.

Gott, der zuverlässige Gott ist, der den Bund und die Gnade denen bewahrt, die ihn lieben und seine Gebote halten bis in tausend Geschlechter." Das geht auf die Leute des immerwährenden Thuns [1], denen immerwährender Lohn gebührt. Was dann folgt [2]: "und der seinen Hassern in's Angesicht vergilt, um sie zu vernichten, nicht säumt er seinem Hasser, in's Angesicht vergilt er ihm" — so geht das auf die Leute des nicht immerwährenden Thuns [3] . . . Nach Massgabe seines Thuns, sei es Frömmigkeit oder Frevelhaftigkeit, wird ihm Vergeltung zu Theil, indem ihm mit sichtbarem Lohn oder mit sichtbarer Strafe vergolten wird.

[8 b] Dieses Buch ist also eine Wurzel für alles, was sich bei den Propheten an Äusserungen findet über die vielen Arten des Aufhörens der göttlichen Wohlthaten, wie da sind: Untergang des Leibes, Wandel des Zustandes von Fülle in Noth, von Ansehen in Erniedrigung und dergleichen, Bedrückungen und Verluste, wie sich das geschrieben findet in der Thora, im Buche Jirmeja und im Buche Jecheskel, im Buche der Zwölf [4] und in der ganzen heiligen Schrift [5], den vierundzwanzig Büchern [6]: Alle diese Gegenstände sind dargelegt in dieser Erzählung [7], und aus ihr ergiebt sich deren Erklärung, und sie ist die Wurzel, denn dieses Buch handelt von ihnen in seinem Anfange, seiner Mitte und seinem Ende.

Wir haben bereits den Sinn des "Satan" erläutert, und

[1] D. h. solche, deren Übung des Guten niemals durch eine Abkehr zum Bösen unterbrochen wird.

[2] Deut. vii. 10. Vgl. Ibn Esra's Commentar zu diesem Verse. Die dort anonym angeführte Meinung scheint die Bachja Ibn Pakuda's zu sein. S. *Herzenspflichten*, IV, 7. Im Commentar zum Deuteronomium (xxxii. 39) citiert Ibn Esra Bachja auch ausdrücklich. S. mein: *Die Bibelexegese der jüdischen Religionsphilosophen des Mittelalters*, S. 77, Anm. 1.

[3] Hier folgen einige unleserliche Worte.

[4] תרי עשרה statt תרי עסר.

[5] وفى جميع الكتاب (s. S. 38, Anm. 1).

[6] נוֹ סִפְרָא.

[7] Im Inhalte des Hiobbuches.

diese Erläuterung ist annehmbar, nicht unwahrscheinlich für den, der Verstand hat. Wir haben auch die Tendenz dieses Sinnes und den Bericht über das Thun des "Satan" erläutert, mit der Hilfe Gottes. Wir wollen nun die Erzählung von Hiob darlegen. Und zwar ist es zunächst nöthig, dass wir hierin die Erkenntniss dessen anstreben, was uns das Buch des Herrn [1], erhaben ist sein Preis, lehrt und dass wir nicht sündigen gegen die Thaten des Herrn [2] in dem, was er über seine Diener, die Frommen unter ihnen, kommen lässt, und in Anderem. Denn es giebt nicht Einen unter den Menschen, der mit den verschiedenen Arten der Missgeschicke heimgesucht werde, ohne dass er das wegen irgend eines, in ihm selbst liegenden Grundes verdient hätte. Diese Betrachtung führt uns sogar auf den Fall Elija's, als ihm die Offenbarung wurde [3], er möge seine Lenden schürzen [4], damit er vor Achab, dem Könige Israels einherlaufe; und dabei war Elija Elija und Achab Achab [5]: Ferner der Prophet, der von Jehuda kam [6] und über Jarobeam prophezeite [7] seinem Auftrage gemäss und in Vollziehung seiner Sendung. Als ihm dann Jarobeam sagte [8]: Flehe doch zum Ewigen deinem Gotte, flehte der Prophet und sofort wurde die Hand Jarobeams wieder hergestellt [9].

[1] كتاب الرّبّ. Damit kann die ganze heilige Schrift gemeint sein.

[2] Durch ihre unrichtige und Gottes Gerechtigkeit bezweifelnde Beurtheilung.

[3] I Kön. xviii. 46. ויד ה' תיתה אל ist mit أُوحِيَ اليه übersetzt. Vgl. Abulwalîd, Art. יד (*Kitâb-al-uṣûl*, 274. 30: יד ה' bed. الوَحْي).

[4] וישנס מתניו ist mit لِيُشَمِّرَ حقويه wiedergegeben, was eigentlich bedeutet: den Lendenschurz in die Höhe ziehen.

[5] Elija bedeutet den höchsten Grad der Frömmigkeit, Achab den tiefsten Grad der Frevelhaftigkeit, und dennoch musste auf Gottes Geheiss sich Elija vor Achab so sehr demütigen. Das kann nach der Meinung des Verfassers nur als Strafe für irgend eine Verschuldung Elija's verstanden werden.

[6] I Kön. xiii. 1. [7] אתנבי = تنبّى. [8] I Kön. xiii. 6.

[9] ירצע يد حينيذ ورجعت النبى وابتهل الله الى هذا يا آبْتَهِلْ. Auch Saadja übersetzt ויחל • • • את פני Exod. xxxii. 11, mit אבתהל.

[Die letzten Zeilen von fol. 8 b sind zum Theile unleserlich; es scheint aber auch irgend eine Lücke angenommen werden zu müssen. Aus dem Inhalte dieser Zeilen ist nur der citierte Psalmvers xcvii. 10 nebst seiner arabischen Übersetzung[1] deutlich zu entnehmen. Die nächste Seite, fol. 9 a, beginnt inmitten einer auf die Erzählung in Richter xx sich beziehende Erörterung.]

[9 a] . . . wenn der Herr einen Rechtsanspruch gegen sie hatte, sie zu tödten[2], so durfte den Rechtsanspruch des Herrn nicht ein Solcher vollziehen, gegen den von Seiten des Herrn ebenfalls ein Rechtsanspruch vorhanden war[3]. So wurde denn das Volk zuerst von denen gereinigt, die sich in seiner eignen Mitte befanden und gegen die der Herr einen Rechtsanspruch hatte; und in jenen drei Niederlagen[4] wurden nur solche getödtet, die es verdienten.

Wir wissen dies aus der Erzählung über Baal Peor[5], jene Plage[6], von der die h. Schrift sagt[7]: Israel schloss sich dem Baal Peor an und es entbrannte der Zorn des Herrn gegen Israel[8]. Die h. Schrift belehrt uns darüber, wie dies geschah und aus welcher Ursache es sich ereig-

[1] يا مُحِبّى الله اشنو الشرّ الردا السيّى فانّ الربّ حافظ انفس [الاوليا] من يد الحايرين الطالحين يُنَجّيهم. רשעים ist mit dem aramäischen und dem arabischen Aequivalente wiedergegeben.

[2] Gemeint sind die Benjaminiten, die eine todeswürdige Schuld auf sich geladen hatten und dadurch dem göttlichen Urtheil verfallen waren. Als Vollzieher dieses Urtheils zogen die übrigen Stämme gegen sie aus.

[3] Gemeint sind die ebenfalls mit Todesschuld Beladenen unter den übrigen Stämmen.

[4] Nach Richter xx. 21, 25 und 31 (39) fielen im Kampfe gegen Benjamin von den übrigen Stämmen zuerst 22,000, dann 18,000 und zuletzt gegen 30 Mann, zusammen 40,030.

[5] Num. xxv. 1 ff.

[6] Zum hebr. אלמגפה setzt der Verfasser noch das arab. Aequivalent الصدمة hinzu. Saadja übersetzt מגפה mit وبآء, jedoch Num. xiv. 37 mit صدام, Exod. ix. 14 der Plural mit آفات. Abulwalîd giebt weder für das Verbum נגף noch für das Substantiv ein arabisches Aequivalent an.

[7] Num. xxv. 3.

[8] Die arabische Übersetzung der zweiten Vershälfte lautet: واشتدّ غضب الرّبّ فى ישראל. Saadja hat: ואשתר נצב אללה עליהם.

nete; ferner über die Sache Zimri's, des Sohnes Salu's [1], aus der das hervorging, was Pinchas that, bis er den Zorn vom Volke abwendete, wie es geschrieben ist [2].

Es könnte Jemand sagen, dass die Plage den Gesunden und den Kranken [3] betraf. Aber nachdem die h. Schrift, wo sie im Deuteronomium [4] es darlegt, sagte: Eure Augen sind es die sahen, was der Herr in Baal Peor gethan, dass jeden Mann, der dem Peor nachging, der Herr aus euerer Mitte ausrottete, belehrt sie uns damit, dass nur der durch Abfall und Widerspenstigkeit Kranke von der Plage betroffen wurde.

So waren auch die 40,030 [5] von denen, gegen die der Herr einen Rechtsanspruch hatte: nachdem diese durch die Ursache, die sich aus der Sache jenes Kebsweibes [6] ergeben hatte, umkamen, vollzogen den Rechtsanspruch des Herrn diejenigen, gegen die der Herr nicht den Rechtsanspruch, sie zu tödten, hatte [7]. Auch vom Stamme Benjamin blieben nur die Gesunden [8], an die der Herr keinen Rechtsanspruch hatte, sie zu tödten.

Wir lernen auch, wie sich die Sache verhält, von den

[1] Num. xxv. 6 und 14. [2] Ib., Verse 8 und 11.

[3] برى وسقيم im übertragenen Sinne so viel als "schuldlos" und "schuldig."

[4] Deut. iv. 3. Dem Namen des Deuteronomiums (משנה תורה) ist erklärend die andere Bezeichnung desselben (ספר ואלה גרברים) beigegeben. Die Übersetzung lautet: إنّ اعينسكم الناظرة إيّا الذى عمل الربّ فى الموضع المُسَمّى بعل ربيب الفاغور ذلك انّ كلّ الاسر (l. المرء) الذى ينطلق ورا بعل ربيب الفاغوا انفذه الربّ الاهك من وسطك. Merkwürdig ist die Wiedergabe von את mit إيّا da sonst diese Accusativpartikel nur in Verbindung mit den Personalsuffixen vorkommt. Unser Autor verwendet sie als Aequivalent von hebr. אֵת, aram. יָת. Neu ist auch die Übersetzung von פעור mit einem Ausdrucke der aus der Arabisierung des hebräischen פעור (فاغور) und ربيب (Sklave?) zusammengesetzt ist. [5] S. 40, Anm. 4.

[6] السُّرِّيَّة = פילגש, Richter xix. 2. Über die Anwendung dieses arabischen Wortes als Aequivalente von פילגש s. Abulwalîd, *Kitâb-al-uṣûl*, 595, 18 ff. (*Sefer Haschoraschim*, S. 410). Saadja übersetzt פ mit أَمَة.

[7] Nämlich die übrigen Mitglieder des israelitischen Heeres.

[8] S. 40, Anm. 2.

Zwölftausend, die gegen Midjan geschickt wurden[1], damit sie an den Midjaniten Rache nehmen für das, was sie Israel anthaten in Folge des Rathes, den Bileam andeutete[2]. Sie waren demütig[3], fromm, gerecht und gottesfürchtig[4], so dass ihnen Sieg und Unversehrtheit gewährt wurde, und sie eroberten und machten Beute, und es kam so, wie es die h. Schrift berichtet. Betrachte, was sie thaten: sie nahmen den Frauen, wie die h. Schrift erzählt, die Schmucksachen, die sie auf sich hatten, [9 b] vom Leibe weg, wie es heisst[5]: Sie sagten zu Moses, Deine Diener musterten die Häupter der Kriegsleute, die mit uns waren, und siehe, nicht einer von uns wird vermisst[6]. Betrachte ferner, gegen wieviel Tausende Menschen sie ausgezogen waren, und wieviele sie tödteten. Dies geschah, weil sie fromm, gut und gottesfürchtig waren, weshalb Gott ihnen Sieg verlieh und ihnen beistand. Da sagten sie[7]: Wir bringen Dir als Opfer des Ewigen ... Die Anführer, das sind die Vorgesetzten, die gesetzt sind über die Tausende des Heeres, die Häupter der Tausende und die Häupter der Hunderte[7] sagten: Wir möchten darbringen, was wir dort gefunden haben, als Opfer dem Herrn, was jedermann von uns gefunden an goldenen Gegenständen[8], und zwar um Sühne zu erlangen für unsere

[1] Num. xxxi.

[2] Num. xxiv. 14; dazu *Sanhedrin*, 105 b; Raschi und Ibn Esra z. St.

[3] Eig. "schwach" (ضُعَفا).

[4] ايقياء, st. اتقيا wie es unten (9 *b*, Z. 4), heisst. [5] Num. xxxi. 49.

[6] Die Übersetzung lautet: إنّ عبيدك حصلو إيّا روس رجال الملحمة الذى فى ايدينا واذا لا فقد مِنّا احد. Beachtenswert ist die Übersetzung von נשא ראש mit حصل روس; Saadja hat رفع جملة. Auch hier ist את mit إيّا übersetzt, s. S. 41, Anm. 4.

[7] وهاولاء القُوّاد هم الوكلا الموكّلين على الوف لجيش ريسى الالوق وريسى المِأُيُون. Es ist die paraphrastische Übersetzung von Vers 48. ريسى = ريسا bei Saadja.

[8] Hier folgt die Aufzählung der in Vers 50 genannten weiblichen Schmuckgegenstände, und zwar zum Theile mit den durch Saadja verwendeten Vokabeln: Unser Autor giebt auch das hebr. Wort nebst der Übersetzung.

Seelen vor dem Herrn. Sie meinten damit: Wenn wir auch schuldlos sind hinsichtlich der That, so sind wir doch nicht schuldlos hinsichtlich des Berührens, des Anblickens und des Denkens, deren wir schuldig wurden, als wir diese Gegenstände ihnen wegnahmen. Wir wollen nicht, dass diese bei uns zum eigenen Gebrauche verbleiben und wir uns dadurch erinnern würden an jenes Anblicken und jenes Berühren und das böse und sündhafte Denken in uns rege würde [1] .... Und wenn der Herr uns gnädig ist und uns nicht abweist, so dass wir diese Gegenstände bei uns behalten müssten und sie uns zum Anstosse würden, so bedürfen wir ihrer durchaus nicht, vielmehr bringen wir sie dem Herrn dar, damit wir dadurch Sühne erlangen für unsere Seelen [2]. In diesen dargebrachten Gegenständen liegt auch die Bedeutung, dass sie zur Warnung und Belehrung dienen für die nach ihnen Kommenden, damit diese in ihren Wegen wandeln und begehren, was jene begehrt und meiden, was jene gemieden haben, damit ihnen Unversehrtheit gewährt werde, wie sie jenen gewährt ward und sie den Sieg geniessen, wie jene ihn genossen. So wurde denn dies zum Beispiele und zur Warnung und Belehrung für ihre Kinder, die nach ihnen kommen, damit sie daran sich ein Beispiel nehmen und sich belehren lassen und Erkenntnis gewinnen: wer es begreift und danach handelt, erlangt Heil und Rettung; wer sich hingegen daran nicht kehrt, sich nicht warnen lässt, sich kein Beispiel nimmt und sich nicht belehren lässt, der ist der

(1) אצערה; קופא כונאק (?); Saadja دملج (grosses Armband), ebenso Abulwalîd. (2) צמיד: سوار und דסתינגה (pers. دستينه, arab. دستينج, kleines Armband); Saadja سوار, ebenso Abulwalîd. (3) טבעת: حلقة تُركية (türkischer Ring); Saadja حلقة. Unser Autor hat noch ein weiteres Wort: כרציה (wohl aus خِرص, Ring). (4) עגיל: قُرْط (Ohrgehänge); Saadja הדכי (?); Abulwalîd قُرْطة. (5) כומז: حِقاب (Ziergürtel); Saadja, Abulwalîd ebenso.

[1] Die hier folgenden sieben Wörter verstehe ich nicht.

[2] Vgl. Raschi und Tobija b. Eliezer zu Num. xxxi. 50.

Unglückliche und Betroffene, und ihm ergeht es, wie jenen 40,030 und wie dem Stamme Benjamin . . .

Die beiden Fragmente gehören offenbar einem und demselben Hiobkommentar an, was nicht nur aus der Erklärung für "Satan," sondern auch aus Einzelheiten im Ausdrucke ersichtlich ist. Besonders charakteristisch ist die Durchführung des Gedankens, dass in solchen Fällen, wo aus der Gesammtheit des Volkes ein Theil durch Gottes Fügung hinweggerafft wird, davon nur solche betroffen werden, die durch ihre eigene Schuld dem göttlichen Urteil verfallen sind. Der Fall Hiob gilt dem Verfasser des Commentars als Musterbeispiel für alle Fälle, in denen einzelne Fromme verborgene Schuld durch scheinbar der Gerechtigkeit Gottes widersprechende Leiden büssen. — Auf sprachliche Einzelheiten habe ich bereits in den Anmerkungen [1] aufmerksam gemacht. Interessant sind die Specimina wörtlicher von Saadja abweichender Bibelübersetzung. Über die Zeit, in welcher dieser Hiobkommentar entstanden sein mag, gestatte ich mir keine Vermuthung.

W. BACHER.

[1] S. oben Statt بين يدى (vor) schreibt unser Autor in einem Worte בינדי.

Texte.

A. Zu Hiob i. 6–7 (Aus MS. Bodl., No. 125).

ולבעצהם פי הדא אלמעני קאל תם אכבר אן כאן ללקום מוצע יגתמעון פיה ויום
מגמע מתל עיד ויום קדם לקו׳ ויהי היום ולם יקול וכאן דאת יום פיכון מן
סאיר אלאיאם ודל בקו׳ יום אנהא קצה ארציה לא סמאויה לאן אנמא יעלם
אלליל ואלנהאר אהל אלארץ כאץ בתפציל אלנירין ואלכואכב. ומענאה יום עיד
ומגמע כאן להם יגתמע תלאמיד אללה עז וגל ללאנתצאב אמאם אלרב ובני תלאמיד
מתל בני הנביאים כדלך הנא אלמתעלמין טרק אלרב אעני טרק שראיעה ודלך
אנה וגדנא הדה אללפטה פי כל מוצע תדל עלי אלכאץ ואלכואץ כקול משה ע׳ אלס׳
בנים אתם לח׳ אלהיכם אוליא אנתם ללה ומ׳ בני בכורי ישראל כאצתי ומענאה
אן כמא תקדם אלאב ללולד באמור אלתקדם כדאך תקדם אלרב עלי אוליאה
ומ׳ קו׳ אני אמרתי אלהים אתם ובני עליון כלכם אנא קלת אנתם אמלאך יא
בני אלעאל כלכם. ויבאו בני האלהים אוליא אללה בין ידיה ואן איוב דכר
בינהם פוגד לה ענאדא כמא תקול ואן אלענאד פי וסטהם אעני אלענאד
לאיוב ולא ענאד ללמר אלא נפסה פממא יגב אן תעלם אן לפטה שטן לם
תכרג מן אלענאד כק׳ פי קצה ויצחק ויקרא שמה שטנה ואסמהא ענאד לאן
עאנדוה פיהא אלפלסטיניון ואיצא כקו׳ דוד ישטנוני תחת רדפי טוב.
פמעאנד אלאנסאן ומנאצבה סו עמלה וגחודה כק׳ ויקם בי כחשו בפני יענה
יקול אן גחודי קאומני ואגאב ושהד עלי פי וגהי. וקאל ישעיה על׳ אלס׳
וחטאתינו ענתה בנו ואן כטאיאנא שהדת עלינא. ואכברך מא מעני אלשהאדה
פי דלך לאן אלשהאדה פי דלך [ליס ב]נטק נסמאני ואנמא הו חלול אלעקאב
באלכאטי כק׳ משה על׳ אלס׳ פי אכר אלמסלה אני אשהד אלסמא ואלארץ
לא אנהמא ינטקא אלא אן מתי כאלפו אלאמר מנעת אלסמא ואלארץ
אלברכאת וחגבת אלסמא אגאבה אלדעא מנהם ואגפת אלארץ כלאהא
ואנבאתהא פכאן דלך אדא שהאדתהמא. כדלך
ההנא חלול אלעקאב באלעאצי או אלממתחן הו אדא שאהד בליתה חאלה
בה. פאפהם אלמעני אלדי אומית אליה ולא תתגסם כלאם אללה פאנה כלאם
עלוי שריף מקול באלחכמה. ואמא קולה ויען השטן וג׳ הדא מ׳ קו׳ ען אלחכמה
ה׳ קנני ראשית דרכו מעולם נסכתי מראש באין תהומות חוללתי ואהיה אצלו אמון
בי מלכים ימלוכו בי שרים ישורו וסאיר אלקצה פכמא אן הדה אלקציץ מראיה
למן כאן אלחכמה הי אלקאילה להם ולים גוהרהא דו נטק ואנמא אלולי הו
אלמערב ענהא כדלך הדה אלקצה וכמא יקול אלקאיל קאל אלכתאב כדי וכדי

לא אן אלכתאב ינטק ואנמא הו אלקאיל אלנאטק ענה כדלך אלנבי הו אלמכבר
ען פעל אלעציאן באלעאצי יעני אנה אדא מא פחץ ענה פאעמאלה הי אלתי
תנטק ותחתג עליה כמא דכר אן אלמעאנד אנאב וקאל בין ידי אללה
אני אקבלת מן אלטוף ואלדהאב פי אלארץ מענאה אני מן שאן
אהל אלארץ ידל עלי אן אהל דלך אלעצר כאנו עצאה וכאן איוב מנהם
באלתוחיד:

B. Aus der Einleitung zu einem Hiobcommentare (Aus MS. Bodl., No. 2760).

אכבר מן דלך . . . . . .
. . . . . .
אלעיבאד פי אלמצאיב אלתי תחל בהם מן קבל אנפסהם פי אפעאלהם
אלרדא ואלסיי אלדי דלך הו אלעינאד לה[ם] ועליהם הו אלשטן לא
אן אללה גל תנאה כלק שיטאן פאגראה באלנאס ליהלכהם גל תנא
אללה ען דלך וכל פעל כל אנסאן אלרדא ואלסיי הו שטן לה ועליה(ם)
וקד ינבני אן נעלם אן הדא אלכתאב הו עלי אהל אלעאלם לא
עלי איוב וחדה. ואן מנה איצא שרח מא פי אלכתאב מא לם
יתביין מן תם פמן ההנא יתביין דלך אלאן מתל מא קיל פי
יחזקאל אן איי צדיק צאלח עדל רגע ען צדיקותה וצלאחה
ועדלה ועמל גוור ורדא וסיי פלים ידכר לה צלאחה פי יום טלאחה
ליכון יגתפר לה הדא בהדא. פלים דלך כדלך. בל יגוא
בצלאחה אלדי לם יכון פעלה איאה מכלד איי תאבת עליה לא רגעא מנה
פאן כאן גיר כאפר פיגוא באלצלאח גוא דניאי מאהר מן אלתואב
ואן כאן כאפר ליס הו ראגב פי שי מן דלך אלדי קד תקדם
בפעלה מן אלטאעה פקד חדרג דלך ענה(ם). ואן כאן אנסאן
קד עמל אלרדא ואלסיי זמאן תם תאב ורגע ועמל צלאח מכלד גיר
ראגע ענה פלה גוא דלך תואב מכלד. ולא בד מן אכד דלך
אל . . . עליה בעקאב טאהר פברהאן דלך איצא מן קולה פי
אלתוראה וידעת כי י״י אלהיך הוא האלהים האל הנאמן שומר הברית וגו׳
הדא לאצחאב אלפעל אלמכלד להם אלתואב אלמכלד וקולה
ומשלם לשנאיו על פניו וגו׳ הדא לאצחאב אלפעל אלגיר מכלד דלך מן
. . . . . עלי קדר דלך יגוא מן דלך עלי קדר פעלה
צלאח כאן או טלאח פיגוא באלתואב אלטאתר ואלעקאב אלטאהר

Fol. 8 b.

פהדא אלכתאב אלאן הו אצל לכל מא נא עלי אלסן אלאנביא מן
אלאכבאר עז כתרה אצנאף זואל אלנעם מן תלף אלאנסאב ותגייר
אלחאלאת מן ריכא אלי שדה מן עיז אלי הול ואשבאה דלך ואלוצאיע
ואלכסאראת. דלך עלי מא מכתוב פי אלתוראה ופי ירמיה ופי יחזקאל
ופי תרי עשרה ופי גמיע אלכתאב כד ספרא פכל תלך אלמעאני
מבייגה פי הדה אלקצה ומנהא שרחהא והי אלאצל לאן הדא
אלכתאב פיהא אולה ווסטה ואכרה. פקד בייננא מא מעני שטן
וביאן דלך קריב גיר בעיד למן עקל. וביננא עז גרץ מענאה
וקצה פעלה דלך בעון אללה פלנדכר אלאן קצה איוב פדלך אנה
קד ינבני לנא אן נקצד פי דלך קצד מא עלמנא כתאב אלרב גל
תנאה ולא נכטי עלי אפעאל אלרב באלדי ינזלהא בעיבאדה
אלצאלחין מנהם וגיר דלך פאן מא מן אלנאס אחד בלי במעני מן
מעאני אלבלואיאת אילא למעני מעה אסתחק דלך חתי יבלג
בנא אלאמר פי דלך אלי אליהו עינדמא אוחי אליה לישמיר
חקויה ליחצר בינדי אחאב מלך ישראל. ואן פי דלך אחאב אחאב
ואליהו אליהו ואיצא אלנבי נא מן יהודה ואתנבא עלי
ירבעם כמא קיל לה ואנפד אלרסאלה ועינד מא
קאל ירבעם חל נא את פני י״י אלהיך אבתהל יא הדא אללה
. . ואבתהל אלנבי ורגעת חיניד יד ירבעם פקאם . . . .
אלקול אלדי נובי בה אהבו י״י שנאו רע יא מחבי אללה
אשנו אלשר אלרדא אלסיי פאן אלרב חאפט אנפס [אלאוליא]
מן יד אלחייבין אלטאלחין ינגיהם אבראר והם דלך אלנבי
. . . . . בעינה קאלת . . .
. . . . . .

Fol. 9 a.

לקבל אן קד כאן לאלרב עליהם חק אן יקתלהם פלם יגוז [אן] יאכד חק
אלרב מן לאלרב עליה חק חתי נקית אלקום מן אלדין כאנו פיהם
וכאן לאלרב עליהם חק ולם יקתל פי תלך אלוקעאת אלתלאתה
אילא מסתחק לדלך. ונעלם דלך מן קצה בעל פעור תלך אלמגפה
אלצדמה אלדי קאל [פיהא] ויצמד ישראל בבעל פעור ויחר אף י״י בישראל
ואשתד גצב אלרב פי יסראיל וקד עלמנא אלכתאב כיף כאן דלך
ומן איי סבב צאר דלך ואיצא מא כאן מן אמר זמרי אבן סלוא

חתי כאן מן אמר פינחס מא כאן אלי אן רדּ אלגצב ען אלקום דלך
כמא מכתוב. פללקאיל אן יקול אן קד וקעת אלצדמה בברי וסקים
פלמא אדּ צאר אלי משנה תורה והו ספר אלה הדברים ביין דלך
וקאל עיניכם הרואות אן אעינכם אלנאטרה איא אלדי עמל אלרב פי
אלמוצע אלמסמא בעל רביב אלפאגור דלך אן כל אלאמר אלדי
ינטלק ורא בעל רביב אלפאגור אנפדה אלרב אלאהך מן וסטך
פאעלמנא בדלך אנה לם יקע אילא סקים מן טגא ועצא וכדא
אלארבעין אלף ואלתליתין הם ממן כאן לאלרב עליהם חק פלמא
נפדו בדלך אלסבב אלדי תסבב מן אמר תלך אלסורייה אדּ חיניד
חק אלרב מן לם יכון לאלרב עליה חק אן יקתל. ואלדי בקי איצא
מן סבט בנימין לם יבקא אילא אבריא מן ליס עליה חק אלרב
אן יקתל . . ונתעלם כיף דלך מן אלאתנעשר אלף אלדי
וגה בהם [פי] מדין לינתקמו מן אלמדיניין מא פעלו ביסראיל
בתלך אלמשורה אלתי אשאר בהא בלעם וכאנו צעפא צלחא
אבראר אייקיא פרזקו אלטפר ואלסלאמה ופתחו אלפתח וגנמו
וגא(ו) דלך עלי מא דכר אלכתאב. ואנטר מא דא פעלו אנהם כמא
דכר אלכתאב שלחו אלנסי אלחליי אלדי כאן עליהם לקולה

Fol. 9 b.

ויאמרו אל משה עבדיך נשאו את ראש וג׳ וקאלו למוסי אן עבדיך
חצלו איא רום רגאל אלמלחמה אלדי פי אידינא ואדא מא פקד
מנא אחד. ואנטר אלי כם אלף מן אלנאס צארו וכם קתלו. דלך עינד
מא כאנו צלחא אכיאר אתקיא פתח אללת עלי אידיהם ונצרהם
פקאלו ונקרב את קרבאן י״י והאולאי אלקואר הם אלווכלא אלמווכלין עלי
אלוף אלגיש ריסי אלאלוף וריסי אלמאיאוני קאלו אנא נתב אן
נקרב מא וגדנא מן דלך קרבאן לאלרב מא וגד אלאמר מנא מן
אניה דהב מתל קופאי כנאק אצעדה וצמיד סואר דסתינגה
טבעת חלקה תורכיה כרציה עניל קורט וכומז חקאב דלך
לינכפר עלי אנפאכנא בינדי אלרב אעני פי דלך אן ואן כנא קד ברינא
מן אלפעל פאנא לם נברא מן אלמס ואלנטר ואלפכר דלך עינד
מא גזענא דלך מנהם פמא נריד אן יכון דלך עינדנא ללאנהאג
פיכון נדכר דלך אלמנטר ודלך אלמס פיכון יחרך מנא אלפכר
אלסוי אלרדי פיכון מא כפא מא כאן מן אלאול ואן אלרב תפצל עלינא

15 ולם יואכדנא חתי נריד נתכד הדא עינדנא פיכון חיניד לנא
למכשול מא לנא פי דלך חאגה בל נקרב דלך בינדי אלרב לנכפר
בה עלי אנפסנא. ואיצא אלמעני פי דלך אן יכון דלך מנדר
ומעלם למן גא מן בעדהם אן יסלך מסלכהם וירגב פימא רגבו
ויזהד פימא זהדו ליעטא אלסלאמה כמא אעטוה[א] וידווק אלטפר
20 כמא דווקו פכאן דלך תאדיב ואנדאר ותעלים ות . . . למן
יגי מן בעדהם מן אוולאדהם פיכון פי דלך יתאדבו . . . . ויתעלמו
ויתפהמו פמן פטן אלי דלך ופעל סלם ונגא וגיר דלך ממן לם
ילתפת אלי דלך ולם ינתדר ולא תאדב ולא תעלם פהו אלשקי אללקי
כדלך דלך כאלארבעין אלף ואלתלאתין וכסבט בנימין אלדי . .

JEWISH MYSTICS—AN APPRECIATION.

It is to be hoped that the time has passed when the term "Jewish Cabbala" suggested the notion of a store-house of magic, black art, and witchcraft. It is no longer assumed by anybody to be a secret art of star-gazing, prognosticating, horoscoping, and soothsaying. Even such as have given only slight attention to the matter must have learned that there are many points of view from which the Cabbala may be considered, and that it may possibly have an interesting side even for the uninitiated.

It would be impossible to give even a cursory sketch of the Cabbala without diving down deeply into the intricacies of abstruse systems, without touching upon questions which require the most minute care of the specialist. A history of the Cabbala and its systems, of its various manifestations, applications, and influence, however exhaustively treated in detail, would, at most, elucidate one side of the question only. Another aspect would have to be investigated which would command a much higher interest. The purely human question would have to be entered into, and an attempt made to understand the workings of the intellect and the emotions, the interaction of religious thought and religious feeling, the wonderment at that which surpasses human intelligence and the craving to grasp its import, ethical principles and yearnings of the heart, which one and all are instrumental in calling forth the manifestations of man's mystical instincts.

But apart from such encyclopaedic consideration of the subject, there are certain points which well bear to be dealt with exoterically. There are, on the very fringe of the subject, two questions capable of being investigated,

without the necessity of entering upon abstruse reasoning and obscure details. There is, first, the question whether the term "The Rise of the Cabbala," frequently used in Jewish literature to denote the period commencing with the twelfth century, is not somewhat ill-chosen; and, secondly, whether the judgment passed on the mediaeval Cabbalists by several Jewish writers on Jewish history is not altogether erroneous.

Regarding the first point—the so-called rise of the Cabbala about the twelfth century—it must be said that it is no longer a dogma of modern Jewish historiography. Prof. L. Ginzberg, in his article on the Cabbala in the *Jewish Encyclopedia*, disposes of the notion that the Cabbala of the period alluded to was a newly risen star on the Jewish horizon. There is no abruptness in the genesis of the Cabbala of that time. It is a natural continuation of certain modes of thought and feeling which had never been absent; which, in one form or another, had all along prevailed in Judaism, and the actual rise of which may be said—from an historical point of view—to lose itself in the dim, distant regions of antiquity; and—from a psychological point of view—to be rooted in the construction of that eternally inscrutable enigma which is called the human soul.

In reference to the second point:—the way in which many Jewish scholars judge of Cabbalists and Cabbala, is one of condemnation only. The mystical element, which has played so important a part in the history of the Jewish religion, is anathematized. Mysticism, it is said, can only flourish in intellectual decay. Mysticism is represented as a poisonous plant of exotic origin, some seeds of which, having been wafted by an unfortunate wind upon Jewish soil, tended to cover large stretches of fertile regions with its outlandish, parasitical growth. The Cabbala is described as an importation from without, an enemy of all intellectuality, of all rationalism. The lurid light which it professes to cast upon questions of the highest impor-

tance, tends only to make the obscurity all the more palpable, so that the darkness can be felt. The Cabbala does not, indeed, hesitate to attack the most difficult problems in the arena of philosophy and metaphysics; but it tries to solve them, not by methodical reasoning, but by giving free license to unbounded imagination; by inventing supernatural situations and combinations, which are based upon nothing, and obscure instead of enlighten; to degenerate ultimately into an inane juggling with numbers and with the letters of the alphabet. Stripped of all circumlocution it comes to this: that the Cabbala is said to be nothing but religious mania with a method; lunacy raised to the dignity of a science.

And as for the results which such extravagance leads to, they are deplored as having been pernicious in the highest degree. They are represented as having marred the Jewish conception of the Deity in its absolute spirituality; as having introduced a gross anthropomorphism; an unsound idea of the soul and its duties; and curious notions about life after death. This, it is said, led again to absurd rites to the detriment of the exercise of essential religious duties. The Cabbala, in short, is represented as having become, since the thirteenth Christian century until comparatively recent times, a bad sore upon the body Jewish, paralyzing it to a great extent, and endangering its very existence.

But it is not all scholars that judged thus harshly of this phenomenon in history. There are some who admit that the Cabbala has also its good sides, that some of its developments had a genuine spiritualizing effect. They concede that the flight of its imagination was in many cases highly poetical; that its doctrines frequently conduced to intense religious devotion. But such gracious concessions do not go beyond admitting, that an avowedly bad case has its redeeming points; in accordance with the trite adage, that nothing is absolutely bad.

In the face of such absolute condemnation on the one

hand, and a condescending semi-defence on the other, I claim for the Cabbala, that the fact of its existence was a good thing, and not only a good thing but a necessity; that it is a thing of which Jewish historians ought to speak with pride. I assert that the Jewish intellect could not have been of the high order which we would fain believe it to have been, that it must have been feeble indeed, if, in certain contingencies, it had not taken shelter in the Cabbala.

But I do not wish to be misunderstood. It is not my intention to break a lance either for or against the validity of the various doctrines of the Cabbala. I shall even grant—for the sake of argument—that such mysticism was foreign to the doctrines and objects of Judaism. Let it be admitted—for the sake of argument—that it was Neo-Platonism, and some other more ancient systems, the shoots of which were grafted upon Jewish beliefs and customs, and that every doctrine put forth by the Cabbalists rested on error. Yet, even so, I aver that a Jewish historian, taking up the standpoint of uncompromising antagonism to the Cabbala, and even whilst combating its tenets, would, on the ground of historical justice, be obliged to find: that the fact that the Cabbala existed was an aspect of the Jewish mind of which he, as a Jewish historian, ought to be proud.

It is for this purpose that it may be useful to receive some sidelights from the contemplation of mediaeval Christian mysticism. It will be profitable for three reasons. First, there is some similarity in the causes which prompted Christian and Jewish minds alike to find solace in mysticism. In the second place, the fact that mediaeval Christian mystics looked for inspiration into the books of the Jewish Cabbala goes far to vindicate the significance of the latter. There is a third reason which is not so complimentary to us, and which issues from a hope that Jewish writers may take an example from the way in which Christian writers on the history of philo-

sophy treat their mystics. Nobody will suspect these Christian scholars of having themselves an inclination towards mysticism; and it is therefore worth noticing, aye, and imitating, the historical objectivity with which they assign to those mystics their proper place in the development of human thought.

Let us just inquire what the objects are which mysticism tries to accomplish. For mysticism is one of the instincts that enter into the composition of the human being. It has its uses and its abuses. It tries, in its own way, to find solutions to the host of enigmas by which our existence is surrounded. The questions of why, whence, whither, how great, how long, are constantly before us. The horizon of mental vision is limited; questions crop up on every side. Must we silently acquiesce in the fact of our existence, and the existence of everything else— that is, if we and everything else exist at all, for this has also been doubted— without ever being able to understand, whence everything took its origin, what it consists of, to what purpose it all tends, how this universe came into existence, what was its primary cause, how far it extends, how long it endures?

Of such questions there are two which mainly harass the mind; one, that of the genesis of the world, of the visible, palpable world; and the second, that about its originator. The former question is partly put to us by our perception through the senses, and both by the workings of our mind. They already forced themselves upon the attention of primitive man. But the primitive mind was unable to conceive abstract ideas; its ideas were conceived in a visible, material form; it could not draw a line of demarcation between things material and things immaterial. The senses had to supply answers to the questions that vexed the mind. The forces of nature became the primitive man's gods. Every luminary in the sky, every tree, every brook and river, every breath of wind represented to him, or was peopled by him with wonderful beings,

demons, gods. And when he tried to conceive his gods apart from the phenomena of nature, as beings endowed with free movement, action, and volition, his abstractions did not rise above the forms of men and animals. He may have exaggerated the size of the members of the body and their powers, but he would not carry his notions beyond those of colossal men and monstrosities. It was mythology which attempted to satisfy in this way the cravings for a penetration into the invisible.

A remarkable fact strikes us in connexion with this. The same race which formulated mythological fancies in the most attractive manner, the race whose fabulous theogony and cosmogony appeals most to the sense of poetry, that very same race, of all ancient nations, has striven to free the intellect from the trammels of fancy, and attempted to solve the mysteries of existence by means of purely speculative philosophy. The ancient Greeks, the masters of the plastic representation of the Beautiful, who possessed the most poetical system of mythology, were also the first teachers of Logic and Metaphysics. They produced their Hesiodic and Homeric poems, and also their Socrates, their Plato, their Aristotle.

I must not stop to investigate to what extent, even among the ancient Greeks, imagination on the one hand, and Oriental influences on the other, formed a link between crude mythology—crude, however poetical a garb it may wear—and purely philosophical inquiries. It suffices to notice these two methods, the mythological and the philosophical, by which it was attempted to penetrate the mists that envelop us.

But there was another way in which to answer the questions of the why, the wherefore, the whither, and the whence. Religion answered these questions in its own way. It did not limit itself to the requirements of the intellect and the imagination; it embraced besides the cravings of the heart which strives to come into closer connexion with things divine. Europe, America, Austra-

lasia, and the greater part of Asia and Africa owes the most transcendental conceptions about God to the Israelite race; the conceptions of God as creator, as the only God, who is incorporeal, omnipotent, omniscient, of infinite mercy. Henceforth, no more worship of the phenomena of nature, of demons, of things material. An answer is found to the highest metaphysical problems, the yearnings of communing with God are gratified, and the prospect is held out of a universal acknowledgement of God by all mankind.

It would be an error to suppose that the relations between philosophy and religion were always of a hostile nature. They often were in opposition to each other; but, much more frequently, they lived together on terms of intimate good fellowship. They tried to supplement each other. Religion, or, rather, those who professed a certain religion, always liked to show, that whatever religious doctrines and religious practices they adhered to, they were not merely a matter of pure faith, but the necessary outcome of certain primary principles. Philosophy of religion arose; it set itself the laudable object of harmonizing, of reconciling, conflicting elements. The question whether a reconciliation was possible was not asked. The attempt was made, and, marvellous to record, it succeeded; at least to the satisfaction of those who were willing to adopt its results.

Thus for ages man has been questioning and answering. Phenomena were explored, knowledge was piled up mountain high. Each generation added to the store; the range of vision widened, the secrets of nature were laid bare. Knowledge enabled man to enslave the forces of nature and make them serviceable to the construction of gigantic undertakings. But all these acquisitions were accompanied by an undercurrent of insecurity. The questions of the where, the whither, the why, and the what remained unanswered. Some scientists and philosophers of the present age have endeavoured to take stock of our

achievements towards the solution of these enigmas. They were constrained to admit the existence of limits to our knowledge which they despaired of man ever being able to traverse. The physiologist, Emil Du Bois-Reymond, concluded his lecture on *Die Grenzen der Naturkenntniss* with the following words: "In respect to the riddle: What is matter and force, and how are they enabled to think, the explorer of nature has no choice but to adopt as his motto: *Ignorabimus.*" The same scholar gave, in 1880, a lecture at the Leibnitz-meeting of the Berlin *Akademie der Wissenschaften* before a gathering of scholars and scientists of the most advanced school. The lecture was entitled: *The Seven Riddles of the Universe.* The lecturer puts forward seven difficulties; he concedes reluctantly and doubtfully the possibility of being overcome at some future date, to only three of them, to wit: (1) the question about the origin of life; (2) the apparently intentional and teleological arrangement in nature; and (3) origin of thought, and—connected therewith—origin of speech. But he declares the other four difficulties to be insuperable; or, as he calls it, transcendent. They are: (1) the nature of matter and force; (2) the origin of motion; (3) the origin of simple perception through the senses; and (4) free will; in case we are not prepared to deny its existence altogether, but declare the subjective sense of freedom to be an illusion. The seven problems, he says, may be comprehended under one single problem, *the problem of the Universe*; and this time he concludes with the motto: *dubitemus.*

This it is what modern research was candid enough to admit; and it is that which has been given voice to at all times. Religion, and particularly Jewish religion, told of the existence of a partition which it is impossible to penetrate. Thus, for instance, the Mishna deprecates the attempt to understand the infinite space and time, saying that "he who ponders over the following four things might as well not have been born! What is above, what is below,

what is in front, and what is behind." But the human mind is like a child in leading strings. It is impatient of restraint. It refuses to acknowledge boundaries. It is surfeited with doubts, and thirsts for certainty. It is ashamed of asking and finding no answers. Thus Du Bois-Reymond's propositions were not allowed to pass unchallenged. He met with contradictions from many quarters; not the least important of his opponents was Ernst Haeckel, who attempted in his own way to give a solution of *The Riddle of the Universe.* But then, neither were Haeckel's conclusions allowed to pass unchallenged, and he himself found reason to modify certain of the results previously arrived at by him. The same old questions continue to be the subjects of meditation, and, when we glance at the literature which has sprung up, and revolves round them, in the comparatively short period of time that has elapsed since Du Bois-Reymond's pronouncement, we are bewildered by its extent.

But although religion was frequently satisfied with the acknowledgement of ignorance, and, as we have seen, some recent scientists and philosophers also; it was not the case with ancient, mediaeval, and comparatively recent philosophy. It certainly was not the case with the mystics.

It is not surprising that philosophy did not satisfy the mystically inclined mind. It found one system of philosophy supplanting another. Besides, pure philosophy appealed only to the intellect. But can it ever satisfy the soul's craving for communion with the divine? Can it slake the yearnings for a sight of the invisible, for comprehension of that which is incomprehensible? The mystic is dissatisfied with the philosopher who invites him and his problems to his intellectual laboratory, but leaves his thirsting soul as parched as before.

Let me illustrate this by a phase in the history of modern philosophy. Immanuel Kant opened an epoch in philosophy which cannot be said to have come to a close yet. This philosopher started his meditations on the basis

of the systems which preceded his. He found them insufficient; he rejected them one after another, and ended in—metaphorically speaking—constructing a great waste-paper basket, into which he unceremoniously bundled a number of previous philosophical tenets, after having torn them to rags and tatters. Fichte continued the work, and demolished the little that had been spared by Kant. But his follower, Schelling, went boldly forwards, discovered fresh insufficiencies, and ended by surrendering himself, hand and foot, to mysticism. The philosophical chrysalis had become metamorphosed into a mystical butterfly.

Such transition from philosophy to mysticism finds numerous counterparts in ancient and mediaeval times. The causes are identical. The German philosopher, Eduard Zeller, expresses them in the following terms: "The mystical turn of mind revolts against a science which wants to define, to demonstrate, to discuss everything; which wants to invest the divine mysteries with human notions. And these notions themselves were too dry and too poor to meet the requirements of the mystic's profound nature, to give expression to the inspirations of his genial mind. The strictness of the logical forms oppressed his thinking powers; which were, indeed, bright enough to notice the contradictions of many distinctions, but were yet too much limited by religious interests and dogmatical traditions to remove the last causes of these contradictions. He took refuge in dictatorial sentences of pious consciousness; in notions devoid of clearness, but ingenious and rich in fancies."

Such are the terms which a German philosopher applies to the mediaeval German mystics; they are the estimate by a Christian philosopher of the Christian mystics of his country. They are the words of an antagonist of mysticism, who maintains that such mystic speculations "cannot possibly have any lasting influence upon the conditions of knowledge, because they undertake to solve the most

complicated and comprehensive questions by means of unclear notions and dogmatic propositions which have not been proved. Instead of well-defined ideas, they offer a confusing mass of fluctuating figures; instead of scientific research, fanciful fictions; instead of intelligible series of thoughts, apocalyptic riddles."

We see how outspoken Zeller is in his deprecation of mysticism as compared with pure philosophy. We must not stop to inquire whether the boundary line between mysticism and philosophy can in reality be so sharply defined; whether "fanciful fictions" were not, more or less, important auxiliaries in the construction of both ancient and modern philosophical systems; how much, for example, Leibnitz's monadology owed to a lively phantasy; how considerably Haeckel, when setting up his alleged solution of the Riddle of the Universe, drew upon his powerful imagination. It is enough for us to notice how so uncompromising an opponent of mysticism as Zeller does not look down with contempt upon the mystics of his country. Far from it; together with other historiographers of philosophy, he tries to dive down into the souls of these men, to understand their doctrines, and to assign to them their place in the pantheon of men of profound thought. There is no condescension here on his part; there is an honest attempt to discover in their endeavours an influence for the good; and he points to them with pride as members of the race to which he belonged.

Our Jewish mystics have not received such delicate handling at the hands of some of our modern Jewish writers. It would not be difficult to explain why the method of pitying condescension, or of merciless condemnation, or even supercilious ridicule, has been applied by Jews to Jewish mystics. I must, however, add that there were others who considered them from a much more reasonable point of view. Nor must it be forgotten that among Christians also the cases are by no means rare, that men who deserved the gratitude of contemporaries

and posterity, were not appreciated for the good they had attempted to accomplish, but lived in the memories of men as wizards and magicians, as, for example, Roger Bacon and Theophrastes Paracelsus.

The commencement of methodical mysticism loses itself in the fogs of ages. A real or supposed Pythagoras is said to have acquired some profound mystical doctrines when travelling in the East. Whoever Pythagoras may have been, or whether there ever was a Pythagoras: so much is certain, that there existed a Pythagorean school of philosophers. Pythagoras, or his school, considered the essence and principle of all things to consist in numbers; numbers were the elements out of which the universe was constructed. All the various forms and phenomena of the world have numbers for their bases and their essence. On the foundation of numbers a cosmogony was constructed. Pythagoras was said to have been the first who taught the harmony of the Spheres, and the doctrine of the transmigration of the soul is also connected with his name.

We are just as ignorant as to the time when Jewish mysticism crystallized itself into a system. It may have originally been based on Chaldaean doctrines, but it was of a specifically Jewish character long before Christian mysticism had developed itself. The principal elements which the Jewish mystic had to blend together were reason, mystical promptings, and his Torah. This latter element, the Torah, served as a wholesome check to an untrammelled license in his speculations. If he was induced to adopt the priority of matter, his scriptural loyalty confined him to the priority of certain matter only. If God is to him the dwelling-place of the Universe, the Universe is not the dwelling-place of God. God, says Philo, is called המקום, the Place, because he enclosed the universe. He is himself not enclosed in anything. Mystical speculations continued to develop themselves for centuries before they led up to mediaeval Cabbala. There were the ten Sefirot, which were explained as the ten

agencies through which God created the world: Wisdom, Insight, Cognition, Strength, Power, Inexorableness, Justice, Right, Love, and Mercy. There were notions about spirits and angels. There was the doctrine of the mysterious powers of the Hebrew alphabet. This mystical use of the letters of the alphabet bears an analogy to the Pythagorean method of explaining the universe through numbers. The book *Yetzira* plays an important part from the very earliest times. The letters of the alphabet were considered to resolve the contrast between the substance and the form of things.

Such doctrines, and many more, were further cultivated for centuries. They prevailed during the period of the Geonim. They existed in Babylon and in Italy, and from Italy they were carried to Germany. Jewish mysticism in Germany in the thirteenth century was not at all unlike the Jewish mysticism that prevailed in Babylon about the beginning of the ninth.

This is not in accord with those writers who aver that the Cabbala of the twelfth and thirteenth centuries was an entirely new departure in Judaism. It has been maintained that about that time the Cabbala arose as a new system of fantastic doctrines, that were invented by some mystics, and that this system succeeded in obtaining recognition among large numbers of Jews. It is said that it grew apace, that it assumed formidable dimensions, and finished by obscuring the horizon of the Jewish mind, and to replace clear notions by fantastic fabrications and puerile games with numbers and the letters of the alphabet.

I do not intend now either to endorse or to contradict these views, except on the one point: about the novelty of the departure. The new Cabbala was nothing but a continuation and further development of the mysticism that prevailed at the time of the Geonim. It is true that about that time the Cabbala derived additional authority from the belief that it was rooted in an antiquity of quite a different nature. People believed that at the beginning

of the twelfth century the doctrines of the Cabbala had been revealed by the prophet Elijah to Jacob Ha-Nazir; that the latter had transmitted the new revelations to the great Rabbi Abraham ben David of Pasquières, whose son, Isaac the Blind, and the latter's alleged disciple Azriel, divulged them to larger circles. We smile perhaps at the *naïveté* of those who earnestly believed in such stories. But it requires a certain amount of *naïveté* of a different kind to assume that Isaac the Blind had been the inventor and originator of the mediaeval speculative Cabbala. It is much too complicated a work to owe its origin to the efforts of one man. The works of Azriel contain traces which point to origins of a much earlier date. Further investigations have shown, as I said before, that these doctrines existed in Babylon and Italy, and from Italy they were carried to Germany about the beginning of the tenth century. As to Isaac the Blind, we cannot say more than that he contributed largely to make the Cabbalistical tenets public property.

I shall not give a catalogue of names of those who were the bearers of the Cabbala of that period, nor of the books in which their doctrines had been laid down. Those who have given attention to the subject will have read about the book *Azilut*, the earliest book in which the speculative Cabbala is expounded. Its doctrines of the four graduated worlds, and of the concentration of the divine Being, and its angelology, are entirely based on the book *Yetzira*, and do not differ much from the view held on these matters by the Geonim. The author of the article Cabbala in the Jewish Encyclopaedia says that it is probably a product of the Geonic period.

Another book in which the doctrines of the speculative Cabbala are fully expounded is the book *Bahir*. Its author is unknown; but, as was the case with a number of Cabbalistical books, an author was found for it. It was ascribed to one of the Talmudical Sages. Probably the book had no author, but a compiler, who placed the

doctrines that had been current in several schools of thought upon a dialectical basis. The book *Bahir* has the merit of having given to the Jewish scholars of the time an opening towards a thorough study of Metaphysics, which had, until then, been carried on only on the lines laid down by Aristotle. It is not necessary to give here a description of the book *Zohar*, and the opinions for and against it. The Spaniard Azriel (1160–1238) made the metaphysical aspects of the Cabbala accessible to the Jewish philosophers of his time. The notion was current at that time, that we are only able to predicate of God, that which he is not; that all attributes of God cannot go any further than abrogate from him corporeal and material imperfections. This idea was followed up by Azriel. He starts from the negative attributes of God, and calls God the *En-Sof*, the One without End, the One without Limitation, the absolutely infinite One, who can only be comprehended as the negation of all negations.

If we desire to gain an independent judgment about the value, the motive, and the effects of such speculations, the best method will be again to cast a glance upon similar phenomena in quite different spheres of thought. Let us see what Christian mediaeval mysticism of that age, and of subsequent ages, had to say about them.

Towards the end of the thirteenth century the Dominican monk Master Eckhart proclaimed from the pulpit in the German language views which brought him into serious conflict with his ecclesiastical superiors. He had a thorough knowledge of Aristotle, Neo-Platonism, and the Scholasticism of his time. He had taught in Paris with great success. After visiting Rome he returned to Germany, and, for a number of years, taught and preached in Saxony, Bohemia, and Cologne. Proceedings were instituted against him, and he made a public recantation, but appealed, at the same time, to the Pope. He only escaped the papal condemnation by dying before it could take effect. The condemnation then fell upon his teaching.

Following previous doctrines, he distinguishes between God and the Godhead. God has a beginning and an end, but not the Godhead. God, or the Godhead, is exalted above all understanding ; he has no existence ; he is above every existence. He has no predicate ; nothing can be attributed to him, which could not with greater reason be denied of him : he is a non-God, a non-person, a non-form. He is everything, and nothing of everything. When dwelling in the nothing of nothing, he is not God, but the Godhead, unpersonal, unbeknown to himself. In order to become known to himself it is necessary that there should be in him, together with existence, nature and form. Before things were created, God was not God. He was obliged to communicate himself ; God can do without creatures just as little as creatures can do without him. All things are equally in God, and are God himself. Only nothingness distinguishes the things from God.

Compared with these, and suchlike enunciations of Eckhart's, the obscure sayings of the Jewish mystics are bright daylight. People rightly consider Azriel's saying : the *En-Sof*, the absolute Infinite, can only be comprehended as the negation of all negations, to be obscure. But how does it compare for obscurity with Master Eckhart's expositions ? And we must not forget, that Eckhart manages somehow or other to evolve out of his theory of God's self-conception, besides the revelation of God in a world, also the difference of persons in God, as the Christian Church teaches in the doctrine of the Trinity. It would be easy enough to declare the whole of Eckhart's mysticism to be senseless phantasy. But let us listen to the words of the great German writer on the history of philosophy, whom I had occasion to quote above, about that, which, if it were written by a Jewish mystic, would have been stigmatized by many a Jewish writer as a farrago of nonsense.

" Scholasticism," Zeller says, " had forcibly united two incongruous elements ; a faith which was under the

guardianship of the ecclesiastical powers, and a science ruled by the tradition of the schools. Both elements had suffered by the unison. It had created a theology in which the sentiment of piety gained no satisfaction. . . . The Neo-Platonic idea of God in its original conception had removed the Deity to a distance, where it could not be reached by mortal beings; where, for itself, it would have no need of creatures; and the universe was brought forth by him only by the way, by an overflow of the divine power. Eckhart, on the contrary, was so much alive to the Christian idea of an intrinsic and real communion of man with God, that he was quite unable to conceive his God without universe and man. . . . This doctrine of Master Eckhart is certainly not a strictly philosophical system. It issues rather from religious motives than from scientific ones; and instead of an inquiry into reality which assumes nothing for granted, it starts partly from the Christian dogma, partly from previous speculations, especially Neo-Platonism. Yet has his doctrine, as compared with others, so much a character of its own, and it encounters the domineering system with so much boldness and independence, that we have every reason to see in it the first attempt of a German philosophy; the first vigorous flight of the German mind, which felt itself strong enough to think of emancipating itself from science, as it then existed, which was Romanic both in origin and substance; to excogitate a new form of research, more in accordance with its genius and its wants."

I do not wish to use harsh terms about the views laid down in the books on Jewish history which deal with that which is called "the rise of the Cabbala." Those Jewish mystics, who rejected the Jewish mediaeval scholasticism, which was called then, and is called still, Jewish philosophy; namely, the forcible harmonization of Aristotelianism and the Jewish faith, and welcomed instead the book *Bahir*, and the doctrines of Azriel; these Jews may be glad if they meet with no worse epithets than haters of

light and lovers of darkness. But the time will come when Jewish writers on Jewish mysticism will be animated by the same sentiments of impartiality, and true, scientific fairness as those which dictated the passages of the German philosopher which I have just quoted.

Systematic Christian mysticism in the later Middle Ages commenced with Eckhart, and its zenith was reached in the methods of Jacob Böhme, the cobbler of Görlitz. There was a series of mystics between them; and they occupy a conspicuous, and by no means contemptible, niche in the history of philosophy. The question might be asked, why such tender regard is paid to men whose doctrines no one is prepared to adopt? The reason is this. It was recognized that it was a necessity in the graduated education of Europe that such mysticism should arise. Is it imaginable that it was possible for the human mind, the learned human mind, to loosen itself at a moment's notice from the insufficiency and inanity into which mediaeval scholasticism had sunk, and with one swoop to arrive at sound methods in philosophy and science? Is it thinkable that learned Europe should go to sleep one night steeped in the conditions of science, as it was understood by the followers of an Albert the Great or a Thomas Aquinas, to rise the next morning as adepts in the methods of an Immanuel Kant or a Darwin? It is not thus that revolutions in the dominions of learning and cognition take place. Mediaeval scholasticism on the one hand, and the achievements of a Galileo and a Descartes on the other, are wide and far apart. Their bridging over is not a question of time; it is a question of transition, of intermediary stages, of evolution. According to the natural construction of the human mind, mysticism was one of these stages, through which an effete scholasticism had to be metamorphosed into a methodical philosophy and study of nature. It was a psychological necessity that mysticism should form one of the links between dogmatic philosophy and an independent exploration of nature, of metaphysics, and of

the human mind. These are not arbitrary *a priori* assumptions, posited for the purpose of explaining by their means real or imaginary facts. They are historical facts, which force themselves upon the attention of the observer.

This it is what the writers of the history of philosophy—may they ever so much have been opposed to mysticism—have seen; this is the reason why they acknowledge the merits of those Christian mystics, who were, in this manner, instrumental in paving the way for the development of science of the present day. This it is what our Jewish historians do not seem to have understood in regard to our own mystics. What then ought we to have preferred to this "rise of the Cabbala"? As little as it was possible for a Master Eckhart or a Jacob Böhme to be a Galileo or a Leibnitz, just as impossible was it for Isaac the Blind or Azriel to be a Hegel or a Herbert Spencer. The only alternative they had was, either to continue modelling and remodelling the old harmonizing methods of the age, which were then called philosophy, or to turn to mysticism, to the natural stepping-stone from a fruitless scholasticism to independent scientific research. And, in doing so, our Jewish mystics had a great advantage over their congeners. If it is true, as Huxley expresses it in connexion with the progress of science, that "by a happy conjunction of circumstances, the Jewish and the Arabian physicians and philosophers escaped many of the influences which, at that time, blighted natural knowledge in the Christian world," how much more true is it that the Jewish mystics were preserved from many a block against which the other mystics could not help stumbling, by their written and traditional Torah, by the Midrashic and Geonic literature and its developments, upon which they were able to fall back.

The Cabbalists of this period were also influential in another way. They gave a direction to the Christian mystics. To some of these latter the Jewish Cabbala came as a revelation. They were no longer able to construe

Christianity on the lines of a tottering Scholasticism. Whither were they to turn for that which they called rationalizing their dogmas? They discovered that by means of some modifications they might force the Cabbala into their service. A circumstance favoured them. Several books of the Cabbala went under the fictitious names of some ancient sages as their authors. Now there were in those days a comparatively large number of Jews that had turned Christians, and who, in their renegade zeal, were more popish than the pope. They wrote books against Jews and Judaism, and some occasionally tried their hands at the manufacture of Cabbalistical books, into which they smuggled some veiled representation of the Christian dogmas. The Christian mystics eagerly took hold of the Cabbala for their purposes.

Foremost among them was the Italian count Giovanni Pico della Mirandola. When quite young, he had been a pupil of the Jewish scholar Elijah del Medigo of Candia. But this master could not satisfy his mystical propensities, because he belonged to that section of Jews that were hostile to the Cabbala. He turned to another master, Joachim Allemano, Rabbi of Constantinople, who lived in Italy. Pico was determined to find proofs of Christianity in the Cabbala; and what cannot be accomplished if one tries hard enough? And in his case it was not so very hard after all. He did not so much enter into the metaphysical side of the Cabbala as into its formal methods. By transposing at will the letters of the Hebrew alphabet, and by a free use of their numerical values, he managed to produce results most convincing to himself.

It was the same with the German mystic Agrippa von Nettesheim, and with the celebrated Johann Reuchlin, to whom the Cabbala had come from Italy.

Heinrich Cornelius Agrippa von Nettesheim was born in Cologne in 1486. His career was "half scientific, and half political, but always stormy." He was first a soldier, and followed the armies of the Emperor Maximilian. He was

knighted, studied law, medicine, and languages. As professor in Hebrew at Dôle, in France, he publicly expounded Reuchlin's work on *the Miraculous Word*. Then the monks persecuted him, and he came to London and lectured there. After many vicissitudes he thought he had at last settled down in Metz. But he had to leave that town for two reasons: first, because he had the audacity of opposing the common opinion that the holy Anna had had three husbands; and, secondly, because he had dared to defend a woman that had been accused of sorcery. When Louisa of Savoy, the mother of Francis I, appointed him as her physician, she wanted him also to be her astrologer. He was shocked at the idea and indignantly refused; but at the very same moment he was engaged in setting a horoscope for the Constable of Bourbon, for whom he prophesied a brilliant victory over France. He was expelled, and there was quite a rush to receive him elsewhere. He received offers from two German princes, from the King of England, and from Margaret, the governess of the Netherlands. He accepted the latter's invitation, and but a short time after he terminated his chequered career at the age of 47 years. One of his books bears the title of *De nobilitate et praecellentia foeminei sexus declamatio* (*a dissertation on the nobility and excellency of the female sex*). The reader may decide whether this was penned by the scientific side, or by the political side, or by the mystical side, or by the purely human side, in the character of this versatile man. The book has been translated into English; I believe, twice. But his chief work is that on the occult philosophy. Here he handled the letters of the Hebrew alphabet with unheard of freedom. The book is full of tables, and schemes of transposition of letters; and in this manner he manages to prove whatever he wishes.

The celebrated Reuchlin was a man of unfathomably higher significance than Agrippa von Nettesheim. He also started his career with the study of the Cabbala. He

approached a great Rabbi with the request to supply him with books on the Cabbala, but the Rabbi replied that no such books existed in his place; he moreover advised him to have nothing to do with mysticism. Reuchlin wrote two Cabbalistical books; the one entitled *De Arte Cabalistica*, and the other *De Verbo Mirifico*, the *Wonderful Word*. In the latter book he also gives free scope to an arbitrary transposition of letters, and inserts between the four letters of the tetragrammaton the letter ש, so as to obtain the name Jeshuah; a composite name, to which he ascribes all sorts of miraculous properties. Great as he was as a humanist, his contributions to philosophy were feeble; and he assisted in fertilizing the ground for the new sprouting up of modern science more by his humanism—the other powerful lever in the upheaval of modern thought and science—than by his mysticism. Mysticism, not less than humanism, paved the way for a new era of independent research in philosophy and the knowledge of nature. Thus we see in Theophrastes Paracelsus's life and endeavours—which Robert Browning wished to make intelligible to the English public in a remarkable poetical composition—a striking illustration of the transition from the old to the new methods along the paths of mysticism. There were Jacob Böhme, Nicholas Cusanus, Giordano Bruno, who was burnt at Rome, who gradually led up to the possibility of a pure philosophy, and of science based upon research and experiment.

Looking back upon our Jewish mystics of the twelfth and thirteenth centuries I cannot help considering them of deserving a higher place in the history of philosophy than a Master Eckhart, and a Jacob Böhme; they had certainly much loftier aspirations than such men as Agrippa von Nettesheim. In estimating these Cabbalists I abstained from discussing the claims of the mystical element in human nature to a voice in the consideration of the highest problems; I did not touch upon the question what part these mystical instincts play in the systems of

our most advanced metaphysicians and physicists. I have placed myself upon the standpoint of those who are uncompromisingly antagonistic to mysticism. But I aver that from this very standpoint our Cabbalists have been unjustly treated by most of our modern Jewish writers. Much has been said about the dire influences which the Cabbala has exercised upon the development of Judaism. Even if we were—for the sake of argument—to admit the existence of these abuses; these could not neutralize the merits of those whom the inexorable order of nature forced into the channels of the Cabbala. And it is more than questionable whether the influences of the Cabbala were as pernicious as they are painted. Thus I have heard people enlarge with great concern upon the immorality which the doctrine of the transmigration of the soul has in its train. I need only point to some of our Rabbis who held this doctrine; for example, to the learned R. Isaiah Hurwitz, better known as the Sh'loh, who indeed attained as great a height of ethical and religious perfection as is ever vouchsafed to man to attain. I will quote a few sentences on this doctrine of the transmigration of the soul, written by an author of quite a different stamp; who will say that such sentiments can possibly lead to immorality of any description?

"Why should it be impossible," says this author, "for every individual to have appeared more than once in this world? Is the hypothesis ridiculous for this reason only, because it is the oldest? Because the human intellect alighted upon it from the beginning, before it was distracted and weakened by the sophistry of the school?—Why is it impossible for me to have once before taken here all those steps towards my perfection which can bring to men merely temporal punishments and rewards?—Why should I not return as often as I am capable of receiving new knowledge, of achieving new capabilities? Do I take away with me after one appearance so much, that it would not be worth while to come again? Is this the reason?—Or

is it, because I forget that I have been here already? How happy I, to forget it! A remembrance of my previous conditions would permit me to make a bad use of those in which I now move. And have I then forgotten for ever that which I must forget for the present? Or is it because too much time would be lost for me?—Lost indeed! What time am I then obliged to lose? Is not all eternity mine?"

What mystic may have said this? What Cabbalist may have spoken these words? They are not the words of any Cabbalist or mystic. They are the words of no less a person than Gotthold Ephraim Lessing, the great Lessing, the clear-headed critic, the calmly reasoning philosopher. They are the concluding sentences of his treatise on *Die Erziehung des Menschengeschlechts* (*the Education of the human race*). Disagree with Lessing if you will, but you will not be able to say that he needed to be ashamed of these sentiments.

I shall conclude with Lessing's words. I am strongly of opinion that our Cabbalists have not always been fairly treated by Jewish writers of the present time. The whole subject requires an entire overhauling. But about this we need not be concerned. Jewish historiography is a comparatively recent growth. Time will assuredly show where the truth lies. And if anything, surely history is able to say: "Is not all eternity mine?"

S. A. Hirsch.

THE KARAITE LITERARY OPPONENTS OF SAADIAH GAON IN THE TWELFTH AND THIRTEENTH CENTURIES.

Twelfth Century.

29[1]. **Jacob b. Reuben** is the author of a Hebrew compilation on the Bible, entitled ספר העשר, which exists in manuscript in several libraries (Leyden, Paris, St. Petersburg), and a part of which (from Jeremiah to the end, excluding Psalms) is also in print (Eupatoria, 1836). He lived in Byzantium, and as he already uses ʿAli b. Sulejmân (see Harkavy in *Jew. Encycl.*, VII, 442 b *supra*), he probably belongs to the first half of the twelfth century[2]. Jacob's chief source was the commentary of Jefet b. ʿAli, whom he reproduces mostly in a very abbreviated form, and the passages having reference to Saadiah must have been taken for the most part from this commentary. All these passages (with the exception of a single one) occur only in the portion on the Pentateuch, and have been communicated by Pinsker (pp. 83 seq.) and Steinschneider (*Cat. Lugd.*, p. 25). They are (1) Gen. i. 1: ופתר פיתומי בראשית בי"ת טפל ולא כן הוא, this agrees with Saadiah's translation: אול מא כלק אלך; cf. also Ibn Ezra, ad loc.: וי"א שהבית נושא

[1] The numbers are continued from vol. XVIII, pp. 209–240, and from vol. XIX, pp. 59–83.

[2] On the conjectured period of the life of ʿAli b. Sulejmân, see *supra*, vol. XIX, p. 71, n. 2. That he is used by Jacob b. Reuben was unknown to me when I wrote an article on the latter in the *Jew. Encycl.*, s.v. (VII, 41). To the literature there given must be added: Geiger, אוצר נחמד, IV, 25; Harkavy, *Altjüd. Denkmäler aus d. Krim*, p. 62; Steinschneider, *Polem. u. apolog. Liter.*, p. 347; Adolf Posnanski, *Schiloh*, I, 273. Cf. also the passages on ʿAnân, communicated by Harkavy, *Stud. u. Mitt.*, VIII, 1, 152–155.

בלי טעם [נוסף?], and Parḥon's *Maḥberet*, fol. 2 c: ומוסיפין אותו [ר"ל את הבי"ת] בלי צורך כמו בראשית ברא כלומר תחלה ברא אלהים; (2) Exod. iii. 2 on לבת אש (from Jefet, see above, vol. XVIII, p. 234); (3) ibid., xxi. 1: לפניהם means before the Sanhedrin; (4) ibid., xxiii. 19, on Lev. xxvii. 32, from which Saadiah proved that the enjoyment of a שליל is permitted: ופיומי אמר אם הקרה להיות מעֵברת מה משפטו אם יקחנו הכהן הלא הם שנים ואם תאמר א' בטל פתרוניהם על המעֵברת (cf. above, vol. XIX, p. 62); (5) Lev. xi (כן אומרים וגם [probably the Samaritans] והשומרים פיומי אומר כן, but it is not clear what the question is here); (6) ibid., xi. 29 on צב; (7) ibid., on grasshoppers, which may be eaten without ritual slaughter (cf. *Z. f. H. B.*, IV, 73, and the passage cited there); (8) ibid., xx. 13, on the various degrees of punishment for committing the crime mentioned in this verse; (9) ibid., xxii. 8, on Ezek. xliv. 31; (10) ibid., xxiii. 15 on ממחרת השבת (extract from Jefet, cf. above, vol. XVIII, p. 232). In addition there are two passages, which neither Pinsker nor Steinschneider quotes, and which I take direct from the Leyden manuscript (Cod. Warn. 8); (11) Gen. i. 2, ואמ' פיומי תהו מן תהום ולא כן כי המי"ם אמר הגאון תהו שהוא מתהום וזה לא עקר (cf. Ibn Ezra, ad loc. יתכן כי מ"ם תהום שרש כמ"ם המים); and (12) Lev. xix. 27: וההולכים אחרי הרבנ' אמ' כמו סעיד כי השער אשר בזקן [ובראש] יש לו ז' פיאות ג' בצד הימיני וג' בצד השמאלי והא' פי אלענפקה ואם יוציא א' מהם בתער יחייב עליו (עוד) ארבעים ואם ב' ב' ארבעים כי אמר פאת ר"א ולא פאות (cf. *Mishna Makkoth*, III, 5, where we read: אומר אם ניטלו כלן כאחת אינו חייב אלא אחת). In the printed portion Saadiah is cited only at the end of Daniel, with regard to the year of Redemption (fol. 20 b: וכן פיומי פתר כי הם שנים וגם בטל פתרונו), but this passage also is curtailed from Jefet (see my *Miscellen über Saadja*, III, 12 = *Monatsschrift*, XLIV, 411).

30. **An Arabic commentary on Exodus,** of which a fragment is extant at the British Museum (MS. Or. 2493; Cat., I, no. 332), must likewise belong to the first half of the twelfth century, for here also ʿAli b. Sulejmân is the last

author quoted[1]. On xxx. 24 (fol. 73 a) Saadiah (אלפיומי) is also quoted, but the substance of the quotation is unknown to me.

31. **Jehuda b. Elias Hadassi**, of Constantinople, in his work אשכל הכפר (Eupatoria, 1836), composed in 1148, brought the science of Karaite law and dogma to a certain close[2]. His encyclopaedic work is, as Jost rightly expresses himself (*Gesch. des Judenthums*, II, 352), a vast sea into which all the rivulets of Karaite lore empty themselves, and hence, despite its inelegance in outer form, which makes reading pretty difficult, it is of extraordinary value. In his polemics against Rabbinism he follows in the footsteps of Salmon b. Jeroḥam, Sahl b. Maṣliaḥ, and Tobias b. Moses, and sometimes surpasses them in harshness and want of consideration. All the more remarkable is it that he names Saadiah only seldom (altogether six times), and treats him with comparative indulgence. In three places (Alphab. 168 ה, 174 ק and ש) the question is about the application of the method of analogy, which was employed by the Karaites in considerable measure, and was energetically opposed by Saadiah. Hadassi urges that without analogy one would not know, for example, that the father inherits from a son, or that the damage done by a goring ox, by crouching, trampling, or devouring, must be made good (Alphab. 168 ה: הפיתומי סעדיה אמר בחכמתו כי אין הקש בתורה וכדבריו אם אין הקש לא יירש האב לבן . . . כי לא אמ׳ והעברתם את נחלתו לאביו ובזה בטלו דבריו ודברי רבותיו להתבררה . . . וכן בשור נגח אמר נזק וחצי נזק ולא זכר לשור לא רביצה ולא בעיטה ולא נשיכה כשורה וכו׳; on the latter cf. *Baba Kamma*, 2 b)[3]. Much

[1] Other authors cited in this commentary are: אלריים נ״ע (David b. Boaz), ע״נ ע״נ (doubtless Abu 'Ali, i. e. Jefet b. 'Ali) and פ״פ נ״ע (Abu-l-Faraj Furqân, with whose translation the one in our commentary also often agrees). On the explanation mentioned here of Exod. xx. 26 from a book נכח, by which are perhaps to be understood the glosses of Levi b. Jefet, see *R. É. J.*, XLI, 306, n. 2, and *Z. f. H. B.*, V, 17.

[2] For the literature on him see *Jew. Encycl.*, s. v. (VI, 132, 133).

[3] The second passage (Alphab. 174 ק seq.) reads: ופיתומי רב סעדיא אמר במלולו והלולו כי אני מקיש בכל דבר ומצאתי י״ח דברי׳ מפורשי׳ בתורה ואם לא היו מפורשי׳

more interesting is another passage, where the sources of our cognition, according to Saadiah, are given, and it is stated, that his words can serve as a support to the Karaites (169 ג: גלה סעדיה הפיתומי בזה דוק [דיוק?] התורה: ומאמריו יעזרו לבעלי מקרא: משכילי נ"ע ויחיי' האל הנאזר בגבורה: באמור ככה כי שרש השכל ועקר החכמה ועין המליצות שלשה מדעים בשורה: מדע המראה ומדע השכל ומדע הכרחי והוסיף אלהינו ית"ש לנו עליה' גם מדע המשמע והוא ד' להתגברה). They are the same four sources of information that Saadiah discusses in the introduction to his religio-philosophical work, and Hadassi also drew from them without doubt[1]. The other two passages deal with the argument from Josh. v. 11 for the correctness of the Karaite interpretation of ממחרת השבת (Alphab. 224 נ), and with Saadiah's argument from Lev. xxvii. 32, that the enjoyment of an embryo is permitted (Alphab. 240 מ: . . . והפיתומי אמר באמור הכתוב העשירי יהיה קדש לה' אם הקרה מעובר היה לוקחו כאחד ומזה מותר לנו המעובר כי הוא כאחד בחשבונימו: ובטל פתרוניב' שאסרתם אותו לעם אלהיך: "נאמו לו משכילי נ"ע אי גונב הלבבות מאין לך כי נהיו [מ]עשרים מעוברות . . . והרבו עליו משכילי נ"ע תשובות אך מקצת הרמזתי לך ולכל חרדי אלהיך)[2].

וגלויים הייתי אומר אני בזו העלה שזכרה התורה וכו'. Hence here too the reading is like that in the Leyden MS. of the anonymous compilation on Exod. and Lev. (see above, vol. XIX, p. 83, n. 2. Could Hadassi perhaps have drawn from it, or the reverse?). — הלולו here most probably means "his wantonness" (see Ps. lxxv. 5).

[1] See *Amanât*, ed. Landauer, p. 12 infra: . . . ונקול אנהא (אי מואד אלחק) הלהה מואד אלאולי עלם אלשאהד (=מדע המראה) ואלהאניה עלם אלעקול (=מדע השכל) ואלהאלה עלם מא דפעת אלצרורה אליה (=מדע הכרחי) . . . ואמא נחן נמאעה אלמוחדרין . . . ונציף אליהא מאדה ראבעה . . . והי צחה אלכבר אלצאדק (=מדע המשמע) אלך. But it seems that Hadassi, in the fourth source, chose משמע not without intention (instead of, e.g., ההגדה הנאמנת in Ibn Tibbon), because this word among the Karaites signifies the Scriptures. Hadassi further adds: ועוד אמר (ד"ל סעדיה) כי התורו' מתקיימות בשכל ובשמע ובקבלה ואמנ' דבריו השכל והקבלה אשר אינ' הורסות מה שכתו' בס' הורת אלהיך. Here again is Saadiah's division of the commandments into precepts of reason (אלשראיע שכליות = מצות שכל) and precepts of revelation (אלשראיע אלסמעיה, שמעיות = מצות שמע) and precepts of revelation (אלעקליה), to which is also added truthful tradition (קבלה = כבר צחיח); see *Amanât*, § iii. Cf. also Kaufmann, *Geschichte d. Attributenlehre*, pp. 1 seq.; Guttmann, *Die Religionsphilosophie d. Saadia*, pp. 22 seq., 134 seq.

[2] This argument, as already remarked, is also advanced by Qirqisâni,

But besides these few passages, Hadassi now and again controverts the views of Saadiah without naming him, e. g. the assertion that אביב can signify the name of the month (Alphab. 190 ס: ומי שאמר שמור את חדש האביב . . . הוא שם לחדשך . . עות המשפט והדרך כי לקחו ודמהו ממה שאמר תל אביב והוא שם מקום וכו׳; see above, vol. XIX, p. 61), or the explanation of חלבו האליה as חלבו והאליה (Alphab. 233 ק; cf. *supra*, No. 23), and so forth. It must be against Saadiah also that those passages are directed in which Hadassi shows that in the Talmudical period the rule לא בר״ו פסח had not any validity yet (Alphab. 185 ש seq.), or that 1 Sam. xx. 18 is no argument for the great age of the calendar-system (Alphab. 197 ש seq.), or that one cannot conclude from Dan. x. 3 that the eating of meat was permitted in the Diaspora (see above, vol. XIX, p. 83), &c.

Besides the *Eshkol*, another fragment of Hadassi has been preserved, which Pinsker (pp. 94 seq.) has edited. The latter holds Tobias to be the author, but this time Firkowitsch, who ascribes it to Hadassi, has exceptionally hit upon the truth, as we find at the end quite explicitly (p. 97, l. 5): ואני יהודה בן אליה קטון התלמידים[1]. This fragment is not a remnant of a Book of Precepts, but *collectanea* which Hadassi probably compiled as material for his *Eshkol*. Saadiah is mentioned a few times here also, and the matter at issue is that eternal question about the age of the calendar-system. According to Saadiah it is no argument against the great age of this system that there is nothing about it in the Bible, for reason does not forbid us to assume that God revealed, e. g. 100 precepts to his prophet,

Levi b. Jefet and Jacob b. Reuben (see *Kaufmann-Gedenkbuch*, p. 178, n. 2, and also *J. Q. R.*, XIX, pp. 62 and 69), but Saadiah's name is mentioned only by the last of these. As Jacob b. Reuben draws especially from Jefet, it may be presumed that the latter also handed down the name of the Gaon and has used to Hadassi as a source. But unfortunately I have not before me Jefet's commentary on this passage of Leviticus.

[1] Cf. also Frankl, *Monatsschrift*, XXXI, 77 seq. and השחר, VII, 50; Buber's introduction to the לקח טוב of Tobia b. Eliezer, p. 47.

and commanded him to write down only fifty of them, but to hand down the other fifty only orally, or not to fix any of them at all in writing. The precepts were indeed already known to the patriarchs, although they were not written down; similarly Mishna and Talmud already existed before, and were only later made into a record by the sages [1]. Further, Saadiah maintains that the calendar with all its rules originates from Moses, and only when Ṣadok and Boethos, the two heretical disciples of Antigonus, also opposed the system, was the observation of the moon also made known [in order to show that both coincide] [2]. The generally prevalent rules were again used as a guide, until ʿAnân and Benjamin al-Nahawendi arose and again abolished the system that is of Sinaitic origin. Hadassi further reports in Saadiah's name about the wonders displayed by R. Eliezer in his dispute with R. Joshua (see *Baba Meṣia*, 59 a), about the sacrifice brought with the Omer, the amount of meal to be used with the Omer, and finally about the argument from Josh. v. 11 for the Karaite interpretation of ממחרת השבת and its refutation. This refutation agrees verbally with that by Jefet on Lev. xxiii. 15 in the *Kitab al-tamjiz* (Hirschfeld, *Arabic Chrestomathy*, p. 113, l. 24 seq.), and Hadassi also drew from this indirectly [3].

[1] Saadiah had this argument in his commentary on the Pentateuch (p. 94, l. 23 : דע כי פיתומי השיב על בעלי המקרא בפתרון שלו בענין החדש בעבור החשבון והעבור וכו׳ ; l. 25, for שיכתוב כ׳ read שיכתוב נ׳). By the assertion that the patriarchs already knew the commandments, Saadiah means such sayings as קיים אברהם אבינו כל התורה כלה and the like. In Karaite literature also it is discussed whether the Biblical precepts were binding before the Sinaitic legislation. I intend dealing fully with this problem, described as קדם אלפראיץ, in another connexion.

[2] With this is connected the answer of Ben Mashiaḥ mentioned previously (cf. above, vol. XVIII, p. 224).

[3] This follows from the fact that the words of Hadassi following upon the conclusions of Saadiah (p. 96, l. 17): דע כי דברי בעל הפיתומי באשר הביאו ראיה מן ויאכלו מעבור הארץ כי הם ב׳ לולאות שריין אין הדבר כאשר זכר, are simply translated from Jefet (Hirschfeld, p. 114, l. 20) : אמא קול אלפיומי פי מא אחתגו מן ויאכלו מעבור הארץ אנהא ערוהין מנחלתין פלים אלאמר כמא ד׳כר.

With Hadassi the older period of Karaite literature closes, and henceforth all independence is stifled. With the exception of the two Aarons (and, in many respects, of Elias Bashiatchi and Caleb Afendopolo), the later authors only repeat what the earlier ones have said, and "enrich themselves by their works." On this ground the Fayyumite still continues to be the object of controversy (but naturally without any new factor in the campaign), although this controversy has long become an anachronism. But, in accordance with our task, we will follow the traces of this controversy, so far as it is present to our view, still further, till the most recent times.

To the twelfth century, and perhaps even to the first half of it, must most probably also belong

32. **Elias b. Abraham**, the author of the חלוק הקראים עם הרבנים (ed. Pinsker, pp. 99 seq.)[1]. This follows from the fact that Elias speaks of the sects of the Tiflisites and the Meswites (i. e. the adherents of Abu Imrân al-Tiflisi and Meswi al-Okbari) as still existing in his time (p. 100, l. 13 from bottom: והיום אין בזמננו כ"א ד' דתות דת רבנים ודת קראים ודת תפליסיים ודת משוי)[2], and that, as will soon have to be mentioned, Saadiah's polemical work against ʿAnân (כתאב אלרד עלי ענן) was probably still in his hands. But the traces of this work can only be followed up to the twelfth

[1] The view of Pinsker (p. יט), Schorr (החלוץ, VI, 77), and Gottlober (בקרת להולדות הקראים, p. 157), that Elias b. Abraham is not the author, seems to me to be unfounded. Just as little ground is there for the view of Schorr, that the actual work begins with the words אמרו בני [מ]קרא (p. 100, l. 27), for a few lines before (l. 23) the author expressly says: ולכן חשתי ולא אמרתי מלכתוב בדלתות שורותי אלה עסקי דתי וכו', then a scriptural passage is here introduced with הננאם (l. 20: ויחקיים הננאם הורוני ואני אדריש וכו'), just as in p. 103, l. 15. Cf. also conclusions of Steinschneider, *Hebr. Bibliogr.*, V, 49 seq.

[2] Pinsker (p. 98) also calls attention to this. With regard to the Meswites, I have shown (*R. É. J.*, XXXIV, 163) that they still existed in the twelfth century, and that will certainly have been the case with the Tiflisites. It is thus unnecessary to presume with Harkavy (*Voschod*, Feb. 1900, p. 77), that here the author of the חלוק simply copied from older sources. The context is also against such a presumption.

century (cf. *R. É. J.*, XLV, 192). His home cannot be determined, but as Karaite literature in this century has its centre in Byzantium, he should most probably belong to this century[1]. The work of Elias has the form of an epistle to a Rabbanite (Jehuda b. Sabbatai?), and serves the double purpose of defending Karaism and attacking Rabbanism. Saadiah is not mentioned here explicitly, but Pinsker's conjecture seems to be right, that it is he who is meant by "the co-religionist of the receiver, who insulted ʿAnân, the teacher of the Diaspora" (p. 103, l. 14: ולבן דחכם אשר חרף לענן משכיל הגולה כנואם הננאם ודובר תמים יתעבו למה לו תאמינו). There then follows in the "lying story" of this Rabbanite, as Elias expresses himself (וכתב בספור שקרותיו), the well-known account about the advent of ʿAnân[2]. His injured ambition, following upon his removal from the Exilarchate in favour of his younger brother Ḥanania, drove him to Schisma. ʿAnân was in mortal danger owing to the interference of the Arabian government. But following the advice of a Moslem scholar (Abu Ḥanifa?) imprisoned with him, he was able to win the favour of the Chalif by declaring that he represented a different religion from his brother, to wit, that in opposition to the latter he taught the fixing of the months on the basis of the observation of the moon and the consideration of the ripeness of the corn. The Chalif saw therein a concession to Islam, and showed him favour. Pinsker must also be right in saying that this report was preserved in Saadiah's above-mentioned polemical work.

Thirteenth Century.

33. **Jacob b. Moses Tamâni** (of Taman in the Crimea), according to a tombstone inscription (Firkowitsch, אבני

[1] See Pinsker, p. 98. In the list of Karaite scholars at the end of the חלוק (p. 106) only Tobias is mentioned of the well-known Byzantine Karaites; the citation of Hadassi, however, is not certain. See Steinschneider, l. c., 54.

[2] Cf. *R. É. J.*, XLIV, 166 seq.

זכרון, no. 98), was the head of a Karaite school, and the author of a work ספר הפתרון, and he was buried in 958 in Tschufut-Kalé. It goes without saying that the date of this inscription, on which the word Tamâni does not occur, was fabricated by Firkowitsch, as there were not yet in the tenth century in the Crimea any Karaite heads of schools, who had many pupils (המעמיד תלמידי רבי'). It does not at all follow from the work mentioned (the beginning of which is missing) that it bore the title ספר הפתרון, and that its author was called Jacob b. Moses. It is more likely to have been, according to Harkavy (*Altjüd. Denkmäler*, p. 268), the work of an anonymous Byzantine Karaite of the twelfth or thirteenth century. In the few lines that Pinsker (p. 68) has published from this work, "the heretic" (אלמכאלף=המחליף) Saadiah is also mentioned a few times. We have, e.g. his explanation of Exod. iii. 2 (on the burning of fire on the Sabbath; cf. above, vol. XVIII, p. 232), then the assertion that analogy is not to be applied in the case of incest, and hence that it is not forbidden, as the Karaites maintain, to marry a niece[1]; and lastly, Saadiah's explanation, mentioned often already, that interprets חלבו האליה as חלבו והאליה.

34. **Jefet, called Ibn abi-l-Ḥasan al-Barqamâni,** was a Karaite physician and author in Alexandria. A *terminus a quo* for his life is afforded by the fact that he quotes no later author than Moses Maimonides (מוסי אלקרטבי); a *terminus ad quem* is supplied by the mention of his name in a Karaite compilation on Deuteronomy of the year 1351 (see infra, No. 38). He must therefore be assigned, with Steinschneider (*Arab. Liter. d. Juden*, § 172), to the middle of the thirteenth century. Apart from a medical work, אלמקאלה אלמחסניה פי חפט אלצחה אלברניה (MS. in Berlin and Oxford), Jefet also composed a polemical work in Arabic against the Rabbanites, under the title ספר תשובה (MS. in

[1] ורב פיומי עם הבריו ההירו אותו מענה בת אחנת ובת אח ואמרו אין מקישין בעריות וכו'. 'Anân already derives the prohibition to marry a niece from the analogy respecting the aunt: see *Kaufmann-Gedenkbuch*, p. 173.

St. Petersburg), which consists of seven sections (וגוה), and is said to be very violent (see *Monatsschrift*, XLII, 189). Here also Maimonides is quoted very often, and designated as אלריים מוסי, אלריים (also אלמולי אלריים). A passage about Saadiah has been published by Gurland (גנזי ישראל, III, Russian part, p. 91): . . . ואדעו (אי אלרבאנין) פי אלעבור אלנקל כמא אדעו בעץ אלחכמים מתל רב סעדיה אלפיומי אן אלעבור הלכה למשה מסיני ואן אדם הראשון עבר עליה אלשהר ואלסנין אלך (cf. above, vol. XVIII, p. 218, n. 2).

35. **Natan b. Jehûda** is an otherwise quite unknown Karaite author. A passage in his name on the subject of calendar-lore is quoted in a Bodleian MS. of the year 1584 (Cat., vol. II, no. 2789, fol. 45 a; published *J. Q. R.*, VIII, 703) and in Moses Miṣorudi's מצות משה, which was written in 1602 (MS. Leyden, p. 52[7], fol. 247; see above, vol. XIX, p. 64, n. 2). The beginning of this passage reads: אני נתן בן יהודה נשאלתי שאלה זאת מן אלופי הקראים אשר הם יושבים בעיר אדום בי מאין לנו מן התורה שני ימים בסוי הירח וכו'. From these words we may infer that Natan did not live in Constantinople (עיר אדום) and that this city was still under Christian dominion. We are, therefore, perhaps not wrong in assigning him to the Crimea in the thirteenth century[1]. From the same Bodleian MS. another passage from this Natan is communicated, which is directed against Saadiah's well-known explanation of the verse Gen. i. 14 (והיו לאותות; see *J. Q. R.*, l. c.), and here we read towards the end: וזה הטעם כתבתיו אני נתן בספרי אשר עשיתי תשובה על פיומי וכו'. Thus Natan also

[1] Simḥa Isaac Lutzki (ארח צדיקים, f. 21 b, l. 22) mentions a הר"ר נתן הקוסדיני, who was perhaps a brother of the Aaron b. Judah קוסדיני, to whom Solomon ha-Nasi sent his epistle on incest (see Steinschneider, *Cat. Lugd.*, p. 234), and who accordingly had lived at the beginning of the twelfth century. But it is impossible to identify him with our Natan, as the latter, in my opinion, did not live in Constantinople. Further on Simḥa Isaac (l. c., f. 22 a, l. 17) mentions among the Karaite scholars of Lithuania a Judah b. Daniel, together with his two sons, Daniel and Natan. But the latter also cannot possibly be our Natan b. Judah, as the literary activity of the Karaites in Lithuania only began in the sixteenth century, hence at the time when Byzantium was no longer Christian.

composed a polemical work against Saadiah. This fact also testifies to an earlier date for our author, for, as the present essay shows, the Karaites did not cease indulging in polemics against Saadiah till modern times, though they do so only incidentally. None of them, however, composed a special work of controversy. Other traces of Natan's polemics are hitherto unknown.

36. **Aaron b. Joseph,** or Aaron the Elder, the famous physician of philosophical training, Bible exegete, and liturgical poet, is one of the most prominent representatives of the later period of Karaite literature. Of special importance is his commentary on the Pentateuch, ספר המבחר (ed. Koslow, 1835), which he composed according to his own statement in 1292/3 (on Exod. xii. 2; fol. 14 b: זה לי . . . ארבע עשרה שנה קודם זה הפירוש שנת ל"ט בפרט והיה לרבנים מולד תשרי ואנחנו ראינו הישן קרוב בזריחת השמש והראינו אותו לרבנים הנמצאים שם באותו מקום הנקרא סולכאט ובו')[1]. Saadiah is mentioned here only twice: (1) on Exod. xiii. 4 (fol. 19 b), on אביב. According to Saadiah's declaration, this verse speaks against the Karaite interpretation of אביב as ripeness of corn, for here the question is about the ripeness in Egypt, which takes place one month earlier than that in Palestine, and therefore cannot serve for the fixing of the months. Aaron replies that this verse would then also point against the Rabbanites, who likewise pay regard to the אביב (והפיתומי חשב כי טען לקראים בשמור את חדש האביב באמרו כי אביב מצרים כבר הושחת ולא ידע כי בנפשו הוא). (2) On Lev. iv. 35 (fol. 7 a), on the use of the fat tail (אליה). Contrary to his custom elsewhere, Aaron deals with this subject rather fully. In this passage he already reverts to it a second time, and mentions the name of Saadiah only in connexion with an argument. In Lev. ix. 19–20, where אליה is included in the general concept of חלבים, the Karaites find a support for their prohibition of this fat tail. Saadiah refutes this

[1] For the literature on him see *Jew. Encycl.*, s. v. (I, 14). On the Mibḥar cf. especially Jost, *Gesch. d. Judenthums*, II, 356 seq. It is not quite certain that Aaron lived in Constantinople.

argument by showing from Exod. xx. 8–10 and similar verses, that when two groups of things are enumerated, of which the one is much less than the other quantitatively, then only the larger group is mentioned, whilst the other is included in it (thus in ver. 20 only חלב is repeated, as this is greater quantitatively in comparison with כליות and יותרת הכבד of ver. 19). This view is opposed by Aaron in the following words: . . . ואין טענת הפיתומי טענה שאמר מנהג העברי להזכיר הרוב ולהניח המעט הנה כי יתן איש אל רעהו חמור או שור או שה ושם כתוב וכל בהמה לשמור ואם נשבע השומר לשקר ישלם על כל דבר פשע על שור על חמור על שה ועל שלמה ולא יתכן שהבגדים נקראו בהמה . . . כן הנה מזכיר החלב ומניח הכליות והיותרת ושמע תשובתו כבר האיש ר' סעדיא שכח בין פרשת שומר חנם לפרשת שומר שכר ודי בזה וכו'[1]. But Saadiah is also meant in the passage on iii. 9 (fol. 56), where several of his arguments are refuted: . . . הנה אלית הכבש קרבה למזבח וטעו המתירים אותה לאכילה עד שקצתם הוסיפו וי"ו ואמרו חלבו והאליה . . . ועוד טען כי חלבו שם כלל לחמשה הנזכרים . . . . ועוד טען כי חלבו הוא כמו חלב יצהר וכו' (cf. *Gan Eden*, fol. 9 b; *Adderet*, ענין שחיטה, cap. 18. Apart from these passages Aaron must hint at Saadiah many times without mentioning his name.

SAMUEL POZNAŃSKI.

[1] Both these conclusions of Saadiah have hitherto not been known from older sources, so far as I am aware. Could Aaron perhaps have drawn them immediately from Saadiah?

GEONIC RESPONSA.

XVI.

FRAGMENT Taylor-Schechter, vellum, 13 × 15 cm. (oblong), writing square, quire of two leaves, the middle portion missing. It represents the remainder of a collection of Geonic Responsa, the last of which in our fragment is numbered sixteen.

It contains four Responsa, all of them, unfortunately, in incomplete condition. Neither their author nor their date is ascertainable. However, the assumption is warranted that they belong to the later Geonim; and as the first two Responsa are elsewhere ascribed to Haï, the last of the Geonim may perhaps be accepted as the author of all of them.

1. The first Responsum, the beginning of which is lacking, deals with the validity of a marriage contract (כתובה) signed by a number of witnesses, some of whom were related to the contracting parties. Though the Jewish law in general terms excludes relatives from acting as witnesses to a marriage, the Gaon declares the document valid, because, as there were other witnesses besides, there was no proof that the kinsmen had not attached their names to it as a coveted distinction, or been invited to do it as a courtesy, and the Gaon grants this latitude of interpretation even when the signature of the kinsmen occurs first in the order of the witnesses. This decision is based on the statement in *Baba Batra*, 162 a, b. It is noteworthy, that the Gaon's reading of the Talmudic text differs essentially from our accepted reading. Our text (162 b) has חתומין על השטר, while the Gaon reads חתומין עליו, indicating that the second clause in the Baraita refers, not to a new case, but to the same case treated of in the first

clause. That the Gaon's reading is correct appears from MS. M. and from Rashbam, ad loc., both of which have עליו as well as על השטר, the only explanation for which is that the original עליו was retained even after the text was changed by the addition of על השטר. The probability is that the change finally producing our present reading was made by Rabbenu Hananel, who had the theory that the second case in the Baraita was entirely different from the first; hence על השטר had to be inserted as the beginning of the new sentence.

Our Responsum is practically identical with that given in Harkavy, 42, but it offers a number of more acceptable readings.

2. The second Responsum, of which a few lines are missing at the end, deals with a dispute between brothers on account of the water supply in a house inherited by the two jointly from their father, and divided between them soon after his death. Some years later one of them claimed for himself exclusive rights upon the water supply gathered from that section of the roof which covered his part of the house, thus proposing to withdraw from his brother some of the water that had flowed into the cistern at his end of the property, the only cistern with which the house was furnished in their father's time as well as their own. The Gaon decides against him, on the ground that the second brother had by this time acquired prescriptive rights (חזקה) upon the whole water supply as well as the cistern at his end of the property. These were privileges to which a definite value should have been assigned at the time of the division of the property, and the division should have been made with their valuation as part of the inventory. The second brother's water supply could, therefore, be curtailed only by an act of injustice.

This Responsum is essentially the same as that given by Harkavy, 41, so that our two Responsa, both of them attributed to Haï, occur in Harkavy reversed.

3. In this Responsum a few lines are missing at the

beginning. It deals with the Talmudic passage in *Pesaḥim*, 71 a. The Gaon first of all establishes the correct text, שמחה בחי, not בקי as it was read by his correspondents, probably residing in an Arabic-speaking country, in which בחי and בקי were pronounced alike. They must have represented the phonetic identity orthographically. The main difficulty in connexion with the text which the Gaon was called upon to solve was of a theological nature. It is an accepted principle with the Rabbis that כהנים אוכלין ובעלין מתכפרין (*Pesaḥim*, 59 b), atoning power resides even in those portions of the sacrifices eaten by the priests, of those sacrifices, that is to say, that are not wholly consumed upon the altar. Several questions arise with regard to this point. How is it with the שעיר של יום הכפורים, the priestly portions of which cannot be eaten until after the Great Day has passed, and atonement has presumably taken place? Still more difficult of solution the question becomes if the Day of Atonement falls upon a Friday. As the priests' portions cannot be prepared on the Sabbath, they lie over a second night, which renders them unfit. The same difficulty inheres in all the sacrifices brought on Sabbaths, and on holidays falling on the Sabbath, intended to be partly eaten by the priests, which, however, they cannot use until the Sabbath is over. The Gaon[1] reaches a solution by a peculiar explanation of כהנים אוכלין ובעלין מתכפרין. His view is that atoning power resides, not in the act of eating, but in the character and state of the sacrifice. If the sacrifice is of the right sort, and there is nothing in it to prevent the priests from using the portions assigned to them for food, it does not matter whether these portions are eaten by the priests or not: they are not deprived of their atoning power. This explanation covers the case of all Sabbath sacrifices, and it also covers the case of the sacrifice on a Day of Atonement falling on any day except Friday, because we know beforehand that the priests will be able to eat their portions immediately

[1] Comp. also Tosafot on *Pesaḥim*, 59 b, catchword יכול.

the Sabbath or the Fast is over; the delay will not have rendered them unfit. It is otherwise with the sacrifice of the Day of Atonement falling on a Friday. Then a second night must pass before the priests can prepare their portions, and the law is that no sacrifice may be eaten after more than one night has passed over it. The Gaon must resort to another explanation for this case. Basing his view on the statement in *Shebuot*, 8 b, he holds that on the Day of Atonement the atoning power is confined to the Azazel; the other sacrifices, of which the priests have portions assigned to them, on that day do not possess their full atoning power; they have only a preventive action; they avert suffering from the sinner whose sin cannot be atoned for by the scapegoat, because it is of such a nature as to require the expiation of death.

It is highly interesting to compare the Gaon's conclusions with those of St. Barnabas, in his Letter, VII, 4. He says: "And they shall eat of all the rams sacrificed for their sins on the day of fasting. And—note well what I am about to say!—the priests alone shall eat all the inner parts, unwashed, together with vinegar!" Up to this time it has not been noticed that the argument of St. Barnabas is also based on the principle of כהנים אוכלין ובעלין מתכפרין, according to which the atonement of the Day of Atonement could become effective only after the priests had eaten the parts allotted to them. His assumption that the priests ate their portions during the day itself, while the people were fasting, is, of course, wholly incorrect, though I cannot believe, with Güdemann (*Religionsgeschichtliche Studien*, p. 106), that it is an intentional misrepresentation. Barnabas simply put together several Rabbinic statements, and drew an unwarranted conclusion. He knew, as is said in *Pesaḥim* (l. c.), that on Sabbaths, or holidays falling on the Sabbath, the priests would eat their portions of the sacrifices unboiled, in order not to delay the atonement[1] the act effected. Also he knew that it

[1] Comp. Rabbenu Hananel on *Pesaḥim*, 71 a.

was not a transgression to drink vinegar on the Day of Atonement, because it is not customarily used as a drink (*Yoma*, 81 b). These two statements he combined, and obtained a conclusion that cannot hold water.

There is an apparent contradiction between *Pesaḥim*, 71 a, and *Mishnah Menaḥot*, XI, 7. In the former passage, it is assumed that it was the custom of all the priests to eat their sacrificial portions raw on Sabbaths and holidays falling on the Sabbath; while the other text limits the practice to the Day of Atonement falling on Friday, and even then it is described as the habit of the less cultured priests[1]. The contradiction disappears if we accept the view of the Gaon, that the שעיר של יום הכפורים had no atoning power, and hence there was no need for the priest to hasten his meal.

4. The fourth Responsum, the end of which is missing, deals with the correct reading of the Mishnah text in *'Erubin*, III, 1. The Gaon calls attention to the fact that the *Babli* and the *Yerushalmi* have substantially different readings of the passage. From the discussion of this Mishnic passage in *'Erubin*, 30 b, we see that our reading of the Mishnah is as old as the Babylonian Amoraim, though the Talmudic discussion may be a Sabboraic interpolation.

[1] My conjecture is that the Mishnah ought to read שנשן instead of שדעתן, נפש in this passage having the meaning of "stomach." Comp. Maimonides in his *Commentary*, ad loc., and Ginzberg, *Orientalische Studien*, II, p. 612.

Leaf 1, recto.

העדים הכשרים ואף אם בראש הוא חתום אומרין שמא
רוחא שביק למאן דקשיש מיניה לפיכך תתקים העדות
בשאר וכן אנו מוציאין כשאמרו[1] אמ׳ רב עמרם לפי שאין
למידים משיטה אחרונה אמרנן אמ׳ ליה רב נחמן לרב
עמרם מנא לך הא אמ׳ ליה דתניא הרחיק את העדים
שתי שטין מן הכתב פסול שטה אחת כשר ואיבעיא
להו[2] שיטה אחת ומחצה מאי ופשטינן מיהא הרחיק
את העדים שני שטין מן הכתב פסול פחות מכן כשר
היו ארבעה וחמשה עדים חתומין עליו ונמצא אחד מהן
קרוב או פסול תתקיים העדות בשאר מסיעא ליה
לחזקיה דאמ׳ חזקיה מלאהו בקרובים כשר הרי
נתברר כי כתובה זו כשרה ואין בה פגם: וששאלתם
ראובן היה שוכן בחצר והניח שני בנים והיתה דרך
המים מן הגגות ומכל צרך[3] עוברת במקום ידוע והיתה
האמה קבועה מאבות אבותיהם חלקו החצר והתנו
על עצמן כל צד שיגיע לכל אחד יקח אותו באבניו

[1] *Baba Batra*, 162 a. [2] Ibid., 162 b.
[3] Harkavy, *Responsen*, 42, has also צרך, but perhaps צרין is to be read.

Leaf 1, verso.

ועפרו ובנינו ובכל שבח שיש בו אם רב אם מעט לאחר
שחלקו שבנו שנים הרבה נפלה ביניהם מריבה על עסק
ממון וסתם האחד דרך המים ואמ׳ אין לך עלי מים והסכים
על מה שאמרו חכמ׳[1] האחים שחלקו אמ׳ לו השני זה הדבר
אין להן דין דרך ולא דין אמת המים ולא דין חלון ואני לא
שניתי ולא חילפתי יורנו אדוננו גאון שורת הדין
כך ראינו כי כלל הדין כיון שעברו שנים אחר החלוקה
והמים עוברין כמנהגם הרי עמדה החזקה ואין לאחד
מהם למנוע את המים ולא לסתום בפניהם ולאו מטעמיה
דהאי דפריש אין להם דרך זה על זה אין להן דרך[2]
דרך והדין כך הוא כי חצר שחולקין אותה שנים
ונופל לאחד הצד החיצון שהיה הפתח בו ודרך הצד
הפנימי עליו אין לפנימי אחר החלוקה על החיצון דרך
וכן אם היו המים נשפכים מצד אחד והמרזב מוכן
בו ונפל לאחד מהן אין עליו להעביר את המים כמו
שהיו בראשונה אלא האחד מוציא את מימיו ממקום

[1] *Baba Batra*, 7 b.

[2] Read דין דרך.

Leaf 2, recto.

בדבר חדא ששחיטת שעירי דרגלים מותרת בשבת אבל
בישולן אסור[1] בשבת לפיכך אין נאכלין בשבת אילא חי ושמחה
בחַי ליכא:[2] ואם מעכב עד שתצא שבת ומבשל הרי יצא יום
שבת בלא שמחה ועוד מתמיה הכהנים אוכלין ויש'[3] שמחין
ואתא רב פפא ופריק פירוק אחר שאין שמחה זו בשבת בבשר:
וספרים שאין בהן חי טעות הוא: וכתבתם שמחה בקאי
ליכא ולא כן הוא אילא שמחה בחַי ליכא: ואשר פורש במסכתא
מנחות[4] לענין יום הכפורים חל להיות ערב שבת הבבליים
אוכלין אותו כשהוא חי מפני שדעתן יפה ודאי הדבר כאשר
כתבתם דקימא לן מפני הבישול שאין יכול לאכל ביום
הכפורים וכשיצא ותבא השבת אין יכול לבשל בשבת
וצריכין לאכלו עד חצות לפיכך מי שדעתו יפה אוכלו
כשהוא חי: והאלכסנדריים כן היו נוהגין לאכלו: ואשר
כתבתם כיון שאין הכהנים אוכלין אותו ביום עצמו הנה
לא נתכפרו עונותיהם שליש'[5] בו ביום לא כן הוא הדבר
אילא כיון שהן מוכנים ועומדים לאכלן עונותיהם מיתכפרין

[1] The copyist first wrote אסור and changed it to אסורן.
[2] *Pesaḥim*, 71 a.
[3] ויש' = וישראל.
[4] *Menaḥot*, XI, 7; *Gemara*, ibid. 99 b.
[5] שליש' = של ישראל.

Leaf 2, verso.

שאין אכילה זו דוחה את תענית יום הכפורים ועוד הכפרה
תלויה בשעיר שלעזאזל ואם תאמר תולה מה שתלוי הו עד
שאוכלין הכהנים את החטאת אין בכך כלום וישׂ בלא עון
דהא[1] תנן לענין ידיעות הטמאה יש בה ידיעה בתחלה ואין
בה ידיעה בסוף שעיר הנעשה בפנים יום הכפורים תולה
עד שיודע לו ויביא בעולה ויורד ואמרינן[2] עלה וכי מאחר
שאינו מכפר למה תולה אמ׳ ר׳ זירא לומר שאם מת מת בלא
עון אמ׳ ליה ראבא אם מת מיתה ממרקת אילא[3] להגן עליו מן
היסורין: וששאלתם[4] מערבין לנזיר ביין וליש׳ בתרומה
סומכוס או׳ אף בחולין ונתקשה לנו מאד ויש עמנו ספרים
ואין בהן אף בחולין אילא סומכוס אומר בחולין יכתב לנו
אדננו גאון איך גריסת הדקדוק ויכתוב תנא[5] מפני שיכול
לחוץ ולילך בשידה תיבה ומגדל עד מצות לא להנות נתנו
היאך הגירסא והפירוש ודאי יש שגורסין סומכוס או׳
אף בחולין אילא מיהו בארץ ישר׳ אבל חכמי בבל כולן גורסין
סומכוס או׳ בחולין ויש בין אלו לאלו חילוף ברור כי רשונה[6]

[1] *Shebuot*, I, 2; *Gemara*, ibid., 2 a.
[2] *Shebuot*, 8 b.
[3] Our texts read אלא אמר רבא; Rabbinovicz, *Var. Lect.*, offers no variants.
[4] *'Erubin*, III, 1; *Gemara*, ibid., 26 b.
[5] *'Erubin*, 30 b.
[6] =ראשונה.

XVII.

Fragment T.-S., three leaves, 21 × 16 cm., writing small, square with a tendency to cursive; the numbers and marginal notes, except the sheet mark at the top, are in a later hand, and in black ink, while the text is brown. It represents the remainder of an unusually large collection of Geonic Responsa, in fact, the very largest known. The numbers run up to 593, of which our fragment contains from No. 498 to No. 505 consecutively; then from 568 to 577 consecutively; and finally from 585 to 593 consecutively. The large number of 497 are missing from the beginning, and there is, of course, no telling how many more there were after 593. They cover a number of branches of Rabbinic law, the various subjects being noted in the margin by a later hand. The annotator used the classification of the Code of Maimonides, but he was either ignorant or careless, for he allows a glaring mistake to stand on the first page preserved. Misled by the word מבוי, which occurs prominently, he classifies one Responsum under עירובין which actually belongs under שותפין. All the Responsa preserved are anonymous, and as only a very few of them occur in other collections, there are no means at hand for determining their authorship and date. We may, however, assume that they belong to a number of different Geonic authors of various epochs.

1 [498]. The first Responsum in our fragment, the beginning of which is missing, deals with the case of a man's giving his property to his mother before his death. The Gaon rules that on the death of her son she can make no use of the property, nor dispose of it in any way, until she has paid the dowry to the widow, her daughter-in-law.

2 [499]. The second Responsum gives the decision of the Gaon in a dispute regarding an alley-way (מבוי). One of the several parties having a common alley-way moves from his house, and he makes a claim upon his former

neighbours, asking them to pay him for his share of the alley, which he is no longer using. The Gaon decides against his claim.

3 [500]. This Responsum is identical with the one attributed to Naḥshon Gaon in the Geonic collection שערי צדק, 81 b. The subject dealt with is the sale of a slave under false pretences. His physical condition was impaired, yet his master asked and obtained the value of a slave in perfect health. The purchaser discovered the fraud practised upon him, and, after having had the slave cured, he demanded from the former owner a sum of money equal to the difference between what he paid for him and what his real value was at the time. The first master declared his willingness to take back the slave and return the money, a proposition to which the second master would not agree, as he had taken the trouble and gone to the expense of having the slave put into good condition. The Gaon decides that the purchaser's claim is justified.

4 [501]. The third Responsum in the fragment deals with a note of indebtedness, signed as always by two witnesses, which the alleged debtor refused to honour. The witnesses when questioned recognized the handwriting as theirs, but as they could not remember the sum of money mentioned in the note their testimony was of no value, and the maker of the note, according to the Gaon, could not be held to the payment of the sum therein mentioned.

5 [502]. An agent was sent to Egypt to purchase merchandise. On his journey he was attacked by brigands, who threatened his life. To save himself he showed the highwaymen where his employer's money was hidden. He now contended that he was not called upon to make good the loss, since, in any case, even if he had sacrificed his life, the money would have fallen into the hands of his assailants. The Gaon supports him in this contention, provided he can prove by means of witnesses, or will asseverate by means of an oath, that his supposition is

correct, that the brigands would in any case have found the money.

6 [503]. The Gaon decides that a debtor may force his creditor, who holds a promissory note against him, to take an oath that he has not paid up his indebtedness, as he himself maintains he has done; and this right belongs to him even though the creditor is willing to waive his alleged claim if only the debtor will take the oath. There can be no doubt that this Responsum is the same as that quoted in a Responsum addressed to Haï (חמדה גנוזה, 136), where it is ascribed to Natronaï Gaon.

7 [504]. To this very day, the Gaon says, priests are under the obligation to avoid defilement. It is very probable that this Responsum is merely an extract from a much longer one found in the Geonic collection חמדה גנוזה, 55, also attributed to Natronaï Gaon.

8 [505]. A debtor sends the amount of his indebtedness to his creditor through a messenger. The debtor receives a letter from the creditor acknowledging the receipt of the money. Later the creditor denies having written the receipt. Before the matter is cleared up, the creditor as well as the messenger die, and the heirs of the creditor claim the money due to their father. Though witnesses are found to testify that the handwriting is the creditor's, the father of the present litigants, they continue to urge their claim, basing it upon the contention that there is no way of establishing that the receipt refers to the transaction under discussion rather than some other debt owing from the same debtor to their father. The Gaon's decision is missing.

9 [568]. Of this Responsum only the last two lines have come down to us, and they contain the rather interesting statement of the Gaon based on a Talmudic passage (*Ta'anit*, 11 b) that study is of greater importance than fasting, but fasting surpasses almsgiving.

10 [569]. The Gaon holds that חופה is not an essential ceremony. A man may live with a woman as wife if only

the ceremony of קדושין is performed, and the marriage contract duly executed and handed to the bride.

11 [570]. The Gaon writes out the formulae for several sorts of deeds of gift from a father to his children, the expressions differing according to whether the deed becomes operative during the father's lifetime or after his death.

12 [571]. This Responsum deals with the circumstances in which the dowry is paid out, though it be the woman who insists upon the divorce.

13 [572]. "A bachelor made out a deed of gift. Later, when he married, he made out a second deed of gift, transferring the same property to his wife, and in the presence of the first recipient, who uttered neither protest nor objection." The Gaon decides that the second transaction, and not the first, is valid.

14 [573]. The Gaon decides that an oath taken on a prayer-book is as sacred as one on the scroll of the law, and he who takes such an oath cannot be absolved from it. This Responsum is attributed in one source to Saadia, and in another to Haï; comp. Müller, *Mafteaḥ*, p. 230.

15 [574]. The Gaon rules that a Jew who owns orchards, the fruit in which must be gathered day by day, so that cessation from work on Sabbaths and holidays would entail a serious loss, may sell an average day's pickings to a Gentile on the eve of the Sabbath or of a holiday. The sale must be completed before the day of rest enters, so that the Jew in no sense hires the Gentile to do work for him on a holy day.

16 [575]. Though butter churned by Gentiles may be bought and eaten by Jews, the Gaon advises against it. This Responsum is found also in the Geonic collection שערי תשובה, 188, where it is attributed to Natronaï Gaon.

17 [576]. This Responsum contains the decision of the Gaon with regard to דם טוהר. It is not improbable that this is the Responsum to which Maimonides expresses his vigorous opposition; comp. Maimonides, אסורי ביאה, XI, 15, and ש"ת, 173.

18 [577]. The Gaon goes into details as to the character of the testimony admissible in the case of an עגונה. The end of this Responsum is missing.

19 [585]. The contents of the Responsum are difficult to determine exactly, because the beginning is missing. All that can be gathered from what remains is that the case dealt with is what the judge of a certain town suspects is a mock divorce, desired for the purpose of escaping the payment of debts. The debt owing to a divorced woman, namely, her dowry, must be paid by the husband before all others. If, then, a man is hard pressed, the expedient of divorcing his wife may occur to him, the intention being, of course, to re-marry the woman, and again come into possession of the dowry. The judge in our case was willing to grant the divorce on condition that the husband took an oath not to re-marry the woman. The Gaon shares his suspicions, and sustains his decision. It is noteworthy that the Responsum mentions in full the name of the judge, David [1], and of the parties concerned.

20 [586]. This Responsum contains the interesting statement that the old-established custom, reaching back to Talmudic times, of taking an oath publicly on the sacred scrolls in the synagogue, was discontinued in the day of the Gaon. Instead, when the occasion required it, a conditional excommunication was proclaimed in the synagogue, as follows: "If thou, *N. N.*, owest money to *N. N.*, and dost not acknowledge the debt, thou art under the ban." Judging by the style of the Responsum, and the views expressed in it, we shall not go far wrong in ascribing it to Haï. Comp. especially his Responsa in שע"ץ, 73 a and 76 a. In the latter Haï writes thus: "Such a thing as taking an oath on the sacred scrolls has come under our notice neither personally nor through the reports and traditions of scholars from generations ago. Our procedure is as follows: The draped bier is brought [into

[1] David Ibn Haġar? Comp. about him Steinschneider, *Arabische Literatur*, p. 143.

the synagogue]; and in it is a cock (Aram. גברא), symbolic of man (Aram. גברא); lights are kindled, symbolic of the soul of man; ashes are strewn under the feet [of the one who is to take the oath], to indicate that man is but dust and ashes; empty, distended hides are put before him; they threaten him, saying, Behold, all these shall be signs unto you! Then children come with trumpets (שופרות), while the man is led up to the place before the Ark, and the precentor stands on the platform next to the Ark, and says: *N. N.*, who does not confess the truth, may he be overtaken by thus and thus [the curses of a ban][1]."

21 [587]. This Responsum deals with the limitations of the rights of a husband in the property of his wife.

22 [588]. The Gaon gives the formula of the oath to be taken by a widow who makes demand for her jointure from the estate of the heirs of her late husband. This Responsum obviously antedates the Responsum 586, for it appears in the former that it was still customary to take oaths in the time of the Gaon addressed.

23 [589]. The Gaon renders the decision that a widow left with an infant at the death of her husband may not withdraw her dowry from the estate until the child has reached the age of two years, the period during which a mother has the duty to nurse a child, and during which re-marriage is prohibited.

24 [590]. *A* dies, and *B* of his own accord pays his heirs money which he confesses he owed to the departed, though no memorandum of the debt was found. The heirs wish now to force him to take an oath that he has acknowledged the full extent of his indebtedness. The Gaon decides against the heirs.

25 [591]. The Gaon decides that a widow claiming her dowry from her late husband's estate must take an oath asseverating the justice of her demand, even when the estate does not suffice to satisfy her claim in full.

26 [592]. This Responsum deals with the status of

[1] Comp. ארחות חיים, II, p. 503.

a child born out of wedlock, a certain man being designated by the mother as the father of the child. The Gaon's decision is that such a child is not to be considered a bastard (ממזר); nevertheless, the alleged father cannot be held responsible for the maintenance of the child, nor is the child to inherit his estate after his death. If circumstantial evidence corroborates the woman's allegations, the man is to be excommunicated and exposed to public disgrace.

27 [593]. This last Responsum of our fragment, of which only the beginning has been preserved, deals with a promissory note whose genuineness is denied by the supposed debtor. It is perhaps another version of Responsum 133 in the Collection שערי תשובה.

Leaf 1, recto.

א כ
השתי וכתבו לאמו לא כל הימנו כשהניח בעלת חוב שלו והקנה לאמו ומה
שהקנה לא עשה ולא כלום ודין הוא שתתן הזקנה ממה שהקנה לה בנה
כתובת כלתה בשבועה דלא אתפסה צררי ולאחר שתיטול כתובתה
כלתה כל מה שנשתייר הו לזקנה כל מה שתרצה תעשה תרצת[1] לבן בתה
5 או לאחרים תתן תצטט ומבוי שרחב ארבע ויש בו שלש חצרות ואחר
שהן . . . . את פתחו למקום אחד ואמ׳ להן לבעלי חצרות או תנו לי שליש המבוי שמגיע
ירובין
לי או תנו לי דמים והללו אומ׳ לו לא נתן לך כלום בוא ודור עמנו מה הדין כך
ראינו שזה שאמ׳ תנו לי חלקי או דמיו שלא כדין אמ׳ שאין חולקין את החצר עד
שיהא בה ד׳ אמות לזה כּוֹל[2] וכל שכן מבוי שאינו עשוי אלא לדרך שאין חולקין
10 אותו׳ כלל שאף על פי שהל׳ כר׳ יהודה דאמ׳ אית דינא דגוד או אגוד[3] הני מילי היכא
שֶׁאוֹמֵר אוֹ את מיגד או לא וגודי אבל הכא אגוד איכא גוד ליכא ומה שאמרו לו הן אין
אנו נותנין לך דמים אלא בוא ודור עמנו כדין אמרו לו כדתנן[4] שני אחים אחד עני
אחד עשיר הניח להן אביהן מרחץ ובית הבד עשאן לשכר השכר לאמצע עשאן
לעצמו הרי עשיר אומ׳ לעני קח לך עבדים וירחצו בבית המרחץ קח לך זיתים
15 ועשם בבית הבד והדא מתניתא הלכה היא וליכא דפליג עלה׳ תקן המוכר
עברו לחב[5] והיו בו מומין והשביחו אדונו השני יש על הראשון לחזיר לו דמי
מכירה
מומין לשני כמה שיאמרו הבקון[6] וראשון שאמר לשני טול דמים שנתתה לי וה׳
והחזיר לי עבד שלא כדין הוא עושה לאחר שגידלו שני והשביחו ולא כל הימנו אלא
יתן לו דמי מומיו: תקא והא דאמ׳ רבנן[7] כותב אדם עידותו על השטר
עידות
20 ומעיד עליה אפילו לאחר כמה שנים היכא דחתמין תרי שהדי על שטר ואמ׳
קמי בי דינא דהא חתמות ידן נינהו מיהו לא פקיע[8] לן בממונא כמה האוי אם כמה
דכתיב בשטרא או לא היכין עבדין בהאי שטרא כיון דקא משהדין דהיא חתמות
ידיהו מגבינן על פומהון אי דיל׳[9] כיון דלא פקיעי[10] בממונא כמה האוי הוה לה פלגו
דסהדותא ולא מגבינן על פומהון כיון דקא אמרין לא בריר לי ממונא דכתיב
25 בשטרא פמה הוי לא מגבינן ביה דאית למימר במאי קא מפיק מנויה
ממונא מן לווה במימרא דעדים הא עדים גופייהו קא אמרי לא קים
לן בממונא והולכך איתרע ליה שטרא: תקב ראובן
ב . . ש הלך למצרים שיגר עמו שמע׳ טו׳ זהובים לקנות לו בה

[1] Read אם רצה. [2] *Baba Batra*, I, 6; *Gemara*, ibid., 11 a. [3] *Baba Batra*, 13 a–13
[4] Ibid., 13 a; as the quotation is from a Baraita, and not from a Mishnah, the correct readi
would be כרתניא, and not כדתנן. [5] =לחבירו. [6] =הבקאין. [7] *Ketubot*, 20
[8] =בקיר. [9] =דילמא. [10] בקיאי.

Leaf 1, verso.

שלוחין
סחורה נכנס למקום שמו אגראביה ושבו משם למצ'[1] בהליכתן למצ'[1] יצאו עליהן
ליסטין וכשהניע למצ' כתב לשותפו בכל מה שאירעו וכה כתב לו כשהגעתי לאגר'[2]
שברתי על כל משואות שהיו עמי מן הערביים וכל זהובים שהיו עמי שיגרתים ביד
פל' גוי מפני סכנת הדרך ולא השארתי אלא שלשה עשר זהובים של שמע' נתיראתי
לשגרה עם הגוי שלא לעבור על דעתו ויצאו עלינו לסטין ותפשו השיירה כולה והפשיט
כל מה שהיה עלי והניחוני ערום ועמדו לשחטני וכיון שראיתי כך אמרתי בלבי כל מ
שיש עמי אין לי הצלה מידם מוטב שאומר להם שיש עמי זהובים ויניחו אותי אמרתי
להם יש לי בדלוסקמא ט'ו' זהוב' ובאו עמיו למקום השיירה פתחתי הדלוסקמא
והוצאתי ט'ו' זהוב' של שמע' ונצלתי בהם והרי אני' משלם לשמע' חצי ממונו
בשביל אהבה שיש ביני לבינו ואמ' שמע' זה הציל עצמו בממוני והכל ישלם
לי איך הדין· כך ראינו אילו היו הדינרין מוצנעים ביד ראובן ולא הכירו
בהן לסטין ונתן אותן להן בודאי הציל עצמו בממון חברו הוא וחייב לשלם הכל:
אבל אם כמו שמפורש בשא' שטען ראו' ואמ' כל מה שהיה עמי אין לי הצאלה
מידם אם יש עדים בכך נפטר ואם אין לו עדים ישבע ראובן שאותן ט'ו' זהוב'
של שמע' לא שינה בהם ולא פשע וכי אותה הדולסקמא שהיו בה נטלוה לסטין
ולא היתה לה הצלה מידם ולא נשתייר מן הזהבים כלום ואם יטול ממנו שמע'
חצי הממון בפשרה יפטר ראובן מן השבועה· תלקג המוציא שטר חוב
על חברו ואמ' לו פרעתיך אמ' לו מלוה השבע שפרעתני ולך[3] אמ' לו לווה איני
לווה ומלוה
נשבע השבע אתה וטול: כך ראינו שכדין אמ' לווה שכיון ששטר בידו
ישבע ויטול ואם האמינו לוה למלוה גובה בלא שבועה: תלקד וכהן שנכנס
בבית הקברות או בבית שיש בו מת בזמן[4] חייב מלקות או לא כך ראינו שחייב
טומאת מת
מלקות דקדושתו קדושת עולם והתורה אמרה לנפש לא יטמא וג': תלקה ראובן
היה ליה על שמע' דינרי בלא שטרא ושדר יתהון ליה עם לוי וכתב לו ראוב כתב לשמע' בכת
ידו כי הביא לי מאצלך כ' זהובים לאחר ל' יום פגע ראובן בשמע' אמ' לו תן לי כ' זהובים שי
לי מאצלך אמ' שלחתים לך ביד שמע' לוי אמ' לו לא היו דברים מעולם ולא כתבתי כתב כל
ומת ראובן ולוי ועמדו יורשיו ותבעו את שמע' והוציא שמע' כתב שכתב ראובן ללו
ואיתי שהדי שהוא כתב יד ראובן אמרו לו היורשין שמה חוב אחר היה לאבינו
בידך ואילא משכח שמע' שהדי שהוא כתב ידו של ראובן דיניה עם
יורשי לוי או עם יורשי ראובן: הכין חזינא דאילא אשכח שמעין

[1] = למצרים. [2] לאגראביה. [3] וְלֵךְ. [4] Read בזמן הזה.

Leaf 2, recto.

כלבא אבלה לשירותיה[1] ומן הלין שמעתתא ידעינן דתלמ׳ תו׳ עדיף מתענית: אבל תענית
וצדקה תענית עדיף דאמ׳ ר׳ אלעזר[2] גדולה תענית יותר מן הצדקה שזה בגופו וזה בממונו:
תקסט׳ וששׁ׳ המארס את האשה ונתן לה קידושין וכתב לה כתובה וברכו אותם ברכת
אירוסין ונישואין ולא נכנסה עמו לחופה והיא בבית אביה מתיחד עמה אולא כך
ראינו שמותר להתיחד עמה ולישא אותה נמי והיא[3] בבית אביה ואין בכך כלום:
תקע׳ וששׁ׳ הכותב מתנה לבנו או לאחר לאחר פטירתו ולא כתב בה מהיום ולאחר
מיתה יכול לחזור בו או לא ואם יכול לחזור בו בחייו לאחר פטירתו תהא מתנתו מתנה
או לא כך ראינו שהכותב מתנה לבנו או לאחר בחייו אין יכולין עמו אלא לאחר פטירתו
ועיקר שימסור להן שטר מתנה אבל אם לא מסר להן שטר מתנה לא החזיקו בה ואין
בידם ממנה כלום ואם שביב מרע הוא ונתן מתנה מחמת מיתתו אם עמד ומבקש
לחזור חוזר שכך אנו אומ׳ כל שאילו עמד חוזר במתנתו אבל מתנת בארי
וקנו מידו ומסר השטר לבנו או לאחר מחיים כדי שיזכה לאחר מיתה זוכה בה לאחר
מיתה ואם לא כתב בה מהיום ולאחר מיתה יפה כחו של מקבל מתנה שהחזיק
באותה מתנה מאלתר וזה שתיקנו חכמ׳[4] לכתוב מהיום ולאחר מיתה ליפות כחו שלנותן
מתנה שלא יזכה בה אלא לאחר מיתה׳ וזה שלא כתב מהיום ולאחר מיתה מתנתו
מתנה גמורה וזוכה בה מאלתר: תקעא׳ וששׁ׳ פנוי הנושא אשה ואינו יכול לבעול
אותה והיא בבתוליה: והוא אומ׳ אסרו[5] אותי הריני בודק את עצמי באחותת[6] והיא
אמרה לו מה אעשה לך שהרי מסרתי עצמי לך תצא בכתובה ותוספת ובנדוניא
שלה אולא: כך ראינו שתצא ממנו בכתובה ובתוספת ובנדוניא שכיון שמסרה
עצמה לו והוא שאין יכול לבעול נעשה כמי שאינו מבקש את אשתו ונותן לה כתובה
ותוספת ונדוניא שהביאה עמה מבית אביה ומגרשה וזה שאמ׳ אבדוק עצמי באשה
אחרת אם רוצה מנחת אותו ואם לאו אין מנחת אותו שכך אמרו חכמ׳[7] אמ׳ איזיל
איבדוק נפשאי באיתתא אחריתי אמ׳ ר׳ אמי אף בזו יוציא ויתן כתובה הולכך אשה
זו נוטלת כתובתה ותוספת ונדוניא ויוצאה: תקעב׳ וששׁ׳ פנוי שכתב מתנה
לאחר ואחר כך עמד ונשא אשה וכתב לה אותה מתנה היא גופה בפני אותו האיש
שנתן לו מעיקרה ולא עירער ולא עשה מחאה אותה מתנה הראשנה טמירתא[8] היא
ולא מגבונן כה להֵיבי מדמינן לה כך ראינו שאותה מתנה בטלה מן האיש והרי
היא בחזקת אשתו מאי טע׳ שכיון שכתבה לאשתו בפניו ולא עירער ולא מיחה בו בטלה
ממנו ואנו מדמין לה למה שאמרו[9] חכמ׳ הכותב כל נכסיו לבניו ושייר לאשתו קרקע

[1] *Ta'anit*, 11 b; our texts read ליכול כלבא לשירותיה.
[2] *Berakot*, 32 b.
[3] The line over והיא indicates that this word is to be cancelled.
[4] *Baba Batra*, 135 b.
[5] Comp. *Targum Jonathan* to Deut. xxiv. 6.
[6] Read באחרת.
[7] *Yebamot*, 65 a.
[8] Comp. *Baba Batra*, 40 b.
[9] *Peah*, III, 7.

Leaf 2, verso.

כל שהוא איבדה כתובתה ומפרקינן[1] אמ׳ רב במזכה להן על ידה׳ ושמואל אמ׳ במחל
לפניה והיא שותקת הכא נמי כיון שכתבה לאשתו בפניו׳ ושתק ולא מחה איבד מתנ
עוד מדמינן לה למה שאמרו חכמ׳[2] העורר על השדה חתם עליה בעד אדמון אומ
השני נוח לי והראשון קשה ממני וחכמ׳ אומ׳ איבד את זכותו הילכך איש זה איבד
מתנתו ועמדה מתנה ביד האשה תקעג ושש׳ מי שנטל ספר תחנונים ושל
תפילות ונשבע בה אותה שבועה תהא כשבועת התורה וכיון שנתחרט בה יש לה
שבועות
הפרה אולא: כך ראינו ששבועתו כשבועת ספר התורה מה ספר תורה יש
בו שמות של הקבה כך ספר תחנונים ושלתפילות יש בהן מקראות ושמות של הקב
ואין לשבועתו הפרה׳ תקעד ושש׳ ישר׳ שיש לו כרם נטוע ומלקטו ומאספו
בכל יום ויום מפני שמוציא פירות כצלף ואם אינו מלקטו ועוזב אותן בשבת וביום
שבת
טוב הולך אותו היום לאיבוד ויש שם חסרון גדול כיצד יעשה וייהנה ממנו ימכור
אותו לגוי מערב שבת וילקטנו גוי בשבת או לא כך ראינו שמותר למכור
אותו לגוי מערב שבת וילקטנו הגוי בשבת ויתן לו דמים מערב שבת כמו שאמ׳
חכמ׳[3] הנהו מוריקאי דעבדו שותפותא בהדי הדדי בשבתא מנקיט[4] ליה גוי בחד
בשבא מנקיט ליה ישר׳ אתו לקמ׳ דרבא שרא להו כלל והכא נמי כיון שמוכרו
מערב שבת בסתם ולא במשקל שאם פחת פחת לגוי ואם הוסיף הוסיף לגוי
מותר תקעה ושש׳ חמאה של גוים אסור או מותר כיון דקים להו לרבנן
מאכלות אסורות
דחלב טהור עומד טמא אינו עומד מותר אלא שאין הדעת מקבלת ומי
שיפה דעתו ואוכל מותר תקעו ושש׳ יולדת נקבה שראתה דם שנים
ושלשה ימים ופסק הימנה אותו הדם ואינה רואה דם עד יד יום יש לה היתר
נדה
לטהר לבעלה קודם יד אולא כך ראינו שיולדת כיון שפסק דם ממנה
תספור שבעה ימים נקיים ותטביל ומותרת לבעלה ואם רואה לאחר יד יום
צריכה שתשב שבעה נקיים שסמוכין אנו עבשו על דר׳ זירא דאמ׳[5] בנות ישר׳
הן החמירו על עצמן כלל אבל במקומינו יולדת אינה טובלת אלא לאחר שלשים
יום בין לזכר בין לנקבה ומותרת לבעלה ואם רואה כשהיא מניקה טיפה כחרת[6]
יושבת עליו שבעה נקיים תקעו ושש׳ הנהרג בדרך ואין מי שרואהו
כלל ולא מי שמעיד על הריגתו אשתו מותרת לינשא אולא כך ראי׳ שאסורה
אישות
לינשא שכיון שאין מי שרואהו ואין מי יעמוד על האמת אסורה אשתו ואף
על פי שהקלו חכמ׳ בעגונה לא הקלו כאותו הדבר מפני שאמרו חכמ׳[7] היחזקו
להיות משיאין עד מפי עד מפי אשה ואפילו מפי עבד ומפי שפחה אבל אם אין

[1] *Baba Batra*, 132 a. [2] *Ketubot*, XIII, 6; *Gemara*, ibid., 109 a. [3] *'Abodah Zarah*, 22 a.
[4] Our texts read: דנכרי לקיט בשבתא וישראל בחד בשבתא. [5] *Niddah*, 66 a. [6] Read כהרול.
[7] *Yebamot*, XVI, 7; *Gemara*, ibid., 122 a.

Separate leaf, recto.

קרי ביתדין ואף על פי שמספנון[1] של רב דויד עם יצחק בר חייה הוא שלא היה לו ל....
לאשתו של יצחק בן חיי.....א מבהקא מילתיה דיצחק בר ישעיה ובקנוניא שעשה...
האי דמגרש אינתתיה...למא ודאיטרדותא עבדו ומיבעי לקיומי בהני הוא עשה של[2]
כהוגן לפיכך עושין בו שלא כהוגן הולכך הוא דינא לתבעו בבית דין ולאדרה הנאה לאינתתיה
בבית דין ועל דעת בית דין דלא מהדר לה לעולם דלאו כל כמיניה דעביד קנוניא הוא ואית...
ודטעי בנפשיה חלופי בית דין של ישר' ומקיים בנפשיה הלין מילי דגט עד דמדחי ליה למם..
יצחק בר עוקבא הילכך לא כל[3] מאשת יצחק בר חייה שאומרת לרב דויד לא.....
....אות ואנא בעלי אחיל לי ולא נחתנא בהדך לדינא: ותפיק שטר כתובה ותחשוב
....ה אית בה וליתהנפק כל דיהב לה בבית דינא וליתשום בבית דינא ולתשום
...א תריצא ותשתבע דלא אתפסה צררי דהכא ודאי מבהקא מילתא דאית בה גונבא וגזילא
....בל יצחק בר חייה גופיה ולישתמת וליתחרם בשיפורי ערב ובקר בשבתות ובימים
[טו]בים בכל בתי כניסיות עד שישלם ומפני שעשה כך והחזיק עצמו בגזלנות ובמעשים
.....לתין וכל ישר' תובעין דיליה אינון לפום גונביה ושפיר עבד רב דוד דמני
....לא למיתבעיה ליצחק בר חייה ושמותיה ואחרומיה ערב ובקר בכל בתי כניסיות
...ר דרא...מן שמיא תיובתא בלביה והדר בתשובה הילכך אית ליה מן דינא למנויי
...אפטרופא עד כמה ד...חא ליה ותבע ליה ליצחק בר חייה עד דפרע ממונא ליצחק בר
עוקבא: תִּקְפּוֹ איתתא כי משבעינן לה בספר תורה היכי משבעינן לה בבי כנישתא
משבעינן לה או אזלין עשרה לביתה ומשבעין לה וחישין לביזיון וגברא היכי משבעין
ליה כי אמור רבנן לאתפוסי חיפצא בידיה למן דמישתבע ולאשבועי בספר תורה
בשנים קדמונות אבל בזמן הזה רוב בני אדם חשודין על השבועה וכל שכן נשים
דודאי חשודין דתנן[4] אין אלמנה נפרעת מנכסי יתומין כּוֹל נמנעו מלהשביעה כּוֹל ולא
חִשְּׁשׁוּ רבנן לחינה ולזילותה הידנא[5] לא מהימנא בשבועתה ומשום הכין נמנעו מלהשביעה
משום דאלמנה מודיא ואמרה בההוא הנאה דטרחת קמי בעלי אחולי מחיל גבאי מאי טַעְמָא
דכסיתי מיניה ממוניה ולא..יקה בשבועתה ואי קדימה היא ואישתבעת מן נפשה
מגבינן לה כתובתה דהא אישתבעת דאמרינן[6] ההיא אלמנה דאתי לקמיה דרב חונא
תבעת כתובתה אמ' לה מאי אעביד לך דרב לא מגבי כתובה לאלמנה אמרה ליה מסקא
ליה למר על דעתיה דתפיסי מכתובתאי מידי חי יי צבא' אם נהניתי מכתובתי כלום אמ'
מודה רב בקופצת ונשבעת אפילו רב דאמ' בין בבית דין ובין שלא בבית דין אין
משביעין אותה ולא מגבי לה כתובתה בקופצת מודי אבל שמואל בבית דין הוא
דלא משבע לה חוץ לבית דין משבע לה: והידאנא[5] לא משבעינן בספר תורה אפילו
לאנשים: מטענינן לה גזירתא וקארי שפוּרֵי באנפיה ומשמתינן אנת פ'ל אי אית ליה לפאל
ממונא גבך ולא מודי בשמתא דיש' ליהוי דאי קאמ.....איהו לחודיה ולישתיזיב
עלמא..

[1] שמשפטו ? [2] Comp. *Baba Batra*, 48 b. [3] Comp. the expression לא כל מימנו.
[4] *Gittin*, IV, 3; *Gemara*, ibid., 34 b. [5] =האידנא. [6] *Gittin*, 35 a.

Separate leaf, verso.

תקפ"ז איש ואשה שמכרו נכסי מלוג כבר פירשו רבנן[1] שאם מכר איש לידו[2]
אישות
נכסי מלוג ומת כיון דהנך ניכסי מלוג נכסי אשה הם וניכנסין ויוצאין עמה אתיא
אשה מפקא להון מן לקוחות ואם מכרה האשה לבעלה ומתה בחיי בעלה כיון
שהן משועבדין לבעל לאכל פירותיהן ועכשו שמתה האשה קנה נמי גופיה
שלקרקע הבעל מוציא מיד הלקוחות אבל מכרה האשה לבעלה או נמי מכרו
שניהם הוי זביניהן זביני וכן הלכה: ונכסי מלוג הם כל בגדים ותכשיטין
שמכניסת אשה לבעלה ולא קיבל הבעל אחריותן שאם נגנבו או אבדו אינו חייב
באחריותן נקראין נכסי מלוג. תקפ"ח אלמנה שתבעה כתובתה כיצד משביעין
אותה דלא תפשה כלום מכתובתה או אפילו על פילכה ועל עיסתה: בלשון הזה
אישות
משביעין אותה שלא נתן לך בעליך בצנעה כספים[3] ולא הישתלמת מידי מכתובתך
וזה הוא לשון צררי כמו וידאו את צרורות כסף: ומגלגלין עליה שלא גזלת ולא גנבו
כלום אחר מיתת בעליך אבל אם רצו להשביעה שלא גנבה בחיי בעלה אין יכולין
להשביעה שכך שנינו[4] הלכה מקבר בעלה לבית אביה כול' במה דבר' אמורים
שתבעה כתובתה אבל לא תבעה כתו' אין יכולין להשביעה כלל דתנן[5] ר' שמע' אומ' כל
תקפ"ט היכא דשכיב ראובן ושבי'ק ברא בר ג' ירחי ואתיא אלמנה ותבעה כתובתה
אישות
יהבינן לה או דילמ' מעכבינן עלה לא מפריש בשאילתא מחמת מאי ניהי עכבא
אם מחמת מניקה את בנה שאלת דינא הוא דמעכבין עלה ולא יהבינן לה עד
כד' ירחי דקתני ומניקה את בנה כל תקצ היכא דאפקיד ראובן ממון גבי שמע'
פקדין
ומת בלא שהדי ומת והוציא שמע' הפקדון ונתנו ליורשי ראובן יש עליו שבועה או
ניהוי כמשיב אבדה ופטור: כך ראינו שכיון דאפקיד גביה בלא שהדי דאלו בעי
אמ' לא היו דבר' מעו' כמשיב אבדה הוי ופטור[6]: וכן אם מת שמע' ותבע ראובן א
יורשיו את יורשי שמע' וליכא שהדי הוי משיבי אבדה ולית עליהו שבועה כלל:
תקצא אשה שמת בעלה והניח מקצת כתובתה משבעינן לה או לא אף על
אישות
פי שהניח מקצת לא תיטול כלום אלא בשבועה תקצב פנויה שאמרה מעוברת אני
איסור. בא
מפל' והוא בשכונותיה והיא נתנה אמתלא לדבריה ונותנת סימנין באיזה יום ובאיזו
שעה ואותו האיש פנוי וכבד נחשד בדבר זה כמה פעמ' מה יש מה הדין' פנויה
זו שילדה ילד שלה שתוקי הוא שמכיר את אמו ואינו מכיר את אמו[7] ובתר אשה שד
ליה וכשר לבא בקהל ואין חייב אותו האיש במזונותיו ואין יורש אותו: ואפילו תפס
מפקינן ליה ונואף ההוא חייב לנדותו ולהודיע קלונו ברבים תקצג הוציא
טו
עליו כתב ידו שהוא חייב לו ואמ' זה אינו כתב ידי מי נשבע לוה או מלוה[8]: אי קא מודו
ונט
זה שכתב ידו הוא . . . . . תב ידו גובה מבני חרי דלאו שטרא מעליא בקנין הוא

[1] *Yebamot*, 66 b. [2] לחבירו ? [3] Read כספים.
[4] *Ketubot*, IX, 6; *Gemara*, ibid., 86 b. [5] *Ketubot*, IX, 8; *Gemara*, ibid., 87 b.
[6] Comp. שערי צדק, p. 72. [7] Read אביו. [8] Comp. שערי תשובה, 133.

XVIII.

Fragment T-S., paper, four leaves, two joined and two separate, 17 × 13 cm., neat, small square hand. It represents the remainder of a Geonic collection of Responsa, of which nine have been preserved to us, five in an incomplete condition.

1. The first Responsum, the beginning of which is missing, deals with the relation of the second holiday to the first, especially with regard to the burial of the dead. The Gaon decides, on the authority of the Talmud, *Shabbat*, 139 b, that on the first day the work connected with the burial of a body must be done by Gentiles, but on the second day it may be done by Jews. It is practically identical with a Responsum attributed to Natronaï Gaon found in the Geonic collection ש"ת, 184, but our fragment presents it in a more complete form by far. Especially noteworthy is the orthography of the name of the city referred to in the above cited passage in *Shabbat*, in our Responsum כשכר, not בשכר as it appears in the editions of the Talmud and in the ש"ת (ibid.). That the reading כשכר is correct is corroborated by *'Aruk*, s. v. אסתנדרא (ed. Kohut, 206)[1], and by the MSS. of the Talmud (comp. Rabbinovicz, *Variae Lectiones*, on *Yoma*, 10 a).

2. The second Responsum is a brief version of No. 57 of the Geonic collection ת' גאוני מזרח ומערב, where it is ascribed to Natronaï Gaon. But, though a shorter form, ours is the better, the one in the collection named being in a very corrupt state. The Gaon here decides that it is not permitted to keep Sabbath dishes hot by putting them into ashes on Friday.

3. The third Responsum, perhaps also by Natronaï Gaon, concerns itself with the materials permitted for the Sabbath lights, and is also found in Judah bar Barzillaï Albargeloni, ס' העתים, p. 17.

[1] Kohut refers twice to an article כשכר in his *'Aruk*, but no such article can be found in the book.

4. Of the fourth Responsum only the beginning is preserved. It deals with the same subject as the previous one, and like it is found in the ס׳ העתים (l. c.).

5. This Responsum, the beginning of which is missing, contains an explanation of the Talmudic passage *Ketubot*, 10 a, and the norm for such cases as are there discussed.

6. The Gaon decides that an individual whose morals are not above suspicion is qualified as a witness to the marriage of a woman, but is disqualified to act as a witness in an inquiry as to whether a woman is a widow or divorced.

7. This Responsum, of which only the beginning is preserved, is identical with the somewhat lengthy one given in נמו״ם, 86, and deals with the question whether a witness may retract a statement of his made outside of the court.

8. In exchange for part of a debt, a debtor agrees to give his creditor the use of a shop for a definite time. Before the time has elapsed, the debtor has an opportunity to sell his shop, and he desires his creditor to leave it. The Gaon decides against the debtor.

9. The last Responsum of our fragment is identical with that ascribed to Naḥshon Gaon in the collection ש״ץ, 98 b, than which it is better phrased and lengthier. What is particularly noteworthy in our text is the explanation of the word חבילה, which is entirely new. The case dealt with is that of a day-labourer who has undertaken a day's job for a stipulated hire. In the middle of the day he refuses to go on with the work. His employer represents to him the difficulty of securing another working-man at that time, and also that he will have to pay a proportionately larger wage to the man who consents to do a half-day's work. The Gaon decides against the working-man, and rules that the employer may withhold his hire until he has paid the new labourer what he may demand, while the first one must then be content to take the difference between this sum and that agreed upon for his whole day's hire.

Recto.

על פי שרב ור׳ יוחנן הלכה כר׳ יוחנן בהא
הלכה כרב וכלכלה כמותה [1] ושני ימים
טובים שלראש השנה רב [2] ושמואל דאמרי
תרויהו גולדה בזה אסורה בזה: ופירות
כותיהו וכך הלכה דאמר רבא הילכתא
כותיה דרב בין לקולא ובין לחומרא לבר מן
מת שהיקלו בו חכמ׳ [3] דאמ׳ רבא מת ביום
טוב ראשון יתעסקו בו עממין ביום טיב
שיני מתעסקין בו ישר׳ ואפילו בשני ימים
טובים שלראש השנה מה שאין כן בביצה
וכך הלכה ואין לזוז הימנה: ואי קשיא
דבני כשכר [4] כבר מפורש טעמו שלדבר
שהן אינן בני תורה: ואתם ברחמי שמים
בני תורה וחכמי תורה אתם וחס ושלום
לפשוט לכם כבני כשכר ששלחו לו ללוי
אלא אתם חשובים לפנינה כמותנו
וששׁ קדירות שטומנין בהן והן
ברמץ מערב שבת ומכסין אותן בכסות
הראוי כגון גלופקרין ובסדינין

[1] From על to כמותה not in ש״ח, 184. [2] *Bęẓah*, 4 b.
[3] *Shabbat*, 139 b.
[4] Ibid., 139 a; our texts read בשכר, and Rabbinovicz has no variants.

Verso.

ובשאר כיסיות הראויות ומצטמקת והולכת
בלילי שבת הטמנה ברמץ כי האי גונא שרי
או אסירי כך ראינו שכל הטמנה ברמץ
אסור[1] מאי טעמא בכל מקום קא אמרינן
גזירה שמא יטמון ברמץ אלמא רמץ אין
לו התיר בשום אנפא בעלמא ' וששׁ'
אין מדליקין לא בלכש ולא בחוסן[2] כו'
הלכה כמאן כתנא קמא או כחכמ' או
כדברי ר' טרפון כך ראינו שהל' כחכמים
וכל שכן שקרובים דבריהם ודברי תנא
קמא להיות שוין דקא אמרינן[3] חכמ' הינו
תנא קמא איכא ביניהו דרב ברונא אמ' רב
ולא מסיימי אבל ר' טרפון פליגין כל
תנאי עליה ור' יוחנן[4] אמ' אין לך אלא מה
שמנו[5] חכמ' וששׁ' הא
דבעא[6] אביי מרבה שמנים שאמרו חכמ'
אין מדליקין בהן הלכה ברבה או כדאיתותב

[1] From אסור to ברמץ not in גמ"ומ; the copyist jumped from the first ברמץ to the second.
[2] *Shabbat*, II, 1 ; *Gemara*, ibid., 20 b.
[3] *Shabbat*, 24 b.
[4] Ibid., 26 a.
[5] Our texts read שאמרו, but MS. M. has also שמנו.
[6] *Shabbat*, 21 a.

1, recto.

ולאלמנה מנה וכול[1] ואף רבא הם[2] הכין
סבירא ליה דנאמן דאם כן מה הועילו חכמ׳
בתקנתן אמ׳ רבא חזקה אין אדם טורח
בסעודה ומפסידה: ואף רב נחמן סבירא
ליה דנאמן דההוא גברא דאתא לקמיה דרב
נחמן אמ׳ ליה פתח פתוח מצאתי אמ׳ להו רב
נחמן אסבוה כופרי מברכתא חביטא ליה
ומקשינן ליה לרב נחמן והא רב נחמן
הוא דאמ׳ אם אמ׳ פתח פתוח מצאתי נאמן
ומתרצינן דנאמן נשוי[3] ומסבינן ליה כופרי שאינו נשוי[3]
והשתא מסקאנא כדרב אחא דבתראה
הוא דקאמרי׳ רב אחא משני כאן בבחור
וכאן בנשׂוֹי ומה הפרש בין בחוֹר לנשׂוֹי נשוי
כיון דגמיר לה למילתא ידע בין פתח פתוח
לשאינו פתוח ומהימן בחור כיון דלא נסיב
ליה כלל לא ידע בין פתח פתוח לפתח שאינו
פתוח ולא מהימן
ושש׳ החשוד על העריות

[1] *Ketubot*, 10a. [2] Read התם.

[3] The words נשוי and שאינו נשוי between the lines is the explanation of the copyist of the Talmudic text referred to by the Gaon.

1, verso.

מהו להעד בין עדות דעלמא ובין עדות
אשה כגון דאסהיד דפלני בעלה מית ליה
הכין חזינא דהדא הא פסיקא בגמרא[1]
דאמ׳ החשוד על העריות כשר לעדות
ומתקיף לה רב ששת עלה וכול אמ׳ רבא
ומודה רב נחמן לענין עדות אשה דפסול אמ׳
רבינא ואיתימא רב פפא לא אמ׳ רבא ורב נחמן
אלא לאפוקה מבעלה דממציא ליה אשה
אבל לעיולה לרשות בעל אחר מהימן דקא
מרחקא מיניה ואמרינן פשיטא דהכי
הוא ומפר׳ מהו דתימא הא עדיפא ליה
דמהוי ברשות בעל אחר דתהוי גביה מים
גנובים ימתקו קאמשמ׳ לן דלא אמרינן
הכין אלא דכמה דמיחדא[2] ליה טפי עדיפא
וניחא וכן הלכה וכו׳
ראובן היה יודע בעדות לשמעון ואתא
לקמי[3] לוי ויהודה ואמ׳ להן ראובן[4] שמעון
אית ליה שהדותא גבאי בממונא דבינו
ליישבר ונטרו ליה לוי ויהודה ההיא

[1] *Sanhedrin*, 26 b. [2] דמיחדא, belonging to him only. [3] = לקמיה.
[4] In גמ״ם the text reads ואמר להון שמעון, but שמעון must not be taken as the subject of ואמר.

2, recto.

על חמשה דינרי ויהיב ליה חד זוזא נכיתא[1]
אתנוי תריהון דילא למיהדר בהון ר . . מנ . . .[2]
עד תרתין שנין וכיון דשהא שתא ופלגא
אתא לוי ואמ׳ ליה לראובן אוגר לי חדא חנותא
ואנא יהיבנא דינרי דפרעת ליה לשמע׳ של
ראובן אמ׳ ליה לשמעון שקול דינרי דיזיפת
מינך ושבקה לחנותאי אמ׳ ליה שמע׳ עד
דמשתלימנא תרתין שנין דאית לי עלך
ואמ׳ ליה ראובן הא אית לי חנותא אוחרנתא
דקריבא להדא חנותא דמישתלמת מנה
תרתין שנין אמ׳ לא נפיקנא דחזקה דילי מהאי
חנותא אמ׳ ליה ראובן אי כתבית לך מיהא
מי כתבית לך לא יהא לך פירעון אלא מזו השתא
דלא כתבית לך הכי על דמצרי דיליה[3] כתבית
לית לך אלא למידר בחנותא בין בדא בין
באוחרנתא דינא מאי והא דאמור[4] רבנן
סתם משכנתא שתא היכא דאוזפיה עשרה
דינרי ומשכין ליה חנותא ויהיב ליה כד׳

[1] נכיתא from נכא, and not from נכת.
[2] מן יומא דנן.
[3] Text corrupt.
[4] *Baba Meẓia*, 68 a.

2, verso.

זוזי נכיתא ובעי למהדר בבציר מן שתא
יכיל למהדר או לא: הכין חזינא דשלא
כדין קאמ׳ ליה ראובן וטענתא דשמעון
טענתא מעליתא היא ולא יכיל להנפוקיה
עד דמליאן תרתין שנין כתנאיה ואף על
גב דקאמ׳ ליה אית לי חנותא אחריתי דור
בה לאו כל כמיניה מאי טע׳ דמאבי[1] משכנתא
אלים טובא דא׳ אפילו אתי בר מצרא ובאע׳
למיזבנה לא יאכיל למיזבנה כמה דמשכנתא
בידא דשמעון דקאמרי׳[2] אמ׳ רב אשי אמרו
לי סאבי דמתא מחסיה מאי משכנתא
דשבונא גביה למאי נפקא מינה לדינא דבר
מצרא דלא יכיל לזבונה לשום אדם אפילו
לבר מצרא בזמן דבאעי לה מאן דמשכנה
גביה וכל שכן לחלופה ליה בחנותא אחריתי
דלית ליה מן דינא: והיכא דמשכין
ליה סתאמא אף על גב דלא פריש ליה לא יכיל
לסלוקיה עד תרתין שנין דקאמרינן[3] כדרך

[1] Read דהאי. [2] *Baba Meẓia*, 108 b. [3] *Baba Kama*, 79 a.

Recto.

שתיקנו משיבה בשומרין כך תיקנו משיבה
בלקוחות וכשם שהקרקע נקנת בכסף
ובשטר ובחזקה כך שבירות נקנת בכסף
בשטר ובחזקה שבירות קרקע אלמא קנו ליה
דאמ׳ ליה להיא חנותא[1] ולא יכיל להנפוקה
מיניה עד דמשלם תנאיה: והיכא נמי
דאוזפיה דינרין ומשכין ליה חנותא סתם לא
יכיל חד מנהון מהדר בבציר מן שתא מן
דרב אשי[2] דאמרינן כבר: ושש׳
ראובן דאוגר ליה לשמ[ע] למחצד
ליה כל יומא וכי מטא פלניה דיומא אמ׳ ליה
לא כעינא למחצד אמ׳ ליה ראובן לא שביקנא
לך דהאי דוכתא לא שכיחין בה פועלים ואי
משכחנא נמי לא עבדין בהדאי פלגא דיומא
לא באגר דילך דכוליה יומא ואמ׳ ליה שמע׳
אנא שקילנא אגרא דילי ואנת אי בעית למיגר

[1] Read: דאמר ליה להיא חנותא שכרתיה.

[2] *Baba Meẓia*, 68 a.

Verso.

מאן דמחצד לך אגר לחיי ואי בעית למישבק
שבוק דינא מאי הכין חזינא דהדא מילתא
כבר פסיקא[1] השוכר פועלים להעלות פשתנו
מן המשרה וכל דבר שהוא אבד וחזרו
בהן מקום שאין[2] אדם הרי זה שוכר עליהם
או מטען: ואמרי[3] עלה עד כמה שוכר
עליהם אמ' רב נחמן עד כדי שכרן והיל' כרב
נחמן ואף על גב דאותיביה רבא לרב נחמן
עד כמה שוכר עליהם עד ארבעים וחמשים
זו ופירקה רב נחמן התם כגון שבאת
חבילה התם[4] או חצד ליה שמעון כוליה יומא
מוטב: ואילא אגר עליה ראובן עד כדי שכרו
דשמעון ולא יהיב ליה לשמעון מן אגריה
שום מידעם: וכגון שבאת חבילה לידו
והכי פירושת הדא חבילה כלים חשובין אינון
ושבקה . . על בחצי הדרך ואתא חוצל א . . . .
ואתיה לביתיה ולאחיה דאוי אגרא דפסול[5]

LOUIS GINZBERG.

[1] *Baba Meẓia*, VI, 1; *Gemara*, ibid., 75 b below.

[2] Our texts read שאין שם, but MS. R, as well as Lowe, agrees with our reading.

[3] *Baba Meẓia*, 78 a.

[4] Probably a repetition from the previous line.

[5] Read: דפסיק . . ולא הוה שאוי . . . . ואתא פועל אחר.

HEBREW ILLUMINATED MSS.[1]

A. Introductory.

1. There are two ways of studying Hebrew MSS. illuminations, just as there are two ways of studying various other branches of knowledge, such as languages or religions. One of these ways may be called the isolated method, and the other is the comparative method. If the first-named method were adopted in the present case, all that one would have to do would be to note carefully the features exhibited by illuminations found in Hebrew MSS. Comparison with other kinds of MSS. illuminations would have to be excluded. In following the comparative method, on the other hand, one would have to aim not only at knowing what Hebrew MSS. illuminations are like, but also at ascertaining their relationship to other branches of MSS. illuminations.

Now it is clear that a subject that is included in a University scheme of study should be studied in University fashion; and as the comparative method, which, by the way, is the very soul of modern study, has by this time gained a perfectly firm footing in University teaching, it would hardly do for Hebrew MSS. illuminations to lag behind the times; and I would, therefore, first of all recommend that those who intend to make a more or less special

[1] This paper was originally written as a lecture to be delivered at the Cambridge Summer Meeting, 1906, though there was only time to read portions of it on that occasion. This explains the personal form of address which is occasionally used. To the same cause is due the frequent breaking up of passages into short paragraphs, such a method being well suited to the style of a lecture of this kind. Instead of remodelling the paper in order to make it conform to the usual style of an article, it has seemed best (some few alterations excepted) to leave it as it originally stood.

study of the subject we are now considering should by way of preparation make themselves acquainted with the main features of European and to some extent also of Eastern MSS. illuminations in general.

Nor should students of the general subject of MSS. illuminations put the Hebrew part of it on one side, as if it did not exist. The general subject is, to begin with, obviously incomplete if one branch of it is left out; and secondly, I may even in these preliminary remarks, draw attention to one chapter of the art in which the Hebrew section fills a gap—or what is almost a gap—in the collections of illuminated MSS. in England and elsewhere. I refer to illuminations of Spanish origin. Specimens of this branch of early Gallic art (for specialists hold that the art of miniature painting was in the first instance imported into Christian Spain from France) are admittedly rather rare in our collections, and even illuminations that can be shown to have been executed in Spain are on examination often found not to exhibit at all, or but very slightly, the peculiar features which art critics have noted in illuminations of the decidedly Spanish manner. Here the Hebrew section steps in, for some at any rate of the illuminated Haggadahs, or Passover-night Services, in the British Museum and elsewhere, are not only of undoubtedly Spanish origin, but also exhibit some strongly marked features of genuine Spanish art. I admit that most of these MSS. have yet to be subjected to a special and accurate study in detail before a verdict can be pronounced on all points, but in the meantime the results of such a brilliant art-student as Dr. Julius von Schlosser, co-editor of the *Haggadah von Sarajevo*, who in forming his general estimate of these illuminations had reproductions of several of the British Museum Haggadah illuminations before him, are sufficient to justify the statement that students of the general subject of MSS. illuminations are likely to find in Hebrew MSS. specimens of Spanish art calculated to afford help in future investigations of this branch of early miniature painting.

2. Coming now to slightly closer quarters with our subject, it may be useful to remark that though its extent is not very wide, it is capable of a double division.

It may be divided (*a*) in accordance with the origin of the MSS. and the art which they exhibit, such as Spanish, French, Italian, or German. This clearly is a division which in itself fully demonstrates the necessity already insisted on that an effective study of Hebrew MSS. illuminations must follow the comparative, and not the isolated method.

But it may be divided (*b*) in accordance with the subjects illuminated, such as Bible, Prayer-books, Legal Codes, &c.

The most serviceable plan, however, seems to be to divide first by subjects, and then—so far as materials allow—each subject by schools of the illuminative art.

3. *Literature.* The task of giving an account of work already done in this special branch of study is not a difficult one, and this for the simple reason that the sin of "making many books without end" has not yet pervaded this outlying region of research. Let the ground by all means remain sacred, but may the select few not be all too few.

To be mentioned first and foremost is *Die Haggadah von Sarajevo* (Wien, 1898), by Drs. D. H. Müller and Julius von Schlosser, to which we shall have occasion to refer frequently later on. It should, however, be mentioned now that, although treating mainly on the Haggadah or Passover-Night Service, there is a very considerable amount of general information in it on the whole subject, more especially so in Prof. David Kaufmann's essay *Zur Geschichte der jüdischen Handschriften-Illustration*, pp. 253–311.

Next in order should be named *L'Ornement Hébreu*, by Baron David Gunzburg and M. Vladimir Stassof. Of this work we shall also speak presently.

Dr. Gaster has done good service in publishing (London, 1901) his *Hebrew Illuminated Bibles of the Ninth and Tenth*

Centuries, containing reproductions of some fine specimens of early oriental illuminations.

A large number of Hebrew illuminations have been furthermore reproduced in different volumes of the *Jewish Encyclopedia*; and some reproductions are also found in various catalogues of Hebrew MSS., and in illustrations of articles in the JEWISH QUARTERLY REVIEW, the *Revue des Études Juives*, and other publications.

References to a few other works will be found in Baron Gunzburg's 'Avant-Propos' which accompanies *L'Ornement Hébreu* already referred to.

B. THE JEWISH ELEMENT.

1. Having now said what seemed necessary by way of introduction, we may proceed to consider an important question which has recently been brought to the fore by Baron Gunzburg and M. Stassof's publication.

Is there such a thing as a specific Jewish art of MSS. illumination?

This question was by the courtesy of the editors discussed in the THE JEWISH QUARTERLY REVIEW, July, 1906, and I will therefore on the present occasion confine myself to a few additional remarks on it.

The conclusion to which the large body of evidence irresistibly leads is, as I believe every careful student will admit, that the general homogeneity presented by the plates published by Baron Gunzburg and M. Stassof is to be accounted for not by the supposed existence of a specifically Jewish art of illumination, but by the oriental or semi-oriental provenance of the MSS. from which those plates were taken. The imitative character of the Hebrew MSS. illuminations produced in different parts of Europe can be proved beyond a shadow of doubt, and the corollary is that the same verdict holds good with regard to Hebrew illuminations executed in countries lying eastward[1]. There

[1] It may here be remarked that the same kind of indebtedness meets us in Jewish architecture. The persistence of the Moorish style in the

is even prima facie no reason whatever for assuming that, so far as art is concerned, the Jews of the Crimea, Egypt, Palestine, Mesopotamia, Yemen, and other eastern countries were more independent and original than the Jews of France, Italy, Spain, and other countries of the West.

This imitative character of the St. Petersburg illuminations was indeed fully recognized by the late Prof. David Kaufmann, who had an almost unparalleled experience in such matters. In a note on p. 261 of the *Haggadah von Sarajevo*, Prof. Kaufmann wrote as follows:—

"Die Handschriftenschätze der Kaiserl. Bibliothek in St. Petersburg und das Nachleben byzantinischer Kunst in der jüdischen Manuscriptmalerei wird das grosse Tafelwerk von Stassow und Baron David Gunzburg, das seit Jahren vorbereitet wird, eingehend beleuchten."

The art, therefore, which is exemplified by the reproductions contained in the Portfolio was regarded by Prof. Kaufmann as in the main at any rate of Byzantine origin, and it may in addition be suggested that a comparison of these plates with the fine set of Byzantine, Syriac, Coptic, Arabic, and other oriental illuminations published by M. Stassof himself in his *L'Ornement Slave et Oriental* (St. Petersburg, 1887), will reveal a general family likeness between eastern Jewish illuminations and the other branches of the illuminative art as practised in the East. Only in the Jewish branch of it the prohibition of the second commandment relative to the representation of human and other figures has been strictly obeyed, whilst the Christian forms of the same art rather favour these pictorial adornments.

Instead, therefore, of putting forward these plates as representative of a traditional and specific Jewish art of

building of Synagogues in various countries is no exception to this rule, as it was borrowed all the same. As an illustration from the Far East may be mentioned the Synagogue of Kai-Fung-Foo in China, which was merely a replica of a Chinese Temple (see *J. Q. R.*, XIII, pp. 25 sqq.). The peculiar form of the reading-desk (Seat of Moses) in the same Synagogue has, however, yet to be accounted for.

MSS. illuminations, M. Stassof might have fitly added a Jewish section to his fine series of Byzantine and oriental illuminations, given in *L'Ornement Slave et Oriental*. As we shall see presently, a Jewish oriental variety, distinguished by certain subsidiary features from oriental art in general, may freely be allowed to exist, or rather to have existed. But this is something quite different from believing in the existence of a specific Jewish art of MSS. illuminations.

Two other brief criticisms[1] on the publication of Baron Gunzburg and M. Stassof before leaving this part of the subject. Their own plate *A*, taken by them to exhibit the same style of art as the rest of the Portfolio, belongs in reality—and very distinctly so—to the Gallic type. One clear deviation of this plate from all the others consists in the representation on it of the Cherubim by busts of winged angels, whereas—as has already been remarked—no form whatsoever of either animal, man, or angel, is found in Jewish oriental illuminative art. In such matters the Eastern Jews are at one with strict Mohammedans, whilst Jewish artists in France, Spain, Italy, and Germany have, in conformity with the artistic forms flourishing around them, put such scruples on one side.

The next remark to be made is that M. Ropett's fine frontispiece intended to embody the "motifs" underlying the art exhibited in the plates of the Portfolio is misleading on one important point. The round Byzantine arch, which is so common a feature in the plates themselves, is entirely omitted in the frontispiece; and, as if to complete the misrepresentation, the sacred seven-branched candlestick is, contrary to its rounded form on the Arch of Titus—which, as can be seen from the illustrations of the article "Candlestick" in *The Jewish Encyclopedia*, is indeed

[1] A minor point to be noted is that plate C, taken from a Yemenite MS. in Baron Gunzburg's own possession, shows a different style of colouring from Plates I–XXII, and the design of the ornamentations is also rather different. The plate in fact represents another branch (the Yemenite) of the oriental styles of illumination.

the usual form—there represented with angular branches. There can, therefore, be no doubt that, as it stands, the frontispiece gives an incomplete and even wrong impression of the "motifs" of the art which it was intended to express, and this error seems to be part and parcel of the general misunderstanding regarding the place of these Jewish ornamentations in Eastern art in general.

2. But whilst not able to affirm the existence of a specific Jewish art in MSS. illuminations, we must take note of some special Jewish features in illuminated Hebrew MSS. A Hebrew illuminated MS. of, say, French origin, impresses one at once as something different from a Christian MS. belonging to the same school of ornamentation; and the same kind of difference between Jewish and non-Jewish ornamentation lies on the surface of MSS. belonging to all schools. But these special features, such as the choice of subjects, the introduction of Jewish symbols, and—negatively speaking—the exclusion of symbols belonging to a foreign cult, are clearly not essential to the style adopted, but are—so far as the art itself is concerned—of a merely subsidiary nature. There is also often the indefinable Jewish tone that rests on Hebrew MSS. illuminations to be considered. We are there face to face with the Jewish spirit making itself perceptible in one way or another to the mind not only, but also to the eye; but the technique and forms of the art as such are borrowed all the same. Some very interesting remarks on this part of our subject are made by Dr. von Schlosser in the *Haggadah von Sarajevo*, pp. 231–3. A case in point is the sinking of the dead body of Joseph in the Nile represented on fol. 20 of the Haggadah of Sarajevo. This special feature in the miniature rests on a later Jewish legend, but it is clearly a mere subsidiary detail. There would, in fact, be no reason why a Christian artist, hearing of such a legend, should not proceed to represent it pictorially.

3. Quite different from the question as to the existence of a specifically Jewish art of MSS. illuminations is that

proposed by the late Prof. Kaufmann and others, as to whether the ornamentations of Hebrew MSS. were executed by Jews or Gentiles. The answer to this question will, in substantial agreement with that of Prof. Kaufmann himself, have to be that, broadly speaking, Jewish artists of different schools are responsible for the Hebrew MSS. illuminations that have come down to us.

The ornamented Masorah, which forms so strong a feature in the plates published by Gunzburg and Stassof, are of Jewish workmanship on the face of them; for the art is there literally part and parcel of the text itself, and no one will affirm that any but Jewish Scribes were in those days —or are indeed in our own day—capable of grappling with a subject like the Masorah. Indeed—if you will allow a short digression—the Masorah in so intricate and often so wayward a subject that even an experienced Masorite may at times find himself compelled to own his ignorance, a confession, by the way, which should in many another branch of study be more often made than is actually the case.

With regard to the other kinds of illuminations, a distinction ought to be made between ornamentations which are closely interwoven with the text illuminated and full-page or part-page illuminations detached from the text. In the former case a Jewish artist ought everywhere to be assumed. In the latter case the work will, in the vast majority of cases, also be found to be Jewish, though there no doubt are cases in which it would seem more reasonable to assign the illuminations to a Christian artist.

Thus the representation of the Creator resting on the Sabbath Day depicted on fol. 2 in the *Haggadah von Sarajevo* is, with very good reason, assumed by Dr. Julius von Schlosser to have been executed by a Jewish artist, the figure of the Deity being quite different from the usual Christian representation of God[1]. In the Gebhardt Bible, preserved in the Benedictine Convent, Admont, we have, on

[1] See, however, I. Abrahams, *Festival Studies*, p. 50.

the other hand, on the first panel in the pictorial history of the creation, as reproduced in *Monumenta Judaica*, vol. I, the Creator depicted much in the likeness of one form or another of the Christ in mediaeval art, with one winged figure on his right and another on his left, and all three with halos behind their heads. A miniature of this kind one naturally imagines to have come from the hand of a Christian artist. But it is impossible to exercise too much caution in such matters. Dr. Julius von Schlosser informs us, for instance, that the Deity showing himself to Moses in the burning bush is represented in an Italian MS. of the Haggadah in the Kaufmann collection (now public property in Budapest) in perfect conformity to the type of Christ in Christian art; yet the illuminations of that MS. are supposed to have been executed by a Jewish artist. But again, a Hebrew Biblical MS. in the Laurentian Library at Florence is by Dr. Kaufmann himself shown to have been undoubtedly illuminated by a Christian hand [1], although the illuminations themselves would, according to the same authority, be regarded as harmless from a Jewish point of view.

The following two considerations should be kept in mind. The first is that in Europe, and more especially in France and Italy, Jewish artists had at a very early period emancipated themselves from the original Jewish objection to paint figures of men, angels, and even the Deity himself in illustration of the sacred story; and as their art was based on Christian models, it is very difficult for us to determine how near to Christian types a Jewish artist may at times have allowed himself to stray.

The second consideration is that in by far the largest

[1] Mr. E. N. Adler also thinks that the illuminated Hebrew MS. from the Ashburnham Collection which was sold some years ago at Sotheby's was really the work of Giotti and one of his pupils (see *J. Q. R.*, XI, pp. 679-82). Dr. Kaufmann's statement that the Laurentian MS. referred to in the text is the only known example of a Biblical MS. illuminated by a Christian hand would in any case seem to be erroneous.

number of Hebrew MSS. illuminations deep and intimate sympathy with the subject is so unmistakable that it is impossible to think of any but a Jewish hand having executed them. It would not be quite natural that in those early days of general intolerance a Christian artist should have succeeded—or even seriously attempted—to identify himself so completely with the Jewish religious and national element that pervades many of these artistic efforts.

4. *Names.* One other matter has to be considered before proceeding to a general survey of our materials. If we assume Jewish artists to have illuminated all or most of the extant illuminated Hebrew MSS., why is a mention of the artists' names so rare in these MSS. ? It might be held that the name of a Christian artist was likely to have been purposely suppressed in a Jewish MS. ; but what reason could there have been for omitting from such a MS. the name of a Jewish artist ?

To this question two satisfactory answers can be given.

1. In the first place the same absence or rather rarity of names meets us in all other kinds of illuminated MSS. If you glance through any large collection of such MSS., including various specimens of say French, English, or Italian illustrations, you will find that names of artists are everywhere conspicuous by their absence rather than by their presence. The mention of the artist's name is, in fact, the exception, not the rule, in all kinds of illuminated MSS., Jewish as well as non-Jewish. There indeed seems to have been much less individualism in those earlier days than there is now, and there was therefore also much less eagerness on the part of artists to inscribe their names on their work.

2. Thanks mainly to the labours of the late Prof. David Kaufmann, we are in possession of a certain percentage of names of Jewish artists to justify us in assuming the existence of an unbroken line of such artists covering the

whole period to which the extant illuminated Hebrew MSS. belong.

It will on the present occasion be sufficient to mention a few representative names recorded in Prof. Kaufmann's Essay, together with one or two other names from fresh sources.

Beginning with Spain, we have, for instance, the name of Israel b. Israel of Toledo (a member, therefore, of an early Spanish Israeli family), from whose hand there are illuminated Bible codices of the years 1272 and 1277, preserved respectively at Paris and Parma.

Two other illuminated Bible codices, one of which is preserved at Oxford and the other in a private library at Tripolis, were executed by sons of Abraham ibn Gaon, namely, Joshua ibn Abraham ibn Gaon and Shemtob ben Abraham ibn Gaon, in the years 1306 and 1312 respectively.

Special mention should be made of the fact that there is extant a treatise on the preparation of colours and gold for purposes of illumination by the Hispano-Jewish writer Abraham b. Yehudah ibn Hayyim. This treatise is preserved in Codex de Rossi 945, and was written in the year 1262.

There is here indeed additional reason for thinking that illuminated Hebrew MSS. of Spanish origin, when duly taken notice of, are likely to fill what is almost a gap in even our larger collections of illuminated European MSS. in general.

Turning now to Italy, described by Prof. Kaufmann as "das gelobte Land der hebräischen Handschriften-Illustration," we may add two names of Jewish artists to the very scanty results of Dr. Kaufmann's researches. The name of Moses b. Isaac is expressly mentioned in the epigraph of the first edition of Baḥya ben Asher's Commentary on the Pentateuch (Naples, 1492), not only as a clever type-cutter, but also as skilled in the preparation of woodcuts (חכם בחרושת עץ); and as early printing as well as the illuminations accompanying it were—as in the nature of

things it could indeed not be otherwise—taken over bodily from the art of the scribe and the MSS. illuminator, we may fairly assign this Moses ben Isaac a place in our list.

The second Italian name to be mentioned is that of Solomon Italia, who flourished about the middle of the seventeenth century, and from whose workmanship the British Museum possesses copper-plate engravings of an Esther scroll, containing architectural and floral designs over each column, with a female figure holding a palm-branch in her hand resting on each side of the rounded arch. The figures of Ahasuerus, Esther, Mordecai, and Haman are placed in regular succession within the columns. The text of the Megillah is in manuscript, and we thus have another link between writing and the art of printing.

In Gandellini's *Notizie istoriche degli Intagliatori* (Siena, 1808), p. 136, Italia is described as "forse di natione Ebrea" (perhaps of the Hebrew nation), but as there again the only work mentioned is the engraving of a portrait (dated 1641) of the Jewish artist Judah Leon, known by the name of Templo, his Jewish origin—as indeed the name Salomon sufficiently suggests—may be assumed as practically certain.

The name of Judah Leon or Templo brings us to *Holland*. He acquired the appellation Templo from his colossal models of the Tabernacle and Solomon's Temple, which were purchased in 1643 by Queen Henrietta Maria of England. This artist, though not introduced here as a MSS. illuminator, serves to strengthen our belief in a continuous line of Jewish artists who took sacred things as the subjects of their art.

But the largest number of known names of Jewish artists belong to the eighteenth century, when there was quite a revival of MSS. illuminations—not indeed of a very original or very elevating kind—in Germany, Poland, and some of the adjacent countries.

Prominent among those names is that of Israel ben Asher, of Selz in Lithuania, who wrote and illuminated in 1748

Hayyim Vital's Kabbalistic work עץ חיים ("tree of life"), the MS. being preserved in the library of Copenhagen (No. XLIII).

Mose Juda, son of Benjamin Wolf Broda, of Trebitsch in Moravia executed in 1723 an illuminated Haggadah for Lazarus von Geldern, an ancestor of Heinrich Heine.

A third name is that of Aaron Wolf Herrlingen of Gewitch (also in Moravia). Illuminated MSS. from his hand, dated 1749, 1751, &c., are preserved in private collections.

C. General Survey of Extant Materials.

I. *The Bible.*

We naturally begin with the Bible, which, notwithstanding the higher and even the highest critics, still somehow continues to exist.

Here we have two kinds of illuminations to consider: (1) the Masorah in the form of designs, and (2) Pictorial and border illuminations.

1. The finest specimens so far known of the illuminated Masorah are reproduced in Gunzburg and Stassof's Portfolio. I would more particularly direct your attention to Plates VII and VII* in which the Masoretic diagrams are very elaborately worked out in gold and colours. The date of the MS. from which these two plates are taken is A.D. 1010, and its provenance is Cairo. It appears very likely that most, if not all, the specimens of illuminated Masorah in this Portfolio are of Karaite origin. Artistic designs in Biblical books, as indeed in Hebrew books in general, must have been regarded even in Geonic times in the light of an innovation[1]. There is no trace of the art of illumination, not to speak of miniature painting, in Talmudical literature[2]; and it is, therefore, very likely that the Karaites,

[1] On the tradition preserved by Philo and Josephus that the Code of the Law sent by the high-priest from Jerusalem to Ptolemy Philadelphus was written in gold, see Gaster, *Hebrew Illuminated Bibles*, p. 9. See also מסכת סופרים, I, 9. In שבת, fol. 103 b, it is enacted that a ספר תורה in which the divine Names (אזכרות) are written in gold should be hidden away.

[2] See Gaster, *Hebrew Illuminated Bibles*, p. 10.

who, by the way, were in early days very numerous in Cairo and Palestine, were the first to override the old objection to illuminations, and follow in this respect—as they did in several other matters—the lead of the Mohammedan world. This innovation extended, however, only to the representation of arches, sacred utensils, and diagrams of all kinds. Miniatures of any sort remained—as in the illuminations of the Koran and Mohammedan religious books in general—strictly excluded.

The Rabbanites may be presumed to have adopted—and this notwithstanding the protest of several authorities [1]—the art of illumination later on, having found it to be harmless and a relief from the tedium of unbroken seriousness. Among western—and, therefore, certainly Rabbanite—specimens of the Masorah in diagrams, I would, in addition to those given by Kaufmann, mention the British Museum MS., Add. 21,160 (circa 1300), a page of which is reproduced in Dr. C. D. Ginsburg's Portfolio of Facsimiles (2nd edition), Pl. XI. This MS. was written in Germany, the home at that time mainly of grotesque rather than beautiful illustrations. Strange-looking animal figures are the main stock of these designs.

In Spanish MSS. the Masorah is as a rule written out in a purely straightforward fashion. Specimens, however, of the Masorah, neatly shaped in the form of candlesticks, &c., are found in the B. M. MS. Add. 12,250, which probably belongs to the thirteenth century. A page of this MS. is reproduced in Dr. Ginsburg's Portfolio, plate xvii. Mr. David Sassoon's Biblical MS. written in Spain in 1383 also deserves special mention.

2. In speaking of pictorial and border illuminations, a sharp distinction has to be made—so far as the Pentateuch is concerned—between the scroll and the codex. In the scroll, intended as it was—and is—for use at Divine worship, no additions whatsoever are allowed, not even vowel-signs or accents (although a number of Yemenite

[1] e. g. Yehudah Hāsīd, in the second half of the twelfth century.

Pentateuch scrolls exhibit what is known as dry points to mark the pauses). But in the codex or MS. in book-form, which was intended for private use, the prohibition not to add anything was not generally held to apply, and the scribe thus felt free to introduce all kinds of ornamentations.

Many examples are described by Kaufmann, but we may here mention a few specimens drawn chiefly from other sources.

Beginning with oriental ornamentations, there are, besides the MSS. represented in Gunzburg and Stassof's Portfolio, some fine specimens in Dr. Gaster's possession, reproductions of which can be seen in his publication entitled *Hebrew Illuminated Bibles of the Ninth and Tenth Centuries*, to which reference has already been made.

Akin to these, and quite as early, are the undoubted Karaite specimens of ornamentation preserved in the B. M. MS. Oriental 2540. A page of this MS., showing the Hebrew text of a part of Exodus in the Arabic character, provided with Hebrew vowel-points and accents, and exhibiting ornamentations in gold to mark the "open" and "closed" sections[1] in the text, has been reproduced in the B. M. Catalogue of Hebrew MSS., vol. I, pl. v.

A few ornamentations of Persian origin and a number of Yemenite illuminations are reproduced from British Museum MSS. on plate B of Baron Gunzburg's Portfolio, and plate C of the same publication represents a Yemenite Biblical MS. in Baron Gunzburg's own possession. To these should be added the B. M. MS. Or. 2348 (dated A.D. 1496), foll. 154^b, 155^a of this MS. exhibiting elaborate ornamentations interwoven with the date of the MS. and the name of its first owner. Red of different shades, but never of a very clear or bright hue, predominates in all the illuminations hailing from Yemen.

Specimens of North-African Biblical illumination of the fourteenth and fifteenth centuries are to be found in the B.M.

[1] The פתוחות וסתומות do not, however, tally these with the usual order.

Add. MS. 15,283 (formerly in the collection of the Duke of Sussex). The border illuminations on the opening pages of the books of the Pentateuch exhibited in this MS. resemble for the most part Byzantine patterns given in M. Stassof's *L'Ornement Slave et Oriental*, but the illustration at the beginning of Genesis reminds one of what may be called Hispano-Italian patterns of the fifteenth century.

Of Portuguese origin (dated Lisbon, 1483) is the beautiful MS. of the Old Testament numbered Or. 2626–8 in the B. M. Collection. The text itself is left unornamented (plate iii in B. M. Cat. vol. i), but the list of the 613 Commandments and the Masoretic rubrics given at the beginning and end of the volumes are placed within finely executed Arabesque borders, and whole sentences, tastefully arranged, are frequently written in gold. It must be remarked, however, that these and other ornamentations, though produced in the Spanish Peninsula, exhibit much likeness to Italian and partly also to French ornamentations of the same period.

Italian Biblical ornamentations of the fourteenth and fifteenth centuries are worthily represented by, e.g., the B. M. MS. Add. 15,423 (formerly in the collection of the Duke of Sussex).

Elaborate representations of the golden candlestick and other Temple utensils are found—again in addition to those mentioned by Kaufmann and the reproductions in Baron Gunzburg's Portfolio—in the B. M. MSS. King's 1 (A.D. 1383) and Add. 12,250 (thirteenth and fourteenth centuries) already mentioned. These two MSS. may be described as being of Hispano-French origin, the writing being Spanish, and the form of ornamentation belonging to the French order.

An interesting specimen of decidedly German art is the B. M. Add. 15,282. It has full-page illuminations at the beginning of each of the books of the Pentateuch, consisting mainly of Gothic architectural designs, and various human and animal figures, the latter both natural and

grotesque. Smaller illuminations are found at the beginning of each of the Megilloth, Lamentations excepted. The designs and the colouring are worth studying. Gold predominates.

None of the MSS. so far mentioned contain pictorial representations of biblical passages or historical scenes. It will be seen further on that the main repository of such representations is the illuminated Haggadah. They are rather rare in Biblical MSS. One such specimen, is, however, preserved in the Library of this University (Cambridge). I am referring to the MS. Ee. 5, 9 which, besides a number of other ornamentations, contains a frontispiece to the Book of Job representing the patriarch seated on a dunghill, tormented by Satan, whilst his wife stands before him offering evil counsel. This MS. is of German origin, and is dated A.D. 1347.

3. A word must be said on illuminated rolls of the book of Esther. A sharp distinction has to be drawn between the scrolls intended for use in the synagogue, or, more generally speaking, for public liturgical recital, and those prepared for private use. In the former kind no additions of any sort were allowed. But in the case of private scrolls illuminations were popularly considered a proper adjunct to the text.

Of the various extant specimens I will here only mention two. The B. M. MS. Or. 1047, which is of German origin and probably belongs to the sixteenth century, contains on the upper and lower margins and in the spaces between the columns a large variety of coloured drawings, representing the events recorded in the book. The person who illuminated this MS. was a caricaturist with a genuine vein of humour, and his coloured drawings are well worth looking at. The diminutive waist of Queen Vashti, for instance, shows what probably was the high "mode" in Germany at the time, not unlike, indeed, the superlatively high "mode" of modern days. No wonder that, with such a waist, Queen Vashti came to grief.

Another illuminated roll of Esther (which, however, I have not personally seen) is preserved in the parish church of Yarmouth. It seems to exhibit affinities with the B. M. MS. just spoken of.

II. *The Haggadah.*

In the "Textband" of the edition of *Haggadah of Sarajevo*, Haggadah illuminations are grouped under the following headings: (1) Spanish, (2) French, (3) German, (4) Italian.

On the present occasion I will only briefly speak of the Sarajevo illuminations themselves and of six illuminated Haggadahs in the British Museum.

But it is first of all necessary to remark that illuminated Haggadahs of the Spanish school are as a rule provided with a series of miniatures in illustration of early biblical history, and more particularly of the events connected with the Egyptian bondage and the Exodus. These generally precede the text of the Haggadah, but are occasionally found at the end. So far, only one instance is known of a Haggadah of other than Spanish origin being provided with such a series of pictorial illuminations. This is the Italian Haggadah of from the thirteenth to the fourteenth century in the Kaufmann Library at Budapest, described in *The Haggadah of Sarajevo*, pp. 187–99. But the editors themselves state that, though the main character of its illuminations is Italian, the Haggadah also shows some decidedly French elements, besides a few oriental features. The likelihood is that the idea of adding a series of pictorial representations has in this case come to Italy from Spain by way of France, so that the exclusively Spanish origin of these series of miniatures still remains vindicated.

So far as the *Haggadah of Sarajevo* itself is concerned, the editors, after a careful scrutiny, came to the conclusion that its origin must be sought in North Spain, a conclusion which finds a striking confirmation in the fact that the first

page of illuminated text (see the frontispiece of the edition) includes a coat of arms which is believed to have been worn by the Kings of Aragon since 1137. It must not be forgotten, however, that so far as liturgical and other matters are concerned, the South of France stood in a close relationship with the North of Spain.

The miniatures begin, as you may see from the "Tafelband" of the edition, with the history of the creation, continuing thence to the giving of the Law on Mount Sinai, and concluding with four illuminated pages showing (1) the blessing of the people by Moses before his death, and the laying of his hands on Joshua; (2) a representation of the Ark of the Covenant together with adjacent architectural features of the future Temple; (3) scenes from the "Séder"; (4) a picture of the interior of a Synagogue and worshippers. The last plate in the "Tafelband" is a reproduction in colours of a page in the text of the Haggadah.

Of the six B. M. Haggadah MSS. which I should now like to bring briefly to your notice, five belong to the *Spanish ritual*, and one is of *German* origin.

(*a*) *MS. Add.* 27,210 (*XIVth Century*) contains a series of miniatures illustrating the history of Genesis and the earlier portions of Exodus, the first picture representing the naming of the animals by Adam, and the last the preparation of the Passover. Each illuminated page is divided into four equal compartments, and the sketches, which are in blue, red, and other colours, are thrown on gold ground. A page of illuminated text has been reproduced in the B. M. Catalogue, vol. II, pl. vi.

(*b*) *In MS. Or.* 2884 (*XIVth Century*) the series of miniatures opens with a sketch representing the creation of Adam, and ends with a representation of the family at table during "Séder." All except the last two pages contain two pictures each, one on the upper and the other on the lower half of the page. Of the last two pages, which contain only one picture each, that representing a "Minbar," or rostrum in the Synagogue with a full complement of

worshippers has been reproduced in the B. M. Catalogue vol. II, pl. vii. The impression of this scene, with the seven characteristic lamps suspended from beams below the arches or from the ceiling, is decidedly Moorish. The arch on the left shows, however, the trifolium shape. The form of the pulpit here represented should have been included in the illustration of the article "Almemmar" in the *Jewish Encyclopedia*, vol. I.

The colour predominating in the miniatures is red. The initials in the text are partly in gold and partly in silver.

(*c*) *MS. Or.* 1404 (*XIVth–XVth Century*) presents a series beginning with a sketch of Moses at the burning bush and ending with representations of the Passover-night services. Each page contains two pictures, one occupying the upper and the other the lower half of the space. The paints are rather heavily laid on, and are often blurred. Much gold has been used.

This MS. shows much likeness to the Crawford Spanish Haggadah (now in the Rylands Library, Manchester); and it is remarkable that the editors of the *Haggadah of Sarajevo* have not noticed this fact. Their idea that the art in it is an "Abklatsch der gleichzeitigen italienischen Kunst" is, in the face of what they themselves say of the Crawford Haggadah, decidedly erroneous. They would no doubt have judged otherwise if they had had the opportunity of studying the MS. itself, or if they had had more than one small specimen of it before them. The Crawford Haggadah is, however, no doubt superior to it.

(*d*) *MS. Or.* 2737 (*XIVth Century*) is an example of a Spanish Haggadah with the series of miniatures following instead of preceding the text. The first subject represented are the labours of the Israelites in Egypt. The series continues down to the preparation of the Passover lamb, and is then followed by four designs illustrating the intended sacrifice of Isaac. Red is the predominant colour. This MS. is of octavo size, most of the other Spanish Haggadahs in the British Museum and elsewhere being of quarto size.

(*e*) *Add.* 14,761 (*XIVth Century*) is a Spanish Haggadah without a series of historical pictures. It has by way of compensation (1) very finely executed representations of the "Séder" in its different stages; (2) pictures of Rabban Gamaliel and other Rabbis; (3) a rather slight sketch of the Exodus; (4) a fanciful full-page illustration of a Matzah; (5) various border ornamentations. The Spanish Haggadahs accompanied by series of miniatures are, however, also provided with similar ornamentations of the text itself.

The last B. M. Haggadah which I would bring to your notice is (*f*) the MS. Add. 14,762, of *German* origin. It is a large quarto, almost approaching to a folio. No series of miniatures is, of course, to be expected in a German Haggadah, and this particular MS. is no doubt far surpassed by the German Haggadahs preserved in the "National Museum" in Nürnberg and elsewhere; but I would draw your attention to a particular feature of German MSS. of this kind which is well represented on fol. 4[a] in this B. M. MS. It is a feature which embodies a strong humorous element. I am referring to what is known as the "Jaknehas" illustrations. This combination of sounds is only a *memoria technica* consisting of the first letters of יין (wine), קדוש (blessing over the cup), נר (the ceremonial light), הבדלה (ceremony of separating the Sabbath and festivals from the days following them), and זמן (time)—(the idea of times or seasons lying at the base of all festival celebrations). In trying to pronounce these letters, something like "Jaknehas" was produced. This to a German ear sounded like Jagen Has, i. e. "chasing hare," and, turned round, it became Hasenjagd (i. e. hare hunting). It thus came to pass that German illuminators of the Haggadah and other texts accompany the passages connected with the *memoria technica* "Jaknehas" by scenes of the chase, in which, however, besides hares other innocent creatures, and more especially deer, are concerned.

It is certainly funny that hares and other creatures

should be hunted down simply because certain Hebrew letters appeared in their German pronunciation to suggest it. Scenes of hunting would, however, in any case have been introduced into the Haggadah and other Hebrew MSS. of German origin; for such scenes appear to have been taken over bodily into Jewish MSS. from Christian models, in which the spiritual seeking out of people was often thus symbolized, and the *memoria technica* "Jaknehas" only served as a sort of humorous sanction of the practice. The humour appears, however, to have been partly unconscious.

III. *Other Subjects.*

(*a*) *Service-books.* You will find a considerable amount of information on this part of the subject in *The Haggadah von Sarajevo*, Textband, pp. 267–77, and an illustrated *German* Maḥzor, or Festival Service-book, is described with accompanying illustrations, on pp. 114–120 of the same work. There are also several illuminated Hebrew Service-books in this country; but on the present occasion I will only draw your attention to two illustrated Italian "Maḥzorim" in the British Museum, and a few others in private London libraries. The B.M. MS. Add. 19,944–5 was executed in Florence in the year 1441 A.D., and may be regarded as a fine specimen of Jewish workmanship produced in that artistic city. Some of its illuminations should be compared with those found in the MS. of the Pentateuch, numbered Add. 15,423 already mentioned and Or. 5024 to be mentioned presently in connexion with legal codes. A specimen page of ornamented text in Add. 19,944 has been reproduced in the B.M. Cat. II, pl. viii.

The other B.M. Italian illuminated MS., belonging, however, to a different branch of Italian art, to which I would draw your attention, is the MS. Harley 5686, dated A.D. 1466. Besides a number of ornamented initials and border illuminations, the MS. exhibits several pictorial illustra-

tions. The most interesting of these is a bridal procession on fol. 27^{b}–28^{a}, the details and meaning of which still requires study. The drawing and colouring of the two scenes in the procession are very delicate, though now slightly faded.

Dr. Gaster and Mr. David Sassoon also own illuminated liturgical MSS. of interest. Mr. E. N. Adler's very important collection of Hebrew MSS. would, of course, also furnish interesting examples of this and other branches of illumination.

(*b*) *Legal Codes.* Of illuminated legal codes I will also only mention two, it being part of the plan of this lecture to speak mainly of illuminations that have come under my own notice.

A good Italian specimen is the B. M. MS. Or. 5024 (dated A. D. 1374) which contains the "Decisions of Isaiah of Trani, the younger." Students will do well to compare this MS. both with Add. 15,423 (the Italian Pentateuch of the fifteenth–sixteenth century already mentioned) and the liturgical codex Add. 19,944–5 also already spoken of, as different stages of the illuminative art can be traced in them. MS. Or. 5024 is the earliest of the three, Add. 19,944–5 comes last in order of time, and Add. 15,423 may be ranged between the two.

Among the illuminations in this legal code I would specially mention the strictly *ad rem* picture placed at the beginning of the section which opens with the transaction of selling a ship. On the side are duly painted in pleasing colours of blue, &c., a ship, and the buyer putting its price into the hands of the seller.

An exceedingly fine legal code containing the *Mishneh Torah* or *Yad-ha-Ḥazaḳa* "of Maimonides is the B. M. Codex numbered Harley 5698–9. It was executed in Spain, but, as is often the case with fifteenth century Spanish illuminations, the art is in the main Italian. From the reproduction of a page reproduced in the B. M. Hebrew MSS. Cat. II, Pl. III, it can be seen that the original arabesque design

has been richly worked over with foliage, blossoms, fruit, and figures of birds.

(*c*) *Marriage Contracts.* Specimens of "Kethūboth" from the tenth century downward are found in the Cambridge and also the Oxford share of the Cairo Genizah[1], and a few of these are provided with illuminations. One of the earliest illuminated Marriage Contracts was recently acquired by the British Museum. It is on a large scale, measuring about 28 in. by $23\frac{1}{2}$ in.; and it is dated Modena, Friday, the 7th day of Marheshwan, A.D. 5318 (i.e. late in A.D. 1557). The names of the contracting parties are Ephraim Kalonymus Sanguini and Luna, daughter of Mordecai Fano.

The outer illumination, beginning within about an inch from the edges, consists of artistically cut out patterns showing blossoms, fruit, figures of birds, &c. Spaces of vellum are at regular intervals left uncut, and on these the signs of the zodiac have been painted, three on each side, beginning with Aries or טלה in the middle of the upper space, and continuing in the usual order on the right side of it. Red paper (apparently of a later make) has been pasted underneath these cut patterns in order to set off the effect of the whole. The signs of the zodiac, it should be mentioned, connect the marriage-contract with astrology.

The intertwined circular designs between these outer illuminations and the main part contain in minute writing portions of the Song of Songs, Ecclesiastes, and suitable verses from the Psalms.

The principal design consists of an archway bounded by waving pillars[2] like those in old St. Peter's Rome, which

[1] It almost sounds like a piece of irony to record that whilst the early Cairo Kethūboth went to Oxford and Cambridge, the British Museum has got hold of a number of interesting ancient "Gittin."

[2] See *Die Haggadah von Sarajevo*, p. 224. The waving pillars are also found on, e.g., the title-pages of תקוני הזהר (Mantua, 1557), the זהר (Mantua, 1558-60), and the illuminated Haggadah printed at Mantua in 1560 (in this case coloured).

have exercised so strong a fascination on the artistic mind.

The pillars are garlanded, and looped and knotted bands hang down from the outer corners of the capitals of each. An amoretto or cupid, with a trumpet in the right hand and a budding branch in the left, sits on the inner corner of the capital of each pillar, and a design which is apparently meant to represent a crown surmounts the archway, the words קול ששון וקול שמחה קול חתן וקול כלה (the voice of jubilation and the voice of joy, the voice of the bridegroom and the voice of the bride), being written in spaces left free in the upper ornamentation of each.

The "Kethubah" itself is, of course, written in the open wide space of the archway, the whole producing something of the impression of an illuminated title-page, with an elaborate description of the book within the ornamentations.

At the bottom, just over the lower line of the minute circular writing, are on the left side a group of coloured figures representing Abraham, Sarah, and Lot leaving Haran, with the Hebrew text of Genesis xii. 1 in the left corner. To the right of this group is a coloured figure, probably representing Israel personified (or, perhaps, the prophet Isaiah in the act of declaiming his prophecy), with Isa. xl. 27 in the right corner.

(*d*) *Religious Philosophy and Ethics.* As in every other branch of the literature, so also with regard to *philosophy*, the esteem in which a work was held at the time can be measured by the amount of care bestowed on the production of copies thereof; and illumination of a fine and elaborate kind must be taken to mark a very high degree of such esteem. It does not, however, always follow that posterity confirms the opinion held of a book in the earlier days of its circulation. Examples of this kind are, as every one knows, superlatively common in our own days; and antiquity was quite as likely to exaggerate the value of certain productions as people are

in the present day. Besides, a book may be really of very high importance at the time of its appearance, and prove itself of little moment in the ages that follow. It may have served to grapple successfully with a certain vanishing phase of thought, or with a certain controversy that was raging at the time; and when such a particular phase of thought had given place to another, or when the controversy had, partly at any rate, died down, the once important book had necessarily to give place to works dealing with other problems and other modes of human strife.

Thus, whilst on the one hand Moses Maimonides' *Doctor Perplexorum*, on which the illuminative art has bestowed so much care[1], is a leading example of a work of pre-eminently lasting value thus honoured, there are also finely illuminated examples[2] of Jacob b. Abbamari's *Malmad hat-Talmidim*, a work which justly took high rank at the time of its appearance in the thirteenth century as a defence of the religious philosophy introduced by Maimonides, but is now only of value as exhibiting a phase in the Maimonidaean controversy.

It is comforting, however, to know that by far the largest number of illuminated mediaeval Hebrew works proved of lasting value and importance. Antiquity thus appears to have been wiser in its day than many book-producers and book-readers are in the present day.

As in a manner belonging to the subject of *ethics* may be mentioned illustrated copies of the משלי שועלים[3] (*Parabolae Vulpium*) of Berachya Nakdān (whom some writers believe to be identical with Benedictus le Poncteur, who lived in Oxford in the thirteenth century) and the Fables of Isaac Sahula, entitled משל הקרמוני.

(*e*) In speaking of *Medical MSS.*, mention should be

[1] The finest specimen (dated Barcelona, 1348) appears to be preserved at Copenhagen (see the *Hag. von Sarajevo*, Textband, p. 289).

[2] See op. cit. p. 290.

[3] See *Hag. von Sarajevo*, p. 291.

made of the Oxford Codex 2113, which contains an illuminated copy of Maimonides פרקים (or Medical Chapters). But the greatest amount of artistic care was naturally bestowed on Avicenna's Canon. The most finely illuminated Hebrew Codex of this great work is 2197 in the University Library of Bologna. The illuminations are indeed of so fine a quality that it was one of the Italian art-treasures which Napoleon ordered to be carried away to Paris, where it remained till 1815.

(*f*) *Family Megilloth and Testaments.* Illuminated documents relating to family histories are, as far as our present information goes, of late origin; and illuminated last wills and testaments also appear to be a late idea[1]. Dr. Kaufmann mentions the will ornamented with pen-and-ink designs of Lemle Mose (or Rheingönheim) executed in 1722.

Our task is now completed, but at the conclusion I should like to draw your attention to a kind of illuminated כל בו ("everything in it"). This is the B.M. MS. Add. 11,639, which is the gem of the Museum collection of Hebrew illuminated MSS. It is of French origin, and belongs to the thirteenth century. The miniatures of this MS. are well worth the honour of having a special treatise written on them. The same may be said of several other illuminated Hebrew MSS. preserved in English and other libraries.

G. MARGOLIOUTH.

[1] See D. Kaufmann, *Aus Heinrich Heine's Ahnensaal*, p. 68; also Löwenstein, *Geschichte der Juden in der Kurpfalz*, pp. 170 sqq.

CRITICAL NOTICES.

BIBLICAL CRITICISM "MODERATE" AND "ADVANCED."

THE frequent recurrence of such terms as "moderate," "advanced" or "hypercritical" in literature relating to the study of the Old Testament is often astonishing to those whose work lies in other fields, and it may be doubted whether any one could define them adequately without at least an unconscious reference to his own particular standpoint. But standpoints vary, and while the most moderate of critics are styled "extreme" by those who support traditional views, the latter themselves not rarely promulgate or accept theories which are wofully arbitrary and detrimental to the traditions themselves. It may be supposed that the more "moderate" criticism represents the minimum of criticism, the slightest and most indispensable deviation from the traditional standpoint, while the more "advanced" or "extreme" criticism is that which departs more widely from the accepted traditional view or appears "hypercritical" in so far as it seems to be unnecessary, arbitrary or fantastic. Biblical criticism must needs concern itself with the investigation of the internal phenomena, and divergence of opinion (and necessarily also the use of the above terms) turns upon the legitimacy or adequacy of the proposed explanations and even upon the very existence of the phenomena in question. It may be fairly said that the progress of Biblical criticism hangs upon the recognition of the internal data and their relation to external evidence, and it will sometimes be found that the criticism which appears to be extreme or hypercritical is really the more consistent application of conclusions already accepted by the more "moderate" critics. How far this may be justified can be judged from the remarks which arise out of a perusal of some recent aids to Biblical study which call for a brief notice in these pages.

For the systematic study of a people's history it is obvious that everything which throws light upon internal or external conditions is directly or indirectly valuable, and the Biblical student cannot therefore confine himself too closely to that literature which for various reasons has been set upon a plane by itself. No excuse is needed for including among "recent aids" a book on the Additions

to Daniel by the Rev. W. H. Daubney[1]. The author comments upon the prejudice which has long existed in this country against the Apocrypha as a whole, and succeeds in demonstrating that these three portions deserve more serious attention than they have frequently received. His careful collection of material which had to be "quarried and brought together from varied and distant sources" provides the reader with interesting and useful evidence of a varied nature. Each portion is handled separately under the headings—analysis, title and position, authorship, date and place of writing, object, text, language and style, religious and social state, theology, chronology, and canonicity. Each has its section on its position in early Christian literature and art, and it is with an eye to the Sixth Article that attention is drawn to the utility of each for "Example of Life and Instruction of Manners." The author deals provisionally with the critical problems, realizing that there are many questions which must be left open, upon which it would be unwise to pronounce dogmatically, and it is one of the merits of the book that evidence is set before the reader and not its bearing upon the views of the author. The Rev. Daubney, in fact, has undertaken the initial labour of collecting the accessible data and of presenting them in a readable form, and those who desire to pursue the problems of the three additions will find his book in every respect helpful.

The difficulty of finding *decisive* criteria for the dates of the additions to Daniel will be appreciated when it is perceived that those which appear to be valid are often ambiguous. The "Song of the Three Children" contains a definite reference to a state of subjection and reproach which, in common with the whole of Azariah's prayer, associates itself with similar passages in Ezra ix, Neh. ix, Dan. ix, Baruch ii (cp. also 2 Chron. xxix. 8–10). Is this decisive? The first verse of "Bel and the Dragon" (accession of Cyrus) causes some difficulty in a narrative where the Babylonian king is otherwise nameless, and one is reminded that similar notices (headings of prophecies, titles of Psalms) invariably stand in need of unprejudiced examination. In fact, the Vulgate places this verse at the end of the "History of Susanna," the LXX omit it, and there is the possibility that it is intended to fit the story into a kind of historical framework. Now, in the first place, it is very evident that there were many stories connected with Daniel, and some of these, as the versions suggest, were current in various forms. Similar variations in Tobit and Judith, and a comparison of the first two books of the Maccabees, indicate that a considerable body of literary tradition was once current, and

[1] *The three Additions to Daniel. A Study* (Cambridge, Deighton Bell & Co., 1906).

if we observe in detail the character of the evidence in the book of Jubilees, it is plain that it becomes difficult to draw the line between particular elements which have found a place in the Old Testament and the related features which lie elsewhere outside the Old Testament. The question of the merits of the Apocryphal 1 Esdras and the tendency to find literature of the Maccabaean age in the Old Testament combine to prove that the two bodies of literature cannot be severed for the purposes of historical and literary investigation.

In the second place, the Daniel of the Apocrypha, and of the book which bears his name, is the Daniel as he appeared at the time when the traditions were put into writing, but he is not the Daniel whom Ezekiel, writing in the early years of the Exile, could place upon the same level with Noah and Job (xiv. 14, 20). It is hardly possible to determine with any confidence what may be called the underlying figure of Daniel in the pre-exilic age, since it is well known that the same figure will be clothed differently among different circles and in different ages. Any one can see, moreover, that the prophets who present themselves in the "Ascension of Isaiah," the "Apocalypse of Baruch," or the Apocryphal "Book of Baruch" are not precisely those whom we meet in the Old Testament. To some extent they are represented as they appeared in later ages, and their traditions now have features which are seen to be entirely foreign to their earlier shape. Consequently, it is particularly important to observe the use and development of earlier traditions in indisputable examples in order to appreciate the significance of *apparently* similar features elsewhere.

Now, in the third place, we have to observe that in the "Apocalypse of Baruch" the destruction of Jerusalem and the captivity in Jeremiah's time have been used for circumstances which may be six centuries later. The apocryphal book of Baruch itself has until quite recently been frequently taken to be a genuine work on the strength of evidence which appeared to be perfectly valid. A critical study has proved, however, that the criteria were entirely ambiguous, and at the same time has allowed us to perceive the kind of evidence which is really decisive. The experience gained thereby can undoubtedly be employed elsewhere. Old Testament history allows only one supreme catastrophe, although there are many references which plead strongly for the recognition of a disaster similar to that of 586 B.C., but later, the nature of which unfortunately can only be conjectured. On the one hand, the repetition of similar events can lead to a similarity of literary treatment, and, on the other, a number of passages, which at first might appear to refer to the same events, may preserve internal features so distinctive, that different historical

backgrounds must necessarily be inferred. As in the case of the allusions in the Song of the Three Children, the most decisive indications of date will be based upon a careful study of the progress and development of thought and religion rather than upon details which appear to be of historical value[1].

We turn next to the knotty problem of Biblical chronology. The Rev. D. R. Fotheringham's study on the *Chronology of the Old Testament*[2] leads to some novel results. The scheme he advocates is partially a reversion to systems of an earlier date. "This is true in that it is essentially a Biblical chronology, and has been deduced almost entirely from the Hebrew records. Synchronism with Assyrian and other history serves to test and to establish the truth of results that have been already attained, but it is too slight to provide a solid foundation for an alternative system." There is much truth in this. Elaborate chronological systems were once current, and the data in the Old Testament sometimes reveal conflicting and rival schemes, the relative value of which is at first unknown. Similarly, conflicting chronological evidence is found in the inscriptions of Babylonia and Assyria, and even the most circumstantial of details are now found not to be above criticism (see below, p. 152, n. 1). Mr. Fotheringham recognizes that the post-exilic chronology of Genesis must remain supreme: "it is too elaborate to be abandoned altogether, and the more so as we have nothing to put in its place" (p. 110). It represents the computations of post-exilic writers, possibly of those who possessed some acquaintance with external history, and its chief value lies in the light it throws upon their ideas of the past. Our author differs from other authorities in his date for Merneptah, whose fifth year is given as 1247 B.C. This is the year of the Exodus, and relying upon the famous Egyptian inscription, with its allusion to the destruction of the crops of Israel, he notes that the time of the year exactly coincides with the Passover and the month of Abib. Strong support is found in the fact that 1241 B.C. would be a sabbatic year, and 1247 the first year of the week (p. 98 sq.). But we know that there were

[1] The question of a disaster to Jerusalem and Judah subsequent to 586 is involved with literary theories (e. g. date of Lamentations, &c.) which still divide Biblical scholars. The mysterious blank with the disappearance of Zerubbabel seems to imply some catastrophe. Obscure disasters are connected with the times of Ezra and Nehemiah (Ezra iv. 12, 23; Neh. i. 3 sqq.), and not only does opinion vary in identifying Artaxerxes with the first or with the second of that name, but there is some evidence (unfortunately not conclusive) for the assumption that a very grave calamity befell the Jews under Artaxerxes III.

[2] Cambridge, Deighton Bell & Co. (1906).

Bedouin entering into Egypt in Merneptah's reign, and Prof. Petrie has already noticed with surprise that the Egyptians appear to have been welcoming more Semitic tribes only a few years before the Exodus (*History of Egypt*, p. 115). And other writers argue convincingly (as it might seem) for the view that the Exodus should be brought into line with the history of the Amarna period, and among the diverse attempts to "confirm" the biblical narratives (generally at no small cost to the details), there is no unanimity, and each theory devours the other. Also, Mr. Fotheringham is obliged to reduce the ordinarily accepted interval between the Exodus and the time of Solomon by about two centuries. To do this he subjects the history of the Judges to a certain amount of criticism. This is inevitable: one must either reconstruct the period from the evidence according to the best of one's judgment, or one must be content with the attempt to recover the principles upon which the chronological systems are based. But the author's results are not happy from the point of view of historical criticism, and the support which he claims in the genealogies of the ancestors of David and Zadok (one nearly double the length of the other) is misleading (p. 88 sq.).

The monarchy receives more elaborate treatment. The embarrassing data from the accession of Jehu to the fall of Samaria require some adjustment, and Mr. Fotheringham finds thirty distinct details which stand in need of a natural solution. He claims that all are removed (with the exception of two cases of apparent disagreement) by placing the fall of Samaria as late as 711 B.C. (pp. 141–3)! He remarks that the capture of 27,280 people and of fifty chariots on the occasion of the fall of Samaria is relatively inconsiderable when we recall how Sennacherib treated Judah; moreover, if the whole of the northern kingdom had been deported, who was left to pay the tribute imposed by Assyria? Although the problem of the deportation of the ten tribes cannot ignore the interesting point which Mr. Fotheringham has raised, the manner in which he upholds the chronology is extremely arbitrary, and he is obliged to throw over the Assyrian and Biblical accounts of Pekah's death (p. 56 sq.), and ignore the evidence for the importation of desert tribes into Samaria by Sargon in 715 B.C. The author's attempt to save the Biblical chronology quite overlooks the necessity of considering the data as a whole. Various traditions were extant regarding the deportation and repeopling of the northern kingdom, and some allowance must be made for the possibility that the present records have been influenced by artificial theories of the duration of the kingdom of Israel. See, also, p. 161 below.

The "Century Bible" (Edinburgh; T. C. and E. C. Jack) under the capable editorship of Prof. Adeney, is a wonderful series of condensed

commentaries, scholarly, complete, tastefully got up, conveniently small and very cheap. Each volume prints the Revised Version with an amount of explanatory matter which is often remarkable, with a careful introduction, and with an index and one or two maps. It is no exaggeration to say that the volumes already published, though not all of equal merit, are really indispensable to those who would read the Bible with intelligence, and even those who work with more elaborate commentaries will find it useful to consult these pocket-editions, which in some instances are more recent and modern than their weightier and more expensive brethren. The volumes which claim a notice in these pages are the three best, and set a standard of conciseness and thoroughness which, considering their size, it would be very difficult to surpass. Dr. Skinner on Kings, Dr. Whitehouse on Isaiah i-xxxix, and Prof. Driver's more recent volume on the second half of the Minor Prophets are models of their kind, and alone are sufficient to give the series a reputation. Each volume has some distinctive features (e. g. the valuable historical introduction by Dr. Whitehouse), and represents the generally accepted views of criticism, not, however, without a measure of independence and individuality which shows a willingness to accept new conclusions when they are sufficiently well-founded.

Two monographs on the prophet Isaiah also come appropriately under consideration here. Lic. Fritz Wilke of Greifswald studies the policy of the prophet, in particular the change in his attitude towards Assyria[1]. A number of passages express the conviction that Assyria was the chosen weapon of Yahweh, in others a distinctly anti-Assyrian feeling can be recognized; it is a problem which Wilke discusses fully in some 120 pages. After a preliminary survey of the material he fixes his chronological limits at 738-701 B.C. He deals in turn with the anti-Assyrian oracles, Isaiah's position at court, and his change in policy, which is to be assigned to the year 701 B.C. He then reviews the history of that period and proceeds to show that the military policy of Assyria furnishes the clue to the tone which the prophet had subsequently adopted. Some special points in this useful monograph will be noticed presently.

Fr. Küchler, an Assyriologist, discusses the position of Isaiah in regard to contemporary politics[2]. Aroused by Winckler's treatment of Old Testament prophecy in the third edition of Schrader's *Keilinschriften und das Alte Testament*, he proposed to test its adequacy, and although any prophet might have been chosen for the purpose, Isaiah's prophecies commended themselves for several good reasons.

[1] *Jesaja und Assur* (Leipzig, 1905).

[2] *Die Stellung des Propheten Jesaja zur Politik seiner Zeit* (Tübingen, 1906).

Nearly half of this little pamphlet of fifty-seven pages is devoted to sketches of the history of Judah, Israel, and the surrounding peoples, in order to give some idea of the political situation at the time of Isaiah's prophecies. Numerous details here which invite remark must be left for a special consideration of the history of the monarchy. The rest of the book deals more closely with the subject, but not with the thoroughness which was to be anticipated. Küchler does not appear to be confident on the question of Isaiah's change in attitude (pp. 31, 52), and, indeed, his work seems to be influenced entirely by his desire to criticize Winckler's conclusions. Consequently he has generally gone too far in an opposite direction. We are not concerned with Winckler's view that the Israelite prophets were not merely politicians[1], but active political agents, since although a few considerations appear to support his arguments (e. g. Jeremiah's relations to Babylonia), they would be more convincing if stated in a more modified form[2].

The essential agreement among those who have handled the preliminary literary-critical problems of Isaiah is extremely encouraging for the possibility of future progress, although it must be owned that the evidence is often of such a kind that it is difficult to see how *decisive* solutions will be obtained. In spite of Küchler's fears (p. vii) one may still hope for fresh external evidence to illuminate the history, and much can still be done in the meantime by eliminating impossible or highly-improbable theories and by classifying more impartially and systematically conflicting arguments where confident conclusions are impossible. Many arguments have only logical and not actual validity, and as the relation between several groups of independent arguments becomes established, one will be able so to formulate the possibilities that the recovery of a single well-authenticated fact, or series of facts, will act as a touch-stone. It is only external evidence, for example, which can settle the vexed question of the date of Marduk-baladan's embassy to Hezekiah, but many subsidiary questions depend upon it. Of the one possible period

[1] This would probably be admitted ; so, e. g. Budde, *Religion of Israel to the Exile*, pp. 97 sq., 101.

[2] There is little in the present stories of Elijah and Elisha to prove that they were merely political emissaries, but it is naturally not inconceivable that practical politics entered into their movements to a much greater extent than the records (whose writers were not interested in political history) now show. This is a question of the underlying traditions, and Winckler is stimulating when he indicates the necessity of trying to understand these and other great figures more closely in the light of their times.

(721-710 B. C.), Küchler argues for 720 (pp. 39, 45); Wilke for 711-710 (p. 47); while Whitehouse loyally maintains the later alternative supported by Schrader (between 704 and 702). The last-mentioned shows how improbable an early date would be; Küchler and Wilke find the later date too short (as though Marduk-baladan knew how long his sovereignty would last); and Wilke finds support in an eclipse of the sun (March 14, 711-710) although Schiaparelli informs us that no total eclipse was visible in Palestine or in its immediate surroundings anywhere during 721-700 (see *Astronomy in the Old Testament*, § 28). In the absence of any *conclusive* evidence to throw into the balance, discussion of the various arguments would be futile.

The necessity of weighing every particle of evidence independently[1] and in relation to the problem under consideration is also usefully illustrated in the troublesome Muṣri theory. In its moderate form, the theory is accepted by many writers who, in agreement with Whitehouse (p. 17), would disassociate themselves from the exaggerated form which it has often taken. Neither Wilke nor Küchler are attracted by it, but the former concedes that it is sufficient to hold that the term Muṣri-Mizraim could comprise South Palestine, including the Sinaitic peninsula (p. 72), and the latter allows that not everything which happened in Muṣri is to be confined to the Nile district (p. 12). These concessions are sufficient, and each case must be decided upon its merits. But granted that certain prophecies originally referred to the non-Egyptian Muṣri, it is obvious that the moment Egypt itself entered the arena there was a change in the historical situation which could be very confusing to later generations of readers. It is now so freely recognized that prophecies have often been reshaped, rewritten, or supplemented, that it would be a very hazardous undertaking to distinguish earlier references to a non-Egyptian Muṣri from those which now refer to Egypt itself. At a certain undefined period Muṣri is the non-Egyptian district, a few years later it is unmistakably Egypt. But the probability of the theory does not depend upon the prophetical writings and it is doubtful whether those which appear to be contemporary can be safely used to support it. To take an "extreme" instance elsewhere, if there were tribes incorporated in Israel who had originally come from the non-Egyptian Muṣri, and not from Egypt proper, it is very

[1] That cuneiform evidence must also be used with discrimination (Wilke, pp. 16-18, 100 sq.; Küchler, pp. 34, 41) has been unmistakably shown by L. W. King's recent publication of new texts of Sargon and Naram-Sin which require "literary criticism" (*Studies in Eastern History*, II, pp. 28-55, cp. also 121-3, 187-9).

evident that the present account of the Exodus clearly implies only the latter, and that the former view is only an attempt to recover the underlying tradition. But to recover an earlier form of a prophecy is more difficult, even if it is ever possible, and only the most unambiguous criteria (e. g. king So) enable one to suggest another historical background. In general, although the Muṣri theory can be made highly probable on several independent grounds, it is very far from being among the problems of first importance in Biblical criticism.

When a passage is found to show signs of being later than the date which the context would suggest, or of being foreign to the context, it can have a twofold value in so far as a later writer has adjusted an earlier record to his own needs, and a distinction can be drawn between the present intention of the passage and its original purpose (cp. *J. Q. R.*, XIX, 348–50). A very great deal hangs upon this feature. For example, the taunt-song over the oppressor in Isa. xiv belongs to a small self-contained section which has a number of indisputable references to the Babylonian period. But Isa. xiii. 1 expressly claims Isaiah for author, and since various linguistic usages are in accordance with Isaiah's style, the most "moderate" conclusion is that an original passage, of the Assyrian period, was subsequently reshaped and adjusted to suit a rather later age. Whitehouse and Wilke agree in rejecting the claims of the Babylonian king Nabunaid, and while the former prefers Nebuchadrezzar, Wilke follows those who support an allusion to Sennacherib (or preferably Sargon), later revision not being excluded. But the support which these latter find in 2 Kings xix. 21 sqq. is, when that passage is independently examined, that of the crushed reed (p. 154 below), and Whitehouse, in company with "moderate" and other critics, quite renounces the Isaianic authorship (p. 183). And, as one becomes convinced that the song is entirely of the Babylonian age, and that the view held by Whitehouse (also by Cheyne, Driver, Cornill, &c.) is the only plausible one, one may perceive that the advance from the recognition of a twofold element to the conviction that the evidence for the earlier form is inconclusive or illusory is one that may have to be effected elsewhere.

Next, to take a more complicated example. Isa. xxxiii represents a period of invasion, and contains Isaianic phraseology which suggests that the prophecy belonged to the Assyrian age. But again it is impossible to ignore the numerous signs of a later date, on which grounds it has been attributed to the reigns of Josiah (Kuenen) or Jehoiakim (Whitehouse). The latter recognizes decisive post-exilic additions, and there are several details which have led Cheyne to prefer the latter half of the Persian period (possibly the reign of

Artaxerxes Ochus), and, more recently, to descend to the Maccabaean age (so also Duhm, Bickell, Marti)[1]. A more fitting illustration of the intricacy of the criticism of the prophets could not be found, since the necessity of rejecting an original authorship by Isaiah, or (Ewald) one of his disciples, has not as yet received such complete adherence as the preceding example. One cannot fail to notice how the repetition of similar historical circumstances has complicated the inquiry. It is too much to say with Whitehouse that Duhm's views respecting the looseness of the canonical framework are scarcely tenable (p. 76, cp. p. 270, also Küchler, p. v sq.); but we may demand, with Budde (*Ency. Bibl.*, col. 665, n. 1), conclusive arguments which, in the nature of the case, must be absolutely unambiguous. However, some difficulty is caused by the tremendous gap which would intervene if an original Isaianic passage had been reshaped in the Maccabaean age, and, speaking generally, if prophetical literature is referred to this late age, one is led to anticipate more traces of the history of the preceding, the Persian age, and a more considerable remnant of its literature.

Dr. Whitehouse himself would date Isa. xxxiii in the days of Jehoiakim, and this suggestion is of particular interest since the general circumstances of the last years of the Judaean kingdom have so many points of contact with the days of Isaiah (substituting Babylonia for Assyria), that some adjustment of the earlier oracles is only to be expected. But notwithstanding this, those passages which do not appear to be by Isaiah or an immediate follower, are found to be post-exilic, and the frequency with which critics have felt themselves obliged to pass at once from Isaianic to post-exilic authorship is not unimportant. In this connexion reference may be made to the long and twofold record of the relations between Hezekiah and Sennacherib. It is generally held to be later than Isaiah, and, of the two divisions, 2 Kings xviii. 17-xix. 8 is usually regarded as more trustworthy than 2 Kings xix. 9-37 (cp. Whitehouse, p. 352, Wilke, p. 91). But even the former seems to be subsequent to Ezekiel (so Cornill, *Introd.*, p. 283), and in this case the detailed narratives in which Isaiah plays his part, are posterior to the history of the last years of Jerusalem. These narratives are of the nature of prophetical biographies which may be compared with the semi-prophetical stories of Elijah and Elisha, with the fuller accounts of Jeremiah's work, or with Isa. vii, xx (Wilke, p. 11). This class of literature continues, as the book of Chronicles testifies, to later times; and the treatment of earlier tradition, in accordance with the spirit of varying ages, has found its still later expression, outside the Old Testament in the

[1] See Cheyne, *Introd. to Isaiah*, p. 172; *Ency. Bib.*, col. 2199.

"Ascension of Isaiah." Reference has already been made to this feature (above, p. 147). The part which the north-Israelite prophet Jonah played in the reign of Jeroboam II, when the yoke of Damascus was overthrown (2 Kings xiv. 25 sq.) is not to be found in the present late book which bears his name, although Winckler is only consistent with critical method when he attempts to recover an underlying tradition. Thus, the development of tradition takes place both within the Old Testament and without, and the feature is so recurrent, that often, where an actual comparison cannot be instituted, it can be legitimately inferred that a specific tradition represents only a comparatively late form of the original. In the present case it is sufficient to observe that if 2 Kings xviii. 17–xix. 8 gives us the sixth-century form of the traditions of the relations between Judah and Assyria in Hezekiah's reign, their value for the intricate history of Sennacherib's invasion can scarcely be regarded as very high. In spite of this, the record invariably plays a prominent part in the difficult question of the possibility of a second invasion by Sennacherib, which, by the way, Küchler wholly denies (p. 49 sq.)[1].

Professor Peake has stated that "it has been a characteristic of much recent criticism to make pre-exilic prophecy exclusively prophecy of judgment; this is a tendency for which little can be said[2]." The fact that Isaiah's child is named Shear-jashub points, he remarks, to the doctrine of the salvation of the remnant; and the same consideration is advanced by our three writers on Isaiah. Moreover, it is instructive to find that Egyptian "prophetical" literature supplies analogies for the idea of concluding with a hopeful note, and Prof. Ed. Meyer, emphasizing this feature, protests further against the stress which is laid upon internal contradictions, observing, justly enough, that the prophets cannot be judged by the rules of logic[3]. Accordingly he contends that the conclusion of Amos (which is usually treated as a later addition) is in all essentials genuine, and is indispensable for the book as a whole. But fortunately Meyer has supplied us with an excellent example for forming a judgment since a more decisive example of an exilic or post-exilic passage than Amos ix. 11 sqq. is unnecessary. If, now, it were true that it belonged essentially to the whole book, we should have to agree with E. Day and W. H. Chapin that Amos *is* post-exilic (see *American Journ. of Sem. Lang.*, XVIII, 65 sqq.). But the question cannot be so easily settled.

[1] Both Skinner and Whitehouse are against the suggestion (originally made by Sir Henry Rawlinson) of a campaign about 691 B. C.

[2] *Inaugural Lectures delivered by Members of the Faculty of Theology*; Manchester University (1905), p. 38.

[3] *Israeliten u. ihre Nachbarstämme*, p. 453.

The evidence is reviewed by Driver (*Camb. Bible*: *Joel and Amos*, pp. 119–23) with his accustomed impartiality, and he dissents from the now general critical view mainly because "for a prophet to close the entire volume of his prophecies without a single gleam of hope for a happier future, is very much opposed to the analogy of prophecy." Since, therefore, the analogy of Hebrew and Egyptian prophecy requires a hopeful conclusion, which is also necessary for the completeness of the original work, the obvious solution at once presents itself that the original conclusion has been replaced by the present passage in a subsequent age. This is precisely the feature which can be recognized in the historical literature, where two passages intimately related as regards general subject-matter prove, on internal grounds, to be incompatible, thus suggesting that one of the two is a secondary form of the original [1].

Prof. Meyer's protest is also suggestive because the question constantly arises whether this or that significant indication of lateness does or does not belong essentially to the context [2]. Both in the purely narrative as also in the prophetic literature the presence of a late hand is not merely significant for the literary fortunes of the writing under consideration. but regularly brings the problem whether the traces are sporadic, due to glosses, insertions and the like, or whether the passage as a whole belongs to the later date. A certain decision is often difficult, sometimes impossible. If one can be sure that a passage is essentially a unit the occurrence of unambiguous post-exilic data is decisive; and even if no decision can be safely hazarded, the repeated recurrence of post-exilic data ultimately has more weight than the criteria which would otherwise appear to support the earlier date which at first seems necessary. To a certain extent the recognition and explanation of these features mark all the difference between the grades of critics and criticism. We may contrast the critical view regarding the various sources (pre-exilic and post-exilic) of the Pentateuch with the traditional standpoint which claims an "essential Mosaicity," but will allow the probability of later revision, &c. [3] It is interesting also to observe the trend of the criticism of Zech. ix–xiv, where considerable perplexity has been caused by the mingling of apparent pre-exilic data with those which were decisively post-exilic. The inevitable compromise—early prophecies adapted to post-exilic situations—was and still is often main-

[1] Cp. *J. Q. R.*, XIX, 358 (middle).

[2] Cp. Meyer and 1 Sam. xi. 8; *J. Q. R.*, XIX, 352, n. 1.

[3] Contrast, also, the defenders of Daniel who had been employed chiefly in cutting Daniel to pieces (Bevan, *Dan.*, p. 8), and the accepted critical view that the book as a whole is late.

tained, but it is now recognized to be inadequate by most scholars and the post-exilic date of the whole has become a commonplace[1]. This conclusion at once furnishes an array of considerations which agree with what has now become evident: that the criteria which seem to tell against a post-exilic date are not, on the whole, so decisive as those which appear to prove it[2]. Nothing could show more clearly the delicate nature of the criticism of the prophetical writings, and those who protest against the "dissection" of prophecies should observe the alternative. It may be remarked in this connex on that when Duhm recently ascribed the book of Habakkuk to the time of Alexander the Great, he drew special attention to the inherent superiority of a theory which avoided the extent of dismemberment which other critics had felt obliged to allow in order to maintain the traditional date.

In dealing with the general questions of the criticism of the prophets and with the validity or ambiguity of certain criteria, we find that the solutions of the problems depend upon Biblical theology rather than upon history in its narrower aspect. But the two cannot be separated. Further, when there is good reason to conclude that an earlier passage has been supplemented or revised by a post-exilic writer, the vicissitudes of that record are being recovered, and the results of the most moderate criticism of the present day already furnish much indirect evidence which sooner or later will have to be viewed along with our knowledge of Israelite history and of that "deep cleft" between the pre-exilic and post-exilic periods. The question of the vicissitudes of the literature is more than merely interesting. Are we to accept the mechanical view that after the fall of Samaria the north-Israelite literature was carried over into Judah? The assumption is not a necessary one unless we follow the Judaean compiler and ignore the northern district after the eighth century. It would be premature to make other suggestions, because a certain portion of our Old Testament was extant in some form in Judah by the commencement of the sixth century, and again fresh questions arise regarding *its* fate. Whatever view may be taken of the character of the exile as a catastrophe and of the particular manner in which later editors collected, revised, recast or supplemented earlier literature, it is obviously necessary to formulate some idea of the "how, when and where." Literary criticism recog-

[1] Cp. Driver, *Cent. Bible*, p. 230 sq. (so also Wellhausen, Stade, Budde, &c.). Reference should also be made to W. R. Smith, *O. T. J. C.*, p. 102 sq.

[2] viz. the language of Zech. ix–xiv (contrast that of Chronicles), and the general allusions which would *otherwise* seem to require a pre-exilic date (ix. 10, x. 1, 10 sq., xi. 14). Cp. further, *J. Q. R.*, XIX, p. 360.

nizes an unbroken chain, pre-exilic records pass over into post-exilic hands and yet the exile intervenes. Were they conveyed to Babylon and brought back at the Return, or were they treasured in Palestine ?[1] The questions are bound up with the problem of the Return, in discussing which it has often been easy to exaggerate the low position of religion among the remnant. But not only does the condition of the later Samaritans furnish indirect evidence for the religious and political circumstances of the centuries immediately preceding, but it is very clear that the preservation of Jeremiah's writings—scarcely removed by exiles to Babylon or by fugitives to Egypt—implies the existence of communities who were by no means in danger of relapsing into heathenism after the recent fulfilment of the prophets' warnings. It would be imprudent to speculate on the character of the communities we have inferred, but it is not out of place to observe that literary criticism has recognized a pre-exilic and post-exilic Deuteronomic school involving a continuity of existence and thought, but has not seriously considered the literary results and the history of the period in their mutual bearing.

These questions will rest upon a combination of literary and historical criticism in which the historical books, Joshua-Kings, require a more comprehensive treatment. Let us briefly consider the book of Kings. The view prevails that it was compiled by a Deuteronomic redactor between the date of Josiah's reforms and the captivity; it has been supplemented (Jehoiachin died in 561); and there are clear traces of a Deuteronomic hand which is indisputably post-exilic. The book of Deuteronomy itself consists of at least two clearly-marked portions, and a twofold Deuteronomic strand is admitted in Joshua, has been recognized in Judges (Budde), and may probably be recovered in Samuel. In the absence of any critical study of the historical work Joshua-Kings as a whole or of any special treatment of the relation between its Deuteronomic elements, we are obliged to confine ourselves to preliminary remarks based upon the results of others. Dr. Skinner's admirable introduction and careful treatment of the literary details renders full discussion unnecessary, and his conclusions and those of other representative scholars form an adequate starting-point.

The present connexion between 1 Kings i-ii, and 2 Sam. ix-xx is indisputable, but granted that the latter owes its incorporation to a post-Deut. hand (Budde, Nowack, Kennedy), we must agree with Budde (*Sam.*, p. xi) that 1 Kings i, ii. 1-9, 13 sqq. also were wanting in

[1] Skinner on 1 Kings iv. 24 recognizes that the phrase "beyond the River" does not necessarily imply that the writer was living east of the Euphrates. Some arguments for the Babylonian home of a later redactor in Kings are given by Holzhey, *Buch der Könige*, p. 51.

the Deuteronomic edition. That these had *previously* found a place in the very writings which D used has not been proved, and it may naturally be assumed *a priori* that they are old narratives which had had a separate existence[1]. It may be left open whether D in 1 Kings ii. 2-4 indicates a separate Deut. redaction of the independent narratives or is due to the second Deut. hand (D^2) who either placed or found the passages in their present context. The question will rest upon the relation between D^1 and D^2 elsewhere.

Next, 1 Kings ii in the LXX suggests either the existence of an independent recension, or another attempt to arrange the material for the history of Solomon. How late the fluctuation of the text of the first quarter of the book of Kings continued is evident also from a comparison of other narratives of Solomon's reign with the LXX and with 2 Chronicles, and from the LXX account of the separation. Chap. xiii is a post-Deut. insertion, and the secondary character of the stories of Ahijah and Shemaiah seems well-established[2]. For the fuller narratives of Judaean history we have (*a*) the semi-biographical passages of Isaiah, which, following Cornill, are later than Ezekiel (see above); (*b*) the more detailed accounts of the last years of Jerusalem; and (*c*) the series of passages connected with the temple. In regard to (*b*), the view seems to prevail that the fragments in Kings have been utilized by the writer of the more complete and elaborate narratives in Jeremiah, although xxv. 23–6 is surely an abridgement of the vivid record in Jer. xl. 7–xli. 18. However, when one contrasts the promise to Josiah (2 Kings xxii. 20) with his tragic death, the oracle to Zedekiah (Jer. xxxiv. 5) with his actual fate, and the doom pronounced upon Jehoiakim (ibid. xxii. 18 sq., xxxvi. 30) with his peaceful end (2 Kings xxiv. 6, 2 Chron. xxxvi. 8, see LXX and Lucian) it is difficult to be confident that the last word has been said upon the history of this period. Next, à propos of (*c*), it may be noticed with Robertson Smith (*Prophets of Israel*, p. 147) that nearly all the events dated by the years of the kings of Jerusalem have reference to the affairs of the temple, which at once suggests a close connexion between the Judaean chronological system and the temple-history. Thus, apart from later fluctuation in the history of the text, there is some reason to believe that the more detailed accounts of Judaean history had had a separate existence down to a relatively late date (not earlier than the reign of Josiah). To this one must add that in the case

[1] For some points of *historical* criticism, see *J. Q. R.*, XIX, 379 sq.

[2] See W. R. Smith, *Old Test. in Jewish Church* (2), p. 118. Chap. xiv is important for criticism because of the relation between the Deut. passage vv. 7–16 and xvi. 1–4 (which is a parallel to ver. 7), xxi. 20–4 and 2 Kings ix. 7–10.

of both Abijam and Manasseh the elimination of purely editorial details or admittedly Deut. elements leaves little political information, while in the case of Rehoboam we appear to owe our knowledge of Shishak's invasion to a writer whose chief concern lay with the temple (1 Kings xiv. 25 sq.).

The relatively extensive remains of the north Israelite literature stand out in strong contrast, although here too one cannot fail to notice the occasions where little political history is recorded or where the elimination of later elements leaves an almost complete and continuous record of successive kings[1]. For a small period the history is remarkably full, and it concentrates itself upon the events which led up to the accession of Jehu as surely as Judaean history is at its fullest for the reigns of David and Solomon and the separation of the north from the south. It is very probable that the numerous Israelite records point to an originally political narrative utilized as the basis of a great work on northern prophecy (Skinner, p. 29), and when the date of this nucleus has been determined a fresh starting-point for the history of the book of Kings will have been obtained. The sympathy for the northern kingdom which these narratives manifest appears again in the account of the Aramaean wars (2 Kings xiii. 4 sq., 23, xiv. 26 sq.), and the evidence is noteworthy, not only for its contrast to the later anti-Israelite feeling of Judaean writers, as for the *possibility* that the early pragmatical tendency which is found in the northern prophet Hosea could have produced a history of the the monarchy which approximated at least the Deuteronomic spirit. Moreover, it seems worthy of consideration that the "Chronicles of the kings of Israel" *could* contain extremely neutral and dispassionate accounts of Judaean affairs (viz. the war between Amaziah and Jehoash), and that there is some reason for attributing to Deuteronomy, at one stage at least, a distinct interest in matters outside Judah itself[2].

It is recognized that Judaean hands have given us the present book of Kings and that these incorporated earlier narratives (including the north Israelite records). The synchronistic notices are assigned to the later Deuteronomic redactor, although in view of the remarkable deviations in the LXX "it seems more probable that they were inserted at a much later stage in the history of the text" (Skinner,

[1] So the history of the successors of Jeroboam II, like that of the kings from Jeroboam I to the accession of Omri, appears in its older form as a fairly consecutive narrative (see, for example, C. F. Kent, *Israel's Historical and Biographical Narratives*, pp. 210 sq., 249 sq.).

[2] See R. H. Kennett, *Journ. of Theolog. Stud.*, 1906, pp. 487 (Deut. addressed to *all* Israel), 498.

p. 39). Everything goes to show that the book has had a complicated history, and it is necessary to take into account the form and even the arrangement of the book previous to the insertion of the synchronisms. But even the lengths of the reigns, which are very naturally held to be of older origin, allow 240 years for the northern kingdom and double the number from the foundation of the Temple to the Return, and this artificiality, which must be attributed to Judaean writers, presupposes a system later than the Return[1]. The attempt to distinguish between the present post-exilic book and its earlier pre-exilic Judaean form becomes more difficult when we consider the two main Deuteronomistic hands. The criteria for the recognition of D^2 are indisputable, but for the pre-exilic date of D^1 the evidence is not so clear, and rests mainly (*a*) upon passages which imply the continued existence of the Judaean state, dynasty and temple; and (*b*) upon language (especially the phrase "unto this day"), which might appear very unnatural in the mouth of a writer after the Exile. Apart from this, a distinction between the apparently exilic D^1 and the certainly post-exilic D^2 cannot be safely maintained: "the two redactors belonged to the same Deuteronomic school of historians, and are so much alike in their principles and their cast of thought that it is not always possible to assign an editorial insertion with confidence to the one rather than to the other" (Skinner, p. 22). But yet the Exile intervenes! Dr. Skinner has recognized that the evidence for (*a*) above is not absolutely decisive by itself (p. 20), and to this it must be added that the phrase "unto this day," upon which very great weight is invariably laid, gives us everywhere some writer's opinion, but does not necessarily afford an indication of its date or the accuracy of the application[2].

[1] See W. R. Smith, art. "Kings," *Ency. Brit.* (9), p. 84 *b* (*Ency. Bib.*, col. 2667, § 4 end).

[2] So Solomon's almug-wood (1 Kings x. 12, contrast 2 Chron. ix. 11); the naming of Cabul and Joktheel and the healing of the waters (1 Kings ix. 13; 2 Kings xiv. 7, ii. 22), Jehu's destruction of the temple of Baal (2 Kings x. 27), the captivity of Israel (2 Kings xvii. 23), and the religion of the inhabitants of Samaria (ibid., 34, 41). More importance has been attached to the use of the phrase in connexion with the division of the kingdom (1 Kings xii. 19, repeated in 2 Chron. x. 19), the independence of the Edomites (2 Kings viii. 22, cp. 2 Chron. xxi. 10, and note the subsequent allusions in 2 Kings xiv. 7, 10, 22), and the loss of Elath (xvi. 6), but it is difficult to see how these *prove* a pre-exilic date. Finally, in 1 Kings viii. 8 (where the ends of the staves of the ark are visible) the writer speaks of the ark as still in existence, and thus the problem of its fate is involved. The whole passage is now Deut. with several traces of

According to the current view the first Deuteronomic compiler wrote after the reforms of Josiah. The description of Josiah's measures (after the reign of Manasseh) is written by one who lived under the Deut. law, and at least is not contemporary. Reforms of a Deut. character are also attributed to Hezekiah the son of Ahaz, but these are rightly regarded as exaggerated, because the writer himself "belongs to the Deuteronomic school, as his style shows, and would naturally take this for granted" (cp. Addis, *Doc. of Hex.*, II, p. 9). In 2 Kings xxii sq. there are not only signs of Deuteronomic revision but very distinct traces of the kindred post-exilic hand. Opinion differs as to the extent to which the original narrative has been supplemented and revised, and consequently we shall refrain from laying any stress upon the Rev. E. Day's statement that "twenty-one and a half of the twenty-seven verses of the story of the reformation in the opinion of critical scholars are 'late'[1]." Next, quite apart from the literary problem, it is very questionable whether the writings of contemporary prophets justify the conviction that the reforms were of a very sweeping or successful character. It is true that the compiler seems to have thought that the worship at the high-places ceased from Josiah's reign onwards, but Jeremiah and Ezekiel represent religious conditions which agree neither with Josiah's drastic measures nor with their assumed sequel. However, on the ordinary view it is certain that the Deuteronomic law would be in force at the rebuilding of the Second Temple, and if we agree that the teaching which the Deut. compiler enforces is the responsibility of the sovereign for the purity of the national religion[2], the time of the reorganization of Judah under Zerubbabel has special claims to our notice. On general *a priori* grounds we should expect this great period to have left its mark somewhere upon the narratives. But, in addition to this, it is a period which satisfies the scheme of Judaean chronology, and both the existence of the Temple and the

a later hand akin to the Priestly Code. The words "unto this day" are omitted by the LXX, and look very much like a gloss suggested by Exod. xxv. 15. The recurrence of the phrase here and elsewhere in Chronicles, and the considerations furnished by Zech. ix–xiv (ix. 10, xi. 14 even imply the existence of the ten tribes) do not appear to give the evidence the value usually ascribed to it.

[1] "The Promulgation of Deuteronomy," *Journ. of Bib. Lit.*, 902, p. 202. (Mr. Day follows Pres. W. R. Harper in the literary analysis, see ibid., p. 198 n. 1.)

[2] G. F. Moore, *Ency. Bib.*, col. 2079, § 7. One may compare the hopes inspired by the presence of Zerubbabel in the writings of Haggai and Zechariah.

presence of a member of the Davidic dynasty clearly correspond with those passages whose pre-exilic origin is more apparent than real. Consequently there seems to be good reason for the assumption that a more appropriate date for the Judaean compilation of Kings may be found provisionally in the age of Zerubbabel and the Second Temple, and additional support for this could be claimed in—not to mention earlier writers—the more recent discussions by E. Day (note 1, p. 162) and R. H. Kennett (note 1, p. 164), who agree, on independent grounds, in the conclusion that the pre-exilic date of Deuteronomy itself is hazardous[1].

Although there are several points in favour of the more recent views, more cumulative evidence is necessary before they can be confidently accepted, and it is obviously necessary to know more about the literary structure of Kings, the date of the north Israelite records, and the nature of the Deuteronomic redactions. Dr. Skinner has suspected that the "framework" of the history lay before the Deut. compiler in a simpler form (p. 11, n. 1), and indeed the annalistic framework which can be found in Samuel resembles, but is not identical with, the style of D[2]. The important observation is also made that the phraseology of 2 Kings xiii. 3–5 (Aramaean wars) "has remarkable affinities with some parts of the 'framework' of the book of Judges, which might almost suggest that the whole was from one hand" (p. 348; cp. Benzinger and Kittel), and it is noteworthy that the only *Judaean* judge (Othniel), who, by the way, stands at the head of the *Israelite* figures, owes his presence, according to Budde, to a secondary Deut. redactor. The possibility of a late *northern* history of the monarchy may find support in the belief that a pragmatical treatment of the life of Saul can be distinguished from a specifically Judaean (and pro-Davidic) tendency, and in the fact that some of the strongest anti-Israelite passages in Kings are already recognized to be post-Deut. (1 Kings. xiii), or from the hand of the later Deuteronomist (the review in 2 Kings xvii. 29 sqq.).

[1] Josiah's reputation for righteousness and justice (Jer. xxii. 15 sq.), his election by the people of the land, and the distinctively social-reforming tendency of Deuteronomy, may suggest that his endeavours to repair previous social conditions may have been the foundation of the present narratives. There is a relationship between 2 Kings xi sq. and xxii sq., however, which must also be taken into consideration.

[2] So 1 Sam. xiv. 47–51 is suggestive of D, but H. P. Smith and Budde are not in agreement as to its precise character. Elsewhere there are passages where it is difficult to decide between a form of E which approximates D and an early form of D itself. How close the relation can appear is evident from Steuernagel's commentary on Joshua.

Moreover, Prof. Kennett, on other grounds, has stated his conclusion that there was a rapprochement between the north and south during the sixth century (after the fall of Jerusalem)[1], and the view is so inherently natural that it would probably have been recognized independently by others were one not influenced by ideas based upon the later unfriendly relations between Judah and the Samaritans. But the schism presupposes an earlier union as inevitably as divorce can only follow a marriage, and recent study on the Samaritans would lend its support to Kennett's remark that "it is certain that all the worshippers of Yahweh in Palestine had accepted the law of the One Sanctuary a considerable time before the mission of Nehemiah; otherwise the acceptance by the Samaritans of the whole Pentateuch would be inexplicable[2]." Many points must be left until the post-exilic history has been independently handled, but it now seems not improbable that for the literature as well as for the history we must view in a new light the difference between the period before and that after the separation. In the earlier period, we can assume the existence of a Deuteronomic spirit in the north, the result of a tendency already apparent in the writings of the north Israelite prophet Hosea[3]. It is (like Hosea himself) not necessarily partial to the northern kingdom, nor is it hostile to Judah (again cp. Hosea ?), since we have seen that it could handle Judaean history without passion or animus (p. 160 above). But in the later period, Judaean hostility towards its neighbour becomes prominent, and the interests are specifically Judaean and anti-Israelite. It is unnecessary at this stage to ask whether the later writers more sharply emphasized the religious tone in the writings they took over, or how far they were influenced by the recent schism. At all events, for the history of the earliest periods, when all the tribes were united, strong feeling one way or the other is hardly to be expected; it is in dealing with the separate kingdoms and in the events which led up to the institution of the monarchy in Israel (Saul) and in Judah (David) that variation of standpoint can be recognized and there are independent grounds for the belief that Saul's history has been intentionally subordinated to that of David. The hypothesis that late Judaean writers incorporated literature of northern origin with subsequent drastic revision

[1] See *Journ. of Theolog. Stud.*, Jan., 1905, pp. 161 sqq.; July, 1906, pp. 481 sqq.

[2] Ibid., 1906, p. 498. Cp. especially J. A. Montgomery's *The Samaritans, the Earliest Jewish Sect* (Philadelphia, 1907). According to this writer, "both Judaism and Samaritanism go back to a common foundation in the circumstances of the age of the Exile in the sixth century" (p. 61).

[3] See further, *J. Q. R.*, XIX, 817, n. 2.

and with the addition of Judaean literature of distinct origin involves important questions both literary (especially the twofold Deut. redaction) and historical (the extensive nucleus in 1 Kings xvii–2 Kings x; the Exile and the Return), and although it is obvious that it stands in need of an examination in the light of other portions of the Old Testament, certain independent considerations already seem to support it [1].

That these arguments have been taking us further and further away from generally accepted views will be recognized, but "advanced" criticism is so frequently a more thorough application of legitimate principles to legitimate results, that it is more just to determine whether novel results are merely arbitrary, fantastic or unnecessary, than to object to them merely because they are new and because of their divergence both (*a*) from the strictly traditional standpoint or (*b*) from the standpoint of "moderate" criticism or of individual critics. It is necessary to insist that archaeological research (which has been steadily kept in view throughout) may force a change, and that continued evidence of the prevalence of old oriental culture may bring in its train the presence of elements of old oriental religion utterly opposed to current views of Israel. The conviction that a very considerable body of literature was extant in ancient Israel does not prove that this has necessarily survived. We cannot deny to post-exilic writers some acquaintance with the history of the past; but we have not the history of the age of Khammurabi, or of the Hyksos, of the Amarna period, or even of the invasions of the Purusati and others in the days of Ramses. Even Shishak's invasion we apparently owe to a writer who was more interested in the temple than in political events. Prophetical writings, too, may have been current from the times of the earliest prophets, and who shall say

[1] In the study of the traditions of Saul and David it seemed that the traditions of central Palestine were older, that they had incorporated elements of south origin (i. e. an interest was shown in Judah and South Judaean clans), that the Judaean traditions subsequently gained the supremacy (i. e. the Judaean standpoint now predominates), and that there had been a late introduction of Judaean narratives and local history (*J. Q. R.*, XIX, pp. 390 sq.) Moreover, from a survey of the traditions which, from the evidence for the "Levites," are seen to be closely related, it is very probable that the fall of Shiloh and of the priesthood of Eli was originally associated with the northern history—the iniquity of the priesthood and the disaster are evidently connected by the writer of 1 Sam. iii. But the distinctively Judaean standpoint connects the fall of Eli's house with the rise of Zadok (1 Sam. ii. 27 sqq.) and the supremacy of the Zadokite priests of Jerusalem over their brethren (see, further, *Critical Notes on O. T. History*, Introd. p. xiv, n. 1).

when the first prophet arose in Palestine ? But even as we have not the original writings of Jonah the prophet, so, too, much of the extant prophecies are in a late dress. We are warned that as the patriarchal figures in the book of Jubilees differ from those of the Priestly writer, and as the latter are different from the earlier representations preserved by P, so, the figures of the patriarchs in the second millenium —a thousand years before P—were certainly dressed in accordance with the thought and tradition of that period. Developments of this nature must be, and are constantly recognized, and when we are fortunately able to institute decisive comparisons, we cannot regret the growth. The difference between the specifically Israelite form of the stories of the creation and the deluge, and the older shape which Assyriological research has recovered, is detrimental to all ideas of the originality or priority of Israelite tradition, but it has been an enormous gain for the determination of those features which give the Old Testament a lasting value. The greatest miracle in Jewish history is the gradual transformation of elements which would never have influenced the world had they not been rewritten in the form in which they now survive, and the continued advance of Biblical criticism, although seemingly ever more drastic, will more emphatically reveal the presence of factors which are not to be measured by ordinary human knowledge.

STANLEY A. COOK.

THE
JEWISH QUARTERLY
REVIEW

JANUARY, 1908

SOME NEW CONSIDERATIONS TOWARDS THE DATING OF THE BOOK OF MALACHI.

THE Book of Malachi is commonly assigned to various periods of the career of Ezra or Nehemiah [1]. The latest date which has been proposed is by Torrey [2], who attributes it to the first half of the fourth century B. C.

The conditions described, religious and social, the perversion of religion by the priests and the utter demoralization of the people (ii. 8, iii. 5) have clearly a resemblance to the period of Ezra and Nehemiah, and the reference to the פחה (i. 8) may be regarded as further indication that the book may belong to the Persian period. Malachi, however, describes also another class of persons, in his eyes not less worthy of censure than the gross offenders against the law of Yahweh (ii. 17, iii. 13 ff.), whom we should perhaps rather designate as honest freethinkers; and a difficulty, which complicates the question of date—not yet

[1] Among those who hold that the work belongs to a time shortly before the arrival of Ezra at Jerusalem, are Herzfeld, Bleek, Reuss, Stade, and Nowack, while Köhler, Nägelsbach, Schrader, Keil, v. Orelli, Kuenen, and Steiner refer it to the period of the second visit of Nehemiah to Jerusalem, or a little earlier. Driver, *Introduction*, p. 357, places it in the time of Nehemiah's absence at the Persian Court.

[2] *Encyclopedia Biblica*, art. "Malachi."

satisfactorily solved—occurs in the remarkable passage (i. 2–5) in which Edom is represented as the arch-enemy of Israel.

The Book of Malachi is peculiar in its diction and the didactic presentation of its message. Its author was a man eclectic in his use of the Hebrew language, at a period when it was deteriorating under the increasing use of Aramaic. It may be observed, that among literary nations it is precisely at times of its decadence that men of learning and patriotism are at most pains to do honour to their own language and to maintain its original purity by the careful avoidance of foreign elements.

The absence of Aramaisms cannot be regarded as—necessarily—an argument in favour of the early date of the composition of this book, especially in view of the suggestion which has been made that the writer was not, like Isaiah, a preacher to those who could be reached only in popular language, but who rather addressed himself to the few who would appreciate the use of the sacred tongue now fast disappearing.

We may observe that the writer shows familiarity with D, as, for example, in his use of the phrase בני הלוי for *priests* and of חרב as the name of the place of the giving of the Law, and also of the deuteronomic phrase חקים ומשפטים.

It has been argued, upon a wrong interpretation of ii. 14 that the Book of Malachi could not have been written before the proclamation of the Law, which did not occur, as we may gather from a comparison of Ezra ix with Neh. ix. 2, until after the dissolution of the mixed marriages, which took place in the second year of Ezra, c. 430 B.C.[1] However, the writer has a purpose entirely different from that of Ezra, and the passage ii. 14 does not refer merely to literal marriage conditions, but to the idea which is involved, that of the acceptance of the religion of Yahweh. The following passage (ii. 15 sq.) may, however, be taken as a literal

[1] Cf. Bertholet in *Marti's Hand-Commentar*, p. xviii.

reference to social conditions, opposed to the moral conception of the writer who, as the prophet of Yahweh, forcibly condemns them, ver. 16. It is indeed conceivable that the passage may be a protest against the severity of Ezra rather than evidence of the author's ignorance of his procedure, a procedure which could hardly have been ignored, had it already taken place. In this light we may perhaps accept the work as later than the books of Ezra and Nehemiah.

The occurrence of the word פחה (i. 8) has, by some, been regarded as positive evidence that the work belongs to the Persian period. That the P document was known to the author is evident from the stress which he lays upon sacrificial worship. D, as we have seen, was also known to him, and we may assume acquaintance with Deutero- and Trito-Isaiah from his use of the phrase פנה דרך, *to prepare the way*, which occurs nowhere but in Mal. iii. 1 and in Isa. xl. 3, lvii. 14, lxii. 10, and yet we would not argue from familiarity with these authors that the writer belongs to any of the periods to which they are individually assigned. On the same analogy, are we justified in supposing that the use of the word פחה is necessarily evidence that the book, as commonly alleged, belongs to the Persian period?

The term פחה is used in the Old Testament, from the time of Solomon downward, to indicate various officials, at least by the redactor in 1 Kings x. 15 and 2 Chron. ix. 14. The LXX, however, distinguishes among these officials by the use of various Greek titles, as is shown by the following list:—

פחה =

σατράπης 1 Kings x. 15; 2 Chron. ix. 14, Solomon's governors; 1 Kings xx. 24, Benhadad's captains.

τοπάρχης 2 Kings xviii. 24; Isa. xxxvi. 9, Assyrian captains.

ἡγεμών Jer. li. 23, 57 (LXX, xxviii. 23, 57), Chaldean governors; Ezek. xxiii. 23, governors of various peoples.

ἄρχων Neh. iii. 7, v. 14, xii. 26, officials over a district; Esther iii. 12, viii. 9, ix. 3, Persian governors.

ἡγούμενος Mal. i. 8; Jer. li. 28 (LXX, xxviii. 28), governor of the Medes; Ezek. xxiii. 6, 12, Assyrian governor.

ἔπαρχος Ezra v. 3, 6, vi. 6, 13, viii. 36; Neh. ii. 7, 9, Aramaic form.

With the exception of ἔπαρχος and ἡγεμών the Hebrew title סגן is also rendered by these terms.

According to our present sources, there were Governors in Judaea for a short time only, none indeed later than Nehemiah, who in the MT. is called פחה and in the LXX ἄρχων. It would seem from our records that the Persian influence had been but little exerted in relation to the internal affairs of Judaea: cf. Ezra x. 14. We find that the people were governed by twelve *heads* (Ezra ii. 2; Neh. vii. 7) and by *princes* (Neh. xi. 1), but no appointment of any governor is mentioned after Nehemiah, although there must have been a responsible official. That a Jew should have been advanced to such a position seems extraordinary, and it is possible that Nehemiah had the foresight to give such a guarantee to the Persians as induced them to leave this little religious state unmolested, so long as there was a prompt delivery of the taxes. During the Greek period Jerusalem was under the *gerusia*, i. e. the Council of the Elders [1], at the head of which was the high-priest. The power of the high-priest was certainly supreme not only in religious matters, but, as occupying a position as mediator between the people and their rulers, the Greeks, political also, the union of that of Ezra with that of Nehemiah, a sort of priestly governor.

As we have seen, the word פחה in the MT. is applied to various officials; never, however, to priests. A curious instance of the use of the word has been preserved in

[1] Jos., *Ant.* xii. 3. 3.

Bikkurim, III, 3[1] where the plural פחות is used in connexion with סגנים and גזברים, denoting priests belonging to the highest order. We often find סגנים and פחות used together in the MT.: cf. Jer. li. 23, 28, 57; Ezek. xxiii. 6, 12, 23, where פחות is translated by the LXX by ἡγεμόνας and סגנים by στρατηγούς (or ἡγουμένους καὶ στρατηγούς); to this phrase corresponds οἱ ἀρχιερεῖς καὶ στρατηγοί (Luke xxii. 4, 52)[2]. The ἀρχιερεῖς were high-priests who retained the title after they had been deposed from office. Now, if the title פחה had been gradually changed from being the designation of an Assyrian or Persian governor to that (in the plural) of the deposed high-priests of the time of Christ, may we not justly infer that the פחה *par excellence* meant the *ruling* high-priest? From this we may assume that the פחה in Mal. i. 8 does not necessarily refer to a Persian satrap, but rather to some person who, at a time when there was no actual Persian governor in Jerusalem occupied his position and took his title? Who, then, may have been this governor-priest?

Before answering this question it is necessary to find what internal evidence the book affords us for a *terminus a quo* for its possible date. Such evidence is fourfold.

1. Evidence from language.
2. Evidence from the position accorded to the priests.
3. Evidence from the theological view taken by the author.
4. Evidence from his eschatology.

1. As we have seen, the author uses many terms which do not occur elsewhere in the Old Testament, and derives his technical expressions from D. The following words occur only here and in P:—

ii. 2 פרש *faecal matter*, Exod. xxix. 14; Lev. iv. 11, viii. 17, xvi. 27; Num. xix. 5.

[1] Cf. Schürer, *Geschichte, &c.*, II[3], p. 266.

[2] Schürer, op. cit., ibid.

ii. 15 רוח, in the sense of *life*, Gen. vi. 17, vii. 15, 22; also Ezek. xxxvii. 5 et al.; Eccles. iii. 19.

The evidence would so far seem to point to a date not earlier than P. It must be conceded, however, that the elements of P were more or less known before the final codification.

Other words, however, point to a date even later than P. We find that the writer uses words which occur elsewhere only (1) in Trito-Isaiah and other late passages :—

i. 7, 12 נאל *defile*, Isa. lix. 3, lxiii. 3; Lam. iv. 14; Dan. i. 8. The part. used as subst. occurs in Zeph. iii. 1.

i. 12 ניב *fruit*, Isa. lvii. 19.
The verb occurs only in Zech. ix. 17; Ps. lxii. 11, xcii. 15; Prov. x. 31.

iii. 19 קשׁי *stubble*, in a metaphorical sense, Isa. xxxiii. 11; Obad. v. 18.

We may also consider here the words which occur only in Malachi and Deut.- and Trito-Isaiah [1].

ii. 17 יגע *to weary*, occurs in the Hiph. only here and Isa. xliii. 23, 24.

iii. 1 פנה־דרך *to prepare the way*, Isa. xl. 3, lvii. 14, lxii. 10.

(2) In the Psalms and Wisdom Literature :—

i. 4 גבול *territory*, in a figurative sense, occurs elsewhere only in Job xxxviii. 20, Ps. lxxviii. 54.

i. 7 נאל *to defile*, Pual. only here and Ezra ii. 62 || Neh. vii. 64.

i. 10, 13 רצה *to be pleased with, accept*, c. acc. of sacrifice.

The following references may be regarded as containing words and phrases, peculiar to the writer :—

[1] It is a well-known fact that Trito-Isaiah writes on the whole in the same metre as Deut.-Isaiah with whom he also agrees in many things. The idea, therefore, that these two books are the work of one man, namely, Trito-Isaiah, yet written at different periods of his life, is well worth considering.

i. 2 אהב *to love*, used in the first person by Yahweh (cf. Prov. iii. 12; Deut. vii. 8, 13).

i. 4 רשׁשׁ *to be beaten down*, Pual. (only other passage Jer. v. 17 Pō'ēl).

גבול רשׁעה *territory of wickedness*: cf. Job xxxviii. 20 and Ps. lxxviii. 54.

i. 13 נפח *to sniff at.*

גזול *that which has been rescued after seizure*, hence, *mutilated*[1].

i. 14 נוכל *deceiver.*

ii. 5 החיים והשׁלום *life and peace*: cf. Prov. iii. 2.

ii. 6 תורת אמת *faithful instruction*: cf. Neh. ix. 13; Ps. cxix. 1, 2.

ii. 13 אין followed by the Infinitive.

iii. 10 טרף *food* in Yahweh's house.

ארבות השׁמים *sluices of heaven*, as a figure of blessing.

iii. 12 ארץ חפץ *land of delight.*

iii. 16 ספר זכרון *book of remembrance.*

Compare also:—

ii. 2, iii. 9 מארה *curse*, Prov. iii. 33, xxviii. 27, and Deut. xxviii. 20.

ii. 3 חג *festive sacrifice*, Ps. cxviii. 27.

ii. 9 נשׂא פני *to show partiality*, Job xiii. 8, 10, xxxiv. 19; Prov. xviii. 5; Ps. lxxxii. 2; Deut. x. 17; Lev. xix. 15 ff. Cf. also Job xxxii. 21; Prov. vi. 35.

ii. 13 אנקה *groaning*, Ps. xii. 6, lxxix. 11, cii. 21.

iii. 6 בני־יעקב as a form of address only here and Ps. cv. 6: cf. 1 Chron. xvi. 13.

iii. 10 טרף *food*; this idea is late and occurs elsewhere only in Ps. cxi. 5; Prov. xxxi. 15: cf. Job xxiv. 5. The word is old in its primary meaning of *prey*, literal or metaphorical.

[1] Cf. Prof. F. Brown in the *New Hebr. Lex.*

iii. 17 סְגֻלָּה *possession*, Ps. cxxxv. 4.

iii. 20 שֶׁמֶשׁ צְדָקָה *sun of righteousness*, Ps. li. 18, cxix. 108, and Deut. xxxiii. 11.

With the possible exception of two or three passages, all here cited belong to a very late date, many of the Psalms to a late Greek and even Maccabean period. The diction of the book would therefore seem to point to a date long subsequent to that of Ezra and Nehemiah, and, as we shall see, there are certain indications which may suggest a time not far removed from the Maccabean, if not the Maccabean period itself.

2. *The importance of the priesthood.* This can be explained only as a result of the new organization of the cult *personel* set forth in the P code. The reference to the tithes payable to the priests, iii. 8, points to a time after the public introduction of the P code by Ezra and Nehemiah, for, according to Deut. xiv. 22, 29, the tithes were to be paid every third year to the Levites, while according to Num. xviii. 21 ff. P requires that payment be made to the priests.

3. *The theological view taken by the writer.*

The conception of God in Malachi is pre-eminently that of Yahweh, the father and creator of the *individual* Jew, ii. 10. The Jews, therefore, are his בנים and, as such, are brethren.

Yahweh's power is not limited to the land of Israel, but extends far beyond it, i. 5; his name is great among the peoples, i. 14; and everywhere pure sacrifices are brought to him, i. 11. It is his universal rule which Malachi expresses.

The conception of Yahweh as "Father" is not an old one. In Exod. iv. 22 JE; Hos. xi. 1, Israel is called "Son," but Yahweh is not spoken of as "Father." In the few references which exist as to this fatherhood, we can trace a gradual broadening of the idea. In Deut. xxxii. 6 Yahweh is called "the father of Israel" because, by the redemption from Egypt he called Israel into being as

a nation (cf. Exod. iv. 22; Hos. xi. 1), and afterwards watched over them with the tenderness of a parent, Exod. xix. 4 JE; Deut. xxxii. 11. This idea of the sonship of Israel includes that of obligation toward Yahweh as father, i. e. owner and master of his people. Cf. 2 Kings xvi. 2: "Thy servant and thy son am I." The same idea is expressed in Jer. xxxi. 9, 20, according to which Yahweh is the creator of his people.

"My Father," as used in Jer. iii. 4, 19, is an "honourable form of address" which does not necessarily express any spiritual relationship, yet here for the first time Israel is desired to give that name to Yahweh.

A still more developed conception appears in Isa. lxiii. 16, where Yahweh is contrasted with the patriarchs, the physical fathers of Israel. Yahweh is often declared to be the one by whom Israel was created and formed: cf. Isa. xliii. 1, xliv. 2, 24, xlv. 11, xlix. 5, &c., yet he has never been regarded by Israel as their ἀρχηγέτις, but as having elected them through their fathers: cf. e. g. Deut. vii. 8, ix. 5, x. 15. Such fatherhood as is here contrasted must mean something other than that of Deut. xxxii. 6, and I cannot but think that the reference in Isa. lxiii. 16 is rather to an ethical conception of fatherhood than to that of mere ownership as in Deut. xxxii. 6. Yahweh redeemed the Israelites, and therefore, according to oriental thought, owns them, and is their father. Here, however, such an idea is secondary, while the primary reference is to the characteristics of a father, the beginnings of the spiritual conception of the fatherhood of Yahweh. This, however, remains as yet the relation to the people as a whole, and not to the individual. In Malachi, on the other hand, Yahweh is regarded as the father of the individual Israelite (ii. 10), and the inference follows that all Israelites are brethren. Ezra's policy was, if anything, opposed to this teaching of a divine fatherhood, even to such as is presented in the first chapter of Genesis [1].

[1] Cheyne, *Jewish Religious Life after the Exile*, p. 60.

This conception of the fatherhood of Yahweh as universal, and not merely Jewish, is confined to Malachi and is very late. His monotheism and conception of Yahweh transcends that of the earlier prophets, and in its general character is analogous to that presented in the Book of Jonah, which, however, it surpasses in this respect.

While the older writers present the *mal'ak Yahweh* as the form under which Yahweh appeared to man, the writer of the Book of Malachi mentions the two as separate beings, iii. 1. He speaks also, for the first time, of a *mal'ak berîth* by which we may perhaps understand the protecting angel of the congregation[1]. It seems that two angels with separate functions are here mentioned. The *mal'ak Yahweh* as a particular angel occurs first in Zech. i. 11 f., the *mal'ak berîth*, the forerunner of Yahweh[2], only in Malachi. The mention of two special angels who were carrying out the plans of Yahweh points to a time when angels so employed played a prominent part in theology. The incipient stages of this new theology, due in part to a more transcendental conception of the deity, may be found in Zech. i. 12; Job v. 1, xxxiii. 23; Eccles. v. 5, where it is intimated that angels intercede for mankind; in the Book of Daniel, iii. 28, as well as often in the Psalms, they are represented as helpers of mankind. The standard literature on Jewish angelology, however, is that of the apocryphal and New Testament writings; as for example,

[1] Cf. Kraetzschmar, *Die Bundesvorstellung im A. T.*, pp. 237 ff.; Nowack, *Handkommentar*, in loco.

[2] The interpretation of the *mal'ak berith*, iii. 1, as Elijah in iii. 23 sq. may be due to a misunderstanding of Deut. xviii. 15 sqq., a passage which does not refer to the Messiah. As the *mal'ak berîth* is the forerunner of Yahweh, and not of the Messiah, the expected Messiah, according to these verses, iii. 1 and 23 sq., if genuine, must be Elijah—a conception which we find expressed in Jes. Sirach xlviii. 4, 10–11. In the New Testament, Matt. xi. 10–14, Mark i. 2, John i. 21, &c., Elijah is the forerunner of the Messiah: cf. especially Luke i. 17. Cf. also Bousset, *Die Religion des Judentums*, p. 219 sq., 1903.

Enoch liii. 3, lxi. 1, lxii. 11, lxiii. 1, &c.; Bel and the Dragon 34–39; Heb. i. 14; Rev. vi. sq., &c. Any such specific references as we find in Malachi must, therefore, belong to a late period, a time when angelology was a recognized feature in Jewish theological thought.

4. *The eschatology of the writer.* Contrary to Haggai (ii. 5 sqq., 21 sqq.) and Zechariah (i. 15, ii. 1 sqq., vi. 1 sqq.), who expect a severe judgment of Yahweh upon the heathen, the writer of Malachi declares, ii. 17 sqq., iii. 1, 13 sqq., that it is the Jews whom he will severely chastise. How is so great a change of opinion to be historically accounted for? It would indeed be impossible if we assume the writer to have lived in the middle of the fifth century. Haggai and Zechariah were suffering, not only from the public disasters which had fallen upon the Jews in 586 B.C., but from the vicious personal attacks of their neighbours. If we assume, from the above arguments, linguistic and theological, that the writer of the Book of Malachi belonged to a period later than Ezra and Nehemiah, things in his time had greatly changed. So far as the Jews were concerned times were fairly peaceful, although the great nations outside were engaged in mutual strife. Malachi had therefore no ground for calling down the vengeance of Yahweh upon the heathen, he had no dreams of a Jewish world-empire; the desire of his heart was for a spiritual and universal dominion of Yahweh, and to this he gives expression when he declares that Yahweh's name was great among the peoples, i. 5, 11, which could not be said in regard to the inhabitants of Jerusalem, i. 12; therefore, if any punishment were to fall, it was solely upon the Jews. This teaching, so completely opposed to that of Haggai and Zechariah, could be due only to extraordinary conditions among the Jewish community, such as may indeed have existed in the times of Ezra and Nehemiah, but did certainly exist, as we shall see, at a later period.

We have thus seen that the evidences of language, theology, and eschatology point to a time later than Ezra

and Nehemiah, and that the theology finds its counterpart in the Book of Jonah.

But the book affords still other evidences of a date later than that of Ezra-Nehemiah.

In ii. 1 sq. the priests, the givers of the Torah, are said to be upon the verge of themselves forgetting it. This allegation, taken in conjunction with the phrase בני־לוי, iii. 3, has been considered as sufficient evidence of the period of Ezra as that of the authorship, for we find that the degeneracy of the priesthood is one of the evils of his time, and it is asserted that, had the writer lived after the publication of P, he would have referred to the priests as בני צדק. This seems *a priori* probable, but an investigation of the actual circumstances may perhaps lead us to another conclusion.

We may observe that, throughout the book, a sharp contrast is drawn between the conduct of the priests and that of the Levites: cf. ii. 1, 8 with ii. 4 sqq. While the priests are accused of having led the people astray by false teaching, and of having broken the covenant with Levi[1], the Levites, on the contrary, so long as they were in power, ii. 4 sqq., had been well-pleasing to Yahweh, ii. 6, as having led the people in the right path[2]. This division of priests and Levites did not exist in Deuteronomy: cf. x. 8, xviii. 7; nor even in the time of Ezekiel, cf. xl. 45 with xliv. 10 sq., 14, xlv. 5; and was first formally established by Ezra: cf. the lists, Ezra ii || Neh. vii; 1 Esdras v, although, according to Ezek. xliv. 5 sq., especially ver. 10 sqq., the Levites, who had sacrificed before the local shrines, were to be punished by exclusion from proper priestly functions in the new Temple. Though the Levites were well provided for in P as recipients of tithes, of which they in turn had

[1] Levi is here the name for the priestly tribe as in D, not for the individual.

[2] The identification of priests with Levites (cf. ii. 6 with iii. 3) is due to a correction in iii. 3, where we must read כהנים *priests*; for the writer always contrasts the priests of his time with the Levites who officiated in former times.

to give a portion to the priests, Num. xviii. 21 sqq., is it likely that they would submit without opposition to new conditions which were actual degradation? We have, however, no evidence beyond that of human analogy for such opposition, none is recorded in Ezra and Nehemiah. May we not, however, suppose that the Book of Malachi points to some such opposition on the part of the Levites, though it be only that of the weak against the strong? May we not regard it as a *Tendenzschrift* pointing out how much more pleasure Yahweh had taken in the service of the old Levites than in that of the new order of priests, who were not only evil in themselves, but exerted a demoralizing influence over the people, ii. 8, in contrast to their predecessors, whose conduct and example were alike upright, ii. 6?

We can hardly assume that a man of so strong a personality as that of Nehemiah would have entirely ignored teaching and ideas so utterly at variance with his own, had this book appeared but a short time, comparatively, before his return to Jerusalem. On the other hand, we may see many reasons for disregard of the priest-code on the part of the author of the Book of Malachi; that he knew it is shown by several references, especially by unmistakable allusion to the existence of a priestly guild, the creation of Ezra, and to its points of difference from the conditions of the earlier Levites, cf. ii. 1, 8 with ii. 4 sqq., &c. The writer may even have himself belonged to one of the older families which had been deposed. If we accept, therefore, this distinction as made by the author, we must assign the Book of Malachi to a period after the publication of P and of the memoirs of Ezra and Nehemiah.

Another protest which the writer raises against the teaching of Ezra[1] is that as to divorce, ii. 16. This, he declares, is hated by Yahweh, whereas, according to Ezra's presentation, ix. 2, he demanded it as essential to the

[1] Cf. Ezra ix. 2, x. 3, 16-44; Neh. x. 30, 32 sqq., xiii. 4 sqq., 15 sqq., 23 sqq., 28 sqq.

preservation of the purity of the Jewish people. Malachi's point of view was that Yahweh, being in honour among the nations, and receiving from them pure sacrifice, i. 11, 14—a conception contrary to that of Ezra—a marriage, even between a Jew and a non-Jew, was nevertheless productive of holy seed, זרע אלהים, ii. 15. Only in this light can we understand Mal. ii. 15, which should, perhaps, follow ver. 16. The passage ii. 14 should be taken as setting forth that a marriage entered into by a Jew is always sacred, Yahweh himself being the witness, because the woman, whoever she may be, enters into the man's covenant, and stands to the religion of Yahweh in the same relation as that of a wife to her husband, just as that of the man to his religion, is that of a husband to a wife: cf. ii. 11. The woman's attitude towards Yahweh is thus precisely that of her husband who is already a believer. The nobility of soul of the writer thus appears in a new light, he condemns divorce, not only because he regards the grounds given by Ezra as inadequate, but because he accords to the wife of a Jew, be she whom she may, a religious position equal to that of her husband, an idea wholly new among Old Testament prophets, until we come to that turning-point in the religious history of mankind ushered in by Paul: *ἡγίασται γὰρ ὁ ἀνὴρ ὁ ἄπιστος ἐν τῇ γυναικί, καὶ ἡγίασται ἡ γυνὴ ἡ ἄπιστος ἐν τῷ ἀδελφῷ*, 1 Cor. vii. 14.

This view receives additional support if taken in connexion with the statement in i. 11, where the prophet speaks of a universal worship of Yahweh.

The meaning of ii. 13–16 has been understood as depicting the same relation of Yahweh to his people as is so touchingly set forth by Hosea; but this is not the case. The writer is condemning, upon religious grounds, a great social evil, originating, in great degree, in the inferior position accorded to the woman in the cult, an evil which must cease if the man has been wedded to Yahwism as to a bride, ii. 11, and the woman also as to a husband, ii. 14,

by means of her relation to the man. It is this decay of all nobler impulse in the people, culminating, as it did, in divorce upon frivolous pretexts, ii. 13 sq., and exhibiting itself in the oppression of the widow and the orphan, in sorcery, perjury, and adultery, iii. 5, which the prophet declares to be the reason of Yahweh's rejection of their sacrifices, ii. 13.

As we have seen, the indignation of the writer against the principle of divorce may be, moreover, a special protest against that procedure on the part of Ezra which served perhaps as a convenient precedent to many of a later generation, and may have been used to conceal, under a semblance of propriety and a shadow of justification, such immoral conduct as we read of in later times [1].

We now return to our question, To what date are we to assign the Book of Malachi, a date which must be subsequent to that of Ezra-Nehemiah if we accept the above arguments drawn from internal evidence?

The key to the date is furnished by the reference in Mal. i. 4, which has caused so much difficulty to commentators.

We have seen that the writer holds to the historical position of the Levites as priests, but that he differs in regard to the Edomites from D [2], who calls them the brothers of Israel, whose rights, as to land, should be respected, whereas our present author condemns them unconditionally. The exilic and post-exilic prophets also denounced them, and foretold a visitation by Yahweh in punishment for their impious deeds [3]. We find that, as

[1] Jes. Sirach vii. 26, xxv. 25 : cf. also Matt. v. 32.

[2] Cf. Deut. ii. 5–8, xxiii. 7.

[3] Jer. xlix; Ezek. xxv. 12–14, xxxv. 15, xxxvi. 5; Obad. vv. 1–14; Lam. iv. 21; Isa. xxxiv. 5 sqq., lxiii. 1–4; Ps. lx. 8, lxxxiii. 6–9, cviii. 9, cxxxvii. 7.

Duhm considers Ps. cxxxvii — on account of ver. 8—as belonging to a time shortly after the destruction of Jerusalem, but it may be equally considered as reflecting the renewed humiliation of Jerusalem by Artaxerxes Ochus and the rejoicing and aggression of the Edomites, partly from

early as the year 312 B. C. Southern Judaea was in the hands of the Edomites, and was known as Idumea[1], and that in the second century Hebron[2] was an Idumean town. Between the denunciations of Ezekiel and those of our prophet there is a long silence in regard to Edom. The memoirs of Ezra-Nehemiah make no reference to the Idumeans, but later we hear of them frequently, especially in the later Psalms. The wrath of the Jews must have received increased occasion by renewed encroachment upon their territory, which can have occurred only at some period of national disaster, and not in the time of Ezra-Nehemiah, when the Jews enjoyed the protection of the powerful Persian empire, and when an incursion into Judaea would have been severely visited upon the offenders.

We know that the Jews joined in an unsuccessful revolt against Artaxerxes Ochus[3], who led many of them captive to Hyrcania on the Caspian Sea, about 350 B. C. The Jews, in consequence, fell into disgrace, and being helpless had probably to suffer from the renewed attacks of their old enemies the Edomites, who in turn had been pressed forward by the Nabateans[4], and were compelled to seize

mere self-preservation, though not so regarded by the Jews, and partly by the desire to retaliate upon the Jews for former enmities. To the Persian Empire, as the heir of the Assyrian world, would naturally be transferred all the hatred against Babylon which the Jews had long stored up, cf. Isa. x. 16, 23; so that, in the phraseology of Ps. cxxxvii. 8, we may look for a recollection of the ignominy which they had suffered at the hands of the Babylonian kings, and which they were in some degree still suffering from their heir and successor Artaxerxes Ochus. The kindness of his predecessors had long been forgotten. The other Psalms belong undoubtedly to the Maccabean period; Ps. lxxxiii is a reflection of 1 Maccabees v.

Isa. lxiii. 1–4 contains no reference to Edom. Read with Lag. Du. מִאָדָם, cf. Nahum ii. 4 instead of מֵאֱדוֹם, and מִבְצָר, cf. LXX instead of מִבָּצְרָה.

[1] Diod. Sic. xix. 98, cf. Nöldeke, *Encyc. Bib.*, art. "Edom."

[2] 1 Macc. v. 65.

[3] Eusebius, *Chron.*, cf. Schürer, op. cit., III, p. 6.

[4] Schürer, op. cit., I, p. 730.

upon Jewish territory. To this time of Artaxerxes Ochus we may refer some of those utterances against Edom in which the Edomites are charged with malicious joy in the catastrophe which had befallen Judah; we may perhaps also assign Obad. vv. 1–14, and Lam. iv. 21 sqq. to this period. With the exception of the condemnation of Edom in Jeremiah and Ezekiel, which points to a different period of history in the life of Judah, most of the prophecies against Edom are found in very late literature. The time at which the Jews were harassed by the Edomites being, thus, the middle of the fourth century, the events referred to by Malachi (i. 4) cannot belong to this period, for we hear of no reverses borne by the Idumeans (for as such they were known since the fourth century) until we come to the Maccabean period, when Judas (165–161) defeated them[1]. To this time the expression used in Mal. i. 4 may well apply, as the fortune of the Jews was then very varied and when, so far from being able to sustain their mastery over the Idumeans, they were themselves defeated by Lysias at Beth-Zacharyah[2]. This defeat, and the subsequent fate of Judas, gave to the Idumeans an opportunity to "build up" again, and in the time of Jonathan, the successor of Judas, we hear nothing of them, for the internal complications in Judaea, and his constant warfare with the Syrian kings, left him no time to subjugate the Idumeans who, therefore, had again a breathing space. The growing power of the new Jewish state and the imperialistic policy of the successors of Judas would naturally lead any observant Jew to ask how long would his native land of southern Judaea remain in the hands of the impious Idumeans? In the success of the Maccabees such a question found its answer; the Idumeans might build, but Yahweh, through the instrumentality of the Maccabees would destroy. It is therefore to the time of Jonathan that this prophecy must be assigned, for

[1] 1 Macc. v. 3, 65. Read in 1 Macc. v. 3 ἐν Ἰδουμαίᾳ ℵ. Old Lat.

[2] Schürer, op. cit., I, p. 213.

under John Hyrcanus (135–104) that catastrophe overtook the Idumeans [1].

We now return to the question who was the פחה of Mal. i. 8?

As we saw above, the term פחות was applied in Talmudic times to the displaced high-priests. Now in the year 153 B. C. Jonathan assumed the office of high-priest, being appointed by Alexander Balas [2]. In the year 150 B. C., moreover, he was appointed στρατηγός and μεριδάρχης [3]. This was a mere form, as he was practically an independent ruler; but to both Balas and Jonathan it served a practical purpose. Apart from the dignity of high-priest we find Jonathan bearing two titles, στρατηγός = סגן [4], *prefect* or *military governor* and μεριδάρχης = *civil governor*, 1 Macc. x. 65, which exactly describes the office of Nehemiah, to whom the title פחה is given in the MT.[5], which the LXX renders ἔπαρχος, so that his official titles were סגן and פחה of Judah, thus uniting both offices in his own person.

The conditions of life, political and religious, which prevailed in Jerusalem in the earlier part of Jonathan's rule, give us the historical justification for the accusation brought against the priests in Mal. ii. 7 sqq.

Alkimus, the high-priest, was himself the leader of the Greek party in Jerusalem [6], a fact which would naturally add to the influence of Greek thought in the expression of religious belief, and of Greek culture in the Temple worship. This was doubtless an offence in the eyes of the Jewish legalist and national party, and resulted in scorn of the priests who followed him as their head. They regarded the death of Alkimus as a divine punishment for his impiety, especially for his destruction of the temple-

[1] Jos., *Ant.*, xiii. 9. 1, *Bell. Iud.*, i. 2. 6, cf. *Ant.*, xv. 7. 9.

[2] 1 Macc. x. 15, 21, Jos., *Ant.*, xiii. 2. 1, Schürer, op. cit., I, p. 228.

[3] 1 Macc. x. 51–66, Jos., *Ant.*, xiii. 4. 1, 2; Schürer, op. cit., I, p. 231.

[4] Cf. Jer. lvii. 23, 57; Ezek. xxiii. 6, 12, 23, MT. and LXX.

[5] Neh. v. 14, 18, xii. 26.

[6] 1 Macc. ix. 54–6.

wall. This introduction of Greek philosophy and culture into the worship of Yahweh explains the phrase וּבָעַל בַּת־אֵל נֵכָר, Mal. ii. 11, while the situation presented in ii. 10 is made clear by the fact that the two contending parties, the Greek-Jewish and the National-Jewish, were alike Jews, children of one God, although in vehement opposition. The writer of the Book of Malachi does not seek to widen the breach already existing, but rather to heal it by reminding the two parties of their common origin, while at the same time forcibly denouncing those who follow a corrupt worship, and who thereby desecrate the Temple; for at heart he is a Jew of the old type, at least so far as the cult is concerned, though all the time holding to a spiritual conception of Yahwism.

Where two religious parties contend together there is often a third, that of the honest free-thinker who, however, can exist only under some influence in itself ennobling, although, it may be, antagonistic to some form or expression of the faith in which he has been brought up, ii. 17 seq., iii. 13 sqq., such an influence as made itself felt pre-eminently in the Greek period, when a higher and more philosophical conception of God was disseminated among the learned Jews, and when the aesthetic idea gained hold of the educated classes. Both aspects of thought were new to Judaism, and served to prepare the Jews for ethical and aesthetical pleasure, mental and physical, such as did not enter into the severe view of life taken by the Mosaic law, and which introduced into their religion a deepened sense of spirituality. This enrichment of their soul-life demanded the struggle with which the butterfly breaks from the chrysalis. To the Jewish party they were renegades; even by a man of so lofty a type as our prophet they were misunderstood, in spite of his teaching that even the sacrifices of the heathen were acceptable to Yahweh, and indeed that sacrifice was a mere means to the attainment of a higher and more spiritual faith.

The writer of the Book of Malachi gives us—in theological

terms—a rapid summary of the great struggle between the National-Jewish party—which believed that the return to former glory could be achieved only by a more strict observance of Law and Custom and the exclusion of foreign elements—and the Graecised-Jewish party which desired the adoption of Greek thought and culture as a means of national advancement and prosperity, as well as of a life of wider activity, mental and spiritual. The writer himself belongs to neither party. Although his inclination toward a stricter Judaism is evident, he is personally free from an unspiritual ritualism and his teaching is, in a sense, a forecast of that later outlook which has brought its healing message of the sonship and brotherhood of man.

NOTE.—Since writing this article my attention has been drawn, by a reference in Marti's *Dodeka Propheton*, to Winkler's suggestion that the Book of Malachi belongs to the middle of the second century, to which Marti objects that Malachi must be earlier than 180, since his words (iii. 24) are quoted by Jesus Sirach, xlviii. 10. The passage beginning at ver. 22 is regarded as a later addition by Marti himself, as well as by others, and the parallelism may be otherwise accounted for, either (1) as a quotation by Malachi from Sirach or (2) by both from a common source. The passage in Sirach occurs in a chapter referring to the coming of Elijah, and ver. 10 is hence in its proper connexion, whereas, as occurring in Mal. iii. 24, obvious connexion is absolutely lacking.

HANS H. SPOER.

EINE GENIZA-STUDIE.

EINES der interessantesten Stücke unter den bisherigen Geniza-Funden ist unstreitig das unter dem Titel "The oldest collection of Bible-difficulties by a Jew" (in *J. Q. R.*, XIII, 358–69) von Schechter veröffentlichte, leider nur unvollständig erhaltene Gedicht eines ungenannten Autors aus unbestimmter Zeit. Dem, was der gelehrte Herausgeber selbst in seiner Einleitung und in seinen Noten zum Text bemerkt hat, haben auch Bacher (das. p. 741–5), Poznański (das. p. 746–9) und ich (das. XIV, 129–33) Textesverbesserungen, Vermutungen über die Person des Verfassers, über die Tendenz und Abfassungszeit des Gedichtes und anderes mehr hinzugefügt. Sodann hat M. Seligsohn (in *R. É. J.*, XLVI, 100–22) eine sorgfältige französische Übersetzung des Textes in der bereits von Bacher und Poznańsky hergestellten Ordnung der bei Schechter durcheinandergeratenen Blätter veröffentlicht, wobei er nicht allein die Nachweise und Textesberichtigungen seiner Vorgänger benutzt, sondern auch neue Verbesserungen und Belege nebst wertvollen Erläuterungen in kurzen Fussnoten hinzugefügt hat. In seiner Einleitung begnügt er sich damit, die Behauptungen und Vermutungen seiner Vorgänger wiederzugeben, ohne die Streitfrage der Abfassungszeit, ob vor oder nach Saadja, entscheiden zu wollen. Inzwischen hat Bacher (in *J. Q. R.*, XV, 83), nachdem er ursprünglich für die Annahme der vorsaadjanischen Abfassung eingetreten war, meiner entgegengesetzten Ansicht nachträglich sich angeschlossen, weil die Schilderung der Hochschule, die der unbekannte Verfasser am Schlusse seines Gedichtes entwirft, nicht mit den Einrichtungen der babylonischen Hochschulen sowohl vor Saadja als auch nach Saadja's Zeit, sondern aufs genaueste mit dem

übereinstimmt, was seither aus anderen Geniza-Funden über die palästinischen Hochschulen um die Mitte des 11. Jahrh. bekannt geworden ist.

Von dieser Selbstberichtigung Bachers, ebenso wie von Seligsohns Übersetzung scheint D. Kahana keine Kenntnis gehabt zu haben, als er in der hebr. Zeitschrift הגרן (auch mit deutschem Titel): *Hagoren, Abhandlungen über die Wissenschaft des Judentums* (Bd. V, S. 5 ff.) die *ursprüngliche* Annahme Bachers zu der seinigen machte und diese mit allem Nachdruck gegen meine Ansicht zu vertreten unternahm. Ich beabsichtige im Folgenden, ausser einer Widerlegung der Behauptungen Kahanas und einer kurzen Kritik seiner von ihm mit Vokalzeichen versehenen Textesausgabe hauptsächlich auch einen Beitrag zum besseren Verständnis des stellenweise schwierigen Textes zu bieten. Ich werde der Kürze halber den Geniza-Text stets nur mit Angabe der Seiten- und Zeilenzahl des Originals in *J. Q. R.* citieren, Seligsohns Übersetzung in *R. É. J.* mit S, Kahanas Artikel in *Hagoren* (V, 5-42) mit K anführen, und zwar mit Hinzufügung entweder *nur* der Seitenzahl oder *auch* der Zeilenzahl.

I.

K, 5 ff. meint, der Fragesteller, der die Schwierigkeiten der Bibel schonungslos aufzeigt, müsse ein Freidenker gewesen sein, der vor Saadja gelebt habe, ein freisinniger Bibelkritiker und Zweifler von der Art eines Spinoza oder Reimarus. K hält die Gründe Bachers in *J. Q. R.*, XIII, l.c., für stichhaltig und meint, auf solche Ketzer habe Saadja in seinen Schriften mehrfach hingewiesen. Der Verfasser des Gedichtes sei zwar unzweifelhaft ein Rabbanit, kein Karäer gewesen, aber er habe heftige Vorwürfe gegen die Gesamtheit seiner Glaubensgenossen geschleudert und durch Aufdeckung von Widersprüchen in der heiligen Schrift diese bekämpft und heruntergesetzt. K glaubt sogar den Namen des Verfassers אלעזר בן עזריה, sowie auch den Namen

des Hauptes der freisinnigen Gesellschaft בן ברוקה glücklich herausgefunden zu haben. Diesem letzteren habe seine Partei den ehrenden Beinamen הצדיק gegeben. Man ist nicht wenig erstaunt, ja man traut seinen Augen kaum, wenn man solches liest. Aus den Worten des Gedichtes (10, 1 ff.): "Gott möge mich bedenken inmitten seines auserwählten Volkes und seiner Herde, der Gesellschaft des *Gerechten* und seines Geschlechtes und des Eleazar b. Azarja" — aus diesen Sätzen soll nach K hervorgehen, dass der Verfasser Eleazar b. Azarja geheissen habe! "Ich habe geeifert gegen eine Partei, die mir gegenüber sich spreizt und heftige Worte ausstösst gegen die Weisen meiner Nation und sich rühmt: Keiner kann mir erwidern und keiner sich mir entgegenstellen aus den Zelten Ben Berokas" — aus diesen Worten (7, 21 ff.) soll hervorgehen, dass der Autor Mitglied einer Sekte oder freisinnigen Partei gewesen ist, deren Haupt Ben Beroka geheissen hat. Selten sind von einem Mann der Wissenschaft so vage, völlig aus der Luft gegriffene Behauptungen mit solcher Sicherheit vorgebracht worden. Es verlohnt wirklich nicht, sich in eine Widerlegung einzulassen. Das Akrostich mit dem Namen des Verfassers war ursprünglich ohne Zweifel in den 22 Endstrophen der 22 Stücke, aus denen das Ganze bestanden hat, sogar zweifach enthalten. Aber von den 22 Stücken sind nur zwei vollständig erhalten, von vieren besitzen wir nur die zweite Hälfte und von weiteren vier nur die erste Hälfte (s. *J. Q. R.*, XIV, 129). Und so ist vorläufig, so lange nicht weitere Geniza-Funde das Fehlende wenigstens teilweise ergänzen, jede Möglichkeit ausgeschlossen, den Verfasser zu ermitteln.

Ich halte K gegenüber meine Ansicht aufrecht, dass der Verfasser des Gedichtes ein frommer bibelgläubiger Jude gewesen ist und etwa hundert Jahre nach Saadja gelebt hat. Alles was K für seine und gegen meine Ansicht vorgebracht hat, beruht, wie ich im Folgenden zeigen will, auf Missverständnissen.

Für die Annahme, dass der Inhalt des Textes auf einen vorsaadjanischen Ursprung hinweist, ist K den neuen Beweis schuldig geblieben. Zwar meint er (S. 7, Z. 6 ff.), dass der Verfasser, wenn er der nachsaadjanischen Zeit angehörte, nicht erst Fragen gestellt hätte, deren Beantwortung, wenigstens teilweise, schon durch Saadja und Abraham Ibn Esra erfolgt wäre. Aber dieses Argument ist überhaupt nicht zwingend und wird vollends entkräftet, wenn, wie ich behaupte, der Fragesteller in seinen kritischen Bemerkungen nicht etwa ungelöste oder für den Bibelgläubigen geradezu unlösbare Schwierigkeiten aufwirft, durch die er die heilige Schrift discreditieren will, sondern nur seinen Widerpart mit Fragen bedrängt, die dieser aus Unwissenheit nicht zu beantworten vermag. Auch aus dem bereits von Bacher herangezogenen Satze: ובמקרא לא יספנו דעתם לכוונה (7, 27) ist kein Schluss auf die Abfassungszeit zu ziehen. Denn vor allem ist der Sinn dieses Satzes dunkel und der Text wahrscheinlich verderbt. Aber selbst zugestanden, dass der fragliche Satz bedeuten könnte " in der Bibelauslegung vermögen wir die Meinung der Weisen der Hochschule nicht genau anzugeben " [1], wäre damit nichts weiter bewiesen, als dass diese Behauptung nicht auf die babylonischen Gaonen nach Saadja sich beziehen kann, da deren Bibelauslegung seit Saadja allgemein bekannt war. Nichts aber hindert uns, eben diesen Ausspruch auf die palästinischen Gaonen anwendbar zu finden. Auch der Umstand, dass Saadja gegen Chiwi und andere Zweifler ähnlichen Schlages polemisiert hat, beweist noch nichts für die Annahme K's (S. 8 oben),

[1] Statt לא יספנו wäre dann allerdings לא יכלנו erforderlich. Was K 7, 10, um den Ausdruck יספנו zu belegen, aus Saadjas ספר הגלוי anführt: מענפי החקות הנה יספנ סור גם נשׂה ist völlig unangebracht, ja sogar irreführend. Ein Blick auf diesen Text und das Facsimile dazu (in *J. Q. R.*, XIV, 45) überzeugt uns, dass die Worte מענפי החקות הנה, die durch das Zeichen : deutlich vom folgenden getrennt sind, zum vorhergehenden Satze gehören. Aus den folgenden Worten aber יספנו סור גם נשׂה ist auch nicht das mindeste für das Verständnis des Ausdrucks יספנו in unserem Text zu entnehmen.

dass der Verfasser des Gedichtes ebenfalls zu den von Saadja bekämpften Ketzern gehört hat, und dass die ausgiebige Lobeserhebung, die er in seinem Gedichte den babylonischen Gaonen spendet, nur ironisch aber nicht ernst gemeint sein kann. Nur eine unbefangene, nicht von vorgefasster Meinung ausgehende Prüfung des Inhaltes kann darüber entscheiden, ob hier ein Bibelverächter oder ein Bibelgläubiger das Wort führt. Die Übersetzung Seligsohns ermöglicht es auch denen, die des Hebräischen nur wenig kundig sind, sich ein Urteil über diesen einen Hauptpunkt zu bilden. Dafür aber, dass der Verfasser nicht vor, sondern nach Saadja gelebt hat, sprechen gewichtige, ja ausschlaggebende Gründe. Vor Saadja's Zeit war die Accentuationslehre noch nicht so ausgebildet, dass von טרחה ואזלה, von דרגה ומארכה oder von וסגולה צינורי׳ (1, 3 und 4) wie von allgemein Bekanntem die Rede sein konnte. Auch die Worte ועוד כל תוין בראש אם הם יסוד לשרת אינם (7, 19) zeigen eine grammatische Sicherheit, die über den vorsaadjanischen Standpunkt weit hinausgeht. Der Verfasser spricht (12, 25) ausdrücklich von פתרוני פתרי, worunter nur Bibelexegeten verstanden sein können, ferner von Lehrern, deren Fragen er vorbringt (שאלות המורים 9, 24, auch in der vorhergehenden Zeile ist von den Lehrern die Rede), und von seinen Lehrern, die er aufgesucht, um die Weisheit der Schrift zu studieren (8, 20 und 21: והלכתי חכמת המקרא לדרשה . . . למורי). Ja noch mehr. Der Verfasser erzählt (8, 23 ff.), dass er nicht allein den hebräischen Text, sondern auch die fremdsprachliche Übersetzung (הלעז) und die Erklärung (והפתרון) gründlich und geläufig auswendig gelernt und dass seine hervorragende Bibelkenntnis es ihm ermöglicht habe, drei grosse, in Israel bekannt gewordene Bücher zu verfassen (7, 25 ff.). Dadurch ist mit einer Deutlichkeit, die jeden Zweifel ausschliesst, bewiesen, dass der Verfasser nicht vor Saadja gelebt haben kann.

Aus dem ersten uns erhaltenen Abschnitt (mit dem Schlussreim ־הה) geht hervor, dass der Verfasser seine

Angriffe gegen eine Schule von Accentuatoren und Punktatoren gerichtet hat, die nur auf Vocalisation, Versteilung, Interpunktion und Cantillation der heiligen Schrift Gewicht legten, aber im Inhalt, namentlich auch im gesetzlichen Teil der Bibel nicht Bescheid wussten. Diese Schule ist es, die 1, 19 und 7, 21 הצולעה "die hinkende" genannt wird, ohne dass wir bestimmt anzugeben wissen, was diese jedenfalls aus Micha 4, 6; 7 und Zeph. 3, 19 entnommene Bezeichnung hier bedeuten soll. Dass כת als Substantiv hinzuzudenken ist, geht aus der Benennung einer Partei mit כת צלע in Megillath Ebjathar (*J. Q. R.*, XIV, 458, 9) hervor, wie andererseits auch im Arabischen eine Sekte nur durch ein Adjektiv im Femininum ohne Hinzufügung des im Geiste zu ergänzenden Substantivs bezeichnet zu werden pflegt. Ein unbegreifliches Missverständnis K's (10, 5, v. u. und 15, Anm. 4) ist es, הצולעה auf die ganze israelitische Glaubensgenossenschaft zu beziehen. Eine geradezu gewaltsame Missdeutung liegt darin, die Textesworte: קנא קנאתי לקדושה[1] עדתי ובאפי עלתה חמתי על הצולעה היושבת המתרפקת לעמתי ומלין תפציר על חכמי אומתי (7, 21 ff.) so zu erklären, dass עדתי und אומתי nicht das Volk Israel, sondern die engere Gemeinde und Partei des Verfassers, צולעה hingegen die Gesamtheit Israels bezeichnen soll, während doch das Umgekehrte das allein mögliche scheint. Der Verfasser in seiner Polemik spricht bald *von* bald *zu* der Gegenpartei oder dem Gegner (in der Einzahl), oder auch den Gegnern (in der Mehrzahl). Die Gegner werden als unwissend, namentlich in den gesetzlichen Bestimmungen der Religion, hingestellt (1, 12 ff.), als unruhige Elemente, treulos und verlogen, dreist und auf ihr Wissen eingebildet, wogegen sie die Worte der Lehre verschmähen (daselbst und 9, 23), als hochmütige und prahlerische Buben (בני עלוה 1, 24) geschildert. Der Verfasser setzt dem Gegner scharf zu: "Windige Reden sollen dir nicht helfen, noch auch viel

[1] Statt לקדושה muss entweder לקדושת oder לקדושי gelesen werden. Ich ziehe das letztere vor, weil es mir sinngemässer scheint, vgl. קדושי יי 10, 8.

Wortemachen" (2, 1). Der Gegner wird 10, 4 ein "Frevler" genannt, der gegen ihn (den Verfasser) mit Worten andringt, um zum Abfall von Gott zu reden. "Das ist die verkörperte *Schlechtigkeit,* die Unheil plant, deren Zunge wie ein scharfes Messer ist. Gegen die Geweihten Gottes (קדושי י׳) reissen sie den Mund weit auf und sprechen davon, ihr (d. h. der Schlechtigkeit) ein Haus in Babel zu bauen. Über den Gerechten bringen sie hochmütig und geringschätzig üble Nachrede aus (10, 9 ff.), sie entweihen die Feste Gottes (10, 10, vgl. 5, 9), verachten das Wort Gottes und seiner Weisen (10, 11). Gott verdamme sie, deren Zunge Tod bringt, die ihn nicht fürchten und von ihrem Frevlerwege nicht umkehren" (10, 12 ff.). Diese Schilderung und Verurteilung der Gegenpartei soll nach K's Auffassung auf die Gesamtheit der bibelgläubigen Juden sich beziehen, denn unmittelbar daran schliesst sich die Strophe (10, 14 ff.), die von K (S. 6 unten) als eine gegen ganz Israel geschleuderte Verwünschung und als Beweis der schlimmsten Ketzerei des Schreibers betrachtet und bezeichnet wird: ומהם עוד תקח בפלילים והשלכת אותם אל תוך הנחלים ממנו תצא אש אל כל בני תם יושב אהלים כי בערה כאש רשעה. Diese Stelle ist ohne Zweifel, wie K hervorhebt, nach Ez. 5, 4 gearbeitet. Aber das ist durchaus nicht etwas blasphemisches oder auch nur anfechtbares. Denn der Verfasser, der die Bibel wörtlich auswendig gelernt hat und fliessend herzusagen weiss (8, 22 ff.), *verwendet in seinem Gedicht so viel wie möglich Bibelstellen, an denen er fast nichts ändert,* ausser wenn der Zwang des Reims oder des vom Akrostich geforderten Buchstabens eine Änderung durchaus nötig macht. Weitaus die meisten Correcturen und Conjecturen zum Texte sind nur möglich geworden mit Hilfe der leicht zu ermittelnden Bibelstellen, die dem Autor während des Niederschreibens offenbar vorgeschwebt haben. Auch der Schluss, der sicher in Anlehnung an Ez. 5, 4 gearbeiteten Strophe: כי בערה כאש רשעה ist wiederum eine Bibelstelle (Jes. 9, 17). Was bedeutet aber in Wirklichkeit die von K als ungeheure Blasphemie eines Frei-

denkers aufgefasste Strophe? Einen weiteren Fluch gegen die feindselige Partei, von der unmittelbar vorher die Rede ist, eine Fortsetzung des vorhergehenden Absatzes, der mit האשימם אלהים beginnt. "Von ihnen nimm noch einige nach gerechtem Richterspruche und wirf sie mitten in die Kohlenglut. Von jenem (sc. dem Frevler, der vorher 10, 4 erwähnt ist) geht Feuer aus über alle Kinder Jakobs (חם יושב אהלים nach I Mos. 25, 28), denn die Schlechtigkeit (von der 10, 7 die Rede ist) brennt wie Feuer." Der Sinn liegt auf der Hand. Gott möge einige und zwar die Hauptschuldigen in dem Feuer des Streites, das sie angezündet haben, umkommen lassen (vgl. Jes. 50, 11). Wie K aus dieser Stelle einen gegen ganz Israel gerichteten Fluch herauslesen will, ist mir unbegreiflich. Als ob der Verfasser des Gedichtes durchaus ein Ketzer sein müsste, wo doch Sätze, wie z. B. צדק משפטי יי אמת יחדו צדקו (2, 2), קצרה היד ולאה לחוות חכמת, ישר דבר יי בכל המכתב חפשו (2, 22), המקרא פליאה (9, 20), זה אלהים חילי נתן לי לשון למודים (10, 16), וידעי הכתוב בספר יוכיחו בין שנינו (12, 13 und 14) und die Worte des Gebets 9, 27 ff. die Frömmigkeit und die Bibelgläubigkeit des Verfassers durchaus bezeugen. Von einer Verspottung der heil. Schrift durch ihn kann auch nicht entfernt die Rede sein, von Bibelfeindlichkeit findet sich bei ihm keine Spur, an eine Unaufrichtigkeit seines (7, 25 ff.) der talmudischen Hochschule und ihrem Collegium gespendeten Lobes kann nicht ernstlich gedacht werden. Auch nicht eine einzige Stelle lässt sich ausfindig machen, die zu der Annahme berechtigt oder gar nötigt, dass der Verfasser die Bibel habe angreifen wollen. Was K (S. 6 unten) als gegen die Bibel gerichtete Bemerkungen des Verfassers ansieht, ist nur scheinbar eine Bekämpfung der Bibel, in Wahrheit aber eine Blosstellung jener Unwissenden, die nicht im Stande sind, die scheinbaren Widersprüche in der Bibel zu beseitigen, die vielen dem Forscher sich aufdrängenden logischen, theologischen, historischen und auch philologischen Schwierigkeiten dieses Buches zu lösen. *Nur* für *den*, der auf die schwierigen Fragen, die

jeder Bibelkundige zu beantworten hat, die Antwort schuldig bleibt, also z. B. für die Partei, die sich mit der äusseren Textesgestalt, nicht aber mit dem Inhalt der Bibel beschäftigen will, ist und bleibt manche Bibelstelle sinnverwirrend (הרעת לבלבל 3, 11), ja zum Verrücktwerden (הלא זאת רוח עועים 4, 4), verkehrt (הנה דרך נלוזה 4, 14), ganz entsetzlich und schrecklich (הנה שמה ושעוריה 10, 21), wie unordentlich durcheinandergeworfen oder wie ein Kuchen, der, weil nicht umgewendet, nur von einer Seite ordentlich gebacken ist, von der anderen Seite wie roher Teig schmeckt (כעוגה בלי הפוכה 5, 17) und dergleichen. Das von K (nach Jes. 25, 7) zutreffend ergänzte [הנסוכה] זאת המסכה (5, 26) bedeutet nicht etwa, dass die heil. Schrift die vorgezogene Decke ist, die unser Sehen hindert, sondern dass an den beiden daselbst angeführten Bibelstellen manche Schwierigkeit sich darbietet, die wie ein Vorhang, der den Einblick hindert, erst entfernt werden muss. Die 7, 10 aufgeworfene Frage: מה נלמד מהם ומה מועילים (" was wir aus den doppelten Relationen der Bibel lernen sollen und welchen Nutzen sie haben?") ist von K (6, unten: ועל כתבי הקדש יאמר) gründlich missverstanden worden, als ob gefragt worden wäre, was wir aus den heiligen Büchern lernen können und wozu sie uns dienen sollen. Man darf auch nicht vergessen, dass der Verfasser durch die gehäuften Schwierigkeiten des Reimzwanges und der Akrostich-Not zuweilen zum Gebrauche von Ausdrücken verleitet oder gedrängt wird, die nicht so schroff gemeint sind, als sie klingen und in zwangloser Prosa gewiss zum Teil milder ausgefallen wären. Wie dem aber auch sei, *nichts* berechtigt zu der Annahme K's (8, 11 ff.), dass der Verfasser mit einigen seiner Glaubensgenossen über die biblischen Accente disputiert, gegen die Gesamtheit seiner Glaubensbrüder hart und heftig geschrieben, als Freigeist viele bibelkritische Fragen aufgeworfen und gleich Spinoza und anderen über die Widersprüche der Bibel gespottet, auch über die Buchstabenumstellung und den Buchstabenwandel im Hebräischen sich lustig gemacht, schliesslich gar sich

dessen mit Hochmut gerühmt habe, dass sein Mund wie ein scharfes Schwert und wie ein spitzer Pfeil treffe und niemand ihm und seinen Angriffen gegen die Bibel Stand halten könne. Hier liegt eine von vorgefasster Meinung getrübte, ja grundfalsche Auffassung des Gedichtes vor. Wer unbefangen liest und gewissenhaft prüft, wird zugeben müssen, dass der bei oberflächlichem Lesen auftauchende Verdacht der Ketzerei des Verfassers sich bei näherem Zusehen völlig verflüchtigt.

Die Abfassungszeit des Gedichtes ist dadurch, dass die darin enthaltene Schilderung des Hochschulwesens das palästinische Gaonat von der Mitte des 11. Jahrh. an zum Gegenstande hat (s. Bacher in *J. Q. R.*, XV, 83), näher bestimmt und ziemlich eng begrenzt worden. Ich vermute, dass der anonyme Verfasser mit seiner Schrift den *Gaon* selbst gegen die Angriffe einer starken Gegenpartei (הצולעה oder damit übereinstimmend כת צלע genannt, s. oben) in Schutz nehmen wollte, indem er diese in ihrer Unwissenheit, Anmassung und Schlechtigkeit an den Pranger stellte. Mag in dieser Schilderung manches noch so stark aufgetragen sein, man hat nicht das Recht, sie als völlig aus der Luft gegriffen zu betrachten. Und es ist nicht Zufall, dass die Schilderung der Gegenpartei in Megillath Ebjathar (*J. Q. R.*, XIV, 456 ff.) in vielem mit der Schilderung der Gegenpartei in unserem Gedichte übereinstimmt, denn hier wie dort handelt es sich um dieselbe Partei. Wenn in der Einleitung zu Meg. Ebjathar Gesetzesübertreter und ähnlich Schuldige mit der Bezeichnung "Kreis des Frevels" (גבול הרשעה nach Mal. 1 14) bedacht und als "Verächter des Wortes Gottes" (כי דבר ה' בזה nach IV Mos. 15, 31) mit der schwersten Strafe bedroht werden, führt unser Gedicht uns eben solchen Frevel (הרשעה) (so namentlich 10, 3 ff.) und eben solche Verächter des Gotteswortes (דבר יי וחכמיו לבם בזה 10, 11) deutlich vor Augen. Das Haupt der gaonfeindlichen Partei, Daniel b. Azarja, so lesen wir in Meg. Ebj. (das. 458, 9), war aus Babylonien nach Jerusalem gekommen. Und unser Gedicht (10, 9) weist ausdrücklich darauf hin,

dass die Gegner von Babel ihren Ausgang zum Bösen genommen haben. Auf die in Meg. Ebj. (das. Z. 10) erzählte gewaltsame Sperrung der Lehrhäuser an Fest-, Sabbath- und Neumondstagen mag sich der in unserem Gedichte (namentlich 10, 10) erhobene Vorwurf beziehen, dass die Gegenpartei die Gottesfeste entweiht habe. Von einem heftigen und hässlichen Streite gegen das Gaonat in Palästina ist auch in Saadyana XLII und XLIII (*J. Q. R.*, XIV, 481 ff. und 484) die Rede. Durch Heranziehung dieser Geniza-Tezte wird uns manches in unserem Gedichte verständlicher. So z. B. das Gebet 9, 27 ff. יפקדני בתוך עדרו חבורת הצדיק ודורו ואלעזר בן עזריה. Unter חבורת הצדיק ist das Collegium des Gaon zu verstehen, wie auch unter חבורת הצדק הקדושה (7, 26) und חבורת הצדק הכלולה (8, 9). חבורה war die offizielle Bezeichnung des Hochschul-Collegiums, so z. B. גאון החבורה (in *J. Q. R.*, XIV, 472, Z. 12) und כלל הישיבה הקדושה וחבורתם (das. 484, 4 in einer datierten Urkunde vom Jahre 1058 [1]). Der צדיק, von dem unser Gedicht (10, 2 und 10) spricht, ist kein anderer als der Gaon. Die קדושי י׳ (10, 8) sind die Mitglieder der "heiligen" Hochschule (הישיבה הקדושה in *J. Q. R.*, XIV, 484). Auch auf die von K völlig missverstandene Erwähnung des Eleazar b. Azarja in unserem Gedicht (9, 11) fällt ein neues Licht aus der Stelle in Meg. Ebj. (2, 25), wo erzählt wird, dass der Gaon Elija, der im Jahre 1084 [1]

[1] Eine chronologische Schwierigkeit in Meg Ebj. ergiebt sich aus dem Bericht, dass Elija, der anscheinend erst nach dem Tode des Daniel b. Azarja im Elul 1373 Gaon geworden und im Kislew 1395 gestorben ist, das Gaonat 23 Jahre (vgl. *J. Q. R.*, XIV, 458, 15 und 16, und das. 459, 23) bekleidet haben soll. Da die Zahl 23 durchaus correct scheint, sind zwei Erklärungen möglich. Entweder ist als *erstes* Amtsjahr des Gaons Elija, weil nach der seleucidischen Zeitrechnung bei den Juden das Jahr im Frühling beginnt, die Zeit von seinem Amtsantritt im Herbst 1373 bis zum Frühling 1374, und als *letztes* (dreiundzwanzigstes) Amtsjahr die Zeit vom Frühling bis zum Kislew 1395 voll angerechnet worden. Oder versah Elija schon während des letzten Jahres des Gaons Daniel, als dieser geisteskrank geworden war, die Geschäfte des Gaons und wurde als Gaon betrachtet. Die Stelle (Meg. Ebj. 2, 14 und 15) וקבל הגאונות אדונינו אבינו אליהו הכהן אב״מ בלי מרי wäre dann so zu verstehen, dass Elija nach

starb, neben seinem Ahnherrn Eleazar b. Azarja (auch hier, wie in unserem Gedicht ohne die sonst übliche Hinzufügung des Titels רבי) begraben wurde [1]. Schon Bacher (in *J. Q. R.*, XV, 83) hat darauf hingewiesen, dass die Schilderung der Zusammensetzung und Tätigkeit des Collegiums der palästinischen Hochschule in unserem Gedichte (7, 26 ff.) aufs genaueste den aus anderen Geniza-Fragmenten hierüber ermittelten Einzelheiten entspricht. Auch die Ältesten (זקנים) und ihre Machtvollkommenheit den Bann auszusprechen finden wir 8, 10 und Saadyana XLIII (*J. Q. R.*, XIV, 484, 13 [2]) wieder.

Ich glaube daher nicht fehlzugehen, wenn ich annehme, dass unser Gedicht aus der Zeit der in Meg. Ebj. (2, 9 ff.) berichteten Anfeindungen gegen den Gaon Joseph stammt. Der *terminus a quo* ist das Jahr, in welchem der aus

dem Tode des Gaons Daniel die Gaonswürde (die er bis dahin, nicht ohne Widerspruch, bekleidet hatte) unumstritten erlangte, also im Ganzen 23 Jahre als Gaon fungiert hat. Die folgenden Worte des Textes, Z. 16 : הכי כי אף במורא scheinen unheilbar verderbt.

[1] Vielleicht ist auch die Erwähnung des Namens Ben Beroka in unserm Gedichte (7, 23) anders zu erklären, als durch den naheliegenden aber wenig befriedigenden Hinweis auf den bekannten Mischna-Lehrer R. Jochanan b. Beroka. In Saadyana XLIII (*J. Q. R.*, XIV, 484) lesen wir nämlich, wie im Jahre 1058 in Jerusalem Ephrajim b. Schemarja aus ברקה sich bei Strafe des Bannes verpflichtete, alle unglimpflichen Reden, besonders gegen die heilige Hochschule und das Collegium, hinfort zu unterlassen und aller Feindschaft gegen den Gaon Daniel und den Ab Beth Din Elija für immer zu entsagen. Vielleicht war es der Ort ברקה, den die gaonfeindliche Partei im Sinne hatte, als sie, wie es in unserem Gedichte heisst, den Gelehrten Israels gegenüber sich brüstete : אנס משיב ועוכיד למגמתי מאהלי בן ברוקה (statt בן müsste allerdings בני gelesen werden) " niemand kann erwidern und mir sich entgegenstellen aus den Lehrhäusern (oder Familien) derer von Beroka " ? Oder ist bei בן ברוקה vielleicht gar an den in Bibel und Talmud erwähnten Ort בני ברק, bekannt als Sitz des Lehrhauses R. Akibas, später im Arabischen אבן אברק genannt (s. Neubauer, *Géographie*, p. 82), zu denken ?

[2] Das. 484, 1 ist wohl nach Jos. 22, 22 zu lesen : אל אלהים יי אני אל אלהים יי und st. מעיד einfach שמהיה ; Z. 2 st. לשונו l. לשוני ; Z. 7 st. מפיהו l. מפיהו ; st. בדין l. בחין (mit " ja ") ; Z. 10 st. שעתיד מלמסור l. שעתיד אני למסור und st. ואם אמיר ואמיר l. ואם המיר אמיר ; Z. 11 st. שתים l. שהוא ; Z. 14 st. רשום l. רשום.

Babylonien nach Jerusalem gekommene Daniel b. Azarja mit Hilfe der בת צלע (oder הצולעה) genannten Partei seine Feindseligkeiten gegen den Gaon Joseph eröffnete, also ca. 1150. Der *terminus ad quem* ist das Aufhören des Streites nach dem Ende 1054 plötzlich erfolgten Tode Josephs. Daniel b. Azarja hatte das Ziel seines Ehrgeizes erreicht und war unbestritten der Amtsnachfolger Josephs geworden, den er vermutlich schon vorher gewaltsam aus seinem Amte gedrängt hatte. Elija, der Bruder des verstorbenen Gaon musste sich mit der Würde des Ab Beth Din begnügen. Der unterlegene Teil war zum Frieden gezwungen worden[1]. Seit dem Tode des angefeindeten Gaon und dem Siege des babylonischen "Fürsten" Daniel gab es keine Veranlassung mehr zu solch heftiger Polemik, wie unser Gedicht sie noch zeigt. Nur von Gegnern der gesamten Hochschule und ihres Collegiums, die sowohl den neuen Gaon als auch dem zweiten Vorsitzenden Elija feind waren, berichtet die Urkunde Saadyana XLIII (vom Jahre 1058). Die *spätere* Anfeindung des Gaon Ebjathar durch den in Egypten zum Exilarchen proclamierten Babylonier David b. Daniel Ende des 11. Jahrhunderts kann nicht die Veranlassung zur Entstehung unseres Gedichtes gewesen sein, da dieses in keinem Punkte eine Spiegelung der hierüber in Meg. Ebj. berichteten Tatsachen enthält.

II.

Der von K mit Vocalzeichen versehene Text lässt jede philologische Akribie vermissen und weist viele Fehler auf.[2] An zwei Stellen hat der Herausgeber durch Hin-

[1] Das Nähere dieses Streites s. Megillath Ebjathar, dazu Bachers vortrefflichen lichtvollen Artikel "Ein neuerschlossenes Capitel der jüdischen Geschichte" in *J. Q. R.*, XV, 79 ff. und Poznański's wertwollen Beitrag in *R. É. J.*, LI, 54.

[2] So 1, 1 תְּמֹהָמָה st. תמהמה, vgl. מהמהתי 8, 21. — 1, 3 סַבּוּ st. לִבּוּ; 1, 4 מְאֹרָה st. מַאֲרָה; 1, 7 חוכים st. חוֹכִים, vgl. חייך (Midr. Tanch. Debarim) "einer der schwerfällig im Sprechen ist"; 1, 7 בקמצה st. בְּקָמְצָה oder

zufügung falscher Vocalzeichen den einfachen Sinn des Textes in baren Unsinn verwandelt: 3, 15, wo er statt des Hiph. הִרְשִׁים (synonym mit כתב) ein Nomen הָרָשִׁים setzt, und 9, 18, wo er statt וּזְכַרְיָה (n. pr.) וְזָכְרָיָה liest. Die Anmerkungen K's geben meist nur den Nachweis der vom Verfasser des Gedichtes benutzten oder besprochenen Bibelstellen und bieten ausserdem noch einiges zur Verbesserung und Erläuterung des Textes, enthalten aber auch viel unrichtiges und lassen manches Schwierige unerklärt. Weit besseres hat Seligmann in *R. É. J.*, XLIV, 100 ff. bereits geleistet, seine Übersetzung ist fast durchweg richtig, seine Anmerkungen grösstenteils zutreffend. Ich beabsichtige im Folgenden die guten von S und K gegebenen Textesberichtigungen hervorzuheben und zu einigen Stellen, wo die Wiederherstellung des richtigen Textes oder Ermittelung des rechten Sinnes bis jetzt noch nicht gelungen ist, neue Besserungsvorschläge und neue Erklärungsver-

בקמצה; 1, 10 הבתרון st. הבתרון (vgl. II Sam. 2, 29); 1, 11 יתרון st. יתרו; 1, 14 יעדרו st. יעדרו (vgl. I Kön. 5, 7); 2, 2 לדרך st. לדרך; 2, 4 פועל st. פועל; 2, 7 יחלק st. יחלק (vgl. Jj. 38, 24); 2, 8 ומסך st. ומסך (vgl. Jj. 38, 8 ויסך ברולחים ים); 2, 11 מישר st. מישר, Sing. von מישרים; 2, 22 תבואינה st. תבואינה; 2, 24 נכרת st. נכרת; 3, 11 תצאנה st. תצאנה; 4, 13 הנה st. הנה, wie der Reim es erfordert; 5, 15 צווים st. צווים; 5, 21 מסלפת st. מסלפת (vgl. Spr. 13, 6); 5, 27 בימין st. בימין; 6, 15 פקודו st. פקודו; 9, 5 לכלבלה st. לכלבלה; 9, 10 שכל und st. שכל und באארו (Imper.); 9, 19 ולאה st. ולאה; 11, 8 נאם st. נאם; 11, 22 לבלה st. לבלה; 11, 28 ושועה st. ושועה; 12, 11 דבור st. דבור; 12, 22 חנפה st. חנפה; 12, 26 לארושה st. לארושה (Inf. von ארש, das eine Denominativbildung von ארשת Ps. 21, 3 ist und "sprechen" bedeutet. Derselben verlängerten Infinitivform begegnen wir in לפחורה 7, 11). 7, 9 ממשל st. ממשל (vgl. Ez. 21, 5). An manchen Stellen ist auch der Abdruck des Textes bei K ungenau, so 2, 11 להוציא st. להוציאי; 2, 10 נעלה (Druckfehler) st. נעוה; 5, 4 יהיה und בחוכו st. יהיה und בסוכו (l. בְּסֻכּוֹ); 5, 5 אל st. או; 5, 25 ענל וגדי st. ענל וגדי; 5, 21 נכריות st. נכרית; 10, 11 להם st. לבם; 4, 21 fehlt bei K: מול מחוה אל מחוה und 4, 23 sind die Worte וכן בראשית ממלכת יהויקים יתנה bei K ganz weggelassen; 6, 16 עלילה st. העלילה; 12, 10 הודיעונו st. הודיעונו; 12, 27 ההרמונה st. הרמונה; 7, 10 מועלים st. מועלים; 11, 26 אלהיך fehlt bei K.

suche beizubringen. Ich citiere den Geniza-Text nur nach dem ersten Abdruck in *J. Q. R.* und zwar mit Angabe der über jeder Textesseite stehenden Seitenzahl und weiterer Hinzufügung der Zeilenzahl.

1, 1 möchte ich gegen K und S עליהם st. עליה lesen, vgl. Jj. 10, 1. תלוהה 1, 5 ist keinesfalls mit K תְּלַוֶּהָ zu lesen, aber auch schwerlich mit Bacher als Particip pass. von ותלה (I Mos. 47, 13) zu erklären. Vielleicht ist es in וּבַלָּהָה zu emendieren. — 1, 12 ישלו ist von S unrichtig mit " ils restent cois " übersetzt, von K richtig nach II Chr. 29, 11 erklärt. 1, 13 מכחישי מצח will mir nicht richtig scheinen. Ob nicht מנחישי מצח nach Jes. 48, 4 ומצחך נחושה zu lesen ist? Die Lücke 1. 16 wird von K nach Jj. 37, 2 richtig durch das Wort ברגז ergänzt. 1, 20 will K באזני in באזניה, S in באזנו ändern. Ich lese: באזני אמרת קול מלים nach Ri. 17, 2 (וגם אמרת באזני) und Jj. 33, 8 (אך אמרת באזני וקול מלין אשמע). 1, 23 und 24 liest und ergänzt K: לְמוֹ דַי [אֵלוֹת] שֶׁאֵלִי שְׁ, S אבין שאלה שלם למודי, beides wenig befriedigend. Ich vermute: אבין שאלות משכילי, das den rechten Reim מלחמה · מַשְׂכִּילַי gäbe, vgl. שאלות המורים 9, 24 und zu dem folgenden מלחמה -לי vgl. Hos. 10, 9. — 1, 25 ist eine Lücke, die K mit על בני עלוה אלהים ergänzen will. Aber der Reim fordert -קים, S vermutet בפסוקים. Die Lücke 1, 26 wird von K mit משפטי יי ergänzt. Aber ich glaube, dass auch hier der Reim ein Wort auf -קים erfordert, also wohl ובמשפטים ובחקים oder, wenn die Lücke für diese Ergänzung zu klein ist, ובחקים allein. 1, 27 liest und ergänzt S: נפשי לא תאבה לגרם, K לגרם לתאבת[ם] [אין תבונה רק], beides gezwungen. Ich vermute: לתאבתם לגרם [היתכן], da die Lücke für drei Worte, wie K sie vorschlägt, zu klein ist. 1, 28 ergänze ich durch [יהרס · גם אתה]. 2, 9 liest S תאמר st. יאמר, aber die Änderung ist völlig überflüssig (vgl. ausserdem Koh. 2, 9). Zu משרשר 2, 10 vgl. משרשרת in einem Geniza-Texte in *J. Q. R.*, XIV, 237. 2, 14 מרוחים wird von S in ממרום emendiert und dieses Wort dann zum vorhergehenden Satze כי אדני לא צוה gezogen. Dagegen spricht aber erstens, dass dieser Satz den Gedanken völlig zum Abschluss bringt und keines ergänzenden

Wortes weiter bedarf. Zweitens, dass die Zugehörigkeit des ersten Wortes einer Strophe zum Vorhergehenden wohl ausnahmsweise dort vorkommen mag, wo der Zwang, die Strophe mit einem bestimmten Buchstaben zu beginnen, einen besonders schwierigen Notfall schafft, nicht aber hier, wo die neue Strophe mit מ anzufangen hat, einem Buchstaben, der nicht die mindeste Verlegenheit bereitet, vielmehr die allergrösste Auswahl passender Worte gestattet. K schlägt vor, מְרַוְחִים zu lesen. Aber trotz seines beigebrachten Belegs aus Ben Ascher hat diese Vermutung alles gegen sich, namentlich dass kein rechter Sinn dabei herauskommt. Auch meine frühere Vermutung מרוחים in מרזחים zu ändern, ziehe ich als eine völlig unhaltbare zurück und schlage vor, dafür מתחלה zu lesen, was einen angemessenen Sinn gäbe. 1, 18 st. אשר לא שוה muss wohl אשר לו שוה gelesen werden. Die mit ישר beginnende Strophe 2, 21 ff. übersetze ich: "Richtig ist das Wort Gottes, durchforschet nur die ganze Schrift. Aber kommen denn auch die Jahre zurecht? Da (bei dieser Frage) schweigen sie, wenden den Rücken und nicht das Angesicht, sobald sie (sc. die Jahre) untersucht werden nach Zahl und Mass" (ותקוה im Sinne von תקות חוט השני Jos. 2, 18 und Jer. Nasir 51° הנותן תקוה לנזירותו). Vielleicht aber ist st. נחפשו zu lesen נתפשו (oder vielleicht auch noch במנין in באפס zu ändern). Dann wäre der Sinn des letzten Satzes: "Sie verfangen sich im Zählen und Messen" (oder: "sie verfangen sich hoffnungslos"). Die Lücke 2, 25 ergänzt K richtig durch מאחיו. Die Lücke 2, 26 nach בצע will K mit כי לא עוד ausfüllen, aber der klare Sinn, den S in seiner Übersetzung richtig wiedergiebt, erfordert eine ganz andere Ergänzung. Gemeint ist offenbar, dass die Worte מה בצע (I Mos. 37, 26), die Jehuda zu seinen Brüdern gesprochen, seine Anwesenheit beim Verkaufe Josephs beweisen. Ich vermute also: [ללמד כי]. 2, 27 und 28 sind Lücken, die den Sinn nicht verdunkeln. Vielleicht ist Z. 27 לירידה das fehlende Wort. 3, 9 ומשה הוסיף שבעה בהפרשה ' ואנה צוה ist bei S unrichtig übersetzt, weil er die Stelle V Mos. 7, 1 zur

Erklärung nicht herangezogen hat. Das Wort בהפרשה ist entweder mit K בְּהַפָּרָשָׁה zu lesen und wie פרשת הכסף (Esth. 4, 7) mit "Summe" zu übersetzen oder בְּהַפְרָשָׁה, was, wie das unmittelbar darauffolgende הפריש zeigt, die Abgrenzung und Bestimmung einer Zahl bedeutet. 3, 13 הגרים wird von S höchst ansprechend in הַתָּרִים verbessert. 3, 14 יהושע בחסרי עשרים הרשים möchte ich durch den Hinweis auf II Mos. 33, 11 erklären, wo Josua als נער bezeichnet, also allem Anscheine nach zu denen *unter* zwanzig Jahren gerechnet wird. 3, 20 macht auf die Schwierigkeit aufmerksam, die darin liegt, dass König David im Ganzen 40 Jahre regiert hat und andererseits Absolom, der ihm (vgl. II Sam. 3, 3) während seiner Regierungszeit in Hebron als dritter Sohn geboren ward, bei seiner Empörung 40 Jahre alt geworden ist. Die Worte לפני מלכים לראוה hat S irrtümlich in לבני מ׳ ל׳ corrigiert. K hat richtig auf Ez. 28, 17 als Belegstelle hingewiesen. Die Lücke 3, 28 ergänzt K sinngemäss mit [באמונה · ואיך]. 4, 3 st. שמת, das S שַׂמְתָּ liest, aber nicht ohne Zwang zu übersetzen vermag, K שָׂמֵת punktiert und, weil es keinen Sinn giebt, völlig unerklärt lässt, ist einfach שֵׁנִית zu lesen. 4, 7 st. בקשת רמיה lese ich בקשת רמיה. Der Autor will nicht, wie S übersetzt, sagen, dass Jehu's Sohn *durch* einen trügerischen Bogen, d. h. durch Verrat zur Regierung kam, was ja auch tatsächlich nicht der Fall gewesen ist, sondern dass der widerspruchsvolle biblische Bericht z. St. anscheinend einem trügerischen Bogen gleich unzuverlässig sich erweist und nicht das Rechte trifft, והמלאכה נמבזה und die Arbeit (der chronologischen Ausgleichung) eine unangenehme ist. 4, 7 ist, wie S richtig bemerkt, nach אחזיה hinzuzufügen מלך יהואחז. 4, 13 ergänze ich die kleine Lücke durch רק. 4, 16 st. ברקח liest K mit Recht ברקח. 4, 18 scheint mir sowohl von S als auch von K unrichtig erklärt. איזה מושל עלי ימשול bedeutet nämlich nach Ez. 16, 44 nicht "welcher Herrscher regiert über mich", sondern "welcher Dichter wird auf mich anwenden das Wort . . .?" Hier also: "welcher Dichter wird mir nachsagen das Psalmwort אז איתם (Ps. 19,

14), wenn dies und das mir ein Geheimnis bleibt?" 4, 24 ist die Lücke mit Sicherheit durch בראנה ורגזה (vgl. 10, 10 und 11, und Ez. 12, 18) und ein die neue Strophe beginnendes כן zu ergänzen. 4, 22 ist statt בשנת zu lesen משנת. Damit ist die von S p. 110, Anm. 7 hervorgehobene Schwierigkeit des Textes beseitigt. 4, 25 st. בירח lese ich ביום und ergänze die Lücke mit וביום. 4, 26 lese ich: וכן בעשר לחדש [החמשי] בשבעה [לחדש]. S hat das richtige, K lässt uns auch hier im Stiche. 4, 27 ist nach בנאוה das fehlende Schlusswort der Strophe ובוזה (vgl. 10, 10 und Ps. 31, 19). Die folgende Strophe muss mit dem Buchstaben ל beginnen. Ihr Inhalt war zweifellos der Hinweis auf die Abweichungen der Berichte der Chronik im Vergleiche mit den Erzählungen der anderen historischen Bücher. 5, 2 אבני גללי wird von S in אֶבֶנִי וּגְלָלִי corrigiert. 5, 3 liest S נכח מזה st. נכח כזה und übersetzt: "Il faut en conclure." Ich meine, dass st. נכח כזה zu lesen ist נכח זה oder נכח לזה in der Bedeutung von "diesem gegenüber" und dass die Übersetzung so lauten soll: "Im Gegensatze zu diesem *Gerät*, das gehörig verschlossen ist (und darum nach IV Mos. 19, 15 *rein* bleibt), steht der Mensch, der mit einem Todten in einem Zelte zusammen ist (und dadurch nach IV Mos. 19, 14 unrein wird)." 5, 4 statt כן השכיל וכלי möchte ich כן הַשְׁכִּילוּ כלי lesen, da 5, 1 die משכילי עם und in der folgenden Strophe die שכל מבינים angeredet werden, vgl. auch 4, 20 השכילוהו. 5, 8 will K לני למל ‥, wo durch zwei Punkte nur zwei oder drei Buchstaben als im Texte fehlend angedeutet sind, nach Ez. 32, 5 (ומלאתי הגאיות רמותך) ergänzen und schlägt vor לני למל[א רמות] zu lesen. Welchen Sinn aber diese schon durch ihre räumliche Ausdehnung unmögliche Ergänzung haben soll, hat K anzugeben unterlassen. Eher ist לני למל[א פ] das richtige, vgl. Ps. 65, 10: פלג אלהים מלא מים. Einen sehr guten Sinn gäbe es לני למוע[די ו]חי zu lesen. Ob aber diese Vermutung das Richtige trifft, kann nur eine genaue Prüfung der Buchstaben der Handschrift entscheiden. 5, 10 ist nach Jer. 7, 27 zu ergänzen, also nicht לא [והם], sondern לא[ו]. 5, 11 und 12 ist bei S derart geän-

dert, dass bei sämtlichen Verben die erste Person eingesetzt wird. Aber statt אמרתי אחכמה ist ebenso gut אמרת אחכמה denkbar und statt בחשתי, aus ' בחשו emendiert, kann auch בחשת das Richtige sein. Entscheiden kann vielleicht auch hier die Handschrift. K ergänzt die Lücke in 5, 12 mit ונואל, das sich nicht empfiehlt, wogegen ומעל in jeder Beziehung besser passt. Auch ist die unveränderte Beibehaltung des Wortes בחשו bei K nicht gerechtfertigt, da aus dem Zusammenhange nicht zu ersehen ist, auf wen die 3. P. Pl. sich hier beziehen soll. 5, 13 חתנתו ist bei K in חתנו geändert. Ob mit oder ohne Absicht, lässt sich nicht ermitteln, da K auf jede Erklärung der Stelle verzichtet. Bei S ist alles richtig aufgefasst und gut übersetzt. חתנתו ist beizubehalten. Von S stammt die einleuchtende Verbesserung von להזהיר 5, 14 in לא הזהיר, ebenso dass statt ואחותו מאביו gelesen werden muss ואחות אביו. 5, 16 st. בהזהרה l. ובהזהרה. 5, 18 ist eine Lücke am Anfang, die K mit קבה, S mit קדוש ausfüllen will. Ich schlage vor, statt גם ' ' ' zu lesen: רם [קול], vgl. V Mos. 27, 14. Vielleicht auch בְּקִבָּה st. כי קבה; 5, 23 st. אין נזהרו l. איה נזכרו oder אנה נזכרו. Die Lücke am Anfang von 5, 24 ist von S und K mit אדני ergänzt, das folgende משומי von K richtig in משומו verbessert worden. Die mit תורת beginnende Strophe 5, 24 ff. ist von S teilweise unrichtig erklärt, von K stark missverstanden worden. Ich lese st. יחדר (5, 25) יהדר und übersetze sodann: " In der Vorschrift vom Jungen (שור oder בשב oder עז), das geboren wird in der Herde (III Mos. 22, 25), wird auch Kalb und Zicklein mit dem Namen der Thiergattung שור beziehungsweise עז ausgezeichnet, ähnlich wie es beim Lämmchen, das im Hebräischen genau wie das Lamm בשב heisst, der Fall ist. Und wo er (sc. הכתוב "der Bibeltext") in Bezug auf Ochs und Lamm anscheinend das Männliche und sein Junges (אותו ואת בנו) betreffende Bestimmungen festgesetzt hat (יְגַדֵּר ist ein von גדר in talmudischem Sinne gebildeter Piel), will er eigentlich über Kuh und Mutterschaf und ihr Junges eine Anordnung treffen. Das ist ja wie eine Verschleierung des

richtigen Sachverhaltes." Die Worte זאת המסכה, nach denen im Texte eine Lücke folgt, sind von K richtig mit Hinweis auf Jes. 25, 7 durch [הנסוכה] ergänzt, von S aber gründlich missverstanden und mit dem Folgenden zu einem Nonsens zusammengezogen worden. S hätte vor diesem Irrtum sich bewahrt, wenn ihm nicht zufällig entgangen wäre, dass nach der akrostichischen Anlage des Gedichtes, die Endstrophe, deren letztes Wort mit der Silbe ־בה schliesst, mit einem ב beginnen muss, also erst mit באהל anfangen kann. 5, 28 Anf. l. [העדות] (K). 6, 3 st. des völlig unverständlichen מגמת ist vielleicht נצמת zu lesen und nach בהמה das Wort ישלמנה einzuschalten. 6, 5 das Wort שְׁלֹשׁ fehlt bei K im Text und ist auch bei S unübersetzt geblieben. 6, 6 das erste Wort השבם wird von K in חשבם emendiert. Ich halte es aber für richtiger השנים zu lesen wie in III Mos. 25, 8, worauf hier Bezug genommen wird. 6, 8 st. היות למעינו liest K היות לנו עינו (unmöglich richtig), S היות לעינו. Vielleicht ist היות לו לעינו zu lesen. 6, 12 בזיהורים bedeutet hier "mit Sonnenaufgang". 6, 15 בדבר ist wohl בְּדָבְרוֹ zu lesen. Der Sinn ist: "Wenn Bileam im Auftrage Gottes geflucht hätte, dann hätte ja dieser durch sein Wort sein Volk vertilgt." 6, 23 ברו · צ · wird von K [ו]צ[ב]רו gelesen. Aber erstens giebt diese Ergänzung keinen rechten Sinn und zweitens erfordert hier der Reim ein Wort auf ־רים. Ich vermute ברורים oder, wenn die Lücke in der Handschrift für mehr Buchstaben Raum lässt, בבירורים, wie 11, 7 und 12, 10. Die Lücke 6, 26 ergänzt K mit הָרוֹת, das völlig sinnlos ist. Ich vermute: [ויהודה]. 9, 5, das K לַעֲמוֹסָה liest, S allzufrei übersetzt, möchte ich לְעָמוֹסָה lesen, eine Infinitivform, deren der Verfasser sich auch sonst (7, 11; 12, 26) bedient. Der Sinn ergiebt sich aus Ps. 68, 20. 9, 6 wird כסוסה von S und K vortrefflich in כמוסה emendiert. 9, 9 נהג l. נהוג (Imper.). Auch die Anfangsworte der folgenden Strophen שכל und ערך (l. עֲרֹךְ) sind Imperative, desgl. בָּאֲרוּ Z 11 und פַּשֵּׁר Z. 13. Die Lücke 9, 21 wird von S und K übereinstimmend mit בְּעֵט ergänzt, das folgende בבף von S völlig zutreffend in כנף geändert, von

K unverändert (aber auch unverständlich) beibehalten. Überflüssig ist es, das nächstfolgende הראה in הדאה zu ändern, da ersteres durch V Mos. 14, 13 gerechtfertigt ist. Wenn, woran ich nicht zweifle, das Wort בעט das hier zu ergänzende ist, *haben wir hier die älteste Erwähnung des Gebrauchs der Schreibfeder bei den Juden.* 9, 21 ist רוגנים ל[קח י]למדו להם zu lesen. Von רוגנים war schon 1, 13 die Rede. K will die Lücke in Z. 22 mit יחבירו א[בשו] ergänzen. Ich ziehe es vor, יכבירו בבלי דעת מליהם א[לשו] nach Jj. 35, 16 zu lesen. 9, 23 wird von K (nach Jer. 8, 9) המורים מאסו והנ[ה דברי] ergänzt. Ob die Lücke für so viele Buchstaben Raum lässt? [דברי]ו wäre kürzer. Schwierig sind die zwei Strophen von 9, 24 an. Statt עלית בגורל in Z. 25 schlägt S vor, nach Ri. 20, 9 עליה בגורל zu lesen. Ich halte diese Vermutung für glücklich, im Übrigen jedoch die Auffassung und Übersetzung dieser Stelle bei S für völlig verfehlt. Unhaltbar ist auch die Erklärung, die K z. St. giebt. Ich meine, dass hier nicht eine Aufzählung schwieriger Bibelstellen, sondern, was auch der Zusammenhang ergiebt, eine Aufforderung zum Angriffe gegen die feindliche Partei vorliegt. "Die Fragen der Lehrer treffen sie wie Männer mit dem Bogen. Wahrlich, Wehen erfassen sie, die Bewohner Palaestinas. Auf (zum Kampfe) gegen sie (עליה bezieht sich auf die Gegenpartei, die mit הצולעה bezeichnet wird) durchs Loos, bis dass man nur ihre Trümmer zurücklässt, wie einst die Steine bei Kir Charescheth" (II Kön. 3, 25). Von den beiden folgenden Worten וינשא לנסהו ist das zweite ziemlich sicher לנוסה zu lesen. Ich vermute, dass der Copist der Handschrift das ו aus Versehen weggelassen und dann über der Zeile nachgetragen hat, so dass ursprünglich לנסה geschrieben stand, woraus dann irrtümlich לנסהו geworden ist. Das vorhergehende Wort aber bleibt zweifelhaft. Ob וינשאו oder בנשף zu lesen ist? Die folgende mit תורות beginnende Strophe verspottet die Gegner. Ich übersetze: "Die Belehrungen ihrer Fragen sind unbrauchbares Zeug und Gemisch (שעטנז וכלאים) und diese ihre Offenbarung lehren sie (יִלָּמְדוּ ועדותם זו 9, 27, vgl. עדותי זו אלמדם Ps. 132, 12)

den Vater und sein Kind, während diese in Jerusalem übernachten, um in Lust sich zu ergötzen" (Z. 27 l. הבים[בא] להתעלסה nach Spr. 7, 18: נתעלסה באהבים). — 10, 5 st. ולשם פה lese ich ולשרפה, das erste Wort der folgenden Zeile ist wohl פֹּה zu lesen. K liest ולשים פה, was nicht richtig sein kann. 10, 6 will K אשר יקרא לָפֶה לַפֶּוֶת lesen, was aber durchaus keinen Sinn giebt. Unzweifelhaft richtig scheint mir אשר יקרא לְמַהֲלֻמוֹת, wozu das Wort פיה des vorhergehenden Satzes das Subjekt ist, vgl. Spr. 18, 6 ופיו למהלמות יקרא. 10, 7 רגופה, wofür K נגופה vorschlägt, möchte ich in ונדופה (vgl. Ez. 5, 15) verbessern. 10, 8 st. ויאמר l. ויאמרו. 10, 12 st. היורי ist wohl היורים zu lesen. Die Vermutung von S, dass es שנונים statt שניהם heissen soll, ist sehr ansprechend. 10, 18 st. לשמוע l. לשמועה, vgl. Ez. 16, 56[1]. 10, 22 st. יבשר l. יכשר und Z. 23 st. במלים l. בְּמִלִּים. "Ist es so recht, dass Worte des Gottespropheten wie Reden ohne festen Grund (בלי מָעֳמָד, vgl. Ps. 69, 3 ואין מעמד) sein sollen?" Bei dieser Erklärung würde man allerdings היכשר erwarten. Aber יכשר ohne ה steht als Frage auch 11, 18 und desgleichen יתכן 12, 20. — לישב נזרי 10, 25 scheint mir fehlerhaft, vielleicht ist לאיש ערירי dafür zu lesen (vgl. Jer. 22, 30). 10, 27 st. אמירה l. אמורה; 10, 28 st. ונמורה l. בתמורה (S liest תמורה). 11, 3 st. בשפעים, das keinen Sinn hat, l. בצפיעים, vgl. Ez. 4, 15. Die Lücke 11, 4 will K durch [יום לשנה] ausfüllen. Es scheinen aber hier nur vier Buchstaben zu fehlen. Ich schlage vor, [ואיך] einzuschalten, womit ein befriedigender Sinn hergestellt ist. 11, 15 st. להראות אות לאות יפה liest S להראות אות יפה. Vielleicht aber ist להראות מות לאות יפה zu lesen. 11, 25 st. כמעשה l. במעשה (vgl. Koh. 8, 14). Die Lücke 12, 1 ergänzt S durch לאמר, K weniger ansprechend durch למרידה. Die Lücke 12, 3 ergänzt K trefflich durch כלם, doch möchte ich st. ללא חמס daselbst על לא חמס lesen, wie Jj. 16, 17. Die Lücke 12, 5 ergänze ich durch [ים]ועמם שלש, S liest [שלש]ים (zu kurz), K [ים]במלחמה שלש (zu lang). 12, 6 fehlt ein Wort am Anfang, S vermutet [כמו] K [רבות ו]. 12, 7 st. או l. אז,

[1] S p. 116, Anm. 7 l. Jér. 33 st. Jér. 23.

das Wort היתוון ist הֲתָן zu lesen, vgl. והתוית Ez. 9, 4. Zu פנים ואחור vgl. Ez. 2, 10. K hat הַיְתָוֹן gelesen und die ganze Stelle nicht verstanden. 12, 9 möchte ich מדת[מה] היא לתך lesen. Zu מדת מה היא vgl. Jer. 8, 9 וחכמת מה und Ps. 39, 5 מדת ימי מה היא. 12, 11 דָּבוּר בעינינו בצפת על העמוד מוצפר, das zum Vorhergehenden gehört, wird von S irrtümlich als besonderer Fragesatz aufgefasst. מוצפר ist von צפירה abgebildet, hat aber mit ויצפו Ri. 7, 2, das von K. z. St. herangezogen wird, nichts zu tun. 12, 21 ff. bis zum Schlusse der Strophe wird von S irrtümlich als Aufzählung schwieriger Bibelstellen betrachtet. Der Sinn ist: "Ich werde nicht an Falsches glauben, als einer, der sich irre führen lässt, denn Irrtum wäre der Lohn davon und die Welt würde durch Lüge verderbt." Also eine Expectoration des Verfassers, der auch hier seine Gedanken in die Gewandung von Bibelstellen kleidet. 12, 26 st. מאולפה, das keinen Sinn giebt, vermutet S מסולפה. Aber auch מחולפה ist möglich. 12, 27 st. פתרם l. פִּתְרוּ (Imper. Pl. wie 12, 10 und 13) und st. פתרי l. פותרי. 12, 28 אשונות ist durch den Hinweis auf אישון Spr. 20, 20 noch nicht erklärt. Völlig ohne jeden Beleg, und darum auch ohne Halt, ist die Angabe von S, dass אשונה im Talmud wörtlich "dunkles Silber" bedeutet. Ob nicht doch בכסף לשונות zu lesen ist? Der Sinn der Worte von פתרם an wäre dann: "Erklärt es mir richtig, ihr Erklärer, nicht aber mit dem Silber der falschen Zungen (vgl. Spr. 26, 23 שפתים דולקות ולב רע), das ein oberflächlicher Überzug nur ist auf einem irdenen Scherben." 7, 13 st. אין לה möchte ich אין קץ lesen. S liest איננו יכולים st. אין לה לכתוב, eine sehr gezwungene Vermutung. 7, 14 גלגל, das bei K גִּלְגֵּל punktiert ist, muss גַּלְגֵּל heissen, da es eine Infinitivform sein soll. ברמין שכליו, von S unübersetzt gelassen, bedeutet "bei Gleichheit ihrer Bedeutungen." Der Versuch S's, aus den Worten עכשוב bis החרה einen polemischen Sinn herauszulesen, ist von vornherein verfehlt und darum auch völlig missglückt. Die drei Worte במליו, ערליו und כסליו sind nur des Reimes wegen zu den gewählten Beispielen von Metathesen hinzugefügt. Der Schluss der Strophe

aber אשר יקים בתחלה ואחריו החזיק החרה bedeutet: "was er ursprünglich nach vorn (an den Anfang des Wortes) gestellt, hat er nach hinten (ans Wortende) mit Absicht gerückt." Die Redewendung ואחריו החזיק החרה aus Neh. 3, 20 ist in ähnlichem Sinne bereits 5, 17 gebraucht. 7, 17 st. תמורת l. תמורות. 7, 24 st. תאמר l. תאמרו (vgl. Jj. 32, 13). 8, 10 הבדיל ist nicht, wie S und K es tun, הִבְדִּיל zu lesen, sondern הַבְּדִיל, vgl. Zech. 4, 10 וראו את האבן הבדיל ביד־. Der Sinn der Strophe wird dadurch klar. 8, 13 החרושה wird von S als Anspielung auf Ps. 129, 3 auf בית ישראל bezogen und mit "qui est labouré" übersetzt. Aber חרושה, das ausserdem noch 4, 20; 12, 15 und 7, 27 vorkommt, bedeutet an allen diesen drei Stellen, also vermutlich auch hier nichts anderes als כתובה "geschrieben" (vgl. übrigens z. St. auch Ez. 13, 9). 8, 17 למלמדי möchte ich לְמַלְמְדֵי lesen, vgl. 8, 21 לְמוֹרֵי. 8, 22 wird die Lücke von S sinngemäss mit בְּעַמִּים ergänzt, K's Vorschlag, כמאה zu lesen, ist ganz unannehmbar. 8, 24 st. בריצוי יומים, wofür ich, durch das unmittelbar Vorhergehende הדק an III Mos. 30, 34 ff. erinnert, בריצוי סמים vorgeschlagen habe, will S בריצין סמים lesen. Aber wo ist ein Beleg für diesen Gebrauch von רצין zu finden? בריצוי ist freilich auch nicht unzweifelhaft sicher, und so darf man vielleicht gar auf Grund der angeführten biblischen Belegstelle, wo neben סמים sowohl הדק als auch רקח (zweimal) gebraucht wird, das Wort בריצוי in בְּרוֹקַח emendieren.

Von dem hochinteressanten Gedicht ist etwas weniger als ein Drittel uns erhalten. Es steht zu hoffen, dass zu willkommener Ergänzung des bisher Aufgefundenen noch manches Stück aus den schier unerschöpflichen Schätzen der Geniza hervorgeholt werden wird. Vielleicht geben uns neue Funde erwünschten Aufschluss über die Person des Verfassers und seine Gegner und an die Stelle der vorläufig noch allzuzahlreichen Vermutungen tritt dann in vielen Stücken volle Gewissheit, und auf Manches, das jetzt noch dunkel bleibt, fällt dann neues, helles Licht.

N. PORGES.

THE EXILARCH BUSTĀNĪ.

In this Review (vol. XIV, p. 303), in a paper on certain British Museum Genizah texts, the Rev. G. Margoliouth has given a fragment dealing with the legends relating to Bustānī.

In the Taylor-Schechter fragments at Cambridge, another MS. (T-S., 12, 504), consisting of two paper leaves of fifteen lines to a page, has just been recognized as referring to the same legends. It is Arabic in Hebrew characters, Oriental Rabbinic writing, of about the same date as the British Museum MS. It is mutilated somewhat, and therefore unfortunately some words of the text of the first page, which precedes the narrations already printed, can only be guessed.

Comparison of the two texts will show that they agree almost word for word in the concurrent parts. However, in line 3 (of the Brit. Mus. text) ומאנע ען is replaced by ואמתנע מן; at the end of line 5, חצל is replaced by חאל, while at the beginning of the next, מנאשרתהם is spelt מנאטרתהם, where the writer has not dotted the ט. In line 5 on p. 305 (*J. Q. R.*, XIV) the Brit. Mus. text has דיאר אלנמס, which is referred to نمشه and نصحه, with a possible meaning "Saxony." In Dr. Badger's *English-Arabic Dictionary*, under the word "Germany" is given the equivalent بلاد الشمسا. However, the present MS. (f. 2 recto, line 11) gives דיאר אלעגם, which will presumably mean Persia, although بلاد العجم is the usual name of the country. Perhaps דיאר אלעגם may have the sense of "somewhere in Persia." In the tenth line on the same page, instead of אליהם, the Cambridge fragment has פי הום after דכל. On page 2 recto below, line 3, appears ורפעה instead of אלדי רפע in the Brit. Mus. MS.

It will be seen that ט is sometimes used to transliterate ض (instead of the usual צ). Compare אלחצור (=الحضور) of the last line of 1 verso with בעוטה (=بعوضة *gnat*) in the line before it. A few words are left out in this fragment; אלפעל after וכאן דלך in line 6 of 2 recto, בדלך at the beginning of line 3 and אלכרג at that of line 9 of 2 verso.

The fourth page of this fragment ends before the last three lines of the MS. of the British Museum.

Mr. Margoliouth has most kindly made suggestions for the lacunae on the first page: those on the other three have been filled by the help of his printed British Museum text.

1 recto.

תם אחצר אליה שיוך . . . . . .
עליהום אלרויא וקאל להום אן יג[ב]
אן אנעל שיך כביר מן אלשיוך יגלם
[פי] מקעד ראס אלגאלות פי גמיע ישראל
[וי]גלסו אלמתאיב דונ[ה] ויסתופי ואגבאר (?)
ראס אלגאלות מן רשות . . . ן פ . . . . .
. . . לך נאיב ען הדא [אלמול]וד אלמסמא
בסתאני אלי חין בלוגה וימאחה (?)
אלמנזלה לה פינזל אלשיך חיניד ויגלם
אל[פת]א (?) פי ריאסתה: פחסן הדא אלראי
ענד אהל בגדאד ואגלסו שיך ממן
לה כרמה מע אלסלטאן קיסר פי
מקעד ראס אלגאלות ונאב פי אסתיפא
חקוקה ואקא[ם כדאך] אלי אן בלג
בסתאני [מן] עמר[ה] סתה עשר [סנה]

1 verso.

[וצלח] ללתקדם פי ריאסתה פטלב
[אלנא]ס מן אלשיך אלנאיב אלנזול ען מא
תולאה מן אמור אלריאסה פ[לם] יפ[על]
ואמתנע מן דלך אתם ממאנע[ה]
פארתפע אל[א]מר אלי אלכליפה וכאן
סלטאן [אלוקת] עמר בן אלכטאב
[ווקפ]א [גמיעא ל]ה אלשיך ובסתאני
ותנאטרא בין יד[יה] טוילא ספי
חאל מנאטרתהם וקפת בעוטה
עלי וגה בסתאני ולם תזל חתי [ס]אל
אלד[ם] ולם י[כ]רג בין ידי אלכליפה יד[יה]
יטרדהא פאסתחסן דלך מנה ולדלך
ינקשו אלדאוודיה עלי [פצ]וץ כואתמהם
צורה בעוטה וח[כם] ל[ה] באלריאסה
[ו]סלמה אליה ואמ[רה ב]אלחצור מגלסה

2 recto.

תם אנה והבה גאריה [קים]ר [לאן עמר]
בן אלכטאב פתח בלד קיסר וקתלה : ואכד
בסתאני אלדאוודי אלגאריה ורפעה אליה
[עמר ?] בן אלכטאב פאסתולדהא ולם יעתקהא
[וכאן] דלך מנה גהל או עוגב וכרגו
אולאד בסתאני מן אלגאריה ולם יתזוג
גירהא ולא אולד מן סוהא פכרג מן
נסלה ענן וסאיר בעז ובני זכיי
רוס גואלית בגדאד ונפר יסיר
באלאנדלוס אלכל ינתהו פי נסבהום
אלי בסתאני : וקיל אן בדיאר אלעגם
דאוודיה אשכאז יערפון בבני
מרוה[א] ליס הום מן נסל בסתאני
ואן ל[ם יסלם] מ[ן] נ[סל] דוד אחד מן
הדה אל[חארתה סואהם] ואן מא

2 verso.

[אסמי]ו ב[ני מ]רותא לצחה נסבהם
וכלאץ נסלהם מן הדה אלעיב פאסמו
יעני אנהום סאדה אלמנתסבון אלי דוד
והם ענד תלך אהל אלדיאר מחבו[בין]
באזא בגטה אהל בגדאד פי נס[ל] . . .
בסתאני למא דכל פי הום הדה אלדאכלה
אלדי אעאבת אלנסל ואללה יבעת
אלמנתטר לאמתה אלנקיה מן הדא אלע[י]ב
מן אלסלאלה אלטאהרה אלדי לם ישובהא
דנס אד כאן מוגודא מן קבל כראב
אל[בית] אלתא[ני] כמא קאלו קודמאנא
זכרוניהם לברכה אן אללה לם יכרב
קדסה חתי כלק מן יעמ[רה כ]מא
ועד אמתה א[נה יכלק אלדוי] קבל
אלדא כמ[א קאל כרפאי לישר]אל

E. J. WORMAN.

THE KARAITE LITERARY OPPONENTS OF SAADIAH GAON IN THE FOURTEENTH TO NINETEENTH CENTURIES.

Fourteenth Century.

37[1]. **Israel [b. Samuel?] ha-Dajjan** (also called **ha-Maʿarabi**) lived in Cairo at the beginning of the fourteenth century, and is the author of several works in Arabic[2]. I have made the conjecture above (No. 26), that the poems preserved at the top of a MS. of David b. Abraham's Lexicon, and which are aimed against Saadiah and Samuel b. Ḥofni, were perhaps composed, not by Israel b. Daniel, but by our Israel ha-Maʿarabi.

38. The MS. of the British Museum, Or. 2498 (Cat., I, no. 334) contains **an Arabic commentary on Deuteronomy**, the beginning of which is missing, and which originally extended perhaps over the whole Pentateuch. This commentary, as the colophon states, is compiled from Qirqisâni, Jefet b. ʿAli, Sahl b. Maṣliaḥ [Abu-l-Surri], Abu-l-

[1] The numbers are continued from vol. XVIII, pp. 209–50, from vol. XIX, pp. 59–83, and from vol. XX, pp. 74–85.

[2] Enumerated in Steinschneider, *Arab. Liter. d. Juden*, § 184. The name of his father Samuel only rests upon a combination of Pinsker (p. 176) that has yet to be confirmed. On the other hand, the Karaite authors call him only רבי ישראל הדיין or המיצרבי; e.g., his pupil, Jefet b. Ṣagir (in Pinsker, ibid.); Aaron b. Elias (*Gan Eden*, f. 22 b; *Keter Tora* on Exod. xii. 2, f. 28 a); Samuel al-Magribi (*Murshid*, Section vii, chap. xiii, ed. Lorge, p. 14); Ibn al-Hiti (*J. Q. R.*, IX, 435, l. 8 from bottom); Elias Bashiatchi (*Adderet*, ענין קה"ח, cap. XL); Moses Bashiatchi (in the ספר עריות, see Steinschneider, *Cat. Lugd.*, p. 12); Judah Meir Taurizi (in Pinsker, p. 144), and Simḥa Isaac Lutzki (ארח צדיקים, f. 21 b, l. 22).—In the Arabic compilation on Deuteronomy about to be mentioned, the author cited as צאחב אלעריות [=אלרייס] פי אלרּ עלי אלוֹ [=ישראל] ר׳ יש (see Margoliouth, *Catalogue*, I, p. 268 b) must likewise be our Israel.

Faraj Harûn, Abu-l-Faraj Furqân b. 'Asad [i. e. Jeshua b. Jehuda], and others, of whom Jefet seems to have been used the most, and it was finished in the first ten days of the month Nisan, 1663 (Era of Contracts) or the end of Muharram, 752, of the Hegira (=March, 1351)[1]. On xvii. 8 (fol. 49 a) a vigorous controversy is waged against Saadiah, who (according to the precedent of the Talmudists) refers the words בין דם לדם to the difference between pure and impure blood (וקד קאל אלפּ ותבּאעה אן קו' תע' בין דם לדם הוא דם נדות ודם זיבות והדא ידלّ עלי פסאד מדהבהם ועדם עקלהם ודינהם פהל יכון נקל אקבח מן הדא אלך). As mentioned already (cf. above, vol. XVIII, p. 228), David b. Boaz (?) also controverted this explanation of Saadiah, and it is therefore possible that he was the source whence our compiler drew.

39. **Aaron b. Elias**, or Aaron the Younger, is also important as a Bible exegete, a teacher of the Law, and a religious philosopher, on which account his co-religionists place him by the side of Maimonides. His place of origin was Nikomedia, in Asia Minor, and he died 1369[2]. For our purpose we have first to consider his Book of Precepts, entitled גן עדן (composed 1354, ed. Koslow, 1866). Here also Saadiah is the subject of rather frequent controversy. Aaron deals most fully with the subject of the calendar, and is uncommonly incensed against Saadiah's theory of the great age of the permanent calendar with all its rules. He says that Saadiah, in this assertion, scoffs at his own teachers, the Talmudists, who all firmly maintained the method of observation (fol. 5 b: מכלל האיש ר' סעדיא התל . . . לרבותיו אשר היו מתנהגים בראיית הירח כרבן גמליאל ור' יהושע ור' עקיבא וחבריהם ואמר שהם תפשו דת שלא כדין תורה וכו'), then

[1] Cf. my *Aboul-Faradj Haroun ben al-Faradj*, p. 37 (=*R. É. J.*, XXXIII, 216). That Jefet was the principal source follows from the remark on Deut. xxxiii. 4 (published in *Semitic Studies in Memory of Dr. Kohut*, p. 436, n. 3). See also Margoliouth, *Catalogue*, l. c., and Steinschneider, *Arab. Liter. d. Juden*, §§ 132, 235 (also my *Zur jüd.-arab. Litter.*, p. 79).

[2] Cf. on him finally *Jew. Encycl.*, s.v. (I, 9, 10), and אוצר ישראל, s.v.

advances his arguments and objections against observation (ואלו הם פונותיו וקושיותיו ושבושיו, altogether ten in number), and refutes it. Then Aaron opposes Saadiah's assertion that all the data in the Talmud from which it is inferred the *Dehijot* had no validity, are to be understood only theoretically (fol. 6 d: . . . והואיל והביאו זה מצד המעשה בטלו דברי הפיתומי שאמר כי כל מקום שיאמרו חל טעמו ע"ד רדיפה וכו'). Incidentally we learn that Saadiah's opinion of those data, which could not in any case be taken theoretically, was that they contain only the view of individuals but not the generally accepted view (fol. 7 b: . . . כשעיין באלו העניינים זה האיש סעדיא הפיתומי אמר כי זה היה דת לקצת אנשים אך לא לכלל האומה ודבריו גלויי הסתירה לפי הנראה ומכחיש האמת בידוע וכו'). He further attacks the theory of the great age of intercalation, which he refutes with arguments from the Talmud itself (fol. 15 b); and he also mentions his objection, that אביב can also signify the name of the month (fol. 16 d, where he calls Saadiah המהתל בנפשו). The other passages concern the problem of ממחרת השבת (fol. 53 a), the process of מליקה (fol. 89 d), the use of the fat tail (fol. 96 d: וראש החולקים הוא סעדיא הפיתומי אשר עמד לחלוק בנגד דעת הקראים וחכמינו ע"ה כבר שברו מלתעותיו; rather thorough and complete), and the theory of the Levirate marriage (fol. 159 b: the name of Saadiah is not mentioned here, though he is the author of the view, introduced by ואם יטעון, that Lev. xviii. 16 suffers limitation through Deut. xxv. 5, just as, e. g. Lev. xxiii. 3 through Num. xxviii. 9, see *supra*, vol. XVIII, p. 234).

All the views of Saadiah mentioned here are already known from earlier sources, from which Aaron also must have obtained them. On the other hand, the refutations often contain new points, especially with regard to the last matter, where logical categories are introduced. The manner of treatment is mostly pertinent and calm, as befits a serious scholar, though we have seen that the tone is not always distinguished.

In the commentary on the Pentateuch, כתר תורה (composed 1362; ed. Koslow, 1866–7), in which rabbinical authors are

very often mentioned[1], Saadiah, remarkably enough, is not quoted a single time, and just as little in the religio-philosophical work עין חיים (composed 1346; ed. Leipzig, 1841; Koslow, 1847).

Fifteenth Century.

40. **Samuel b. Moses al-Magribi**, a Karaite physician and author in Cairo, composed among other things a Book of Precepts in Arabic, entitled אלמרשד (finished July 2, 1434), which consists of twelve sections, and is extant in MS. in London, Berlin, and (partly) in St. Petersburg[2]. It is distinguished by lucidity and orderly arrangement. The parts edited are: Section II, on Sabbath, ed. N. Weisz (Pressburg, 1907); Section III, on the calendar, ed. F. Kauffmann (Frankfurt a. M., 1903; see my critical notice, *J. Q. R.*, XVI, 405 seq.); Section IV, chap. i–xviii, on the fast- and feast-days, ed. Junowicz (Berlin, 1904; cf. ibid., XVII, 594); Section VI, chap. i–xxii, on the laws contained in the section *Mishpâtîm*, ed. Gitelsohn (Berlin, 1904; cf. ibid., XVIII, 560), and Section VII, on the dietary-

[1] They are as follows: David (al-Muqammeṣ? I, f. 15 b); Ḥayyûj (I, 39 b, 45 b; II, 69 b); Abulwalîd (I, 39 b, 64 a, 68 a, 69 a, 80 b; II, 4 b, 22 a, 49 a); Moses ibn Chiquitilla (II, 101 b); Rashi (I, 6 a; II, 93 a, 95 a); Abraham ibn Ezra (very often); Maimonides (I, 7 a, 25 b; III, 63 b); Naḥmanides (I, 7 a); David Kimḥi (I, 45 b; II, 4 b; III, 16 b); Judah (b. Solomon ibn Matqa) of Toledo (I, 7 b, 8 a) and Shemariah Ikriti (I, 6 b).

[2] Cf. Steinschneider, § 199 (also my remarks in *Monatsschrift*, XLII, 189, and in my *Zur jüd.-arab. Litter.*, pp. 76, 77). According to Steinschneider, Samuel b. Moses [b. Jeshûa] al-Magribi [the physician, הרופא] was already identified or confused by the Karaites with Samuel (so read for Solomon) b. Moses b. Ḥesed El ibn al-סני [the teacher, המלמד] (cf. especially Catalogue of Heb. MSS. in Berlin, II, no. 202), and hence a work entitled מקדמאת is ascribed first to the one, then to the other. It is interesting to point out that in a Karaite prayer-book written by Daniel Feroz (MS. Brit. Mus. Or. 2531; Cat., II, no. 725) we read as follows (f. 90 b, cited in the *Catalogue*, p. 462 b): ויקום יקף אלדי ביקרא אלדרש אלדי רחבוה אלחכמים עלי כל פרשה מן אול אלסנה לאכרהא והם מרי ורבי שמואל המלמד ושמואל הרופא ואסמיהם אלמקדמאת אלך הנצבה. Thus both Samuels have composed such a work, and hence the confusion. Or, on the other hand, is this confusion reflected also in our notice? Cf. also *R. É. J.*, LI, 155.

laws, ed. Lorge (Berlin, 1907). No rabbinical author is mentioned in this work by name, but Saadiah is anonymously made the subject of controversy. Thus, in Section III, chap. 1 (ed. Kauffmann, p. 4*, l. 7), Saadiah's interpretation of Gen. i. 14, already mentioned a few times in this study, is characterized as that of a heretic (וקו' והיו לאותות הו ראנע אלי אלמאורות אלמדכורה לא [אלי] אליום ואלליל כמא זעם בעץ אלמכאלפין; cf. also *J. Q. R.*, XVI, 406, *infra*).

41. **David b. Saadel [=Saadiah] ibn al-Hiti** (of Hit on the Euphrates) is the author of a register of Karaite scholars, among whom the Samuel al-Magribi just mentioned is the latest. It thus appeared probably about the middle of the fifteenth century, but in spite of his comparative youth and in spite of his lack of critical power, it is not altogether without value, as the author apparently often had at his disposal good older sources. We have also made use of it here rather frequently, not without profit. This register is edited, with an English translation, by G. Margoliouth (*J. Q. R.*, IX, 429–43, also separately; cf. my notice in *Z. f. H. B.*, II, 79), under the title "Ibn al-Hiti's Arabic Chronicle of Karaite Doctors." Saadiah is mentioned here a few times in conjunction with various Karaite authors (see p. 432, l. 19; p. 433, l. 11; p. 435, ll. 8, 10, 19), but the only thing of interest is the statement that Salmon b. Jeroḥam died in Aleppo, that Saadiah followed the bier in rent garments and barefooted, and that, when he was reproached about it, he is said to have replied: "We have both derived great profit from our mutual controversy. There is not the slightest doubt about his [Salmon's] knowledge; and hence I did what I did" (p. 434, l. 20 seq.). Probably Ibn al-Hiti did not invent this fable, but took it from an older Karaite author. —Cf. also Steinschneider, *Arab. Liter. d. Juden*, § 200, and *infra*, No. 49.

42. **Elias b. Moses Bashiatchi**, who is distinguished "by conspicuous knowledge of the older literature, by complete mastery over the rich material, and who presents

the clearest and plainest method among the Karaite codifiers[1]," died in Constantinople, 23 Sivan, 1490, without completing his Book of Precepts אדרת אליהו (ed. Constantinople, 1531; Koslow, 1835; Odessa, 1870)[2]. In this work, which attained predominant authority among the later Karaites, Bashiatchi records the older opinions and hence mentions also the opinions of Saadiah. In the introduction, for example, he disputes Saadiah's explanation of Exod. xxiv. 12 (ובזה הפסוק נדחקו קצת מבעלי הקבלה עד שהגאון . . . הפיתומי אמר כי מה שאמר כתבתי דבק עם לוחות האבן לא עם התורה והמצוה כי השם יתעלה לא כתב רק עשרת הדברים ופירש התורה תורה שבכתב והמצוה תורה שבעל פה . . . והתשובה עליו מה שאמר כתבתי דבק עם לוחות האבן לא עם התורה והמצוה זה צריך אהוב שיאמין בו כי כתבתי הוא אחר התורה והמצוה והיה ראוי שיהיה קודם מהם וכו')[3]. Then he discusses the themes touched on most often in the controversy with Saadiah, viz. the questions of calendar-lore (ענין קדוש החדש, chap. 6, 9, 15, and 36), fire-burning on the Sabbath (ע' שבת, chap. 4, 18), and the forbidden pieces of fat (ע' שחיטה, chap. 18). Moreover, he also controverts Saadiah without mentioning his name, e. g. in reference to ממחרת השבת (ע' חג השבועות, chap. 3), &c. In all these questions Bashiatchi follows earlier protagonists, especially Aaron b. Elias, but by his clear and systematic classification of the material he throws a brighter light upon many a matter that had till then received scant consideration.

43. **Kaleb b. Elias Afendopolo** (or **Efendopulo**). He was a pupil and brother-in-law of the preceding. He is justly called the last Karaite polyhistor, for he represents

[1] Frankl in his article "Karaiten" (in Ersch u. Gruber, II, vol. XXXIII, p. 21).

[2] The work was then completed by Kaleb b. Elias Afendopolo, the well-known pupil and brother-in-law of Bashiatchi; but he was also overtaken by death before he was able to bring his work to a complete conclusion. Cf. the following number.

[3] This explanation of Saadiah is already controverted by Tobias b. Moses, who, however, does not quote it fully: see *J. Q. R.*, XIX, 79. Cf. also Wolf, *Bibl. Hebr.*, IV, 1093.

in his own personality the entire learning of his age[1]. Among his numerous writings, which deal with the most diverse scientific subjects, there is also an incomplete supplement to the אדרת אליהו, which has just been mentioned. This work mentions the date, 1497, in several places. In the supplement to ענין טומאה וטהרה (ed. Odessa, 136 c, at foot), he discusses the commandment of the red heifer, the ashes of which possessed the well-known property of defiling the pure and cleansing the unclean. He quotes Saadiah's view[2], but he is as little satisfied with it as with the exegesis of the other Rabbanite and Karaite authorities, whom he quotes previously.

Sixteenth Century.

44. **Moses b. Elias Bashiatchi**, a great-grandson of Elias b. Moses Bashiatchi (no. 42 above), is generally represented as a prodigy. Born in 1554, at Constantinople, he is said by his sixteenth year to have already acquired many languages (Greek, Arabic, Spanish) and to have composed many works. He then started on his travels, but died two years after, 26 Iyar, 1572, as a young man of eighteen (Mordecai b. Nisan, דר מרדכי, ed. Vienna, fol. 9 b). How much of this is true it is hard to ascertain[3]; but it is a fact that he understood Arabic, and that he had before him many

[1] For the literature about him, see my forthcoming article in the *Hebrew Encyclopedia*, אוצר ישראל, vol. II, pp. 172-4, s.v. אפנדפולו, where I have endeavoured to determine the time when he lived.

[2] ואמר רב סעדיה הגאון שהפרה דומה לדבש שמזיק לבעל המרה האדומה ויועיל לבעל הליחה גם דומה לשמש שמלבין הדבר המכוסם ומשחיר פני הכוסם: It appears from the examples quoted here, which do not agree with those given in *Emunoth* (section iii, end), that Afendopolo must presumably have used an intermediary source—i. e. ibn Ezra on Numbers xix. 2. It must, however, be remarked that the first instance only is adduced there.

[3] Much more probable is another statement contained in the St. Petersburg MS. of his מטה אלהים (in Neubauer, *Aus d. Petersb. Bibl.*, p. 121), that Moses B. died in 1555, at the age of twenty-eight. Cf. also Steinschneider, *Die Geschichtsliteratur der Juden*, I, p. 106, no. 124, and *J. Q. R.*, XVIII, 188.

monuments of the oldest Karaite literature. In Egypt he found fragments of 'Anân's Book of Precepts in the original Aramaic, which he included in his זבח פסח (cf. *R. É. J.*, XLV, 176 seq.). The Pentateuch commentary of Abu-l-Faraj Harûn was also known to him (see ibid., XXXIII, 217; reprint, p. 38), &c. In his מטה אלהים he gives a chain of tradition of the Karaite teachers (reproduced by Mordecai b. Nisan, l. c., fol. 11 b). Here we read, among other things, that Saadiah flourished at the time of Salmon b. Jeroḥam, Joseph b. Noaḥ, Jacob b. Isaac Qirqisâni, Ḥasan b. Mashiaḥ, and Abraham b. Isaac al-Baṣri; that he was a disciple of Salmon; and that Joseph disputed with him in his ספר המאור, composed in 930 (. . . והם העתיקוה לרב נח והוא העתיק לרב שלמה בן ירוחם ולרב יוסף בן נח ולרב יעקב בן יצחק הקרקסאני ולרב חסור [*sic* /] בן משיח ולרב אברהם בן יצחק הבוצרי ובזמניהם היה רב סעדיה גאון ז"ל הפיתומי והוא היה תלמידו של רב שלמון בן ירוחם ורב יוסף השיגו ונמצאו יחד שניהם בזמן אחד והקשה עליו ר' יוסף והכריח לו בטענותיו כאשר מזכיר בספרו בספר המאור וחבר בשנת ארבעת אלפים שש מאות וצ' ליצירה). Here we have, so far as is known, the oldest source for the information, often repeated by later Karaites, that Saadiah was a pupil of Salmon[1], and this information caused Firkowitsch to fabricate the *Muqaddima* named after Salmon (Pinsker, p. 61 seq.). By the Joseph who disputed with Saadiah we have likewise to understand Qirqisâni, whom Moses Bashiatchi mostly calls רבי' יוסף הקרקסאני, but whom he also styles once as Joseph b. Isaac b. Jacob Q. and another time as Joseph b. Jacob Q. Hence we should probably read in the chain of tradition: ולרב [יוסף בן] יעקב בן יצחק הקרקסאני. He always entitles his work as המאור הגדול, and only once as ספר האורים, so that here also המאור is to be given the full form of המאור הגדול[2].

[1] Another of the recent writers on the Talmud (Bernfeld, *Der Talmud*, Berlin, 1900, p. 83) asserts that this is a fact, and that it is admitted by both sides, Karaite and Rabbinical!

[2] Cf. the passages in question from the works of B. in *Steinschneider-Festschrift*, pp. 214 seq., where I also point out that Qirqisâni was

Seventeenth Century.

45. **Elias b. Baruch Jerushalmi** belongs to the second half of the seventeenth century. We find him in Elul, 1654, in Constantinople, where he hospitably entertained the Karaite travellers from the Crimea, Moses Jerushalmi b. Elias ha-Levi and Elias b. David, in his house[1]. But he must have migrated later to the Crimea, for Simḥa Isaac Lutzki mentions him among the scholars of this country (ארח צדיקים, fol. 21 b, l. 3 from bottom). Elias composed certain works (enumerated by Fürst, III, 67), which, however, mostly appear to have become lost. He was also a scribe and particularly copied old polemical works of the Karaites, which he provided with prefatory remarks and postscripts, e.g. the polemical treatise of Sahl b. Maṣliaḥ against Jacob b. Samuel (Pinsker, pp. 25, 27, 43). In a concluding note on a copy of Salmon b. Jeroḥam's controversial work, which has been preserved from Pinsker's literary remains in the Vienna *Beth ha-Midrash* (No. 27[3]; cf. Pinsker, p. 35), Elias indulges in such violent abuse of Saadiah that the pen refuses to repeat the words[2]. We there read that many Karaites engaged in a polemical campaign against the godless Fayyumite, e.g. David b. Boaz (מר דוד הנשיא בן בועז הזכאי הנשיא ע"ה)[3], "his teacher" Salmon b. Jeroḥam (סלמון

confused with al-Baṣir (but perhaps this confusion originates with the copyists; cf. also the following number). The designation of Qirqisâni's כתאב אלאנואר המאור הגדול as ought to serve as a sufficient distinction from Baṣir's כתאב אלאסתבצאר (= ספר המאור).

[1] See the account of the travels of this Moses, ed. Gurland (נגוי ישראל, part I, p. 31): . . . וביום ה' [י"א אלול התי"ר] באנו לקוסטינא וחנינו בליל יום ששי בבית כה"ר אליהו ירושלמי יצ"ו בכ"ר ברוך ירושלמי יצ"ו ואכלנו ושתינו משלחנו עמהם ממה שומן הקב"ה. Cf. also Neubauer, *Aus d. Petersb. Bibl.*, pp. 47, 67.—The surname Jerushalmi, which both Elias and his father Baruch bear, and which is also to be met with among other Karaites of the later time, does not signify absolutely that its bearers came from Jerusalem, but that they had made a pilgrimage to the holy city (hence analogous to the Moslem Ḥajji) or had sojourned there some time.

[2] Published by Bardach, מוכיר לבני רשף (Vienna, 1869), p. 27.

[3] Elias has here a hovering notion of the name of the Exilarch David b. Zakkai, the opponent of Saadiah.

בן ירוחם רבו המשיב לו תשובות בהלכה ומוכיחו על פניו על חלומותיו ועל הבריו), and his colleague, Joseph al-Baṣir, also a disciple of Salmon, in his work *ha-Maor*, composed in the year 910 (וגם חברו של פיומי רבנו יוסף הרואה תלמידו של רבינו סלמון רבו בספרו המאור המחובר בשנת ד"א ששע"ע). The ban which Salmon, according to right and custom, hurled against his rebellious pupil, provoked Saadiah to such a degree of agitation and fear that he fell into a melancholy, died of it in 942, and was denied an honourable burial in Sura. Elias seems to have taken these various chronological snippets partly from Moses Bashiatchi[1].

46. **Mordecai b. Nisan** composed among other things, as is well known, in the form of an answer to the questions of Trigland, the little work דד מרדכי, which pretends to be a history of Karaism. He finished it July 18, 1699, in Krasni Ostrow, not far from Lemberg, and it first appeared in Wolf's *Notitia Karaeorum*, Hamburg, 1714. Saadiah is mentioned here only quite incidentally, e. g. in the above-mentioned chain of tradition of Moses Bashiatchi reproduced here. In another passage (ed. Vienna, fol. 13 a) Mordecai states that the Karaite chronology agrees with that of the Rabbanites. For example, of the latter, Gedaliah ibn Yaḥya, in his *Shalshelet*, gives 942 as the year of Saadiah's death (וכמו כן כשנעיין במספר תאריכיהם . . . שזכרו את רבי סעדיה גאון שלהם שכתב בעדו רבי גדליה אבן יחייא בשלשלת הקבלה שרבי סעדיה גאון נפטר בשנת ד' אלפים תש"ב ליצירה), and this agrees (?) with the assertion of the Karaites just mentioned, that Saadiah was a pupil of Salmon, and that he is the object of a polemical attack in the *Sefer ha-Maor*, composed in 930. In conclusion, he speaks (fol. 13 b) of the letter of Menaḥem, mentioned by Trigland, to עקילס הגר אצל ר' סעדיה הרבן (ed. Pinsker, p. 55 seq.; see *supra*, No. 4), and doubts whether this Saadiah is identical with the Gaon. He does not evince a trace of hatred against the Fayyumite.

[1] So for instance on the polemics against Saadiah in ספר המאור, only that he independently added after רב יוסף the word הרואה.

Eighteenth Century.

47. **Abraham b. Josiah Jerushalmi** is included among the scholars of the Crimea by Simḥa Isaac Lutzki (ארח צדיקים, fol. 21 b, l. 2 from bottom), and lived in Tschufut-Kalé, as he also bears the surname קלעי (ibid., fol. 26 a, s. v. שאול שאל). He is the author of a work entitled אמונה אמן (ed. Koslow, 1846), which is uncommonly interesting in many respects. In the first place the author manifests an unexampled extensive knowledge of the Rabbinical literature, extending not only to the halakhic but also to the theological and other branches, and he speaks of this and also of the Talmudical literature with an esteem that could hardly be surpassed by a Rabbanite. He especially reveres Maimonides, whose works he has studied with diligence[1]. Abraham composed this work whilst he was still young and lived a wandering life, and he finished it, according to the postscript, in the year 1712[2]. The greatest part (ff. 4 b–44 b) is devoted to the demonstration whether the Karaite or the Rabbanite law is the true one, and here also he discusses the matter with the Rabbanites in the calmest tone and only occasionally uses a rather violent expression. For example, in the only passage in which Saadiah is mentioned (fol. 33 b), it is said that the Rabbanites in their controversy with the Karaites adopt as their support either the plain meaning of scripture (פשט) or tradition (קבלה). But they could not succeed with the *Peshat*, as this is against them. Thus Saadiah maintained that the Jewish religion does not teach the observation of the moon but the calculation of the calendar, and that this is based upon scripture itself. But this is wrong, as Maimonides in his commentary on the Mishna and Ibn Ezra, besides others, admits[3]. Similarly, his opinion that

[1] I hope to analyse this work shortly in a special notice.

[2] F. 49 b: . . . ועוד כי חברתיו ואני נער גולה ונודד ממקומי . . . ועוד הסרוני מהפירושים וספרי הגמרות . . . וזכני להשלים מחברת זה הספר עצות מרחוק אמונה אמן ביום שני לשבוע בסדר ואת חעם צו לאמר בשנת התע"ב ליצירה וכו'.

[3] . . . בראשונה רב סעדיה גאון שהשיב ואמר כי לפי פשטי הכתובים אין דת ישראל בנויה

the fat tail (אליה) is not designated in scripture as fat is altogether wrong, and Ibn Ezra admitted here also that the Gaon was mistaken. Nay, even Alfasi expressly states in his *Halakhot* (*Ḥullin*, section VII), that the fat tail is indeed called fat, but that the Bible nevertheless permitted its enjoyment[1]. In fact, all Saadiah's objections against the Karaites were void and vain (ולא באלו בלבד אלא כל תשובות שהשיב לבעלי מקרא הם בנויות על קו תהו ואבני בהו), and even the greatest Rabbanite scholar could not offer any real reply, as what was false could not possibly be given out as truth (ולא הגאון סעדיה בלבד שלא יוכל להשיב תשובות אמתיות לבעלי מקרא אלא אפילו הגדול שבהם לא יוכל בזה כי אין בעולם מי שיאמת השקר כי לנמנע טבע קיים והמשכיל יבין). By the "greatest" scholar he doubtless means Maimonides, whom, as already mentioned, he places in the highest rank of Rabbinical learning.

על פי הראיה אלא על פי החשבון כמו שנוהגים היום ואין ספק כי זה שקר גמור וכבר העיר לשקרות זה הרב הגדול רבי׳ משה בר מיימון זצ״ל בפירושו במשנה ו״ל ואני המיה מאדם יכחיש הראות ויאמר כי דת היהודים איננה בנויה על ראית הלבנה אלא על פי החשבון בלבד . . . וכן הראב״ע ז״ל אמר ובמשנה ראיות כאריות שנפל הפסח בבר״ו וכו׳. What is meant here is the passage in Maimonides' *Comm. on Rosh ha-Shana*, II, 6, and in Ibn Ezra on Lev. xxiii. 3 (but the latter passage is indirectly taken from Aaron b. Elias).

[1] . . . וכבר ידוע שאפילו רבותיו מודים שהאליה הקרא חלב כמו שכתוב בהלכות רב אלפס בפרק גיד הנשה ז״ל ואליה גופא אף על גב דמקריא חלב רחמנא שריא דכתיב כל חלב שור וכשב ועז לא תאכלו דבר השוה בשור וכשב ועז הוא דאסור ואליה הואיל ואינה שוה בשור וכשב ועז דבכבש היא דקרבה ובשור ועז לא קרבה [שריא] ע״כ. But Abraham b. Josiah, who, according to his own statement, had no copy of the Talmud before him when composing his work (see above, p. 226, n. 2), was unable to know that Alfasi here simply paraphrases a Talmudical passage, see *Ḥullin*, 117a (cf. *Keritot*, 4a): א״ל רב מרי לרב זביד אי אליה איקראי חלב היתסר באכילה א״ל עליך אמר קרא כל חלב שור וכשב ועז דבר השוה בשור וכשב ועז רב אשי אמר חלבו האליה איקראי חלב סתמא לא איקראי וכו׳. Incidentally be it remarked that this Talmudical passage, in which only late Amoraim appear, and which in *Ḥullin* gives quite the impression of an editorial addition, was perhaps also intended to weaken the objections of many people to the permitted enjoyment of the fat tail. Thus the Karaites would in this case have only had to attach themselves to a pioneer opposition of earlier times.

Nineteenth Century.

48. **Joseph Solomon b. Moses** (called היש"ר), Haham in Koslow in the first half of the nineteenth century (born 1769, died December 10, 1844; for his epitaph see Firkowitsch, אבני זכרון, pp. 241–2), composed a very thorough supercommentary on the *Mibḥar*, entitled טירת כסף (completed 17 Ab, 1825), which was published together with the *Mibḥar* in Koslow, 1835[1]. Here Joseph Solomon remarks, on Lev. iii. 9 (fol. 5 b, n. 136 seq.), that the arguments adduced by Aaron b. Joseph, that the fat tail is not comprised under חלב, are those of Saadiah: [וטעו המתירים אותה לאכילה] עד שקצתם הוסיפו וי"ו [ואמרו חלבו והאליה] זה ר' סעדיה גאון שפירש והאליה בתוספת וי"ו כדי שלא תוכלל בתוך פרטי החלבים הנזכרים אחריה . . . עוד טען הפיתומי כי אע"פ שיהיה חלבו שם כלל הוא כולל הה' חלבים הנזכרים אחר אמרו האליה אבל האליה אינה נכללת במלת חלבו וכו'. He naturally obtained this information from Aaron b. Elias (*Gan Eden*, fol. 96) or Elias Bashiatchi (*Adderet*, ענין שחיטה, cap. 18).

49. **Abraham b. Samuel Firkowitsch** (born at Lutzk 21 Elul, 1788, died at Tschufut-Kalé 22 Sivan, 1874), a brother-in-law and pupil of the preceding, is at the same time the last noted Karaite scholar[2]. His epoch-making importance, which was the cause of much blessing as well as of much harm, is too well known that we should dilate upon it here. We shall therefore, in accordance with our object, merely examine his relations with Saadiah.

Firkowitsch began his literary career with abusive writings directed against Rabbanite Judaism. One of them (חותם תכנית) he added as an appendix to the מבחר ישרים

[1] See on him and his work also Jost, II, 374; Gottlober, p. 179, and Fürst, III, 131 seq.

[2] The day and year of his birth are given by Firkowitsch himself in הכרמל, II (1861, 1862), 169. The literature on him in *Jew. Encycl.*, s. v. (V, 394), is not complete. Cf., e. g., Geiger, *Jüd. Zeitschrift*, XI, 142 seq.; Frankl, *Monatsschrift*, XXV, 479; Steinschneider, *Vorlesungen über d. Kunde hebr. Handschriften*, p. 82, &c.

(Koslow, 1835) edited by him (fol. 49–58)[1]. The other (מסה ומריבה) appeared as an independent work (ibid., 1838). In outward form the author here follows the example of Hadassi, inasmuch as he takes the Ten Commandments as his text, and writes in rhymed prose, although the style is somewhat more fluent and pleasant than that of his predecessor. But in regard to matter also, he follows throughout those of the older Karaite authors who are lacking in every feeling of respect for their opponent. In this work Saadiah is occasionally made the object of a polemical attack, and is mentioned by name. The author also repeats the statement that the Gaon was a pupil of Salmon, and that in his religio-philosophical work he followed the footsteps of his teacher (fol. 134 b: וגם ראה [ר"ל הרמב"ם] ספרי קדמונינו ולמד מהמה כספר רבנו סלמון (sic) מאד מחברת נעמה שהיה רבו של סעדיה גאון משנאנו: בבן דרך בספר אמונות שלו בדרך רבו סלמון בן ירוחם אין לחכמתו ערך משלמות הפעולה שלמות הפועל נוכחת), nay, that he had learnt the philosophy of the Kalâm, upon which this work is built, from the Karaites, just as Maimonides himself admits that this philosophy first appeared among them (fol. 135 a: ר"ל בבן הודה . . . הרמב"ם] שאצל הקראים נמצאה חכמה [l. חכמת] הדברים בשם פילוסופיא נקראה וסעדיה החל באמונות אשר למד אצלמו; see *Moreh*, I, 71). In fact, all important Rabbanite scholars who, in accordance with the precept of 1 Chron. xxviii. 9, strove after a true knowledge, like Saadiah, Maimonides, and others, only followed the example of the Karaites, who first made this knowledge a duty (fol. 137 a: הראשונים בדבר זה החקירה . . . חייבו היו הקראים . . . ותלו עצמם על פסוק דע את אלהי אביך . . . ואחריהם כל ישרי לב רבנים נמשכו גדולי חכמיהם בדרכי קראים הלכו סעדיה ורמב"ם וכל הנלוים האמת קבלו וכו'). In the controversy about single points of difference among Rabbanites and Karaites,

[1] Also in the supplement to Aaron b. Joseph's Isaiah commentary (from cap. lix), entitled קצור הכלית ישעיה, he continually disputes with the Rabbanites in a very abusive tone; see, e. g., on lix. 5; lx. 22; lxii. 11; lxv. 4, 7, 8, 11, &c. Cf. also Geiger, l. c., 147.

Saadiah is mentioned only in the discussion about the burning of fire on the Sabbath (fol. 51 a: גם פיתומי בהפכו תבערו לתבעירו לא הרויח כי שתיהן להדלקה נאמרו וכו׳).

But in proportion as Firkowitsch began to make his discoveries, his relation towards Rabbinism changed. Whether it was that in consequence of his scientific ardour his ideas had become enlarged[1], whether it was that he now needed the good will of the Rabbanite scholars[2], the fact is that from 1839 he no longer indulged in any objectionable remarks in his published works against the Rabbanites, and that he gave expression to this altered disposition in his famous letter to Bezalel Stern in the year 1841 (published in part in אוצר נחמד, I, 105). Now Saadiah also receives honour from his hands, especially in a treatise in which he communicates the discovery of fragments of two works of Saadiah, the ספר האגרון and the ספר הגלוי (in המליץ, VIII, 1868, no. 26–7; partly quoted by Harkavy, *Stud. u. Mitt.*, V, 12 seq., 135 seq.). He rejoices exceedingly at the discovery of his "great and wonderful work," the ספר האגרון, because here Saadiah, "our holy teacher," gave a positive date (. . . ומי יוכל לחות ולהופיע את גודל השעשוע אשר אני משתעשע בתאריך חבורו שהיה נעלם עד היום מכל חכמי לב אשר כתב רבנו הקדוש הזה בידו הקדושה במלות ברורות וכו׳). All the Gaon's opponents were worthless fellows who invented godless libels against him (. . . כל הטענות אשר טענו על דבריו . . . ר׳ דוד בן זכאי וכלף בן שרגאדו בעלילות רשע את אישים פועלי און הקושרים עליו). He regretted himself that he was once one of the foes of the Gaon (וגם קבלתו [של הראב״ד] על פטירת הגאון מן המרה השחורה . . . . לא העלוה על ספריהם רק קצת המאמינים לקבלתו או השונאים את הרס״ג מבני מקרא (כמוני, לפני זה) הביאוה בספריהם . . . ועל חטאתי אבקש מכבוד מעלתו מחילה בעולם הבא). Firkowitsch also admits here that Saadiah was older than Salmon, and hence that the statement of Ibn al-Hiti

[1] So Geiger, l. c., 149.

[2] So Harkavy, *Altjüd. Denkmäler*, pp. 211 seq., whose judgment, however, is somewhat too one-sided.

(see *supra*, No. 41) caused difficulties (ואולי יש שרש דבר . . . בדברי בן אלהיתי שהיה הרס"ג בארם צובה בזמן פטירת הרסב"י והתאבל עליו אך לא אוכל לדעת איך אפשר להיות אחרי שהרסב"י חבר פי' תהלים בשנת תתפ"ז לחרבן ד"א תשי"ו והרס"ג נפטר בשנת ד"א תש"ב לפי המוסכם כהנ"ל וכו')[1], and so forth in the same tone. In another work, where he likewise has the opportunity of mentioning Saadiah (בני רשף, Vienna, 1871, p. 8 seq.), he does this quite objectively.

With Firkowitsch the fountains of Karaite learning dry up completely, for the extremely little that has flowed from a Karaite pen during the last thirty years is hardly worthy of mention; and so with him there closes the polemical campaign against Saadiah. But it is worth while now calling particular attention to a phenomenon. In this essay we have passed in review almost a full thousand years, and we have seen that we cannot speak of any development whatever in this controversy. The number of the controversialists is indeed not very great, but still it forms a distinguished host. The points in the dispute, however, are almost always the same, and we seldom meet any new factors or new points of view. The tone mostly depends not on internal but on external factors: it is calm or violent according to the temperament of each disputant. But throughout the course of centuries the argument proceeds along the same track. Our dissertation, therefore, is of interest not only as a bibliographical document but also as a chapter in the history of culture.

SAMUEL POZNAŃSKI.

[1] Harkavy, *Stud. u. Mitt.*, V, 136, n. 2, did not yet know who is meant by this Ibn al-Hiti.

ADDENDA AND CORRIGENDA TO MY ESSAY ON "THE ANTI-KARAITE WRITINGS OF SAADIAH GAON"

(*J. Q. R.*, X, 238–76).

In general, cf. Steinschneider, *Arab. Liter. d. Juden*, pp. 50–1 and 65 (no. 10–13), also ibid., p. 339; my *Zur jüd.-arab. Litter.*, pp. 42–3, and Bacher, *Jewish Encycl.*, X, p. 582, as well as the passages quoted there. In particular, the following must also be added:

P. 242, l. 3 from bottom. Saadiah's work against 'Anân was preserved longer than I originally assumed, for it is mentioned in a list of books at the end of the twelfth century. See *R. É. J.*, XLV, 192, No. 2, and the passages quoted there. Cf. also *supra*, No. 32, and Hirschfeld, *J. Q. R.*, XIX, 137.

P. 244, l. 23 seq. The conclusion of the כתאב אלתמייז has been found in the Geniza, and edited by Hirschfeld (*J. Q. R.*, XVI, 102–5)[1]. We learn from it that the whole work consisted perhaps of eight sections (see p. 103, l. 18: ושרח אלבאב אלח אלדי הו מערפה אליום אלי אלמתכד פי אלגלות . . .), and that the penultimate seventh section (the conclusion of which is extant in this fragment) dealt with the problem of ממחרת השבת, whilst in the last the question about the two days' observance of festivals (except the Day of Atonement) in the Diaspora is discussed. This last section, which has been preserved in its entirety, occupies altogether two printed pages, and if we were to conclude from this with regard to the other sections, the כתאב אלתמייז must have been small in compass. But it is also possible that the work became split up into several parts (מקאלאת), and that we have before us only the seventh

[1] The fragment edited by Harkavy (*J. Q. R.*, XIII, 656, 657) is probably rather a part of Saadiah's polemical work against Ibn Sâqaweihi, see above, No. 2.

and eighth sections of the last part[1]. We know, as a matter of fact, that this work must have dealt with other subjects besides the calendar and the festivals (see my essay, p. 252).

We can enter only very briefly here into the contents of this fragment. In the seventh section it is shown, in the first place, that one and the same word (in our case שבת) in two neighbouring verses, or even in one and the same verse, can very well have two different meanings (hence, in our case, festival-day and week); and secondly, that the Karaites are wrong in deducing an argument for their own interpretation from the non-mention of a fixed date for the Feast of Weeks in the Bible. Then the opinion of a יהודה אלאסכנדראני is advanced, that just as the harvest of wheat is fifty days distant from that of barley, so is that of the new wine from that of wheat, which thus falls at the end of Tammuz, and that a similar interval divides the harvest of oil from that of the new wine, so that on the 20th of Elul an oil offering had to be brought. Saadiah adds that the author had arguments in support of this (ואלדליל לה עלי דלך). That Philo is meant by this Judah the Alexandrian, as Hirschfeld supposes, is possible; these recent discoveries have shown that his works (in an oriental translation) were known in the ninth and tenth centuries in the East, and that he is also quoted, for example, by Qirqisâni as אלאסכנדראני (see all the details in my essay, "Philon dans l'ancienne littérature judéo-arabe," in *R. É. J.*, L, 10–31).—In the last or eighth section it is also stated that it is a tradition handed down by the prophets that outside Palestine two days were observed instead of one; and it is then shown that no offence is thus intended against Deut. xiii. 1, for we do not read here: "Whatsoever I *write* unto you . . . ye shall not add thereto, nor diminish from it," but "Whatsoever I *command* you," and that which is handed down by tradition must be regarded as having been commanded just as well as that which is written (p. 103, l. 9

[1] This would become a certainty if the אלמקאלה אלאולי, mentioned in the next note, were really taken from the *Tamjiz*.

from bottom: . . . פאלתמסת אלמקרא לעלי אן אנדה ינאקצהם בקול לא תוסף עליו ולא [ולם MS.] תנרע ממנו פתבּינת אול אלפסוק פאדא ליס פיה את כל הדבר אשר אנכי כותב לכם ואנמא הו מצוה אתכם וונדת אלמנקול ענד אלנטר צווי כאלמכתוב). A principle is here expressed, of the range of which Saadiah himself was perhaps not conscious.

The fragment edited by Schechter (*Saadyana*, No. IX) must also belong to the *Kitab al-tamjiz*[1]. In this fragment Saadiah adduces various passages in *Rosh ha-Shanah* as a support for his theory of the great age of the calculation of the calendar, e. g. from Mishna, I, 9, which shows that often witnesses arrived after the lapse of a whole night and a whole day, so that their declaration could not be of influence any more on the fixing of the new month. The object of the observation, therefore, was only to support the calculation (see *Saadyana*, p. 33, l. 1: . . . פהדה דלאיל ביינה ואצחה אן טלבתהם ללקמר ואשעאלהם וארסאלהם אנמא הו אלביאן [לביאן read] אלחק וצחה אלדלאיל אלדי כאנ[ו] יעטוהא פי תחקיק אלחסאב אלך), a well-known favourite hypothesis of Saadiah. The earlier Karaites, on the other hand, forged a weapon against the Fayyumite out of the data in *Rosh ha-Shanah*, I–II.

P. 245, n. 3. The passage from Moses b. Ezra is now known in the Arabic original, and here also we read: פי כתאב אלתמיין פי רדּה עלי בן סאקויה, see *supra*, vol. XVIII, p. 214, n. 3.

P. 252, l. 22 seq. On the כתאב אלרדّ עלי אבן סאקויה (so read line 24 instead of סקויה), of which several fragments of the Arabic original have likewise now been discovered, see *supra*, No. 2. On the passage cited by Mebasser respecting the controversy between R. Meir and the sages, see also *Z.f.H.B.*, IV, 21 (where in n. 3 instead of *J. Q. R.*, X, 852, read 252).

[1] As I have observed subsequently, there is here a gap between leaf 2 and 3 of the MS. Natan b. Isaac al-Siqili seems to have compiled a work for the support of tradition in general and that of the great age of the 'Ibbur in particular, and for this object to have included the first chapter (אלמקאלה אלאולי) of the כתאב אלתמיין in his work or compilation (my *Schechter's Saadyana*, p. 16, s. v. Natan, is therefore to be corrected).

P. 254, l. 19 seq. This polemical work of Saadiah is mentioned in a list of books from the end of the twelfth century as כתאב אלרדּ עלי מתחאמל, and in another of uncertain date as אלרד עלי אלמתחמّל. In both places, therefore, the mysterious word היום is missing (see my *Schechter's Saadyana*, p. 23, no. 24). The passage from Nissim's מגלת סתרים is really taken from the anonymous ספר החיים, and is again printed in Jellinek's קונטרס תרי"ג, p. 46 (cf. also his קונטרס הרמב"ם, first edition, p. 29, and Steinschneider, l.c., p. 65, n. 13). The quotations in Jehuda b. Barzilai's Jeṣira commentary originate perhaps rather from the polemical work against Ibn Sâqaweihi, see *supra*, vol. XVIII, p. 214, n. 7.

P. 255, l. 27 seq. On Ben Zuta, see *supra*, No. 1.

P. 256, l. 4 from bottom. Verbal examples of Saadiah's anti-Karaite Polemic in his commentary on the Pentateuch have now been supplied by Harkavy (directed against 'Anân, see הגרן, VI, pp. 38–40), and by Hirschfeld. The latter has printed from the Geniza two fragments: on Exod. xxxv. 3, and on Lev. xi. 11–21 (*J. Q. R.*, XVIII, 600 seq.; XIX, 136 seq.). In the first fragment, which contains an extensive polemic on לא תבערו, the following passage is especially interesting (p. 607, l. 7): ומנהם מן תעלק עלינא בטריק אלקיאם פאתנה פי גהאת שתי פאלמקדם אולא אבטאל אלקיאם פי אלשראיע אלסמעיה ודלך במא רדדת בה עלי מדעייה פי אלכתאב אלדי אלפת לה. Hirschfeld (p. 600, n. 3) sees here the title of a book composed by Saadiah against the application of Analogy in traditional laws, identifies it with an elsewhere cited כתאב אלקיאם עלי אלשראיע אלסמעיה, would here amend אלקיאם to אלקיאם (and also apparently עלי to פי), and would insert אבטאל. But all that Saadiah says is that a Karaite, in order to establish the prohibition (Exod. xxxv. 3) according to Karaite views, had relied on the method of Analogy, but that in a work which he had written against this Karaite (probably 'Anân) he had opposed the application of this method in traditional laws. There is thus no reference here to a special work against the method of Analogy.

Anyhow, it follows from this passage that it has been wrongly ascribed to Jefet, and therefore my own conclusion (*J. Q. R.*, XVIII, 229) must be corrected. In the fragment on Leviticus, Saadiah is throughout controverting 'Anân, as Hirschfeld rightly says. Saadiah does not name him, but indicates him as בעץ אלמחדתין (fol. 1vo, l. 16; fol. 4vo, l. 14), הדא אלרגל (fol. 2ro, l. 15; ibid.^{vo}, l. 3; fol. 5ro, l. 17), and also הדא אלמבדע (fol. 4vo, l, 18). All the opinions here opposed are from other sources known to be 'Anân's. Thus besides the prohibition against eating fish which one of another religion has caught (see the proof by Hirschfeld, XIX, 138), there are also the following prohibitions: (1) to touch dead fish and birds; see his ספר המצות, ed. Harkavy, p. 66; (2) to eat dead fish, see *Z. f. H. B.*, IV, p. 74, and above, vol. XVIII, p. 218; (3) to eat hens, see *J. Q. R.*, XIX, 73 (where the words of Saadiah entirely agree with the foregoing); and (4) to eat any birds except pigeons, with reference to Gen. viii. 20, see ספר המצות, p. 67.

P. 257, l. 19. Besides in the commentary on the Pentateuch, Saadiah also disputes with the Karaites in the commentary on Proverbs: for the passages see Heller, *R. É. J.*, XXXVII, 229–30 (the passage on xxx. 10–17 must also be added, which Saadiah likewise refers to the opponents of tradition, who "calumniate the servants," i. e. the prophets, and those who follow them, before "their Lord," i. e. God, inasmuch as they characterize their tradition as falsehood. Verse 10 is especially directed against these calumniators).

Ibid., l. 2 from bottom. That Saadiah with the קום ממן יתסמּין באליהודיה aims at the Karaites was doubted by Horovitz (*Die Psychologie des Saadia*, Breslau, 1898, pp. 69–70) and Schreiner (*Z. f. H. B.*, III, 90), but without justification; see ibid., p. 176, n. 22.

P. 259, l. 3. In his commentary on the thirteen rules of R. Ishmael perhaps Saadiah also followed, however, an anti-Karaite tendency; cf. *R. É. J.*, XLVII, 136.

Ibid., l. 8. Cf. my *Zur jüd.-arab. Litter.*, p. 42, where

I conjectured, *inter alia*, that a passage from this work is quoted in the fragment *Saadyana*, ed. Schechter, no. XVI. We here find that the persons with whom cohabitation is subject to limitations are to be divided into seven ascending degrees (p. 44, l. 17: קאל רבינו סעדיה גאון מחס[י]ה נב"ע אלאנסאם אלמחטור נשיאנהא וכל ואחד אצעב מן אלאכר והי אלך [read סבעה] סכעה) as follows: (1) harlots; (2) those despoiled of virginity; (3) relatives (twenty-eight in number, twenty according to scripture, eight according to tradition); (4) married women; (5) women in menstruation; (6) heathen women; and (7) sodomites [1]. Similarly Hirschfeld edited a Geniza fragment (*J. Q. R.*, XVII, 713 seq.) and rightly proved that it belongs to Saadiah's work on "forbidden marriages." Here allusion is actually made to the "heretics" (אלכוארג), who stand in opposition to "us, the entire body of Rabbanites" (נחן גמיע אלרבונין, p. 717, ll. 15, 26). There ought, therefore, to be no doubt any longer about the existence of this work of the Gaon.

Ibid., l. 23. A כתאב תחציל is also mentioned in a book-list of the end of the twelfth century; it is probably Saadiah's work of the same name. See *J. Q. R.*, XIII, 328; *R. É. J.*, XL, 87. But the Geniza fragment edited by Hirschfeld (*J. Q. R.*, XVII, 721 seq.) belongs not to the כתאב אלשראיע of Saadiah, but consists of a portion of his *'Amanât*, cf. ibid., XVIII, 146.

P. 260, l. 7 seq. On the כתאב אלתאריך see also my *Schechter's Saadyana*, p. 23, no. 23, and Bacher, *R. É. J.*, XLIX, 298.

P. 261, l. 2 from bottom. Read MS. Heb. e 45 (Cat. Bodl., vol. II, No. 2787[1]).

Ibid., n. 2. On the נקוד רב סעדיה quoted by Rashi on Ps. xlv. 10, cf. also Bacher, *Die Anfänge d. hebr. Grammatik*, p. 60, n. 2, and Steinschneider, *Vorlesungen über d. Kunde hebr. Handschriften*, p. 15.

[1] Cf. an analogous classification with regard to the marriage law, of which Jacob b. Ephraim is the author, in my monograph on the latter, pp. vii, xviii (= *Kaufmann-Gedenkbuch*, pp. 175, 186).

P. 263, l. 14. In the commentary on Job xii. 7 (*Œuvres*, V, p. 40), besides this verse Ps. cxxxix. 8 is also given as an example of a figure of speech: ולו אמכן אן תסאל אלבהאים לדלתך ' ' והדא תבאלג פי אלכלאם ' ' והדא מתל קו' אם אסק שמים שם אתה אלך.

Ibid., l. 25. Instead of מא באלניסן we should read (as Herr Mag. Israelson points out to me in a letter) מא באל ניסן.

P. 265, n. 1. This passage of Saadiah is, as can now be established, directed not against Jehuda ha-Parsi, but against the noted Karaite author of the ninth century, Benjamin al-Nahawendi. The latter had maintained that there are two kinds of month, lunar and solar (חדשי ירח and חדשי תקופות); and even found a proof for his position in Haggai i. 15 and ii. 1, where an event is dated in two ways, by the 24th Elul and the 21st Tishri. The difference of twenty-seven days is, he holds, to be referred to the difference between the lunar and solar months. Compare my remarks in *R. É. J.*, L, 19.

P. 268, n. 2. The article I promised here on Arabic expressions for the figure of hyperbole among Jewish authors appeared in *Z. f. H. B.*, III, 93 seq. Cf. also ibid., p. 177, and the passage just cited from Saadiah's commentary on Job.

P. 275, l. 8. I published a rather long passage from this little anti-Karaite work on 'Anân in *R. É. J.*, XLV, 194 seq., and discussed it in detail. Cf. also Steinschneider, l. c., p. 342 *infra*, and my *Zur jüd.-arab. Litter.*, p. 86. Naturally the polemical campaign against the Karaites did not cease after Saadiah, but continued till the most recent times. I need only mention, e. g. (besides those named in my essay, pp. 274–5) in the Orient, Samuel ibn Jâmi' (see *R. É. J.*, l. c., 201), David b. Zimra (*Responsa*, No. 796), and Levi b. Ḥabib (see above, vol. XVIII, p. 219, n. 5); in Byzantium, Tobias b. Eliezer, author of לקח טוב (see Buber's *Preface*, § 14); in Spain, Judah ibn Bal'âm (*R. É. J.*, l. c., 193), Moses ibn Ezra (ibid., 198), and Judah b. Barzilai (ספר העתים, ed. *Mekize Nirdamim*, p. 25); in Germany and France,

Moses Taku (*R. É. J.*, l. c., 201), Zeraḥia ha-Levi (*Maor*, Sabbath, § 3 beginning), and Simson of Sens (see *R. É. J.*, VII, 41); in Italy, Aaron Abulrabi (in his commentary on Deut. xxv. 4; cf. *R. É. J.*, XXI, 253), &c. The polemics of these writers, however, are only of an incidental character; with the exception of the author of the anonymous little work just mentioned, none of them composed a special controversial treatise, unless we are to consider as such the work of a Turkish Rabbi of last century, Solomon Kimḥi, entitled מלאכת שלמה (printed 1862). The author here endeavoured to show that the Karaites are to be considered as beasts, that it is forbidden to instruct them in the Torah, and that it is permitted to kill them. These statements were so monstrous that every copy of the work that could be seized was consigned to the flames by order of the Haham Bashi, Yakir Géron, in Constantinople. See Franco, *Essai sur l'histoire des Israélites de l'Empire Ottoman* (Paris, 1897), pp. 171, 172, and *Jew. Encycl.*, s.v. (VII, 497).

S. P.

THE EXPULSION OF THE JEWS FROM SPAIN.

Two New Accounts.

The two texts here published seem to me to form interesting contributions to the last chapter in the history of the Jews in the Iberian peninsula. They are both written by contemporaries of the expulsion, the one based on materials gathered from the exiles, the other being from an eye-witness. Of course we cannot expect to get important new facts concerning this time, for which the sources at our disposition are rich enough, yet we glean some details which complete or modify our previous information.

I.

The first text is taken from Part X of S. G. Stern's copies from Parma MSS., formerly the property of the late S. J. Halberstam, and now part of the Sulzberger Collection of the Jewish Theological Seminary of America. This volume (of forty leaves, in 8vo) contains a collection of historical texts: (1) Letter of the Congregation of Blois, ed. Berliner in קובץ על יד, III, 11–12[1] (Steinschneider, *Geschichtsliteratur*, § 33). (2) "Account of the Persecutions of 1007," ed. Berliner in אוצר טוב, 1878, pp. 46–48 (Steinschneider, l. c., § 22). (3) "Samuel ben Simson's Letter on his Pilgrimage to Palestine," ed. Berliner, ib. 35–38 (Steinschneider in Luncz's *Jerusalem*, III, pp. 44 et seq.). These three texts are taken from Cod. de Rossi 563. (4) "Letter to Limoges" (Cod. 541), ed. Berliner, ib. 49–52[2] (Steinschneider, *Geschichtsliteratur*, § 20). (5) "Letter of Isaac b. Meïr Laṭif" (Cod. 402), ed. Berliner, ib. 33–35 (Steinschneider in Luncz, p. 52). (6) "Letter from Jerusalem"

(Cod. 402), ed. Neubauer, קובץ על יד, IV, 45–47 [3] the copy ends on p. 47, line 3 רגילים in the middle of a sentence. (7) The famous letter of Menahem ben Saruk (Cod. 1393). (8) Ḥasdai Crescas' letter on the persecution of 1391, with the introduction and our text. It is not stated from which MS. it is taken. Then, immediately, follow (9) two notes, of which the first is well known. It is printed in the לקח טוב on Lev. xxii. 33, with unimportant variations (p. 123, ed. Wilna, 1880). The second note is partly published by Halberstam in ערוך השלם, p. xxxviii, from our copy, and in another Parma MS. it is quoted as taken from the לקח טוב [4]. These notes are :--

כתוב בצדוק הדין שלנו שנת תתנ"ו ושנח כל"ו והם פרט אחד אלא שתפס מספר שהוא פחות ממאה וכפל בו הקינה והצרה אשר היתה ליהודים בשנה ההיא נכתבה לזכרון בספר הנקרא לקח טוב בפרשת אמור אל הכהנים זח לשונו ואני כותב לזכרון להיות זכר לדורות מעשה שעשו קדשי עליון קהל מגנצה שמסרו עצמם על קדוש השם הם נשיהם ובניהם ובנותיהם ביום אחד בחג שבועות ונשחטו כאיש אחד על קדוש השם בשנת תתנ"ו לאלף החמשי לבריאת עולם כשנתו יושבי צרפת לבם לעלות לרשת מלכיות עליון ועליהם ועל כיוצא בהם נאמר וניקיתי דמם לא נקיתי :

עוד מצאתי כתוב בשנת תתנ"ו עלה בלב המלך הנקרא כלב ובלשונם די קאני [5] לעלות אל ארץ הצבי להלחם עם הישמעאלים ועמדו לפניו אנשי רשע ואמרו לו מה לך לעבור הים נלך לדרך זו הנה בידינו לנקום נקמה מאותם אשר שפכו דם נקי אז שמע המלך אליהם והתחילה הגזרה בחג שבועות בעיר מגנצה וקלקלו לשם להחריב גליות הרבה וכל הקהילות מלומברדיאה ונהרג שם ר' משה מפויאה ור' קלונימום איש רומי עם כל בני הישיבה :

Then follows (10) the historical notice of Aaron of Lunel (Neubauer, *Chronicles*, I, 191, last line) beginning כתב החכם ר' אהרן מלוניל ז"ל בשנת ג' אלפים . . . [6]. The addition at the end, p. 192, ll. 8–10, is not found here. (11) A short סדר עולם identical with Neubauer, *Chronicles*, I, 195,

to p. 196, line 3. At the end the MS. reads ובדוק משמת ישו ס"א רמקיאות . . . היה ראש לנוצרים . . . [read מרקיאות]. Then a number of fabulous names follow. (12) A sort of סדר תנאים ואמוראים with the following epigraph: נשלם בחדש אלול שנת חמשים וחמש בטולטולה · בריך רחמנא דסייע בהדן אמן · זהו תשלום ספר הקבלה להראב"ד הנ"ל שהיה ממדינת טולטולה זלה"ה · כך מצאתי כדלעיל חזק: Stern adds that this piece is very poorly written and the paper damaged. Then, he states, follow the סדר תנאים ואמוראים and the Letter of Sherira, incomplete, at the end.

I believe the texts nos. 8 to 12 are all found at the end of a MS. of ס' הקבלה, as Stern gives as the source of no. 11 בסוף ס' הקבלה הנזכר מצאתי אלו הדברים, and of no. 10 עוד שם, and in vol. V of his copies he refers to the second note of no. 9 with the words: כך מצאתי גם כן בס' הקבלה להראב"ד ב"י באשר העתקתי. It is hardly probable that all those pieces are in Cod. 117, as otherwise they would not have escaped the notice of Prof. Schechter, who copied Megillat Taanit (Neubauer, *Chronicles*, II, p. vii) from it, and of Perreau, who collated, for Neubauer, Sherira's Letter (ib., I, p. x), the ס' הקבלה (ib., I, p. xiii) and the סדר עולם (ib., II, p. ix) with the same MS. But there is another MS. of the ס' הקבלה in Parma (Cod. de Rossi, 1409, Catalogue Perreau, no. 32), where we find at the end תשלום ס' הקבלה להראב"ד שהיה ממדינת טולטולה, and where also a סדר תנאים seems to follow. Probably Stern made his copies from this, in which case Perreau's description is very unsatisfactory.

As to no. 8, which is our text, it is clear that the author wanted to give an account of the great persecutions in Spain. For those of 1391 he found a contemporary description in Ḥasdai Crescas' letter to Avignon, which he incorporated into his own narrative, summing up the facts in a short introduction. In contrast to the expulsion of 1492, he calls the events of 1391 הגזירות הראשונות, while our text begins הוסיף ה' שנית ידו. The letter of Crescas, formerly known through the extract in שלשלת הקבלה (fol.

114 a, ed. Venice), was published in full by Carmoly in Wiener's שבט יהודה, pp. 128 et seq., whose readings generally agree with those of the שלשלת הקבלה as against the Parma MS. Also, he has a signature which is missing in the letter. According to a transcript of Stern's[7] copy, the letter was published a second time by Kayserling in *M. G. W. J.*, XVI, 1867, pp. 312 et seq., where the introduction is also printed (p. 315). Kayserling shows that Carmoly likewise had this introduction before him. It would be very interesting to know where Carmoly found the text.

For the sake of completeness I reprint this introduction, the end of which was omitted by Kayserling, who also erroneously states the date of the letter to be the 10th instead of the 20th of Marḥeshvan. The other variations, alike in the introduction and in the letter itself, are of slight importance. I do not reproduce the letter, as it is easily accessible. The introduction runs thus :—

פלגי מים תרד עיני על גלות ירושלים אשר בספרד ׳ אשר שפך ה׳ עליה באש חמתו ובמים עברתו בשנת קנ״א לאלף הששי היו הגזירות הראשונות בספרד התחיל בסיביליא היא עיר גדולה מאד היו בה כמה אלפים בעלי בתים והיא היתה ראש לכל קהלות ספרד וקמו עליה הנוצרים להומם ולאבדם קצתם נהרגו וקצתם השליכו עצמם בבורות על קדושת ה׳ אבל רובם נמלטו בבמות והמירו וכאשר שמעו העירות האחרות מה שנעשה בסיביליאה ראש ממלכה קמו גם הם על היהודים ועשו כאשר עשו אנשי סיביליאה ונתפשטה הגזרה מעיר לעיר עד אשר הוכו היהודים בהרבה עירות מספרד ומאז היו האנוסים בספרד רבים מאד ובחמלת ה׳ על עמו לבלתי עשות עמהם כלה העיר את רוח מלך ארגון לעמוד בפרץ ולגדור גדר במלכותו לבלתי שלוח יד ביהודי ועשה ברוזות מפחידות ומניעות גדולות על זה עד אשר לא עברה הגזרה במלכות ארגון ולא נתפשט משם והלאה וכתב מא׳ פרופיט במעשה אפד (p. 14 of the ed.) אשר חבר כי התפלות הגדולות אשר התמידו בהם קהלות ארגון יומם ולילה היו סבה מאת ה׳ לה להצלתם ׳

וזה הוא תופס הכתב אשר שלח האשל האדיר הרב מסרגוסה שמו דון חסדאי קרסקאש זצ״ל אל קהילת אביניון על דבר הגזרות אשר היו

בספרד שנת קנ"א לאלף הששי ונכתב הכתב ההוא בעשרי' לחדש מרחשון של שנת קנ"ב וזה לשונו:

As to the authorship of our text, nothing can be determined. It is anonymous, and, so far as I am aware, no quotations from it are known. It seems that the author was a contemporary of the expulsion, but not himself a Spaniard. Nowhere is there an indication that the text was written by a man who had to suffer personally from the expulsion. On the other hand, the thorough inquiry into the number of the expelled was hardly possible in a later generation, as there can be no question of a scientific investigation of literary sources on the part of the author. The details about the leaders of the academies in Spain before the time of the expulsion also could have been gathered only from contemporaries. The conclusion therefore is, that our author lived in a country that offered a refuge to many of the exiles. As he shows himself rather well acquainted with Italian conditions, and most of his details are about the Spanish Jews who fled to Italy, I believe the inference is warranted that he lived in Italy. The language of the text and the transliteration of proper names are conclusive evidence; they seem to me to show indications of a foreign language. My ignorance of Italian does not allow me to speak authoritatively. The expressions I mean are, besides יונארו and עשה הקרבה, חקירה מהמספר, בז' ימים לחדש מהשנה, מאייו הגיע אכזריות לבם הרע אל שעור, מהמלך עם המלכה, and so on.

If these conclusions are correct, we can determine exactly when the account was written. Charles VIII stayed in Naples from February 22 until May 20, 1495. Then he left Naples and Italy, and the kingdom of Naples reverted to its old ruler. An Italian author, who shows himself fairly well acquainted with the history of his country, could not speak of the conquest of Naples by Charles and omit all mention of the change in his fortunes if it had already taken place. Our text, therefore, must have been written in April or May, 1495.

As to its historical value, it gives us some new information, e. g., the names of the great leaders of academies in Spain before the expulsion (cf. notes 14–16, 18–20, to the translation), the official position of Don Meïr (cf. note 28), and the activity of Vidal Benveniste in connexion with the treaty with Portugal, generally ascribed to the good offices of R. Isaac Aboab, who went to Portugal with thirty delegates (Graetz, VIII, p. 366 et seq.; Kayserling, p. 108). Vidal was probably one of his associates, and took a prominent part in the transaction, as a great financier (cf. note 37). Furthermore, our text tells us about the vizier Abraham in Tunis (note 45), and the number of children deported to St. Thomas (cf. note 42). Of these the author gives two different numbers, both of which he had heard. In general he is very cautious in his statements, and always tries to give a correct account. This applies especially to the number of the exiles, a point which I will discuss a little more at length, as both the texts published here offer important variations from our previous knowledge.

The number of exiled Jews is given variously in different sources; Graetz, following Abarbanel, thinks three hundred thousand to be the most correct number and defends it (pp. 459–66) against Loeb, *R. É. J.*, XIV, 161–83, who reduces it to one hundred and sixty-five thousand. Cf. also Loeb's review of Graetz, l. c., XXI, 153–59. Isaac ibn Faradj (text II), who emigrated to Portugal one year before the expulsion, gives almost the same number, viz. more than forty thousand families, which, taking the average family to be four to five persons (Loeb, l. c., 155), would mean about one hundred and eighty thousand souls. The statement of our contemporary author, who has made special researches into this question, and gives two slightly varying numbers, fifty thousand and fifty-three thousand families, should have great weight. Following him, we may assume that between two hundred thousand and two hundred and fifty thousand individuals left Spain in 1492. A much higher

number, six hundred thousand[8], is given by another contemporary in Italy, David of Modena, a pupil of R. Joseph Kolon, who in his ראשי הפרקים מהלכות ודינים on שבת (MS. of the Jewish Theological Seminary of America, formerly MS. Halberstam, No. 476, fol. 93 a–b), has the following note (on שבת, 116 a, end of the page according to Rashi's explanation):—

ואני שמעתי כי הגזירות הגדולות שהיו בקטלוניא בשנת קנ"ו [קנ"א] היו בשביל ויכוח שרצו היהודים להתווכח עם חכמי אומות העולם ולבסוף כשראו את עצמם נצוחים קמו עליהם והרגום והרבה הרבה מהם וכמעט כולם נשתמדו ועברו על הדת ׳ ומן אותה גזירה יצאה הגזירה שהיתה בשנת רנ"ב שמלך ספרד גרש מאתו קרוב לו׳ מאות אלף נפשות והרבה מהם מתו בדרך ובספינה ויותר הרבה נשתמדו כי ראה המלך הנזכר כי היהודים שהיו בארצות שלו היו מלמדים דעת בדברי התורה אל האנוסים שהיו תחת ממשלתו אז אמר אם גרש אגרש את היהודים מעתה כל האנוסים שתחת ממשלתי כי מלאה הארץ מהם יהיו גוים גמורים וכן היה ׳ כל זה אירע להם מפני שלא שמרו ברית ראשונים ומאמר חכמים שאמרו שאין להתווכח על עסקי הדת׳:

"I heard that the bitter persecutions of 1391 in Catalonia were caused by the desire of the Jews to have disputations with the Christians. Finally, when the latter found themselves vanquished they arose and killed them. Many, almost all, were then baptized, and gave up their faith. From this persecution resulted that of 1492, when the Spanish king exiled nearly six hundred thousand persons. Many of them died on the way, and in the vessels, but more were baptized. The aforementioned king saw that the Jews of his country taught the Marranos the Torah, and he thought: Once I expel all the Jews, all the Marranos in my kingdom—and the country is full of them—will become real Christians. And so it was. All this happened to them because they did not observe the covenant of our forefathers, and the teachings of the sages, who advised against disputations on questions of faith."

Though there is some truth in this view of the expulsion (cf. the terms of the edict of expulsion) one can hardly lay stress on the only detail given here, the number six hundred thousand, all the less as the ו׳ may be a mistake of the copyist (the author's grandson) for ג׳ or some other letter.

The number of the Jewish inhabitants of Castile before the expulsion, which is of great importance in relation to our question, may be definitely determined from a letter written from Castile to Rome and Lombardy in 1487, and dealing with the Ten Tribes, which I found on the back of the title-page of Maimonides' Letters, ed. Constantinople, in the Library of the Jewish Theological Seminary of America; there is unfortunately a gap at the critical point. The end of all the lines is missing. The passage in question runs thus:

בעונותינו נשארנו מעט מהרבה כי עברו עלינו זה כ . . . . . ורעות עד
כמעט כלינו בארץ לולי ה׳ צבאות שהיה לנו להחיותינו כיום הזה שנת
זר״ם מים עבר . . . . . עשה מלחמה חזקה עם מלכות גרנאטה
ולזאת הסבה עם היותו בעל משפט וצדקה . . . . . ארבעה עשר אלפים
קאשטיליאנוש מזהב טוב קאשטיליאנו אחד לכל בעל הבית:

"Through our sins only a few of us out of the many are left, as we had to undergo [many persecutions] and sufferings, so that we would have been entirely annihilated had not the Lord of hosts kept us alive. Now, in the year [5]247 (1487) it happened . . [that the king] started a great war against Granada, and for this reason, he—generally so just and mild—[imposed upon the Jews] fourteen thousand Gold-Castilianos, a Castiliano for each family."

We cannot assume that a number is missing before fourteen thousand, for the lowest possible would bring the number of families in Castile in 1487 up to one hundred and fourteen thousand families, or over five hundred thousand persons, too high even for the whole of Spain. Besides, a ו would be needed before ארבעה. Our text therefore suggests

that there were fourteen thousand families, or between sixty and seventy thousand Jews, in Castile at this period. This is a very low figure, but all the more trustworthy, as it is a number derived from fiscal data. Loeb's opinion, that the maximum number of one hundred and sixty thousand accepted by him (*R. É. J.*, XIV, 183) is still too high for Castile, finds strong support in our text, which gives a lower number than the lowest found in any source (fifteen thousand families, ib., 175).

Our author differs from the other sources also as to certain dates, which may fittingly be discussed here, the dates of the publication of the edict and of the exodus.

Some confusion exists about the date of the publication of the edict. It was signed March 31st. According to Zacuto, l. c., it was published at the end of April (cf. Graetz, p. 343, note), according to our author on the first of May. A most peculiar statement is that by Capsali, l. c., p. 67. He says that the expulsion was decided on the first of Adar (January 30), the edict was published during February, and contained the order that the Jews would be expelled between the 9th of Iyyar (7th of May) and the 9th of Ab (4th of August). In the edict, as translated by him, it reads: "During the next (הבאים ראשונים) three months, from the first of April to the last day of July." Probably the expulsion of the Jews was conceived in January after the conquest of Granada. But two months passed before the edict was actually signed.

Graetz's explanation (p. 342, note 2), that the heralds, one month after the publication of the edict, announced that only three months were left to the Jews, is not at all satisfactory, as there was no reason for a second announcement. It is much more probable that this announcement merely ordered the Jews to leave by July 31. As it reached some parts of the kingdom much later, the Jewish sources only counted the full months left to them, while the Spanish historians reckoned from the exact date of the edict. Considering also the fact that the Jews at first

hoped to have the order of expulsion recalled, we can understand how the Jewish authors report that only three months' time was granted the Jews. The Chronicon of Valladolid fully agrees with the Jewish sources (Kayserling, *Geschichte der Juden in Portugal*, p. 101, note 1). I do not know to what extent it can be considered authoritative. A thorough investigation into the value of the different Spanish chronicles is a desideratum; so far as I know, Jewish writers do not attempt an appraisement of them.

The date of the departure of the Jews is given in the edict as July 31 = 7th of Ab, and actually took place on this date according to Zacuto, but according to our author on the 5th of Ab (August 1), and on the 9th of Ab (August 2) according to Abarbanel (Graetz, l. c., p. 349, note 2) and according to Capsali's account. It seems that in different parts of Spain the officials showed some leniency towards the Jews, and allowed them to stay one or two days longer, in return probably for substantial bribes. That the term was officially extended for two days, as Graetz, l. c., suggests, seems very improbable to me, in the absence of any evidence. Cf. Loeb, *R. É. J.*, XIV, 175.

The text published here is printed exactly from the copy by Stern, though his copy is probably not free from mistakes. The spelling of the geographical names is so incorrect that some of my identifications are only tentative. As the text is not very difficult, I did not aim at a verbal translation.

Text.

ובשנת רנ"ב לאלף הששי הוסיף ה' שנית ידו להגלות השארית אשר
בימי מלך פירנ"נדו אחרי אשר כבש מדינת גרנאטה מיד הישמעאלים
והובקעה אליו בשבעה ימים לחדש יונארו מהשנה הנזכרת גזר גרוש על
היהודים אשר בכל מדינות מלכותו במלכות קשטיליאה ומלכות קטלונייא
מלכות ארגון מלכות גליציאה מלכות מיורקה מלכות מנוריקה מלכות
בוסקלייא מלכות אי סרדינייא מלכות אי ציצילייאה מלכות ולינציאה·
וקודם לכן גרשם המלכה ממלכות האנדלוסיאה· ונתן להם המלך זמן

שלשה חדשים נעשה הכרוז בכל עיר ועיר ביום קלי׳ מאיו אשר חל בי״ט ימים לעומר ונמצאו כלים בערב ט׳ באב׳ מנינם לא נספר אמנם מה ששמעתי אחר החקירה המרובה מהמספר היותר מוסכם שהיו נ׳ אלפים בעלי בתים וי״א נ״ג אלפים׳ והיו להם בתים שדות כרמים ומקנה בהמות ורובם בעלי מלאכות׳ והיו אז בספרד ישיבות הרבה ומהגדולות שבהם ר׳ יצחק אבוהב בגודאלקיארה ר׳ יצחק ביצודו בעיר ליאון ר׳ יעקב חביב בסלמנקה׳ ועוד היה בעיר ההיא חכם גדול בחכמת התכונה ובאשר היה ספק בישיבה הנצרית אשר שם בחכמת התכונה היו שואלים את פיו שמו ר׳ אברהם יקודו [זקודו] ר׳ יצחק אליפדניי בבדי״אלודי ר׳ יעקב קנייזאל באווילא דקנפוש ר׳ יצחק ייאקון בטוליטולא לאחר שנפטר הרב הגדול ר׳ יצחק דליאון זצ״ל אשר קרעו עליו בכל מדינות ספרד ובר פלוגתיה ר׳ יצחק זייט ונחלק בענין אסור והתר ר׳ שמואל פרוקי בפורמיסקו ר׳ יצחק עזיאל במדינת אלקנדי ר׳ שמעון סרסר בסנובייא ר׳ שמואל צרפתי בדיישינציאה׃

ובאותם השלשה הדשים שנתן להם זמן היו משתדלים ובוטחים לעשות פשרה להשאר על ידי הרב שהיה מנהיג קהלות מספרד שמו דון אברהם שניאור שהיה רוכב עם שלשים פרדים ור׳ מאיר המלמד שהיה סופר המלך ודון יצחק אבראבניל שברח ממלך פורטוגאל לארץ קשטילייא והיה ג״כ גדול בחצר מלך ספרד והוגלה אח״כ לנאפולי ונחשב ג״כ לפני מלך נאפולי והרב הגדול ר׳ יצחק דליאון הנזכר היה קורא לדון אברהם שניאור הנזכר שונא״אור לפי שהיה אפיקורוס וסופו מוכיח כי המיר הוא ובני ביתו והוא בן שמונים שנה והמיר גם ר׳ מאיר המלמד עמו ודון אברהם הנזכר הוא עשה הקרבה מהמלך עם המלכה כי היתה המלכה יורשת המלכות והמלך שר אחד משרי ספרד ועל זה נעשה רב על היהודים לא מהסכמתם׳ וכבר השיגו פשרה להשאר על יד סך ממון ונתבטלה על ידי הגמון אחד וקרא ההגמון מע׳ [מעשה?] צלם וענתה המלכה היהודים המשתדלים מאמר דומה למאמר שלמה המלך ע״ה פלגי מים לב מלך ביד ה׳ אל כל אשר יחפוץ יטנו ואמרה התחשבו שמאתנו היתה זאת לכם ה׳ הוא ישם בלב המלך הדבר הזה׳ ואחרי אשר ראו כי כלתה אליהם הרעה מאת המלך ונתיאשו מעמוד קצר להם הזמן והוצרכו למהר יציאתם מספרד ומכרו בתיהם וקרקעותיהם ומקניהם בדבר מועט כדי להמלט על נפשם ולא נתן להם המלך רשות להוציא מארצו כסף וזהב והוצרכו להחליף כספם וזהבם בסחורת בגדים ועורות וזולת זה מעניני

סחורה׳ ונכנסו מאה ועשרים אלף מהם למלכות פורטוגאל על ידי פשרה שעשה עם מלך פורטוגאל נכבד אחד שמו דון בידאל בר בן וינישטי דלקבלאריאה ופרעו א׳ דוקאטו לכל נפש ורביע הסחורה שהוליכו לשם ונתן להם זמן לעמוד בארצו ששה חדשים׳ והמלך ההוא הרשיע והרע להם מאוד יותר ממלך ספרד וכאשר עברו הששה חדשים כבש מה שנשארו מהם בארצו לעבדים והגלה שבע מאות ילדים לאי אחת רחוקה כדי לישבה ומתו כלם וי״א שהיו מספר כפלים מזה ונתקיים בהם בניך ובנותיך נתונים לעם אחר וכו׳ גם צוה לקהל לישבונה שהיא עיר המלוכה שלו שלא יגביהו קולם בתפילה כדי שלא ישמע ה׳ צעקתם על החמם הנעשה להם׳ והרבה מגלות ספרד הלכו לארץ ערב למלכות פיס ולמלכות טרימיסינטי ולברבריאה תחת מלך טוניזי ולרבויים לא הניחו הערביים לבנות לעיירות ומתו רובם בשדות ברעב ובצמא ובחוסר כל גם הדובים והאריות הנמצאים בארץ ערב היו הורגים בהם בהיותם שוכבים חוץ לעירות מזי רעב׳ ויהודי אחד היה במלכות טרימיסינטי משנה למלך ומנהיג המלכות שמו אברהם הכנים קצתם לאותו מלכות והוציא ממון הרבה להטיב להם והיהודים אשר בארץ ערב הטיבו עמהם מאד׳ וקצתם מאותם שהלכו לארץ ערב כאשר לא מצאו מנוח ומקום שיחזיקם חזרו לארץ ספרד והמירו ונתקיים בהם מאמר ירמיה ע״ה פרש רשת לרגלי השיבני אחור׳ אמנם בתחילה נמלטו כולם אחר היחוד לא המירו מהם רק מתי מספר בכל גלילות ספרד ולא השניחו על ממונם גם לא הפנו על (sic) אבות על בנים כדי להמלט על נפשם׳ וכאשר נתפרסם במדינות גזרת הגרוש באו דוגיאות של יינוביסי לערי ספרד אשר על חוף הים להוליך היהודים גם הם הרעו והשחיתו ושללו אותם ומסרו קצתם ביד לסטים הים המפורסם בימים ההם הנקרא הקורסאל ינוביסי ואותם שנמלטו לעיר יינובה נתאכזרו עמה׳ היינובסי וחמסו וגזלו אותם והגיע אכזריות לבם הרע אל שעור שהיו שוללים העוללים מחק אמותם והרבה ספינות מהיהודים ובפרט מאי ציציליאה הלכו לעיר נאפולי אשר על חוף הים והמלך ההוא היה אוהב היהודים וקבלם כולם וחמל עליהם להיטב להם מממונו והיהודים אשר בנאפולי היו מספיקים להם מזון בכל כחם גם שלחו למדינות אטאליאה לקבץ מעות להחיותם והאנוסים אשר בעיר ההיא הלוו להם על משכונתיהם בלי רבית גם כת האחים מע׳ (?) דומיניקו עשו להם צדקה׳ ולהחיותם הרבה מאד לא הספיק להם כל זה ומתו קצתם ברעב ויש מהם שהיו מוכרים קצת בניהם לנצרים להחיות את נפשם

ולבסוף נכנם בהם הדבר ונתפשט בעיר נאפולי ומתו מהם הרבה מאד עד שהיו לואים החיים לקבור את המתים׳ וקצת מגלות ספרד הלכו דרך ים ללכת תארץ תוגרמה קצתם טבעו בים ואותם שהגיעו לשם קבלם המלך התוגר בסבר פנים להיותם בעלי מלאכות והלוה להם ממונו להושיב הרבה מהם באי אחת ונתן להם שדות וקרקעות׳ ומתי מעט מהגלות ההוא נתפזרו בארצות אטליאה בעיר פיררא ובמחוז רומנ״יא במחוז למאר״קה ובמחוז פטרימו״ניאו ובעיר רומי רבתי׳

וקודם הגירוש שלח מלך ספרד ידו באנוסים וחקר על מצפוניהם לפי שהיו מחזיקים בקצת מצות בסתר וגזר על היהודים אשר בכל עיר ועיר לדרוש בבתי כנסיות ולהטיל חרם על כל מי שיודע שום אנום שנתן שמן למאור או מעות לשום דבר שבקדושה שיגלהו והיו הדרשנים דורשים בבתי כנסיות בפני סופרי המלך ומשביעים את העם בשבועה אם לא יגיד וכו׳ ובמצות המלך שיגלו אותם ומחרימים על כל מי שלא יגלה ואווי שחרב אלו החרמות אכלה בספרדים אשר בכל מקום שהלכו מצאום צרות ורעות ובזאת העלילה שרף מלך ספרד כמה אלפים מהאנוסים ובזה מהם ממון עד אין קץ אשר בו החזק במלחמת גרנאטו׳ ונראה שהיתה סבה מאת השם לאבד אותם האנוסים שהיו פוסחים על שתי הסעיפים ובאילו חדשו תורה לעצמם וסופם מוכיח שלא קדשו את השם בשעת מיתה כי היו שואלים אותם על איזה דת הם רוצים למות ובחרו בדת הנצרית כדי למות מיתה יותר קלה ומתו עם שתי וערב בידם ולא מתו מהם באמונת היהודים רק מעט מזער ואותו המעט רובו נשים׳

ובשנת רנ״ה לאלף הששי בא מלך צרפת לארץ אטאליאה בחיל כבד ונפל פחדו על כל המדינות ובכל עיר אשר דרך כף רגלו בה קבלוהו ופתחו לו השערים מבלי מצור עבר מחוז לומברדיאה בהסכמת הדוכוס ממילאנו ונכנם תחילה בעיר פלורינצה העיר כלילת יופי ומשל במחמדיה ועם היות יושביה עם רב ותקיף לא מלאם לבם לעמוד כנגדו והכניסוהו באימה ורעד ומשם הלך לעיר סי״נה גם היא ארץ צבי ואף הם יצאו לקראתו וקבלוהו משם עבר לעיר ויטירבו אשר היא עיר מיוסדת במעבר חזק והיו יכולים למנעו ולא כן עשו אלא העבידוהו נגד רצון האפיפיור ונגד רצון מלך נאפולי׳ ומשם הלך לרומי רבתי גם הם הכניסוהו וברח מפניו האפיפיור לכרך גדול של רומי ומשם נכנם למלכות נאפולי וכבש כל העיירות בימים מועטים וברח מפניו מלך נאפולי לעיר אחת אשר בקצה מלכותו על חוף הים הנקראת ברונדיש ונכנם מלך צרפת בעיר

נאפולי ברצון אנשי העיר והביא במצור את כל החזקות שבה עד שכבשם כולם וכבש רוב מחוז פולייא ומחוז קלאבריאה והיו בנאפולי ובשאר העיירות הסמוכות לה ובמחוז פולייא וקלאבריאה קהלות גדולות ואבדו רובם בעונותינו כי אשר לחרב לחרב ואשר לשבי לשבי ואשר לצאת מן הכלל לצאת מן הכלל כי הצרפתי' שללו והשחיתו בהם והרבה מהם המירו מפחד הצרפתים ועם שלא היה מרצון מלך צרפת שיוזקו היהודים אבל הגין עליהם כשנכנם בעיירות גם הצבורים כשפרקו מעליהם מורא מלכות של מלך נאפולי קמו על היהודים לשלול ממונם ולהבריחם להמיר והיתה עת צרה ליהודים בכל אותם המדינות אשר היו מקודם ערי מקלט לגליות ונאבדו כמה וכמה אלפים מהם ונשחתו קהלות קדמוניות במחוז לפולייאה וקלאבריאה אשר היה יד ושם' מי שאמר לעולמו די יאמר די לצרותינו ויראה כי אולת יד וישוב וירחמנו ויחיש לגאלותינו'

כן יהי רצון'

Translation.

And in the year 5252 (1492) the Lord visited the remnant of his people a second time, and exiled them in the days of King Ferdinand. After the king had captured the city of Granada from the Ishmaelites, and it had surrendered to him on the 8th of January[1] of the year just mentioned, he ordered the expulsion of all the Jews in all parts of his kingdom—in the kingdoms of Castile, Catalonia, Aragon, Galicia, Majorca, Minorca, the Basque provinces, the islands of Sardinia and Sicily, and the kingdom of Valencia[2]. Even before that the queen had expelled them from the kingdom of Andalusia[3]. The king gave them three months' time to leave in. It was announced in public in every city on the first of May, which happened to be the 19th day of the Omer, and the term ended on the day before the 9th of Ab. The number of the exiled was not counted, but, after many inquiries, I found that the most generally accepted estimate is 50,000 families, or, as others say, 53,000. They had houses, fields, vineyards, and cattle, and most of them were artisans[4]. At that time there existed many academies in Spain[5], and [at the head of] the greatest of them were R. Isaac Aboab[6] in Guadalaxara[7], R. Isaac Bezodo[8] in Leon, R. Jacob Ḥabib[9] in Salamanca. In the last-named city there was a great expert in mathematics, and whenever there was any doubt on mathematical questions in the Christian academy of that city they referred them

to him. His name was Abraham Zacuto[10]. [At the head of the other academies were] R. Isaac Alfrandji[11] in Valladolid[12], R. Jacob Canisal[13] in Avila di Campos, R. Isaac Giakon[14] in Toledo, after the death of R. Isaac of Leon[15], who was mourned in all parts of Spain, and his antagonist, R. Isaac Ziyyat[16] — they disagreed on ritual questions — R. Samuel Franco[17] in Fromista[18], R. Isaac Uziel[19] in Alkendi, R. Simon Sarsa[20] in Segovia, R. Samuel Zarfati[21] in דיישינציאה[22].

In the course of the three months' respite granted them they endeavoured to effect an arrangement permitting them to stay on in the country, and they felt confident of success. Their representatives were the Rabbi, Don Abraham Senior[23], the leader of the Spanish congregations, who was attended by a retinue on thirty mules, and R. Meïr, the secretary to the king[24], and Don Isaac Abarbanel[25], who had fled to Castile from the King of Portugal, and then occupied an equally prominent position at the Spanish royal court, the very one who was expelled, went to Naples, and was highly esteemed by the King of Naples. The aforementioned great Rabbi, R. Isaac of Leon, used to call this Don Abraham Senior Soné Or (Hater of Light), because he was a heretic[26], and the end proved that he was right, as he was converted to Christianity at the age of eighty, he and all his family[27], and R. Meïr with him[28]. Don Abraham had arranged the nuptials between the king and the queen[29]. The queen was the heiress to the throne, and the king one of the Spanish nobility[30]. On account of this[31] Don Abraham was appointed leader of the Jews, but not with their consent. The agreement permitting them to remain in the country on the payment of a large sum of money was almost completed when it was frustrated by the interference of an official, who referred to the story of the Cross[32]. Then the queen[33] gave an answer to the representatives of the Jews, similar to the saying of King Solomon: "The king's heart is in the hand of the Lord, as the rivers of water. He turneth it whithersoever he will[34]." She said furthermore: "Do you believe that this comes upon you from us? The Lord hath put this thing into the heart of the king." Then they saw that there was evil determined against them by the king, and they gave up the hope of remaining. But the time had become short, and they had to hasten their exodus from Spain. They sold their houses, their landed estates, and their cattle for very small prices, to save themselves. The king did not allow them to carry silver and gold out of his country[35], so that they were compelled to exchange their silver and gold for merchandise of cloths and skins and other things.

One hundred and twenty thousand[36] of them went to Portugal, according to a compact which a prominent man, Don Vidal bar Benveniste del Cavalleria[37], had made with the king of Portugal, and they paid one ducat for every soul[38], and the fourth part of all the merchandise they had carried thither; and he allowed them to stay in his country six months[39]. This king acted much worse[40] toward them than the king of Spain, and after the six months had elapsed he made slaves of all those that remained in his country[41], and banished seven hundred children to a remote island[42] to settle it, and all of them died. Some say that there were double as many. Upon them the Scriptural word was fulfilled[43]: "Thy sons and thy daughters shall be given unto another people," &c. He also ordered the congregation of Lisbon, his capital, not to raise their voice in their prayers, that the Lord might not hear their complaining about the violence that was done unto them.

Many of the exiled Spaniards went to Mohammedan countries[44], to Fez, Tlemçen, and the Berber provinces, under the king of Tunis. Most of the Moslems did not allow them into their cities, and many of them died in the fields from hunger, thirst, and lack of everything. The lions and bears, which are numerous in this country, killed some of them while they lay starving outside of the cities. A Jew in the kingdom of Tlemçen, named Abraham[45], the viceroy who ruled the kingdom, made part of them come to this kingdom, and he spent a large amount of money to help them. The Jews of Northern Africa[46] were very charitable toward them. A part of those who went to Northern Africa, as they found no rest and no place that would receive them, returned to Spain, and became converts[47], and through them the prophecy of Jeremiah was fulfilled[48]: "He hath spread a net for my feet, he hath turned me back." For, originally, they had all fled for the sake of the unity of God; only a very few had become converts throughout all the boundaries of Spain; they did not spare their fortunes, yea, parents escaped without having regard to their children.

When the edict of expulsion became known in the other countries, vessels came from Genoa to carry away the Jews. The crews of these vessels, too, acted maliciously and meanly toward the Jews[49], robbed them, and delivered some of them to the famous pirate of that time, who was called the Corsair of Genoa. To those who escaped and arrived at Genoa the people of the city showed themselves merciless, and oppressed and robbed them, and the cruelty of their wicked hearts went so far that they took the infants from the mothers' breasts[50].

Many ships with Jews, especially from Sicily, went to the city of

Naples[51] on the coast. The king of this country was friendly to the Jews, received them all, and was merciful towards them, and he helped them with money. The Jews that were at Naples supplied them with food as much as they could, and sent around to the other parts of Italy to collect money to sustain them. The Marranos in this city lent them money on pledges without interest; even the Dominican Brotherhood acted mercifully toward them. But all this was not enough to keep them alive. Some of them died by famine, others sold their children to Christians to sustain their life. Finally, a plague broke out among them, spread to Naples, and very many of them died, so that the living wearied of burying the dead.

Part of the exiled Spaniards went over sea to Turkey. Some of them were thrown into the sea and drowned, but those who arrived there the king of Turkey received kindly[52], as they were artisans. He lent them money to settle many of them on an island[53], and gave them fields and estates.

A few of the exiles were dispersed in the countries of Italy, in the city of Ferrara, in the counties of Romagna, le Marche[54], and Patrimonium, and in Rome.

Before the expulsion the king of Spain had stretched forth his hand against the Marranos[55], and investigated their secrets, because they observed part of the laws secretly, and he had ordered the Jews in every city to proclaim in the synagogues that whoever knew of any Marrano who gave oil to the lighting of the synagogue, or money for any holy purpose, must reveal his name on penalty of excommunication. Thus the preachers made proclamation in the synagogues in the presence of the royal officials, and they adjured the people with the formula: "If he did not utter it"[56] . . . and with the order of the king to inform against them; and they decreed the ban against everybody who would not give information. Oh, how that sword of excommunication wrought havoc among the Spanish Jews, who wherever they turned found hardship and misfortune! By means of this accusation the Spanish king had many thousands of the Marranos burned, and confiscated their fortunes without number, using the money for the war against Granada. It seems that this was from the Lord to destroy these Marranos, who halted between two opinions, as if they had made a new law for themselves. Their end shows that they did not sanctify the name of the Lord in the hour of their death. When they asked them in which religion they wanted to die they chose Christianity, in order to die an easier death, and they died with a cross in their hands. Only a few of them died as Jews, and of these few most were women[57].

In the year 5255 (1494)[58] the king of France went to Italy with a great army, and his fear fell upon all the countries. All the cities which he approached received him, and opened their doors without a siege. He went through Lombardy with the approval of the Duke of Milan[59]; then he advanced to Florence[60], the perfection of beauty, and he had power over all its treasures, and though its inhabitants were numerous and strong they did not dare stand up against him, but they let him enter, in fear and terror. Thence he went to Siena[61], a glorious land, too, but its inhabitants also went to meet him and welcomed him. Thence he went to Viterbo[62], a city that is situated on an impregnable pass, so that its people might have hindered him from entering. They did not do so, but they let him pass, against the will of the Pope and the king of Naples. From there he went to Rome[63], and there also the inhabitants let him in, and the Pope fled to the Castle St. Angelo[64]. Then he went to the kingdom of Naples[65], and conquered all the cities in a few days. The king of Naples fled before him to Brindisi[66], a city on the border of his kingdom, on the coast. The French king entered Naples, with the consent of the citizens, and besieged the strongholds till he captured all of them[67]. Then he took the greater part of Apulia and Calabria. There were great congregations in Naples, and in the other cities of the neighbourhood, and in Apulia and Calabria. They all were destroyed on account of our sins, such as were for the sword by the sword, and such as were for captivity in captivity, and such as were to be converted by conversion. The French pillaged and destroyed among them, and many were converted from fear of the French, and even though it was against the will of the king of France[68] that the Jews suffered, and though he protected them whenever he entered the cities, yet, after the fear of the king of Naples was removed[69], the communities stood up against the Jews to despoil them of their fortunes and force them to baptism. It was a time of distress for the Jews in all these countries, which before had been refuges for the exiled. Many thousands of them perished, and very old and famous communities in Apulia and Calabria were annihilated.

He who said unto his world, Enough, may he also say Enough unto our sufferings, and may he look down upon our impotence. May he turn again, and have compassion upon us, and hasten our salvation. Thus may it be thy will!

NOTES, I.

INTRODUCTION.

[1] The passages omitted there are: p. 12, line 8: ולא עשו כביד למחסי כוב וסיחר שיקר אך באמונה הקילו האומר לאביו לא ראיתיו וזו אחת משתי זונות אמ' היא אמו והטאתם לא תמיהה על כן נקרא שמיה מרה והרפה בנות אדם ובעוונינו את בנה המת כבודם החי בקילקלין המת: line 10; השכיבה בחיק הארץ על פני ההיכל הנמוך בהטאינו; line 14: וכלב המת והורחו; line 32: ולטמאם בטופת צואתו לא רוחץ לבושת ערות אמו שלרתו זנחו והכלימו.

[2] P. 52, our copy has פל"ג before line 6.

[3] P. 46, l. 4, Stern reads: שמוייט; line 6: שישי ושמחי בת אדום בארץ עוץ; line 9: דברי' ושובו אל ה' ואמרו אליו כל תשא: line 21; הם עוניך בת ציון לא יוסיף יזן וקח טוב ונשלמה פרים.

[4] In the fifth volume of S. G. Stern's copies, fol. 31 b, he has the following quotation from Cod. de Rossi 1419 (Perreau, No. 42):—

מצאתי במחזור 1419 בס"ח הלכות וברכת אבלות וז"ל כתב רבי' טוביה בפירושו לזכרון מה שהיה בשנת תתנ"ו כי עלה בלב המלך הרשע לעלות אל ארץ הצבי להלחם עם הישמעאלים ועמדו לפניו אנשי רשע בני עוננה ואמר' לו מה לך לעבור מעבר לים נלך לרוך זו הנה בידנו אותם אשר שפכו דם נקי נקום נקמתו או שמע המלך אליהם והתחילה הגוירה בחג שבועות בעיר מגנצה וקלקלו והחריבו גלילות הרבה וכל גלילות לונברדיאה ונהרגו שם רבי' משה מספיא"ה ורבי' קלונימוס איש רומי עם כל בני הישיבה ה' ינקום נקמתם ויתבע עלבונם כאמור ונקתי דמם לא נקתי וישמרנו מכל צרה אמן ואמן

(וכן מצאתי נם כן בס' הקבלה לראב"ד כ"י כאשר העתקתי).

I do not know whether this passage is found in any of the unpublished parts of the Leḳaḥ Ṭob, or Ecclesiastes or the Song of Songs. In the latter there is a reference to the persecutions of 1006 (Jellinek, על פ' קהלת ושהש, Leipzig, 1855, p. 67; Buber, Introduction to Leḳaḥ Ṭob, p. 24).

[5] ?

[6] The MS. reads בשנת instead of בשבט, and ולכדוהו רומיים; p. 192, line 7, נוכר צלחרין; line 8, לברה is missing.

[7] P. 311, he writes M. E. instead of S. G. Stern. This transcript was not absolutely correct. I notice the following variations: p. 312, line 4, our text reads הוגד לכם כונהו; p. 313, line 2, לחרבה; line 3 it is not clear whether the MS. reads ט' or י"ו; line 6, וצוק"ל; line 7, גם לשם; line 11, בקדוש' קק"נ; line 13, בקהלת; p. 314, line 1, בקצחה; line 3, באנשים; line 5, חתן בן שנה (this is the most important correction); line 6, ולנעימות; line 9, ורק בעיר לדיד"ה, line 11, וברוב עוניני; line 16, במחו קטלוני"א.

[8] The same number is given in שלשלת הקבלה.

TRANSLATION.

[1] The conquest of Granada took place January 2.

[2] This enumeration of the parts of Spain is not found in the edict

(*Amador de los Rios III*, 603) nor in Capsali's abridged Hebrew translation thereof (Lattes, לקוטים שונים מס' דבי אלידו, p. 68), where only the full titles of the king and queen are mentioned, in a different order, by the way, in the Hebrew than in the Spanish original, and in the edict, in Jacobs, *Sources of Spanish Jewish History*, p. 139, cf. ib., p. 147). Zacuto in יוחסין ed. London, p. 227 a, mentions קשטיליא וארגון וגרנאטה ואסקיליא וסרדיניא ושיזיליא ומיורקא ומנורקא.

[3] In 1480-81; cf. Graetz, VIII (3rd edition), p. 294.

[4] This we know also from other sources; cf., e.g., Kayserling, *Geschichte der Juden in Portugal*, p. 113.

[5] Cf. Joseph Jaabetz, Introduction to אור החיים: כי מימי קדם לא היתה מלאה סדרך מישיבות ומתלמידים כמו שהיתה בשעת הגירוש. Jehudah Ḥalaẓ, who wrote in 1486, says: ארץ הישיבות והתלמידים ארץ קשטיליא.

[6] R. Isaac Aboab, who went to Portugal and made the arrangement with the king permitting the Spanish Jews to stay in his country eight months (cf. note 37), died in 1493, seven months after the expulsion. Zacuto delivered the funeral address (יוחסין, 226 a). He was a pupil of R. Isaac Campanton, "the last Gaon of Castile" (Kayserling, l. c., p. 108, *Jewish Encyclopedia*, I, 74, הגרן, III, 155, improperly refers this title to the pupil instead of the teacher. In his *Handbuch der jüd. Geschichte und Literatur*, 7th ed., p. 108, he has the correct statement). Graetz enumerates his works, p. 218, note 3. Cf. also Löwenstein, *M. G. W. J.*, 1904, pp. 663-5. His commentary on Rashi is quoted in the collection of supercommentaries, Constantinople, 1525 (I. M. Toledano אפריון, Jerusalem, 1905, fol. 3, note 8). Of the Tur he annotated only the אורח חיים—Azulai saw a MS. of this part, cf. שם הגדולים, ed. Benjakob, p. 98—and the יורה דעה; two Responsa of his are printed in שבעה עינים, Leghorn, 1745. That he lived in Guadalaxara was not known before.

[7] Read גודלקסארה instead of גודלקיארה.

[8] The name is not known to me, perhaps corrupt.

[9] The famous compiler of the יעין יעקב. According to Conforte, he lived in Zamora.

[10] The author of the יוחסין. On his mathematical accomplishments, cf. Steinschneider, *Bibliotheca Mathematica*, 1901, p. 68; Kayserling, *Cobumbus*, p. 40, Sambari, ed. Berliner, p. 44, and Gedaliah ibn Yaḥyah שלשלת הקבלה, ed. Venice, fol. 63 b, say that he lived in Zaragossa.

[11] אליפדני is probably corrupted from אלפרניי = אלפרנגי as our author puts י for נ, cf. note 16. משה אלפרנגי ר' occurs in this time (Sambari, p. 46; Conforte, p. 28). Isaac Alfrandji is not known to me.

[12] Read בלאדליד instead of ברדיאלודי.

[13] Nothing is known about this man except that he is the author of a Commentary on Rashi [Constantinople, 1525?], in which he made use of the supercommentary of Almosnino, a contemporary of the ריב"ש, first half of the fifteenth century (a MS. of Almosnino's commentary—ערב רב, see *R. É. J.*, V, 49—in Cod. Oxford 204, was written in 1446), cf. Toledano אפריון, fol. 11 a, note 25. Toledano's identification of our author

with ר׳ יעקב קינו who went to Tlemçen from Spain together with R. Jacob Berab (עומר השכחה, fol. 68 c) is impossible.

[14] יאקון = גאקון. The incorrect spelling is caused by the Italian pronunciation, cf. note 14. On the Giakon family cf. Kayserling, *Juden in Navarra*, p. 128; *H. B.*, XIII, 64. A little later an Isaac Giakon occurs as teacher of Abraham ha-Levi. Cf. אוצר נחמד, II, 148.

[15] Isaac of Leon, born in Leon, died in Toledo at the age of seventy (Zacuto, יוחסין, p. 226 a), two years before the expulsion according to Abraham of Torrutiel (ed. Harkavy, p. 22), but Jehudah Ḥalaẓ in his supercommentary on Rashi adds ז״ל to his name in 1486 (*R. É. J.*, V, 48. That R. Isaac of Leon is quoted proves that the dates given by M. Schwab, *R. É. J.*, XXXVII, 129, in his description of the MS., must be erroneous). A pupil of R. Isaac Campanton and a colleague of R. Isaac Aboab, he was famous as a Cabbalist and wonder-worker, and also enjoyed great authority as a Talmudist in his circle as well as with the government; cf. the facts mentioned by Conforte, p. 28 a, and Azulai (ed. Benjakob, p. 105 f.), and the Responsum (שבעה עינים, Leghorn, 1745, fol. 59 d-60 c), which he wrote by order of the government. His pupil, Abraham Bulaṭ (not mentioned in Steinschneider's list, *J. Q. R.*, X, 134, no. 54), says about him: דע שחכמתו גדולה משמו אלף פעמים בראותם מעלת חכמתו וחסידותו ובשמעם הכבוד שעשו לו הכמי ונכבדי קשטיליא כולם בכלל ובפרט הרב סיני ועוקר הרים נזר הקדש ר׳ יצחק אבוהב י״א והרמים והנשאים המיוחדים בישראל ביחס ובחכמה ובענוה (שבעה עינים, 64 c, 65 a). Opinions of his are quoted in several instances by his pupil Samuel Sedillo in his Methodology, כללי שמואל (e.g. fols. 5a, 5c, 16d, 18c, 24b, 27b), who relates (fol. 3 a-d) that on Mondays and Thursdays R. Isaac taught the Talmud in his academy line by line with Pilpul, and on the four other days he tried to cover as much ground as possible, using only Rashi (cf. Weiss, דור דור ודורשיו, V, p. 240, where some quotations by Joseph Caro are also given). Graetz, p. 218, says that Isaac of Leon probably did not leave any literary remains. This is not correct, as Jehudah Ḥalaẓ quotes a commentary of his on Rashi (l.c.). In the Responsum referred to above he refutes a decision of Isaac ibn Ziyyat with whom he does not deal very gently, charging that he misunderstood his sources. He also wrote a Spanish opinion on this case, likewise exposing Ibn Ziyyat's mistakes.

[16] Of Ibn Ziyyat only a Responsum dealing with the right of pre-emption is printed in שבעה עינים, 55 b-59 d. It was attacked by Isaac of Leon (cf. the previous note) upon whom he made a counter-attack (ib., 60 c-63 b), charging him, in very strong words, with the intention to do him harm (כל אלה הפרטים מה צורך היה לך להודיעם לדיין גוי אין זה כי אם להויקני ולהב אישני ביושבי הארץ); he reproaches him also for quoting incorrectly the Responsa of the רא״ש, as the division into כללים is by a later redactor, not by the author, and he concludes: הראיתיך לעין כל רואה איך הקנאה והכבוד השיאוך ויכלו לך לדבר דברים קשים ופירושים משובשים להאשים מי שאין אתם. Abraham Bulaṭ defends his teacher, Isaac of Leon, against these reproaches (ib., 63-65 b) and states that he found more than twenty mistakes in Ibn Ziyyat's

language. On this occasion he quotes a similar passage in Meïr ha-Levi's letter to Lunel (כתאב אלרסאיל, pp. 100–102). Nothing else is known of our author except this correspondence, which is taken from nos. 196–9 of a collection of Responsa. From our text we learn that he also differed with R. Isaac of Leon on other questions.—The name is spelt ואיית in שבעה עינים (only fol. 55 b without the א), וייטה by Gedaliah ibn Yaḥyah, p. 62 b. Steinschneider, *J. Q. R.*, X, 527, no. 176, identifies it with וייאת.

[17] As the name פרוקי is unknown, I correct פרנקו. R. Jacob Ḥabib found a R. Samuel Franco when arriving in Salonica; Conforte, p. 32 a.

[18] Read פרומיסמא instead of פרומיסקו.

[19] Perhaps the father of שמואל עוויאל, who, in 1514, signed a חסכמה together with R. Levi ibn Ḥabib and others in Salonica; cf. Conforte, 32 a. The חסכמה to which he refers is printed now in שו"ת זרע אנשים, no. 53, only the signature of ר' פרחיה חכהן is missing there.

[20] Probably ר' שמואל סרכה, the author of מקור חיים, and the unpublished מכלל יופי, the שמעון being an incorrect explanation of 'שמ. But R. Samuel Sarsa lived in Palenzia, as is to be seen from a passage of his מקור חיים, in Wiener's edition of שבט יהודה, p. 132. Cf. Steinschneider, *Geschichtsliteratur*, § 57.

[21] The Rabbi is unknown to me. One would expect to find in this list ר' שמואל בלאנסי, who died in 1487, and is mentioned by Zacuto, l. c., as a prominent ראש ישיבה. He was a pupil of R. Isaac Campanton, and teacher of R. Moses Alashkar and R. Jacob Ḥabib; cf. Conforte, pp. 28, 31, 32. He is the author of a treatise on קל וחומר, printed in מהרי נמהרים, Venice, 1599.

[22] I am unable to identify this place.

[23] Cf. Capsali, p. 60; on his activity for the redemption of the captives of Malaga, ib., p. 65.

[24] Cf. note 28.

[25] Cf., on this famous statesman and commentator of the Bible, the Introduction to his commentaries on Joshua and Kings, Graetz, p. 324.

[26] We learn from our text that long before his conversion there were strong doubts as to the piety of this Chief Rabbi of Castile, as Isaac of Leon died some years before (cf. note 17). To him David Messer Leon probably refers in his remark, *R. É. J.*, XXIV, 135 כבוד חכמים, p. 64: שהרי היו נוהגים בפרד לקרוא שם רב למי שהיה על היהודים ואעפ"י שלא היה בקי בהוראות ודינים וגם זהיר בפרישות ויראת חטא כמו שמצורסם מהרב שהיה בקשטיליא שהוכיח סופו על תחילתו (Kayserling, *Jewish Encyclopedia*, XI, 194). Bernfeld, in the edition of כבוד חכמים, p. 64, note, identifies him with Paul of Burgos, who, according to Graetz, VIII, p. 380, was originally a Rabbi, presumably well-versed, then, in Bible, Talmud, and rabbinical literature, and recognized as an equal by the greatest authorities of his time. He was at the same time very religious, and strictly observed the ritual laws, all of which absolutely contradicts Bernfeld's identification.

[27] His brother Solomon Senior remained true to the faith; cf. Neubauer, *Chronicles*, I, 112.

[28] Capsali, p. 73, states that he was Don Abraham Senior's brother-in-law: דון אברהם שניאור וגיסו מאיר כלכד באו במעמקי מים. Graetz, p. 348, calls Don Meïr—הכלמד is an old title—Abraham Senior's son-in-law, and says he was the Rabbi who was baptized together with his two sons, giving as sources Capsali and the Chronicon of Valladolid. The latter only states that, on June 15, 1492, Abraham Senior and his son David were baptized, and on the same day a Rabbi with his two sons (cf. the text of the Chronicon with German translation in Kayserling, *Juden in Portugal*, p. 102). Graetz combines the two statements without any proof for their identity.—We learn from our text that Meïr had a prominent position at the court.

[29] Cf. Capsali, 60-3.

[30] He was Infante of Spain.

[31] According to Capsali, p. 60, he had had this position before.

[32] According to Spanish sources it was Torquemada; cf. Graetz, p. 344, note 2.

[33] Cf. Abarbanel, *Introduction to Kings*, Graetz, l. c.

[34] Prov. xxi. 1.

[35] Cf. Graetz, p. 342.

[36] This number is given by the most reliable sources, as Zacuto, p. 227, cf. Graetz, p. 368, note 1; Kayserling, p. 111, note 2.

[37] Doubtless the grandson of Don Abraham Benveniste, the Chief Rabbi of Castile, under whose auspices the statute for the Jews of Castile was drawn up in 1432; cf. Graetz, pp. 417-20. Zacuto (p. 226) mentions Vidal together with his brother Abraham as contemporaries who used their considerable wealth to promote learning. We gather from our text that this branch of the Benveniste family also had the name del Caballeria (cf. Graetz, p. 412). The agreement is generally ascribed to Isaac Aboab, see above, note 6.

[38] This agrees with Zacuto, who gives a few more details missing in our source. On the variations of the sources as to these taxes, cf. Graetz, p. 367, note 1, and especially Kayserling, p. 112, note 2.

[39] The other sources give eight months.

[40] Cf. the vivid picture of the horrible sufferings in the introduction to Jehudah Ḥayyat מנחת יהודה on מערכת אלהות, ed. Ferrara, 1557.

[41] Graetz, p. 375; Kayserling, p. 115.

[42] To the Island of St. Thomas; cf. Graetz, l. c.; Kayserling, l. c. The number of the deported children is not given elsewhere.

[43] Deut. xxviii. 32.

[44] A detailed account of the sufferings in North Africa is given by Capsali in chapters 70 et seq., ed. S. D. Luzzatto, in Appendix to Wiener's translation of עמק הבכא.

[45] Perhaps identical with the prominent Jew at the court of Tunis mentioned by Capsali, l. c., whose name דודיהם probably is corrupt, and therefore is omitted by Graetz, p. 360.

[46] Our author calls the Mohammedan part of Northern Africa ארץ ערב.

[47] Cf. Bernaldez, as quoted by Graetz, p. 361, note 1.

[48] Lamentations i. 13.

[49] Cf. Joseph ha-Cohen עמק הבכא, p. 84, Graetz, p. 363.

[50] Cf. the quotation from a contemporary historian in Wiener, l. c., pp. 199 et seq., note 233 a, שבט יהודה, p. 56, and Graetz, p. 363, note 2.

[51] On the Spanish Jews in Naples, cf. the detailed account of Capsali, l. c., p. 17 et seq. (Graetz, p. 357, fol.), to which our text adds a few details, e. g. the activity of the Marranos and Dominicans in behalf of the Jews.

[52] Capsali, l. c., p. 19, Graetz, p. 365.

[53] I do not know which island he refers to.

[54] The March of Ancona. Dr. Elbogen informs me that the places mentioned in the text comprise all the divisions that formerly constituted the Papal State.

[55] According to Spanish sources this took place in 1485, after the conspiracy of the Marranos in Toledo had failed, cf. Graetz, pp. 307 and 475. The only case known in Hebrew sources of an attempt to compel Jews to testify against Marranos is that of Jehudah ibn Verga, who left Seville to avoid doing it; cf. שבט יהודה, § 62. In respect to the effectiveness of this order our text agrees with the Spanish sources.

[56] ". . . then he shall bear his iniquity," cf. Lev. v. 1. This is the usual form of an oath.

[57] Cf. Joseph Jaabez אור החיים, chap. 5 end, כי הן חנה הנשים הספרדיות באו והביאו את בעליהן למות על קדוש השם.

[58] On this expedition of the French king, Charles VIII, cf. the exhaustive work of Delaborde, *L'expédition de Charles VIII en Italie*, Paris, 1888. Abrahams, *Jewish Life in the Middle Ages*, p. xviii, puts it in the year 1492.—The קינה on the persecutions in the kingdom of Naples, MS. Halberstam 200 (Cat. Hirschfeld, no. 124), fol. 48 et seq., of which I have a copy, does not give any historical facts. It begins שחי נפשי and has the acrostic שמואל. The note in Cod. Vatican 187 (cf. Steinschneider, *Geschichtsliteratur*, §§ 84–5) has just been published by Krauss, *R. É. J.*, II, 95, but it gives no new information about these persecutions.

[59] Ludovico Moro, who had called the king to Italy; cf. Delaborde, p. 394.

[60] Ib., p. 440. [61] Ib., p. 487. [62] Ib., p. 494.

[63] Ib., p. 507; 31st of December.

[64] כרך גדול can only mean the Castle St. Angelo, to which we know the Pope fled, as the city of Rome is mentioned separately just before. It is perhaps necessary to draw attention to this as in the Talmud and the Midrash כנ"ר is the typical name for the great city.

[65] Ib., p. 558 f.

[66] In reality he went to the Island of Ischia, ib., p. 559. From there he went to Messina, ib. p. 505.

[67] Ib., p. 564 f.

[68] Cf. ib., pp. 509, 578.

[69] Ib., p. 552, cf. p. 540.

II.

The second text is taken from a MS. of the Sulzberger Collection in the Library of the Jewish Theological Seminary of America (formerly MS. Halberstam 413). The MS. has 122 leaves and is written in Spanish Rabbinical characters. It begins in the middle of a sentence of a philosophical commentary on בראשית. The heading is מצאתי כתוב בספר ישן א׳. It breaks off in fol. 5 b, with the marginal note מצאתי כתוב ע״כ. *Bereshit Rabba*, Maimonides (מופת הזמן יחיד הדורות), and Samuel ibn Tibbon are quoted.

Ff. 7–112 are extracts from the Zohar written by the same hand, beginning with תולדות פ׳. Fol. 104 breaks off in the middle of Jacob's blessing, 105 begins שלח לך פ׳. There is much missing. Fol. 112 b the copyist stops in פנחם פ׳.

There are miscellaneous notes from another hand in ff. 5 b–6 a and 112 b.

On ff. 113–22 there are different notes, partly Ladino, containing arithmetic, a sort of רעמים ורעשים ס׳, the beginning of Ibn Ezra's מולדות ס׳, &c.

Ff. 115–16, there is a history of the persecutions in Spain and Portugal written by an eye-witness, Isaac ibn Faradj [1], followed by several entries, mostly about his own life and the birth of his grandchildren [2]. They partly supplement the story of our text [3]. One of these entries is of historical value. The writer states that Suleiman settled one hundred and fifty Jewish families from Salonica in Rhodes [4] in 1523. He persuaded his son-in-law not to go with them. In 1527 his wife died, and he married again not quite two months later. The name of his second wife is struck out, it seems by the hand of his son, who among other entries added that his father died Tishri the 8th, 5290 (1529).

As to the historical value of our text, it must be stated that almost all the dates given by our author, even that of

his departure from Portugal, are incorrect[5]. He confuses the persecution of 1391 with that of Vincente Ferrer[6]. The high number of killed given by him is, therefore, not authoritative. In spite of this, his information about his own time, written between 1508 and 1513[7], is reliable, as it agrees in almost every detail with the other contemporary sources[8]. In the few points in which he differs from them his statements, therefore, have some value. On the number of the exiled Spanish Jews I have spoken above. The number of those killed during the riot in Lisbon in 1507 is lower than in all other sources[9], and probably more reliable. It is touching to read how he saved the head of a slain friend. On the whole his story, if it does not give much new information, is interesting, as coming from an eye-witness.

As the text in question is an autograph, I reproduce it as it stands, without change, and without calling attention to manifest errors.

TEXT.

מולדתי יצחק ן׳ פאראש ס״ט

מגרוש צרפת בא לטוליטולה חכם א׳ ותוכן זקן ונשוא פנים הוא הראש מהגרוש שמו ראב״י ן׳ פאראג ונשא אשה משם והיו לו ד׳ בנים · יצחק ומאיר ויעקב ויוסף · וכלם נשאו והיו לכל א׳ מהם בנים ובנות וכו׳ · ואבא מרי יעקב בא לאישביליא בשנת הרי״א ולקח משם אשה שמה קלארה בת זקן וחכם שמו ר׳ יוסי ן׳ דנון שנמלט ממה שנשאר מעט מהרבה בשמד אישביליא שהיה שנת הקס״ג שהרגו שנים עשר אלף יהודים · ורבים נשתמדו בזמן פריי ויסינטי ולקחו לטעיות עשרים בתי כנסיות · ולר׳ יוסי הנזכר היו לו ד׳ בנות וכלם נשאו ופרו ורבו וכו׳ · והקטנה מהן אמי הנז׳ בת ה׳ הנז׳ וילרה מאבא מרי הנזכר ה׳ בני׳ וב׳ בנות והבנות והא׳ מהבנים אברהם הראשון מתו · ונשארו יוסף ויצחק ומאיר ואברהם שני · ובשנה הרביעי׳ שמלך המלך פירנאנדו מזרע הנזכר גרשו היהודים מאישביליא וסביבותיה כמו אלף בעלי בתים · והלכו לטוליטולה ולקשטיליא הזקנה בשנת הרמ״א · והלך אבי למדינה דיל קאנפו שהיו

דרים בה אחיו מאיר ויוסף מנכבדי הארץ ושם נקברו אבי ואמי ז"ל ·
ויוסף אחי לקח משם אשה שנת הרמ"א ואני ג"כ שנת הרמ"ט · ואחד
זה כשני שנים · נקראו גרושות ושמדות נדולות בממלכות קשטיליא
ואראגון ונאווארה וקאטאלוניא ביותר מארבעים אלף בתי יהודים
וכמעט שתמו כלם בהריגות והמרות ושמדות אחרות · ובאנו לפורטונאל בשנת
נ"א · ובבירנאנסיה נשא אשה אחי ה"ר מאיר · ובמלכות פורטוגאל לוקחו
בנים ובנות לעבדים בשביל שלא יצאו מהמלכות לסוף שנה א' שיבואו
שם והמרום (השמות) לשמות הבנים והפרידום מאביהם ומאמהם וחוליכום
מעבר לים אלף פרסאות לאי טומי · אשר שמד כזה לא היה מעולם ·
ואני בהיותי בלישבוא' עיר מלוכה מפורטוגאל נולדו לי ב' בנות וג'
בנים ומתו · ונשארו לי מעט מהרבה יעקב וקלארה · וקלארה נולדה שנה
א' קודם השמד שנת הרנ"ז · ויעקב נולד שנת הרס"א · ונקרא גרוש
במלכות פורטוגאל שנת הרנ"ח לסוף שנה א' · ובתוך השנה המלך מנואל
לא רצה שיצאו מהמלכות א' מכל היהודים ולוקחו הבנים והבנות בת
י"ג שנה והומרו בעל כרחם בבכיה והפרידם מאביהם ומאמחם · ולקחו הממון
מאביהם לבנים · ועכ"ז בלא ממון לא יניחו לאביחם צאת מהמלכות אלא
שנשתמדו · ואחר שכלה הזמן ולא רצו היהודים להמר הדת ברצונם
לוקחו בעל כרחם בכל מדינות המלך והכו אותם במקלות ורצועות
והוליכום לטעיות ונתנו עליהם מים וקראו אותם פלו' פלו' שמות הגוים
לאנשים ולנשים · ובשנה השנית לשמד שנת הר"ס יצא בהחבא אחי הר'
מאיר ובא למלכות הזה מלכות תוגרמה ארץ יון שהיה קנם מיתה מהמלך
לכל יהודי שיצא מהמלכות בלי רשותו · וכן גם מאחר השמד שנים רבות
ולא יצא אדם מהמלכות אפי' בלא אשתו עם סחורה אלא בשוחדות
נדולות · ואפי' שיהיה בחזקת גוי סתם · ובתוך זה הזמן שרפו כל הספרים
שהובאו לשם מכל המלכיות הנזכרים במאמ' המלך אשר הם כחול אשר
על שפת הים · ואחר ההמרה ה'שנים שהיו כל היהודי' המומרי' היושבים
במלכות בשמות גוים ובחזקת גוים בכל ענייניהם שכבר הורגלו ללכת לטעויות
עם הגוים אנשים ונשים וטף ולאכול ולשתות עמהם באידיהן ובמקל ורצועה
למדו תפלותיהן בחורים וזקנים · וביום אידם כ"א לאבריל כ"ה לניסן משנת
הרס"ה בלישבואה עיר מלוכה בעוד שאין המלך והשרים בה מפני המגפה
שהיה בזמן ההוא · קם גלח א' עם תועבה א' ואנשים ריקים עמו צוררים
ורצחנים והרגו ולאחר שרפו יותר מאלף וארבע מאות נפשות אנשים ונשים
הרות וטף · ושרפו אותם ברחובות המדינה שלשה ימים רצופים עד שכלו

הגופות ונעשו עפר · ואני גנבתי מהשריפה חצי ראש א׳ שרוף מאהובי ורעי והחבאתיו ושמרתיו והבאתי אותו לבילונח וקברתיו בקברי ישראל · וכששמע המלך מנואל (fol. 116 a) הרע הגדול הזה בא לשם ושרפו הגלח ותלו ארבעים רצחנים · ואז המלך נתן רשות לכל היהודים שילכו למקומות של גוים למלכיות שירצו · ואחר זה ר׳ יוסף אחי ואני נכנסנו בספינה א׳ ובאנו לבילונה ב״ה · ואחר באנו לשילוניקי ממלכות הנז׳ י״ד לתשרי שנת הרס״ו ·

Translation.

After the expulsion of the Jews from France[1] an old esteemed scholar and mathematician came to Toledo, a leader of the exiled, R. A. b. J. ibn Faradj[2]. He married in that city, and had four sons, Isaac, Meïr, Jacob, and Joseph. They all married, and every one of them had sons and daughters, and so on. My father Jacob went to Seville in the year 1451, and there married Clara, the daughter of the old scholar R. José ibn Danon[3]. Out of the large community he was one of the few that escaped from the persecution in Seville, which took place in [5]163 (1403)[4], when twelve thousand Jews were killed. Many were then baptized in the time of Fray Vincente[5], and twenty synagogues were taken and changed into churches. The aforementioned R. José had four daughters, and they all married, and had children. The youngest of them was my mother, and she bore my father five sons and two daughters. These daughters and one of the sons, Abraham the elder, died, and Joseph, Isaac, Meïr, and Abraham the younger were left.

In the fourth year[6] of King Ferdinand, of Jewish descent[7], the Jews, about a thousand families, were expelled from Seville and its surroundings, and they went to Toledo, and to old Castile in [5]241 (1481). My father then went to Medina del Campos, where his brothers Meïr and Joseph were among the prominent citizens. There my father and mother are buried. In [5]241 (1481) my brother Joseph married there, and in [5]249 (1489) I also. About two years later[8] expulsions and bitter persecutions were proclaimed in Castile, Aragon, Navarre, and Catalonia against more than forty thousand[9] Jewish families, and almost all of them perished through violence, baptism, and other kinds of persecutions. We then went to Portugal in [5]251 (1491)[10]. In Braganza my brother Meïr married. In Portugal children were taken as slaves because they did not leave the country at the end of a year[11] after their arrival,

and the names of the children were changed, they were separated from their parents, and deported a thousand miles across seas to the island of St. Thomas. Such a persecution never happened before!

While I was in Lisbon, the capital of Portugal, two of my sons and three of my daughters died, and of my many children only Jacob and Clara were left to me. Clara was born one year before the persecution in [5]257 (1497)[12], and Jacob in [5]361 (1501)[13]. An expulsion was proclaimed in Portugal in [5]258 (1498)[14], to take place at the end of a year. During this year King Manuel did not want any Jew to leave his kingdom, and children of thirteen years[15] were taken away from their parents and baptized, amid tears, and against their will, and separated from their parents, whose fortunes were taken away from them and given to these same children[16]. In spite of all this they did not allow the parents to leave the country, even without their money, unless they were baptized. When the time had passed, and the Jews did not want to change their faith of their own free will, they were taken by force in all the king's provinces, and were beaten with sticks and straps, and carried to the churches[17]. There they sprinkled water on them, and gave them Christian names, men and women alike. In the second year of the persecution, in [5]260 (1500), my brother Meïr left the country secretly, and came hither to the kingdom of Turkey, the Greek country, though capital punishment was decreed from the king for every Jew who should leave the country without his permission. For many years after the persecution none of them, even such as were regarded as Christians, and though they left their wives behind[18], were permitted to go out of the kingdom with merchandise unless they spent large sums in bribes.

During this time books, numerous as sand on the sea-shore, were brought there from all parts of the kingdom and burnt by order of the king[19].

Five years after the baptism, when all the baptized Jews who lived in the kingdom under Christian names and as Christians in every respect, the men, the women, and the children alike, had accustomed themselves to go to the churches with the Christians, eating and drinking with them on their holidays, the prayers having been impressed upon both the young and the old with sticks and straps, it happened on a Christian holiday, on the 21st of April (the 25th of Nisan) [5]265 (1505)[20], while the king and the queen were absent from Lisbon, the capital, on account of the plague which raged there at that time, that a priest with a cross stood up, and wicked men with him, murderers and scoundrels, and they killed more

than fourteen hundred[21] Jews, and burned their bodies, men and women, pregnant women, and children. They burnt them in the streets of the city three days on end, till the bodies were consumed and became ashes, and I stole from the fire one half of the burned head of a dear friend of mine, and I hid it, and kept it, brought it to Aulona[22], and buried it in a Jewish burial-place. When King Manuel heard of the great wrong done to the Jews he came to Lisbon, and the priest was burnt at the stake, and forty murderers hanged[23]. Then the king allowed all the Jews to go to Christian countries, whithersoever they wanted[24]. After that my brother Joseph and myself went in a ship to Aulona, and then we came to Salonica in the aforementioned kingdom on the 14th of Tishri, [5]266 (1505)[25].

NOTES, II.

INTRODUCTION.

[1] Spelt פאראג׳ and פאראש alternately. We find both ways of spelling elsewhere, too; cf. Steinschneider, *J. Q. R.*, XI, 594 (XII, 208, XIII, 475), where all the persons bearing this name are put together.

[2] Cf. notes to Trans. 12, 13.

[3] Cf. note 10.

[4] משילוניקי. ביום ב׳ י״ג לחדש אב משנת הרפ״ג הלכו לרודוש ע״ב ק״ב בעלי בתים מעשירי הארץ ומנכבדיה אנשים ונשים וטף במאמ׳ המלך סולטאן סולימאן ירום הודו ומעלתו ובא שר א׳ לכאן והוליכום באנייה. Cf. the statement in *Jewish Encyclopedia*, X, 401, that according to Benjamin Pontremoli, a dozen families were sent to Rhodes from Salonica in 1522.

[5] Cf. notes 4, 6, 8, 11, 14, 20, 25.

[6] Cf. notes 4, 5.

[7] The date of the marriage of his daughter, 1513, follows our text immediately.

[8] Cf. e. g. note 14.

[9] Cf. note 20.

TRANSLATION.

[1] In 1394. Only a few of the French Jews went to Spain at that time, on account of the terrible persecutions that had taken place in Spain three years before. Cf. Graetz, p. 70.

[2] Probably Abraham ben Isaac, or Jacob, as these names occur in the family.

[3] On this family cf. Steinschneider, *J. Q. R.*, X, 518 (XII, 124). This Joseph was perhaps a relative of Moses ben Joseph of Coimbra, in Portugal, a pupil of R. Isaac Aboab, whom he quotes in his Talmudical methodology (cf. Steinschneider's *Hebr. Uebersetzungen*, p. 922), of which an incomplete copy is also in the Library of the Jewish Theological Seminary of America (MS. Halberstam 418). If Joseph ibn Danon actually lived in the time of the persecution of 1391, he must have been between sixty and seventy years old.

[4] The date is incorrect. The great persecution of Seville took place in 1391 (קנ"א), cf. Graetz, p. 57, who gives the number of killed as 4,000, probably taken from his Spanish sources.

[5] In 1412, cf. Graetz, p. 110 f., it seems that our author confuses this persecution with that of 1391. We do not hear elsewhere of the activity of Vincente Ferrer—that is Fray Vincente, cf. יוחסין, p. 226—in Seville, where the Jewish community was practically annihilated in 1391, and in 1396 the king gave the Ghetto to two of his favourites ; cf. Kayserling, *J. E.*, XI, 210. Most of the twenty-three synagogues were also either destroyed or converted into churches in 1391. In other cities Vincente Ferrer changed synagogues into churches, Graetz, p. 110.

[6] This date is also incorrect. Ferdinand married Isabella in 1469 ; the edict of expulsion from Seville (actually from the whole of Andalusia) was announced in 1480–81, as he correctly states. Graetz proves that the edict was not always strictly enforced. That this was done in Seville at least, is proved by our source.

[7] מזרע הנוכר has no sense. I suppose our author meant of Jewish descent ; cf. Capsali, p. 57.

[8] I do not know to what he refers, as there is nothing known about persecutions in the year before the expulsion. Have we again an inaccuracy in the date ?

[9] This number exactly agrees with Loeb's estimate.

[10] In one of the entries following our text, we find that he went to a place in the neighbourhood of Braganza (קרית שינאבריא סמוך לעיר בירגאנסיא) and that he lost his fortune when he emigrated.

[11] Actually they were only to remain eight months. Our author came to Portugal before the general expulsion, and, therefore, did not have to suffer under the consequences of the agreement of the king with R. Isaac Aboab, after the term of eight months had elapsed.

[12] In 1513, she married דור אלברגי in Salonica, and, according to the entries made by the father at the end of this text, she bore him four sons, of whom one died very young—Abraham, Shem Tob, and two Isaacs, and two daughters, דונה and אוראבויינה.

[13] According to the same source he married in 1521 (when his father lost his fortune the second time) ; he had four sons, two of whom died in Salonica in 1532, Isaac and Joseph. The two younger sons he calls Isaac and Joseph the second. His two daughters were אוראבואינה, who in 1551 had a son Jacob, and שמחה.

[14] Again an incorrect date. The edict was published in December, 1496, and the term was to end in October, 1497; Kayserling, p. 128.

[15] Cf. Kayserling, p. 131, who quotes from a Portuguese source that all children under the age of fourteen were baptized.

[16] This is not stated in the other sources, which give on the other hand many more details about these cruel proceedings of the king.

[17] Cf. Kayserling, p. 133.

[18] Except on this point every detail is in accordance with the Portuguese sources; cf. Kayserling, p. 143.

[19] Cf. Kayserling, pp. 141, 348, and ib., p. 135, note 4, the quotation from Abraham Saba.

[20] On the 19th of April, according to all the sources given by Kayserling, p. 147, note 1; cf. the detailed account on pp. 147–52.

[21] This number is lower than those in all the other sources; cf. Kayserling, p. 152, note 1.

[22] Aulona in Albania, where many of the Spanish Jews went from Naples in 1495; cf. Capsali, chap. 73, appendix to Wiener's translation of עמק הבכא, p. 19. David Messer Leon was Rabbi there; cf. *R. É. J.*, XXIV, 128; כבוד חכמים, pp. 5 and 137.

[23] Cf. Kayserling, p. 152.

[24] Ib., pp. 154, 353; this happened March 1, 1507.

[25] The date is again incorrect; it must be 5268 (1507); cf. the previous note.

ALEXANDER MARX.

SOME RABBINIC IDEAS ON PRAYER*.

If it be true that the ordinary Hebrew verb for praying (*hithpallel*) comes from a root meaning "to rend," then it may follow that with the primitive Hebrews prayer implied "cuttings of the flesh," by which men sought to influence the Deity[1]. Thus the origin of the most profoundly spiritual conception which the world owes to Hebraism must, on this theory, be sought in Sympathetic Magic, with which Dr. Frazer has so familiarized us[2]. Some religious students are rather depressed by such theories; they seem to think that religion is being degraded by the connexions suggested between their own most cherished ideas and the crude, unlovely rites of savages. But surely this feeling of repugnance is unjustifiable. One has reason for pride, not shame, that human nature has shown itself capable of transforming, under the impulse of the divine spirit, the ugly into the beautiful, magic into religion. From this point of view there is nothing disturbing in the theory that Hebraic prayer originated in savage rites. If, again, we stride from the beginning to the end, from the primitive Hebraic origin to the developed doctrine of Pharisaism, we are told by Professor Schürer that "even prayer itself, that centre of religious life, was bound in the fetters of a rigid mechanism." Starting as magic, Hebraic prayer thus culminated in routine. Is this credible? Between the two extremes lie the prophetic religion, the Psalter, the pre-Christian liturgy of the Synagogue. That all this faded away into an "external function" is one of the most

* A Paper read before the Nonconformist Union, Cambridge, Easter Term, 1907. Some of the same material was used in a Lecture to the St. Paul's Association, London, November, 1905.

[1] See notes on pp. 291-3.

extraordinary of all the delusions to which German theologians have fallen victims [3].

But the purpose of this paper is not controversial, unless it be controversial to attempt to present a little more of the truth over against less of the truth. At all events, no negative criticism will be indulged in; rather it will be sought to present positively the developed conception of prayer as it is to be found in the Rabbinic literature. That conception is, on the whole, the conception still predominant in Judaism; and it has seemed more useful to explain this developed conception than to trace the steps by which it was evolved. To the historian path is as important as goal; not so, however, to those who would fain derive from all religious systems the best that they have to offer.

It is, one must admit, not easy to speak of a Rabbinic conception of prayer at all. Rabbinic theology is a syncretism, not a system. To the earliest Pharisees the Bible as a whole, to the later Rabbis the Bible and the traditional literature as a whole, were the sources of inspiration. Hence they adopted and adapted ideas of many ages and many types of mind, and in consequence you may find in Rabbinic Judaism traces of primitive thought side by side with the most developed thought. Especially is this true of prayer. A conspectus of Rabbinic passages on prayer would cover the whole range of evolution, from the spells of a rain-producing magician to the soul-communion of an inspired mystic. A slip in uttering the formulae of prayer was an evil sign [4]. The Rabbis, again, believed on the one hand in the efficacy of the prolonged prayers of the righteous in general, and on the other hand they, like a certain school of modern Evangelicals, sometimes confided in the possession by gifted individuals of a special faculty for influencing the powers above. Such individuals were mighty men of prayer, able to force their will on a reluctant providence; they would argue, importune, persuade. It has always remained an element in the Jewish theory of prayer that man can affect God; what man does, what he thinks,

what he prays, influence the divine action. It is not merely that God cares for a man, is concerned with and for man. God's purpose is affected, his intention changed by prayer. These phases of belief are, however, never altogether absent from prayer, even in its most spiritualized varieties. They are noticeable in the Psalms, and, when one remembers the influence of the Psalter, one need not wonder to find these phases of belief in the extant liturgies of all creeds. Perhaps we may put it that in the Pharisaic theology there was a fuller belief in special providences than is now thought tenable; but after reading some of the papers in a recent Christian volume entitled "In Answer to Prayer [5]" one must hesitate before making this assertion to the detriment of Pharisaism. The Rabbis somewhat mitigated the crudity of the belief in special providences by holding that all miracles were pre-ordained, and were inherent in the act of creation. But the order of nature is a modern theory: you will look for it in vain whether in Rabbinic or early Christian books. Now so soon as you believe in special providences, you are liable to seek them by special petitions, and prayer may degenerate into importunity. Onias the circle-drawer would not leave his circumscribed standing-place until the rain fell, and he told people in advance to place under cover all perishable things, so sure was he that God must send the rain for which he prayed [6]. Ḥanina ben Dosa could always tell from his fluency or hesitancy when he prayed for sick men whether the patients would live or die. And though such cited cases are rare in the Talmud, and are perhaps Essenic rather than Pharisaic, still it was generally believed that specific prayer for a specific end might hit the mark.

It *might* hit the mark, but it was not certain to do so. Therein lies the whole saving difference. If Rabbinism is firm in its assertion that prayer *may* be answered, it is firmer still in its denial that prayer *must* be answered. The presumptuous anticipations of Onias the circle-drawer were rebuked by some Rabbis. Prayer was efficacious,

but its whole efficacy was lost if reliance was placed upon its efficacy. As the Prayer Book version of Psalm xxvii. 16 runs: "O tarry thou the Lord's leisure; be strong and he shall comfort thine heart: and put thy trust in him." But the wicked man is in a hurry. Like Tom Tulliver in *The Mill on the Floss*, his faith cannot survive the failure of divine answer to a petition that he may know his Latin verbs in school next morning. The recovered Hebrew original of Sirach gives us the fine text: "Be not impatient in prayer[7]." The Rabbis put it that the wicked denies God if he happen to pray in vain; the righteous man receives affliction as the mead of virtue yet never questions the justice of God. Solomon's Prayer on dedicating the Temple is thus summarized in the Midrash: When, O Lord, a Hebrew prays to thee, grant what seems *good to thee*; when a heathen prays, grant what seems *good to him*[8]. The meaning of this fine Rabbinic saying is: the heathen entirely rests his belief in God on an immediate, specific answer to his prayers, and Solomon entreats God to give the heathen such specific answer in order to retain his allegiance. The true believer is, on the contrary, free from such reliance on the objective validity of his supplication; to him *that* is good which God pleases to ordain.

At this place a word must be interposed on a category of what the Rabbis call Vain or Fruitless prayer (*tephillath shav*). "Though a sharpened sword is held at a man's throat, he shall not withhold himself from mercy[9]," that is: Prayer and penitence may avail even at the eleventh hour. But not at the twelfth. I do not assert that the Rabbis disbelieved in the possibility of salvation after death. But they held that it was in this life futile to pray *ex post facto*. Thus: "He who supplicates God concerning what has already come to pass utters a vain prayer[10]." If you are going to look at an honours list, you waste your time in praying that your name may be found there or found in a particular position. As the Rabbis otherwise put it, You must not *rely* on miracles. Thus certain prayers are

excluded by the Rabbis from the very possibility of answer. To this category belong also such prayers as one which Raba overheard and blamed. He once heard a man praying that he might win the love of a certain maiden. Raba bade him cease his prayer, urging: "If she be destined for thee, nothing can part you; if thou art not destined to get her, thou deniest providence in praying for her[11]." For marriages are made in Heaven, and are beyond praying for.

Even more to the point is the Rabbinic denunciation of what they term *Iyyun Tephillah*. The word *Iyyun* means thought, calculation. Sometimes it is used with regard to prayer in a good sense, to connote careful devotion as opposed to mechanical utterance of prescribed formulae. But there is another word for that, viz. *kavvanah*, which may be rendered devotion, than which no more necessary quality can be conceived of in the Rabbinic theory of prayer. But *Iyyun Tephillah* is very often used in a bad sense. Calculation in prayer is the expectation of an answer to prayer as a due claim, and the Rabbis protest with much vehemence against such *expectation* of a divine response to prayer of any kind whatsoever. "He who prays long and relies on an answer ends in disappointment." Again: "To three sins man is daily liable—thoughts of evil, reliance on prayer, and slander[12]." Thus the expectation of an answer to prayer is an insidious intruder, difficult to avoid, and branded as sin. Perhaps the point can be best illustrated from another side. Not only do the righteous expect no answer to prayer, but they are reluctant to supplicate God for personal benefits. "The Holy One," we are told, "yearns for the prayers of the righteous." God's throne was not established until his children sang songs to him; for there can be no king without subjects. And as God wishes for man's praise, so he longs for man's petitions. But the righteous cannot easily be brought to make petitions. This is the Talmudic explanation of the barrenness of the Patriarchs' wives; God withheld children

to compel the reluctant saints to proffer petitions for them. And so also, from a somewhat different point of view, with the whole people of Israel. Why did God bring Israel into the extremity of danger at the Red Sea before effecting a deliverance? Because God longed to hear Israel's prayer. Said R. Joshua b. Levi: To what is the matter like? It is like a king who was once travelling on the way, and a daughter of kings cried to him, "I pray thee, deliver me out of the hand of these robbers." The king obeyed and rescued her. After a while he wished to make her his wife; he longed to hear her sweet accents again, but she was silent. What did the king do? He hired the same robbers again to set upon the princess, to cause her to cry out, that he might hear her voice once more. So soon as the robbers came upon her, she began to cry to the king. And he, hastening to her side, said, "This is what I yearned for, to hear thy voice."—Thus was it with Israel. When they were in Egypt, enslaved, they began to cry out, and hang their eyes on God, as it is written: And it came to pass . . . that the children of Israel sighed because of their bondage . . . and they cried. Then the Scripture immediately follows: And God looked upon the children of Israel. He began to take them forth from Egypt, with a strong hand and an outstretched arm. And God wished to hear their voice a second time, but they were unwilling. What did God do? He incited Pharaoh to pursue them, as it is said: And he drew Pharaoh near. Immediately the children of Israel cried unto the Lord. In that hour God said: For this I have been seeking, to hear your voice, as it is written in the Song of Songs [which Rabbinic exegesis interpreted as an allegory of the Love of God and Israel] "My dove in the clefts of the rock, let me hear thy voice; thy voice, the same voice which I first heard in Egypt[13]."

There is a hint here of another note, but we can hear it elsewhere more unmistakably. "Honour the physician before thou hast need of him," says Ecclesiasticus. This

passage is used in the Talmud to criticize the common practice of praying only under the pressure of necessity. "The Holy One said: Just as it is my office to cause the rain and the dew to fall, and make the plants to grow to sustain man, so art thou bounden to pray before me, and to praise me in accordance with my works; thou shalt not say, I am in prosperity, wherefore shall I pray; but when misfortune befalls me then will I come and supplicate. Before misfortune comes, anticipate and pray [14]." It will be seen that such passages as this carry us far beyond the conception of prayer as petition. It is an attitude of mind, a constant element of the religious life, independent of the exigencies of specific needs or desires. And that, one may say, on a review of the whole evidence, is the predominant thought in the Rabbinic theory of prayer.

From one side this is illustrated by the importance attached to public worship. This importance partly arose from the regularity of that worship. It was not a casual impulse, but a recurrent feature of the daily round. But there lay much more than this in the Rabbinic glorification of public prayer. The prayer of a community may be selfish as against the welfare of other communities, but the selfishness is less demoralizing than when an individual prays for what may entail injury to another individual. Even selfishness of the first kind, that is, communal selfishness in prayer, is castigated in some famous Rabbinic passages. "The Angels," it is said, "wished to sing praises to God while the Egyptians were drowning in the sea, and God rebuked them, saying, Shall I listen to your hymns when my children are perishing before my eyes?" [15] This was no mere pious expression, for the Passover liturgy of the synagogue has been permanently affected by this Rabbinic idea. On the Jewish festivals the noble series of Psalms of Praise (Hallel) — Psalms cxiii to cxviii — are a regular feature of the synagogue service. But on the seventh day of Passover—the traditional anniversary of the drowning of the Egyptians in the Red Sea—these psalms

are curtailed, on the basis of the Talmudic utterance just cited. Thus did the Pharisees, and the religion derived from them, honour the text: "When thy enemy falls do not rejoice."

There are, no doubt, imprecatory passages in the Psalter, and some (by no means all) of these have found their way into the service of synagogue and church. But, except in times of bitter persecution (as in the Puritan struggle against tyranny in England, or during the Crusades), these imprecatory petitions have not been interpreted personally. Still, Jew and Christian could do without them. There is enough in the Psalter without these.

An interesting incident bearing on the same point is related by Josephus. Aretas, the Nabatean king, was besieging Jerusalem about 67 B.C. with a combined force of Arabians and Jews. "Now there was a man whose name was Onias, a righteous man, and beloved of God, who, in a certain drought, had prayed to God to put an end to the intense heat, and whose prayer God had heard and had sent rain. This man had hid himself, because he saw that this civil war would last a long while. However, they brought him to the Jewish camp, and desired that as by his prayers he had once put an end to the drought, so he would in like manner utter imprecations on Aristobulus and those of his faction. And when, on his refusing and making excuses, he was still compelled to speak by the multitude, he stood up in the midst of them, and said: 'O God, King of the whole world, since those that stand now with me are thy people, and those that are besieged are also thy priests, I beseech thee that thou will hearken neither to the prayers of those against these, nor bring to effect what these pray against those.'" Such impartiality was not pleasing to the lower minds and violent partisans who claimed God as exclusively on their side, as is the wont of the mean and the partisan in all ages. When the "wicked among the Jews who stood around him" found that he, whom they had brought to curse, refused the amiable

rôle assigned to him, they speedily made an end of Onias [16]. But the underlying idea of Onias's prayer meets us elsewhere. A human judge, we are reminded, hears only one side at a time; God hears the whole world at once. The Shechinah, or divine presence, rests on ten when praying together—ten forming a quorum for public worship. It is possible that some irresistible power was attributed to the prayers of a congregation, and one catches suspicious echoes in Rabbinic literature of this unworthy belief, but it is nowhere explicitly enunciated. The idea rather seems that the individual petition counts less in such prayers, and the individual's own peculiar claims are merged in and reinforced by the mass. "All are equal when they pray before God, women and slaves, sage and simpleton, poor and rich." "When one prays with the congregation it is like a number of rich men who are making a crown for the king, and a poor man comes and inserts his mite. Shall the king think less of the crown because of this poor man's contribution? So when a wicked man joins in prayer with the righteous, shall God reject this joint prayer because of him?" Congregational prayer thus levels up, and makes irrelevant any distinction between righteous and unrighteous. Or take this saying, "When various congregations pray, the angel appointed over prayer gathers their supplications together and sets them as a garland on the brow of the Most High [17]." That, at all events, part of the Rabbinic predilection for public prayer was due to this greater unselfishness, is seen by the frequency with which men are urged to pray for one another. "A prayer uttered in behalf of another is answered first;" "He who loses a chance of praying for another is termed sinner;" "Elimelech and his sons were punished for their failure to pray for their generation [18]." They left Judea, it will be remembered, for Moab, and thus subtracted their prayers from those that ascended on behalf of the famine-stricken congregation. Perhaps this point best comes out in a Rabbinic prayer which at first sight may seem queer

enough. "Let not the prayer of wayfarers find entrance, O Lord, before thee[19]." For wayfarers would selfishly ask for fine weather when the general good of the land needed rain. Selfishness can no further go, nor can one conceive a subtler rebuke of selfishness than this.

Now, all the Pharisaic ritual laws which so trouble the spirit of German theologians refer to this public prayer. That this ritualism had its serious dangers is clear enough. The inevitable result of a fixed liturgy is rigidity. The fixation of times and seasons and formulae for prayer does tend to reduce the prayer to a mere habit. But what can be done at any time and in any manner is apt to be done at no time and in no manner. The Rabbis thus attached great importance to habits. "Fix a period for thy study of Scripture[20]" is a well-known Rabbinic maxim. The study of Scripture was, of course, an act of worship, it was higher than prayer. Raba declaimed against men who "put aside everlasting life [the Scriptures] and concern themselves with temporal life" [prayers for maintenance]. To know the will of God was more important than to seek to turn God's will in man's favour. Therefore, "Fix a period for thy study of Scripture." Dangerous fixity of a good custom, we exclaim. But is it not curious how inclined we are to detect this danger only in our more ideal habits? We read our morning newspapers as a matter of habit, yet we do not fear to become thereby only mechanically interested in the news of the world. But in the case of prayer the difficulty is supremely urgent. If prayer is to mean anything it must retain its spontaneity. And therefore the Rabbis did their utmost to counteract the inherent weakness of a settled liturgy. Hebrew was the preferable but not the necessary language of prayer; men might pray in any tongue. And though the study of the Law was to be a fixed thing, prayer was not to be a fixed thing. The Rabbis formulated this in a general principle: "Make not thy prayer a fixed thing but a supplication for mercy[21]." Fix the study of

God's word by which his will was made manifest, but do not make a fixed thing of prayer, for prayer is at once the human attempt to realize God's will and the human confession of inability to realize that will,—prayer is at highest a cry for mercy. What is the objectionable fixed thing in prayer? One Rabbi answers: "If a man's prayer is a burden;" another answers: "If the man does not pray as one seeking mercy"; a third answers: "If the man fails to introduce personal variations into the fixed forms." Ostentation was particularly discouraged. Again and again worshippers are cautioned not to pray too loudly. "He who shouts in prayer belongs to those who are of little faith[22]." A devotional heart, a humble attitude, are prescribed. The Pharisee, boasting in his prayer that he is not as other men, is not typical, for Pharisaism conceives all men equally destitute of saving virtue. Confession of sin, not profession of superior sinlessness, was the Pharisaic accompaniment of prayer. Eyes to earth, heart to heaven —is the Rabbi's suggestion for a prayerful posture.

These prescriptions could not completely succeed. But at this early period one must remember that public worship was of short duration. The length to which Jewish services have now grown was a slow evolution, and until the first decades of the fourteenth century the actual ritual of public worship was to a large extent in a very fluid condition. In the time of Jesus, you will recall the freedom with which any one could read and expound the Scriptures in the synagogue of Galilee. It is even possible that Jesus was able to select his own reading from Isaiah. And as to prayers, the same comparative freedom existed. When we talk, then, of a fixed liturgy in the time of Jesus, we must not think of anything like the current synagogue liturgies or the Anglican Book of Common Prayer. Nothing is more remarkable than the extraordinary number of original individual prayers in the Talmud, and the faculty and process of ready improvisation for public as well as private worship has continued

with copious flow to our own times in the synagogue, though the stream of such inspiration was more generous in the spacious times which preceded the age of printing. The latter invention did more than Pharisaism to give rigidity to Judaism. It is not possible to give by quotations any true impression of the vast mass of new prayers which entered the publicity of the synagogue liturgy or the privacy of the Jewish home during the first fourteen centuries of the Christian era.

Then again, the Rabbis, though they sometimes emphasize the value of lengthy prayer, often declaim against it. The subject was not always approached from the same point of view, and it was admitted that there is a time to prolong and a time to shorten prayer. The Emperor Antoninus asked R. Judah the Prince: "May one pray at all times?" "No!" said the Rabbi, "it is treating God with levity." The Emperor was not convinced. So the Rabbi got up early next morning, went to the Emperor, and greeted him with the salutation, "My Lord!" An hour later he returned, and exclaimed, "O Imperator!" After another hour the Rabbi accosted him for the third time, with "Peace be to thee, O King!" Antoninus could no longer endure it. He angrily retorted on the Rabbi: "You are making mock of my royalty." "So!" said the Rabbi, "Thou, a king of flesh and blood, find these repeated greetings disrespectful; shall then man trouble the King of Kings at all times?[23]" On this Rabbinic parable Miss Martha Wolfenstein—gone from us all too soon—based a pathetic little story. "Genendel the Pious" was an old Ghetto Jewess who was noted for the regularity with which, during her days of poverty, she attended synagogue. Then her son, who had emigrated to America, sends her a monthly allowance, and Genendel leaves off going to synagogue. This is the cause of much scandal, and the Rabbi taunts her with her ingratitude to God. He quotes the text: "Jeshurun waxed fat and kicked . . . then forsook the God who made him," and adds:

"Now that the Lord has provided for thee, thou no longer hast need of him—what?" But Genendel, pious soul, puts another face on the matter. This is her explanation :—

It is because I fear the Lord that I do not go to Schul [synagogue]. Many a day I feel that I would like to go—even though I no longer have need of it—for it has become a strong habit with me, this Schul-going. But I do not go. I bethink me of a story which my father—peace be to him—used to tell about their Count in Poland, where he lived. This Count was a very charitable man. Every day, when he came out of his house to go to the hunt, his doorstep would be full of beggars, and to all he gave. There was one beggar—his name was Mattis—who was there every day. No sooner did the Count come out of his door than there was Mattis crying, "O, your Grace, I *am* so poor and wretched." And the Count would give him bread or wood or money, as was his need. But in a day or two he would be there again, crying, "O, your Grace, I *am* so poor and wretched." Well, one day when there were not so many beggars the Count looked at Mattis, and his heart ached for the beggar. "It is sad," he said, "that an old, feeble man should have to beg here in the cold," and he gave orders to his servants that Mattis be given a gulden every week so long as he lived, that he need no longer beg. And Mattis was happy. He bought bread and herring, and a new coat—in short, he was a made man. But Mattis had gotten so used to standing every day on the Count's doorstep that he didn't know what else to do, and a few days thereafter, when the Count came out of his house to go to the hunt as usual, there was Mattis standing again on his doorstep. "For heaven's sake, Mattis," the Count cried, "what dost want now? Have I not provided for thee?" Then Mattis began to cry, "Yes, your Grace, I thank your Grace, but O, your Grace, I *was* so poor and wretched; O, I *was* so poor and wretched." The Count got terribly angry. He took Mattis by the collar and threw him down the steps, so that he fell and broke both his legs, sprained his hand, and bumped his head, and moreover he injured his inwards. Nobody blamed the Count. He had done what he could for the beggar, and he wanted Menuchah (rest). "So it is," concluded Genendel, "with the Lord and me, Rebbe Leben (dear Rabbi). For years I cried to him every day, and he has had mercy on me; he has not let me starve, though, God knows, there was often not enough from one day to the next. But now he has helped for good. He has done what he could for me, and now he wants to be rid of me, for, God knows, there are enough beggars to bother him. Nay, Rebbe Leben, whenever I feel I want to go to Schul I bethink me of Mattis, and stay at home."

But the parable of Rabbi and Emperor is dangerous teaching if it mean more than this: Man must not importune God. Against this may be set another Rabbinic parable[24]. A man visits his friend and the friend greets him cordially, placing him on the couch beside him. He comes again, and is given a chair; again and receives a stool. He comes a fourth time and the friend says, "The stool is too far off, I cannot fetch it for you." But God is not so; for whenever Israel knocks at the door of God's house the Holy One rejoices, as it is written: For what great nation is there that hath a God so nigh unto them as the Lord our God is, *whenever* we call? The Rabbis, like ourselves, would have been shocked at the supposition that God is at any time inaccessible to the broken-hearted and contrite. "The gate of tears is never shut," said a Rabbi[25].

Much of what precedes touches only the surface of the subject; we must now try in the few minutes that remain to penetrate a little deeper. The essential relevancy of prayer depends on the nature of God and his relation to man. If God is the absolute, if he is the unchangeable, then prayer must be identical with submission and praise. The worshipper registers his sense of the divine power and as a correlative his own weakness; he adds the corollary that the all-powerful is likewise the all-good. Praise has therefore always formed a large item in the liturgies of the religions which had their source in Judaism. In the Psalter, in the Prayers of Nehemiah and Daniel, on which so many subsequent prayers were modelled, praise is introductory to petition. The oldest of old Psalmic refrains is the *Hōdū*: O give thanks unto the Lord for he is good; for his loving-kindness endureth for ever.

Rabbinic Judaism took a very strong line on this subject[26]. It attributed to Adam the authorship of Ps. xcii: It is a good thing to give thanks to the Lord and to sing praises to thy name, O Most High; and it declared that when all sacrifices cease in the Messianic age, for as men

will no longer sin they will offer no more sin-offerings; when all propitiatory and penitential prayers are discontinued, for men will in that period of grace have nothing to repent of or ask pardon for,—when all other sacrifices and prayers cease, the thank-offering and the service of praise will remain eternally. Thus from Adam to the Messiah, in the Rabbinic conception, man's duty and delight is to utter the praises of God. First praise, then supplicate, is the recurrent Rabbinic maxim for writers of prayers. Praise God for sorrow as well as for happiness. What is an affliction of Love, asks the Talmud? It answers, Such affliction as does not deprive the sufferer of the power to pray[27]. So long as prayer is possible, God's hand, though heavy on the unhappy, rests on the unhappy not in anger but in love. The countless benedictions prescribed in the Talmud for every conceivable and inconceivable act of life are all praises. There may have been in this some notion of gratitude for favours to come; but this notion, however degrading as between man and his fellow, is not a low conception as between man and his God—even if, while testifying thanks, the worshipper implies a hope. Or again, there may be in this rubric of praise an element of propitiation—you mollify an irresponsible autocrat by the incense of flattery. But such an idea cannot be said to have consciously invaded the mind of Judaism. The *mind* of Judaism came largely into the domain of prayer, for the study of the Law was not only in itself an act of worship, but the school was often the place of prayer. And the intellect, whether directed to universal history or to personal experience, perceived recurrent ground for praise and thanksgiving. But prayer is not only or chiefly a matter of the mind; it is a matter of the heart.

Now, while the mind appreciates that the only prayer should be praise, the heart is not satisfied by eulogizing God. Through the whole history of human life runs the cry for mercy. As men suffer irrespective of creed, so do

they all appeal to God's mercy; to quote the late S. Singer, "pain is undenominational and so is pity." And here we come face to face with a peculiar Rabbinic dualism—the Mercy and the Justice of God. A few citations will be better than a long exposition of this dualism. The righteous are they that strengthen God; they help him to be merciful. Why are the prayers of the righteous symbolized as a spade? Just as the spade turns the grain from place to place, so the prayers of the righteous turn the divine attributes from the attribute of wrath to the attribute of mercy [28]. And God himself prays to himself in the same strain. At the Creation God made himself a tent in Jerusalem, and therein he prayed. And he said: May it be my will that my children do my will, so that I destroy not my house of prayer. But when Israel's sins made the Holy One destroy the house, then God prayed: May it be my will that my children repent, so that I may rebuild my house. R. Ishmael relates how he once (as a priest) entered the innermost sanctuary to offer incense, and saw there God who asked a blessing, and Rabbi Ishmael said: May it be thy will that thy mercy subdue thy wrath, and God nodded in assent [29]. Weber, with German wrong-headedness, sees in such passages merely the notion of a supreme despot who may or may not permit mercy to temper justice. But though some of these passages are crude, and even childishly naïve, they represent a phase of the attempt to bring God into relation with man, an attempt which is at once the supreme aim and the despair of every religion. And the climax is reached when the Rabbis tell us that God teaches man the very formulae of prayer; he bids Moses to pray to him, and tells him to say: O God, turn the bitter into sweet [30]. "From thee I fly to thee," wrote Solomon Ibn Gabirol in his *Kether Malchuth*, the most inspired Hebrew hymn after the Psalter.

The just God judges, but his tender mercies are over all his works. It is this belief in the all-pervading mercy

of God that makes Jesus' words, "Thy will, not mine," the supreme utterance of the Jewish consciousness on the subject of prayer. These words express more than resignation: they express also a confidence that God's will is man's ultimate good. Prayer thus becomes something more than petition, something beyond praise; it becomes a harmony between the human and the divine. It is the divine in man going out to meet the divine in God; it is the upward rise of the soul to its heavenly fount. A praying man is in the divine presence [31]. Prayer, in the language of a Jewish mystic, is as flame to coal: it unites the upper and the lower worlds [32]. Prayer, said a Rabbi, is heart-service [33]; it lays the heart of man on the altar of God. No man prays acceptably unless he makes his heart flesh [34]. Thou shalt love the Lord thy God with all thy heart: thus is Israel warned that in the hour of prayer he must not have a divided heart, part for God, and part for worldly aspirations [35]. It is the fear of God that gives virtue to prayer. One self-inflicted heart-pang is more saving than many stripes [36]. Prayer turns aside doom, but it is prayer associated with charity and penitence [37]. Note, in passing, how the old magical force of prayer has been transfigured in such a saying—one of the most popular in the Jewish liturgy. God wants the heart, is another famous utterance. Prayer purifies [38]. God is the Fountain of Israel. As the water cleanses the unclean, so the Holy One cleanses Israel. Which goeth to which? The fountain to the defiled or the defiled to the fountain? The defiled goeth to the fountain, descends, and bathes. Thus is it with prayer. But the fountain is near. If thou canst not go to the house of prayer, pray on thy couch: if thou art unable to frame words, let thy heart meditate in silence [39]. And finally, Rabbi Eliezer said: Thus shall a man pray: "Do thy will, O God, in heaven above, and bestow tranquillity of spirit on those who fear thee below, and what is good in thine own sight do. Blessed art thou, O Lord, thou that hearest prayer [40]."

But there is neither time nor need to add more quotations. In his fine book on *The Psalms in Human Life*, Mr. R. E. Prothero says: "The Psalms, then, are a mirror in which each man sees the motions of his own soul. They express in exquisite words the kinship which every thoughtful human heart craves to find with a supreme, unchanging, loving God, who will be to him a protector, guardian, and friend. They utter the ordinary experiences, the familiar thoughts of men; but they give to these a width of range, an intensity, a depth, and an elevation which transcend the capacity of the most gifted. They translate into speech the spiritual passion of the loftiest genius; they also utter, with the beauty born of truth and simplicity, and with exact agreement between the feeling and the expression, the inarticulate and humble longings of the unlettered peasant. So is it that, in every country, the language of the Psalms has become part of the daily life of nations, passing into their proverbs, mingling with their conversation, and used at every critical stage of existence."

Mr. Prothero traces out, by well-chosen and eloquently described historical instances, how these Psalms, with their deep consciousness of sin, their fine note of humility in the hour of victory, "Not unto us, O Lord, not unto us," their contrite yet assured aspiration after a renewed communion with God,—how these Psalms have become the breviary and viaticum of humanity. And lo! though the book is entitled "The Psalms in *Human* Life," Mr. Prothero practically ignores their power and influence in Jewish life. All the world is marshalled to testify to the undying value of the Psalms: only the Jews, who wrote the Psalms, are omitted.

It was necessary for me to make this comment, in sadness rather than with indignation. For, too many, in estimating the Jewish conception of prayer, forget that the Psalms were not only Jewish in origin, but the most constantly prized, the most dearly beloved of all the sacred literature of Judaism [41]. Priests and Levites sang psalms

at the daily sacrifices, and when the Temple fell, psalms took the place of sacrifices. The Psalms have been to the Jews a well-spring of consolation, a support in tribulation, a reassurance under sin. And the Jewish theory of prayer is—the Psalter. Rabbinism re-interpreted and re-enforced the Psalter, but abated nothing and surrendered nothing of it. Rabbinism saw in the Psalter, in Heine's words, "sunrise and sunset, birth and death, promise and fulfilment—the whole drama of humanity." And the synagogue absorbed the Psalter into its inmost sonl. In the eleventh century, Ibn Gabirol wrote the following Invocation to Prayer, which appears in many modern Jewish liturgies, and is uttered by countless myriads of Jewish worshippers daily in the early morning:

At the dawn I seek thee,
Refuge, Rock sublime;
Set my prayer before thee in the morning,
And my prayer at eventime.

I before thy greatness
Stand and am afraid:
All my secret thoughts thine eye beholdeth
Deep within my bosom laid.

And withal what is it
Heart and tongue can do?
What is this my strength, and what is even
This the spirit in me too?

But indeed man's singing
May seem good to thee;
So I praise thee, singing, while there dwelleth
Yet the breath of God in me.

This rendering is by Mrs. Salaman[42], and it beautifully and exactly reproduces the Hebrew. "Mechanism," "pharisaism," and all such phrases are intolerably inappropriate when applied to a Rabbinic theory of prayer which finds its frequent expression in such meditations as this.

NOTES.

[1] For this view of W. Robertson Smith (*Religion of the Semites*, 321, 337), based on Wellhausen (*Reste arabischen Heidenthums*, 126), see Prof. T. K. Cheyne's excellent article on "Prayer" in the *Encyclopaedia Biblica*. Prof. Cheyne's treatment of the whole subject is as just as it is original.

[2] Cf. Dr. Frazer's *Lectures on the Early History of the Kingship*, 1905, pp. 38, 52, &c.

[4] Bousset's *Religion des Judentums im neutestamentlichen Zeitalter* is in many respects thoroughly unacceptable; but the author's remarks on prayer (p. 157) are not lacking in truth and insight. They form in essence a severe criticism of Schürer, for Bousset perceives that the Pharisaic organization of prayer did deepen the spiritual life of the masses.

[4] Mishnah, *Berachoth*, V end (Talmud B. *Berachoth*, 34 b). The passage concerning Ḥanina b. Dosa cited later on occurs at this same reference.

[5] London, Isbister, 1904.

[6] Mishnah, *Taanith*, III, 8. Cf. note 16 below. Onias and Ḥanina are both held to have been Essenes. Prayer for rain must only be uttered near the rain-season (ibid., I, 2). Does this imply a belief in the order of nature? Such prayer had to be sincere; on Tabernacles men did not pray for rain till the end of the festival, when the duty of dwelling in the tabernacle was over, so that "men might pray for rain with a perfect heart."

[7] Sirach (Hebrew) vii. 10.

[8] Buber's *Tanchuma*, Genesis, p. 134 (Toledoth, § 14).

[9] T. B. *Berachoth*, 10 a (foot).

[10] Mishnah, *Berachoth*, IX; T. B. *Berachoth*, 60 a, has many sayings on תפלת שוא.

[11] T. B. *Moed Katon*, 18 b.

[12] See on עין תפלה, T. B. *Berachoth*, 32 b, 55 a; *Baba Bathra*, 164 b. He who prays thinking he deserves answer receives none. *Rosh Hashanah*, 18 a. On the other hand: "Whoever performs the will of heaven and directs his heart devoutly to his prayer receives an answer." *Exod. Rabba*, § 21; cf. *Berachoth*, 6 b (foot). The distinction may be said to be in this. Devout prayer is answered, *but* the expectation of an answer is not to enter into the thought of the utterer of the prayer. And the failure of an answer must not disconcert the worshipper. As he does not start relying on an answer, he is not overwhelmed by receiving none. "What is good in thine own sight do" (see note 40 below). This was the final attitude. Of course God does what he thinks good; prayer makes man perceive that what God thinks good is good.

[13] *Exodus Rabba*, ch. xxi.

[14] Ibid., ch. xxiii. *Tanchuma*, § מקץ (near end).

[15] T. B. *Yebamoth*, 64 a. On public worship see *Berachoth*, 8 a. Prayer for the wicked (that they may repent and be saved) is enjoined. T. B. *Berachoth*, 10 a. For the passage about the Egyptians see T. B. *Megillah*, 10 b; *Sota*, 36 a.

[16] Josephus, *Antiquities*, xiv. 2. § 1. Schürer's treatment of the episode (I, 293, 294) is worth noting. He includes it as one of the "Episodes highly characteristic of the contemporary Jewish pietism (*Frömmigkeit*)." His final comment is: "But the people was so little in sympathy with this brotherly spirit of Onias that they at once stoned him." But Josephus says that the stoning was done by οἱ πονηροὶ τῶν Ἰουδαίων, "the wicked of the Jews," and has pointedly stated previously that the noblest of the Jews had left the country for Egypt (οἱ δοκιμώτατοι τῶν Ἰουδαίων ἐκλιπόντες τὴν χώραν εἰς Αἴγυπτον ἔφυγον). This Onias becomes a popular hero in the later Jewish tradition, and it was "highly characteristic" of the Jewish *Frömmigkeit* that it held precisely the brotherly view of Onias in the positive as his was in the negative form. "A human being cannot hear two people appealing to him at once; but the Holy One, even though *all creatures on earth* come and cry before him, hears their cries, as it is written, O thou that hearest prayer, unto thee shall all flesh come" (*Mechilta*, Shira, § 8; ed. Friedmann, 41 b).

[17] *Exodus Rabba*, xxi.; *Echa Rabba*, s.v. נדר בעדי.

[18] *Baba Kama*, 92 a; *Baba Bathra*, 90 a–91 b; *Berachoth*, 10 b.

[19] T. Jer. *Yoma*, v. Hal. 2. (Cf. Buber, *Tanchuma*, Lev, p. ו for parallels.)

[20] Mishnah, *Aboth*, i. 15. In the *Jewish Encyclopaedia*, X. p. 166 b, Dr. J. D. Eisenstein writes: "The higher class, that is the scholars, would not be disturbed in their studies, which they considered of superior importance to prayers. R. Judah recited his prayers only once in thirty days (*Rosh Hashanah*, 35 a). R. Jeremiah, studying under R. Ze'era, was anxious to leave his study when the time for prayer arrived; and Ze'era quoted: He that turneth away his ear from hearing the Law, even his prayer shall be abomination (Prov. xxviii. 9; T. B. *Sabbath*, 10 a)." The reference here is to the set times and forms of prayer. Individuals prayed spontaneously at all times. R. 'Akiba, we are expressly told, prayed briefly in public, but lengthily in private.

[21] *Aboth*, II, 13; *Berachoth*, IV, 4 (cf. Talmud, *Berachoth*, 28 b). "At first," writes Prof. L. Blau, "there were no written prayers; a scribe of the end of the first century says: The writers of benedictions are as those that burn the Torah. A man who was caught copying some at Sidon threw a bundle of his copies into a wash-tub (*Sabbath*, 115 b). In no case was written matter used during public worship. Prayer-books appear about the seventh century" (*Jewish Encyclopedia*, art. Liturgy, Vol. VIII, p. 138 b).

[22] T. B. *Berachoth*, 24 b, 29 a. For the next citation see *Yebamoth*, 105 b.

[23] *Tanchuma*, מקץ. The passage, taken from Miss Wolfenstein's story, is quoted from *A Renegade and other Tales* (Philadelphia: the Jewish Publication Society of America, 1905; p. 200). R. Jochanan thought that men might pray all day, but others limited the lawful times of prayer to three (*Berachoth*, 21 a, 31 a).

[24] Midrash on Ps. iv.

[25] T. B. *Berachoth*, 32 b.

[26] *Leviticus Rabba*, § 9: T. B. *Berachoth*, 6 and 31 b, and 32 a.

[27] T. B. *Berachoth*, 5 a.

[28] *Tanchuma*, מקץ (end); T. B. *Succah*, 14 a.

[29] Midrash, *Yalkut*, on Ps. lxxvi. 3; T. B. *Berachoth*, 7 a.

[30] *Exodus Rabba*, § 43.

[31] T. B. *Sanhedrin*, 22 a; *Yoma*, 53 b.

[32] *Zohar* ויקהל, 213 b. See *Jewish Encyclopedia* (J. W. Eisenstein), Vol. X, p. 169 b, for further citations.

[33] *Sifri*, ed. Friedmann, p. ס (on Deut. xi. 13); T. B. *Taanith*, 2 a.

[34] T. B. *Sota*, 5 a.

[35] *Tanchuma*, on Deut. vi. 5.

[36] T. B. *Berachoth*, 7 a.

[37] Jer. *Sanhedrin*, X, 28 c; *Numbers Rabba*, § 12.

[38] *Exodus Rabba*, xxii; *Mechilta* (בשלח), § 6.

[39] *Yalkut*, on Ps. iv.

[40] T. B. *Berachoth*, 29 b (towards end).

[41] An inspiring and pathetic chapter could be written on the use of the Psalms in Jewish life. *The Authorized Daily Prayer Book*, ed. S. Singer, contains about half the Psalter. The whole of the Psalms are read in daily instalments in many synagogues. But besides this liturgical use, there are many historical records of the application of the Psalms in times of stress under danger and martyrdom, of gratitude under salvation, of acceptance of God's will and inspiration to courageous endeavour—which prove the fertile influence of the Psalter on Jewish life in all ages. Here is one famous instance. In the tenth century, the captain of a corsair vessêl had captured Moses b. Ḥanoch and his fair wife. The pirate became enamoured of his beautiful captive. One day she asked her husband in Hebrew if those drowned in the sea rose again at the Resurrection. He answered her with the Psalmic text: "The Lord said, I will bring again from Bashan, I will bring again from the depths of the sea" (Ps. lxviii. 22). Fortified with this hope, and resolved to save her honour, she threw herself in the sea.

[42] In *Songs of Exile* (Macmillan) and *Service of the Synagogue* (Routledge). In Hebrew the prayer is included in Baer's classical edition of the daily Liturgy, and in many other editions.

I. ABRAHAMS.

PHILO OF ALEXANDRIA.

IV.

Preface.

Since this is the fourth article of the series in which I have endeavoured to present in English dress some of the writings of Philo Judaeus, I take leave to ask for criticisms of my methods and achievement.

Hitherto I have pruned much of the exuberance of my author. I had found in him the most intelligible exponent of Judaism, as it was at the beginning of the current era, when I turned from the study of the "Classics" to that of "Theology." His Judaism is not so obviously an unaided development of the religion of the Old Testament as that—let me say—of Saul of Tarsus. But the discrepancy is mainly, if not entirely, superficial; and the Greek language even when spoken with Philo's greater fluency is welcome to the *Graeculus esuriens* who must seek in Talmud and Midrashim for other lamps to light his investigations. And even the bilingual, and therefore impartial student of New Testament exegesis will probably admit that Philo is a guide for his studies, only less indispensable than the Rabbis of Palestine and Babylon.

Approaching him from this point of view I ventured to omit what seemed superfluous, but with increasing reluctance and diffidence. I published my essays because I learned that the Greek, which attracted me, was apt to repel some of those to whom Philo—despite Jerome—rightly belongs. In the course of publication I have been told that a certain interest has been shown in them, and also that if I would complete the work arrangements might be made to translate it into German.

Because of the diffidence which I have felt, especially when I revised my material and collated it with the original, I have translated as literally as possible the greater part of the tracts which are here presented. So far as I can judge this method of treatment is better than the other in some respects. For one thing, it is easier to translate than to compress. But I am concerned to induce my readers to study this great Jewish philosopher. They know better than I which method is more likely to further this object.

I regret that pressure of other work has prevented me from adding explanatory notes and an index such as I contemplate. But to use the words of an older translator, who also made a personal explanation, "I have bestowed some diligence and travail to interpret these books. Wherefore let me intreat you to read them with favour and intention and to pardon me wherein I may seem to come short of some words, which I have laboured to interpret."

Concerning Repentance [1].

175 Being lover of virtue, lover of goodness, and exceedingly **p. 405 M**
a lover of man, the most holy Moses urgeth all men everywhere to be zealots for piety and righteousness. Great prizes, as to conquerors, he offers to them that repent—fellowship in the best commonwealth, and enjoyment of its advantages whether little or great.

176 Now in the case of bodies the chief good is perfect health; in the case of ships it is a good voyage free from danger; in the case of souls the unforgetting memory of things worthy to be remembered. Second are the boons which consist in rectification, the recovery from diseases, and the desired safety after the perils of sailing,

[1] The numbers of Mangey's pages are given in heavy type in the outer margins, those of Cohn and Wendland's sections in the inner margins.

and the recollection which issues from forgetfulness, whose brother and close kinsman is repentance. Thus repentance is not reckoned in the first and highest rank of boons, but wins the second prize in the lower rank.

For not to sin at all is peculiar to God, and perhaps 177
also to a godlike man; but for a sinner to convert[1] to a blameless life is the part of a wise man, who is not completely ignorant of what is expedient. Wherefore Moses 178
summons and collects such penitents. He initiates them into his mystery and puts before them conciliatory and loving instructions. He exhorts them to practise sincerity, and to put from them vainglory; and to cling to truth and humility (*ἀτυφίας*) as essentials and causes of happiness, and to depart from mythical fictions, which from earliest youth parents and nurses and tutors and innumerable other associates have engraved upon their yet tender souls, producing endless error concerning the knowledge of the Best.

Now what but God could be the Best of things that are? 179
His honours they assigned to them which are not gods. Them they revered immoderately: him they forget altogether in the emptiness of their minds. All, therefore, who have resolved to honour the Creator and Father of the universe, though they did not so from the beginning, but only afterwards welcomed the Monarchy instead of the
p. 406 M Polyarchy, must be regarded as friends and kinsfolk. For they display that love of God which is the most important condition of friendship and familiarity. We must rejoice with them as with men who, though once they were blind, yet have recovered sight, from deepest darkness beholding the most brilliant light.

So much for the first, and the most necessary part of 180
repentance. But a man must repent not only in respect of the deception which led him to admire created things before the uncreated Maker, but also in the matter of the other things which are necessary to the conduct of life. He

[1] *μεταβαλεῖν.*

must go over, as it were, from the worst of ill polities, misgovernments, Ochlocracy, to the best-ordered government, Democracy; from unlearning, that is, to knowledge of things of which ignorance is disgraceful; from folly to wisdom; from incontinence to continence; from unrighteousness to righteousness; from cowardice to boldness.

181 For it is altogether right and expedient to desert to Virtue without turning back, and to abandon Vice, that treacherous mistress.

Honour of the true God must be followed by participation in the other virtues, as a body by its shadow in the sunlight.

182 For straightway Proselytes[1] become sober, continent, modest, gentle, kind, philanthropic, reverent, righteous, high-minded, lovers of truth, superior to wealth and pleasure. On the other hand, you may see that those who revolt from the holy laws are intemperate, shameless, unrighteous, irreverent, small-minded, quarrelsome, comrades of lying and perjury; because they have sold their freedom for meat and strong drink and cakes and beauty, with a view to the enjoyments of the belly and the baser lusts, whose wages are most grievous punishments of body and soul.

183 However, Moses offers noble instructions which lead to repentance, whereby we are taught to readjust our way of life out of discord to the better alternative. For he says that this thing is not a burden that cannot be borne nor yet far removed—not in the sky above and in the extremities of the great sea, so that one cannot receive it, but is most near, dwelling in the three parts of us, mouth and heart and hands, which symbolize words and counsels and actions[2]. For mouth is a symbol of words, and heart of counsels, and hands of actions; and in all

184 these is happiness. For whenever speech agrees with thought, and action with counsel, the life is praiseworthy and perfect; but when these are at strife together, then

[1] *οἱ ἐπηλύται.* [2] Deut. xxxii. 14.

it is incomplete and blameworthy. Unless a man forget this harmony he will be well-pleasing to God; for he is at once God's lover and beloved.

p. 407 M Wherefore well and agreeably to what has been said, that oracle was given: *Choose God to-day to be God to thee, and the Lord hath chosen thee to-day to become a People for him*[1]. Yea, right good is the recompense of the choice. 185 Man hastens to worship that which IS: God without delay hastens to appropriate the suppliant[2], and to anticipate the will of him that genuinely and sincerely goes to his worship.

Now he that is true worshipper and suppliant, though he be but one man in number, is in power all the people, inasmuch as he *chooses*, having become equivalent to an whole nation. And it is natural that it should 186 be so. In a ship the steersman counterbalances all the sailors, and in an army the general all the soldiers—at least, if he be destroyed defeat ensues, just as if all the force of fighting-men were captured. So in the same way also the wise man rivals the worth of an whole nation, being fenced by an impregnable wall—the fear of God.

Concerning Nobility.

p. 437 M Wherefore also we must censure in no measured terms 187 those who hymn nobility as a chief good and cause of great boons, if first they suppose the descendants of families old in wealth and reputation to be noble, although not even the ancestors, from whom they boast to have come, enjoyed happiness by reason of their unbounded superfluities. The true good resides in no external conditions, nay not even in the state of the body nor yet in any part of the soul, but only in the Mind[3].

For God, wishing for his gentleness and philanthropy 188 to establish this also among us, found no worthier

[1] Deut. xxvi. 17 b.

[2] ἐξοικειοῦσθαι τὸν ἱκέτην.

[3] τῷ ἡγεμονικῷ: ruling principle.

temple on earth than Reason. It alone in virtue of its superiority enshrines the Good, though some of those who have not tasted wisdom, or tasted it only with the tips of their lips, are incredulous. For silver and gold, honours and offices, bodily health and beauty, are like those p.438 M appointed in Empires over various needs for the service of Queen Virtue. Such unbelievers have never seen the most brilliant light.

189 Since, then, nobility is the peculiar lot of a mind cleansed by perfect purifications, only the temperate and righteous must be called noble, though they come of slaves bred or bought. To the evil children of good parents the field of
190 nobility is impassable. For the evil man has no home, no city—driven forth from the country of Virtue, which in very deed is the country of wise men. Low birth of necessity follows him, though he come of good parents or ancestors who were unexceptionable in their lives; for he practises alienation and severs himself utterly from nobility
191 both in word and deeds. But enough. Not only are the evil not noble, but I see them all to be implacable enemies to nobility, destroying their ancestral reputation and obscuring and extinguishing whatever was bright in the race.

192 Wherefore most affectionate fathers seem to me to make renunciations of such sons, debarring them from home and kindred whenever the knavery that is in them prevails over the abundant and excessive goodwill which nature has implanted in their parents.

193 But the truth of the matter may readily be discerned from other considerations also. What advantage would the quick vision of ancestors be to the sight of one who was blind? Is a tongue-tied man enabled to express himself by the fact that parents or grandparents had been loud speakers? What does it profit toward vigour the man who is skeletonized after a long and wasting disease, if the founders of the race were inscribed for athletic prowess among the Olympian victors at Olympia or in all the Games? For none the less the troubles of the body remain:

it is all one; they do not admit of amendment because of the great achievements of the men of their house.

In just the same way righteous parents are no profit to 194
the unrighteous, nor temperate to intemperate, nor, in a word, good to evil. For neither are the laws of any avail to the law-breakers whom they punish; and the lives of them that were zealous for virtue are in some sort unwritten laws.

Wherefore I think that Nobility, if God formed her into a human shape, would stand and say to such rebellious offspring:—"Kinship is not measured by blood alone, if Truth be judge, but by likeness of actions and pursuit of the same ends. But ye have practised the opposite, reckon-
p. 439 M ing my friends foes and my enemies friends. For in my sight modesty and truth, moderation and humility and innocence are honourable, in yours dishonourable. Shamelessness, lying, indulgence of the passions, vanity, vices, are my enemies: they are your familiar friends. Why, 196
having practised alienation in deeds, do ye put on a noble name and pretend to a kinship which is only in word? Quibbles and bedizened deceits I cannot abide. It is easy even for the ordinary man to find fair-seeming words, but to change evil manners for good is not easy. Looking to this I count as foes now, and again will so consider, those who have fanned the hidden fires of enmity, and I shall suspect them more than those who are reproached for lowliness of birth. Their defence is that they had no 197
gentility belonging to them; but ye who spring from great houses lie under sentence, ye whose boast and fame are your glorious families; for though archetypal virtues have been set up before you, and are innate in a manner in you, you have not taken thought to take the impression of any good trait."

Now that Moses places nobility in the acquisition of virtue 198
and regarded the possessor thereof as alone noble, and not whosoever comes of well-bred parents, is plain from many indications.

199 Take the first example. Who would not say that those who sprang from the Earth-born were aristocrats and the ancestors of aristocrats? Their birth was distinguished beyond that of those who came later; for they grew from the first nuptials of man and woman, then first come together for common intercourse with a view to the begetting of their like. Nevertheless, two being born, the elder had the heart to slay the younger by guile, and having accom-
200 plished the greatest pollution of fratricide, he first stained the earth with human blood. What benefit did nobility confer on him who thus displayed the low birth residing in his soul. God, who surveys human affairs, saw it and loathed the sight, drove him forth and decreed punishments, not slaying him out of hand, but hanging over him thousands of deaths in feeling by griefs and incessant fears, with a view to the apprehension of most painful evils.

201 Now there was among the later persons of repute a most holy man whose piety the lawgiver (*ὁ τοὺς νόμους διαταξάμενος*) thought worthy to be recorded in the sacred books. In the great deluge, when cities were disappearing in utter destruction—for even the highest hills were being con- p.440 M
sumed by the increase and stress of the raging tide—he alone with his household is saved, winning the prize of nobility, than which a greater cannot be found.

But even in his case one of the three sons born to him, who had enjoyed together the gift bestowed upon their father, dared to rail against the father to whom he owed his safety, bringing laughter and mockery for an unintentional slip, and exposing to the unaware what should be hidden to the shame of his begetter. He then had no good of his glorious nobility, becoming accursed and source of ill fortune to those who came after him. Such is the deserts of him that neglected the honour of parents.

203 But why is it fitting to remember these, forsaking the first man, the Earth-born. He is comparable to no mortal

for nobility, who was fashioned with divine hands into a statue of bodily form with perfection of plastic art. With soul he was endowed by none moreover of those who had come into being; for God breathed in of his own power as much as mortal nature could receive. Was not this a superabundance of nobility which cannot come into comparison with any other which has been described? Their fame was derived from their ancestors' good fortune 204
—and their ancestors were men, perishable, corruptible beings, whose prosperity was for the most part uncertain and ephemeral—but his father was no mortal, but the eternal God, whose image he became in some sort in respect of the 205
Ruler mind in his soul. He ought to have kept the image undefiled, following so far as he could the virtues of his begetter. But when the opposites were set before him for choice and avoidance—good and bad, honourable and shameful, true and false—the false and shameful and bad he chose eagerly, and of the good and honourable and true he took no heed. And thereupon reasonably enough he received life mortal for immortal, fell from blessedness and happiness, and easily changed into a laborious and unhappy life.

But whereas these stood as warnings common to all 206
men that they who lack nobility should not pride themselves on great birth, the Jews have other outstanding examples apart from these. For of the founders of the race there are some whom the virtues of their ancestors benefited not at all; who are detected in blameworthy
p. 441 M and guilty actions and convicted, if by no other, then by conscience, the court of justice which alone of all is not perverted by arts of words.

Many children had he who first begat children by three 207
women, not for the enjoyment of pleasure but for hope of increasing the race. But out of many one only was declared heir of the paternal goods: the rest all missed a sound mind, and reproducing none of the qualities of the begetter were dispersed, alienated from the famous nobility.

208 Again, of the approved heir two twins are born presenting no resemblance in body or disposition. For the younger was submissive to both his parents, and so well-pleasing as to get God to praise him. But the elder was disobedient and without control of the pleasures of the belly and what comes thereafter, whereby he was persuaded to resign the birthright to his successor, and immediately to repent that he had resigned it and to plot murder against his brother, and to practise no conduct that would not
209 grieve his parents. So then to the one they assign the highest prayers, God confirming them all and having decided to leave none incomplete: whereas to the other they grant in mercy the rank of subject that he should serve his brother, thinking what is the fact, that lack of freedom is good for
210 the evil. And if he had endured this servitude gladly he would have been adjudged the second prize as in the games of virtue; but as it is, having waxed obstinate and absconded from the goodly guardianship, he became the cause of great reproaches both to himself and his descendants, so that his life, which was no life to lead, has been inscribed for clearest proof that nobility nothing avails those who are unworthy of nobility.

211 These, then, belong to the blameworthy order, whom as from good they became evil their fathers' virtues profited nothing, whereas the vices in the soul harmed them in myriad ways. But I could mention others arranged in the better order on the opposite side, whose ancestors were guilty whereas their life is enviable and full of good report.

212 Of the nation of the Jews the eldest was a Chaldaean by race, the son of an astronomer, one of those who spend their time with the sciences, who think the stars gods and p.442 M
the whole heaven and earth too, according to whom good and bad happen to individuals, supposing there to be no
213 cause outside perceptible things. Now what could be harder than this—rather to refute the lack of nobility in the soul which by means of knowledge of the many and secondary and created things proceeds to lack of knowledge

of the one and eldest and uncreated and Maker of the whole, who is also Best for these reasons and for thousands of others which for greatness human reason contains not? Of this he got an idea and, being divinely inspired, 214
leaves fatherland and generation and paternal home, knowing that if he remain the deceits of the polytheistic opinion will remain in him, making ineffectual the discovery of the One who is eternal alone and Father of the whole, intelligible and perceptible; but that if he should remove the deceit also will remove from the intellect as it changes the false opinion into truth. But at the same time also oracles were 215
delivered which helped to quicken the yearning with which he yearned to get the knowledge of that which IS; whereby being guided he went upon the search for the One with untarrying eagerness. And he did not refrain before he got clearer conceptions, not of the Essence—for that is impossible—but of its existence and providence.

Wherefore also he is said first to believe God, since he 216
first had an unwavering and firm conviction that there is one Cause, the Highest, and it provideth for the world and that which is therein. Having acquired faith, the surest of the virtues, he acquired therewith all the others also, so as to be esteemed a king by those who entertained him, not for his caparison—for he was a private person—but for the greatness of his soul, being of a kingly mind. And indeed they continued courting him as subjects a ruler, 217
being amazed at the complete greatness of his nature, which was more perfect than according to man. For neither did he use the same conversations *as they did*, but, being divinely inspired, for the most part more reverend forms. At any rate, when he was possessed he changed everything to the better, sights, colour, size, postures, movements, voice; the divine spirit, which breathed down from above, dwelt in
p.443 M his soul, surrounding his body with peculiar beauty, his words with persuasion, and the hearers with understanding.

Wouldst thou not call this emigrant who was destitute 218
of all household and friends most noble? He aimed at

kindred with God, and was eager with every device to become his disciple (*γνώριμον αὐτῷ γένεσθαι*), and was ranked in the best rank which is among prophets, yet believed none of created things before the uncreated and Father of of all. He was reckoned king, as I said, among those who entertained him, not by weapons nor forces of soldiery, as the manner of some is, getting the sovranty, but by the appointment (*χειροτονίᾳ*) of God, who loveth virtue and endoweth (*γεραίρουντος*) the lovers of virtue with autocratic powers for the benefit of those that meet with them.

219 He is a canon of piety to all proselytes who forsake the lack of nobility which comes of strange laws and unlawful customs, which assigned divine rights to stones and wood and in a word lifeless things, and take the goodly departure to the polity, which is really ensouled and living, whose watcher and overseer is Truth.

220 This nobility, not only God-loving men, but also women, have desired. Women have unlearned their life-long ignorance concerning the honour of things made with hands, and have been schooled in the knowledge concerning Monarchy, whereby the world is governed by one Lord [1].

221 Tamar was a woman of those who came from Syria, nurtured in house and city polytheistic and full of wooden images and of statues and, in a word, of idols (*ἀφιδρυμάτων*). But since as it were out of deep darkness she was able to see a small ray of truth, at risk of death she deserted to piety, recking little of life if she were not to live nobly. And this "nobly" she attributed to nothing else than the worship and supplication of the One

222 Cause. And yet having been married to two brethren, both evil in turn, to the former when a stripling, to the latter according to the law of provision of heirs (*ἐπιδικασία*) since the former left no generation; nevertheless, having kept her own life throughout spotless, she prevailed to obtain the good repute which befits the good and to become the occasion of nobility to all who came after her.

[1] *περὶ μοναρχίας ἢ μοναρχεῖται ὁ κόσμος.*

But she, though an alien, was at any rate a free woman 223
and perhaps no mean person. But there are serving-maids
born of those beyond Euphrates in the uttermost parts of
p. 444 M Babylon, who were given as dowry to their mistresses (*ταῖς τροφίμαις*) upon marriage. These were judged worthy to pass to the bed of a wise man, and so first passed from concubines (*ἐκ παλλακίδων*) to the name and position of wives, and instead of handmaidens were placed by them in little less than equal honour with their mistresses—which was most incredible—being escorted to the same rank. For envy doth not make its home in the souls of sages; and, where it is absent, they share alike in good 224
things. The bastard sons of these women were not distinguished from the true-born sons, not merely in the view of the begetter—for no wonder, if to them that are not of the same womb their common father offer the same affection—but even in the view of the step-mothers. For they, destroying the hatred towards step-sons, changed 225
over to an unspeakable affection (*κηδεμονίαν*); and the step-sons on their part with a reciprocal goodwill, honoured their step-mothers as mothers by nature, and, half-brothers as they were, decided not to love each other half-heartedly, but having increased and doubled the emotion of loving and being loved in return, even that which seemed a deficiency they filled up, showing eagerness to run together with those who were born of both parents with a view to harmony and union of manners. 226

What communication then should we hold with those who put on nobility, as an actor his mask and parade another's goodness as their own? Justly might they be reckoned enemies both of the nation of the Jews and of all men everywhere. They are enemies of the Nation because they give their fellow-tribesmen holiday to belittle an healthy and firm life with confidence in the virtue of their ancestors. They are enemies of mankind, because (on their showing) though men attain to the very summit of excellence it will profit them nought because they have not unexceptionable

227 parents and ancestors. Than which I do not know if there be any more harmful doctrine, if avenging justice shall not follow the wicked children of the good nor honour attend the good children of the wicked. The law appraises each man by himself and does not praise or punish in respect of the virtues or vices of his kinsfolk.

Concerning Curses.

The tract *concerning curses* is one which does not need a full translation. The former part deals with the ills which befall apostates; and the list of diseases of which it mainly consists is only valuable to those students who are interested in the ancient history of the science of medicine. The latter part, on the other hand, is concerned with the Restoration, upon which the mind of the philosopher *semota a nostris rebus seiunctaque longe* rarely condescends.

127 The first and lightest curse inscribed is poverty or famine. p. 429 M
The corn, it says, *while it is unripe they shall lay waste, and when it is perfected, foes shall suddenly come out and reap it*, effecting a double mischance, famine for friends, for
128 enemies abundance. If enemies are quiet, locusts shall harvest out your cornlands: worms shall gather your grapes: oil and fatness shall drain away from your olives.
130 Other mischances also shall wait in ambush to create want and scarcity. As it says, "*I will make the heaven for you brass and the earth iron.*" Where did iron make grain? or brass bring rain? And the figures speak of
133 war. Populous clans shall be desolated, the cities shall be p. 430 M
suddenly empty of inhabitants, being left as memorials of ancient prosperity and present misfortune for the admonition of those who can be brought to reason.
134 Such a lack of the necessaries of life shall there be that men will turn cannibals. Even in their misfortunes a passionate love of living shall be implanted in them, though

they live only to participate in measureless and incurable evils. Such is the result of poverty when it comes as the instrument of divine vengeance.

p. 431 M They who disregard the sacred laws shall have invincible 137
enemies for their masters. They shall be accursed in cities and villages, in houses and habitations. Accursed shall be the cornland and the trees of the mountains. No trade shall prosper; all arts, businesses, and forms of livelihood shall nothing avail those that follow them. The hopes
p. 432 M of the eager shall come to nought because of their evil practices, the head and end whereof is desertion of God's service; for these things are the wages of impiety and lawlessness.

Diseases shall consume every limb and part of their 143
bodies. Enemies shall make pursuit and the sword shall require vengeance. They shall flee to the cities; and, when they think to have reached safety, gulled by hope's deceit, they shall perish to a man, falling into the ambuscades of their enemies.

And if so they be not brought to reason, if still they 148
walk crookedly and avoid the straight ways that lead to
p. 433 M truth, terror and fear shall be implanted in their souls. They shall flee when no man pursueth. Yet shall they not escape. There remain the natural enemies of mankind, the fierce beasts, which of themselves are well armed, whom God along with the first creation of the universe fashioned, to fright men who could be admonished, and for the inevitable punishment of the incurable.

In the morning they shall pray for evening, and in the evening for morning.

The proselyte borne aloft in prosperity shall be gazed 152
upon, admired, and counted happy in that he deserted to God and in that he received as his proper privilege that sure rank in heaven of which it is not lawful to speak. But the Aristocrat who debased the coinage of his nobility shall be dragged down to Tartarus itself, that all men seeing it may be brought to a right mind, learning that

God greeteth the virtue that springs from mean birth, neglecting the roots, and receiving the grown trunk because it was tamed and changed to fruitfulness.

153 So when the cities have been consumed as by fire, and the country made desolate, the land that hath often been chastened and tortured by the unbearable violence of its inhabitants shall begin to have a breathing-space and to raise its head. She shall rid her of the burden of impious inhabitants, who denied her and themselves the legal rest of the seventh year. So shall she be lightened. And p. 434 M when looking round about her she beholds none of them that destroyed her greatness and her fame, but when she sees her market-places empty of confusions and wars and crimes, and full of quietness and peace and righteousness; then shall she bloom and blossom and rest for the festal seasons of the sacred sevenths, gathering strength like an athlete after the struggle.

158 Then, like a loving mother, she will have pity upon the sons and daughters whom she rejected, who, dead and still more living, were a grief to their parents. Grown young again, she shall conceive and bear a blameless generation to right the first. *For the desert*, as the prophet saith, *hath fair* children and hath many sons—which oracle is an p. 435 M
159 allegory, having reference also to the soul. For when it is many, full of passions and vices, children, as it were, being poured around it, pleasures, lusts, folly, incontinency, unrighteousness, it is weak and ailing and, being sick, is at point to die. But, being bereft and orphaned thereof, or even having rejected the lot, is changed into a chaste
160 maiden, and, receiving the divine seed, fashioneth and giveth life to natures one might fight for, wondrous beauties, prudence, courage, temperance, righteousness, holiness, piety, the other virtues and good emotions, whereof not only the happy birth is a good, but also the expectation of the birth cheering the weakness with hope.

161 Now hope is joy before joy: though it be lacking com-

pared with perfect joy, yet is it better than that which follows, in that it easeth the squalor of the cares and softeneth it, and in that it anticipates that which shall be and it bringeth good tidings of full good.

These then are the curses and punishments which they deserve to endure who despise the holy laws of righteousness and piety, whose end is atheism. They forget the kindred and paternal doctrine, in which from first youth they were instructed the nature of the one to reckon the Most High to be God, to whom alone must be appropriated those who pursue after unfeigned truth instead of fictitious feigned myths. All these, withholding nothing I have shown. If, however, they receive the powers not for 163
destruction more than admonition, and, being put to shame, change whole-souledly, reviling themselves for the error, telling out and confessing their sins with intellect purified, first to the truth and sincerity of conscience, then also with tongue for the betterment of hearers, they shall win the favour of the saviour and gracious God who offers to the race of men this peculiar and greatest gift, kinship to his Word, from which, as from an archetype, the human mind has come into being. For though they be in the uttermost 164
parts of the earth as slaves among the enemies who carry them away captive, as at one signal on one day all shall be freed, the collective change to virtue working amazement in their masters. For they shall let them go, being ashamed to rule superiors.

But when they obtain this unexpected freedom, they who 165
a little before were scattered in Greece and barbarian lands,
p.436 M over islands and continents, rising with one impulse, shall strain together, some from here, some from there, to one the appointed place, escorted by a vision diviner than human nature, not manifest to the rest, but apparent only to those who are being saved (*τοῖς ἀνασωζομένοις*), having found 166
three Paracletes of reconciliations with the Father, one the courtesy and kindness of him on whom they called (*τοῦ παρακαλουμένου*), who ever sets pardon before punishment;

and second, the holiness of the founders of the race, because with souls set free from bodies, showing worship unfeigned and naked towards the Ruler, they are not wont to offer fruitless supplications on behalf of sons and daughters, the Father offering them as privilege the hearing of their prayers
167 (τὸ ἐπήκοον ἐν εὐχαῖς); and the third, wherefore most of all the favour of those mentioned runneth forward to meet them, and this is the betterment of those who are led to truces and conventions, who hardly were able to come out of a no-way into a way whose end is none other than to be well-pleasing to God as sons to father.

168 And when they be come, those that were ruins a little before shall be made cities, and the desert shall be inhabited and the barrened land shall change to fruitfulness. The prosperities of fathers and forbears shall be accounted a small part because of the ungrudging abundances of those at hand, which, flowing as from eternal, ever-flowing fountains, the graces of God shall win deep wealth for each privately and for all in common, surpassing envy.

169 But the change of all things shall be suddenly. For God shall turn the curses against the enemies of the repentant, who had pleasure in the ill-farings of the Nation, reviling and mocking them as though they themselves should have an indestructible lot of good fortune, which they hoped to leave to children and grandchildren in succession, and should always look upon their antagonists in sure and unswerving ill-fortune, which should be stored
170 up also for following generations, understanding not in their frenzy that they enjoyed that lost brightness not for their own sake, but for that of the admonition of others. And for those others who had dissolved their ancestral rights, a saving remedy was found, even grief as they sorrowed over the good things of their unfriends.

Weeping therefore and groaning at their reverses, they shall retrace their steps towards the ancient good fortune of their fathers, starting their course anew since it happened
171 not to them to reach the end of their voyage. But they

who laughed at their lamentations, and decreed to hold as public feasts their unlucky days (*τὰς ἀποφράδας αὐτῶν*) and made merry over their mournings, and, in a word, were
p. 437 M happy in the unhappiness of others, when they begin to receive the wages of their cruelty shall perceive that they sinned not against obscure and neglected folk, but against Eupatrids having sparks of nobility, from whom being fanned there shone forth the fair flame that a little before was quenched. For as when the branches are lopped off, 172
yet the roots are not destroyed, new shoots grow by which the old trees' trunks renew their vigour; in the same way also in souls, if the smallest seed of those that make for virtue be left, though the rest be cut off, none the less from that small seed there grow the most honourable and fairest of human qualities, by reason whereof well-inhabited cities are housed and nations advance to populousness.

Concerning Migration.

p. 436 M 1. *And Jehovah said to Abraham: "Depart from thy* 1
land, and from thy kindred, and from thy father's house, into the land which I will show thee, and I will make thee a great nation, and I will bless thee and magnify thy name, and thou shalt be blessed. And I will bless them that bless thee, and them that curse thee I will curse, and all the tribes of the earth shall be blessed in thee."

Being minded to cleanse man's soul, God first offers it, as 2
opportunity (*ἀφορμήν*) for complete salvation, removal from three regions of body, sense-perception, and uttered speech, which are symbolized by *land*, *kindred*, and *father's house*. For the body is composed of *land*[1] (or earth): perception 3
is the irrational *kinsman* of the mind, and speech is the
p. 437 M *house* of the mind, which is our *father*, just as the Logos of God is said to be his house[2], comprehended only by soul as soul. What else could this be of which the Ascetic formed 5
an idea but the Logos, which is older than the material

[1] Cf. Gen. iii. 19. [2] Gen. xxviii. 17.

creation, whereof, as of a rudder, the steersman of the universe taketh hold to guide all things, which he used as an instrument when he was fashioning the world for the blameless constitution of the results.

7 But the word *depart from these* is not equivalent to "be unyoked in respect of essence," for that would be death; but it means, be alienated in mind, stand above them all, held by none: they are thy subjects, treat them not as 8 governors. King thou art; be schooled to rule, not to be ruled; through all thy life know thyself, as also Moses teaches, saying, Take heed to thyself. Depart then from that prison, the body, and the lusts and pleasures, thy gaolers. 12 Depart from the sphere of senses, which draw you to what they love; enjoy thine own, not other's goods. Remove p. 438 M from the uttered word, lest thou be deceived by the beauties of words and names, and separated from the true beauty which is in the things indicated thereby.

Expression (ἑρμηνεία) is like a shadow and an imitation; but the natures of the things expressed are like bodies and archetypes. These he must hold who aims at reality more than semblance.

13 So the sage is introduced as saying, "Separate thyself from me," that is, Lot the perceptible; since he who is possessed by the love of the bodiless and incorruptible cannot dwell with him who tends towards the perceptible 14 and mortal. Right well then did the Hierophant inscribe one whole Sacred Book of the Law-giving the Leading Out of all the people of the soul from the country of Egypt, the 15 body. They might lament and weep bitterly for the bodily comfort and the bountiful abundance of external things, for it is said that the children of Israel lamented from the works [1]; but God had given directions for the 16 Exodus, and so his Prophet rescues them. But some made terms with the body till the end, and were buried therein as in a coffin. Their bones were thus delivered to oblivion, but any offshoot love of virtue is preserved.

[1] Exod. ii. 23.

At least the bones of Joseph—I mean the only relics 17
of so great a soul which were incorruptible and worthy of
remembrance—the sacred Word claims, reckoning it impos-
p. 439 M sible that clean should be yoked with unclean.

Its memorable parts were these:—the belief that *God* 18
will oversee the seeing race (Gen. l. 24), and not deliver
them entirely to ignorance, that blind mistress; the dis-
crimination between the mortal and incorruptible parts of
the soul; the relinquishment of all that is concerned with
the pleasures of the body and all immoderation of the
passions to Egypt; the truce-making in the matter of the
incorruptible, that with them that go up to the cities of
virtue it might be conveyed; and the affirmation of the
truce with an oath.

What, then, are the incorruptible parts? The alienation 19
towards pleasure, which says, "*Let us lie together*[1] and
enjoy the good things of men" and presence of mind with
fortitude, whereby he discerns and discriminates the reputed
good things of vain opinions as dreams[2]. He was enrolled, 20
not as subject, but as ruler of all Egypt[3], the bodily country.
He boasted that he is of the race of Hebrews[4], whose
wont is to pass from things of sense to things of mind.
He prided himself that *here he did nothing*[7]. He mocked 21
at immoderation of lusts and all passions. He feared God,
even if he has not yet become capable of love[5]. He
acquired the true life in Egypt[6]. He confessed that it is 22
of God (Gen. l. 19). He was made known to his brethren
—shook and repelled perforce the minds that loved the
body and thought to stand firmly upon their own dogmas
(Gen. xlv. 1 f.). He said he was not sent by man, but
appointed by God (Gen. xlv. 7 f.) for the lawful presidency
over the body and external things. He could not endure

[1] *συνευνασθῶμεν*. Cf. Gen. xxxix. 7 *ἡ γυνὴ . . . εἶπεν Κοιμήθητι μετ' ἐμοῦ*.
[2] Gen. xl. 8. [3] Gen. xli. 41.
[4] Gen. xl. 15. [5] Gen. xlii. 18.
[6] Gen. xlv. 28. The seer is naturally amazed at this. "A great thing for me if still my son Joseph lives."

to dwell in Egypt, nor to be buried in a coffin at all, following the lead of Moses. p. 440 M

25 For Moses urges very strongly that men should leave her who is styled mother of all that is monstrous without delay or tarrying; *with haste*, he says, *they must sacrifice the Passover*, that is, the Passing over[1], in order that with undivided purpose and harmonious eagerness the mind may make its passage over from the passions without a backward look and its thanksgiving to God the Saviour who brought it out into unexpected liberty. If it cannot resist, it must abscond; for flight is the second road to safety.

27 Wherefore this oracle hath been spoken: *Return to thy father's house, and to thy generation, and I will be with thee*[2]. Thou hast become a perfect athlete, it would say, and hast been awarded the prizes and crowns. Virtue set the lists and offered thee the prizes of victory. Give thine ambition rest, that thou labour not for ever, but
28 enjoy the fruits of thy labours. This thou wilt never find if thou abide here, dwelling still with things of sense and living in bodily qualities, whose lord is Laban, Quality.

Thou must be a migrant to the fatherland which belongs to the sacred word, and in a manner to the Ascetes of the Father. And this is wisdom, the best abode of
29 souls that love virtue. In this country thou shalt find the self-learning, self-taught race, that shares not youthful and milky food, that was prevented by a divine oracle from going down into Egypt[3], and from meeting with the enticing pleasures of the flesh, Isaac by name.
30 Receiving his portion, thou shalt perforce put from thee toil, for the ungrudging supplies of goods ready and at hand bring about rest from toil. And the fountain from p. 441 M which the good things come like rain, it is the company (*σύνοδος*) of God who loves to give; wherefore setting his seal to his benefits, he saith, *I will be with thee.*

31 What could be lacking when God is present with Graces, his virgin daughters? Cares and toils and prac-

[1] *διάβασις.* [2] Gen. xxxi. 3. [3] Gen. xxvi. 2.

tices (ἀσκήσεις) cease, and there spring up without art, by Nature's forethought, all that is profitable for all. And 32
this flow (φορά) of spontaneous goods is called Release (ἄφεσις), since the mind is released from the activities which belong to its impressions.

I am not ashamed to relate my own experience, which 34
I know that I have suffered ten thousand times. Wishing sometimes to come to the accustomed writing of philosophical dogmas, and knowing exactly what I must compose, I have found my mind fruitless and barren, and departed without achievement, reviling it for its presumption, and wondering at the power of that which is, to whom it belongs to open and to close the womb of the soul. And sometimes, coming empty, I became full 35
suddenly: ideas were showered upon me like snow and sown invisibly from above, so that by a divine possession I played the Corybant, and was ignorant of all things, the place, those present, myself, what was said, what was written. For I gained a flood of interpretation [1] an enjoyment of light, keen-sighted vision, a clear appreciation of the things as it might be by eyes of clearest showing.

That which is shown is that which is worthy of sight, 36
contemplation, and passionate desire, the perfect good which is such as to sweeten the bitternesses of the soul, seasoning best of all sauces, whereby that which nourishes not becomes saving nourishment. For it is said, *Jehovah showed him a tree, and he cast it into the water* [2], that is, the mind confused and flaccid and full of bitterness, that it might be sweetened and tamed.

But this tree promises not only nourishment, but also 37
immortality; for the tree of life was planted, it says, in the midst of the garden, goodness guarded by the particular virtues and virtuous acts.

p. 442 M Now he that seeth is the wise man, for blind or dull 38
of sight are the fools. Therefore also they used formerly

[1] Reading with Markland ἔσχον γὰρ ἑρμηνείας ῥεῦσιν for σχεδὸν γὰρ ἑρμηνεύει εὕρεσιν.

[2] Exod. xv. 25.

to call the prophets the Seers[1], and the Ascetic was eager
39 to exchange ears for eyes. Jacob the *hearer*, coinage of Learning and Teaching, is recoined into the *seeing* Israel. As by every art the things that are in it are perceived, so also by wisdom that which is wise is contemplated.
40 And wisdom is not only the instrument of sight, seeing like light, but also sees itself. It is God's archetypal light, whose image and copy is the sun.

41 And God recommends his wisdom not only because he fashioned the creation of the world, but also because the science of that which came into being was firmly
42 fixed in him—for it is said, *God saw all that he made*—had knowledge and comprehension thereof, being thus the acknowledged source and fountain of all arts and sciences.

43 The time allotted to the promise is the future, not the present. Here is a testimony to the faith which the soul had in God: it shews forth its gratitude, not at results, but at expectation of things to come.

So also to Moses it says: *I showed it to thine eyes, and* p. 443 M
45 *there thou shalt not enter*[2]. Think not that this refers to the destruction of the perfect sage, as some of the inconsiderate suppose. It is stupid to think that the slaves receive their portion in the land of virtue before the friends
46 of God. Rather Scripture wishes to prove to you that there is one place for babes, another for the mature. The fairest things are not possessed but seen, and that only by the purest race of men. For it is said, *All the people saw the voice*, and again, *Ye have seen that from heaven I have spoken unto you*[3]. This, though speech is as invisible as mind. p. 444 M

53 Such is the acuteness of the vision of this people. Here, then, is the first gift which God grants to the soul, exhibition and contemplation of things immortal; and the second is progress, advance in number and

[1] 1 Kings ix. 9. [2] Deut. xxxiv. 4.
[3] Exod. xx. 18, 22. Cp. also Exod. i. 9, the testimony of Pharaoh. Cp. Deut. iv. 6 b.

greatness of the dogmas of virtue. For he says, *And I will make thee into a great nation.* The source of greatness and multitude of the good is the unhesitating memory of God, and the invocation of his alliance for the confused and continuous civil war of life. Only the wise and understanding people are worthy to receive such benefits. Only they can sustain the near approach of the great God without amazement. This is the definition of greatness. Mere numbers God repudiates [1]; and even one wicked man is many by his vices; to rank oneself with him is greatest loss. Though thou be one, the Lord is with thee [2]. His company destroyeth wars, restoreth peace, overturneth the many and familiar evils, saveth the scanty, God-beloved race, whose adherents hate and loathe the ranks of the more earthly [3].

The doom pronounced on reptiles and the serpent befalls also the man who pursues the pleasure of the belly and anger which resides in the breast [4]. In Moses the rational part of the soul predominates [5]. Many footed and footless —polytheist and atheist—are excluded from the assembly under the guise of the eunuch and the son of adultery [6]. For the barren is an atheist, and polytheist the son of a harlot, blind as to the true father, and therefore superscribed with many parents instead of one.

The third gift is a blessing without which the former 70
graces cannot be guaranteed. For he says, *And I will bless, well-word, thee*: that is, I will bestow praiseworthy word; for the word *well* must refer to virtue, and the *word* is in 71
one sense like a fountain, and in another like a stream, according as it is in the mind or uttered by mouth and tongue. That both forms of word should be bettered is wealth indeed. So the mind takes good account of all things, small and great: so the utterance is guided by right discipline. Some can think right well, but are betrayed 72
by an ill interpreter because they have neglected elementary

[1] Deut. vii. 76. [2] Deut. xx. 1. [3] Lev. xi. 42.
[4] Cp. Gen. iii. 14. [5] Lev. viii. 21, 29. [6] Deut. xxiii. 1 f.

education: others, like the Sophists, are capable interpreters, but wanting in intelligence. But God gives no imperfect gift to his subjects. His beneficiary can think aright and also express his thoughts with power.

74 Consider the case of Abel, the name of one who mourns over mortal things and accounts immortal things happy. His mind is unexceptionable; but because he is not trained in words he is worsted by Cain, the cunning wrestler, who is able to gain the victory by skill rather than strength. I blame him for accepting the challenge. He ought to have taken his stand upon his wonted tranquillity and declined the contest; or if he must needs enter the arena, he should have practised the arts of wrestling first. The subtle quibbles of a townsman are apt to prevail over the p.448 M wisdom of the boor.

76 Moses, on the other hand, takes Aaron with him, when he engages in conflict with the Egyptian Sophists. It is not for his own sake. From the time when God began to flash upon him the light of truth by means of the immortal words of Knowledge and Wisdom's self, he deprecates examination of things plausible and seeming-reasonable. None the less he is led to contemplate them. It is not for the purpose of becoming versed in more facts: the quest after God and his most sacred Powers suffices for the lover of contemplation. It is because he must get the better of the Egyptians, who esteem wordy plausibilities 77 above the clearness of the truth. So whenever the mind investigates the acts of the All-ruler it needs no other's help for the speculation, since Mind alone is the discerning eye of things intelligible. But whenever it investigates things belonging to sense, either passion or body, of which the land of Egypt is the symbol, then it will need also the skill and the power of words.

78 On this account Moses is directed to bring with him Aaron, the uttered word. *Lo*, it says, *is not Aaron thy brother?* For since the rational nature is the one mother of both, the offspring are brethren. *I know that he will*

speak : for to apprehend is the property of mind, to speak that of utterance. *He will speak*, it says, *for thee:* for the mind being unable to proclaim what is stored within it, uses its neighbour speech as interpreter for the explanation of its experiences. Then it adds, *Behold he shall come forth to meet thee*; since in reality speech meets the thoughts, assigns words and names, and so stamps what was vague as to make it significant. And *seeing thee he shall rejoice in it*, for the thought is clear and distinct, and else speech walks on empty air. *And thou shalt say to him and give my words into his mouth*: meaning, Thou shalt suggest (ὑπηχήσεις) to him the thoughts which are not different from divine words ; for without the prompter (τοῦ ὑποβολέως) speech will not speak, and the prompter of speech is mind, as the prompter of mind is God.

And he shall speak for thee to the people, and he shall be 81
thy mouth, and thou shalt be to him the things that pertain
p. 449 M *to God.* Speech is interpreter of mind to men, but mind becomes to speech the things pertaining to God, that is, thoughts of which only God is overseer. The charmers and 83
wizards who pitted their sophistry against the Divine Word were not concerned to display their own knowledge, but to disparage and to ridicule what Moses did. Without Aaron 84
he could not have met them. In another place Aaron will be called not mouth but prophet, when the mind being inspired is called God.

For I give thee, it says, *a God to Pharaoh, and Aaron thy brother shall be thy prophet.* O harmonious consequence ! For they who interpret the things of God are the race of prophets, who experience a divine possession and frenzy. Thus the rod of Aaron devoured their rods[1], as the 85
oracle explains ; for all the sophistical words are devoured and destroyed by the skilled versatility of nature. They confess that what happens is *God's finger* ; and this is as much as to say that the divine scripture declares that sophistry is always worsted by wisdom. For by God's

[1] Exod. vii. 12.

finger the Sacred Word says the tables on which the oracles were engraved were written.

86 What then is the fourth gift? That of a great name. For it says, *I will magnify thy name*[1]. As it is honourable to be good, so to appear good is profitable. Reality is better than appearance, but happiness is that which comes from both together. There are thousands who make an unfeigned and sincere approach to virtue, and reflect (ἐναυγασάμενοι) its genuine beauty, and yet, because they did not take thought of popular opinion, have been attacked and reputed evil—they who were truly good.

87 On the other hand, appearance is useless without reality: p. 450 M if all suppose the sick man is hale, or the hale man sick, the opinion in itself will not cause health or sickness. But

88 he to whom God has granted both to be good and to appear so, he is truly happy and really great of name. One must provide for fair fame as a great thing and highly beneficial to the bodily life. And it comes to almost all who are joyful and contented, disturb none of the established ordinances, but with every care observe their ancestral way of life.

89 There are some who suppose the letter of the laws to be the symbol of spiritual things, and have therefore elaborated some excessively and lightly neglected others. Such I should blame for their levity. They ought to have paid attention to both aspects—the more exact search for hidden

90 things and the blameless conservation of the obvious. But in point of fact, as if they were living by themselves alone in a desert, or had already become bodiless souls and knew neither city nor village nor house nor any company of men at all, they peer beyond the appearances which satisfy the many and seek for truth's naked self. But the Sacred Word teaches them to have a care for a good reputation (χρηστῆς ὑπολήψεως), and to loose none of the duties contained in the customs which men greater than those of our time decreed.

91 The seventh day is lesson of the power which belongs to

[1] Gen. xii. 2.

the Uncreated and of the inaction which is the duty of the creature. But we should not therefore so relax the Sabbath-laws as to light a fire, or till the ground, or carry burdens, or make accusations, or go to law, or demand deposits, or exact loans, or do anything else which is permitted on non-festal occasions.

The feast is a symbol of the soul's gladness and of 92
thankfulness to God. But we should not abandon the assemblies at the seasons of the year.

The rite of circumcision signifies the excision of pleasure and all passions and the destruction of the impious opinion that the mind is competent to beget offspring of itself. But we should not therefore destroy the law laid down in the matter of circumcision.

We shall neglect the ritual of the temple and countless other laws if we attend only to their allegorical significance.

No, we must reckon the plain sense to be body and the 93
p.451 M deeper sense to be soul. As we must care for the body, since it is the house of the soul; so we must regard the literal meaning of the laws. And if this be observed the other meaning which this symbolizes will be more clearly recognized, and we shall also escape the censures and accusations of the many.

Seest thou not that to Abraham the wise, it says, both 94
great boons and little accrue? The great it calls *property*, which only the lawful heir may inherit: the little are *gifts*, of which the bastards and sons of concubines are counted worthy. The former correspond to the ordinances of nature, the latter to laws of human making.

I admire also the virtuous Leah. At the birth of 95
Asher, who is symbol of material and bastard wealth, she says, *Blessed am I, for the women shall call me blessed*[1]. It is a reasonable supposition to which she feels her way; for she claims to be praised not only by male and truly manly reasons, which hold in honour the unspotted nature and the uncorrupted truth, but also by the feminine,

[1] Gen. xxx. 13.

which are completely worsted by phenomena, and cannot
96 understand any object of contemplation outside them. It is the mark of a perfect soul to claim both to be and to appear to be, and to strive not only to be approved in the men's apartment, but also to be praised by the hearth of the women's chamber.

97 And so Moses entrusted the preparation of the sacred work not only to men, but also to women. All the woven things of blue and purple and scarlet, and fine linen and goat's hair, the women perform, and their own ornaments. They contribute[1] without reluctance seal-rings, ear-rings, finger-rings, bracelets, combs, everything that had gold for its substance[2]. They exchange bodily ornament for the
98 ornament of piety[3]. More, in their zeal they actually dedicate their mirrors for the making of the laver, that the future priests[4], when they washed hands and feet—the undertakings whereon the mind is moored and rests—might envisage themselves in memory of the mirrors of which the laver was fashioned. For so they will overlook no taint that comes in the form of the soul, but already they will offer up that fittest and most perfect of all offerings—fasting and endurance.

99 But these are citizens and truly good women among whom Virtue, Leah, would be honoured: those who light fresh fires against the wretched mind have no city; for it is said also that *women still burned fresh fire against*
100 *Moab*[5]. But is not each of the senses of the fool enkindled p. 452 M by things of sense? Does it not burn the mind, pouring upon it an unending flame with irresistible force and sweep?

It is best, then, to placate the order of women in the soul—that is, the senses—as also the order of men—that is, the particular reasonings. For so we shall enjoy a better passage through life in all honour.

101 Therefore also the self-taught Isaac prays for the

[1] Exod. xxxv. 25 f. [2] Exod. xxxv. 22. [3] 1 Pet. iii. 3 f.
[4] Exod. xxxviii. 26. [5] Num. xxi. 30.

lover of wisdom that he may receive both things immaterial and material. *May God give thee*, he says, *of the dew of the heaven and of the fatness of the earth*[1]. As who should say, First may he water thee continuously with the immaterial and heavenly rain, not fiercely so as to deluge thee, but quietly and gently like dew, so as to benefit thee. Then may he freely bestow the material and earthly wealth rich and fat, drawing off its opposite, poverty, from the soul and its parts.

If, however, thou examine also the high-priest Logos 102
thou wilt find him in accord, and his sacred vestment variously compact of immaterial and material powers. The most of it needs longer words than suit the present occasion and must be deferred: but let us examine what is at the extremities, the head and feet[2]. Well, upon the head 103
is *a pure golden crown, having the cutting of a seal, an holy thing for the* LORD[3]; and upon the feet at the end of the robe, bells and flowerets[4].

That seal is the idea of ideas after which God fashioned (ἐτύπωσε) the world: it is bodiless and immaterial (νοητή). The flowerets and the bells are symbols of material qualities, of which sight and hearing are the criteria. With 104
great exactitude it adds, His voice shall be heard as he enters into the holy place[5]; in order that when the soul enters to the immaterial and divine and truly holy, the senses also being helped in respect of virtue may ring in accord, and all our frames, like a large and tuneful choir, may sing together one harmonious strain compounded of different voices. The thoughts inspire the key-notes[6], for the objects of thought are leaders of this choir: what follows, the things of sense ring out together—they correspond to the particular groups of the choristers. For to sum up, as the law says, Of necessaries and clothing and intercourse—these three—the soul must not be deprived[7]:

[1] Gen. xxvii. 28. [2] βάσεσιν. [3] Exod. xxviii. 32.
[4] Exod. xxviii. 29 f. [5] Exod. xxviii. 31. [6] τὰ ἐνδόσιμα.
[7] Exod. xxi. 11 τὰ τρία ταῦτα.

each of them must be securely allotted to it. The necessaries are intellectual goods: the clothing, whatever is connected with phenomenal universe of life: and the intercourse is the connexion of both.

106 Fifth is the gift which consists of bare existence: it p. 453 M
is mentioned in addition to the former gifts, not as less valuable than they, but as transcending and surpassing them all. Surely this is perfection itself, to be by nature and in fact truly and unfeignedly good and worthy of blessing! For it says, *Thou shalt be blessed*—not merely *blest*, but *blessed*. Here is no question of popular opinion and rumour, but of fact and nature. To be praiseworthy —or blameworthy—is more than to be praised—or blamed. Though all men hold their peace, such a one is still blessed.

109 These are the prizes which are bestowed on him who shall become wise. Next let us see what things he assigns to the others for the wise man's sake. *I will bless*, it says, *them that bless thee, and them that curse thee I will curse*[1].

110 It is evident to any one that this is done in honour of the good man, but it is said not for that fact's sake alone, but also for the sake of the well-knit sequence in the facts. He that praises the good man deserves eulogy, and he that blames him is on the contrary blameable. But praise and blame are not substantiated by the power of those who say and write as by the truth of happenings. Neither praise nor blame can come from a liar. The lip-service of the flatterer is naught, though he compose and recite whole
113 dramas of eulogy. His praise is really blame. So Balaam does not bless but curse, in spite of his hymns to God, which contain that noble phrase *God is not as a man*, and his eulogies of the seer Israel. What he said God sug- p. 454 M
gested: his thoughts were bred by his mind, which hated
115 virtue. The oracle concerning them testifies: *For God hath not granted to Balaam to curse thee, but hath turned the curses into blessing*[2]. Though he spoke them fair, God

[1] Gen. xii. 3. [2] Deut. xxiii. 5.

condemned him; for he, the overseer of all that is stored in the soul, saw what is invisible to a creature. Words do not always reflect the mind. A man may be praiseworthy if with his voice he seem to speak evil and bring accusations and in mind praise and approve. This is the 116
wont of preceptors, pedagogues, teachers, parents, elders, rulers, and Laws. They reproach, and sometimes actually punish. But the effect is that the souls of their pupils are bettered. It is the deed of friends whose goodwill is genuine and unalloyed to speak freely without ill-will.

The promise, *In thee shall all the tribes of the earth* 118
be blessed, is most significant. For in truth the righteous man is the prop of the race of men. Whatever he has he
p. 455 M contributes ungrudgingly to the common stock for the profit of all. Whatever he finds not in himself, he asks of God, who only is all-wealthy. And God opens the heavenly treasury and rains and snows upon them masses of benefits, so that the reservoirs of all the inhabitants of the earth are filled and overflow. To such a man God gives an irresistible power. It is said in another place, when Moses 122
prayed, *I am gracious to them according to thy word.* And this is equivalent (ἰσοδυναμεῖ) to our text.

And so wise Abraham after his experience of God's goodness in all things believes that though all else be destroyed and only a small relic of virtue—like a spark—be preserved (διασώζηται), God has compassion on the rest for its sake. And, like a spark, the smallest fragment of 123
virtue, when it is warmed by good hope and shines forth, gives eyes to the blind, makes the withered shoots spring up, and makes the barren fruitful. So the scanty good by God's providence becomes much, is poured abroad and assimilates the rest to itself.

Let us pray then that this pillar of the house—the 124
mind in the soul, and in the race of men the righteous man —may remain for the healing of diseases. So this be healthy, we must not despair of hopes of complete salvation. For I suppose that God the Saviour extends the

sovran remedy, his gracious power, to the suppliant worshipper, and bids him use it for the salvation of the sick and salve the soul's wounds, which follies and unrighteousness and the herd of vices have dealt it as with a whetted knife.

125 The clearest example is Noah the righteous. When so many parts of the soul were swallowed up in the great deluge he rode the waves and swam stoutly till he stood above all the dangers, and being saved (διασωθείς) cast many fair roots from himself, whence like a plant sprang the race of wisdom.

p. 456 M

127 Next, it is said that *Abraham walked as God spake to him*[1]. This is the end or object celebrated among the best philosophers, the life in accordance with nature. And it is achieved when the mind having entered upon the path of virtue walks in the track of right reason, and follows God, remembering his commandments, and confirming them all at all times and in all places by word and deed. As God speaks, so the good man does each several thing, directing blamelessly the path of his life, so that the deeds of the wise man differ nowise from the divine words.

130 Elsewhere it says, *Abraham has performed all my law.* Now the law is nothing else than a divine word enjoining what is right and forbidding what is wrong, as Scripture

131 testifies, saying, *He received from his words a law*[2]. So then, to follow God is according to the holy Moses the end, as he says in other words, *After the Lord thy God thou shalt go*[3]. The phrase is, of course, an allegory of the conformity of the soul to the divine decrees.

132 And he counsels also the cleaving to him; for it says, *The Lord thy God thou shalt fear, and serve him, and cleave to him*[4]. What then is the cleaving? Piety and faith. For the virtues fit and unite the mind to the incorruptible

133 nature. He that neither faints nor tires in the race of life shall receive crowns and prizes when he comes to the goal;

[1] Gen. xii. 4.
[2] Deut. xxxiii. 3 f.
[3] Deut. xiii. 4.
[4] Deut. x. 20.

p. 457 M for he shall reach the ends of understanding. He shall 134
condemn the folly of himself and all creatures, and realize
that he and they know nothing. For knowledge belongs
to him who is only wise and only God[1]. Only the Creator 135
can appreciate the universe. Begone, then, ye who are full 136
of vainglory and want of culture and much pretentiousness,
you fancied sages who profess not only to know what each
thing is, but also venture in your boldness to lay down the
causes thereof, as if you had been present at the creation of
the world and had advised its creator! Know yourselves. 137
Declare what is sight, and how you see. Search and know
yourselves before you study astronomy.

Since this is so, the mind being perfected will repay 139
the tribute to God, who brings it[2], according to the
sacred writing. For the law is that the tribute belongs
to the Lord[3]. When, then, does it repay it? When it
comes to the place which God said to him, on the third day[4],
passing over the mere portions of intervals of time, and
already changing over to the timeless nature. For then he 140
will sacrifice even his beloved son—not a man, for the sage
is no murderer of his own son, but the male child of the
virtuous soul which it bare knowing not how. Which,
when it appeared, its reputed mother expounds her igno-
rance, saying, *Who will announce to Abraham*, as incredu-
lous, I suppose, about the dawn of the self-taught race, that
p. 458 M *Sarah is suckling a child*? Was it not suckled by Sarah?
No, for the self-taught is nourished by none, but is the
nourishment of others, being competent to teach and not
needing to learn. *For I have borne a son*[5], not like the 141
Egyptian women, in the prime of life, but like the Hebrew
souls, *in mine age*[6], when all things material and mortal
have withered, and things immaterial and immortal, which
deserve privilege and honour, have blossomed. And I bare 142
without aid of midwifery, for we bear even before men's

[1] Gen. i. 31.
[2] ἀποδώσει τὸ τέλος τῷ τελεσφόρῳ θεῷ.
[3] Num. xxxi. 28 ff.
[4] Gen. xxii. 3.
[5] Exod. i. 19.
[6] Gen. xxi. 7.

thoughts and knowledge enter into us, without the wonted co-operators. God sows and begets the goodly fruits which are fittingly repaid to the giver in accordance with the law laid down for thanksgiving. This is the journey's end of those who follow words and commandments of the law and walk where God leads them.

J. H. A. HART.

THE NEW "FRAGMENT OF AN UNCANONICAL GOSPEL[1]."

THIS short but instructive fragment presents a hitherto unknown criticism by Jesus of the ceremonial purification current in the Temple ritual. It is in the form of a dialogue with a priestly official in the inner court of the sacred edifice. The text gives us so many new details concerning the strict laws of purification and the practice of them in the sanctuary at Jerusalem, that Jewish scholars must feel an even greater interest in the fragment than do Christians. The editors, with their usual diligence, have given an exact transcription of the text, a translation, and a commentary. In the latter they received the help of Prof. E. Schürer, the well-known author of *Geschichte des jüd. Volkes zur Zeit Jesu Christi.* He, together with the editors, concludes that Jewish tradition does not confirm the exaggerated statements of the fragment. To remind readers of the exact wording of the text, we venture to cite in full the translation which the able editors have provided.

And he took them and brought them into the very place of purification, and was walking in the temple.

And a certain Pharisee, a chief priest, whose name was Levi (?), met them and said to the Saviour, Who gave thee leave to walk in this place of purification and to see these holy vessels, when thou hast not washed nor yet have thy disciples bathed their feet? But defiled thou hast walked in this temple, which is a pure place, wherein no other man walks except he has washed himself and changed his garments, neither does he venture to see these holy vessels.

[1] *Fragment of an Uncanonical Gospel from Oxyrhynchus*, edited with translation and commentary by B. P. GRENFELL and A. S. HUNT, with one plate. (Published for the Egypt Exploration Fund by H. FROWDE, Oxford University Press, 1908, price 1s. net.)

And the Saviour straightway stood still with his disciples and answered him, Art thou then, being here in the temple, clean?

He saith unto him, I am clean; for I washed in the pool of David, and having descended by one staircase I ascended by another, and I put on white and clean garments, and then I came and looked upon these holy vessels.

The Saviour answered and said unto him, Woe ye blind, who see not. Thou hast washed in these running waters wherein dogs and swine have been cast night and day, and hast cleansed and wiped the outside skin which also the harlots and flute-girls anoint and wash and wipe and beautify for the lust of men; but within they are full of scorpions and all wickedness. But I and my disciples, who thou sayest have not bathed, have been dipped in the waters of eternal life which come from . . . But woe unto the . . .

The editors declare that the whole fragment is historically worthless, because of the impossibility of reconciling this picture with actually known facts. In particular they maintain (p. 12):—

But that an ordinary Jew before visiting the inner court of the Temple had to wash and change his clothes as stated in ll. 18–20 is not confirmed by any other evidence; and neither the "place of purification" in l. 8, nor the "pool of David" in l. 25 are mentioned elsewhere, while considerable difficulty arises in connexion with the sacred vessels which are stated to have been visible from the court to which Jesus and his disciples had penetrated. Moreover the two stairways leading down to the "pool of David" and still more the statement that dogs and swine were cast into it (ll. 33–4) seem to be details invented for the sake of rhetorical effect, for that a high priest washed himself in a pool of the character described in the fragment is incredible.

On the contrary, it seems to me that the writer of this Gospel was accurately informed on all these matters, and that tradition fully confirms the details which sound so incredible. I am not concerned with the authenticity of the fragment, but with its interpretation, through clear, trustworthy, and easily accessible parallels in the Mishnah and Talmud. I must premise that I am presenting my results without that full consideration which I should have preferred to give them. The editors of this REVIEW

have, however, pressed me to put my notes together without delay, and I did not feel able to withstand their wishes.

In the first instance it is certain, as the editors already remark, that the dialogue is represented as taking place in the inner court (ἐν τῷ ἱερῷ) in which Jesus was walking. The site of the incident can in no way be the actual Temple, for no layman could enter it at all, even after the most complete washings and purifications. But though any Jewish layman could enter the inner court, he could only do so when complete levitical purification had first occurred. This is shown by the negative rule in Kelim i. 8: "The inner court of the Israelites is of higher sanctity than it (the Court of the Women), in so far as no one may enter the former who has not yet brought the requisite sacrifice after having been purified from a levitical uncleanness[1]." The offering could only be brought after a complete purification consisting of washing the garments and bathing the body (Lev. xiv. 9; xv. 13; Num. xix. 19). The same is stated by Josephus (*Wars*, v. 5. 6): "Men who are not fully purified (καθάπαν ἡγνευκότες) are excluded from the inner sanctuary." By the expression "fully purified" Josephus means in the first instance immersion in a bath, but it will be seen from further consideration that his prescription applies not only to those who have contracted levitical impurity, but to *all* who desire to enter the inner court, whether they had previously been in a state of levitical uncleanness or not. This is shown by what he says *Against Apion*, ii. 8: "In tertiam (porticum) masculi Iudaeorum mundi existentes atque purificati," i.e. "In the third court entrance was lawful only to male Jews who were clean and purified." Josephus does not restrict the prescribed purification only to those who had been levitically unclean, but applies the rule to *all*

[1] עזרת ישראל מקורשת ממנה (מעזרת נשים) שאין מחוסר כפורים נכנס לשם, Schürer (*Geschichte*, II, 273, n. 59) wrongly translates מחוסר כפורים, "der wegen irgend einer Verfehlung das vorgeschriebene Opfer nicht dargebracht hat."

who entered the inner court. But the term *purificati* must mean "purified by immersion in a bath" and corresponds to the Greek ἅγνοι or ἅγιοι. This is clear from Josephus's usage of this phrase elsewhere. Thus *Wars*, vi. 9. 3, he records of the visitors to the Temple on the Passover γίνονται δ' ἀνδρῶν . . . καθαρῶν ἁπάντων καὶ ἁγίων, i. e. "They were all clean and holy," and these terms correspond to the *mundi atque purificati* of the former passage, and as in the former passage apply to all laymen and not only to those who had been unclean. So, too, in *Antiq.* xv. 2. 5, where Josephus says of the Court of the Women: "On the East side there is one great gate through which we enter when in a purified state (ἅγνοι) with our women." The historian again in *Wars*, iv. 3. 12 relates: "Ananus (who with his followers held possession of the outer court of the Temple) thought it sinful to lead the people into the inner court without precedent purification (προηγνευκώς)." Thereupon John the Zealot informs his friends in the inner court that the followers of Ananus have announced their intention to purify themselves on the next day (ἁγνείαν δὲ παρηγγελκέναι) so that the people could enter the inner court under the pretext of performing the divine service (*Wars*, iv. 3. 14). And in *Antiq.*, xiv. 11. 5 (*Wars*, i. 11. 6) the High Priest Hyrcanus attempts to prevent Herod and his non-Jewish soldiers from entering Jerusalem on the ground that being a festival the people within had purified themselves (ἁγνεύοντος τοῦ πλήθους). And when Paul accompanied the four Nazirites into the Temple he first purified himself (ἁγνισθείς), and then entered the sacred precincts (Acts xxi. 26).

The foregoing evidence suffices to confirm the Gospel fragment before us in its implication that no layman could enter the inner court of the Temple without previous purification. But in what did this purification consist? It consisted in immersion in a bath. This is shown by Josephus's language when rendering the biblical prescription concerning the Levites in Num. viii. 7 ("Let them wash

their clothes and so *make themselves clean*"), and ibid. ver. 21 ("And the Levites *were purified* and washed their clothes"). Josephus renders (*Antiq.* iii. 11. 1): "He purified them (ἥγνιζε) with ever-flowing spring-water and with sacrifices." It is obvious, therefore, that when he uses the same Greek term for purification in the case of laymen, he also means *bathing*. Further examples of Josephus's use of the term conclusively confirm this inference, that by purification he meant immersion in water. He says of the Essenes (*Wars*, ii. 8. 5): "After work in the forenoon they wash their body in cold water, after this cleansing (μετὰ ταύτην τὴν ἁγνείαν) they betake themselves to a special building which no member of another sect may enter and gather themselves here in the eating hall as though they entered a sanctuary." Here Josephus uses the same word (ἁγνεία) as he does of entry into the Temple, and here he distinctly explains it to mean *bathing*. In the passage of doubtful authenticity in which Josephus refers to John the Baptist (*Antiq.*, xviii. 5. 2) baptism is described as ἐφ' ἁγνείᾳ τοῦ σώματος. Finally, the same expression is used of purifying the robe of the high-priest before the festivals. The Romans held possession of the robe and handed it over to the Jews a week before the feast (*Antiq.*, xviii. 4. 3). This purification (ἁγνισθείσῃ) can be nothing other than washing[1]. Josephus's use of ἁγνός or ἅγιος ("holy") in the sense of purified is quite parallel with the use of the Hebrew term קדש. This latter verb also means to cleanse, as in Exod. xix. 10 (וקדשתם היום ומחר וכבסו שמלותם); also ibid. v. 14 (ויקדש את העם ויכבסו שמלותם; *Antiq.*, iii. 5. 1, ἁγνεύοντες τήν τε ἄλλην ἁγνείαν), and Lev. xvi. 19 (וטהרו וקדשו מטומאות בני ישראל). It is not without importance for the present argument that the washing of hands and feet by the priests before their service is termed in the Mishnah קדוש ידים ורגלים.

But all doubts as to the meaning of these rules con-

[1] That the material of which the high-priest's robe was made could be washed is seen from the fact that the curtain (פרוכת) which was made of the same substance was actually washed (*Shekalim*, VIII, 5).

cerning purification before entering the inner court are removed by the Rabbinic tradition. The Mishnah, *Yoma*, III, 3, lays it down that: "No man may enter the inner court for offering sacrifice, even though he be clean, without previously bathing himself" (אין אדם נכנס לעזרה לעבודה אפילו טהור עד שיטבול). It might seem from the context and from the word *'aboda* that this rule applies exclusively to priests. But the Talmud Yerushalmi (*Yoma*, III, 40 b) remarks on this passage that the word *'aboda* must not be pressed in this way, as the same rule applies to such as enter the court without intention to offer sacrifice (אפילו שלא לעבודה). The Tosefta (*Negaim*, VIII, 9) and the parallel Baraitha (*Yoma*, 30 b) expressly confirm this. "A man recovered from leprosy bathes in the chamber of the lepers, and then goes and stands in the Nicanor Gate. Rabbi Judah says: He does not need to bathe, for he has already bathed overnight. They said to him: He does not bathe under this category [i.e. because he has recovered from leprosy], but every one who enters the inner court by way of the Nicanor Gate has to bathe in that chamber[1]". Since the Nicanor Gate leads directly to the Altar, everybody entering by it must take the precaution to bathe on the spot. It was enough for the pilgrim entering from any other gate to have previously bathed at home. To facilitate such bathings the authorities in every place had to prepare the baths before the pilgrim festivals, and had to provide for every requisite of the purification rite (Mishnah, *Shekalim*, I, 1; Tosefta, *Shekalim*, I, 1–2). In reference to this duty R. Isaac says: "Every man must purify himself before each pilgrim feast" (חייב אדם לטהר עצמו ברגל, *Rosh Ha Shana*, 16 b; *Sifra*, 49 a).

It may now be held proved that every layman who entered the inner court had to purify himself by bathing.

[1] מצורע טובל בלשכת המצורעים ובא ועומד בשער ניקנור · רבי יהודה אומר לא היה צריך טבילה שכבר טבל מבערב · אמרו לו לא מן השם הוא זה אלא כל הנכנס לעזרה דרך שערי ניקנור היה טובל באותה לשכה. The Baraitha differs in minor points, and R. Judah says לא המצורע בלבד אלא כל אדם.

Thus the statement of the new Gospel Fragment on this point is fully justified by the facts.

We now come to the second point on which the accuracy of the fragment has been questioned, but here again, it will be shown, the fragment is in accordance with the facts of tradition. I refer to the statement that the layman on entering the inner court changed his garments. Not only was such a change of garments incumbent upon one who had incurred an actual uncleanness, but also any one who purified himself in order to appear before the Lord was, even by the Bible, required to purify his garments or to change them for other (clean) attire. In Gen. xxxv. 2 we read: "Then Jacob said unto his household, and to all that were with him, Put away the strange gods that are among you, and be clean, and change your garments." Exod. xix. 10: "And the Lord said unto Moses, Go unto the people and sanctify them to-day and to-morrow, and let them wash their clothes." Josephus, rendering the latter text (*Antiq.*, iii. v. 1), says: "They adorned themselves, their wives and children, with garments in a luxurious fashion." We would, therefore, anticipate that the Jewish pilgrim when visiting the Temple on festivals would wear festival garments. Josephus clearly represents this as being the case in a passage dealing with the solemn meeting of the high-priest Jaddua with Alexander the Great (*Antiq.*, xi. 8. 4). We are there told how God spoke to the anxious High Priest: "Wreathe the city and open the gates; then let the people go, in white garments—thou, however, with the priests, in the robes prescribed for you—to meet the king." As the high-priest and the other priests are here wearing their official robes, it is inferrable that the white garments of the people are also the clothes worn by the laity during the sacrifices. In this way we explain a difficulty in Hegesippus's account (quoted by Eusebius, *Hist. Eccl.*, ii. 23) concerning James the brother of Jesus. "James was a Nazirite, and to him alone it was permitted to enter the sanctuary, for he wore no woollen,

but only a linen garment. He always went alone into the Temple, where one might find him on his knees praying for the forgiveness of the people." This implies that, like an Essene, he regularly wore white linen clothes, which, again like an Essene, he put on after bathing. Therefore James was able to enter the inner court of the Temple every day, a thing which the ordinary Jewish layman only did on festivals. It seems to me clear from this that any visitor to the inner court was bound to wear clean clothes. The priest in our Gospel fragment, who sees Jesus walking in the inner court in every-day dress was able at once to recognize that Jesus had not bathed. "And a certain . . . chief priest . . . met them, and said, Who gave thee leave to walk in the place of purification and to see these holy vessels *when thou hast not washed*." The inseparable connexion between changing the dress and taking a bath is precisely expressed in the *Mechilta* to Exod. xix. 10 (ed. Friedmann, 64 a): "There is no washing of clothes in the Bible without bathing the person" (אין כיבוס בתורה שאין טעון טבילה).

If, then, the preceding arguments be found convincing, the editors of the fragment do an injustice to its author when they say (p. 20): "Schürer, therefore, seems to be right in supposing that the author of the Gospel has by mistake referred to laymen the regulations applicable only to priests." I hold, on the contrary, that these regulations did apply to laymen.

We now approach another of the difficulties which, in the view of the editors, stand in the way of accepting the accuracy of the fragment. I refer to the inspection of the holy vessels by Jesus and his companions. It can be shown, however, that on the day after the festivals such sight of the holy vessels by laymen was well within the range of possibility.

The priest in the fragment three times over reproaches Jesus and his disciples because they "look at the holy vessels without bathing or washing their feet" (ἰδεῖν

[ταῦ]τα τὰ ἅγια σκεύη μήτε λουσα[μ]έν[ῳ] μ[ή]τε μὴν τῶν μαθητῶν σου τοὺς π[όδας βα]πτισθέντων). To the priest this seems of much concern, and the sin against the Temple-laws is to him a serious one. The editors rightly point out that the holy vessels could not be seen usually from the inner court. But they have overlooked the passage in the Mishnah which removes the difficulty, and which places the whole scene of the fragment in its right setting. It will be seen that the incident occurred on the day after a festival, when all the holy vessels were, in point of fact, transferred to a washing-place in the inner court. It is necessary to quote in full the Mishnah, *Ḥagiga*, III, 7–8: "Immediately after the pilgrim-feast they go through the purification of the inner court. How do they proceed? They immerse in water the vessels which were in the Temple, and say to them [the priests]: 'Take care that ye touch not the Table and the Candlestick, and thereby defile it.' All the vessels in the sanctuary were duplicated and triplicated, so that if the first set became unclean they could bring the second set in their place. All the vessels which were in the Temple require immersion in water, except the golden and the brazen altars. These, according to R. Eliezer, are regarded as fixed to the ground. But the sages say, the difference in the case of the altars was due to the fact that they were covered with metal [and thus were not susceptible to defilement][1]." That this Mishnah deals with actual fact and not with mere theory is shown by the case reported in Talmud Yerushalmi, *Ḥagiga*, III, 79 d (Tosefta, *Ḥagiga*, III, 35): "On a certain occasion they immersed the Candlestick in water, and the Sadducees said: 'See the Pharisees bathe the orb of the sun[2].'"

[1] משצבר הרגל היו מעבירין על טהרת העזרה . . . (8) כיצד מעבירין על טהרת העזרה? מטבילין את הכלים שהיו במקדש ואומרין להן הזהרו שלא תגעו בשולחן ובמנורה ותטמאוהו · כל הכלים שהיו במקדש יש להם שניים ושלישים שאם ישמאו הראשונים יביאו שניים תחתיהן · כל הכלים שהיו במקדש טעונין טבילה חוץ ממזבח הזהב ומזבח הנחשת מפני שהן נקרקע, דברי רבי אליעזר · וחכמים אומרים מפני שהן מצופין. Confer the text of the Mishnah in the Palestinian Talmud, the Cambridge Mishnah, ed. Löwe and Rabbinowicz.

[2] פעם אחת הטבילו את המנורה אמרו צדוקים ראו פרושים מטבילין גלגל חמה ; the

Again, R. Simeon b. Gamliel in the name of Simeon the son of the Segan relates (*Shekalim*, VIII, 5) that for the immersion of the curtain three hundred priests were required. A non-priest was not permitted to see these vessels without having received purification, just as the Levites (Num. iv. 19) were not allowed to see the ark uncovered. The vessels were never seen by laymen except on occasion of their purification on the day after the festival. As by that day all the pilgrims had left, it must have been very unusual for a layman to visit the inner court and disturb the priest at his work. But, though unusual, there was nothing in the Temple regulations to prevent such intrusion, provided always that the visitor had washed and changed his garments[1].

The next point in the fragment that needs elucidation is the "very place of purification" (*αὐτὸ τὸ ἀγνευτήριον*), into which Jesus is represented as introducing his disciples. This *ἀγνευτήριον* was not the inner court itself, as the editors suggest (p. 10). But it was a chamber of that court, in which there was a bathing-place. There were several such chambers provided with baths. The one referred to here cannot be the subterranean one which the priests used for their own purification (*Tamid*, I, 1), for a layman could not have found admission to it. Besides, the whole narrative is inconsistent with a subterranean site. But there were two other chambers, above ground, either of which may be identical with the *ἀγνευτήριον* of our text. These two chambers were—(*a*) the Parva-chamber, which had on its first floor a bath used by the

Tosefta: ומעשה שהטבילו את המנורה והיו צדוקין אומרין בואו וראו פרושים שמטבילין מאור הלבנה.

[1] It cannot be supposed that this post-festal purification of the vessels occurred outside the inner court, for it was not lawful to remove the vessels from the inner court, although R. Meir (*Shekalim*, VIII, 4) says that when the curtain has become unclean in the first degree (אב חמומאה), it had to be cleaned outside the inner court. The new Gospel confirms, and is confirmed by the prescription, that the vessels were purified in the inner court.

high-priest on the Day of Atonement (*Yoma*, III, 3; *Middoth*, V, 3; T. B. *Yoma*, 19 a); and (*b*) a bath over the Water-Gate, which was also used by the high-priest on the Day of Atonement (Baraitha in *Yoma*, 19 a). There may have been others, and these two may have been used on other occasions, but no details have come down to us concerning them. It is, therefore, not possible to decide the exact site intended in our text, but it is certain that it stood in one of the chambers of the inner court, and on that side of the chamber further removed from the court. It will be remembered that the chambers were constructed in the thickness of the Temple wall, and that they could be approached on two sides, one towards the *ḥel*, and the other towards the *ʿazara* (inner court). Into the part opening from the *ḥel* laymen were admitted, though they were excluded from the other side. The two divisions of the chamber were separated by stones marking the boundary between them (*Middoth*, I, 6). A Baraitha (*Yoma*, 19 a) expressly states that the bath was in the *ḥel*. As our fragment gives no hint that the priest attempted to remove Jesus and his companions from the place, and equally fails to reproach him on the ground of intruding on to holy ground, the ἀγνευτήριον can well be identified with the bath which stood in the *ḥel* above the Water-Gate. Obviously the word ἀγνευτήριον is the Greek translation of the Hebrew בית טבילה (Place of Bathing). This fact falls into line with the previous argument as to the identity of the term ἁγνός and ἁγνίζω with the Hebrew טבל (to immerse the body in water).

It is not so easy to account for another item in the priest's reproach. He blames the *disciples* for entering without previously bathing their feet. It is noteworthy that while the priest expects Jesus himself to have bathed and changed his garments, he demands of the disciples merely that they should have bathed their feet. The editors have not noticed this distinction, probably because in the reply of Jesus (ll. 41–2 of the Greek) this distinction

is omitted ("But I and my disciples who thou sayest have not bathed"). In fact, it is only Jesus who walks in the inner court, as is shown by ll. 8–9 (*εἰσήγαγεν εἰς αὐτὸ τὸ ἀγνευτήριον καὶ περιεπάτει ἐν τῷ ἱερῷ*, "He brought them into the very place of purification, and *he* was walking in the Temple"). The priest when uttering his reproach keeps this in mind, for (l. 12) he only complains that Jesus himself is walking about and looking at the vessels (*τίς ἐπέτρεψέν σοι πατ[εῖν]*; κ.τ.λ., "Who gave *thee* leave to walk? &c."). For a third time, too, the fragment (l. 16) makes it clear that Jesus was alone in walking within the court (*ἀλλὰ μεμολυ[μμένος] ἐπάτησας τοῦτο τὸ ἱερὸν τ[όπον]* . . ., "But defiled *thou* hast walked . . ."). By his walking within the court and viewing the vessels Jesus had infringed the purification-laws. But his disciples must have remained on the threshold of the chamber, and for that the bathing of feet was, according to the priest of the fragment, enough to satisfy the law. Now we know that not only priests had to be barefooted when entering the Temple and ascending the altar, and had to wash their feet, but the lay-pilgrims who ascended the Temple mount had also to remove their shoes. The Mishnah (*Berachoth*, IX, 5) formulates the rule: "No man shall enter the Temple mount with his staff, his shoe, his bag, or with the dust on his feet[1]." Here, again, we are dealing with actual facts and not with later theory, for the Midrash (*Threni Rabba*, I, 16, § 47) records the following incident: "Miriam, the daughter of Boethos, the wife of the high-priest Joshua ben Gamala, desired to hear her husband read the lesson from the Law while robed in his high-priestly attire on the Day of Atonement. They laid for her carpets from the door of her house to the entrance of the Temple, so that her naked feet should not touch the ground. Nevertheless, her bare feet touched the ground." The commen-

[1] לא יכנס להר הבית במקלו ובמנעלו ובאפונדתו ובאבק שעל רגליו. The Baraitha in *Berachoth*, 62 b, makes it clearer that the shoes were removed from the feet, for this reads במנעלו שברגלו.

tators explain that Miriam went barefooted because of the prohibition to wear shoes on the Fast. But in *Sifrê* on Deut., § 305 (ed. Friedmann, 130 a) and *Aboth de R. Nathan*, XVII (ed. Schechter, 33 a), R. Joḥanan ben Zaccai relates to his pupils, when he saw the daughter of the once wealthy Nicodemus ben Gorion reduced to a condition of abject poverty: "The family of this woman never entered the Temple mount [1] to worship until people previously spread for them Milesian cloth under their feet." This passage seems to refer to visits paid to the Temple on ordinary occasions. That the aristocracy visited the Temple for prayer on other days than the Day of Atonement is shown by the Mishnah (*Shekalim*, VI, 1). It may be concluded, therefore, that the aristocracy went barefooted whenever they entered the Temple for worship. Perhaps we may incidentally find here the explanation of a difficult passage in Juvenal (*Satire* vi, lines 156 ff.). The Roman poet refers to a gift of a jewel by Agrippa, the Jewish prince, to his sister Berenice, in a country "observant ubi festa *mero pede* Sabbata reges," i. e. "where the kings observe the festival of the Sabbath barefooted."

But this custom did not apply only to the aristocracy, as the quotation given above from the Mishnah (*Berachoth*, IX, 5) indicates. This is confirmed by the statement of Josephus (*Wars*, iv. 3. 6) that when the Zealots held the inner court of the Temple, their impudence turned against God and they entered the sanctuary with soiled feet [2]. As Josephus specifically mentions the feet, it

[1] The Baraitha in *Kethuboth*, 66 b–67 a, reports that the father of this lady visited in this way the school (בית המורש), but this reading cannot be anything but an error for the Temple (בית המקדש) as the parallels show. We find the same error in *Aboth de R. Nathan*, ch. vi (p. 16 b) where the wrong reading is בית המדרש in place of the correct reading בית המקדש in *Taanith*, 20 a.

[2] It is cited (Psalms of Solomon, ii. 2) as a gross desecration of the Altar that the enemies ascended it while wearing shoes. In Midrash *Threni Rabba* on II, 7, § 11 (after the correct reading in the *Aruch*, s. v. גלגם, see Bacher, *Agada der Pal. Amoräer*, I, 538, n. 4) R. Samuel b. Naḥman said:

follows that it was forbidden to enter the sanctuary with soiled feet. I cannot, however, assert that this objection to appearing in the Temple with soiled feet (in the phrase of the Mishnah given above "with the dust on the feet") necessarily implies that the feet were bathed, for I do not recall any passage which definitely states this. But it is certainly probable that, with the ever-increasing stringency of the purity-laws in the Temple, laymen were required to do as the priests did and wash their feet. Our Gospel-fragment would then be justified in claiming that the disciples of Jesus had no right to enter even the *ḥel* portion of the chamber of the inner court with unwashed feet.

The priest in the fragment boasts (l. 25) that he had himself performed the full rites of purification by bathing ἐν τῇ λίμνῃ τοῦ Δ(αυεί)δ, "in the pool of David." This cannot refer, as Schürer suggests (p. 20) to the brazen Sea of Solomon, for in that no one could bathe. The priest must, as the editors remark (p. 21), much more probably have bathed within the Temple area, in one of the bathing-places which I have described above. But we cannot define the place with precision. We can, however, assert without hesitation that the next clause of the priest's boast is thoroughly probable. The claim of the priest that "having descended by one staircase I ascended by another" is by no means a detail "invented for the sake of rhetorical effect" as our editors think (p. 12). For it is entirely in accord with the requirements of a very rigid observance of the purity-laws not to touch, when in a state of purification, the spots previously touched in a condition of defilement. The priest of our fragment would belong to the class of exaggerated saints of whom we have other knowledge in *Aboth de R. Nathan* (XII, p. 28 b). It is perhaps just because the priest assumes this extreme attitude on

"When the heathens entered the sanctuary they turned with scorning gestures and impudent blasphemies against Heaven, and made marks on the ground of the Temple with their shoes.

the purity-laws that Jesus retorts regarding the condition of the water in which the priest had necessarily bathed. The water for the Temple and for all purifications came from Etam (Yerushalmi, *Yoma*, III, 41 a, Midrash *Threni Rabba* on IV, 4, ed. Buber 72 b) from the so-called Pools of Solomon, SW. of Bethlehem. In the speech of Jesus in our fragment (ll. 32 ff.) he uses the phrase: "Thou hast washed in these *running* waters," undoubtedly with a purpose. He refers to the course by which the water reached Jerusalem, and he urges that this water, which the priest employs for the supreme purification, had on its long road to the Temple received many undesired defilements. The people in the villages through which the water passed or at the site of the great reservoirs in Etam, cast into the water dogs and swine to wash them. Jesus cannot have meant the dead bodies of these unclean animals, for he would not have refrained from strengthening his charge against the priest by that fact. The Jews certainly possessed dogs in Palestine, but it is not so certain that they possessed swine, though the prohibition to rear swine (*Sota*, 49 b) implies that the practice must have been not uncommon. Jesus further uses the strange expression "wherein dogs and swine have been cast *night and day*" in order to leave the priest no loophole for escape. At whatever period of the twenty-four hours the priest had chosen to take his ritual bath, he could not avoid the contamination of unclean beasts.

In one or two details the translation is inexact in the passage that follows. The Greek in ll. 34–38 runs: *καὶ νιψάμε[ν]ος τὸ ἐκτὸς δέρμα ἐσμήξω, ὅπερ [κα]ὶ αἱ πόρναι καὶ α[ἱ] αὐλητρίδες μυρί[ζ]ου[σιν κ]αὶ λούσουσιν καὶ σμήχουσι [καὶ κ]αλλωπίζουσι.* The editors translate: "And hast cleansed and wiped the outside skin which also the harlots and flute-girls *anoint* and *wash* and *wipe* and *beautify* for the lust of men." The word rendered wipe (*σμήχειν*) really means anointing with oil, after the Oriental manner, applying a cosmetic after the washing had occurred. In the case

of the harlots there is a double anointment, one before the washing (oil being used for soap), expressed by the Greek μυρί[ζ]ου[σιν], and the other after washing, expressed by σμήχουσι, as in the case of the priest. The translation should thus run: "Thou hast cleansed and anointed the outside skin which also the harlots and flute-girls oil and wash and anoint and beautify." Whether the priests actually used oil at their bathing in the Temple is not elsewhere stated. For an account of the flute-players as harlots, see Pauly-Wissowa, *Realencyclopädie für das classische Alterthum*, I, 1816, s. v. Ambubaiae; further the Gospel to the Hebrews, Hennecke, *Neutestam. Apokryphen*, p. 20, No. 10; and Grünbaum, *Z. D. M. G.*, XXXI, 1871, p. 246.

The most striking feature of this fragment is its presentment of the rigid observance of the purity-laws in the Temple. In no detail is the writer of the fragment ignorant of the law or guilty of gross error. Though the reference to the harlots and flute-girls may point to an extra-Palestinian and late origin, the material referring to the religious laws must have come from good sources. Whether this reference to harlots and flute-players necessarily implies a late date; whether it may be a pointed retort against critics of himself who had reproached Jesus for his association with the fallen; whether, further, we have a primitive or a late tradition in the picture here drawn of Jesus claiming for himself a spiritual superiority over his opponents ("But I and my disciples . . . have been dipped in the waters of eternal life")—a claim which Jesus nowhere makes in the canonical Gospels—on these matters I cannot suggest a solution, or even express an opinion. But the importance of the fragment for our knowledge of ancient Temple usages does not depend on the answer to these questions. It reproduces the exact conditions at a particular time in the Temple more accurately than Matt. xxiii. 25, where reference is made to this same cleansing of the

Temple vessels. The details of our text require further examination, but I am already convinced that we have here more original materials than are to be found in the Synoptics, who transfer from Jerusalem to Galilee the dispute between Jesus and the Pharisees on the purity-laws of the Temple.

A. BÜCHLER.

CRITICAL NOTICES.

"THE RELIGION AND WORSHIP OF THE SYNAGOGUE[1]."

THE authors of this book are to be congratulated on their work. It is in many respects a great advance upon anything which has preceded it dealing with the same subject. That two sincere Christian clergymen should have produced such a book is an admirable sign of the times; it is evidence of the good fellowship and sympathy which, in some countries at least, can be found among people of different religions. The peculiar merits of the book make one proud of being an Englishman, whether one be an English Jew or an English Christian. For, within the limits of Europe, the book could only have been written in England. Such sympathy towards Rabbinic Judaism would be impossible elsewhere. In spite of a few more favourable signs in Germany during the last dozen years, no German Christian professor has ever written about Judaism as these two English Churchmen. Schürer's learning is colossal and superb; but at what a distance from Messrs. Oesterley and Box does his wonderful and magnificent work stand in real comprehension of the Other Man's religion, when that other man happens to be a Jew! The admirable words with which the Preface concludes are especially striking. I feel constrained to quote them in their entirety. They would be spoiled by curtailment. Most cordially do I reciprocate, from my own point of view, every sentiment which our authors express. German scholars please copy!

The writers rejoice in taking this opportunity of gratefully acknowledging their immense debt to Jewish scholarship and learning,—not only so, but they also feel it incumbent upon themselves to record how much good they have gained, both mentally and, they trust, spiritually, from their study of the religion of the Synagogue. They are convinced that Judaism and Christianity are mutually essential to each other, and that just as the two faiths are complementary and belong together, so the advocates of each can only be true to their respective faiths by extending the right hand of

[1] *The Religion and Worship of the Synagogue, an Introduction to the Study of Judaism from the New Testament Period*, by W. O. E. OESTERLEY, B.D., and G. H. Box, M.A. (London, Pitman, 1907; pp. xv, 443; 8 illustrations; price 10*s.* 6*d.* net).

fellowship to each other. The writers feel that they will not be misunderstood in saying this ; they recognize the fundamental differences between Judaism and Christianity, they know as well as most people the obstacles which stand in the way of union between Jew and Christian, they profess themselves to be definite and convinced Churchmen, but this does not preclude them from—it is rather the cause of their—respecting the convictions of those from whom they differ; nor does it prevent them from contributing, in however humble a way, their *quota* towards hastening the glorious consummation which will one day come about when all will be one.

The book before us is so good that one could wish it were even better. For one thing, it attempts too much, and covers within the short space of 426 large type pages a too enormous range. It is only natural, too, that the authors are better informed in some parts of their subject than in others, and that some portions of it are more sympathetic to them than others. Of this unevenness an example will be cited later on.

The book is divided into three sections. The first is called "Introductory," and deals mainly with the "Sources." Nevertheless, 134 pages are taken up by it, leaving only 292 for the two main sections "Dogmatic Judaism" and "Practical Religion." But of these "Dogmatic Judaism" only gets 130.

The authors have tried to be scrupulously fair and impartial. They have used all the authorities to their hand, though it is to be inferred that, like most Christian scholars who write about Judaism, they are not perfectly at home in the original Rabbinic texts. But they have sought to minimize this defect by diligent study of every available translation, and of the writings of the best Jewish scholars. For the first time the epoch-making articles and essays of Dr. Schechter are properly used and estimated. The authors, indeed, specially acknowledge their debt to him. I fancy that the works of Professor Bacher might have been cited more frequently. Yet in spite of diligent study one naturally misses a certain intimacy of knowledge. Judaism as a living religion can, in some respects, be better recognized and understood from Mr. Abrahams' tiny shilling text-book than from Messrs. Oesterley and Box. Their book shows, indeed, the appalling difficulty of writing about any religion. If you write about your own religion you cannot be properly impartial, if you write about another religion you cannot know it from within.

To our authors the main interest of Judaism is its relation to, or contrast with, Christianity. This is perfectly natural, but, when combined with a certain lack of the *intimacies* of knowledge, it mars the perspective. What is less important in the religion itself and to its adherents becomes more important, and even vice versa. Thus 27 pages are given up to "Intermediate agencies between man and

God." But it is safe to assert that in the ordinary stream of Judaism these "agencies" never possessed any special importance at all. For one Jew who had ever heard of Metatron there were always 999 who had not. So, too, a somewhat false stress is placed upon the idea or term of the *Shechinah*, "Those that sit together and are occupied in words of *Torah* have the Shechinah among them." Obviously the full Godhead is not among them. If we speak of God being "within" man or "among" men, we do not mean that the Godhead in its entirety is "within" or "among" them. So it is convenient to have another word to indicate the difference. We do mean something real, though we could not define it. So we say the Shechinah is there: it is a very convenient softening. But it does *not* mean *either* one of two things—(1) It does not mean any sort or kind or shade of mediation, which, in spite of any half-playful or wayward sayings, is foreign and abhorrent to the regular stream of Jewish religion. On this point orthodoxy and reform are entirely at one. (2) It does not mean that God is remote or "too great and holy" to be, in some real sense, "present among men."

More intimate knowledge from within might have enabled the authors to have put the stress more accurately. For instance, in the last chapter several rites are mentioned one after the other, some of which are still almost universally observed, some fairly frequently, while others (so far as Western Europe is concerned) are almost wholly obsolete. In our authors' book we should not gather much as to this difference in observance.

Altogether, the impression given by the book is that Judaism is a very mediaeval and queer sort of religion. Even the illustrations have an archaic, museum-like look about them. It is clearly this mediaeval and strictly orthodox religion that is sympathetic to our authors. But even orthodox Judaism is less mediaeval than might be supposed from Messrs. Oesterley and Box. It is less queer and odd. It is less "oriental," more possible for an ordinary man of the West to observe and to believe. As to our authors' complete lack of sympathy with Reform Judaism I shall say a word later on. One can see the reason for it. Orthodox Judaism might somehow pave the way to orthodox Christianity, liberal Judaism can never. In spite of our increased sympathy with the Jesus of the Synoptic Gospels, and with a *strict* Unitarianism which is true to its name, we liberal Jews are really further from orthodox Christianity than orthodox Jews are. This may seem a paradoxical saying, but it is true, and our authors are perhaps, though unconsciously, aware of it; Unitarianism would perhaps hardly be Christianity to them, and liberal Judaism would perhaps hardly be Judaism.

It is pleasant to come back again for a time to praise and grateful recognition. On the very central question which is at issue between the German Protestant theologians and their unregarded Jewish critics our authors speak with no uncertain note. "The Law was by no means usually the burden which it has been supposed to be to pious Jews" (p. 135). (There follows a somewhat doubtful explanation of Paul's teaching in order to combine the preceding admission with a full adherence to the Pauline position.) Again (p. 344):

It is a mistake to suppose that the Sabbath-rest of the Jews is to them a rigorous and exacting observance, so austere in its demands as to kill out all joy and loveliness. On the contrary, it appeals to the real Jew as a divinely-given rest from the turmoil and bitter opposition of a hostile world. It is—and always has been among the Jews—essentially a festal observance. The more opposition and persecution have crystallized without, the more passionate has the attachment of the Jew become to what he regards as the most precious legacy of his national past.

It is true that like all Jewish observances its external setting has been rigorously fixed and defined by law, and as a consequence the institution of the Sabbath has been liable to the dangers that especially beset legalism—externalism and formalism. It is necessary, however, to guard against the mistake of refusing to recognize, beneath all the forbidding exterior of Rabbinical enactments about the thirty-nine kinds of work not permitted on the Sabbath, &c., the heart of passionate feeling and emotional tenderness that pulsates behind.

The authors are very emphatic in their statement about the position of the Home in Judaism (p. 267). They are very fair in their estimate of the "intellectual element in the Jewish religion," which they regard as the "strength and the weakness of Judaism" (p. 273). I think that we might take some legitimate exception to the statement that "Judaism has very little sympathy to offer to the unlearned, the ignorant, the weak, the fallen, the sinner" (ibid.). Most of us know many extremely ignorant persons at any rate who are passionate Jews! But as to "the fallen and the sinner" there is a certain truth in the statement. But the point is that this, where true, has been the fault of Jews and not of Judaism. For the God of mercy and forgiveness is a fundamental doctrine of Judaism, and there is no reason whatever why keen redeeming search and care for the sinner and the fallen should not form part of Jewish, as well as of Christian, activities. If we were rather wanting upon that side, the want is now being supplied.

Once more, the authors are very fair on the subject of divorce—indeed, some might think a little too lenient, and also on the general position of women. On the other hand, it is not accurate to say of

modern Judaism (p. 302) that "it does not attach nearly sufficient importance to the definite religious training" of women. *Modern* Judaism does, I think, attach very great importance to the religious education of girls. It is rather characteristic of our authors to be more just and even generous to the museum Judaism of the middle ages than to the living Judaism of to-day.

It is rather interesting to see how difficult it is for our authors to shake themselves free from the prevalent idea that to Judaism God is distant and inaccessible. They try to take up a position which shall do justice to *all* the facts. The Jews, they say, do justice only to some facts; the Christian theologians pay regard only to others. They will take account of *all*. They admit that "there is a very great deal in those (i. e. the post-biblical and Rabbinic) writings to show that the Christian representation of the case is only partial." The Christian theologians "have not always treated the subject in a way that a greater knowledge of the facts would have demanded." On the other hand, the Jewish theologians are at fault too. They "do not, as a rule, acknowledge sufficiently what may be called the 'extenuating circumstances' which have led Christian writers to lay undue stress on one side of the question. There is a very great deal in post-biblical and especially in Rabbinical, literature to justify what Christian theologians have written regarding the Jewish belief in God" (p. 158). After this we prick up our ears with keenest interest; now at length we may hope that we shall know the truth. It is a little disconcerting to find that this full and true representation of the "nature and attributes of God," which is "to present, as far as possible, all the elements for consideration," covers only four pages; but perhaps they may nevertheless be adequate. Let us see. First of all, we are told that "Judaism rightly teaches, in contradistinction to Pantheism, that while God is the Creator and Sustainer of the world and the fullness thereof, while he is in the world as being omnipresent, yet that God and the world are wholly distinct. According to one aspect of Jewish teaching on this subject, the belief in the absolute distinctness of God from the world was pushed to such extremes that his direct action and interference with the world of his own creation became to a great extent obscured, and his activity, so far as humanity was concerned, was said to be accomplished by means of intermediate agencies" (p. 159).

For the proof of the last tremendous and unqualified assertion there is a reference to chapter ix on "Intermediate Agencies between God and Man," of which it may be safely said that, so far as Rabbinic Judaism is concerned, the few references to Metatron by no means prove, or go anywhere near proving, the assertion. For

one allusion to Metatron or to the Memra as being an intermediate agency of the kind required, there are five hundred which give that position to God himself, and the remark that "in post-biblical Jewish theology there is little to show that God Almighty *personally* directs the course of the world's history" (p. 183), is unwarranted and untenable. Then it is affirmed that the teaching referred to in the quotation from p. 158 "owed its origin to the Jewish conception of God's transcendent *Righteousness* and *Holiness*" (p. 160). It is easy to give passages from the apocryphal and apocalyptic literature to prove the stress laid upon these two qualities, but no proof whatever is alleged for the following assertion: "One, therefore, so pure and holy and majestic, could not fittingly be thought of as having direct intercourse with man" (p. 160). "No proof whatever" is perhaps too strong, for the proof is our old friend that God's name was avoided, that Yahweh was not pronounced, and that paraphrases such as the "Blessed One," the "Merciful One," &c., were resorted to. These exceedingly meagre "considerations" are then said all to point "to the conception that God is far removed from men and the world of his creation, and that his holiness and majesty forbid conceiving of him as coming into direct contact with humanity" (p. 161). So far for the one side. Now comes the other. For what has preceded is "only half the truth." "There is another side." This other side is represented by a long quotation from Schechter, and in a final paragraph instances are given to show that the Rabbis "in their desire to emphasize the nearness of God to man, and his interest in all that concerned man, and in their eagerness to balance those transcendental conceptions of God already referred to," occasionally fell into "an extreme of the opposite kind, and said things about God which to our ears border on irreverence" (p. 162).

Now surely this is unsatisfying. One is entitled to ask which of these opposite conceptions was the prevailing and usual conception? Which, for instance, is the conception that pervades the liturgy? The authors have said that "especially in Rabbinical literature" there is a "very great deal" to justify the usual Christian representation of the Jewish conception of God. Well, Dr. Schechter's quotations on the other side are *all* from the *Rabbinical* literature. Ought we not, then, to have had some proof by quotation of the "very great deal" "especially in Rabbinical literature"? Is it not tolerably clear that "the very great deal" rests upon what our authors have read in Weber, Schürer, *et hoc genus omne*, and that it stands for the old view from which they cannot yet wholly shake themselves free? For the truth, I fancy, is that, as regards the apocalyptic and pseudo-epigraphical literature, the charge of the "remote" God is com-

paratively most true, as regards the Rabbinical literature, it is comparatively, or even absolutely, most false; so that "especially in Rabbinical literature" is just the most inaccurate part of a generally inaccurate assertion.

One wonders what a book on Judaism would be like written by some one who was quite as much removed in ancestry and belief from Christianity as from Judaism. It is legitimate enough that our authors should look at each side of Jewish doctrine or practice from a Christian point of view, but, as I have already said, the total impression is somewhat injured by this procedure. For instance, in the chapter on Baptism, its use in present-day orthodox Judaism is hardly referred to at all; all the space is given up to the question how far the "ritual washings" in early Israel were "sacramental." It would, I think, be held by most scholars that the sacramental character of such rites as those spoken of in Lev. xiv and xv and Num. viii is rather exaggerated. However, be that as it may, it needs bringing out that modern Judaism glories in the absence of sacraments. We have quite shed the belief, if we ever had it, that "through material means spiritual grace is conferred" (p. 257). We may be right or wrong in this, but our authors quite fail in bringing out, still more in doing justice to, the real Jewish point of view, whether orthodox or reform.

A point in which Messrs. Oesterley and Box seem to me unfair to *Rabbinical* Judaism is in connexion with the respective shares of God and man in human excellence and human "salvation."

In spite of the most laudable efforts to look at the Law with ordinary eyes and without Pauline prepossessions, the attempt does not wholly succeed. This is only natural. (I wonder where you could find two Jewish clergymen who would write so sympathetically, generously, and understandingly of Christianity as these two Christian clergymen write of Judaism.) The "mere fulfilling of legal requirements" is, no doubt, from one point of view, a true description of Rabbinic piety (p. 144). But it is untrue to its spirit. The Law—(and our authors have not sufficiently realized that *Torah* is not an absolute synonym for the Pentateuch, but a far wider term)—was, in a sense, a number of enactments, but it was also conceived to be the perfect will of the perfect God. The Law is taken at its own valuation: perfect, eternal, divine. You can never appreciate the Rabbinic position if you do not bear this in mind. The Rabbinic Jew is not simply seeking to fulfil "legal enactments"; he is seeking to do as God has told him. Our authors, though probably orthodox Christians, are imbued with criticism and its results. It is very hard for them, or for any modern and historical critic, to realize this

profound belief in the absolute perfection and divinity of a composite code like the Pentateuch, but this is what we have to do in order to understand the Rabbis, and to perceive how any criticism of the Law, or any doubt as to its accuracy (for instance, in its own assertion that to obey its orders was the way to life and salvation) was bound to run off them as water runs off a duck's back. Paul was doubtless a greater genius than any Rabbi of his age, but when the divine Law says that the Jews are justified by the Law, he, a mere man, could preach from morning to night that man was not justified by the Law, and the result for all Rabbinic Jews was a foregone conclusion. God was believed; man was disbelieved.

Again, the "mere fulfilling of legal requirements" sounds a poor thing, and desperately unspiritual. But the case is different when these legal requirements contain such rules as: "Be ye holy, for God is holy. Thou shalt love the Lord thy God with all thy soul. Thou shalt bear no grudge. Thou shalt not hate thy neighbour in thy heart," and a hundred similar "requirements." This moral side of the Law is insufficiently brought out by our authors. But it is very prominent in the Rabbinical literature.

Apart from this somewhat inadequate conception of the *Torah*, are our authors justified in the assertion that "the observance of the *Law* or *Torah* was purely a matter of the individual will" (p. 143), that "the attainment of salvation is a matter for man's unaided exertions"? (p. 142). Again, "it is taken for granted that man's act *ipso facto* results in the doing away of his sin" (p. 234); "Divine grace does not, *per se*, lead men to do what is right; repentance is brought about by man and by man alone" (p. 248). One sees the bearing of these strong assertions. They are intended to indicate the weakness of Judaism in one fundamental point. They are to point a contrast with Christian teaching. But I do not think they are accurate, and, oddly enough, it is in regard to Rabbinical Judaism that they are, as I fancy, least accurate of all. But our authors, for reasons which it would not be very far to seek, attempt to saddle Rabbinic Judaism especially with these particular doctrines. For after the passage which I have just quoted from p. 142 they go on to say: "this is certainly not the teaching of either biblical, apocryphal or pseudepigraphical literature, nor, as we shall see in a later section, would it fairly represent the teaching of present-day Judaism; but it does seem to be characteristic of Rabbinical teaching proper, at all events as crystallized in the Talmud and allied writings" (p. 142). Surely a wholly impartial scholarship would judge differently. It is rather the apocryphal and pseudepigraphic writings (Sirach, for instance,) which are rather arid and one-sided in this regard. The Rabbis were

indeed strong believers in free will. They did think that normal man was responsible, and could therefore justly be brought to account, for what he had done or failed to do. But they did not forget that in some mysterious way God helps man to be good, and that therefore it is legitimate to pray to him for this help to be given. The saying of Akiba is intensely characteristic. The Rabbis accepted both parts of a complex truth, and did not attempt to harmonize them by any theory. "Everything is foreseen, yet freedom of choice is given; and the world is judged by grace, yet all is according to the amount of the work." In the Prayer Book the real views of Rabbinic Judaism are best to be found. Here we find: "Lead us not into the power of sin. Subdue our inclination. Let not the evil inclination have sway over us." "Put it into our hearts to do in love all the words of thy Law." "Let our hearts cleave to thy Commandments." "Draw us near unto thy service, and bring us back in perfect repentance into thy presence." "Purify our hearts to serve thee in truth." "Open my heart to thy Law." These sentences come from old Rabbinic prayers which were already in constant use in the Rabbinic period. What would have been the conceivable meaning or good of them if Rabbinic Judaism had believed that God gave no help to man in doing good and in abandoning evil? Rabbinic Judaism seems, upon the whole, to have preserved the balance pretty evenly, and to have put a fair amount of stress upon God's side as well as upon man's side in the attainment of righteousness.

It would take too long to deal with the criticisms passed by our authors upon the Jewish doctrine of sin (chapter xii, pp. 229–54). Here again we see the curious results of judging a religion from a particular standard, and of estimating its excellences or defects according as it reaches or fails to reach that test. The authors, for example, speak of the "true nature of sin." But what does this mean? It simply means that particular kind of Christian teaching about sin which these two scholars happen to regard as true. However, according to this standard, in no non-Christian book is "the true nature of sin" so realized as in the fourth book of Esdras. Apparently, the "true nature of sin" involves the "innate badness of the human heart" and its "universal prevalence." (Jeremiah had said something of the sort, and so had other Jews before, but perhaps less dogmatically and sweepingly.) It also includes "original sin." It also denies that "repentance is the means of cleansing from sin." I must leave Mr. Morris Joseph to fight it out with our authors as regards what they call his "exceedingly illogical position" (p. 254). I think that if they had read more of his book, or read it more carefully, they would have found that he does not

hold that in the process of atonement or forgiveness God is a mere metaphor or cypher. But after all, God can be trusted to do his part and to take his share, and into the mystery of it we cannot fully penetrate. The great thing is that we men should do ours. Let us try as hard as we can to repent, to give up sin, to amend, and so on; we can be sure that if we do our part, *or even before*, God will do, or will have done, his. We can ask him to cause us to repent and we can try to repent ourselves, both in one. We need not seek to distinguish, so to speak, as to which comes first. This Jewish doctrine is very unsystematic, very undogmatic; it sometimes presses one side and sometimes another; but I am not sure that it is therefore necessarily either illogical or untrue.

It would have been better in every way if the authors had omitted the short and inadequate paragraph about "the Reform Jews." It is the least well-informed and the least sympathetic in the book. You can hardly say anything that is worth saying about a big religious movement in four large-type pages (pp. 130–4). The authors do not seem to have any acquaintance with the subject from within. They are also, I think, rather prejudiced. Even in the preliminary characteristic of the Jews, while very fair to the "East End Jew," who apparently is the only "genuine son of Abraham," they tell us that "self-assertiveness and love of ostentation" are "but too obvious" in the "fairly prosperous West End Jew" (p. 24). One would like to ask how many "fairly prosperous West End Jews" do the authors know and know well? Ten? Fifty? A hundred? The present writer knows more than even the last figure, and must emphatically deny the truth of the allegation. To return, however, to the paragraph about the Reform Jews. Are the authors sufficiently acquainted with them, in America, in England, and elsewhere, to assert that Reform Judaism is "painfully deficient in anything like religious warmth"? Even as regards English Reform there is not much first-hand knowledge from within, or we should scarcely have found Mr. Morris Joseph quoted as apparently accepting *for himself* the statement that "the Talmud is the final authority in Judaism" (p. 205); or again, we should not have met with the statement that the three years' Cycle is unknown to-day (p. 352, n. 2). A most unfortunate and unjustifiable use is made of a long quotation from an article in the JEWISH QUARTERLY REVIEW. Doubtless the article was a trap for the outsider, or for those who do not know the peculiar and isolated position of its author. Into this trap Messrs. Oesterley and Box have been not unwilling to fall, and they then proceed to the assertion that "*this attitude is one of the characteristics of modern Judaism*" (p. 134). The

italics are their own. But to italicize an inaccuracy does not make it the more accurate. The relation of Reform Judaism to Modern Judaism is left vague. We are left wholly in the dark as to its content, aims, and spiritual and religious ideals. The only positive thing told about it is that " it is painfully deficient in anything like religious warmth." What the new methods are with which Reform seeks to stem " the tide of unbelief " we are not informed. Presumably the authors seem to know or care little about them. Not thus should an account of the Reform Movement be given to the world. A few quotations will not suffice.

But this paragraph is, after all, only a small blot upon an admirable book, for which all Jewish readers should be sincerely grateful. The fairness, sympathy, and industry of the authors deserve the highest praise.

C. G. MONTEFIORE.

"ISRAEL IN EUROPE[1]."

IMPARTIALITY has not kept pace with the progress of the critical spirit in history. Freeman was no more objective than Gibbon. With regard to the history of the Jews, it seemed beyond the range of possibility to have in our day a fair presentation and judgment of the facts. It is therefore with very great satisfaction that we have perused Mr. Abbott's *Israel in Europe*. Every reader must concede that the author has attained a considerable measure of success in his obvious effort to be at once critical and just. Mr. Abbott does not shrink from exposing the dark corners; he has some hard things to say of the Jews. But he also does full justice to the bright side of the picture. He has observed throughout an unusual sense of proportion. *Israel in Europe* describes the vicissitudes neither of angels nor of fiends, but of men.

In an excellent introduction Mr. Abbott deals with the history of the Jewish question in the past and present. He calls attention to the fact that the Jews were settled in Europe much earlier than many nations who arrogate the title of European to themselves whilst denying civic rights to the Jews on the ground of their being aliens and newcomers; that despite their early appearance among Occidentals they refused to assimilate. "A younger race would have yielded to the influence of environment, a weaker race would have succumbed to oppression, a less inflexible or unsympathetic race might have conquered its conquerors." Perhaps slightly too much stress is laid on "race"; probably religion played a greater part than racial qualities. Mr. Abbott couples the Jews with the Phoenicians, but though the characteristics of race would be the same, it was the religion of Israel alone which saved it from sharing the extinction of its Phoenician kinsmen. Throughout, Jewish survival has not been merely an ethnological question. There was something in Judaism which vitalized the race; it was not the racial virility that preserved the religion. It might be truer, perhaps, to say that both alternatives are true, and that race and religion acted and reacted in the mysterious way in which all primary forces work. At all events, Mr. Abbott is undoubtedly right when he sees in the refusal (or should we say inability?) to assimilate, the chief cause of a hatred on the part of the rejected environment, and the course which this ill-feeling pursues is very graphically described. The reaction on the Jews is apparent in their religion. "Jewish history itself shows that the misfortunes which fan bigotry also preserve

[1] *Israel in Europe*, by G. F. ABBOTT. (Pp. 519; London, Macmillan & Co.; price 10s.)

religion.... When well treated, the Jews lost much of their aloofness, ... in calamity... the piety of the Jews acquired a degree of fervour which it never possessed in the day of their prosperity.... They who possess nothing in the present have the best right to claim a portion of the future." Though this is largely true, it does not follow that prosperity has always led to a weakening of Judaism. Persecution has, no doubt, strengthened devotion, but it has not created it. This is shown by Mr. Abbott in his next seventeen pages, which are taken up with a brilliant account of Hebraism and Hellenism. The author traces the influence on the Jews of the benignant policy pursued by Alexander and the Ptolemies. In another chapter he reminds us that the great conquerors, Alexander, Caesar, and, we add, Napoleon, have usually been well-disposed towards their Jewish subjects. We see that in spite of their prosperity they remained separate from their fellow-citizens, although they cultivated Greek literature with assiduity. The times of the Hasmonaeans and the rise of the Chassidim, and the conflict between Jewish learning and Greek learning are next traced. It is rather a cryptic saying of Mr. Abbott's which represents the Pharisees and Sadducees as "dividing the Jewish nation through the ages down to our own day." There has not been for many centuries any extensive party in Judaism which subscribes to the Sadducean tenets. But it is true that the two spirits — the Pharisaic of a progressive tradition and the Sadducean of a rigid literalism — have divided Judaism, and in this sense Mr. Abbott's generalization is instructive. It is certainly a misjudgment to consider the Sadducees as a reforming party. On the general differences between Judaism and Hellenism Mr. Abbott writes with discrimination and knowledge. The contrasts between the two systems are epigrammatically brought out. "The strength of Hebraism always lay in its power of combination, the weakness of Hellenism in the lack of it.... The Jew looked upon the pagan's graven images with abhorrence, and the pagan regarded the Jew's adoration of the invisible as a proof of Atheism.... The Greek never grew old ... and the Jew never was young." We are given a most original account of the influence exercised by the Greek games and the two opposite conceptions of nudity which were held by Jews and Greeks. To consider which of these aspects is the true one, we should examine their bearing upon the morals of the two nations. We must exclude the lofty spirituality of a Socrates, and confine ourselves to the bulk of the people. A noble-minded Athenian could look upon the divine beauty of the human form without experiencing base thoughts, but the opinions of the average citizen were not so strong: this is evident from the plays of Aristophanes. If Euripides depicted men as they are, while

Sophocles showed ideals of what they should be, how much more true is the realism of Aristophanes. The general life of the Athenians seems to have been permeated with sensuality, for which no excuse is apparently required on the stage; laxity of morals is part of the established order of things. On the other hand, among the Jews the morals of the multitude must have been far higher. The ideal is that of the matron who said, "The walls of my room never saw the hairs of my head exposed." The Jews covered the human form with clothes, because man was made in the image of God: it was holy, and all its functions were imbued with high conceptions of morality, which were to subordinate the lower cravings of man's appetite to the superior thoughts of his soul. The Greeks fashioned their gods after their own likeness and conceived them in their own spirit. If ever social conventions were justified, it was in this case. The ordinary mortal cannot attain to the mental height of the philosopher, or to the spirituality of the saint; but failure to reach the one produced sensuality, while, among the Jews, even the Am Haarez lived a sober and moral life.

The next chapter deals with the history and position of the Jews in the Roman Empire. The author traces the rise of Antisemitism and the growth of oppressive measures. Jews and Christians are classed together and share persecution. The Jews of Alexandria also suffer in the increasing outbursts of hatred, and the position of the Jews grows worse everywhere. The history is brought down to the fall of the Temple.

The next chapter is devoted to an investigation of the causes which produced hostility between Judaism and Paganism. The exclusiveness of the Jews is, of course, one of the chief features, but though this quality seems unjust and unethical, yet it was the only means which a despised minority could adopt to secure its survival, and safeguard its own precious ideals against the onslaughts of what it could not but regard as a lower culture. But, naturally, although the pagan could forgive Jewish eccentricity, he could not pardon intolerance. This conception led to mistrust and prejudice, and caused all manner of absurd charges to be brought against the Jews.

The following chapters are occupied with an account of the dispersion and the rise of Christianity, and the history is carried on to the eighth century. We can particularly recommend the chapters on "the Middle Ages" and "the Crusades." The story is remarkably well told and the information exact. The style is exceedingly attractive, and the misfortunes of the Jews are narrated with sympathy. The biographies of Maimonides and Jehuda Halevi are introduced, but we do not feel absolutely at one with Mr. Abbott in stating that

Maimonides belonged to the category of the forced converts to Islam. "The evidence does not justify us in asserting that Maimonides ever did more than act a part of tacit consent[1]." The remainder of the first hundred pages brings the history up to 1400. Such subjects as the Crusades, Usury, the Inquisition, the Reformation, the Renaissance, the Ghetto, and ritual murder charges, are very carefully investigated, and while great originality is displayed in dealing with them, new opinions are based upon a good foundation of historical facts. A very important feature is the stirring account of the battle of Jewish Emancipation. The course of the struggle has been traced to its consummation through all its vicissitudes. Together with this we are given an account of Barabas, Shylock, and other literature of interest for a clear understanding of the status of the Jews, and the opinions held concerning them by dramatists and their audiences. Full stress is laid on the impossibility of a Jessica, this is ignored by many authors, but we entirely share Mr. Abbott's opinion. Had Shakespeare known one single daughter of Israel he would never have committed the mistake of portraying the Jewish maiden in the way he has done. Jessica is, in reality, far worse than Shylock. She is unnatural and base to the lowest degree. She has had every cause to love her father, while Shylock has had every cause to hate Antonio. For him there can be some excuse, or at least some motive, but nothing can be urged for the daughter. Events in Italy, Spain, England, Germany, are all considered, and the book concludes with four excellent essays on Russia, Roumania, Antisemitism, and Zionism.

In the chapter on Russia, Mr. Abbott gives a thorough review of the whole Russian question. There is an account of the policy pursued by each successive Czar and Minister, the attitude of the Church and the causes of antisemitic outbreaks. Then we come to the terrible events of 1882, and the outrageous demands of the peasantry. The unfair remarks of Mr. Goldwin Smith and Madame Novikoff are scrutinized and exposed, and the well-known charges against the Jews are examined and impartially considered. The result of the May Laws and of the Jewish disabilities is treated at great length, and finally we have a graphic account of the recent Pogroms, which establishes the complicity of the Government beyond any doubt. Again we are struck by the thorough way in which the author proves every statement. Hence the chapter will be found especially useful to students of politics as well as to students of literature.

[1] Abrahams and Yellin ; Maimonides, p. 25.

The history of the Aliens Bill is ably described in the chapter on Antisemitism, which is, in a way, perhaps the most suggestive portion of the book. We are here presented with an orderly and precise account of the real germs which have propagated the disease. On the other hand, Mr. Abbott's treatment of Zionism, though admirable for its narrative skill, is not quite marked by the writer's usual insight.

In what precedes we have tried to indicate the scope of this remarkable work. Its mastery of facts, its beauty of style, its freshness and frankness, are qualities which must win for it a permanent place in the literature of the Jewish question. Sympathy when allied to criticism carries a writer far. In Mr. Abbott these two qualities are combined in a quite unusual manner.

HERBERT LOEWE.

THE
JEWISH QUARTERLY REVIEW

APRIL, 1908

LIBERAL JUDAISM[1].

I HAVE undertaken a difficult task, for which I must crave your generous indulgence. I am to speak to you about Liberal Judaism, being myself a Liberal Jew. It might be supposed that it must be easy for such a one to speak about his own faith. But is that really so? In addition to the feeling of responsibility which comes over me, there is something else. Not long ago I had to review an excellent book on Judaism written by two clergymen of the Church of England. It was an excellent book, but like most books it was not without defects. And the thought struck me how difficult it was for any one to write or speak about living religious systems. For if you are an outsider, you lack that intimate knowledge and sympathy which can only come to those that are within; whereas if you *are* within, you will almost inevitably lack that impartiality and detachment of mind —that capacity of putting yourself (in all humility) above the facts you are to study—which are imperative necessities for the philosophic historian of religion. To know the pitfalls may be one good way of avoiding them, but I am well aware that I cannot avoid them altogether.

[1] A lecture delivered at the Greenfield Congregational Church, Bradford, on February 12, 1908.

There is a further difficulty as regards Liberal Judaism which also, though somewhat reluctantly, I am bound to mention to you at the outset. I have to speak of a religion, or of a phase of a religion, which is little organized in this country, or even in Europe. It can hardly be said to possess much outward embodiment or systematic organization. In the United States of America things are different. There, Liberal Judaism is more of a concrete and visible reality ; it is an important section of Judaism, more important and powerful indeed, I think it may be said, than any other. But in England and Europe, owing to many different causes, Liberal Judaism is rather the religion of individuals, and of a few scattered synagogues and societies, here and there, than an organized and powerful section of the synagogue as a whole. Yet beneath the surface things are different, and there are many who are Liberal Jews at heart yet keep silence and go their own way.

Another preliminary remark I want to make is, that I use the word "Liberal" in a purely technical sense, just as it is used in a purely technical sense in politics. I might also use the word Reform, and some people prefer it. They speak of Reform Judaism, which has the objection that a noun has to do duty as an adjective ; or of Reformed Judaism, which always sounds to me queer, from the frequent association of *that* participle with drunkards and such like. But the word—Liberal or Reform—is of minor importance ; and for my part I will keep to Liberal, with the proviso I have already indicated. I do not for a moment mean that Liberal Jews are more generous than "orthodox" or "traditional" Jews, or even that they are necessarily more tolerant or wide-minded. An illiberal Liberal Jew is well within the range of possibility. I think I know him in the flesh.

As, then, the adjective in the term Liberal Judaism is to be used in a purely technical sense, you will at once ask me to define that sense more clearly. What do I mean? What is Liberal Judaism? Who are the Liberal Jews?

Well, that is the question which I have been brought here to answer.

It may, then, at this point be desirable to indicate very briefly some of the main doctrines as to which Liberal and traditional or orthodox Judaism agree, and some of those wherein they differ. It would, I think, be conceded on all hands, that they agree in the stress which both lay upon rigid monotheism and the strenuously Unitarian conception of God. Perhaps, too, it might be added that though neither section of Judaism needs to, or does, refrain from teaching the immanence of God, yet the divine transcendence is a marked feature with both. We all—religions, like persons—have the defects of our qualities, and perhaps an occasional defect of the Jewish conception of God is a certain crudity in the apprehension of the divine personality. For in Liberal, no less than in orthodox Judaism, God has, as it were, to do double and treble duty. He has to be, if I may so express it, Father, Son, and Holy Spirit at one and the same time and in one and the same Unity. The religious feelings towards a divine Person which, in some forms of Christianity at any rate, are lavished upon the Christ, are in Judaism concentrated upon the divine Father. In the words of a familiar Jewish hymn, he is our King, our Lord, our Saviour, and our God.

Then, again, orthodox and Liberal Judaism are essentially at one in the doctrine of the sanctification of life; I mean, the doctrine that the crude material of life, its appetites, and desires, as well as its higher activities, must be religionized. Man is to serve God always and everywhere; but he is to serve him in the world and not out of it. Work and play, and even the animal instincts—eating, drinking, and the sexual passion—are to be guided and controlled by religion. The eye that offends is not to be torn out; it is to be tamed and sanctified. Thus temperance and self-control, rather than abstinence and asceticism, are prevailing features of Jewish morality as of Jewish religion.

It might, perhaps, be even said that Liberal and orthodox Judaism are agreed in the high place which they assign to the conception of Law. The old Rabbinic maxim ran: "There is no freedom except through the Law." And Liberal Judaism would echo the sentiment, though it would not be thinking here of the Law of the Pentateuch, but of the moral law as an ideal and as a whole, in voluntary subjection to which man finds his freedom.

Again, Liberal and orthodox Judaism are agreed in a certain indomitable optimism. They both hold that it is God who rules the world, and that in spite of much inexplicable evil and many frequent setbacks, it is, nevertheless, a good and improving world over which he rules. Men move forward to a fuller knowledge of God and of his works; they advance to a deeper conception and a higher practice of righteousness. This is the essence of the Messianic idea in both sections of Judaism. Agreement here is of much greater importance than a divergence as regards the personal Messiah. And if liberalism and orthodoxy are agreed in their faith as to the tendency of the future upon earth, they are also agreed as to the future of the individual soul. For both teach the doctrine of immortality. And modern Jewish orthodoxy is, I fancy, at one with Liberal Judaism in clinging to the doctrine of universalism. A loving God now seems to both utterly incongruous with the thought of a single soul excluded from ultimate salvation. Both, again, hold to the supremacy of conduct rather than belief. They do not deny that faith may determine conduct, but they cannot conceive a righteous God as one who does not put moral goodness above theological dogma. The righteous shall inherit the kingdom of heaven, be their religious labels what they may—be they Churchmen or Dissenters, Christians or Jews. If you press the simple orthodox or the simple Liberal Jew for a misleading formula, he will tell you that he prefers to inscribe his flag with 'justification by works', rather

than with "justification by faith". If he is less simple, he will avoid the trap, but in any case his meaning will be something like what I have just said.

Both Liberal and orthodox Judaism agree in the rejection of "Original Sin" and of the doctrine of the Fall. They agree in holding that God punishes and rewards, but I fancy that they would both also agree in a mainly spiritual interpretation of this fundamental principle.

Perhaps you might say that, so far, in their agreements, not one has been mentioned which might not be held by some Unitarian or Theist. If this be so, the Liberal and the orthodox Jew would both rejoice that their doctrines have spread abroad, but last in my catalogue of agreements I will mention one of a markedly and specifically Jewish colour. It is the common belief in the religious mission of Israel; the belief that Judaism and the Jews had not concluded their divinely appointed task at the birth of Jesus, but that this task or mission continued and still continues. In the interpretation and consequences of that task or mission, differences might appear, but as to the doctrine itself there is agreement.

The disagreements between liberalism and orthodoxy are mainly concentrated upon the Hebrew Bible in general and upon the Pentateuch in particular.

So far as I understand the situation, orthodox Judaism is inseparably connected with the dogma of the Mosaic authorship, divine perfection, and immutability of the Pentateuchal Law. Directly this dogma is denied, I have never had it explained to me how orthodox Judaism, as a system of religious belief, can possibly survive. There is no resting-place—no rainproof and habitable half-way house—between orthodoxy and liberalism. Either the Law is Mosaic, divine in every ordinance, and immutable, or it is not. Orthodox Judaism, in sad defiance of historical investigation, of comparative religion, of Biblical criticism, says, and must say, one thing; Liberal Judaism, in harmony with historical investigation, comparative religion, biblical

criticism, and, I might add, the dictates of an unprejudiced and enlightened ethical teaching, says the other. The doctrine of the supremacy, Mosaic origin, and immutability of the Pentateuch is rigidly and clearly laid down in the seventh, eighth, and ninth articles of the orthodox Jewish creed, formulated by Maimonides in the twelfth century A.D., and found in many orthodox Jewish prayer-books. This difference between the two sections of Judaism cannot be bridged over. The other differences lie almost all in the same plane. Orthodox and Liberal Judaism differ as regards the theory of inspiration, the historical character of the biblical miracles, and the human and divine element in prophecy. The differences here would roughly correspond with the conception of the Bible held by an evangelical Christian of the old school and that held by a liberal or progressive Christian of to-day. Again, orthodox Judaism is theoretically bound to the divine inspiration and binding character of a large portion of the Rabbinic Law, whereas Liberal Judaism, if it is critical and free towards the Pentateuch and the Bible, is still more critical and more free towards the Mishnah and the Talmud. Moreover, the deductions and differences in practical life and in public worship are as important as the differences of theory upon which they rest. But of these deductions there is no time to speak here. Suffice it to say, that Liberal Judaism, while holding strongly to the divine element in the Bible and in the development of human righteousness and knowledge, while desirous of maintaining its links and connexion with the historic past, deems itself free to mould and remodel ceremonial and outward religious institutions in accordance with progressive conceptions of religion and morality, and with the living requirements of the environment and the age.

It will thus be seen that, roughly speaking, I mean by Liberal Judaism that section of Judaism which corresponds with the Broad Church party in the Anglican Church, or, to use a more modern parallel, with the New Theology party

in Christianity. Or again, we may say that the Liberal Jews are the Modernists of the Jewish Church.

But a good deal has to be added to this rough parallel by way of explanation and qualification. The breath of modernism, of free inquiry, of criticism, falls upon the different religions and affects them in different ways. They have different tender spots: the delicate points, the difficulties, the troubles of one are not the same as those of another. The dogmas of one creed are more susceptible to the cold and mordant air of the Higher Criticism than the dogmas of another. In Judaism, reform or liberalism did not come in a purely theological way. It came, at least in large part, as an effort to adapt the religion to a new environment, though the effort had, as we shall see, theological implications and consequences. Moreover, it arose in Germany, where the religious and theological conditions are different from those which obtain in our own country, and where they were still more different in the thirties, forties, and fifties of the last century.

On the other hand, Judaism, at least ever since the period of emancipation, has been powerfully affected by what is going on in the bigger world around it. No movement such as the present day New Theology or modernist movement can possibly leave it unaffected. Liberal Judaism has partly to be accounted for and explained by purely Jewish considerations, but partly it is a reflexion or Jewish counterpart of a general movement in the larger Christian world amid which the Jews are living. I hope to make my meaning clearer as I proceed. I am afraid to use more definite words, or to distinguish each factor of the movement more markedly, because otherwise you might be led to suppose that the Liberal movement in Judaism is, at least partially, a sort of poor imitation, ungenuine, temporary, parasitic, unimportant, and unreal. If you were to think that, or if you were to let any of my orthodox Jewish friends—traditionalists, advocates of historic Judaism, or whatever else they like

to call themselves—make you to believe that, if you were to suppose that there is no room or chance in Judaism, whatever there may be in Christianity, for modernism or "new theology," you would, I am absolutely sure, be making a very considerable mistake.

And now, just when you thought, and had a reason to expect, that I was going to get to grips with my subject—one hates a fellow to keep shivering on the brink of his plunge—I am bound to make a tiresome diversion. But here is my trouble. How am I to speak about Liberal Judaism if I say nothing about Judaism without the "liberal"? Liberal Judaism is a phase of Judaism. But what is Judaism? May I assume that everybody in this chapel could give me a full and accurate answer? I want to be very respectful to my audience; I think it is very nice of them that they have been interested enough to come to hear me at all, but I fear I must not make too large an assumption as to their knowledge of what is, after all, for most people a rather remote and out-of-the-way sort of religion. I am sometimes rather surprised by the odd questions people put to me about Judaism and the Jews. For instance, I have often been asked, Do Jews have any belief in a future life?—a question that certainly betrays a good deal of delightful ignorance. Clearly, if I say to you much about Judaism in general, little time will be left in which to speak of Liberal Judaism in particular; yet there are one or two things which I must say, because they closely bear upon Liberal Judaism and will indicate to you its starting-points, and where it is that the Liberalism or modernism comes in. But please understand me. My "one or two things" will not touch on the permanent core or deeper truths of the Jewish religion, but rather upon its difficulties and antinomies. Every religion, I think, has some of these. If I allude to a few Jewish ones, I am sure you will be generous enough to believe that the Jewish religion is not made up of them, and that though, for our purposes this evening, we may push them

into the front, their position in the total picture—their proportion in the religion as a whole—would be smaller and different. But this also I will ask you to believe, namely, that we Liberal Jews are keener on our noun than on our adjective. We should not care for Liberal Judaism much if we did not care for Judaism more. What unites us with all other Jews is, as we think, at bottom more important, essential, and profound than what separates us. The essence of our faith lies in the noun rather than in the adjective. The purpose of the adjective is to purify, enlarge, and set off, the truths and excellences of the noun.

So now, with that caution or qualification, I pass to my one or two things about Judaism as a whole.

Judaism has been called a national and a legal religion, in opposition and contrast (not, I fear, to its advantage,) to those religions which, like Buddhism or Christianity, are called universal and redemptive religions.

I do not entirely accept this classification, and I do not wholly accept the consequences and deductions which are commonly drawn from it. But there is clearly *some* truth in it. It would be utterly ridiculous to say that Judaism has nothing to do with a particular nation, people or race, or that it has nothing to do with Law and a particular Law.

I purpose, then, to draw out each term of the classification rather more fully, for both points, the national point and the legal point, touch Liberal Judaism, in its origin and development, closely and significantly.

First then, Judaism is a national religion. What does this mean? It does not mean that the God of Judaism is only the God of the Jews, and not also regarded by the Jews as the God of the whole world. It does not mean that the God of Judaism is a partial God, who weighs the Jews with one pair of scales and the Gentiles with another. Nor does it even mean that Judaism has no interest in mankind outside its own narrow borders, and no desires and hopes in respect to them except that the oppressors of Israel may be destroyed. Of *modern* orthodox and tradi-

tional Judaism it would be wholly false, I think, to predicate "national" in any immoral or irreligious sense such as this. Even of Rabbinic Judaism such statements would not be true without many reserves and qualifications. But of modern Judaism it is only right and fair that I should emphasize the fact that orthodoxy and liberalism are in these important respects at one. From no Western educated orthodox Jewish pulpit would you hear any statement which would make you regard Judaism as a national religion in the sense of believing in or teaching a partial, in other words an immoral, God. On the contrary. The election of Israel is interpreted ethically and religiously. The superb but terrible utterance of Amos is not forgotten. "You only have I known out of all the families of the earth; *therefore* will I visit upon you your iniquities." And stress is laid upon the doctrine —asserted to be an essentially Jewish one—that conduct and not belief is the passport to eternal salvation. "The righteous among all nations," so we are told with remorseless iteration, "shall have a share in the world to come."

But modern Judaism is national in the sense that its adherents do, as a matter of fact, belong almost exclusively to one particular race; it is, moreover, now a non-proselytizing religion, and orthodox Judaism rather boasts that it is so. And lastly—the most important point of all —it is a national religion in that a large portion of its outward embodiment, its rites, ceremonies, customs, and observances, are still national or at least racial—if that ugly word may be allowed me—and, according to the orthodox theory, they are exclusively intended for the enjoyment, discipline, sanctification, and satisfaction of the Jewish race and of the Jewish race only. I hardly think that I have put the facts too strongly. Not that a Gentile cannot, according to orthodox Judaism, become a Jew. He can, as it were, be naturalized, as an Englishman can become a German. He then accepts, and agrees to practise, the national or racial customs which are also

religious ordinances and laws. The main dogmas of Judaism, its monotheism, its doctrine of the relation of God to man and of man to God, its moral code, its ethical teaching—these are universal and even deliberately intended for all the world. Its ceremonial, its embodiment, its religious laws and ordinances, are not only national in origin, but also in permanent intention; for these, as orthodox Judaism teaches, are for the Jews alone. This is the antinomy to which I before alluded.

Secondly, Judaism is a legal religion. By an odd concatenation of circumstances it has happened that I, who am not an orthodox or traditional Jew, have had frequently to expound and to defend the orthodox Jewish theory and conception of the Law. This I cannot do again upon the present occasion. It suffices to say that Jewish legalism is not a sort of perverse love of legality and of law as such—of legality and law as opposed to faith and grace—but it is something very much simpler, more plastic, less theoretic. It is just the convinced belief that the Code of the Pentateuch is what it claims to be, the absolutely perfect, inspired, and immutable word, will, and command of the all-wise and all-righteous God. No doubt orthodox and traditional Judaism includes a whole heap of observances and laws which are Rabbinic and Talmudic, but all these rest upon and are developed from the Pentateuch. Undermine or destroy the belief—the passionate and cherished belief—that the Pentateuchal Code is that which it declares itself to be—the perfect law, the abiding expression and will of an all-holy God, and the legalism of orthodox Judaism—the central pillar upon which it rests—is overthrown and laid prostrate. The fabric comes toppling to the ground.

Now Liberal Judaism started from, and is still closely connected with, these two main characteristics of orthodox or traditional Judaism. It took its rise, so to speak, from the place where the orthodox shoe pinched. To use another phrase, it was the national and the legal elements or diffi-

culties in orthodox Judaism which paved the way for Liberal Judaism.

But here I must point out that it was not theological or critical considerations which started the movement. These followed on and helped it, but they did not set the ball rolling. Men did not say: A religion, the doctrines of which are universalist and whose Deity is the One God, requires a universalist embodiment. The universalist spirit demands a universalist form. Therefore the outward presentation of Judaism must be modified and purified so that it may fit and harmonize with its essential and universalist dogmas. Nor did they say: Philosophy, criticism, and historical investigation no longer permit us to believe in the Mosaic origin, and in the absolute divine perfection and immutability of the Pentateuchal Code. Therefore, if Judaism is to survive, its legal basis, as hitherto conceived, must be abandoned. We must modify Judaism and reform it, both on its theoretic and its practical side, in order that we may make it less national upon the one hand and less legal upon the other.

The movement, as I say, began otherwise. It began as the consequence of the struggle for emancipation, and as a consequence of that struggle being at least partially successful.

The emancipation of the Jews was mainly the work or result of the French Revolution. The Jews said: We want to become citizens of the lands in which we dwell, where we have long dwelt, and where we hope and expect to dwell for a long while in the future. They demanded to be allowed to become members of every profession, to have rights as well as duties. With civic equality there soon went the demand for political equality as well. The Jews said: We are separated from the rest of our fellow-countrymen by our religion, but we are not separated from them by anything else. Their culture is our culture; their peace is our peace. We want to be one with them in all things except religion. We can be so at one with them,

for if in some religious doctrines we differ, there is much even in religion wherein we agree. Their ethical ideals and ours are essentially the same, and our conception of righteousness closely tallies with theirs. The divine Being is for both of us the source and condition of goodness: the moral law to which *we* pay allegiance differs rather in accent than in substance from theirs. We are no alien orientals, sojourning for a time among nations with whom we have no feelings, aims, and opinions in common. Though we may have come from the East, we are full-fledged Westerns now, occidentals in temper and in thought. To many minds in the nineteenth century the Jewish demand seemed just and right, and in many countries it was conceded. The demand, be it noted, fitted in with the temper of the time in two directions. First of all, the intenser and what I may almost call the virulent, nationalism of the last quarter of the nineteenth century was not yet active. There was not yet the bitter feeling of race, which has reacted with strange results upon Judaism itself. The idea of a single nation formed of many races was not tabooed. Each race did not vehemently desire to be a separate nation. Perhaps, too, there was less fear and dislike of the foreigner: more readiness to assimilate him and to let him assimilate. On the score, then, of race, there did not seem anything so unreasonable and dreadful in the idea that among the full citizens of, say, a predominantly Teutonic, or say, of a predominantly Latin, nation, there might be a small minority of men who were of a totally different, and that a Semitic, stock. They too could love the land of their birth and their adoption. They too could make good use of freedom. Let me interpolate one passing remark here, as I go forward. I trust that these views are not dead amongst us even now: I trust that they are, at least in England, still alive; I trust they are alive in Bradford, alive in the hearts of those I see before me this evening. But I pass on. The demand of the Jews for emancipation fitted in

also with theories of the separation of Church from State, or of the friendly relation of the State to more religions than one, which were attractive to, and maintained by, many thinkers and politicians. It was held that, even outside Christianity, there were religions which taught a fine and wholesome morality, and the members of which could safely be entrusted with municipal and political power. Some even went further, and thought that morality could be separated from religion altogether, and that the State should be organized upon a strictly secular basis.

The middle of the nineteenth century was the most favourable period for the fullest emancipation of the Jews. In Germany and England their demands met with wide recognition; in France they had even been recognized before. What the Jews asked for fitted in with the ideas of the time. The old feelings of contempt, the old kind of hatred, were dying out; there was an important lull; the new anti-Semitism, the new kind of hatred, was not yet born.

Do not think I have got off my track. For I now come to the effects of emancipation and the struggle for emancipation upon the Jews themselves. Or rather the religious effects, and these only in some lands and among some minds. In other lands and upon other minds the effect was a very gradual, but very perceptible and increasing divorce of the Jews from any participation or interest in their religion. As it was not liberalized, it decayed, and the number of educated and active adherents ominously waned.

But in some lands some Jewish minds began to think upon the relation of their religion to their own emancipation. They were not content to let it remain a mediaeval and museum curiosity, good enough for children and the uneducated, a pleasant memory of olden times, a family tradition, an institution of the hoary past; they wanted a living faith, and a religion in consistent relation with every other side and aspect of their lives. A beautifully preserved mummy, to be occasionally visited and occasionally admired, would not do.

They were Germans, let us say, for example, and they were also Jews. They were Germans of the Jewish faith. They were at one with their fellow-countrymen in all things except religion. Judaism, then, was a religion, and its laws were religious laws. If the German Jew had any national laws and customs which he must obey, these were the laws and customs of Germany. For his nation was Germany. One could not belong to two nations, own a double allegiance, at one and the same time. But surely many Jewish laws were national laws. Well, they were, at any rate, religious laws also, and if they were still observed and rightly observed, it was in virtue of their religious, and not in virtue of their national, character. The centre of gravity was fixed entirely on the religious side of Judaism. A religious law, custom, or rite appealed; a merely national law, custom, or rite did not appeal. The one was alive and legitimately alive; the other did not any longer possess the constraining force of vitality.

But what about supernatural sanction? To the Liberalism which was the almost instinctive result of emancipation there had come as allies the critical and philosophic considerations which I mentioned before. Those who combined the full theory of emancipation with a still-convinced belief in the Mosaic origin, divine perfection, and immutability of the Mosaic law, had to make the best of the situation. They could still say: Every law we obey, or every rite we fulfil, is a religious law or a religious rite. We recognize none other. But further than this they could, or they can, not go. There could be for them no further adjustment or development. But the others, the young Liberals, went further; they went further in honesty, as the Orthodox stopped in honesty. They realized that the Law was not homogeneous or immutable; that it was, at any rate, not *all* Mosaic, and not *all* divine. They saw the human side as well as the divine. They felt the necessity of a religion, universalist in its doctrine, coming gradually to possess a universalist expression and form. A philosophic con-

ception of Judaism began to form itself in their minds. They held that each period of Judaism had its justification; Judaism had developed, was developing, and would develop. It had gone through its formative, Biblical period, it had gone through the Rabbinic period, it was now at the threshold of another period still. An embodiment and outward form which suited a period of oppression were not the embodiment and form which suited the period of liberty. (Men's hearts beat high. They hoped for continued progress. They could not foresee the reaction that was to come.) Judaism had been a family religion; it became a national religion; but it was now to fit itself to become a universal religion.

The Rabbinic law had had its justification. Without it Judaism would not have survived the long night of persecution. But the dawn had come. The straitjacket of the oral, or even of the written, Law could be laid aside. For what was highest and greatest and truest and most essential in Judaism was the ethical monotheism of the Prophets. The Law itself was but the servant of this monotheism. God's Spirit did not come to men at one period only. His Spirit is with us now. And if we realize and declare that such and such laws are now obsolete, that they had but a temporary value and purpose, if we remove what for our age is moribund and useless—if we subtract here and add there, if we develop in our time, as our forefathers, with other needs, developed in theirs—if we too seek to maintain Judaism and to give to our religion a form more suited to its spirit, if we even purify doctrine as well as ceremony—we do not do all this from mere lust of change, and if we trust to our reason, it is because in that reason we humbly believe there is working still, as it worked in the reason of our ancestors, the guiding Spirit of God. It is not God's will, we believe, that Judaism should perish, but that it should develop and grow, grow in purity and grow in truth.

It was in this way, then, and from this combination

of reasons, that Liberal Judaism came into being. It attempted to separate the essential and the permanent from the accidental and the temporary. The attempt was arduous, but necessary; it was difficult, but wholly justifiable. It was not justifiable so long as men believed in the verbal inspiration of Scripture and the Mosaic origin, divine perfection, and authoritative immutability of the Pentateuchal Code: it became justifiable and necessary when this pivot of orthodox Judaism was no longer sincerely and firmly adhered to. In this work of separation and purification the leading principles were to religionize and to universalize. As regards rites and ceremonies, these principles led some reformers too far. In their ardent enthusiasm they forgot that for most persons religion cannot dispense with an adequate number of ceremonies and rites, and they also forgot that such ceremonies and rites can be celebrated from more than one point of view. But their principles were reasonable. They tried to make Judaism safe, upon the theoretic side, from the results of historic investigation and from what would now be called the Higher Criticism. They also wanted to make it safe from and in harmony with the accepted conclusions of Science.

The ethical monotheism of the Prophets, the doctrine of Judaism concerning man and his relation to God, the doctrine of human progress towards perfection, could and should be detached from, and rendered independent of, the truth or error of miracles or the date of the Pentateuch. The reformers held and they boasted—I will not discuss the validity of the boast—that Judaism is less bound up with miracles and with the accuracy of the statements in particular books than is Christianity. Judaism, they asserted, was an historical religion; it had come into being, grown, developed, and would develop still further; it was an historical religion too in the sense that it had had a glorious and interesting history; but it was not an historical religion in the sense that any of its doctrines

depended upon alleged miraculous events or upon the accuracy of particular ancient records. It was an historical religion in the sense that one of its essential doctrines was what has been called the belief of God in history, and that another of those doctrines was the belief in the election of Israel for the performance of a given religious work for the benefit of mankind. It was not an historical religion in the sense that this belief in the election of Israel depended upon the belief that God himself "came down" (whatever such words may mean as applied to the Omnipresent Spirit) amid thunders and lightnings upon a mountain, and with his own voice uttered the Ten Commandments. And as regards the outward embodiment of the religion, the Liberal leaders desired to make it worthy and consistent with the universalism and purity of its doctrines. They held that the setting was for the sake of the doctrines, and had no independent and inviolable value of its own. It must be modified, with due regard to historical tradition and propriety (this proviso was not always adhered to), in accordance with the needs of the age and the environment. In an oriental country Judaism might rightly have a purely oriental setting. In the free countries of the West the oriental setting needed modification and change. Occidental Judaism required an occidental framework.

The watchwords of Liberal Judaism were progress and development. That which was right and good and true for the Jews of A.D. 500 or 1000, or even 1700, was not necessarily right and good and true for the Jews of to-day. That which had maintained Judaism for a thousand years might be strangling it to-day. Since Amos and Isaiah spoke there had indeed been progress and gain, but there had also been gathered some dross and some alloy. It was time to purify and time to advance. And so, with good hope and warm faith, they began their holy work of progress and purification.

I can say no more now as to the history of Liberal Judaism, and how it has fared, and Jews with it, in Ger-

many, America, and England. Perhaps, if I have not detained you too long, I may be allowed to say a few more words as to the character of Liberal Judaism in the present and as to its prospects for the future. I can only be exceedingly brief, and therefore am very likely to pay brevity's penalty, and be misleading or obscure.

I have told you that Liberal Judaism is an historical religion and seeks to maintain its hold upon, and relation towards, the past. It is not mere "Theism." But most Liberal Jews would, I think, maintain that not only the doctrines of their faith, but its rites and ceremonies too, while possessing a distinctively Jewish character, must ultimately all answer the following tests. They must be all religious and have religious value; that is to say, no rite can ultimately be maintained which is merely national and does not now possess, and cannot be made to possess, a definitely religious character. For instance, it is not religious to exclude instrumental music from the synagogue; it is not religious to say that a woman who has procured a divorce from her adulterous husband shall not be allowed to be re-married religiously, unless that husband choose to send her a Jewish bill of divorce; it is not religious to say that men and women may not sit together during divine worship; it is not religious to say that a man called Cohen may not marry a proselyte; it is not religious that public worship should necessarily be conducted exclusively in the Hebrew language; and so on. Take again the case of the dietary laws. Orthodox Judaism has made an immense deal of these laws; it has not merely rigorously adhered to the laws of the Pentateuch, but has added to them a number of Rabbinical laws as well. The orthodox Jew will not only not eat hare and pig and oyster, but he will not eat meat which has not been both killed and cooked in a particular way, and he will not eat meat and milk, or meat and butter, together. These dietary laws have played a very large part in the history of Judaism and have had very considerable effects both for good and

for evil. Liberal Judaism cannot see in these laws a divine command. It does not regard them as of God because they are in the Pentateuch; it knows the history of these laws and their almost universal prevalence in all ancient religions. But if people choose to obey them, or to obey some of them—say the Biblical laws only, which do not really prevent social intercourse between Jew and Gentile—to obey them as a good exercise in self-denial or self-restraint, Liberal Judaism has no objection to offer. Each will do in this respect what seems right in his own eyes. It is a good thing that there should be in religious matters a field of free choice, where one can neither say that to abstain is in principle wrong or that not to abstain is in principle right.

A second test is that every doctrine and ceremony must be, so far as possible, not merely religious, but universally religious. For example: the festival of Passover is a national festival, but it can be charged not only with a religious, but even with a universal religious significance. Its interest is not merely local, tribal, temporary, or national. As the festival of freedom, and of the foundation of a great monotheistic religion, it has a universal significance. And a third test is that every doctrine and ceremony must be consistent with ethical monotheism itself—consistent with our highest conceptions of God and of his relations to man. The doctrine of the Chosen People is so consistent if it is interpreted to mean an Election for Service, and not an Election for Benefit; if it is interpreted to mean that all the races of men are equal in the eyes of God. And lastly, no doctrine or ceremony must violate the assured conclusions of history or of science.

It may be asked whether these tests have been easy or are capable of application to a religion so mixed up with the history of one race, and so riveted to a particular code, as Judaism. For seeing that for some two thousand years a main dogma of Judaism has been the Mosaic origin, divine perfection, and authoritative immutability of the

Pentateuchal code, and seeing that this dogma has so powerfully expressed itself in the worship and liturgy of the synagogue, it may legitimately be asked: How can Judaism continue when that dogma is abandoned? I admit that it is difficult. But what religion has not its difficulties? In religion, as in other matters, difficulties are to be met with struggle and conquest, not with repining and surrender. We Liberal Jews contend that the essential doctrines of Judaism are great and powerful and true enough to survive their detachment from temporary dogmas and conditions. We believe that they are cohesive and distinctive enough to justify the continuance of the religion which has taught and teaches them, and that even without the untenable dogma of the Mosaic and divine code, they can be given an adequate historical setting. We do not look askance at other Unitarian creeds; we welcome them as allies. But we hold that it is not even in the interests of the present Unitarian monotheism that we should not still continue to give to our monotheism an historic name and an historic setting. It is not in the interests of monotheism that we should not maintain our separateness and distinctiveness amid the other religions of the world. Liberal Judaism may rightly make the conditions for the admission of proselytes more easy and less material; it cannot accept without self-surrender — being a small minority amid big majorities — inter-marriage and coalescence. Judaism has still its work to do and its future in the religious development of mankind. That work and that future, as we Liberal Jews believe, can belong to Liberal Judaism alone. We look forward with faith; we look forward to a future which neither we nor our children shall live to see.

But I have not done with the difficulties of Liberal Judaism. More, and one of them the greatest of all, have yet to be mentioned.

The first is one which may be best put in the form of an objection from an outside critic. It is alleged that Liberal

Judaism may be all very well as a temporary religion for a few cultivated people, themselves the descendants, and possessing many of the inherited feelings, of orthodox Jews. It can never be a religion for the masses. It has no adequate appeal. It is alleged that the driving and moving power of the figure of Jesus Christ to Christianity is partly supplied in Judaism by the driving power of the Law. Devotion to the perfect and divine Law, on the one hand, an intense and even a narrow nationalism upon the other—these have maintained Judaism through the ages. It is precisely these motives which Liberal Judaism has destroyed, the one in obedience to the results of historical investigation, the other in the specious and fateful interests of a cheap religious universalism. To which criticisms I shall not reply. Both the so-called destructions have been wrought in the service of truth, and therefore in the service of religion. This is our driving power. Whither truth points, thither we must follow. We hold that Judaism is true enough and distinct enough to survive these destructions; our critics hold that it is not. Which of us is right, it is for the future to decide.

But now I come to the final difficulty, a difficulty which has indeed been just mentioned even now, for it is concerned with Jewish nationalism, but which has recently assumed a special and most complicated form.

Just as Liberal Judaism was partly the product of light and of outside environment, so the difficulty of which I have to speak is also partly, or mainly, the product of outside environment and of darkness. We saw how in the last century, between 1830 and 1870, the hopes of European Jews beat high. It seemed as if the age of prejudice and race hatred was passing away. Even in Russia, where the great majority of the Jews still reside, there were justified expectations. There, too, it seemed, till the assassination of Alexander II, as if the new era must dawn—the new era when the Russian Jews, who had lived for generations in Russia,

should become Russian citizens in fact and right, even as they desired.

But cruel has been the disappointment of our hopes. Ever since 1881 the condition of the Russian Jews has become steadily worse. Disability has succeeded to disability, oppression to oppression, pogrom to pogrom. And something more has happened, which in some ways is worse than the abominations of an Eastern despotism like Russia. There has risen up in Western Europe the dark spectre of anti-Semitism. A cruder nationalism has come into being, far bitterer and more earthy than the noble nationalism that helped to the formation of Italy. Germany is to be not only for the Germans, but for the Teutonic Germans. It is denied that men of alien blood and of another faith than Christianity can be Germans in thought, feeling, culture, and desire. Or at any rate, be they so or no, they shall be, in any case, tabooed, ostracized, and degraded. No Jew shall be an officer; no Jew shall be a civil servant; hardly a Jew shall be a professor; good society shall admit no Jews to their houses; if the odious race are to live in Germany at all, let them live apart, maligned, hated, and despised. Such is German and Austrian anti-Semitism, a movement which has, alas, spread, in one form or another, far beyond the confines of Germany. Even the Great Republic of the West has felt its influence; even there anti-Semitism has entered, and there are clubs where no Jew is admitted, schools where no Jewish child may enter, hotels where no Jew is allowed to pass the night.

I cannot here discuss the causes of anti-Semitism, or ask whether it is wholly the fault of so-called Christians, or whether Jews too have their share of blame. I simply record the facts in order to chronicle the results. For anti-Semitism has produced new parties in Judaism and a new cleavage. Or perhaps it would be more just to say that the new and cruder nationalism combined with anti-Semitism have produced these results. For, as I have

before remarked, the little Jewish world often faithfully reflects the larger outside world. That is the meaning of the proverb, "Every country has the Jews which it deserves," and of the old German saying, "Wie es christelt, so jüdelt es." The movements which animate and pulsate through the bigger world are gradually felt in the smaller world as well. Unconsciously they are imitated. The fierce nationalism of German, Czech, Irishman, Magyar, or Russian has produced a revived, and, to my thinking, a retrograde nationalism among the Jews. Retrograde because it tends to set the hands of the religious clock backwards. The Jews, too, would fain become a nation: the conception of a religious community, scattered for a religious mission throughout the world, does not satisfy them any longer. The newer nationalism has awoke dormant Jewish and racial feelings among thousands to whom religion makes no appeal; the national life, they say, is not dead; the spirit in the dry bones is beginning to stir. Israel once more feels itself a nation, and seeks to become a nation, amid the other nations of the world. And this is not all. For so much might have come even without anti-Semitism, as the mere Jewish reflexion or echo of the newer chauvinistic nationalism. But anti-Semitism has increased this reflexion or echo a hundred and a thousand fold. For despair has seized upon many. Or, again, anti-Semitism is used to buttress up nationalism, and vice versa. Many Jews say: It is no good to hope for emancipation. The Jews will always be hated. If they are not hated in England, that is because they are still comparatively few in numbers. But look at the Aliens Bill, and give heed. We have tried long enough to be Germans, Austrians, Russians, Americans. The attempt is a failure, and will always be a failure, except in the case of a very few. Let them assimilate and remain, but let the majority form a nation for themselves, segregated apart in their own free land. Anti-Semitism is not a passing disease; it is a permanent malady to which

humanity has always been and always will be subject. And one more thing they say: Do you Liberals, they argue, want the Jews to remain scattered in other nations' lands, despised, oppressed, and ostracized, for the sake of their religion, for the sake of Judaism? But the more you emancipate, the more you destroy this religion on which you set so high a store. For the maintenance of Judaism depends upon the maintenance of the Sabbath. In modern life and modern conditions the immense majority of Jews must work upon Saturdays. You can neither transfer the Sabbath (for the attempt to do so has been a failure), nor can you observe it. Therefore Judaism, if all the Jews were emancipated to-morrow, and all anti-Semitism were miraculously to cease, must slowly but surely wither and die.

This, then, is the new and last difficulty which Liberal Judaism has to encounter. And I honestly tell you that it is not a difficulty which can be easily met or demolished with a few verbal arguments. Only indomitable faith in God, faith in our religion, and perhaps, too, faith in human nature, can enable us to overcome it.

But its effects upon Liberal Judaism must be briefly mentioned and enumerated. To begin with, the national movement in all its forms has tended to take men away, both as regards thought and deed, from religious concerns. The situation, they say, is too serious to allow us to waste time over details, over the Mosaic origin of the Pentateuch, or the ritual of the synagogue, or the law of divorce. The life of "our people"—by which they mean not the English but the Jews—is at stake, and we cannot bother our heads with theories and trifles. These must wait, or they must settle themselves, as religious difficulties have a frequent habit of doing.

Then, too, the wave of nationalistic sentiment has affected many Liberal Jews. It has produced a fresh and cross cleavage, for among the warm supporters, and among the keen antagonists, of the national movement or move-

ments, there are many orthodox as well as several liberals. These liberal nationalists take different lines. Some say that the national movement can exist side by side with the liberal movement. The Jewish nation is one thing; the Jewish religion is another. There may well be a Jewish religion, as universal as you please, which men of many nations could adopt. The men of the Jewish nation need not necessarily be all members of one type of the Jewish religion, or even of the Jewish religion at all. The days of the coalescence and identity of nation and religion are over and gone. There may be Jews by faith who are not Jews by nationality, and Jews by nationality who are not Jews by faith.

This argument gives food for thought, but seems to project us too much into a distant and imaginary future. Other liberal nationalists, so far as they still interest themselves in religion and in Liberal Judaism, are inclined to modify the old universalist conceptions. They think that what we must look to is the present and not the very distant future. Judaism is, and, after all, for long must be, the religion of the Jews only. Let us take care, they say, lest in seeking to make it a universal religion, you either destroy it in the process or make it so unattractive to the Jews themselves that it will die of inanition. Many of the old ordinances and ceremonies which we can no longer obey or celebrate as the expression of the divine will, we may and should observe as national bonds charged with national sentiment. There is no reason why a national deliverance, such, for instance, as the Maccabaean Feast of Dedication, should not also receive a religious consecration, and among the festivals which the purest liberalism would retain, there are some, such as the Passover, which have admittedly both a national and a religious significance. It is the distinctive feature of Judaism that to universalist dogmas it unites a keen national sentiment and picturesque national rites. It is a distinctive feature in it that religion and nationality are made to stimulate

each other; the religion purifying the nationality, so that no possible feeling of false, chauvinistic or anti-alien nationalism can be aroused, and the nationality deepening the ardour and appeal of the religion. Why, they say, should this peculiar combination not be utilized? Why destroy it in order to create a sort of milk-and-water, abstract, colourless, cold and feeble Jewish Unitarianism?

How far Liberal Judaism may be affected in the future by these arguments it is impossible to say. Nor will I here discuss their validity. Those nationalists who remain keen generally as regards religion, or keen specially as regards liberal religion and Liberal Judaism, are our friends: to them, as to the anti-nationalists, Liberal Judaism is dear, and these as well as those proclaim themselves openly its advocates and adherents. Let each work for it in their own way.

Far more dangerous to the cause are they whom anti-Semitism and nationalism have, as it were, driven in upon themselves, and who seem to set more value upon the rites which separate than upon the great prophetic verities which unite. Far more dangerous are they who desire to soften and to mediate, to let sleeping dogs lie, to cling to the old as to a relic, or to throw a false glamour of poetry and romantic sentiment upon outworn conceptions and institutions. Most dangerous to the cause above all are those who either say, Believe what you like, but nevertheless observe rites though to you individually they have no meaning and no sanction; or who say, do what you like individually, but keep silence; in the presence of the foe without, let there be an appearance of peace within; let institutional and official Judaism continue, without rival and without criticism, however much the individual souls are starved, and however much they are alienated from Judaism, from religion, and from God.

Blurring of the outline; unclear thinking; slow stagnation; peaceful decay—none of these are favourable to the cause of liberal religion and of Liberal Judaism. But

I would not have you believe that my faith in the future of my religion has waxed cold, or that amid the many difficulties there are no signs of progress and reasons for hope. I am still an unabashed believer in human progress, and I am still unable to believe that anti-Semitism—born of race hatreds and religious prejudice—is a permanent attribute of mankind. For the rest, Liberal Judaism, like every other form of religion, is, I admit, upon its trial. Those who hold it to be true must believe in its ultimate victory, for part of its very doctrine is a faith in the ultimate triumph of truth. If it must die that its doctrines may live, live under other names and championed by wider organizations, that would be in itself no ignoble end. But be its victory through life or through death, the duty of those who now believe in it remains the same. The death of victory would be far other than the despair of suicide. So those who believe in it will still fight on, with hope and courage, towards the cherished, though distant goal.

C. G. MONTEFIORE.

JEWISH MARRIAGES AND THE ENGLISH LAW.

AT the present time the validity of Jewish marriages celebrated in England is expressly declared by several Acts of Parliament; the question how far such marriages are valid, apart from this statutory sanction, is one of considerable difficulty. Moreover, the proper interpretation of the Marriage Acts, so far as they concern Jewish marriages, is an interesting but by no means easy subject.

Recognition by English law in the pre-expulsion period of marriages solemnized in accordance with the *lex Judaica*.

There is evidence that Jewish marriages were recognized for some purposes by the law of the land in the days before the expulsion of the Jews by Edward I, for there are at least two cases cited in books of acknowledged authority in early law. The first is as follows. A Jew born in England purchased land and married a Jewess. The husband was converted to the Christian faith and died. His widow, who had not been converted, claimed her dower. It was resolved in Parliament that she should not have dower because she had refused to be converted with her husband [1].

[1] Co. Lit., 31 b, 32 a. Jenkins, 8 *Cent. of Reports*, p. 3, case 2 (in the margin). Tovey, *Anglia Judaica*, p. 230. The latter gives the entry of the close rolls at length. It is as follows:

"Ostensum est regi, ex parte Isaac de Cantuar. Judaei, quod cum emerit de Abbate Sancti Augustini Cantuar. quandam domum in Cantuaria, quae fuit Augustini Conversi, et quam idem Augustinus postquam se converterat, dederat praedictae domui Sancti Augustini, Chera Judaea quae fuit uxor praedicti Augustini, petit versus praedictum Isaac dotem suam de domo praedicta. Quia vero contra justitiam est, quod ipsa Chera dotem petat vel habeat de tenemento quod fuit ipsius viri sui, *ex quo in conversione sua noluit ei adhaerere et cum eo converti* Mandatum est Justiciar. ad custodiam Judaeorum assignat. &c., quod si ita est, de caetero placitum inde non teneant.

T. R. apud Cant. 5 die Aprilis, Claus. 18 H. 3, m. 17 dorso."

This case was decided in the year 1234, nearly sixty years before the expulsion; the other case occurred nine years after that event, and is also concerned with the marriages of Jews who had subsequently been converted to Christianity. In the year 1299, an Essex jury found that Henry de Winton and his wife had married according to Jewish law, and afterwards become Christians and had issue, a son Thomas, who, they find, is the heir, provided that the marriage solemnized before the conversion can be held good[1].

The question, no doubt, in both these cases was the effect upon a Jewish marriage of the conversion to Christianity of one or both the parties to it, and it was definitely decided that where one of the spouses only became a convert he could treat the marriage as null and void, on the ground that a true believer was not bound to live in wedlock with an infidel, so that the spouse who remained unconverted lost all the rights which the marriage would have otherwise conferred[2]. Where both spouses were converted, the question whether the marriage remained valid or not seems to have been unsettled at the time of the expulsion. It was probably not frequently raised, for it could only be of importance where property was claimed,

[1] *Calend. Geneal.*, II, 563. *Inq. Post. Mort.*, 27 Edw. I, no. 12. The record is as follows:

"Juratores dicunt quod dictus Henricus de Winton duxit quandam in uxorem sub lege Judaica, et postea conversi erant ad legem Christianam. Et generabant quendam filium, Thomam nomine, quem dicunt esse haeredem propinquiorem ipsius Henrici si matrimonium praecontractum inter ipsos antequam conversi essent rite stare posset. Item dicunt quod dictus Thomas est aetatis triginta annorum et amplius. Essex."

[2] A Jewish widow's right to dower, and therefore, by implication, the validity of her marriage was undoubtedly recognized, see the addenda to Jacob's edition of Roper on Husband and Wife, p. 476 (note). Prynne gives a writ to the justices of the Jews in 23 Hen. III, directing them to put the two sons of one Samuel, a deceased Jew, into possession of his lands and chattels on payment of a fine, "salvo uxori ejusdem Samuelis rationabili dote sua, secundum legem et consuetudinem Judaeorum," p. 27.

and the rule of feudal law, which was strictly enforced, was that by the ceremony of conversion the whole of the convert's property passed to the Crown. It was for this reason that the *Domus Conversorum* or Hospice for the maintenance of Jewish converts was established by Henry III in 1232[1]. Henry of Winton had apparently acquired land after his conversion, but most of the Jewish converts spent the remainder of their days in the *Domus Conversorum* as pensioners upon the royal bounty.

These cases are cited here to show that in these ancient times a marriage of Jews, according to the *lex Judaica*, was recognized even in the case of claims to land by a widow in respect of her dower or a son in respect of his inheritance. This recognition is the more important, because in the case of such claims the lay courts of law required strict proof of an alleged marriage, and refused to recognize the marriage of Christians unless it was celebrated *in facie ecclesiae*, or at least in the presence of an ordained clergyman. Indeed, as a result of the decision in the Queen *v.* Millis[2], the English lawyer is bound to assume that in all cases where the existence of a marriage was in issue, the ordinary courts of law were more strict than the ecclesiastical courts, which, in accordance with the canon law that prevailed throughout Christendom, considered any contract *per verba de praesenti* (i.e. where the parties acknowledged each other as man and wife), and even a contract *per verba de futuro*, if followed by cohabitation, constituted a valid marriage, although neither made in church nor in the presence of a priest. No doubt the parties to such clandestine and irregular marriages were held to have committed an ecclesiastical offence and were liable to the censures of the Church, and to be compelled by the spiritual court, at least after the time of Pope Innocent III and the Lateran Council (A.D. 1215), to

Decision of the House of Lords in 1844 that the presence of a clergyman in holy orders was by the common law necessary to the validity of a marriage.

[1] See J. M. Rigg, *Select Pleas, Starrs, &c.*, from the Exchequer of the Jews, p. xxxvi.

[2] (1844), 10 C. & F., 534.

solemnize their marriage *in facie ecclesiae*[1], but the marriage itself was for many purposes held valid. It was not until the Council of Trent, the decrees of which were not made binding in England, issued the "Decretum de reformatione matrimonii" in the year 1563 that the presence of a priest was made essential to the validity of the marriage ceremony[2]. Nevertheless, in the year 1844, after considering all the authorities and consulting the judges, the House of Lords, sitting as the ultimate Court of Appeal, held in the case of the Queen *v.* Millis that by the common law of England from the earliest times, the presence of a clergyman in holy orders was absolutely necessary to constitute a valid marriage. It is true that on the question being put the law lords were equally divided, and that the decision not to reverse the decree of the Court below (the Queen's Bench of Ireland) was only arrived at by reason of the ancient rule of the House "semper praesumitur pro negante." Yet the decision is none the less as binding on all the courts of law, including the House of Lords itself, as if it had been arrived at unanimously, and was in fact followed by that House fifteen years later in the case of Beamish *v.* Beamish[3]. Still the diversity of opinion in the highest court shows that the broad principle laid down was by no means at the time universally

[1] See Bunting's case (1585). Moore, 170, also 4 Co. 29.

[2] Lord Stowell in delivering judgment in Dalrymple *v.* Dalrymple says, "The law of the Church, the canon law, although in conformity with the prevailing theological opinion, it reverenced marriage as a sacrament, still so far respected its natural and civil origin as to consider that where the natural and civil contract was performed it had the full essence of matrimony without the intervention of a priest; it had even in that state the character of a sacrament; for it is a misapprehension to suppose that this intervention was required as matter of necessity, even for that purpose, before the Council of Trent." (2 Hag., *Cons.* 64.) It was, however, a general, if not universal view among churchmen, long before the Council of Trent, that to make a contract of marriage complete for all purposes the sacerdotal benediction was necessary, and Selden ascribes this doctrine to the imitation of pagan and Jewish customs (Ux. Eb., lib. II, cap. 28).

[3] (1861), 9 H. & C., 274.

recognized, and enables the student to doubt its historical accuracy, though the lawyer must admit its binding authority. There are, moreover, dicta of the law lords in the case of Beamish *v.* Beamish which indicate that this principle is not applicable to a case where the presence of a minister in holy orders is impossible, and by parity of reason it may be argued that it extended only to marriages *lege Christiana* and had no application to marriages *lege Judaica*. However, whatever the ancient common law may have been, it may be safely affirmed that in the reign of Charles II the marriage of Christians was not held to be valid unless it was celebrated in the presence of a duly ordained clergyman. During the Great Rebellion and the Commonwealth, the system of solemnizing marriages in the presence of a justice of the peace had been established, and, indeed, in those times it would have been difficult, if not impossible, to secure the presence of a duly ordained minister at every marriage; upon the Restoration, therefore, it was thought necessary for the Convention Parliament, which was afterwards confirmed by the following Parliament, to pass a public Act for the confirmation of these marriages, which, in the terms of the statute, were to be adjudged, esteemed, and taken to be of the same effect as if they had been solemnized according to the rites and ceremonies established or used in the Church or kingdom of England any law, custom, or usage to the contrary notwithstanding[1].

The existence of this statute undoubtedly indicates the

[1] 12 Car. II, c. 33, and 13 Car. II, st. 1, c. 11. The ordinance of the Commonwealth is cap. 6 of 1653 called "An Act touching Marriages and the Registering thereof and also touching Births and Burials," passed by Barebone's Parliament on August 24, 1656, and confirmed by the second Protectorate Parliament in 1656 by the Act cap. 10 of that year. See Scobell, vol. II, p. 236 and p. 394. Previously by the Directory for Public Worship, which was substituted for the Book of Common Prayer by an ordinance of the Long Parliament passed in March 164⅘, marriages were to be solemnized "by a lawful Minister of the Word" and registered by him. See Scobell, I, p. 86.

prevalence of the theory, at the time when it was enacted, that the presence of a clergyman in holy orders was necessary for the legal validity of a marriage, and there are cases in the reports which show that this was not merely a popular theory, but one which was fully recognized and acted upon in the Courts. For example, in the case of Haydon *v.* Gould, which was decided by the Court of Delegates in the year 1711, it was held that a husband married in a Sabbatarian congregation, by one of its ministers, was not entitled to letters of administration to the estate of his dead wife, because the minister who solemnized the marriage was a mere layman and not in orders, and therefore the marriage was void[1]. On the other hand, the clergyman whose presence was required need not be a minister of the Church of England, for it would suffice if a person in holy orders, recognized by that church, such as a Roman Catholic or Greek priest, were present[2]. But apart from the presence of a priest, or after the Reformation a deacon duly ordained, no religious ceremony or other formality was required to constitute a valid marriage. All that was necessary was for the parties to the marriage to declare "per verba de praesenti" that they took each other for man and wife. It was universally felt to be desirable that all marriages should take place in open church after due publication of banns or the granting of a licence, and the canon law imposed penalties enforceable in the ecclesiastical courts, both on the parties to clandestine marriages and the clergyman who solemnized them. But though these secret marriages were branded as irregular, it was not till late that the law declaring them invalid was passed. The earliest legislation imposing the necessity of the publication of banns was

The other formalities required by the common law for a valid marriage. The publication of banns not indispensable.

[1] Haydon *v.* Gould (1711), 1 Salk., 119. There are several cases in the books which seem to point in the other direction (notably Jesson *v.* Collins (1704) and Wigmore's Case (1707), 2 Salk., 437), with which may be compared the arguments and some dicta in the judgment in this case.

[2] See Beau Fielding's Case (1706), 14 St. Tr. 1327, and Rex *v.* the inhabitants of Brampton (1808), 10 East, 282 at p. 288.

enacted for the purpose of assisting the revenue. In 1695, certain duties to be paid upon marriages were granted to the Crown for the purpose of meeting the expenses of the French War, and in order to prevent the evasion of this tax, which the publicity of the marriage ceremony would render more difficult, it was enacted that every clergyman solemnizing a marriage without banns or licence should be liable to forfeit one hundred pounds [1]. As means of evading the provisions of this enactment seem to have been discovered, a further statute was passed in the following year confirming the forfeiture imposed upon clergymen celebrating such marriages, and also rendering the parties to such marriages liable to a penalty of ten pounds, and the clerk or sexton assisting at their celebration to a forfeiture of five pounds [2]. The tax upon marriages was only imposed for a period of five years, but the penal sections of these statutes were not repealed. Nevertheless, they do not seem to have been enforced, for clandestine marriages continued to be so frequent that great loss occurred to the revenue by the non-payment of the duty of five shillings imposed upon every piece of paper or parchment upon which a licence or certificate of marriage was engrossed.

Accordingly in the year 1711 the legislature again intervened, and again imposed a forfeiture of one hundred pounds upon every parson, vicar, curate, or other person in holy orders, beneficed or not beneficed, who performed a marriage without banns or licence [3]. These measures did not declare secret marriages void, and in consequence failed to put an end to the evil. For though such marriages no longer took place in churches, there was a class of penniless and degraded clergymen who boldly defied the penalties of

[1] 6 & 7 Will. III, c. 6, s. 52.

[2] 7 & 8 Will. III, c. 35.

[3] 10 Ann, c. 18 (c. 19, Ruff.), ss. 176-8. The necessity for passing this enactment seems to have been that the earlier statutes punished only clergymen with benefices.

the statute, and it was well known that the "Fleet" and "Hedge" parsons drove a roaring trade. To do away with this scandal, and otherwise amend the matrimonial law, Lord Hardwicke's Marriage Act of 1753 (26 Geo. II, c. 23) was passed. It is entitled "an Act for the better preventing of clandestine marriages," and provides that all marriages solemnized in any other place than a church or public chapel, in which banns have been published, or for which a marriage licence has been obtained, unless by special licence granted by the Archbishop of Canterbury[1], shall be null and void to all intents and purposes whatsoever. The Act also abolished the jurisdiction of the ecclesiastical courts specifically to enforce a contract to marry, and laid down regulations for the publication of banns and issue of licences, and the registration of marriages, and made it felony for any person to solemnize matrimony in contravention of the provisions of the Act or to make a false entry in, or destroy a marriage register, or to forge a marriage licence. But it is expressly declared that the Act shall not extend to the marriages of any of the royal family, or to marriages in Scotland, or beyond the seas, or to the marriages amongst the people called Quakers or persons professing the Jewish religion.

Lord Hardwicke's Marriage Act, 1753.

Lord Hardwicke's Act repealed by the Marriage Act of 1823.

Lord Hardwicke's Act effectually put an end to many of the evils against which it was aimed, for in future all marriages celebrated in England, excepting those of Jews and Quakers, had to take place in a recognized church in the presence of two or more witnesses in addition to the officiating clergyman, and, moreover, sufficient means of inquiry as to the validity of any contemplated marriage were secured by the publication of banns or the procedure necessary for obtaining a marriage licence. But the Act produced other hardships and inconveniences which, after a lapse of seventy years, it was found necessary to remedy. Decrees of nullity of marriage were too easily obtainable,

[1] Which power is given by 25 Hen. VIII, c. 21 (the Peter Pence and Dispensations Act, 1533).

for the marriages of minors, celebrated without the consent of their parents or guardians, were declared null and void. Furthermore, a marriage was absolutely invalidated by a flaw or error in the publication of the banns or other necessary preliminary to it, even as against wholly innocent parties or where the error or omission had been caused wilfully or fraudulently by one of the spouses without the knowledge or connivance of the other. Accordingly the Marriage Act, 1823 (4 Geo. IV, c. 76)[1], was passed. It repealed, and to a great extent re-enacted, Lord Hardwicke's Act, and with some amendments is in force at the present time, and regulates almost all marriages celebrated in the churches or chapels belonging to the established Church. The main alterations in the law which it effected are as follows. The marriage of minors without the consent of their parents or guardians was not to be null and void, but the guilty party by whom the marriage without the requisite consent was procured, was made liable to forfeit any property coming to him or her by virtue of the marriage. Indeed, as marriage was declared to be invalid only where both the parties to it "knowingly and wilfully" intermarried in a place where banns may not be lawfully published, or without due publication of banns or a licence, or "knowingly and wilfully" consented or acquiesced in the solemnization of their marriage by a person not being in holy orders. Other regulations were that no marriage should take place more than three months after the publication of banns or granting of the licence, that the marriage is to be solemnized in a church in which the banns have been published or which is named in the license, and there are also provisions as to the residence of the parties to the marriage in the parish in which it is celebrated, and as to the due publication of banns or application for a licence. Like Lord Hardwicke's Act, the operation

[1] For the circumstances attending the passage of this Act see Walpole's *History of England from* 1815, vol. II, pp. 75-9.

of the Marriage Act of 1823 was confined to England, and did not extend to the marriages of Quakers or Jews.

In five exceptional cases marriages not in the parish church still recognized as valid.

Thus after the year 1753 there was practically only one form of marriage known to the law, namely a marriage in the parish church in accordance with the forms and rubrics of the Church of England, and after due compliance with the provisions of the Marriage Acts as to the publication of banns or the issue of licences. There were only five exceptions, namely, (1) where a special licence had been obtained from the Archbishop of Canterbury, but apart from the question of expense, such licences would only be given in exceptional cases; (2) the marriages of members of the royal family; (3) marriages solemnized beyond the borders of England; in such cases, if the marriage takes place in a foreign country with a settled system of law that recognizes Christian marriage, it is sufficient if the formalities required by the law of that country are complied with, provided that the parties, if domiciled in England, are not prohibited by our law from intermarrying. Thus the law of Scotland recognizes irregular marriages, and does not require the presence of a clergyman to make a marriage valid, and therefore after the passage of the Marriage Acts clandestine marriages could still take place among persons domiciled in England, if they adopted the simple expedient of crossing the Scotch border, and the village of Gretna Green became notorious for its runaway marriages celebrated in the presence of the blacksmith. This scandal was finally put an end to by Lord Brougham's Act of 1856 (19 and 20 Vict, c. 96), which provides that an irregular marriage contracted in Scotland shall not be valid unless one of the parties to it has his ordinary place of residence in Scotland or has lived there for twenty-one days immediately preceding the marriage[1]. On the other

[1] For the Scotch irregular marriage see Dalrymple *v.* Dalrymple (1811), 2 Hag., *Con.* 54. For the validity of the Gretna Green marriages see Gardner *v.* the Attorney General (1889), 60 L.T., p. 839.

hand, these marriages solemnized abroad must be accompanied with all the formalities required by the *lex loci actus*, or otherwise they will be held invalid here, unless they are rendered valid by the provisions of some statutory enactment, such as the Foreign Marriage Act of 1892, or by the proper application of the doctrine of exterritoriality [1]. And where a marriage takes place outside British territory, but in a place where there is no local law which governs Christian marriages, or where it is practically impossible for British subjects to comply with the local law, compliance with the very scanty requirements of the ancient common law of England will then be sufficient to constitute a valid marriage, and it would seem that the presence of an ordained clergyman may be dispensed with, if none can be found within a reasonable distance of the place in which the marriage is performed [2].

(4) Marriages amongst the people called Quakers. This privilege was at first confined to cases where both parties to the marriage were members of the Society of Friends, but is now extended to cases where one of the spouses only, or where neither of them is a member of the Society, provided that a certificate, signed by a registering officer of the Society of Friends, stating that the party on whose behalf notice of marriage is given is authorized thereto by the rules of the Society, is produced to the superintendent

[1] See Kent *v.* Burgess (1840), 11 Sim., p. 361, where a marriage between British subjects, performed by a clergyman of the Church of England at the English Church at Antwerp, in the presence of the British Consul, was held invalid on the ground that certain ceremonies prescribed by the law of Belgium had not been observed. The Foreign Marriage Act, 1892 (55 & 56 Vict., c. 23), repeals and consolidates a number of earlier Acts from 1823 onwards, known as the Foreign Marriage and Consular Marriage Acts. For its effect see Hay *v.* Northcote, L. R. [1900], 2 Ch., 262.

[2] See the Confirmation of Marriages on Her Majesty's Ships Act, 1879 (42 & 43 Vict., c. 79), and Culling *v.* Culling, L. R. [1896] P. 116, and Ruding *v.* Smith (1821), 2 Hag., *Con.* 371, and Westlake's *Private International Law*, §§ 26-32.

registrar to whom notice of intention to solemnize such marriage is given [1].

(5) Marriages amongst persons professing the Jewish religion, where both parties to the marriage profess that religion. These marriages will be dealt with in detail later.

The Dissenter's Marriage Act, 1836.

Thus, with the few exceptions here enumerated, all persons, whatever their religious creed, were compelled to celebrate their marriages in one of the churches or chapels belonging to the Church of England, and in accordance with the rites and ceremonies of that Church. This in the course of time came to be recognized as a great hardship, both to Roman Catholics and Protestant Nonconformists, and in the year 1836 an Act of Parliament to remove this grievance was introduced and carried by Lord John Russell. By this statute a wholly new form of marriage was established, namely, marriage by a Registrar's certificate, and the purely civil character of matrimony was fully recognized, for the former requirements of the presence of a clergyman in holy orders, an ecclesiastical licence, or the publication of banns, and attendance at church, once essential to a valid marriage, were no longer insisted upon. The Marriage Act of 1836 (6 & 7 Will. IV, c. 85) enabled all persons to intermarry by giving due notice to, and obtaining a certificate from, the superintendent registrar for the district in which one of the parties to the intended marriage resides. The superintendent registrar files the notice of marriage when given to him, and enters a copy of it in the Marriage Notice Book, which is open to public inspection. In order to give full publicity to these marriages, it was originally provided that all these notices of marriage should be read at the next weekly meeting of the Guardians of the Poor Law Union, but this provision proving irksome, it was repealed by the Marriage and Registration Act of 1856 (19 & 20 Vict., c. 119), which enacted instead that

[1] See The Marriage (Society of Friends) Acts, 1860 and 1872 (23 & 24 Vict., c. 18, and 35 Vict., c. 10).

the notice of marriage, unless it was to be by licence, should be suspended in the office of the superintendent registrar for a period of twenty-one days. There are also clauses enabling persons, whose consent is required by law, to prevent a marriage by writing "forbidden" opposite the notice in the marriage notice book, or any member of the public to enter a caveat against a marriage (ss. 9 and 13). The superintendent registrar may issue his certificate after the expiration of twenty-one days from the entry of the notice, or if it is accompanied with a licence, after seven days, which latter period has by the Marriage Registration Act of 1856 been reduced to one whole day. The certificate which is in force only for three months from the entry of the marriage notice, authorizes the solemnization of the marriage at the place named in it. The place may be either a church or a place of religious worship registered for the solemnization of marriages, or if the parties do not desire a religious ceremony, the office of the superintendent registrar, and except in the case of marriages in a church, where the marriage must be celebrated according to the rites of the Church of England, or where the parties are Jews or Quakers, for whom special provision is made, every such marriage shall be solemnized with open doors between the hours of eight and twelve in the forenoon (now extended to three in the afternoon by the Marriage Act of 1886, 49 & 50 Vict., c. 14, s. 1), in the presence of some registrar of the district and two or more credible witnesses. The registrar in whose presence the marriage is solemnized must forthwith register the marriage in the book supplied by the Registrar-General for that purpose, and the entry must be signed by the person (if any) solemnizing the marriage, the registrar himself, and both the parties to the marriage, and attested by two witnesses. Certified copies of this marriage register book are to be sent periodically to the Registrar-General. Persons unduly solemnizing marriages are declared guilty of felony, but from this provision the marriages of Jews and Quakers are

expressly excepted; and marriages unduly solemnized with the knowledge of both parties are declared null and void.

The Births and Deaths Registration Act, 1836.

The Act is to be read in connexion with the one immediately following it in the statute book, namely the Births and Deaths Registration Act, 1836 (6 & 7 Will. IV, c. 86), which provides for the appointment of registrars and the due registration of marriages. The following year it was found necessary to pass an Act to explain and amend these two statutes[1], and a few years later the Marriage Act of 1840 (3 & 4 Vict., c. 72) was passed to provide for the solemnization of marriages in the districts in or near which the parties reside, but the provisions of this Act are not to apply to the marriages of Quakers or persons professing the Jewish religion. Still further amendments were introduced by the Marriage and Registration Act of 1856 (19 & 20 Vict., c. 119), which abolished the requirement that all notices of marriage should be read before the Poor Law Guardians, and enacted that every notice of marriage should be accompanied by a declaration subscribed by the party giving it, that he or she believes that there is no impediment or lawful hindrance to the marriage, and lays down further regulations as to marriage notices and licences, the mode of solemnizing marriages in registered buildings, the subsequent addition of a religious ceremony where a marriage has been contracted at a registry office, the granting of licences for marriages in districts in which neither of the parties resides, and ordains the penalties of perjury against those who knowingly and wilfully make any false declaration or sign any false notice for the purpose of procuring a marriage, and further renders any person who thus fraudulently procures a marriage liable to forfeit any estate or interest in any property that might thereby accrue to him. There are further provisions enabling Quakers and Jews to solemnize their marriages by licence, and also special regulations as to the West

The Marriage and Registration Act, 1856.

[1] See the Births and Deaths Registration Act, 1837 (7 Will. IV & 1 Vict., c. 22).

London Synagogue of British Jews, which will be dealt with more particularly hereafter. The Marriage Act of 1886 (49 & 50 Vict., c. 14) extended the time for solemnizing marriages from noon to three in the afternoon, and the Marriage Act of 1898 (61 & 62 Vict., c. 58) still further increased the facilities for the marriage of Dissenters by dispensing with the attendance of the registrar, which was required by the Marriage Act of 1836, provided that the marriage is solemnized in a building registered under the Act of 1836 for solemnizing marriages, and in the presence of an "authorized person," i.e. a person who has been certified to the Registrar-General as having been duly authorized for the purpose by the trustees or other governing body of the registered building. The Act lays the duty of registering the marriage in due course upon such authorized person. Marriages in accordance with the practice and usages of the Society of Friends, or of persons professing the Jewish religion, are expressly excluded from the operation of this Act also, and the Act is in all cases optional, for the attendance of the district registrar at any registered building may still be required by persons desiring to be married, although an authorized person has been appointed under the provisions of the Act.

The Marriage Act, 1898.

As our law stands, Jews may avail themselves of any of these forms of marriage[1], but in most cases Jewish marriages are contracted under the special provisions made for Jews by the Marriage Act of 1836, and the Marriage and Registration Act of 1856. Before, however, discussing these, it will not be out of place to consider the position of Jewish marriages at the period preceding these enactments. Reasons have already been given for holding that prior to the expulsion of the Jews from England, their marriages, though solemnized in accordance with the *lex Judaica*, and without the presence of a priest as required by the *lex Christiana*, were considered legally binding for many purposes. After

The validity of Jewish marriages before the Marriage Acts.

[1] See Jones *v.* Robinson (1815), 2 Phil., p. 285.

the return of the Jews to England in the reign of Charles II, it is an undoubted fact that they continued to contract marriages in accordance with their own usages, and although there is little authority upon the subject, so far as cases actually decided in the courts of law are concerned, the opinion current amongst legal writers and the profession seems to have been that these marriages were valid. Mr. Jacob, in the Addenda to the second edition of Roper's *Husband and Wife*, which was published in the year 1826, writes upon this subject, "With respect to the Jews, it appears that their marriages have at all times been celebrated according to the rites of their own religion, and the legal validity of such marriages has been recognized in various cases, as well before as since the Marriage Act. And questions arising upon them are determined by the Jewish law, which is ascertained in the same manner as a foreign law, by the testimony of its professors. This exception to the general law has probably arisen from the peculiarities attending the state of the Jewish nation in England: having always been looked upon as a distinct people, and having for a long time been treated rather as aliens, than as native subjects. During the earlier periods of their residence in England, they were so far severed from the rest of the inhabitants as to be subjected to a distinct judicature" (the Exchequer of the Jews), "regulated to a certain extent by their own laws [1]."

Doubts thrown on the validity of Jewish marriages. 6 & 7 Will. III, c. 6.

Although this was the opinion of those learned in the law, there was undoubtedly a very widespread popular feeling that these marriages, not being celebrated in the presence of an ordained clergyman, were null and void. On one important occasion this view became embodied in an Act of Parliament. The statute 6 & 7 Will. III, c. 6, entitled "an Act for granting to His Majesty certain rates and duties upon marriages, births and burials, and upon batchelors and widowers for the term of five years for

[1] Roper's *Husband and Wife*, 2nd edition, pp. 475-6.

carrying on the war against France with vigour," among other things imposed a tax of two shillings and sixpence on the marriage of every person not in receipt of alms, and additional taxes upon the marriage of persons of rank or property, ranging from fifty pounds in the case of a duke to ten shillings in the case of the son of a man having real estate to the value of fifty pounds per annum or personal estate of six hundred pounds or upwards. In order to prevent the payment of this tax being evaded by Jews and others on the ground that the liability to pay it did not attach to a union which was not recognized by law as a valid marriage, two clauses were added at the end of the statute in the following terms: "Provided always and be it further enacted by the authority aforesaid That all persons commonly called Quakers or reputed such and all Papists or reputed Papists whether they are Popish recusants convict or not and all Jews or any other persons who shall cohabit and live together as man and wife shall and are hereby made lyable to pay the several and respective duties and sums of money payable upon marriages according to their respective degrees titles orders and qualifications as they ought to have paid by virtue of this Act if they had been married according to the Law of England which duties and sums of money shall be collected levied and paid in such manner and subject to such rules and directions and under such penalties and forfeitures as are in this Act specified and contained . . . And upon every pretended marriage which shall be made by any such person within the said term of five years according to the method and forms used amongst them the man so entering into such pretended state of matrimony shall within five days after give notice thereof to the collectors or one of them of the parish or place where he lives and in default of giving such notice he shall forfeit the sum of five pounds one moiety thereof to the King's Majesty the other moiety to the informer."

The legislature was, moreover, careful to declare that

the liability of such unions to taxation should not be taken to confer upon them any legal sanction or validity, and accordingly the final clause of the statute is worded as follows: "Provided always that nothing herein contained shall be construed to make good or effectual in law any such marriage or pretended marriage but that they shall be of the same force and virtue and no other as they would have been if this Act had never been made."

The legal position of Roman Catholic, Quaker, and Jewish marriages compared.

It is to be observed that this Act of Parliament deals with the marriages of Quakers, Papists and Jews as if they were in precisely the same legal position. But there is little doubt that until the enactment of Lord Hardwicke's Marriage Act in the year 1753 the marriage of Papists by their own priests would be recognized as valid in law. Of such marriages Sir Edward Simpson, in delivering the judgment of the Court in the well-known case of Scrimshire *v.* Scrimshire in the year 1752, says: "By the law of this country it is, I apprehend, prohibited under severe penalties for a Roman Catholic priest to be in this country and to exercise any part of his office as a Popish priest in this kingdom. But as a priest popishly ordained is allowed to be a legal presbyter, it is generally said that a marriage by a Popish priest is good; and it is true, when it is celebrated after the English ritual, for he is allowed to be a priest[1]." On the other hand, the weight of legal authority seems to incline to the invalidity of Quakers' marriages prior to the year 1753, and since the decision of the Queen *v.* Millis (1844), 10 Cl. & F., 534, it can hardly be successfully contended that such marriages were legal, for Quakers, though Christians, do not recognize any distinct priests or ministers. It is said that Sir Mathew Hale, when Chief Baron, had pronounced in favour of a Quaker's marriage, and he is bitterly attacked by Roger North in his *Life of Lord Keeper Guilford* for

[1] Hag., *Cons.*, vol. II, p. 400; see also Beau Fielding's case (1706), 14 St. Tr., 1327; R. *v.* the Inhabitants of Brampton (1808), 10 East, p. 282; and Lautour *v.* Teesdale (1816), 8 Taunt., 830.

having done so; but this does not appear to be a fair representation of that learned judge's decision, and some years later in the case of Green *v.* Green, which was a suit for the restitution of conjugal rights instituted by a Quaker, the libel was dismissed because the parties had not been married according to the forms of the Church of England[1]. In the third place, Jewish marriages were valid because of the recognition which had anciently been accorded to the *lex Judaica* in matrimonial questions. We have already observed from the perusal of the case in Lilly's *Practical Register*, which is discussed in "The Jews and the English Law[2]," that the law concerning the Jews as administered before their expulsion was applied to them after their return, so far as the altered circumstances of the times would permit. The Courts would have had no reason for disregarding the ancient decisions from which the recognition of the validity of Jewish marriages in feudal times must be inferred. Indeed, where questions concerning Jewish marriages, solemnized before the passing of Lord Hardwicke's Act, came before the Courts, it seems to have been taken for granted that such marriages were binding although not celebrated in the presence of any one in holy orders. To illustrate this, let us take the three cases which are mentioned in the books. The case of Franks *v.* Martin came before the House of Lords in the year 1760, and was a dispute as to the effect of a covenant contained in a settlement made on the marriage of Isaac Franks with the daughter of Moses Hart, solemnized in the year 1720 by Aaron Hart, the chief rabbi of the German Jews and uncle of the bride. The covenant was interpreted and enforced by the Court, but if the marriage had been invalid, the covenant would have been unenforceable,

Cases touching the validity of Jewish marriages before 1753.

[1] See North's *Life of Guilford*, p. 68; Burnet's *Life of Hale*, p. 44; Campbell's *Lives of the Chief Justices of England*, vol. I, pp. 557–8; Roper's *Husband and Wife* (2nd ed.), vol. II, pp. 463–7, and id., pp. 476–80; and Hag., *Cons.*, vol. I, App. p. 9, note.

[2] Pp. 188–9.

and there would have been no occasion to take the case up to the highest court of appeal [1]. The second case is that of Da Costa *v.* Villa Real (1733), which was a suit in the Court of Arches to enforce a contract of marriage between two opulent persons both professing the Jewish religion. The argument that the suit was not maintainable because the parties to it were Jews seems to have been raised, but overruled, and the cause was ultimately dismissed upon the ground that a lady's promise to marry "at the end of the year from her husband's death, if her father should consent" was conditional and not absolute. It is an interesting speculation whether, if the Court had held the promise to be enforceable, it would have decreed that the marriage should be celebrated in a church or in a synagogue [2]. The third and last case is that of Andreas *v.* Andreas, which was tried in 1737. Andreas and his wife were both Jews and were married according to the forms of the Jewish religion: she cited him in a cause for the restitution of conjugal rights. On the admission of the libel, Dr. Strahan objected that, as they had been married according to the forms of the Jewish nation and not of the Church of England, the Court could take no notice of such marriage, and she could not institute such a cause against her husband in the Ecclesiastical Court, and the case of Green *v.* Green (mentioned above), where a Quaker instituted such a suit and the libel was dismissed, was cited. The Court was of opinion, however, that as the parties had contracted such a marriage as would bind them according to the Jewish forms, the woman was

[1] See Franks *v.* Martin (1760), 5 Brown's *Parl. Cas.*, 151. The marriage article in question was contained in a Hebrew document, which it was unsuccessfully contended was an ordinary Ketuba, and therefore binding only on the husband, but not on the bride's father.

[2] See note in Hag., *Cons.*, I, p. 242; an action for damages for breach of promise was afterwards brought at common law, but the plaintiff was non-suited on account of being estopped by the previous judgment of the Court of Arches. See 2 Str., p. 961, and the Duchess of Kingston's case (1776), 20 St. Tr., at p. 397.

entitled to a remedy, and that the proceeding would lie and admitted the libel [1]. On the strength of these authorities, it may fairly be argued that marriages in accordance with the usages of the Jews were valid and legally binding before the year 1753.

Jewish marriages after 1753.

The Act of that year for the better preventing of clandestine marriages, better known as Lord Hardwicke's Marriage Act, contains a special clause dealing with these marriages. It is as follows: "Provided likewise that nothing in this Act contained shall extend to that part of Great Britain called Scotland, nor to any marriages amongst the people called Quakers, or amongst the persons professing the Jewish religion, where both the parties to any such marriage shall be of the people called Quakers or persons professing the Jewish religion respectively, nor to any marriages solemnized beyond the seas [2]."

This clause, though it merely excepts these marriages from the operation of the Marriage Act, was held to be an acknowledgment by the legislature of the validity both of Quaker and Jewish marriages. Thus in the case of Vigevena and Silveira *v.* Alvarez, tried by the Prerogative Court in the year 1794, in which the legitimacy of the offspring of a Jewish marriage was in issue, an objection was raised that persons coming before any ecclesiastical court to claim any right by marriage must show the marriage to have been agreeably to the rites and ceremonies of the Christian Church. The advocates on the other side submitted that this was the first time that the principle had been maintained that Jews cannot celebrate marriages otherwise than according to the rites of the Christian Church. The peculiar and fundamental tenets of their religion were adverse to their use of the rites of the Christian Church and distinguished their case materially from Dissenters, who acknowledged the same fundamental doctrines and did occasionally frequent the service of the

[1] See the note on p. 9 of the Appendix to Hag., *Cons.*, vol. I.

[2] 26 Geo. II, c. 34, s. 18.

Church. As to Quakers, the question had never been formally decided, but as to Jews it was unreasonable to maintain that their marriages according to their own rites should not be valid. If no Jewish marriage could be good, in all cases of intestacy the Crown would succeed to the effects which had never been obtained, although the Jews had long existed as a separate community. In overruling the objection, Sir William Wynne is reported to have said, "The objection taken is, as far as I know, perfectly novel. I do not recollect any case which I can name in which a Jewish marriage has been pleaded [1]; and I take it there has been no case in which a Jew has been called upon to prove his marriage. If there had, I conceive that the mode of proof must have been conformable to the Jewish rites, particularly since the Marriage Act, which lays down the law of this country as to marriages by banns or licence for all marriages had according to the rites of the Church of England and with an exception for Jews and Quakers. That is a strong recognition of the validity of such marriages. As to Dissenters there is no such exception, and no one would trust to the rules of their particular dissenting congregations for the validity of marriage. The comparison, therefore, between Jews and Dissenters does not hold, and more particularly in this that the Jews are Antichristian, the Dissenters Christian. Dissenters marry and Papists marry in the Church of England. In Haydon *v.* Gould the marriage was according to their own invention and the Prerogative Court refused to acknowledge that marriage. Here the parties are alleged to have been married 'according to the rites of the Jewish Church' and I am of opinion that this allegation is very proper to have been admitted [2]."

[1] The same judge in giving judgment in Lindo *v.* Belisario, in the Court of Arches, says that he was not aware of the case of Andreas *v.* Andreas, dealt with above, until it was mentioned during the argument.

[2] Vigevena & Silveira *v.* Alvarez (1794), 1 Hag., *Cons.*, Appendix, pp. 7 and 8, and note thereto.

A similar objection seems to have been taken in the proceedings for judicial separation brought against Baron D'Aguilar by his wife, which in the autumn of the same year came before the Consistory Court, presided over by Sir William Scott, afterwards Lord Stowell, but the objection was overruled upon the same grounds[1]. Shortly afterwards the same learned judge decided the well-known cases of Lindo *v.* Belisario and Goldsmid *v.* Bromer, and the validity of Jewish marriages became universally accepted[2]. The law on this point was held to be so certain and settled that, when the marriage law was revised in the year 1823, and Lord Hardwicke's Act repealed by the Marriage Act of that year, the marriages of Jews and Quakers are excepted from the provisions of the new Act in precisely the same terms as had been used in the earlier measure of 1753[3]. This, like the former Marriage Act, did not in terms, as did the later Act of 1836, declare the validity of these marriages, but was held to imply it by exempting them from its operation. It could, however, be argued that the true legal effect of such a clause, was to leave these marriages in precisely the same position as they had been at common law before the passage of the Acts. This view is distinctly maintained by Lord Campbell in his speech before the House of Lords in the case of the Queen *v.* Millis[4], in which, though the Law Lords were equally divided in opinion, the principle was finally laid down that the common law required the presence of a clerk in holy orders at every Christian marriage. The result of this decision and the speeches made by the Law Lords was to create a doubt as to the validity of the marriages of Jews and Quakers celebrated before the

[1] D'Aguilar *v.* D'Aguilar (1794), 1 Hag., *Ecc.*, p. 773; see also 1 Hag., *Cons.*, p. 134, note.

[2] Lindo *v.* Belisario (1795) is reported in 1 Hag., *Cons.*, 216, and see Goldsmid *v.* Bromer (1798) in ibid., p. 324, and Hopewell *v.* De Pinna (1808), 2 Camp., 113.

[3] See 4 Geo. IV, c. 76, s. 31.

[4] 10 Cl. & F. at p. 790.

The Marriage (Society of Friends and Jews) Act, 1847.

Marriage Act of 1836 came into operation. Accordingly, in the year 1847 Mr. Christie introduced and carried through Parliament "An Act to remove doubts as to Quakers' and Jews' marriages solemnized before certain periods" (10 and 11 Vict., c. 58). The Act, which is still in force, is in the following terms: "Whereas doubts have been entertained as to the validity of marriages amongst the people called Quakers and amongst persons professing the Jewish religion, solemnized in England before the first day of July one thousand eight hundred and thirty-seven, or in Ireland before the first day of April one thousand eight hundred and forty-five[1], according to the usages of those denominations respectively; and whereas it is expedient to put an end to such doubts; be it therefore declared and enacted &c. . . . That all marriages so solemnized as aforesaid were and are good in law to all intents and purposes whatsoever, provided that the parties to such marriages were both Quakers, or both persons professing the Jewish religion respectively."

Although this Act was rightly placed upon the statute book, from the arguments already stated and cases quoted there could have been but little room for doubt as to the validity of Jewish marriages, though Quakers' marriages were not in so strong a position. The true state of the case may be best seen from the statement of Lord Chief Justice Tindal in delivering the opinion of all the judges to the House of Lords in the case of the Queen *v.* Millis: "Since the passing of the Marriage Act it has generally been supposed that the exception contained therein as to the marriages of Quakers and Jews amounted to a tacit acknowledgment by the Legislature that a marriage, solemnized with the religious ceremonies which they were

[1] The days upon which the Marriage Act of 1836 (6 & 7 Will. IV, c. 85) and the Irish Marriage Act of 1844 (7 & 8 Vict., c. 81) respectively came into force. It should be noted that section 12 of the Irish Act is in precisely the same terms as section 2 of the English Act of 1836. This section, which relates to the marriages of Quakers and Jews, and expressly validates them, is specifically dealt with later.

respectively known to adopt, ought to be considered sufficient; but before the passing of that Act, when the question was left perfectly open, we find no case in which it has been held that a marriage between Quakers was a legal marriage by a contract *per verba de praesenti*; but, on the contrary, the inference is strong that they were never considered legal. . . . And as to the case of the Jews it is well known that in early times they stood in a very peculiar and excepted condition. For many centuries they were treated not as natural-born subjects, but as foreigners, and scarcely recognized as participating in the civil rights of other subjects of the Crown. The ceremony of marriage by their own peculiar forms might therefore be regarded as constituting a legal marriage, without affecting any argument as to the nature of a contract of marriage *per verba de praesenti* between other subjects [1]."

No inference, however, as to the previous invalidity of Jewish marriages is to be drawn from the mere existence of this enactment. It is merely one of those numerous Marriage Confirmation Acts which are to be found scattered at frequent intervals in the statute book, and which have sometimes been enacted as much to remove the scruples of tender consciences as to solve genuine legal doubts. This particular Act was unquestionably introduced on account of some of the dicta let fall by the Law Lords in the case of the Queen *v.* Millis, but the only discussion which took place upon it in either House of Parliament consists of a statement by Sir George Grey, the Home Secretary of the day, that "he was assured by a very high authority that no such doubt as that alluded to . . . did really exist; but as some doubt had certainly been thrown

[1] 10 Cl. & F., pp. 671–3. The whole subject of the validity of Quakers' marriages before 1836 is dealt with in the Addenda to Roper's *Husband and Wife*, 2nd ed., pp. 476 seq.; the effect of the clause in Lord Hardwicke's Act is excellently discussed at pp. 480–2. In the case of Haugton *v.* Haugton (1824), 1 Moll., 611, the Lord Chancellor of Ireland said that "as to the validity of a Quaker marriage, I have no manner of doubt."

out from the bench there could be no objection to the introduction of this Bill[1]."

The Act of 1847 confirms only Quaker and Jewish marriages contracted before the Marriage Act of 1836 came into force, because the express provisions of that Act with regard to these marriages were such as to remove all manner of doubt which could possibly be raised.

Provisions of the Marriage Act, 1836, as to Quakers and Jews.

It is now time to set these out in detail. Section 2 reads as follows: "The Society of Friends, commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriages according to the usages of the said society and the said persons respectively; and every such marriage is hereby declared and confirmed good in law, provided that the parties to such marriage be both of the said society or both persons professing the Jewish religion respectively: provided also that notice to the registrar[2] shall have been given and the registrar's certificate shall have issued in manner hereinafter provided."

It is to be noted that this section expressly sanctions the continuance of marriages according to the usages of the Jews, and further declares all such marriages valid in case certain formalities are complied with, but it does not, nor does any other provision of English law, annul or declare invalid Jewish marriages where these conditions have not been fulfilled. The inference which is to be drawn is that if these marriages were valid before the passing of the Act they will still be legal after its enactment, for Jews may continue to contract them, but they are not declared good in law. In fact, the sentences of the section must be read disjunctively; the first part continuing and affirming the already existing privilege of Jews to celebrate their marriages in accordance with their own customs; the latter part conferring a new right upon Jews relating to the proof of their marriages. Hitherto if a Jewish marriage was in

[1] Hansard, *Parl. Deb.*, 3rd ser., vol. 91, p. 748.

[2] Now by virtue of 1 Vict., c. 22, s. 1, "the Superintendent Registrar."

dispute it had been necessary to produce evidence that the ceremonies required to constitute a marriage in accordance with Jewish usage had been performed; henceforth no such proof is necessary provided that the notice has been given and the certificate issued. In short, the conditions enumerated in the proviso must be complied with in order to entitle Jewish marriages to the benefit of the subsequent section 35, to which the words in the earlier section are naturally applicable. The material part of section 35, which has since been replaced and re-enacted by section 23 (see also section 17) of the Marriage and Registration Act, 1856, is as follows: "every marriage solemnized under this Act shall be good and cognizable in like manner as marriages before the passing of this Act according to the rights of the Church of England." Inasmuch as Jewish marriages had not hitherto been cognizable in the same way as Christian marriages, this interpretation gives ample meaning to the words in question.

Theory that the Marriage Act, 1836, renders invalid Jewish marriages in which the conditions laid down have not been complied with.

It is, on the other hand, frequently maintained that the effect of the proviso is much wider, and that it annuls and makes void all Jewish marriages in which the conditions are not fulfilled. Such marriages, it is said, are confirmed and declared good in law provided that the notice has been given and the certificate has been issued, and therefore if the notice has not been given or the certificate has not been issued they are declared null and void. The addition or interpolation of any such words, in a section of one Act of Parliament which can be completely interpreted without them, would be a violation of the principles of construction recognized in English law, and would moreover be peculiarly inappropriate and outrageous in the case before us. In the first place, the Marriage Act of 1836 was an enabling and not a disabling Act. Its object was to increase the facilities of marriage, and it created a new form of marriage, but did not abolish or restrict any of the old forms. Indeed, special care is taken to prevent the impression gaining ground that marriages heretofore legal had been

invalidated by any of its provisions, for section 42, which declares certain marriages null and void, concludes with the following words: "Provided always that nothing herein contained shall extend to annul any marriage legally solemnized according to the provisions of an Act passed in the fourth year of his late Majesty George the Fourth, intituled An Act for amending the laws respecting the solemnization of marriages in England." Now Jewish marriages which took place before 1836 were undoubtedly held to be valid in consequence of the provisions of the Marriage Act of 1823 and Lord Hardwicke's Act of 1753, which it superseded, although in those times there was no registrar or superintendent registrar to receive the notice or issue the certificate. Not only are there no words in the Act expressly invalidating these marriages, but they are saved from annulment by any words from which such a result might otherwise be implied by the proviso in section 42 which has just been quoted.

Marriages previously valid are not made invalid by an Act of Parliament, unless it contains words expressly cancelling them.

Secondly, it is a well known principle of English law that the neglect or omission of any marriage ceremonies or formalities prescribed by a statute will not invalidate a marriage unless there are express words in the statute rendering it null and void. The best exposition of this principle will be found in the considered judgment of Dr. Lushington in the case of Catterall *v.* Sweetman[1]. That was a suit for nullity of a marriage which had taken place in New South Wales under a local Act of Parliament, which enabled Presbyterians to be married by their own minister instead of by clergymen of the Church of England, "provided always that . . . no such marriage shall be had and solemnized until both or one of such persons as the case may be shall have signed a declaration in writing that he or she are or is a member of the Presbyterian Church, &c." The parties had been married by this form, but the declaration had not been signed. In delivering judgment,

[1] (1845), 1 Rob. Eccl., 304; see also p. 580, and 9 Jur., 954.

Dr. Lushington said: "The words in this proviso are negative words . . . they are certainly prohibitory of such marriages being had without the prescribed requisites, and no doubt the acting in disobedience of this law is a punishable offence; but whether the marriage itself is void, or only deprived of the validity given by the Act, is I feel a question of the greatest difficulty: there are no words annulling such marriage. . . . I have, amongst other inquiries, sought to discover if there is a case on record where any Court had pronounced a marriage null and void, unless there were words in the statute expressly so declaring it, and I can find none." He then goes through the different English Marriage Acts, and cases decided under them, and continues: "From this examination I draw two conclusions. First, That so far as my research extends it appears that there never has been a decision that any words in a statute as to marriage, though prohibitory and negative, have been held to infer a nullity, unless that nullity was declared in the Act. Second, That viewing the successive Marriage Acts it appears that prohibitory words without a declaration of nullity were not considered by the legislature as creating a nullity, and that this is a legislative interpretation of Acts relative to marriage." He then considers the provisions of the Colonial Act in question and the circumstances of the case, and holds that the marriage is not null and void, concluding as follows: "I think so firstly, because I find no instance of words in any Marriage Act being held to import a nullity, if the Act did not expressly create a nullity. Secondly, if this interpretation should be at variance with decisions of other Courts on other matters, it must always be remembered that marriage is essentially distinguished from every other species of contract whether of legislative or judicial determination; that this distinction has been universally admitted; that not only is all legal presumption in favour of the validity and against the nullity of marriage, but it is so on this principle, that a legislative enactment to annul a marriage *de facto* is a

penal enactment, not only penal to the parties, but highly penal to innocent offspring, and therefore to be construed according to the acknowledged rule most strictly. Thirdly, I am confirmed in this opinion for this reason: the primary object of this New South Wales Act is remedial—to render indisputably valid past marriages; the second object is regulation—to determine what marriages in future shall be entitled to the benefit given by the Act. I consider, therefore, the regulation as restrictive of the benefit, that is, upon the legislative validity conferred by the Act, but leaving all other marriages as they stood before according to law[1]." The whole of this reasoning applies with still greater force to Jewish marriages celebrated in England after 1836, where the formalities imposed by the proviso of the second section of the Act of that year have not been complied with because the words of the section are merely declaratory, and not prohibitory as in the New South Wales Act.

Thirdly, if this contention were correct, a marriage according to the usage of the Jews, which was admittedly valid before the passing of the Act of 1836, would be in a worse position than marriages in Nonconformist chapels, which were undoubtedly null and void before that enactment. For a marriage of the latter kind is by section 42, as interpreted by the Courts, declared to be invalid only in case both the parties to it have knowingly and wilfully intermarried without fulfilling its essential conditions, and though there may have been material neglect in performing those conditions, including the regulations as to giving notice and obtaining the certificate, the marriage will still

[1] Dr. Lushington cites the cases of the King *v.* Birmingham (1828), 8 B. & C., 34, and Stallwood *v.* Tredger (1815), 2 Phill., 287, and reference should be made to the later case of Wing *v.* Taylor (1861), 2 Sw. & Tr., 278 at p. 286, also 30 L. J., P. & M., 263, where it was held that a marriage celebrated in the vestry of the church and in the presence of one witness only was valid, in spite of s. 26 of the Marriage Act of 1823.

be valid unless there is proof of a guilty knowledge of such neglect on behalf of *both* parties to it[1].

Sir Francis Jeune's Dicta upon this question.

As a matter of fact, in the only case where this point in reference to a Jewish marriage has directly come before the Courts, Sir Francis Jeune, the late President of the Divorce Division, upheld the validity of the marriage, although no notice of the marriage had been given to the registrar. The case is too ill reported to be considered of high authority, and it may in fact have been decided on some other point; but on this one the judge is reported to have said: "Another objection to the validity of the marriage was that it had not been shown that notice had been given to the registrar as required by 6 & 7 Will. IV, c. 85, ss. 2, 3, and 4. It might be assumed that no such valid notice had been given, but even if that were so, even if the defendant had 'knowingly and wilfully' married contrary to the provisions of the statute, there was no evidence that such knowledge was shared by the deceased. Section 42 of 6 & 7 Will. IV, c. 85, clearly referred to section 2, and must be taken to apply to it. The cases of Greaves *v.* Greaves (L. R. 2 P. & D. 103), and the Queen *v.* Rea (L. R. 1 C. C. R. 365) went to show that 'both' parties to a marriage must be acting 'knowingly and wilfully' contrary to the provisions of the statute for the marriage to be void under the statute. The Irish case of '*In re* Knox' (23 L. R., Ir., 542) was not binding on the Court, but was entitled to respect as a high authority, showing as it did the interpretation which had been placed on the Act, 33 & 34 Vict., c. 110, ss. 38 and 39, which contained provisions very similar to those in 6 & 7 Will. IV,

[1] See *In re* Knox (1889), 23 L. R., Ir. 542, and the Queen *v.* Rea (1872), L. R., 1 C. C. R. 365. These decisions are similar to those under the Act of 1823; as to marriages without due publication of banns or licence, see the very instructive case of Greaves *v.* Greaves (1872), L. R., 2 P. & D. 423, but it must be remembered that cases under the Act of 1823 do not necessarily apply to cases under the Act of 1836. See Holmes *v.* Simmons (1868), L. R., 1 P. & D. 523; and *In re* Rutter [1907], 2 Ch. 592, and the cases there cited.

c. 85. A marriage was not null and void unless the Act made it so. The words of 6 & 7 Will. IV, c. 85, did not make the defendant's marriage bad, and accordingly it was a good marriage[1]." The remarks of the learned judge are quoted at length because they may be thought to some extent to be in conflict with the construction of the statute as here laid down. However, the view here taken was not argued before the learned judge nor dealt with by him. In fact, he seems to have followed the argument of counsel for the defendant, who based their case, it being unnecessary to go into the wider question, upon the provisions of section 42, and the point does not seem to have been taken by either counsel that that section applies only to persons intermarrying "under the provisions of this Act" (which words apply and may be confined to ss. 20 and 21, which admittedly have no relation to Jewish marriages), whereas upon the principles laid down in Catterall *v.* Sweetman Jewish marriages may still be solemnized under the law formerly in force without reference to the Act of 1836 at all[2]. However, it is not necessary to discuss this point minutely, as it is probably purely an academic one, for no case of an irregular Jewish marriage has as yet arisen or is likely to arise which would not be decided in precisely the same way whether the view of section 42 taken by Sir Francis Jeune or the principle of construction of section 2 here laid down be adopted.

The importance of complying with the requirements of the Marriage Act, 1836, in the case

It must not, however, be thought that the marriages of Jews without giving previous notice to the superintendent registrar and obtaining his certificate should be in any way countenanced or encouraged. Though they may not be illegal they are certainly irregular, and must always be subject to the grave defect that they are exceedingly difficult of proof in case they should ever come in question in any

[1] Nathan *v.* Woolf (1899), 15, *Times Law Reports*, p. 250.

[2] See especially the report of the case the second time it came before the Court on the question of divorce under the title of Catterall *v.* Catterall, 1 Rob. Ec. 580.

legal proceeding. They are, furthermore, in direct conflict with the spirit of the later English marriage laws, which contemplate the giving of notice in every case of marriage; indeed, section 4 of the Act of 1836 expressly enacts that "in every case of marriage intended to be solemnized in England after the first day of March according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand to the superintendent registrar of the district in which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the districts of different superintendent registrars shall give the like notice to the superintendent registrar of each district," &c. Still this is what Austin calls a law of imperfect obligation, for the Act provides no sanction in case it is not complied with; but apart from the advantage in the matter of evidence to be obtained from compliance with the terms of the statute, people, and especially Jews, desire to obey statutory enactments even although no penalty is laid down for disregarding them[1]. of Jewish marriages.

It should be added that in one respect the Marriage Act of 1836 left the Jews as to their marriages in an inferior position to that of other Nonconformists, for section 11 of A licence to solemnize a Jewish

[1] Section 39, from the earlier parts of which Jewish marriages are expressly excepted, makes certain cases of gross disobedience of the Act felony; the only crime thus created, which can be committed in the case of a Jewish marriage, is that "every person who shall knowingly and wilfully solemnize any marriage in England . . . (except by licence) within twenty-one days after the entry of the notice to the superintendent registrar . . . shall be guilty of felony." So that by the terms of the Act the celebrant of a Jewish marriage may be guilty of felony for disobeying the Act when notice has been given to the superintendent registrar, yet he is not guilty of any crime when the notice has been altogether omitted.

If section 42 is held to apply to Jewish marriages, the provision as to giving notice of Jewish marriages may be said to be not altogether without a sanction, for these marriages may be in some cases made invalid, but, as has been pointed out, these cases will be in practice of such rare occurrence that they can hardly be said to give a substantial sanction to the provision.

marriage could not be granted under the Act of 1836. This defect was remedied by the Marriage and Registration Act of 1856.

the Act empowered a superintendent registrar to grant licences for marriages to be solemnized either in a registered building within his district or his own office. This provision could not apply to a marriage in a Jewish synagogue, because a synagogue could not under section 18 be registered for solemnizing marriages, for in the year 1836 it could not be a building certified according to law as a place of religious worship[1], to which alone the section is applicable. The registrar is also precluded from granting a licence for a marriage to be solemnized in one of the churches of the establishment, but for such marriages an ecclesiastical licence can be obtained. Inasmuch as obtaining a licence makes it possible to shorten the period that must elapse before the marriage can be celebrated from twenty-one to seven days (and now by the Act of 1856 one whole day) from the time of giving notice, this was felt to be a hardship upon the Jews, and was accordingly remedied by section 21 of the Marriage and Registration Act of 1856, which expressly enables the marriages of Jews and Quakers to be solemnized by licence granted by the superintendent registrar to whom the marriage notice is given.

The registration of Jewish marriages.

The next point that arises for consideration is the registration of Jewish marriages; this is regulated by the Registration Act of 1836 (6 & 7 Will. IV, c. 86)[2], which immediately follows, and is to be read in conjunction with the Marriage Act of the same year. By the thirtieth section of that Act the registrar general is bound to furnish to every person whom the president, for the time being, of the London Committee of Deputies of the British Jews shall from time to time certify, in writing under his hand to the registrar general, to be the secretary of a synagogue in England of persons professing the Jewish religion a suffi-

[1] See *The Return of the Jews to England*, pp. 125, 126.

[2] This Act is given the short title of the Births and Deaths Registration Act, 1836, by the Short Titles Act of 1892 (55 & 56 Vict., c. 10), but it constantly refers to the registration of marriages as well as to the registration of births and deaths.

cient number in duplicate of marriage register books and forms for certified copies thereof, and such secretary must immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, register or cause to be registered in duplicate particulars relating to the marriage according to the form set out in the schedule to the Act. He must further, whether he shall or shall not be present at the marriage, satisfy himself that the proceedings in relation thereto have been conformable to the usages of the persons professing the Jewish religion, and every such entry must be signed by the secretary, the parties married, and two witnesses. Every marriage secretary is further bound four times every year to deliver to the superintendent registrar, assigned by the registrar general, a true copy certified by him under his hand of all the entries during the quarter of marriages in the register kept by him, and, if there shall have been no marriage, to certify the fact under his hand [1], and to keep the marriage register books safely until they are filled. One copy of every such register book when filled is to be delivered to the superintendent registrar (to be subsequently transmitted to the registrar general), and the other copy is to remain under the care of persons professing the Jewish religion, to be kept with their other registers and records, and is for the purposes of the Act to be still deemed to be in the keeping of the secretary for the time being. The secretary is bound at all reasonable times to allow searches to be made of any register book in his keeping, and to give a copy certified under his hand of any entry or entries therein, and is entitled to fees, namely, for every search extending over a period not more than one year the sum of 1*s.*, and 6*d.* additional for every additional year, and the sum of 2*s.* 6*d.* for every single certificate.

[1] Sec. 28 of 7 Will. IV, and 1 Vict., c. 22, imposes a penalty of £10 for failure to comply with these requirements.

Offences in connexion with marriage registers.

Any secretary who refuses or without reasonable cause omits to register any marriage which he ought to register, or carelessly loses or injures any register book or certified copy thereof, or allows the same to be injured whilst in his keeping, is liable to forfeit a sum not exceeding £50 for every such offence. Moreover, sections 36 and 37 of the Forgery Act, 1861 (24 & 25 Vict., c. 98), which replace section 43 of the Registration Act, 1836, make it felony for any one, whether a marriage secretary or not, unlawfully to destroy, deface, or injure any marriage register or certified copy thereof, or to forge or fraudulently alter any entry therein, or to insert or permit to be inserted any false entry therein or in a copy required by law to be transmitted to the registrar or other officer, or to sign or verify any such copy which he knows to be false, or to take from its place of deposit or conceal any such copy for any fraudulent purpose.

Correction of erroneous entries in marriage registers.

Though fraudulent entries or alterations in the marriage register are thus severely punished, provision is made for the correction of accidental errors, for section 44 of the Registration Act of 1836 enacts that no person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be liable to any of the penalties aforesaid if within one calendar month next after the discovery of such error in the presence of the parties married, or in case of their death or absence in the presence of the superintendent registrar and two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case by entry in the margin without any alteration in the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made; provided also that he shall make a similar marginal entry in the duplicate marriage register book and in the certified copy to be sent to the superintendent registrar, or if this shall already have been made

then he must make and deliver a separate certified copy of the original erroneous entry and of the marginal correction.

The appointment of Jewish Marriage Secretaries.

The only persons capable of acting as Jewish marriage secretaries are under the Registration Act of 1836 such as are certified by the president for the time being of the London Committee of Deputies of the British Jews, generally known by its shorter title as the Board of Deputies, to be secretaries of synagogues. In order to ascertain whether any congregation of Jews desirous of having a secretary to register their marriages is a properly constituted synagogue, it is the invariable custom of the Jewish Board of Deputies to consult the chief rabbi or other ecclesiastical authority, and not to authorize their president to certify the secretary to the registrar general until a certificate stating that the congregation in question is a synagogue of persons professing the Jewish religion signed by the ecclesiastical authority is produced [1]. The Board of

[1] Thus, when a marriage secretary is to be appointed in place of one who has died or resigned, the president of the Board of Deputies can give the requisite certificate to the registrar general, enabling his successor in office to become a marriage secretary without consulting the members of the Board, but where a marriage secretary is to be appointed for a congregation which has not previously had such an officer, not only must the Board as a whole sanction the appointment, but a certificate from the ecclesiastical authorities must also be produced to prove that the synagogue is properly constituted. These conditions are imposed by bye-law 15 of the Board, which is in the following terms: "No secretary of any Synagogue, for which a secretary has not been previously certified to the registrar general by the president of the Board, shall be certified to the registrar general without the previous sanction of the Board, and due notice of the application shall be inserted in the summons convening the meeting at which the same will have to be considered." And clause 44 of the constitution of the same body, which provides that "In every future application to the Board to certify the secretary of a Synagogue under the Act 6 & 7 Will. IV, c. 86 or the Act 7 & 8 Vict., c. 81" (a similar act relating to marriages in Ireland), "for which no secretary has been previously certified by the president of the Board, such application shall be in writing, signed by the president and not less than five members of the congregation making application, and shall be accompanied by a certificate from the ecclesiastical

Deputies, which has thus received statutory recognition in respect of the appointment of marriage secretaries, was founded about the time of the accession of George III, and is the representative body of the Jews to which every recognized synagogue in the British empire is entitled to elect one or more delegates. Some few years after the enactment of the Marriage and Registration Acts of 1836 a considerable number of families of Jews seceded from the ancient Spanish and Portuguese congregation, and ultimately in the year 1842 established themselves as a separate body with a modified and reformed ritual under the title of the West London Congregation of British Jews. The Jewish ecclesiastical authorities refused to recognize the new congregation as a synagogue of persons professing the Jewish religion, and the president of the Board of Deputies accordingly declined to certify the secretary of the new congregation to the registrar general. In consequence any of its members who desired to have their marriage properly recorded and legally registered had perforce to first go through the civil form of marriage in a registry office and subsequently have the religious ceremony solemnized in the synagogue[1]. This inconvenience, which arose from the spirit of intolerance which at that time prevailed among the orthodox section of the Jewish community, was in due course remedied by the British Parliament, which was then espousing the cause of religious toleration. This was effected by section 22 of the Marriage Registration Act of 1856, which conferred upon the members of the West London Synagogue and their

The West London Synagogue of British Jews.

authorities referred to in Clause 6 testifying that the applicants do constitute a Jewish synagogue."

[1] They could not require the presence of the registrar at the synagogue and be married there in his presence as provided by sec. 20 of the Marriage Act of 1836, because a Jewish Synagogue could not be registered under section 18 of the Act for the purpose of solemnizing marriages therein, for at this time it could not be a building certified according to law as a place of religious worship (see *The Return of the Jews to England*, pp. 125, 126).

secretary practically all the powers in relation to the registration of Jewish marriages which had been vested in the Board of Deputies by the Act of 1836. The section is as follows: "The registrar general shall furnish or cause to be furnished to the person whom twenty householders, professing the Jewish religion and being members of the West London Synagogue of British Jews, shall certify in writing under their hands to the registrar general to be the secretary of the West London Synagogue of British Jews, and also to every person whom such secretary shall in like manner certify to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, and being in connexion with the West London Synagogue, and having been established for not less than one year, a sufficient number in duplicate of marriage register books and forms for certified copies thereof; and every secretary of a synagogue to whom such books and forms shall be furnished under this Act shall perform the same duties in relation to the registration of marriages between persons professing the Jewish religion as under an Act passed in the session of parliament held in the sixth and seventh years of his late Majesty King William the Fourth, chapter eighty-six, intituled, 'An Act for registering Births, Deaths, and Marriages in England,' are to be performed by the secretary of a synagogue to whom marriage register books and forms for certified copies thereof have been or shall be furnished under that Act."

This power of certifying marriage secretaries, conferred by the Act of Parliament on the secretary of the West London Synagogue, has been very jealously guarded by the council of that congregation, by whom it is in fact exercised [1]. Up to the present time it has been very

[1] By Law 89 of the West London Synagogue of British Jews the secretary "shall perform, in relation to the Registration of Marriages, the duties mentioned in the 22nd section of 19 & 20 Vict., c. 119; but he shall not certify, in pursuance of the section, without the authority

sparingly employed, and only two provincial synagogues, one at Manchester and one at Bradford, have secretaries certified under the provisions of this section.

The Secretary of a Synagogue cannot be "an authorized person" under the Marriage Act of 1898.

It has been suggested that it is possible for a congregation of Jews to escape the jurisdiction both of the Board of Deputies and of the Council of the West London Synagogue of British Jews in regard to marriages by constituting their secretary or other officer "an authorized person" within the meaning of the Marriage Act of 1898, and so enabling him to obtain from the registrar general the requisite marriage register books and forms under section seven of that statute. But this result cannot be attained under the terms of the Act because a "registered building," the trustees or other governing body of which can alone certify an authorized person, is strictly defined as a building registered for solemnizing marriages therein under the Marriage Act, 1836; and, as has been already stated[1], a Jewish synagogue could not be so registered under section 18 of that Act, for there was no legal provision in existence in the year 1836 for certifying a Jewish synagogue as a place of religious worship as required by that section. Several attempts to obtain the registration of synagogues under the Marriage Act of 1836, with a view, no doubt, to subsequently bring into operation the provisions of the Marriage Act of 1898, have been made, but the registrar general has finally decided that a Jewish synagogue cannot be legally registered for such purposes[2].

The proof of a Jewish marriage.

The registration of marriages, the machinery for which in the case of Jewish marriages has been described, is instituted for the purpose of facilitating their proof. This subject, the proof of a Jewish marriage, must now be more particularly discussed. As a general rule the pro-

of the Council, any person to be the secretary of a synagogue in connexion with the synagogue."

[1] See note 1 to p. 428.

[2] See *The Annual Report of the London Committee of Deputies of the British Jews*, April, 1891, pp. 14–15, and ibid., April, 1904, pp. 16–18.

duction of the register or a certified copy of it, together with sufficient evidence to identify the parties mentioned in the register, will be the most convenient method of proving a marriage[1]. But it is not necessary to adduce this form of proof in all cases. Dr. Lushington, in delivering judgment in Woods *v.* Woods, says: "I am of opinion that the register is not, in contemplation of law, the best evidence for three reasons; first, that registration is not necessary for the marriage itself (he had previously said in the same case, where the legality of a marriage is in question, it has been decided that, even if the marriage be not registered at all, if the fact of marriage can be proved, the non-registration will not affect its validity); secondly, that no error or blunder in the register could affect the validity of the marriage; and thirdly, that registration is not like an agreement or a deed in writing, the contents of which cannot be proved by viva voce evidence, but it is a mere record afterwards of what has been done, and, no doubt, a very important record to those who enter into the compact; but it is a mere memorandum of the compact they enter into, not the compact itself. I am encouraged in this opinion by the course of practice in the courts of law, which consider that, in order to establish a marriage, the evidence of any one person present at the marriage is sufficient, without calling for the register at all[2]."

Presumption of marriage.

Indeed, except in a few special cases, such as an indictment for bigamy or a suit for dissolution of marriage on the ground of adultery, or restitution of conjugal rights, it will be sufficient to show that two persons lived together and acknowledged each other as man and wife to prove a valid marriage, for in such a case, unless the contrary be proved, the law will presume that a valid ceremony of marriage

[1] 6 & 7 Will. IV, c. 86, s. 38, "All certified copies of entries purporting to be sealed or stamped with the seal of the said Register Office shall be received as evidence of the birth, death, or marriage to which the same relates, without any further or other proof of such entry," &c.

[2] Woods *v.* Woods (1840), 2 Curt. 516 at pp. 520, 522.

has taken place, and this presumption of law will still be recognized in spite of the greater facilities of proof which the modern system of the registration of marriages has introduced [1]. This presumption in favour of marriage is so strong that it has been held to extend to the case of a Jew and a Christian cohabiting together and still adhering to their own religions. Thus in the case of Goodman *v.* Goodman evidence was produced to the effect that Isaac Goodman and Charlotte Seering resided together and cohabited, partly in England and partly in Belgium, from about the year 1804 to the death of the latter in the year 1832, that they were considered husband and wife, and that the children born of the union were registered as born in wedlock, but no evidence was given of the solemnization of any marriage between them. Although the relatives of Isaac Goodman swore that they never recognized the marriage, and some of them that they had never heard that it was reported to have taken place, it was held upon the weight of evidence and affirmed on appeal that it must be presumed that a marriage had taken place between Isaac Goodman and Charlotte Seering, and that the children of their union were legitimate and entitled to a share in a fund settled upon Isaac Goodman's next of kin [2].

[1] See Sastry Velinder Aronegary *v.* Sembecutty Vaigalie (1881), 6 A. C., 364, and *In re* Shephard [1904], 1 Ch. 456. The latter case seems to go too far, if it is to be assumed (as Kekewich (J.) did, see p. 462) that the marriage, presumed to have taken place in France, was impossible according to French law. It should be added that a marriage may be established by reputation, though one of the parties to it denies it. See Elliott *v.* Totnes Union (1893), 57 J. P. 151.

[2] Goodman *v.* Goodman (1859), 28 L. J., Ch. 745, and 4 Jur., N.S. 1220, and 5 ibid., 902. The will of Henry Goodman, the father of the said Isaac, was productive of a large amount of litigation. See in addition to the case already cited, Goodman *v.* Goodman (1847), 1 D. G., and Smale, 695 ; Goodman *v.* Goodman (1862), 3 Giff. 643, and there was further litigation on the death of his daughter Rachel as to who were entitled to succeed to her property as her next of kin. See *In re* Goodman's Trusts (1880), 14 Ch. D. 619, and on appeal 17 Ch. D. 266.

How a Jewish marriage is proved.

In cases where the fact of marriage will not be presumed and where proof of registration in accordance with the Registration Acts is not available, it will be necessary to prove first the formalities which were gone through, which must be done by a witness who was present at the ceremony, and, secondly, that those formalities constitute a valid marriage according to Jewish law. This latter is a question of fact which must be proved in every case in the same way as the principles or effect of any other foreign law are proved; i.e. by one or more expert witnesses learned in that law. As a general rule the best witness will be a Jewish rabbi, and it will be of advantage to have his opinion confirmed by the decision of a Beth Din or Jewish ecclesiastical court of three persons learned in Jewish law, but such evidence is not absolutely necessary; for the testimony of any person skilled in Jewish law may be accepted, and in the case of a difference of opinion or conflict of evidence among the witnesses the Court is entitled to form its own judgment as in any other case of disputed facts[1].

Formalities necessary for a valid marriage according to Jewish usage.

The requirements of the Jewish law, which may have to be formally proved in every case, are enumerated in the written statement of the late Chief Rabbi, Dr. Nathan M. Adler, in his written statement furnished to the Royal Commission on the laws of marriage appointed in the year 1865, as follows: "Two fit and proper persons must be present during the solemnization of marriage and attest the same.

"The religious ceremony consists:—

"(*a*) Of the putting of the ring on the finger of the bride by the bridegroom, while pronouncing the words, 'Thou art wedded unto me according to the law of Moses and Israel.'

"(*b*) The pronouncing of the benediction by the minister

[1] See Lord Stowell's judgment in Lindo *v.* Belisario (1795), 1 Hag., *Cons. Cas.*, at p. 238, and pp. 259-60.

before and after the marriage vow (alluded to in Genesis xxiv. 60 and Ruth iv. 11, 12).

"(*c*) The publication of the marriage contract (alluded to in Tobit vii. 13, 14)."

But to constitute a valid marriage according to the usage of the Jews, the first mentioned ceremony (*a*) which is known as kedushim, if followed by consummation, is the only essential one, for though the others are omitted the marriage will still be binding, for marriage, although regarded as a divine institution and proper to be sanctioned by the blessing of religion, may be contracted in the absence of a rabbi or other minister of religion, provided that two competent witnesses are present [1]. "The essential portion of the marriage ceremony is, that the bridegroom places a ring on the finger of his bride, in the presence of two fit and competent witnesses, while pronouncing the words in Hebrew: 'Behold, thou art wedded (literally consecrated) unto me by this ring, according to the law of Moses and of Israel [2].'"

[1] The presence of two competent witnesses is essential to the validity of a marriage ceremony. No ceremony performed in their absence can be binding. "According to the Talmudic Law, only males who are of age, of sound mind and of moral character, are, in general, regarded as competent to act as witnesses. Besides, the witnesses may be closely related neither to each other, nor to either of the parties to the marriage." See Mielziner on the Jewish law of Marriage and Divorce, § 41.

[2] Per Dr. Hermann Adler in Hammich's *Law of Marriage*, p. 369. He adds: "This Act is preceded and followed by prayers and benedictions offered up by the minister who solemnizes the ceremony, in which the blessings of heaven are invoked upon the bridal couple.

The marriage covenant is read, in which the bridegroom declares to his bride 'I will honour and cherish thee; I will work for thee; I will protect and support thee, and will provide all that is necessary for thy due sustenance, even as beseemeth a Jewish husband to do.' It also sets forth that the bride has plighted her troth unto her affianced husband in affection and in sincerity." But though these further ceremonies are usual, they are not essential to the validity of the marriage. See also Mielziner on the Jewish law of Marriage and Divorce, § 51. The form of the Ketuba or Marriage Contract is given in the same work, § 49. See also *Jewish Encyclopedia*, VII, 472.

The case of Lindo *v.* Belisario, 1795.

In two well-known cases of jactitation of marriage, the question of the formalities necessary to constitute a marriage according to the usages of the Jews has been directly raised. The first of these is Lindo *v.* Belisario, which was tried before Lord Stowell in 1795 and afterwards affirmed on appeal to the Court of Arches. In that case it was proved that on the 26th of July, 1793, between eleven and twelve o'clock in the morning, Esther Lindo, who was then unmarried and sixteen years of age, and Aaron Mendes Belisario, aged twenty-six or twenty-seven and a bachelor, went to the house of the latter's brother in Little Bennet Street, and there in the presence of Abraham Jacobs and Lyon Cohen, two credible persons of the Jewish nation, he (Belisario) said to Esther Lindo, "Do you know that by taking this ring (meaning a ring which he then produced to her) you become my wife?" to which she answered, "I do." He then said to her, "Do you take this ring freely, voluntarily, and without force?" to which she answered, "I do"; thereupon, in the presence of the witnesses, the said Aaron Mendes Belisario delivered to and placed the ring upon the forefinger of the left hand of the said Esther Lindo, which she tendered to him for that purpose, and she freely and voluntarily accepted and received it, and at the same time he repeated to her certain words in the Hebrew language, which were the well-known formula already set out. After hearing several witnesses skilled in Jewish law, and receiving the written answers to certain questions put by the Court to the members of the Beth Din, it was held that this ceremony did not constitute a binding marriage, because there had been neither consummation nor any nuptial benediction or any other of the ceremonies known as Chuppa. According to the evidence it was a betrothal, or at the most an inchoate marriage, which might prevent the parties from marrying again until a divorce was given, but it did not give the man any authority over the woman's fortune or person, rights which

are the necessary consequences of marriage according to English law[1].

The case of Goldsmid *v.* Bromer, 1798.

The second case, that of Goldsmid *v.* Bromer, came before the same judge in the year 1798. The facts proved were that on the 22nd of November, 1795, David Bromer and Maria Goldsmid, then sixteen years of age, the daughter of the well-known financier, met by appointment and went in a coach to the Shakespeare Tavern in Covent Garden, where two persons were in readiness as witnesses. In their presence the Hebrew words which constitute the ceremony of Kedushim were pronounced, and this was followed by cohabitation between the parties. Accordingly, as consummation had taken place, the marriage could not be effectively impugned upon the ground, successfully taken in the former case, that Kedushim alone could not create a valid marriage. It was, therefore, objected that the witnesses were incompetent, and contended that the marriage was for that reason invalidated. After hearing evidence of the Jewish law the Court upheld this objection, and pronounced against the validity of the alleged marriage on the ground that it is essential to a binding Jewish marriage that it should be attested by two competent witnesses, and that of the witnesses to the ceremony in question one was disqualified by Jewish law on the ground of non-conformity, it having been proved that he had profaned the Sabbath, eaten forbidden meats, and stated that he was no Jew, but considered himself as bound only to the exterior observances of the religion in compliance with the wishes of his father, while the other (who was Bromer's first cousin) seems also to have been disqualified (though it was not necessary to decide the point) by reason of his relationship to one of the parties. This decision was afterwards affirmed on appeal both by the Court of Arches and the Court of Delegates[2].

[1] 1 Hag., *Cons. Cas.*, pp. 216-61, and ibid., Appendix, pp. 7-24.

[2] 1 Hag., *Cons. Cas.*, pp. 324-36.

It must be remembered that both these decisions were arrived at on the evidence placed before the Court, and are really judgments of fact and not of law. They are not binding precedents, and would not necessarily be followed if similar facts were proved; for instance, it is by no means certain that a witness to a Jewish marriage would be held incompetent because he was proved to have eaten food that was not kosher. They are, however, valuable as showing the principles on which the Courts will act.

Theory that a Ketuba or written contract is necessary to the validity of a Jewish marriage.

It is sometimes said that in order to prove a Jewish marriage where there has been no registration, it is necessary to produce the ketuba or written contract of marriage, and several charges of bigamy have been withdrawn from the jury at the Central Criminal Court because the first marriage having been celebrated abroad according to the usages of the Jews the prosecution have been unable to produce such a document[1]. But these cases cannot be considered authoritative, they were not decided by a judge of the High Court, and the ruling of law was given on the authority of a case which does not, when scrutinized, warrant it. The case is that of Horn *v.* Noel which was tried before Lord Ellenborough in 1807. It was an action upon a bill of exchange, in answer to which the defendant stated that she was a married woman, and therefore not liable under the old common law in force before the Married Woman's Property Acts, and two witnesses were called, who swore that they were present in the Jewish Synagogue, in Leadenhall Street in the year 1781, when the defendant was married by the high priest to Henry Noah, who had since taken the name of Noel and was still alive. Thereupon counsel for the plaintiff contended that this evidence was insufficient, and that it was necessary also to prove a written contract. The contract in the Hebrew language was accordingly put in and the plaintiff

[1] See Reg. *v.* Althausen (1893), 17 Cox 630. Reg. *v.* Nassilski (1897), 61 J. P. 520.

was non-suited[1]. There was in truth no ruling of law at all; an objection was taken by one of the counsel in the case, this was immediately satisfied by the other side, and that was the end of the matter. On the other hand, in giving judgment in the case of Nathan *v.* Woolf, the late Sir Francis Jeune expressly held that there might be a valid Jewish marriage even though there was no written contract at all[2], and in the leading case of Lindo *v.* Belisario Lord Stowell dealt with this point and on the evidence before him, and in particular on the strength of a certificate given by the Beth Din in respect of the marriage of one Benjamin Mendes Henriques in the year 1776 decided that, though there were no ketuba or sacred benedictions and blessings, a Jewish marriage might be good and valid[3]. The ketuba is, in fact, a marriage settlement rather than a marriage contract, and though it usually accompanies it is not an essential part of the Jewish ceremony of marriage[4].

The English Courts will not take judicial notice of the Jewish marriage law.

To sum up the English Courts will not take judicial notice of the Jewish marriage law, although it is recognized in the Marriage Acts, but will require it to be proved in every case in the same way as foreign law has to be proved, and if the marriage has taken place out of the jurisdiction, then it must, at least if it is in a country with a recognized system of law, also be proved that the marriage is valid by the law of that country[5].

[1] Horn *v.* Noel (1807), 1 Camp. 61.

[2] Nathan *v.* Woolf (1899), 15 Times L.R. 250. In the more detailed report in the *Jewish Chronicle* of March 17, 1899, Sir F. Jeune is reported to have said: "From the evidence last given it appears clear that the contract is one thing and the form of marriage another, and that the form of marriage constitutes a valid marriage, even though there is no contract at all. The contract is in point of fact more a civil matter in order to provide maintenance rather than that it goes to the essence and validity of the actual marriage."

[3] 1 Hag., *Cons. Cas.*, pp. 227–30.

[4] For the Ketuba see Mielziner, §§ 48–50. It is also discussed in the case of Montefiore *v.* Guedalla [1903], 2 Ch. 26.

[5] See the note on the case of Reg. *v.* Weinberg (1898), 33 L. J. (Notes), 239.

Consequences of the differences between English and Jewish law in the table of prohibited marriages.

There are certain marriages, such as one between uncle and niece, and formerly one between a man and his deceased wife's sister, which are permissible by Jewish law, but which are prohibited by the law of England. Such marriages will not be valid if they are contracted by Jews in accordance with Jewish rites and ceremonies, for the special privileges accorded to Jews extend only to the form of the marriage contract, and do not confer any status or capacity upon British subjects who profess the Jewish religion which is not shared by their Christian fellow subjects[1]. On the other hand, some marriages, which are permissible by English law, are forbidden by Jewish law; for instance, a man who has divorced his wife on the ground of adultery may not remarry her, if she has married another husband and is free to marry again on account of having become a widow or having been divorced a second time[2]. Again, the members of the priestly clan or descendants of Aaron, who generally, though not always, bear the family name of Cohen, are forbidden to marry any one except a maiden of the house of Israel or the widow of a priest[3]. Although since the destruction of the Temple the Jewish priesthood has ceased to exist, according to the usages of the Jews the Aaronites

[1] The marriage will not be validated by the parties to it going abroad for its celebration. See the recent case of *In re* De Wilton, De Wilton *v.* Montefiore [1900], 2 Ch. 481.

[2] See Deut. xxiv. 1–4, and compare Jeremiah iii. 1.

[3] In Leviticus a distinction is drawn between the ordinary priests or Aaronites and the high priest. In ch. xxi. 7: "They (the priests) shall not take a wife that is a whore or profane; neither shall they take a woman put away from her husband: for he is holy unto his God." Whereas in ver. 14 it is said of the high priest: "A widow or a divorced woman, or profane, or an harlot, these shall he not take: but he shall take a virgin of his own people to wife." But by the time of the Prophets this stricter rule seems to have been extended to all the priests, for it is said of them in Ezekiel xliv. 22: "Neither shall they (i.e. the priests, the Levites, the sons of Zadok, see ver. 15) take for their wives a widow, nor her that is put away: but they shall take maidens of the seed of the house of Israel, or a widow that had a priest before."

still retain their ancient privileges in the synagogue, and according to Jewish law and custom this particular disability still attaches to them. In consequence, a marriage between a Cohen and a widow or a proselyte will not be celebrated in a Jewish synagogue or by a Jewish rabbi. Even the Reform synagogues, which do not recognize the special privileges of Cohenim, rightly decline to perform these marriages upon the ground that there is grave doubt as to their legality. Persons who desire to contract such marriages are accordingly directed to have a civil marriage before the registrar, and in some few cases a religious ceremony has afterwards been performed in the synagogue. In such cases the religious ceremony does not and is not intended to constitute a legal marriage, the parties to it being already man and wife in consequence of the proceedings before the registrar. Without the civil proceedings it would seem upon principle, for there is no direct authority on the point, that such a marriage would be null and void; for though the privilege given to the Jews by the Marriage Acts relates only to the forms and ceremonies of marriage, those who avail themselves of it must strictly comply with the terms on which it is granted. The terms are that the marriage must be contracted according to the usages of the Jews, and it is not in accordance with the usages of the Jews if one of the parties to it is prohibited by Jewish law and custom from marrying the other. It was held in Bromer *v.* Goldsmid[1] that a Jewish marriage was invalid because it was not witnessed by two persons duly qualified by Jewish law; *a fortiori* must such a marriage be invalid, if the parties to it are incapable of intermarrying by Jewish law. The law of England confers a special privilege upon Jews in recognizing the validity of their marriages celebrated in accordance with their own usages, although the formalities gone through would not, according to the ordinary law, constitute a binding marriage, but if Jews avail themselves of this privilege they must comply

[1] 1 Hag., *Cons. Cas.*, 324, vide supra.

with the requirements of Jewish law, which are in such case also requirements of the law of England.

Erroneous theory that marriages permitted by English law but prohibited by Jewish law cannot in any case be contracted by Jews domiciled in England.

It is held by some that these marriages, which are prohibited by Jewish law, cannot in any case be validly contracted by Jews even although celebrated under those provisions of the Marriage Acts which are not confined to Jews, as for instance, in a registry office without any religious ceremony. This view has been strengthened by the case of Meczyk *v.* Meczyk which was recently before the Divorce Court. In that case the marriage had taken place by certificate before the registrar in the Whitechapel Registry Office under the Marriage Act of 1836, and it had been proposed to have a religious ceremony in the synagogue, but before this took place the husband told the wife that he was a Cohen, and that as she was a widow he could not marry her by Jewish law; he accordingly deserted her and afterwards committed adultery. The wife presented a petition for divorce, and the husband did not defend the suit. Upon these facts being proved, Mr. Justice Bargrave Deane is reported to have said that he was not satisfied that there was a valid marriage, and he therefore adjourned the case for further evidence. At the adjourned hearing no further evidence was called, and the judge again adjourned the case saying that, although he thought the wife was entitled to relief, yet the marriage was not proved to be a legal one, and if there was no marriage to dissolve the decree should be one, not of divorce, but of nullity of marriage. At the final hearing the judge made a decree nisi, dissolving the marriage, on the ground that there was no evidence that the husband belonged to the priestly family of Cohen, and was therefore disabled from contracting the marriage by Jewish law [1].

It will thus be seen that the judge did not deliver any judicial ruling in the case, and it is submitted that there is no justification for holding such a marriage invalid,

[1] See Meczyk *v.* Meczyk, reported in the *Times* newspaper, Oct. 25 and 31 and Nov. 7, 1905.

for in the first place the incapacity of the Aaronite to contract it will not necessarily be recognized by English law any more than the disability of persons who are bound by religious vows, or have entered religious orders, or are prohibited by the law of some foreign country under which they have been divorced from marrying again. In these and in similar cases the law of England will disregard the incapacity established by the law of a foreign country, because it is of a penal or religious nature which on grounds of public policy the law of England refuses to recognize or enforce[1].

In the second place the capacity of a person to make any contract (including marriage) in England is governed solely by the law of his domicile; if then a Jew is permanently resident in England, so as to have acquired a domicile there, his capacity to marry will be governed by the law of England only, and that law does not recognize any religious distinctions, and is the same both for Jews and Gentiles. Mr. Justice Stirling expressly held *in re* De Wilton that the exception made in favour of Jews by the Marriage Acts related only to the forms and ceremonies for celebrating a marriage, but did not extend to the capacity of the parties to contract[2]. In

[1] See Dicey on the *Conflict of Laws*, rule 122, pp. 474 seq., and Westlake's *Private International Law*, § 22 and § 16. It would appear that from the very earliest times a person who professed religion *in a foreign country* was not regarded here as "civiliter mortuus," see Co. Lit. 132 b. The right of a person divorced abroad, although prohibited by the decree of divorce from marrying again, to re-marry here was affirmed in the case of Scott *v.* the Attorney General (1886) 11 P. D. 128, which decision was explained in Warter *v.* Warter (1890) 15 P. D. 152.

[2] [1900] 2 Ch. 481, where it was held that the marriage of an uncle and niece, both domiciled British subjects, which was celebrated at Wiesbaden according to Jewish custom and practice, though valid by Jewish law was invalid as being prohibited by the law of England; similarly in Levy *v.* Solomon (1877), 25 W. R. 342, Vice-Chancellor Malins held that the subsequent marriage of Jewish parents in accordance with Jewish rites would not make their children already born legitimate, although Jewish law recognizes legitimation *per subsequens matrimonium*.

fine, if the marriages of Jews are celebrated in accordance with Jewish usages, by virtue of the special privileges conferred on the Jews by the Marriage Acts, the parties to them must not be prohibited from intermarrying either by English law or Jewish law, but if they are celebrated under the ordinary law by any of the forms which are open to Jew and Christian alike[1], they will be valid although they would not be sanctioned by Jewish law, provided that all the requirements of the English law have been satisfied.

Jewish irregular marriages.

It would not be right to conclude this essay without making some reference to a question which has long agitated the Jewish community of this country. In some cases Jews have contracted marriages according to their own rites without first giving any notice to the registrar or obtaining a certificate from him, and without having the marriage subsequently registered by a duly certified secretary of a synagogue. Such a union is known as Stille Chuppah or Stille Chosna. It has been already pointed out that such marriages, if the forms and ceremonies required by Jewish law have been duly complied with, are valid by the law of England, and in fact the marriages of all Jews in this country before the year 1837, when the Marriage and Registration Acts of 1836 first came into operation, were celebrated in this way. It is obvious, however, that such marriages are irregular and ought not to be encouraged, because they are in direct contradiction to the spirit of modern legislation regarding the registration of marriages, and furthermore great inconveniences may arise from the difficulty of proving such marriages, for where there is no registration, strict proof will be required, not only of what the requirements of the Jewish law are, but also that they have been duly complied with in the case in question. Indeed, in some instances, unscrupulous husbands have taken advantage of this difficulty, and deserted their wives with impunity.

[1] Jones, falsely called Robinson *v.* Robinson (1815), 2 Phill. 285.

Such conduct necessarily creates scandal, which reflects on the whole of the Jewish community, and yet no action has hitherto been taken by the Jews as a body to punish those of their number who thus set at nought their marital obligations. The excuses made for this inactivity are that some think that the law is not strong enough to deal with such cases, while others believe that the publicity, which would necessarily be given to them, would do great harm to the whole Jewish community. It would seem, however, that the only way to stamp out this evil, which if not checked may become so rampant as justly to arouse public indignation against those who, while cognizant of it, had done nothing to prevent it, is by bringing to justice and making an example of the wrongdoer in every case, so that it may be known as widely as possible that the duty of a husband to maintain his wife, which the law of the Jews insists upon with no less rigour than the law of the land, cannot be lightly neglected or defied. If, then, the view here expounded that these marriages are valid in law is correct, the writer is of opinion that wives deserted in this way should in all cases be assisted to obtain maintenance orders against their husbands, either under the Summary Jurisdiction (Married Women's) Act, 1895 (58 & 59 Vict., c. 59), or by proceedings in the Divorce Court, and if these orders are not complied with, or in a proper case, in the first instance the wife should be allowed to become chargeable to the parish in order that the provisions of the Vagrancy Act (4 Geo. IV, c. 83) may be rigidly enforced against the defaulting husband; who under that Act can be sentenced to various terms of imprisonment, and in the case of a third conviction to corporal punishment. The sole objection to this system is that it would introduce an exception to the principle of supporting its own deserving poor, which the Jewish community has so long and honourably maintained. If it is thought essential to remove this objection, which is no doubt a serious one, it may be pointed out that there

would probably be little difficulty in obtaining a slight amendment of the Vagrancy Act in such a way as to extend its penalties so as to embrace persons who cause their families, by reason of their wilful neglect to maintain them, to become chargeable to a Jewish Board of Guardians[1].

Proposal to make the solemnization of such marriages a felony.

If the writer's view of the law is incorrect, then some other remedy should be sought, but the legal point should first be tested in the regular and proper way. There are some who think that without testing the legal point legislation should at once be asked for declaring these marriages invalid and enacting the penalties of felony against all those who take part in celebrating them. Without discussing the propriety of attempting to obtain such a change in the law or its likelihood of success, if it were carried out it might cause great hardship and injustice. The parties to these marriages are almost always foreigners, and the ceremonies performed unquestionably constitute valid marriages according to the law of many if not most foreign countries. It would be unfair to visit with such severe punishment poor and ignorant persons (for it is amongst this class only that these marriages take place) who, in spite of the fiction of our law that every one is presumed to know it and all the changes continually being made in it, might not be cognizant that they had committed any offence. Moreover, marrying without giving notice to a registrar is not in itself a moral offence, and should not be made a serious crime unless, from the surrounding circumstances, it can be inferred that the intention was to go through a mock ceremony of marriage or evade the obligations which marriage entails. That wife-desertion is made easy is the real evil of the Stille Chuppah—an evil which would not be diminished but rather increased by a legal declaration that such a ceremony

[1] In the extreme case of a man who has married in this way absconding from his wife and taking a second one, a prosecution for bigamy might be commenced, but it would then be necessary to prove strictly to the satisfaction of a jury the legal validity of the first marriage.

cannot constitute a binding marriage. The same objection may be advanced against merely subjecting to the penalties of the criminal law all persons who take part in or in any way aid and abet a ceremony of Stille Chuppah without formally declaring it to be invalid; for it is obvious that the result of such an enactment would necessarily be to deter all persons from coming forward as witnesses and so destroy the means by which the matrimonial obligation can be enforced. Let it be once known that a Stille Chuppah will not enable the duties entailed by marriage to be set at nought, and the most serious evils resulting from these irregular marriages will disappear. It is no doubt to be wished, for reasons already stated, that these marriages should be wholly discontinued; but unless the conditions of Jewish immigration from abroad are changed, this hope is not likely to be realized in the immediate future. In the meantime these marriages are in precisely the same legal position as irregular marriages in Scotland which are still recognized as valid in this country[1].

Qualified exemption of Jewish marriages from the provisions of the Marriage with Foreigners Act, 1906.

The Marriage with Foreigners Act, 1906, confers a new privilege upon Jews by exempting their marriages from the provisions of its second section. That section provides that, where the necessary arrangements have been made with any foreign country, an Order in Council may be made (*a*) requiring any person subject to the law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by whom the marriage is to be solemnized, and (*b*) forbidding any person to whom such a notice is given to solemnize the marriage or allow it to be solemnized until a certificate that there is no impediment to the marriage according to

[1] See Dalrymple *v.* Dalrymple (1811), 2 Hag., *Cons. Cas.*, 54. By Lord Brougham's Act, 1856 (19 & 20 Vict., c. 96) an irregular marriage contracted in Scotland will not be recognized as valid unless one of the parties has resided in Scotland for twenty-one days next preceding the marriage.

the law of the foreign country in question, is produced to him, and that any person acting in contravention of such regulations shall be guilty of a misdemeanour and liable to punishment by fine not exceeding £100 or imprisonment not exceeding one year. The object of this provision is to prevent the scandal, which has occasionally occurred, of a marriage between a British subject and a foreigner celebrated in this country being subsequently discovered to be void because the foreign spouse is by the law of his or her own country for some reason (unknown perhaps to the other party) incapable of contracting the marriage [1].

Jews coming from Russia, Roumania, Morocco or other places where the law does not accord the Jew equal rights with the rest of the population, if desirous of marrying here would labour under grievous disability by reason of the difficulty they would experience in obtaining the requisite certificate. Accordingly, on the representation of the Jewish Board of Deputies, the Government inserted a clause in the Act granting Jewish marriages a qualified exemption from its provisions; it is in the following terms:—

"Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion solemnized according to the usages of the Jews in the presence of the Secretary of a Synagogue authorized by either the Births and Deaths Registration Act, 1836, or the Marriages (Ireland) Act, 1844, or by the Marriage and Registration Act, 1856, to register such a marriage, or of a deputy appointed by such secretary by writing under his hand and approved by the President for the time being of the London Committee of Deputies of the British Jews by writing under his hand [2]."

[1] For the hardships which may arise in such circumstances, see the recent case of Ogden *v.* Ogden [1907], P. 107.

[2] 6 Edw. VII, c. 40, § 2 (3). It will be observed that if the marriage is

The exemption does not apply to the marriages of Jews in a registry office or to the irregular marriages by Stille Chuppah, but only to marriages accompanied by a religious ceremony under the auspices of a recognized and duly certified synagogue. In the case of all such marriages it has long been customary both for the Chief Rabbis and the authorities of the West London Synagogue to make the necessary inquiries as to whether there is any impediment to the legality of the marriage when performed, more particularly when one of the parties is a foreigner, and strictly to refuse authorization in every doubtful case. The provisions of the Act are therefore unnecessary in the case of these marriages, but a new duty is thrown upon the Jewish community to see that the proper inquiries are efficiently made.

Jewish law of Divorce.

This essay may be brought to a conclusion without discussing the Jewish law of divorce which is founded upon the first verse of the twenty-fourth chapter of Deuteronomy, "When a man hath taken a wife and married her and it come to pass that she find no favour in his eyes because he hath found some uncleanness in her, then let him write her a bill of divorcement and give it in her hand and send her out of his house"; because by the common law of England a marriage once validly contracted can be dissolved only by the death of one of the parties to it. This principle of the common law can be overridden only by Act of Parliament, and though there are statutory enactments recognizing the validity of Jewish marriages there is none recognizing the validity of Jewish divorces; Jews domiciled in England can therefore only be divorced

solemnized in the presence of a deputy appointed by the secretary of a synagogue, his appointment must be approved by the President of the Board of Deputies, and that no provision is made for approval by an officer of the West London Synagogue in the case of a deputy of a marriage secretary under its jurisdiction. The reason for this is that it is the practice of the West London Synagogue to insist that its marriage secretaries should be present at all marriages and not to allow them to appoint a deputy.

by a Decree of the Court under the provisions of the Divorce Act, 1857. It should however be added that where a Jew or Jewess, who had been married according to Jewish usages, and divorced by a decree of the Divorce Court, desires to contract a second marriage in accordance with Jewish religious rites, it is essential that the original Jewish marriage should be first dissolved by a Jewish divorce, for otherwise the second marriage will be invalid on the ground that one of the parties to it is, according to Jewish law, incapable of contracting it[1].

H. S. Q. Henriques.

[1] The whole system of Jewish divorce is fully explained in Amram's *Jewish Law of Divorce*. The invalidity of a Jewish divorce in England may be gathered from the report of the case of Moss *v.* Seth-Smith (1840), 1 M. & G. 228. On the other hand it may be said that a Jewish divorce was recognized as valid in the case of Ganer *v.* Lady Lanesborough (1791), 1 Peake, p. 17, but the divorce there in question took place at Leghorn, and it must be assumed that the parties to it were at the time domiciled at Leghorn, and that the law prevalent there recognized and adopted the principle that a Jewish marriage might be dissolved by a Jewish divorce.

TWO BOOK-LISTS FROM THE CAMBRIDGE GENIZAH FRAGMENTS.

THE first of the two documents here given is a long vellum scroll of 48 × 12·5 cm. It belongs to the Genizah MSS. in the Cambridge University Library (T-S. 20. 47), and bears traces at the top of having been stitched to other pieces of the same kind. This strip is cut from an old Qaraitic marriage contract, being a middle horizontal section containing the details of dowry, &c., and therefore not having the date, which generally comes at the end of their documents of this kind. The parties were Barakāt ben David and Naʿamah daughter of Nissi ben Jacob, and their כתב הארוש, a paper document, is also contained in the same collection (T-S. 16. 109); but as yet none of the names of the witnesses lead to a date.

Our document, however—which has no signatures, and has the copy of another document meeting it from the other end of the vellum—dates from the year 1080 A. D. and thus would place the contract probably some time early in the eleventh century.

We seem to have here an inventory, drawn up as an official document to be witnessed by the Beth Din, of the furniture belonging to one of the Synagogues—that of the Babylonians, as we see later—in Fustāt, indeed in Qaṣru'sh-Shamʿ. After censers (line 5) and robes of many hues have been enumerated, including girdles or breeches for the priests (line 15, איזאר) and a green curtain for the door, we come to the books found there, with a few notes of their donors. These are as follows:—

l. 16. "Two volumes of Targum and Scripture in a Babylonian hand." Among the Bible colophons and titles

of the Taylor-Schechter collection is a vellum leaf of quarto size on which, in very large black square characters, are written in two lines the words ספר ואלה שמות | קראן ותרגום. On the back of the leaf occurs the owner's name: ליהודה הכהן בן יוסף סט. There was a priest of this name contemporary with David han-Nāsi ben Daniel during this same period, the close of the eleventh century, according to a long fragmentary document (T-S. 16. 77); he also witnessed a document in Fustāt in 1066 A. D. (T-S. 20. 83). Although such a description of the Torah with Targum may possibly be very common, the coincidence is enough to make it likely that this leaf is the title-page of the second volume of the first item in our inventory; especially as others below are identified more or less.

l. 16. "A Torah, Babylonian with Tiberian points, the gift of Judah ben Moses." These descriptions of the handwriting and style of the MSS. will doubtless be clear to some scholar. Meanwhile the document spoken of above (T-S. 16. 77) quotes a deed of quittance from Abraham bar Joshua ha-Rahabi (i. e. of Rahaba in Mesopotamia) to Judah bar Moses the Ḥazzan, of Damascus, and appears itself to have been made out at Fustāt: so that the donor of this second item in the list may seem to be this Judah.

l. 18. "A volume of the Torah, which is said to be in the handwriting of R. Saadiah, and at the end thereof some leaves in the writing of Ibnu'l-Aqtaʿ." This latter may be the kunya for a well-known scribe (meaning perhaps, Son of him of the mutilated hand), but is not here identified; who the Rabbenu Saadiah might be is also a matter of question. One supposes from the form of the record that a colophon of his was to be read on the MS. at that time.

l. 19. "A volume of the Torah, the gift of Manṣur ben Israel the Levite." This is of interest because of the fact that among the colophons in the Cambridge collection is to be found the following, on the last page of the *actual MS.* which is here mentioned:—

זאת התורה קדשאתה | מנצור בן ישראל הלוי על | כניסת הבבלין
ברוח נבונה | ובנפש חפצה ובדיעת | תמימר אלהי ישראל יונן (?)

This proves that we have to do with the Synagogue of the Babylonians in Fustāt. On the verso of a document on vellum (T-S. 16. 81) there are complimentary verses, among others למנצור בן ישראל.

l. 20. "A fine volume of the Torah, רפאת ג, without points." Is not this with three small rents, or with three worm-holes, to justify its claim to still be included among the treasures of the synagogue, and not to be consigned to the genizah: in view of the regulation that slight cuts might be sewn up with silk provided they did not go too far in the MS. ? The ג is very near the following word and might be attached to it; but as it could only then mean "water-stained" that would seem hardly likely as a description of such a book.

l. 21. "A beautiful Torah volume given by Bint Yusūf adh-Dhahabi (or ar-Rahabi)."

l. 22. "A fine volume bought from Abū't-Tāhir ibnu'l-Qatmāni." This person, a Qaraite, occurs in a deed of the Beth Din at Fustāt in 1078 A.D. (T-S. 13 J. 1[18]) as חנניה בר אלנתן נעֹ דידיע בן אלקטמאני, a legatee of the late Abraham hal-Levi המלמד, known as Ben ʿAnan. Also in an earlier Qaraitic marriage contract of 1064 at Fustāt he is פקיד to the bride, while the same אברהם בן יוסף בן ענן הלוי is one of the witnesses (T-S. 24. 13).

l. 23. "A volume of the Prophets, eight books, the gift of Bint Ibn Ezra."

l. 24. "A scroll of the Prophets ..... R. Samuel ....."

l. 25. "A scroll . . . (bought) by the bounty (?) of Ḥalfon ben Ibrāhīm (or ben Antilīn)." This may be an incorrect rendering of a very mutilated sentence. There was a Ḥalfon ben Abraham witnessing a marriage contract of the first part of the eleventh century (see T-S. 16. 340).

l. 26. "A fine volume of the Hagiographa . . . in a Magrabi hand." Perhaps כתיב means simply "sewn," but it seems that it would signify these books in this and the following items.

l. 27. "Two rolls, in which are the four Latter Prophets

in Targum, in a Babylonian hand (given by) Maṣliaḥ bar Isaac." There is an Aramaic שטר שובר of the year 975 A. D., given by Maṣliaḥ ben Isaac ben David to Maṣliaḥ ben Mebasser ben Ezra (T-S. 16. 56).

l. 29. "A volume of the Hagiographa bought by the bounty of . . ."

l. 30. "A volume of the H. in Babylonian writing and punctuation, the gift of Bintu'sh-Shīrajī." The lady might perhaps be a relation of the unpleasant person spoken of in an Arabic document of 1104 A. D. (T-S. 24. 74) drawn up before the Beth Din at Cairo when פרחיה הכהן בר טרפון requested them to summon שלמה בר אברהם before them, and deposed that on a certain night they entered into a house of certain Jews and Salamah אלשירגי ben Ibrāhīm seized the collar of Abū'l-Sarūr bin Tarīf. A. defended himself and S. lifted his hand and hit A. on the head, and A. called out "Witness to me, O Jews, this matter shall be judged before the ריים; and S. reviled the ריים": then follow the names of those who were present, &c.

l. 31. "Three rolls of Torah, Prophets, and Hagiographa given by R. Faris (?) the physician ben Isaac."

l. 33. "Halakhoth Gedoloth, five parts." "Mishna, two rolls, one seder varying from (or separate from ?) another."

l. 35. "Twenty-five volumes in all."

Then follow the other items of furniture, candlesticks, brass and otherwise, with a large brass chain (l. 45) about which there is a doubt whether it belongs to the Palestinians or the Babylonians.

It is noteworthy that three ladies appear among the donors, one as giving a Torah, one the Prophets, and one the כתיב. It seems to have been somewhat usual to will copies of the scriptures to daughters. An instance of this occurs in another fragment (T-S. 12. 781) where the mother confirms to her daughter articles that had been devised to her by her father, a brass kettle, a woollen shawl, and a מצחף תורה. Also among the colophons there occurs a ממונה בת . . . משולם as a donor.

Among these colophons also occurs the following note of donation, which may belong to the above catalogue, but only states the "Great" Synagogue:—

הדין מצחפא דאוריתא אקדשיתיה שלמה בר יצחק דמתחכם ברדעיא לכנישתא רבתא דמותבה בפיסטאט מצרים דיקרי ביה תדירא כל דאזל ואתי ועבדיה קודש ליהי לא יודבן ולא יתפריק:

The second document (T-S. 20. 44) is of the date 1534 Sel., that is, 1223 A.D.: the contraction קלד is of a kind often met with, the את (1400) being omitted. This is the record of a sale of books which took place in the presence of the Nagid Abraham, son of Maimonides, at the other synagogue, that of the Palestinians, at Fustāt. The books, Hebrew and Arabic, had been the property of R. Abraham he-Ḥasid, and the proceeds were to go to his heirs after any debts were paid. There is a letter extant (T-S. 20. 148) from a certain יואל המלמד to אדוני שרי אַבְרָהָם הֶחָסִיד and his brother Joseph. The sale was in two parts, on the same week-day, Tuesday, of two following weeks, 26th Adar and 4th Nisan. The record was made at the time of sale, for the same thing occurs on both days, namely, that the original scribe or salesman left after a time, and his place was taken by some one else who put the notes down more carelessly and in reverse order; that is, giving the purchaser first and the book afterwards. The document has Arabic numerals also in the margins against each book, which are not reproduced here.

The list published by Professor Bacher in *Revue des Études Juives*, vol. XL, 1900, may be approximately dated by this. That list was of the sale of the books of the late Abu'l-'Izz the physician, and item 30 יוצירות was sold to ברכאת אלסמסאר, who in the present list (col. 3, l. 13, 14) buys a book on the diseases of sheep. Also an Abu'l-'Izz occurs in this list as a purchaser (col. 1, l. 25), called al-Qāhiri; perhaps identical with the physician above, and if so of course placing that list some time later than this,

but making it in all likelihood of the first half of the thirteenth century.

One may note here, what doubtless Professor Bacher himself has said somewhere since the list was published, that the names attached to the books were not those of the authors, but of the buyers only, so that the list was one of standard works.

Col. 1, l. 11. Our list begins with a copy of the Torah which was sold to Ḥananel the Dayan, who also took another copy later (2, 27). This is the man to whom the letter of distress among the Frankfurt fragments—published by Mr. J. Horovitz in the *Zeitschr. f. Hebr. Bibliographie*, IV, 155—was sent. He is also the buyer of some property in Fustāt in the lane called Ibn B[akr?], which was, if this is the right name, near the Suaiqatu'l-Yahūd (see T-S. 12. 483): another letter to him is extant in this collection (T-S. 12. 68).

1, 13. The next item is a copy of the eight books of the Prophets, sold to the Sheykh Abu'l-Faraj al-ʿAttar known as Ibn Nisan, who also buys the next, a copy of the Hagiographa (l. 16), and later a complete copy of the Scriptures (2, 20). A document of 1224 A.D. (T-S. 12. 62) acknowledges a debt owing from this person (called son of the late Abu Tāhir, known as Ibn Nīsān) to a certain Yephet ben Samuel, a receipt being endorsed on the verso.

1, 17. Then follows a copy of Maimonides' "Guide" doubtless, although the word following Dalalat is lost in a smudge: bought by Abu'l-Khair bin Abu'l-Manja. He is mentioned in an Arabic fragment dealing with the history of 1212 A.D. (T-S. 12. 30) in company with Abu'l-Bayan, who is probably the ריים mentioned below. In the year 1213 is mentioned an Abu'l-Khair הסופר, in whose hands are sums of money (T-S. 13 J. 8[11]): when regard is had to the five items bought by Abu'l-Khair in this list, it may be considered that he is identical with this scribe. Besides the "Guide" they are the "Roots" of Ibn Jannāḥ (1, 20) in two volumes, the חרוף ("letters," 1, 30) of Samuel Nagid

(part of his אלאסתנאא perhaps), the Muḥtassar of Judah b. Hayyuj (1, 35), a geometrical rule and volumes (2, 10), perhaps meaning books of plain paper for writing.

1, 22. The next buyer is al-Muhadhdhab Abu Sa'id, who bought six items, Ibn Jannāḥ's אללמע (1, 22), Saadiah's צלאה and commentary (2, 1), four copies (or volumes?) of פצול בקרוץ with Galen's commentary (3, 3, the Aphorisms of Hippocrates, בקרוץ being presumably from Ippocras, בוקראט being the more usual form), four parts of מנאפע אלאעצא (Galen's "de usu partium humani corporis"; 3, 11) and a part of אלעלל ואלאעראץ (3, 17; Galen's "de morborum causis et curationibus"), while it may be the same lot as the third of his purchases, which is noted on 3, 29, two more volumes having perhaps been found in the meantime; also a part of Abu Naṣru'l-Fārābī's works (3, 42). Steinschneider (*J.Q.R.*, XI, 133) gives the meaning "corrector of religion" for Muhadhdhabu'd-Dīn, shortened to אלמהדב.

1, 24. The next purchaser is a certain Abu'l-'Izz of Cairo, who buys Ibn Jannāḥ's *Mustallaḥaq* and two other of his works, and also Judah b. Ḥayyuj's *Muḥtassar*, with some other short works on language (1, 36–38). He has been spoken of above.

1, 27. Daniel ibnu'sh-Sheikhu'l-'Amid follows, buying Samuel Nagid's רפאק; and also an Abu'l-Fadhl, son of the same al-'Amid, perhaps identical with Daniel, buys a book by Abu'r-Ridha on astrology (3, 31).

1, 32. A parchment roll (מגלה גויל) was bought, as also a כתאב אלשראיע (2, 6, perhaps by Saadiah or by Samuel ben Ḥofni) by Abu'l-Faraj ibn Abu'l-Fakir, as-Sairafi. Some property in Qaṣru'sh-Sham' was sold in 1230 A.D. by אבו אלבקא R. Eliezer b. Abiathar to the wife of Abu'l-Faraj ibn Abu'l-Fakār אלנקאד: see *Bodl. Cat. of Hebr. MSS.*, vol. II, no. 2878 (92).

1, 39. The ריים Abu'l-Bayan is the buyer of one book, a commentary on Job, and as the next item is by Saadiah this also may well have been the commentary by him.

2, 4. This purchaser's name is not all clear: the first letters are certainly . . . אבב and צהוד אלמנגם is plain.

2, 8. A second copy of Saadiah's צלאה is bought by Khalaf the dyer.

2, 12. A part of the Gemara of Baba Bathra goes to אלשבוי, who appears to be the Abu'l-Ḥasan ibn Abu'l-'Alā written in the next line.

2, 15. Some miscellaneous books and leaves, unused perhaps, are made over to אלרצוי. This as a title occurs in the following instances. A letter from Yahya bin 'Umar the Alexandrian is written to אלשיך אבו אלעלא צאעד ר׳ עולה הלוי הנאמן נאמן בית דין ורצוי הישיבה (T-S. 13 J. 18[14]), who is elsewhere called besides הפרנס in 1106 (T-S. 13 J. 2[14]), and has this title of רצוי הישיבה in several addresses of letters to him. In some synagogue accounts, among notes of payment of tax (אלגזיה), &c., the name of אבו אלפצל אלרצוי occurs (T-S. 16. 39); while in a document of 1203 a certain אבו סעיד אללוי אלתאגר ר׳ שמואל התלמיד is called by the same title (T-S. 12. 602).

The next line is an unfinished entry (2, 17), while after it comes the note of a Mishna and some oddments sold to Ḥalfon the priest. R. Joseph בן אלכבאז, the silk-merchant, buys some other miscellaneous commentaries and volumes, with a copy of the Hagiographa (2, ll. 22 and 25), while a R. Joseph Magrabi buys a copy of the 8 Prophets (2, 23).

The second part of the sale in the next week is devoted to non-Jewish books, many of which have been mentioned above. The only new purchasers are the Hajji Abu Muḥammad, who buys Averroes' *Kullīyat* and five parts of Hippocrates' medical works (3, ll. 5 and 19); Sulaiman ibn Fatwah the purchaser of treatises by Galen and others (3, ll. 7, 9, 15), and some by Razi (3, 24) and Abu'r-Ridha (3, 35); Barakāt al-Simsar the buyer of a book on the disease of sheep and goats (?מואמר) called קטא (3, 13; see Fr. Johnson's dictionary under that word)—this man has been mentioned above as being a buyer in Professor

Bacher's list; the Qadhi Tāju'd-Dīn ibnu'l-Malījī who buys Isaac ben Amram's works, &c. (3, 25); a Hajji called al-Magrabi, purchaser of two books by Abu'r-Ridha (3, 33); the Hajji Abu 'Abdu'llah, who bought a work called מקאלה פי אלשנביל ללחלקה (3, 37); Abu'l-Barakāt bin Ṣafiyyu'd-Dawlah (3, 40); the Nagid Abraham himself, buyer of Galen's אלאגדיה (3, 41; perhaps his "de alimentorum facultatibus"); and the buyer of a part of Abu'r-Ridha's שרח לבן נצבאת אלוגיה (3, 44), "the prince," who had two items down to him before (3, ll. 21 and 29) which were crossed out again.

On the fourth column are various rough notes of the same nature as the entries, with a few lines of Arabic script. There are other interesting book-lists in the Taylor-Schechter collection, but generally merely strings of titles without a note of their source.

I.

בחד בשבת דהוא תמנה יומין בירח תמוז דשנת אלפא
ותלת מאה [ותש]עין וחד שנין למנינא דרגילוננא ביה
בפסטאט מצרים דעל נילוס נהרא מותבה חצרנא בבית אנן
דין נעתבר אלדי פי בית הכנסת תחת ידי אלכדאם בי דינא
~~ללעד~~ בדסט . . . . . אבבאר מנהא
ג . . ל . . ס . . . . . שלאמה . . . . . ושלאמה רק . . .
ותוב סקלאטון . . . . . פי אצפר (?) מסתגד מן דאר צני (?) אל
דולה עליה מכתוב לכ . . . . . מנדיל סקלטון
אסיד פי אביץ מן ח . . . . . מנדיל ח . . . . . .
פי כחלי מן אבי אלחסין בן . . . . . מנדיל סקלטון קדים
אסיד פי אבי[ץ] . . . . . קדים ומנדיל אביץ לטיף
ועליה פדה מכתוב
דביקי מפרוז קדעה דיבאג אחמר מגוס ותוב סקלטון ללעמד
וכרקה סקלאטון מריש ללא שלאמה וגשא לתבה
מ . . . . ותוב מוזר ללתיבה אביץ פי אחמר סקלאטון
וכלקת . . . . סקלאטון מגרבי ואיזאר ללכהנים וסתר אבצר

ללבאב מצחפין תרגום וקראן עראקי תורה עראקי
בנקט ~~שאפי~~ טבראני הקדישו יהודה בר משה
ומצחף תורה דכר אנה בכט רבינו סעדיה ופי אכרה
אוראק בכט בן אלאקטע ומצחף תורה הקדישו
מנצור בן ישר הלוי ומצחף תורה מלוח גרפאת
בלא נקט ומצחף תורה לטיף הקדישתו בנת יוסף אל
דהבי ומצחף מלוח אשתרי מן אבי אלטאהר בן אלקטמאני
מצחף נבי תמאניה אספאר הקדישתו בנת בן עזרה
וקטעה נבי . . . . . רבּ שמו . . . . . .

בר אנטלין (?)
וקט . . . . . תמאניה אספאר [משתרי] מן מאל חלפון בר
אברהים ומצחף . . . כתיב מלוח (?) אילה . . . . . .
בכט מגרבי וקטעתין פיהא ארבעה אספאר אלאכירה
מן אלנבי מתרגמה בכט עראקי (?) . . . . . .
מצליח בר יצחק ומצחף כתיב משתרי מן מאל . . . . . .
ומצחף כתיב בכט עראקי ונקט עראקי הקדישתו
~~את~~ בנת אלשירני ותלתה קטע תורה ונביאים
וכתובים הקדישם רבנא פרים הרופא בר יצחק נע
והלכות גדולות כמסה אגוא ומשנה קטעתין
מכתלפה ופרד סדר מפרד גמלה . . . . . .
~~מע אלפשנ~~ כמסה ועשרין קטעים ע . . . . .
משבכה בסלאסלהא ארבעה . . . . . .
יעלי דא ס . . . . . .
אתנין תלתה חדיד וואחד נחאס ו . . . . . .
וקנדילין נחאס צנאר ~~נחאס~~ וכע . . . . . .
ותלתה עקארב נחאס ללבזאקיאת . . . . . .
צפריתין
צפריתין נחאס וארבעה צנאר . . . . . .
וסבעה עשר
ותמניה ותלתין בוקנדאלה מפתחה ~~ותמאניה ות~~ עשר בוקנדאלה
משבכה בוקנדלה ~~בע~~ בתלתה עמר וכוכב
ובוקנדלתהא כבירה סלסלה כבירה מעקרבה
בכטא טיפהא בתלת בוקנדלאת אקרסהא זרעה
סנבוסקה חדיד וטוק נחאס כביר והו פי אלשך
הל הו לשאמיין או ללעראקיין ווזג בראסי כביר
וצגיר תיבה לספר הת . . . . . ושופר ואחד

II.

Col. 1.

יום אלג אלכו מן חדש אדר
קלד לשט בבית הכנסת של ירושל
בחצור אדוננו נגידנו אברהם הנגיד
הרב הגדול ירום הודו ויגדל כבודו
אחצרת מצאחף עבראני וערבי
למרינו ורבנו אברהם החסיד ר[ת]
ללביע ינפק מן תמנהם עליו אלדי
בעד ופא דינא כאן עליה ומהמא
בקי מן דלך יקסם עלי ורתתה אלמסוד
ארתה כמדה בישראל . . ול
מצחף תורה עלי רבנו חננאל הדיין
החכם הנבון נר עינא ח דנא
ומצחף יחוי אלח אספאר שלנביאים
עלי אלשיך אבו אלפרג אלעטאר דידיע
באבן ניסן שמצו עינא כב דנא
ועליה נסכה כתובים עינא ג דנא
ור נסך גדר פיהם אלדלאלה . .
עלי אלשיך אבי אלכיר בן אלשיך אבי אלמ . . . .
שמצו עינא בז
כתאבין פיהם אלאצול לאבן גנאח
עלי אלשיך אבי אלכיר איצא עינא ג דנא
כתאב אללמע לאבן גנאח
עלי אלשיך אלמהדב אבי סעיד ישמ ורק יז דר
כתאב אלמסתלחק אלתקריב ואלתסהיל
ואלתוביה עלי אלשיך אבי אלעז
אלקאהרי בא כו
כתאב אלרפאק ללנגיד זל
עלי ר דניאל בן אלשיך אלעמיד נע
ורקא כ דרהמא
חרוף ללנגיד זל אלנסך
עלי אלשיך אבי אלכיר איצא כז

מגלה גויל עלי אלשיך אבי אלפרג
בן אלשיך אבי אלפכר צירפי ורקא יח׳
אלמסתלחק
מכתצר חיוג עלי אלשיך אבי אלכיר
ורקא ח דר׳ מכתצר
חיוג ומכתצרין פי אללג עלי
אלשיך בו אלעז אלקאהרי טו׳
שרח איוב עלי אלריים אבו אלב[יאן] יב׳

Col. 2.

צלאה רבנו סעדיה
ושרחהא עלי אלשיך
אלמהדב אבי סעיד ה דר
מעמר כפור אלשיך אבב[תרה] (?)
צהוד אלמנגם ו דר
כתאב אלשראיע עלי אבי אלפרג
בן אבי אלפכר אלצירפי איצא טו׳
שרח צלאה רב[נא סע]דיה
עלי אלשיך כלף אלצבאג ה דר׳
מסטרה וכראריס עלי
אבי אלכיר בן מנגא ה דר׳
גז . . . ן בתרא גמר
עלי אלשבוי ט דר׳
אבי אלחסן בן בו אלעלא זי׳
כראריס ואוראק עלי
אלרצוי ורק ל דר׳
עלי אלשיך אבו אלפר

סדר משנה וכראריס
עלי ר׳ חלפון הכהן ח דר׳
עלי אלשיך אבו אלפרג בן ניסן
אלמקרא כאמל עינא יד׳ דינ׳
תפאסיר וכראריס יוסף בן אלכבאז כ׳

ר יוסף מגרבי תמן נביאים
עינא דר ור צרף מ
ר יוסף בן אלכבאז אלחרירי
כתובים עין ג דנא צרף מ
רבנו חננאל מצחף תורה
ו דנא ורבע ותמן

Col. 3.

יום אלג אלד מן ני[סאן]
תאני חלקה לביע נסך א . . .
ד נסך פצול בקרוץ שרח גאלינוס
עלי אלמהדב ל דרהמא
אלכוליאת לאבן רשד גז ואחד
עלי אלחאג בו מחמד מ . . . .
ד כתב מקאלאת לגאלינוס וגירה
עלי סלימאן בן פתוח כב
אלצנאעה אלצגירה והקדמה
אלמערופה גזין עליה ועליה איצא יב
ד אגזא מנאפע אלאעצא
עלי אלשיך אלמהדב איצא ו דר
קטא גאנם ואלמיאמר עלי ברכאת
אלסמסאר ו דר
ד אגזא אלמקאלאת לגאלינוס ולגירה
עלי סלימאן איצא יז
אל עלל ואל אעראץ גז . . . . .
עלי אלמהדב איצא יב
ה אגזא מגמועאת טב (מן טב בקראט)
עלי אלחאג ב[ו]מחמד יג
[פצול אלראזי וגירה גדאן
אלוגיה איצא]
אנא אלאכשאד מג
אלראזי וגירה עלי סלימאן טו
ה אגזא מגמועה לאסחק בן

עמראן וגירה עלי אלקאצי
תאג אלדין בן אלמליגי כג
עלי אלמהדב ו נסך טו
ו נסך טביה פיהא פצול בקראט]
עלי אלוגיה כא
כתאב אלהיאה גז והו ללשיך בו אלרצא אסכנד . . .
עלי בו אלפצל בן אלעמיד יט
כתאבין פי אלעין לאלשיך אבו אלרצא
עלי אלחאג אלמגרבי ⅄ח
כואץ בן זהר גזו ואחד ללשיך בו אלרצא
עלי אלשיך סלימאן טו
מקאלה פי אלשגביל ללחלקה
עלי אלחאג בו עבד אללה ט
ו נסך עלי אלשיך [בו אלפצל בן אלעמיד]
אבו אלברכאת בן צפי אלדולה יד
אלאגדיה לגלינוס אלשיך אל נגיד יח
גזו מגמוע לבו נצר פאראבי
עלי אלשיך אלמהדב כ
גזו שרח לבן נצבאת ללשיך בו אלרצא
עלי אלוגיה ⅄יג

ERNEST JAMES WORMAN.

HEBREW INCUNABULA IN CAMBRIDGE.

EVEN without taking regard to the Genizah printed fragments (of which that eminent authority Dr. A. Freimann will shortly publish an account), the Cambridge University Library possesses a much finer collection of Hebrew Incunabula than I previously thought. I am deeply indebted to Mr. E. J. Worman for kindly drawing my attention to the following additional twelve incunabula, which thus brings the number to the credit of the University Library up to thirty-one, and that of Cambridge generally to forty-seven. Of these twelve, five are duplicates; but they are all, with the exception of one or two, in such excellent condition that they greatly enhance the value of the Cambridge collection.

[21] ספר השרשים **by David Ḳimḥi.** Editio princeps assigned by St., col. 873, no. 42, to a date before 1480. A very fine copy, probably printed at Rome. The type is the same as that of no. 14.

[24] מורה נבוכים **by Maimonides.** According to St., col. 1894, it was printed before 1480. Part of the introduction is gone, and the last two leaves containing the index are missing, but have been added in manuscript.

[31] מבחר הפנינים **by Solomon ibn Gabirol.** Printed by יהושע בן מ"ר ישראל נתן איש ש"ונצין, and finished 17th of Shebat, 5244 = Jan. 4, 1484. The editor was שלמה בן מהר"ר פרץ בונפו"י צרפתי.

[37] **Another copy of the Former Prophets with Ḳimḥi's Commentary,** in perfect condition. Censors' names Dominico Irosolymitano, 1595, and Giovanni Dominico Carretto, 1628. The book, like many others in the University Library, formerly belonged to a family named Finzi, who lived in Ancona.

[55] [גדול] ספר מצות **by Moses de Coucy.** Printed by גרשם בן מ"ר משה איש שונצינו and finished 15th of Tebeth, 5249 = Dec. 19, 1488. It is in two parts, the first ending with the list of the מצות לא תעשה, and the second beginning with the enumeration of the מצות עשה. A piece of the first leaf is wanting. This is not the editio princeps, as there had been an edition printed before 1480, probably at Rome; see St., col. 1796 f.

[61] **Another copy of** אבן בוחן **by** Ḳalonymos b. Ḳalonymos. This copy is complete, and is bound together with no. 75 below.

[71] משנה תורה **by Maimonides.** According to St., col. 1870, it was printed by Gershom b. Moses Soncino and finished March 23, 1490. It is incomplete, beginning at Book viii [עבודה] and ending at Book xiv [19th chapter of הלכות סנהדרין].

[72] פירוש התורה **by Moses b. Naḥman,** of which I recorded a copy in St. John's College library.

[73] ספר השרשים **by David Ḳimḥi.** Printed at Naples, Elul, 5250 = Aug.—Sept., 1490. It was edited by Samuel b. Meir Laṭif [לטיף] who remarks that Ḳimḥi occasionally quotes passages as Biblical which are not to be found in the text of the Bible.

[75] **Another copy of** משל הקדמני **by Isaac ibn Sahula.** This copy is complete, and is bound together with no. 61, above. Censors' names, Giovanni Dominico Vistorini, 1610, and Dominico Irosolymitano (no date).

[80] ספר המחברות **by Immanuel b. Solomon.** Printed by Gershom b. Moses of Soncino at Brescia [ברי"שה], and finished on Monday, 26th of Marḥeshwan, 5252 = Oct. 30, 1491.

[86] **Another copy of Mishna with Commentary of Maimonides.** It consists of one volume, and contains the first three Sedarim only.

A. Cohen.

NOTES ON JAVAN.

The table of nations.—At one time it was thought sufficient to assign Genesis x in its entirety either to P or to J; but recent criticism would distinguish here the sources P and J, and the work of the Redactor who fitted them together. The division made is roughly as follows:—P = vv. 1–7, 20, 22–23, 31–32, and J = vv. 8–19, 21, 24–30, as given by Driver [*Introd. to O. T. Lit.* (1898), p. 14 f.]. The modern tendency for elaborate subdivision is well illustrated by the scheme of Holzinger [*Genesis* (1898)]. Of the P section given above he would ascribe the second half of ver. 1 to the second hand of J. In the J section he apportions vv. 16–18 a to a JE source. To R is allotted ver. 24. The remaining verses of the section are divided between a first and a second hand of J (p. viii).

At first sight it would appear as if such critical dissection had dealt a fatal blow at all belief in the unity and antiquity of this list of nations by resolving it into a number of fragments of different dates. This very disintegration, however, seems to furnish the best evidence for the original unity of the chapter. The remarkable dovetailing of the sections attributed to P and J makes it impossible to believe that both were not provided with tables, complete, and very similar if not identical[1], whilst the view now adopted by some scholars that P and J represent the work of "schools" of writers rather

[1] Thus P—Noah and sons, v. 1; Japheth, sons, grandsons, vv. 2–4; Ham, sons, grandsons by Cush (in part), vv. 6–7; Shem, sons, grandsons by Aram, vv. 22–23. J—Ham, grandson by Cush (Nimrod), v. 8, grandsons by Mizraim, vv. 13–14, grandsons by Canaan, vv. 15–18; Shem, descendants by Arpachshad, vv. 24–29.

than of individuals also tends to overcome objections based on the disparity of the dates of the sources. [Cf. *Commentaries on Genesis of Holzinger* (1898, pp. iv, vi; Gunkel (1901), p. lviii; Driver (1904), p. xvi.] Even if we accept the view widely held that J is of the ninth cent. B.C., whilst P belongs to the period of the Babylonian Captivity, we have still the curious fact to explain that what is presumably the *oldest* stratum in the chapter —i.e. references to Noah, Japheth, Ham, Shem, and their immediate descendants is attributed to the *latest* source (P). Other arguments might be brought forward for the antiquity of the list. The idea, here exemplified, that finds for a people a single progenitor, belongs to the infancy of the race [Gunkel, p. 79]. The names too are old and had long lost their original signification before they were incorporated in the P and J documents. The name Peleg (ver. 25 J) has alone called for the comment. Slight variations in the spelling of one or two of the names as given here and in the parallel list in 1 Chron. i would also seem to show that the copyists were dealing with unfamiliar names. Altogether it seems reasonable to suppose that this valuable historical table, either in the form of written record or oral tradition, could have existed as we have it, in its main features at least, at a time considerably prior to both P and J.

The scheme of its composition.—It has been repeatedly urged against the table of nations that no scientific basis of formation is discernible, that neither language nor race furnishes the guiding principle in its composition [cf. Guthe, *Kurzes Bibel-W.B.* (1903), p. 703]. Critics would seem to overlook the fact that a table constructed on any such basis would involve a scientific outlook entirely out of harmony with the simple narratives of the early chapters of Genesis. The table of nations was doubtless based on a system, but a system that accorded with the ideas of that early era in which it originated. Noah after the flood must have been regarded as in

possession of the then known world. At his death the territory belonging to him would fall to be divided amongst his sons[1]. If the arrangement of the peoples in the list was based, as we may well suppose, on some rude world-chart of these early ages, three well-defined districts could have been distinguished. The hill-country formed a barrier to the north. The ancient geographer Eratosthenes, for instance, would appear to have looked upon the Taurus range as stretching in a straight line from Amanus to beyond Persia. South of this hill-district we have to the east the Mesopotamia plains, to the west Syria and Palestine. In between these is the desert. A district is assigned to each of the sons. The Mesopotamian plains and their extension southward are inherited by Shem. The northern hill-country and beyond falls to the lot of Japheth. The country extending southward from Amanus between the sea and the desert becomes the possession of Ham. That there were three distinct districts may have determined the number of Noah's sons. Holzinger, it may be noted, considers that P has in view purely a geographical division, and it seems clearly to be a territorial distribution that Josephus understands by this table. He differs from the Masoretic Text in introducing prescripts demarcating the territory occupied by the descendants of the sons of Noah[2]. If Bloch's estimate of the Jewish historian as merely a clever

[1] Cf. on this point the Ethiopic *Kebra Nagast*, ed. Bezold (1905), p. 4—"Then Noah the righteous died, and Shem became king. . . . They (i.e. the sons of Noah) had, namely, divided the earth amongst themselves, and Noah had made them swear in the name of his God that they would not cross the bounds of their neighbours. . . ."

[2] Josephus, *Antiq.* I. 122 (ed. Niese (1896), p. 7). The sons of Japheth—*οἱ ἀπὸ Ταύρου καὶ Ἀμάνου τῶν ὀρῶν ἀρξάμενοι προῆλθον ἐπὶ μὲν τῆς Ἀσίας μέχρι ποταμοῦ Ταναΐδος, ἐπὶ δὲ τῆς Εὐρώπης ἕως Γαδείρων. . . .*

I. 130 (p. 7). The sons of Ham—*οἱ δὲ Χάμου παῖδες τὴν ἀπὸ Συρίας καὶ Ἀμάνου καὶ Λιβάνου τῶν ὀρῶν γὴν κατέσχον, ὅσα πρὸς θάλασσαν ἐτέτραπτο καταλαβόντες καὶ τὰ μέχρι τοῦ ὠκεανοῦ ἐξιδιωσάμενοι. . . .*

I. 143 (p. 8). The sons of Shem—*οἱ τὴν μέχρι τοῦ κατ' Ἰνδίαν ὠκεανοῦ κατοικοῦσιν Ἀσίαν ἀπ' Εὐφράτου τὴν ἀρχὴν πεποιημένοι.*

compiler be a just one [cf. *Quellen des Josephus* (1879), p. 52 f. ; cf. also Buchler, *Rev. des Étud. Juives*, XXXII, (1896), p. 199, and XXXIV (1898), p. 93], these additions of Josephus, as embodying still more ancient views, are of the greater value.

The site of Javan.—As son of Japheth Javan should properly belong to the Japheth district. In Gen. x the name appears along with Tubal and Meshech, and the same combination of names is to be met with in Ezek. xxvii. 13. Stade [*De populo Javan* (1880)] has argued against the common interpretation of Javan as Greece, or the Greeks. He contends that in the references belonging to the pre-Persian period Javan can only mean the Asia Minor Ionians. It is quite possible that Ionia may be the country referred to under the name Javan. This is the interpretation of Josephus [*Ant.*, I. 124, ed. Niese, p. 7], and is in accord with the theory of E. Curtius [*Die Ionier vor der Ionischen Wanderung* (1885)] that the original home of the Ionians was in Asia Minor. On the other hand, many Greek scholars hold that only at a comparatively late date were Ionian colonies established in this quarter. A compromise has been suggested by Bury [*Hist. Rev.* (1900), p. 288 ff.]. The name, he thinks, might have been there in Asia Minor before the Greeks came to settle, and that thence the name was carried back to the shores of Greece. It is possible that the name was not confined to the district known in later times as Ionia. In the *Cuneiform Inscriptions of Western Asia* [II, p. 53] we find the fragment of a geographical list emanating from Nineveh giving the names of the principal lands and cities along the Taurus. Here, sandwiched between Hi-lak-ku (Cilicia) and Mi-li-ṭi (Melitene on the upper Euphrates), there is mention of a land Ia-[a ?]-na. Most unfortunately the second sign has been partially obliterated so that it cannot be read with certainty. Lenormant [*Journ. des Savants*, 1882, p. 484] seems, however, to have no hesitation in regarding this as a land Javanu. Between Cilicia and

Metilene may be said to lie also the well-known district Amanu of the Bab.-Assyrian records. This name is given as Am(v)-a-num as early as the time of Gudea [cf. *Keilinschriftliche Bibliothek*, III, p. 36]. In the later Assyrian cuneiform inscriptions it appears as Ha-m(v)a-nu. With this word Amanu or Avanu we may compare the LXX^{ej} rendering of יון as *avav* in Gen. x. 2, 4). The reproduction of the Babylonian *m* by the Hebrew *wāw*, as also the interchange of *Ia* and *A* at the beginning of some proper names—e.g. Ialman, Alman, &c.—is commented upon by Delitzsch [*Assyr. Gramm.*, p. 97], so that יָוָן might thus correspond exactly to Amanu. This would then bring Javan, Tubal, and Meshech together, arranged in the order named, and in a straight line.

From the Egyptian side we obtain information of a land Uān or Wān in this same neighbourhood. It would appear from the private inscription of Amen-em-heb that in the thirty-third year of Tahutimes III (1503–1449 B. C.) this officer took rich spoil in the highlands of Uān on the west of Khalubu (Aleppo) [cf. Fl. Petrie, *Hist. Egypt* (1899), II, p. 124; and Wiedemann (who takes Khalubu = Lebanon), *Aegypt. Gesch.* (1884), p. 350]. From this same land Tahutimes III in the twenty-ninth year of his reign proceeded south to Aratu (Arvad) [cf. Petrie, II, p. 113; Wiedemann, p. 345.] Amanu, Javan, Uān seem to have some sort of connexion with each other and with the neighbourhood indicated.

The sons of Javan.—The Masoretic Text gives the sons of Javan as Elishah, Tarshish, Kittim, and Dodanim (Rodanim in 1 Chron. i. 5). Gen. x. 5 adds that from these were separated the איי הגוים. It is not at all likely that this refers, as has been held, to all the sons of Japheth. If indeed the phrase אלה בני יפת should be introduced in this verse after the analogy of vv. 20 and 31, it would appear in its proper place after איי הגוים. The meaning intended to be conveyed is evidently that from the *four* sons of Javan the isles were peopled.

(*a*) *Elishah.* There is an Elishah given as brother of Javan in the LXX renderings of Gen. x. 2 and 1 Chron. i. 5. The Hebrew is אלישה, whilst the Samaritan version of the Pentateuch has אליש. The Greek codices have Ελισα, except B, which has Ελεισα 1 Chron. i. 7, and Ελεισαι Ezek. xxvii. 7. The reference in Ezekiel is to the איי אלישה which export purple.

In what quarter we are to look for Elishah is no easy matter to settle. The name, or similar names, seems to have been widely spread. Elishah has been sought for in regions far apart as the following list will show.—(1) *Aeolians*—Josephus, Zonaras, Smith, Derenbourg, Frz. Delitzsch, Knobel, Bunsen. (2) *Elis* (NW. province of the Pelophon)—Bochart. (3) *Helos* (in Laconia)—Halévy. (4) *Hellas*—Targ. Jon. to Genesis, Volney, Lenormant. (5) *Coast of Greece*—Toy. (6) *Crete*—Sayce. (7) *Italy*—Targ. to Ezek., Dillman. (8) *Sicily*—gloss to Syncellus, Eusebius, Kiepert, Kautsch. (9) *Carthage* [Elissa = Dido]—Schulthess, Stade, Meyer, F. Brown, Kraetschmar, Winckler, Budde, Jeremias. (10) *Beyond the Straits of Gibraltar*—Jensen. (11) *Alashîa*—Conder. (12) *Cyprus* (= Alashîa)—W. M. Müller.

When there is so much diversity of opinion it must appear a vain task to support any single contention. The key to the solution will only be found when there is agreement as to the principle that obtained in the formation of the table of nations. But we may examine more closely the last two identifications, since these keep us in the neighbourhood of Asia Minor. Conder [*Pal. Exp. Fund, Quart. Stat.* (1892), p. 45] suggested that Elishah might be identified with the land Alashîa of the Amarna Letters [*Keil. Bib.*, V, Letters 25–33]. In the *Orient. Litt.-Zeit.* [III, p. 288 ff.] Müller tried to show that these two names were etymologically the same. The main difficulty he has to contend with is the position of the yodh in the Hebrew word. Müller adduces the form Ελεισαι of LXX^{B} for the presence of the yodh in

the last syllable. But Ελεισαι is no doubt merely the plural form of Ελεισα, nor can justification be found for his arbitrary change of אי into א. The similarity of the names Elisha, Alashîa is too great, however, to be lightly passed over. We gather from the Amarna Letters that the land Alashîa was of considerable importance at that time (c. 14th cent. B. C.), and one might in consequence reasonably expect it to be included in the table of nations. Where is this Alashîa? According to Conder it is to be found on the south coast of Asia Minor, and according to Niebuhr [*Stud. u. Bemerk. z. Gesch. d. Alt. Orients* (1894), p. 97 ff.] to be identified with 'Ελέουσα [cf. Strabo, XIV, pp. 5, 6]. In support of this might be adduced the reading of the LXX which gives an Elishah as brother of Javan, and mentions them together. On the other hand, W. M. Müller [*Zeitsch. f. Assyr.*, X, p. 257 ff.] identifies Alashîa with Cyprus, comparing it with '-*si-y*[*asiy*(*a*)][1], the Egyptian (hieroglyphic) name for the island. The identification has met with considerable acceptance. If, however, Elishah be the same as Alashîa, and Alashîa be Cyprus, we should have Cyprus mentioned twice in the same verse, since Kittim also clearly means Cyprus. The difficulty might be met by saying that Alashîya may have been the name of a *part* only of the island. Pietschmann [*Gesch. d. Phönizier* (1889), p. 257, note 1] has made this suggestion with regard to Asiy—the Egyptian name. As helping to confirm this, it might be added that in the Amarna Letters we read of the "king of Alashîa," but when we come to the time of Sargon we learn that there are *seven* kings of Jatnâna (Cyprus). In the present state of our knowledge it seems, however, impossible to determine with any degree of certainty what land is meant by Elishah in the table of nations.

(*b*) *Tarshish.* The form תרשישה which occurs in 1 Chron. i. 7 has evidently received its termination under the influence

[1] Viz. *a-si-y* = *assiy*(*a*) = *arsiy*(*a*) = *alsiy*(*a*).

of the immediately preceding אלישה. The LXX renderings are *Θαρσεις* or *Θαρσις* and even *Θαρσος* (so LXX^{A} in Ezek. xxvii. 25). In Isa. ii. 16 and xxiii. 6, 10, 14 Tarshish is translated *Καρχηδων* (or *Χαρκηδων* LXX$^{B*\aleph*}$),[1] also *Καρχηδονιοι* or *Χαρκηδονιοι* in Ezek. xxvii. 12, 25, xxx. 13. In the last of these passages we find a variant *Χαλκηδονιος* (LXX^{A}). It is customary to associate Tarshish with *Ταρτησσός* in the south of Spain. The interpretation Carthage of the LXX is also that of Targ. Jonath.; cf. 1 Kings xxii. 48 and Jer. x. 9 [cf. also Winckler, *Alt. Orient. Forsch.*, I, p. 445 f.]. According to Josephus it is Tarsus in Cilicia. The ת, he explains, has become at a later time ט. This identification receives the support of Sayce [*Expos. Times* (1902), p. 179], also Baron and Bunsen. Jerome and Eusebius [*Onom. Sac.*] think of a region in India. Lepage Renouf [*Proc. Soc. Bib. Arch.*, pp. 104 ff., 138 ff.] would derive תרשיש from רשש and find in the name a designation for coastland, more especially the Phoenician coast. In the *Orient. Litt.-Zeit.* [III, p. 151] it will be seen that Cheyne thinks of connecting תרשיש with the Tyrseni or Etruscans—a view first advanced by Knobel—but seems to have given this up in favour of an identification with a district Asshur (or Geshur) in North Arabia (cf. *Encyc. Bib.*]. It can scarcely be said, however, that any of the explanations offered are very convincing. The identification with Tarsus in Cilicia as associating Tarshish with Asia Minor might be commended for that very reason, but there are obvious difficulties in connecting תרשׁ with טרז, as the name appears on coins; and, indeed, as remarked before, until it can be established on what plan the table of nations was formed, it seems profitless to speculate as to both Elishah and Tarshish.

(*c*) *Dodanim* (or *Rodanim*). Dodanim is given in the Hebrew text as the fourth son of Javan in Gen. x. 4, but in 1 Chron. i. 7 the name given is Rodanim. The variants of this name are interesting. We find ודנים in Gen. x. 4,

[1] * denotes original scribe of the MS.; ^{a}, ^{b}, ^{c}, 1st, 2nd, 3rd hands.

MT., Vulg.; in 1 Chron. i. 7, Vulg.: ורדנים in Gen. x. 4, Samarit., LXX^{E}; in 1 Chron. i. 7, MT., LXX^{B}: רדנים in Gen. x. 4, LXX^{AD}, in 1 Chron. i. 7, LXX^{A}. The evidence seems overwhelmingly in favour of the form Rodanim. With the form Dodanim the only name that seems to invite comparison is Dodona in the interior of Epirus; but as the איי הגוים were to be separated from the sons of Javan we must surely look for a place in the neighbourhood of the sea. The reading דננים or דנונים is suggested by W. M. Müller [*Or. Litt.-Zeit.*, III, pp. 288 ff.] in an article on the sons of Javan. He would in this way connect the name with a people of Western Asia Minor, known to the Egyptians as Da-no-na, possibly the same as the Da-nu-na of the Amarna Letters. The name Da-no-na has been before now identified with the Danai or Greeks. By such juggling with letters, however, anything might be proved, and the results dependent on such methods can scarcely be regarded as satisfactory. The reading דרנים (Dorians) is advocated by Winckler [*Alt. Orient. Forsch.*, II, pp. 422 ff.]. The *Targ. Jer.* reads דרדנים (Dardanians), a reading in which Schroeder [*Phönizische Sprache* (1869), p. 99] and Knobel [*Völkertafel*, pp. 104 f.] concur.

The most plausible reading is certainly רדנים with the interpretation Rhodes. Against this identification it is urged that the Greek has the short *o*, i.e. Ῥόδος. It is just possible, however, that the termination *-îm* may have been added under the influence of the preceding כתים. That such change could take place is instanced in this same verse as given in 1 Chron. i. 7. Here we have אלישה ותרשישה. The effect of the juxtaposition of similar names no doubt explains also the variant אליש of the Samaritan Codex, where the second of the two names has evidently affected the form of the first. Josephus and LXX^{dgp} omit the fourth son of Javan, although Josephus practically explains the reason of his omission when he adds to his comment on כתים, καὶ ἀπὸ ταύτης (i.e. Χέθιμα) νῆσοι τε πᾶσαι καὶ τὰ πλείω τῶν παρὰ θάλασσαν

Χεθὶν ὑπὸ Ἑβραίων ὀνομάζεται [*Antiq.*, I. 128, ed. Niese (1896), p. 7]. Such being the case it would of course be unnecessary to add Rhodes after Kittim. We know also that Epiphanius [*Adv. Haer.* xxx. 25] includes at least Rhodes under Kittim, so that it seems very probable that by רדנים we are to understand Rhodes.

(*d*) *Kittim.* The evidence of early writers is all in favour of identifying Kittim with Cyprus—thus Josephus, *Antiq.* I. 128 [Χεθιμά . . . Κύπρος αὕτη νῦν καλεῖται]; Zonar., *Epit. Hist.* i. 5 [Χεθίμ, ἡ Κύπρος αὕτη ἐστι]; Epiphan., *Adv. Haer.* xxx. 25 [δηλόν ἐστιν, ὅτι Κίτιον ἡ Κυπρίων νῆσος καλεῖται]; Hieron. *Des it. et nom.*, ed. Lagarde (*Onom. Sac.*, p. 113) [Terra Chethiim nam urbs hodieque Cypri Citium nuncupatur]; Hieron. on Gen. x. 4 [Cethim sunt Citii a quibus . . . urbs Cyprii Citium nominatur]; so also in similar terms, Hieron. on Isa. xxiii. 1, and Jer. ii. 10; Euchar., *Instr.*, II, 4 [Cethei, Citii, idem Ciprii, apud quos et urbs Cittium vocitatur]; Theodor. on Jer. ii. 10 [καλεῖ δὲ Χεττιεὶμ μὲν τὴν Κύπρον; also Theod. in similar terms on Ezek. xxvii. 6; Isid., *Orig.*, ix. 2, 36 [Cethim a quot Citii, id est Cyprii]. For additional references cf. Oberhummer [Cypern, pp. 19 f.], Lenormant [*Revue des Questions Historiques*, 1883, pp. 234 f.][1].

As already remarked the name כתים was probably not limited to Cyprus. It has been connected by many with חתים (Hittites), although Lenormant [*Rev. d. Quest. Hist.*, XXXIV (1883), p. 235, note 6] thinks that the evidence is insufficient. Schroeder [*Phöniz. Sprache*, p. 116], in contrasting the Hebrew and Phoenician languages, adduces this instance amongst others for the interchange of כ and ח, and Movers [*Phönizier*, II, 2, pp. 204 ff.] adduces evidence for an identification of the two names. That the names are identical is the firm conviction of Hitzig [*Zeitsch. Deutsch. Morgenl. Gesellsch.*, IX (1855), pp. 756 ff.] and

[1] The classical references to Cyprus have been brought together in Meursius, *Cypri* (1675), Engel, *Kypros*, 2 vols. (1842), and Oberhummer, *Die Insel Cypern* (1895).

W. Max Müller [*Asien u. Europa*, p. 345] shows that the names can be etymologically the same—that כתי (so in Phoenician inscriptions) being the same as Egyptian Khita (Ḫ-ta) and thus the same as the Assyrian Ḫatti and Hebrew חתי.

As the discussion has turned on the variants of the word Kittim given in the LXX, the renderings of the MT. (with the word preceding in brackets), the chief MSS. of the LXX (according to Swete, *O.T. in Greek*, 1887 seq.) and the Vulgate will be given in order.

Gen. x. 4: כִּתִּים [ותרשיש]; Κητιοι A | Κιτιοι DE | ; Cetthim.

1 Chron. i. 7: כִּתִּים [ותרשיש]; Κιτιοι B | Κητιοι A* vid. | ; Cethim.

Num. xxiv. 24: כִּתִּים [מיד]; Κιτιαιων BF | Κητιαιων A | ; Italia.

Isa. xxiii. 1: כִּתִּים [מארץ]; Κιτιαιων BאF | Κητιαιων A | Κιτιεων Q | ; Cethim.

Isa. xxiii. 12: כִּתִּיִּים [צידון] ('P = כתים); Κιτιεις BQΓ | Κητιειμ A | ; Cethim.

Jer. ii. 10: כִּתִּיִּים [איי]; Χεττιειμ BAQ | Χεττιειν א | ; Cethim.

Ezek. xxvii. 6: כִּתִּיִּם [מאיי] ('P = כתיים); Χεττειν B | Χεττιειμ AQ | ; Italiae.

Dan. xi. 30: כִּתִּים [ציים]; Ρωμαιοι 87 Syr. | Κιτιοι Theod. BA | Χεττιειμ Q* | ; Romani.

1 Macc. i. 1: [εκ της γης] Χεττειμειμ AאV | ; Cethim.

1 Macc. viii. 5: Κιτιεων [βασιλεα] A | Κιτιαιων א c.a V | ; Ceteorum.

From the above it will be seen that the forms of the name beginning with X only occur where the Daghesh Lene is absent from the כ—i.e. where the כ is aspirated by reason of the immediately preceding vowel sound, so that great importance cannot be attached to the forms with X in the LXX renderings given above. In Dan. xi. 30 we seem to have as exception the reading of the original scribe of Q. It is evident, however, that he has read ציי כתים, in any case the more natural reading. The word preceding the name in 1 Macc. i. 1 has been מאיי (not מארץ) in the

Hebrew original of the book, whilst in viii. 5 it was מלך. There seems no reason to believe that the names כתים and חתים, however, were distinct. It is more probable that Kittim was the local or Phoenician pronunciation of the name. The name Kittim, indeed, seems rather to be the name of the inhabitants than of the island itself. In such case one wonders if it is not a contraction for איי כתים—in some of the passages at least. The name Kittim would appear to have had a wider denotation in later times, as the interpretations Italia, Romani seem to show, but there is scarcely justification for the contentions of some modern scholars that Kittim is not Cyprus and must be sought for elsewhere [cf. Winckler, *Altorient. Forsch.*, III, pp. 422 ff.; Müller, *Orient. Litt.-Zeit.*, III, p. 288; Jeremias, *Das Alte Testament* (1904), p. 154, &c.].

It is clear that the dates of the references to כתים in the O.T., and the references to Cyprus of the Assyrian records must of necessity overlap in one or two cases, so that a consideration of the cuneiform name for Cyprus may help to a decision. Assyrian scholars without exception agree that the name Jatnâna or Atnâna[1] denotes Cyprus. This name is most frequently met with in the inscriptions of Sargon [722–705 B.C.] often with Ja'—always as part of the expression Ja' nagî ša—preceding, viz. Ja' nagî ša (mat) Atnana [Annal. 383 (64)[2]; Stele II, 28 (180)]; Ja' nagî ša (mat) Jatnana [Pr., 145 (126); P.p., IV, 42 (148)]. Nagû is "district, territory," especially narrow territory, and ša is the pronoun used as relative, in its use corresponding much to Aramaic דִּי. According to Delitzsch [*Paradies*, p. 292] the form Atnâna occurs in all the bull inscriptions except that of Doursark [V, 38]. Without the

[1] Delitzsch [*Wo lag das Paradies?* p. 292] has pointed out that Jadnâna is a possible reading, and Winckler repeatedly uses this form of the word.

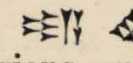
[2] The references are taken from Winckler, *Die Keilschrifttexte Sargons* (1889), vol. I. The numbers enclosed in brackets refer to the pages in this book. Pr. = Prunkinschrift, P.p. = Pavé des portes.

Ja' preceding the form of the name would appear to be always Jatnâna—viz. (mat) Jatnana [Saal, XIV, 17 (82), 22 (84); Pr., 16 (98); P.p., I, 7 (136), II, 4 (138), III, 5 (142), IV, 63 (150), V, 14 (158)]. The name appears again in the inscriptions of Sinaherib [705–681 B.C.], where we are told that Lu-li-i, king of Sidon [but cf. Joseph., *Antiq.*, ix. 14. 2] fled at the approach of the Assyrian to Jatnana [cf. G. Smith, *Sennacherib* (1878), pp. 67 f.; *Keil. Bib.*, II (1890), p. 90, note 12]. We meet with Jatnana in Aserhaddon (681–668 B.C.), where curiously he includes Cyprus in Ḫattiland [*Keil. Bib.*, II, p. 150], and gives a list of ten kings of the island who paid tribute to him. A similar list of tributary kings is given by Asurbanipal (668–626 B.C.) [cf. *Keil. Bib.*, II, p. 240].

With regard to the interpretation of the Assyrian expression, E. Schrader [*Keilinschr. u. Geschichtsforsch.*, pp. 243 ff.] conjectures that Ja' may have been a district in Cyprus, probably the great plain Mesaria. F. Lenormant [*Rev. d. Quest. Hist.*, XXXIV (1883), pp. 246 f.] would read *a* instead of *at*—i.e. Ja-a-na-na for Ja-at-na-na[1]—with the slender support of two instances of such reading in the *Cuneiform Inscriptions of Western Asia*, connecting the name with Ἰάς, an early name for Attica, and making Ja-a [? Ja-'] the part of Cyprus colonized by the Ionians. Winckler's suggestion that Ja' nagî arose by false etymology on the part of the Assyrians from Ἰωνικοί [cf. *Keil. Sarg.*, p. xl, note 6] has been refuted by Oberhummer [*Cypern*, p. 8], who points out that Ἰωνικοί is not the name of the people, but an adjective. The presence of the guttural in Ja' is also a factor that must be taken into consideration.

The Hebrew phrase איי כתים (so Ezek. xxvii. 6, Jer. ii. 10,

[1] So also Sayce, *P.S.B.A.*, 1902, p. 12. If 𒂊𒀀 = *ad*(*t*, *t*) here represents *â*—in any case a very rare reading and one we should scarcely look for in the Sargon inscriptions—we should reasonably expect a variant, say 𒀀 (*a*) or 𒀀𒈾 (*an*), in one or other of the records. There are, too, obvious objections to seeing in both Ja' and (J)atnana, or even Ja-a-na-na, forms of the same name.

and presumably 1 Macc. i. 1) may, perhaps, furnish the clue to the Assyrian derivation. In this expression the voice stress is on the last syllable of the last word. The aspirated כ having practically the sound ח, there is reason to believe that the whole would be sounded in ordinary use very much like *îya chattîm*, since the tendency was to use with the guttural the *a* class of vowel. This *îya* would naturally be rendered *ia* in Assyrian. As a consequence of the intimate connexion between the construct state and the following noun, the guttural of the *chattîm* has become attached to the *ia*, making *ia-'*, i. e.  . Such mistake on the part of the Assyrians would be perfectly natural since א is clearly a loan-word in the Semitic. The Assyrians have, however, been acquainted with the general meaning of the word, since they have added nagû, i. e. Ja-['] nagû = coast territory. The *Status Constructus* of the Hebrew is rendered by ša. Then follows Atnâna in the Assyrian to correspond to *attîm* in the Hebrew. Where we have *tn* in the Assyrian we find *tt* in the Hebrew, which might imply that there had been an assimilation of *n* in the Hebrew. There remains *âna* to identify with *îm*. The Hebrew plural termination is *îm* for masculine nouns, and one of the Assyrian plural terminations is *âni*. With a *na* sound preceding the final *ni* could very well become *na*, i.e. *na-na* instead of *na-ni*.

It may very well be objected that in dealing with proper names *îm* cannot pass into *âni*, or vice versa. The Assyrians would take down the name as it was spoken. We do not, however, argue that the Assyrians obtained the name from the Hebrews, but that both probably got it from the Phoenicians. We may in this connexion note that according to Josephus, the islands and the greater part of the coast-lands were called Χεθίν by the Hebrews (not Χεθίμ) [cf. *Antiq.*, I, 128, ed. Niese (1896), p. 7]. Then again LXX^{B} in Ezek. xxvii. 6 translates Χεττείν, and LXX^{N} in Jer. ii. 10 Χεττιείν. The difficulty, then, with regard to the

m and *n* is not so very serious, and we may at least suggest the equation

Ja' [nagî ša] Atnâna = איי כתים.

The form Jatnana[1] doubtless reflects the influence of the preceding *Ja* sound. In the lists given by Asarhaddon and Asurbanipal, the names of the places are not all certain, but at least six of them can be identified with coast towns, so that the seven kings of the Ja' nagî referred to in the Sargon records were doubtless all from the coast. Since Asarhaddon and Asurbanipal seem to include in their list names of places in the interior of the island, there is no occasion for them to make mention of the Ja' nagî, or coast district.

Javan in ancient records. Who were the Javanites? According to Pictet [*Les Origines Indo-Européennes*, I (1859), p. 58]: "On ne s'accorde pas ni sur l'origine de ce nom, ni sur sa valeur primitive, ni sur la manière dont il s'est transmis ou conservé chez les divers peuples." The only identification at present generally accepted is that Javan is the same as Ἰάων [Ἰαϝων]. The Javanites are held to be Ionians, or even Greeks in general; for is it not the case that πάντας τοὺς Ἕλληνας Ἰάονας οἱ βάρβαροι ἐκάλουν, as the scholiast to Aristophanes, *Acharn.*, 106, asserts? In what follows an attempt will be made to show that, although in later times Javan evidently did denote the Ionians or Greeks as known to us, yet in its *valeur primitive* it denoted the traditional Phoenicians. We have also already indicated that Javan in the "table of nations" possibly did not mean Greece, but as the name of a *district* might be looked for somewhere in Asia Minor or Northern Syria. In early times the people Javan

[1] The *tn* in Jatnana is probably a transposition for *nt*. Ḫattu in cuneiform stands for Ḫantu (so Hommel, *Abriss*, 1889, p. 39). Interchange of consonants is by no means uncommon in proper names. It is no doubt relying on this fact that Hall, who reads Iantânay (or 'Antanay) as the hieroglyphic name of Cyprus, identifies his reading with the cuneiform Jatnân (*B.S.A.*, VIII, p. 167).

must have been widely known amongst the nations. References to this people are to be found in the records of India, Egypt, Israel, Assyria, Persia, Greece, and these we may now shortly consider.

(*a*) *India.* It is a matter of much regret that Indian chronology is in such an unsatisfactory state. Apart from internal evidence, Indian scholars seem to have little or no means of determining the dates of the older works. This is the more unfortunate as the mention of the Javana—such is the Sanskrit form of the name—has been in most cases used as an argument for fixing the date of the work in which it occurs. And it is customary to interpret Javana as "Greeks." It is evident, however, that for the purpose we have in view the date itself of the work must be one of the most important means of determining whether Javana can possibly mean the Greeks. Could the Indians have had knowledge of the Greeks before the time of Alexander? It has been hazarded that the Indians could have acquired a knowledge of the Greeks from the Phoenicians. It is remarkable, however, that no one can point to a name for the Phoenicians themselves in Brahman literature [cf. Pictet, *Les Orig. Indo-Europ.*, I, p. 61]. Through the medium of Indian auxiliaries of Darius? Of such auxiliaries little, if anything, seems known. From the Persian interpreters of Alexander? [cf. Weber, *Ind. Antiq.*, IV (1875), pp. 244 ff.]. Already, at the time of Darius, the Persians knew the Javanites as Jauna, yet it is only when we come to the time of Açoka (3rd cent. B. C.) that we find a similar contracted form Jona in the Indian writings. Also long before Alexander the Greeks were already known as Ἕλληνες.

One of the most important notices of Javana is that due to the "Father of Sanskrit Grammar," Pâṇini [IV, 1, 49]. Since attempts have been made to use Pâṇini as a key-stone to Indian chronology there has been keen discussion as to his epoch, and dates have been suggested for him ranging over a period of no less than 1,200 years. Those

students of Pâṇini's *Grammar* who found their conclusions on textual evidence alone appear to agree as to the antiquity of the work. Thus Goldstücker [*Pâṇini*, pp. 225–7], perhaps the greatest authority on Pâṇini, would place him at latest in the 7th cent. B. C., whilst Westergaard (*Ältest. Zeitraum Ind. Gesch.* (G. T., 1862), p. 72] concludes for about 400 B. C., and Liebich [*Pâṇini* (1891), p. 8] for a little later than Buddha. Those scholars again who favour a date towards the end of the 4th cent. B.C., or a little later, seem to have been influenced by Böhtlingk [*Pâṇini* (1840), II, p. xiii], who suggested a date about that time, relying on the evidence of Somadeva's *Kathâsaritsâgara* (12th cent. A. D.). The value of the latter testimony is now discounted [cf. Liebich, *Pâṇini*, p. 2]. A few scholars would assign Pâṇini to the 2nd cent. A. D. or even later. The main reason given for this late date is the appearance in Pâṇini's work of a form of the name Javana.

Javanânî is the form of the name that Pâṇini uses. He brings it in to illustrate a rule. At a later date in a commentary, the *Vârttika* of Kâtyâyana, the explanation is given that by javanânî a species of *lipi*, i. e. writing or alphabet, is meant. Kâtyâyana also gives Javanî as the ordinary feminine of Javana [IV, 1, 63]. What is the writing referred to under the name javanânî? Reinaud [*Mém. s. l'Inde* (1849), p. 88] argues that it is Greek writing, as also does Weber [*Ind. Stud.*, IV (1861), p. 89]. By Lassen [*Ind. Altertumsk.*², I, 2 (1866), p. 724] it is held to mean Aryan, while Goldstücker [*Pâṇini*, p. 16] considers it refers to the writing of the Persians, very probably the cuneiform. Müller [*Hist. Anc. Sansc. Lit.* (1859), p. 521] thinks it must be "that variety of the Semitic alphabet which previous to Alexander and previous to Pâṇini became the type of the Indian alphabet." There is here certainly no consensus of opinion that the Javana are Greeks and that javanânî is Greek writing. One point seems worthy of note. Pâṇini makes use of the word javanânî in his *Grammar* to illustrate a rule, and it is only natural to suppose that he would employ a word in

everyday use, or, if not, that he borrowed the term from one or other of the ten predecessors of whom he makes mention. Katyâyâna, between whom and Pâṇini a considerable interval of time must be placed, finds it necessary to explain javanânî, thus clearly showing that the term was then *going out of use*, or actually out of use. If by the Javana the Greeks were meant, we should reasonably expect the exact opposite. The Indians, too, could only have acquired a knowledge of Greek writing after the time of the Greek Bactrian King Demetrios, who first conquered Indian territory in 205 B. C. The majority of Sanskrit scholars, who have given an opinion on the subject, would place Pâṇini previous to this date. It is clear also that the Javana writing was well known prior to Pâṇini. Evidently here it is out of the question to hold that Javana is a name of the Greeks or Ionians. This is frankly acknowledged by Müller. "Javana is by no means the exclusive name of the Greeks or Ionians. Professor Lassen has proved that it had a much wider meaning, and that it was even used by Semitic nations. There is nothing to prove that Pâṇini was later than Alexander or that he was acquainted with Greek literature. . . . The Sanskrit alphabet, though it has always been suspected to be derived from a Semitic source, has not certainly been traced back to a Greek source. It shows more similarity with the Aramaean than with any other variety of the Phoenician alphabet" [*Sansc. Lit.*, p. 321]. Müller implies in his words that he believes the javanânî to have been a form of the Phoenician alphabet. He does not say that he believes the Javana to have been Phoenicians, but in very early times it was the Phoenicians who were especially associated with writing and letters. The Greeks themselves attributed the origin of this writing to the Phoenicians [cf. Herod., v. 58; Athenaios, *Dipnos*, A, 50 C; Diod., v. 74, 1; Clem. Alex., *Strom.*, i. 16, 75].

Eloquent testimony to the antiquity of the name Javana is its appearance in the famous epic *Mahâbhârata*. From

this epic we learn something of the Javanites themselves. Their wide knowledge and valour are lauded [VIII, 45, 2107]. In the twelfth book there is the description of a fight between Kṛishṇa and Kâla-Javana (dark Javana), and the taste of the Javana for single combats is also commented upon [XII, 101, 3739 ff.]. Wide knowledge has always been an asset of the traditional Phoenician, and no person, I think, would deny that he was exceptionally brave. The Kâla-Javana may have been so called from their swarthy complexion, and, according to Weber [*Hist. Ind. Lit.*[2] (E. T., 1882), p. 220, note], "at the time of the Daça-Kumâra the name Kâla-javana does in point of fact expressly designate a sea-faring people." In XIII, 33, 21–23[a]; 35, 17–18, the Javanas are placed in the list of the degraded Kshatriya peoples, who had sunk to the condition of Śûdras on account of their omission of the sacred rites, and not consulting the Brâhmaṇas.

The book of the *Laws of Manu* [X, 43–4] furnishes an almost exact parallel to these last two passages of the *Mahâbhârata*. Bühler [*Laws of Manu* (1886), p. cxiv] finds this mention of the Javana useful in fixing the date of the whole work. It is his opinion that the Javana are here the Greek subjects of Alexander's successors and especially the Bactrian Greeks. Lenormant [*Jour. d. Savants* (1882), p. 605] argues that the references to the Javana in the *Mahâbhârata* are merely a proof of the late date of the recension that has come down to us. It has, on the other hand, been pointed out by Weber [*Ind. Lit.*[2], p. 187] that the Javanites are mentioned in that very part of the epic which is recognized as the oldest—i. e. that relating to the war on Hindustan soil.

In another epic, the *Râmâyaṇa* of Vâlmîki, the name Javana is coupled with Çaken (Scythians) and Kamboja (Kâbulîs). On the request of Vaçishṭha the magic cow produces Scythians and Javanites, with whom the whole earth was filled. "They were gleaming, like unto heroes, and countless as the golden filaments of the lotus, and were decked out

in gold-like armour" [*Râmâyaṇa*, I, 54, 18 ff.]. Discussing the date of the *Râmâyaṇa*, Menrad [*Râm.* (1897), pp. xxi, xxii] thinks of the 5th, 6th, or even 8th cent. B. C., and in his comment upon the word Javana, Schlegel [*Râmâyaṇa*, I, 2, p. 169, note] expresses the opinion that "apud Indos vocabulum Yavana est antiquissimum."

We are on surer ground as regards date when we turn to the edicts of Açoka Piyadasi. This king, who reigned in the 3rd cent. B. C., in his inscriptions on the rocks of Orissa and Gujerat, records his friendship with Antiyoko, the Jonâ-raja, or king of the Jona. The reference here seems to be to the Seleucid King, Antiochus II.

The wide knowledge of the Javana is lauded in the *Mahâbhârata* as we have already seen. Indian astronomers, as Varâha-Mihira [cf. Lassen, *Ind. Altertumsk.*, I, p. 729; also *Zeitsch. f. Kunde d. Morgenl.*, IV, p. 335] continually speak of the Javana as their teachers. If Indian astronomers learned their astronomy from the Javana, there must have been a very early and intimate intercourse between the Javana and the Indians, for the name of Parâçara, reputed to be the oldest Indian astronomer, belongs to Vedic literature. Indeed, it would appear that there is a verse from Garga—reckoned the second oldest astronomer—often quoted, in which is extolled the astronomical knowledge of the Javana [cf. Weber, *Ind. Lit.*^{2}, p. 252]. It is clearly impossible to believe that the Greeks were the earliest teachers of the Indians. According to the generally accepted traditions, the Phoenicians instructed the nations in arts and sciences. Of commercial dealings between the Javana and the Indians we learn indirectly. In Kâlidâsa's *Raghuvança* [IV, 61] the women slaves of the Pârasîkas (Persians) are called Javanî [cf. *Ind. Stud.*, XIII (1873), p. 308]. They may have been so called because furnished by the Javana. This seems to be corroborated by Indian inscriptions, in which Javana girls are specified as tribute [cf. Weber, *Ind. Lit.*^{2}, p. 251, note]. The Phoenicians were by all reputation slave-

dealers. Further, certain articles of trade which were dealt in, from all accounts, by the Phoenicians, are associated in Sanskrit with the word *javana*. Thus pepper is *javana-priya*; incense from Arabia is *jâvana*; tin is *javanêshṭa*—lit. "beloved of the Javana" [cf. Lassen, *Ind. Altertumsk.*,[2] p. 722]. And from the evidence furnished by these names Lassen regards it as possible that in its earliest meaning the word Javana included both Arabian and Phoenician.

One thing may be said to be certain, that Javana in the early Indian records is not the name of the Greeks. The only other race that would seem to possess the characteristics of these Javana are the Phoenicians. It must be acknowledged, however, that in the later Sanskrit writings the term Javana is clearly applied to the Greeks.

(*b*) *Egypt.* In the last lines of the Rosetta inscription it is prescribed that the decree be given in τοῖς τε ἱεροῖς καὶ ἐγχωρίοις καὶ Ἑλληνικοῖς γράμμασιν. The word corresponding to Ἑλληνικοῖς is in the *demotic* section *Uinn, Uinin*—the equivalent of the Coptic *Oueinin* (*Oueienin*), the only word in Coptic to express the name Greeks [cf. Mark vii. 26, Acts vi. 1, &c., in the Coptic version]. The corresponding *hieroglyphic* group would appear to be now read by Egyptologists *Ha-nîbu*, or *Hau-nîbu*. This name when first observed by Champollion and Rosellini [*Mon. Stor.*, III, 1, pp. 421–6] was read by them *Jounan* or *Jouni*. The phrase *Ha-nîbu*, as the hieroglyphic group is now generally read by Birch [*Gallery of Antiquities*, p. 89], "all the peoples of the north." According to Lepsius [*Monatsb. Berl. Ak. Wiss.* (1855), p. 499 ff.] it was merely a faulty transcription of the name Ἰάονες. This view is combatted by Chabas [*Études sur l'Antiq. hist.*[2] (1873), p. 174], who contends that *Ha-nîbu* literally means "all those that are behind"—i. e. "all those that are to the north"—adding that the name was used as a designation for Greeks in the late epochs without quite losing its general significance, but that it was never used to transcribe the name of the

Ionians. By Lenormant [*Jour. d. Sav.* (1882), p. 607] *Ha-nîbu* is held to mean "all the Ha"—i. e. "all the shores and all the islands." He thinks that it corresponds exactly to the אי הגוים of Gen. x. 5.

The name appears as early as the time of the Pharaohs. On the monuments of some of the kings of the eighteenth and nineteenth dynasties [*c.* 16th–13th cent. B. C.] is found a list of nine peoples, in which are included the peoples of Upper and Lower Egypt. It would appear that the order in which the names are given represented the political positions of the peoples for the time being. At the time of Tahutimes III (*c.* 16th cent.) the Ha-nîbu headed the list. A century or two later the same people are placed last. The fact that the Ha-nîbu—if such be the correct interpretation of the pictorial signs—found a place on such a list, would seem to show that under this name there is reference to a single nation, and not to a group of peoples of indefinite number, as the translation of the term by Chabas, for instance, would seem to imply. Whatever be the meaning applied to Ha-nîbu, it is certain that this term became the later *demotic Uinn* or *Uinin*, and the Coptic *Oueinin*, the equivalent of *Ἰάονες*. Now it does not seem possible that either the Greeks or the Ionians could have been the foremost amongst the nations in the sixteenth century B. C. If modern scholars are to be believed, the Phoenicians were in possession of the shores and the islands about that time [cf. Pietschmann, *Phönizier*, p. 279 f.]. Lenormant's translation, "all the shores and islands," would indeed apply very happily to the traditional Phoenicians. Lepsius has busied himself with the name. He says it is clear that in the old monuments there can be no talk of the European or Asia Minor Ionians, or of the Greek races in their early homes, and he suggests as solutions of the problem either that the name was applied in the earliest period to a greater group of kindred peoples rather than to the single Ionian race, or that the Ionian race had in earlier times a much greater significance than

we have hitherto been able to gather from later history [*Monatsb. Berl. Ak. d. Wiss.* (1855), p. 507]. It is also acknowledged by Lenormant [*Jour. d. Sav.* (1882), p. 174] that "this word which the scribes at a later time made equivalent to the Greeks, certainly did not have that meaning in the epoch of the great conquests of the Theban kings," and Wiedemann [*Ältest. Bezieh. zw. Ägypt. u. Griechenland*] has reached the conclusion that only after the time of Alexander was the term applied to the Greeks.

The results gleaned from the Indian and Egyptian records respecting the Javanites present some parallel features. Both Indians and Egyptians would appear to have come into direct contact with this people. In both cases the early dates of certain of the references preclude the possibility of the Javanites being Greeks, or Ionians, as known to us. In both, the Javanites are associated with writing. In both, they are a people of considerable political importance. And in both cases the substitution of "Phoenicians" for "Javanites" in the earlier references would be perfectly suitable, since the Javanites, so far as revealed to us, possess characteristics which we have been accustomed to identify with the Phoenicians.

(*c*) *Persia.* The oldest Persian reference to the Javanites is to be found in the tri-lingual cuneiform inscription of Behistûn. The inscription dates from the time of Darius, so that we do not get beyond the sixth century B. C. The Persian form of the name is *Jauna.* Corresponding to this, we have in the inscription referred to, in the Medo-Elamitic *Javna*, and in the Bab.-Assyr. *Jam(v)anu.* Jauna is here described as a province of Darius. The name is introduced between Sparda and Mâda [cf. Spiegel, *Die altpersischen Keilinschriften*[2] (1881), pp, 4, 5].

In the Persepolis inscriptions (also of Darius) Jauna is again mentioned. Thus we find in Naqsh-i-Rustam, a, l. 12:—"Sparda Y(13)aunâ tyaiy ushkahyâ utâ tya(14)iy darayahyâ," or, "Lydians, Javanites of the continent and of the sea"; also l. 28:—"Katapatu'ka, Sparda, Yaunâ, Saka

tyaiy ta(29)radaraya sk'udra, Yauna takabarâ putiy." The "Yauna takabarâ" is translated by Spiegel [p. 55], "the Ionians who wear crowns" [cf. also Spiegel, pp. 119, 219]. Lenormant [*Jour. d. Sav.* (1882), p. 485] recalls the phrase κάρη κομόωντες Ἀχαιοί which occurs so frequently in the *Iliad.*

It has been recognized that here only the Asia Minor Ionians can be referred to, and not the Greeks. The Persian references are, however, too meagre and of too late date to be of much use.

(*d*) *Assyria.* Turning to the Assyrian records we find that here too the name crops up. The Javanites are mentioned in the cuneiform inscriptions of Sargon (722–705 B. C.). Azuri, King of Ashdod, as it would appear, had refused to pay tribute to Sargon. He also incited other kings in his neighbourhood to rebellion. Sargon accordingly deposed him and appointed Aḫimiti, his "true brother," king in his stead. The Ḫatti dethroned this new ruler. In his place they set up a certain Jamani (var. Jatna) one who had no claim to the throne, "who was as they" and had no respect for Sargon's rule. Sargon at once started on a punitive expedition. The Jamani made a hasty flight toward the Egyptian frontier. The Egyptian king, however, surrendered him to Sargon [cf. Wiedemann, *Ägypt. Gesch.*, p. 584][1].

The variant Jatna is met with in Annal. 220 (36). Elsewhere we find the form Jamani—i. e. Saal XIV, 11 (82); Pr. 94 (114), 101 (114); Asd. Insc. 18 (186), 40 (188). Jamani, or Javani as it may also be read, is not, as has been argued by some scholars, a race-name used as the name of an individual, as, e. g. the word French used as a surname in England. In these inscriptions of Sargon the word Jamani is preceded by the single upright wedge. It is very probable that the idea of "a certain Javanite"

[1] Winckler [*Keil. u. d. Alt. Test.*[3], p. 72] argues that he was given up to Sargon by Pir'u (פרע), king of Yemen, as in the name Jamani he would see a "native of Yemen."

is thus intended to be conveyed. In the same text names of persons are preceded by the determinative ideogram *amelu*. Who was this Javanite? McCurdy [*Hist. Proph. and Mon.*, I, p. 416] conjectures that he was one of the Greek immigrants who probably formed an influential part of the community in Ashdod, and that the Ḫatti were the people of Palestinian origin. There is, however, absolutely no evidence for a Greek immigration at this period. Winckler [*K. A. T.*^{3}, p. 72, but cf. also p. 70, note 1] argues that the Jamani was a native of Yemen, and suggests that *pa-ti* should be read instead of Ḫat-ti—i. e. *pa* for *Ḫat*. He would translate *pa-ti* as "abandoned men,'" connecting the word with פתה [cf. Delitzsch, *Assyr. HWB.*, p. 533—only one instance]. It is highly improbable that such reading could have been intended, as elsewhere in the same connexion we have the name given in the fuller form Ḫa-at-ti [Pr. 95 (14)].

We find further mention of the Javanites elsewhere in the Sargon inscriptions. Sargon records the dragging forth of certain Jamnai who "dwell like fish in the midst of the sea" [pp. 34 f. (148), Saal XIV, 15 f. (82)]. Various explanations of the name Jamnai have been offered. Cheyne [*Ency. Bib.* (Javan)] finds here the only express reference to the Ionians in the Assyrian cuneiform inscriptions. Delattre [*L'Asie Occid. dans l. Inscr. Assyr.* (1885), p. 84] suggests connecting the name with Ἰαμνία (mod. Jebna) in the neighbourhood of Joppa. The variant Jatna had led to the suggestion that *Jamnai* may have been a general designation for the inhabitants of Cyprus [cf. Hommel, *Gesch. Bab. u. Assyr.*, p. 703, note 3], or may have been the race-name of the Cyprians proper [cf. Oberhummer, *Cypern*, p. 87].

It is, however, difficult to believe that Sargon here refers to the Cyprians or to Cyprus. That he drew forth [נסח] the Javanites like fishes suggests that their island home was a small one, and probably within easy reach of the mainland. If we accept the testimony of ancient geo-

graphers, Cyprus in early times was densely wooded [cf. Strabo (who quotes Eratosthenes), xiv. 6. 5], and would have afforded abundant cover for refugees. The Cyprians also could have early notice of Sargon's approach, and under such circumstances the "take" of the Assyrian king would have been small. Sargon, moreover, has no occasion to speak in such fashion of the Cyprians, since he refers to Jatnana only a few lines further down. It is probable that Sargon's reference is to the Phoenicians who had settled in Arvad (mod. Ruâd), a small island about 1,600 yards in circumference. It is close to the mainland. On the latter are the ruins of an older settlement [cf. Kiepert, *Ancient Geography* (E. T. 1881), p. 102 f.; Pietschmann, *Phönizier*, pp. 36 ff.]. According to Eusebius, *Chron. Armen.* [ed. Anchar, II, p. 172 f.], the island town was founded in 761 B.C., and according to Strabo [xvi. 2. 13 f.] the founders were refugees from Sidon. If the date here given of the founding of the island settlement be correct, the little colony had been scarcely forty years in existence when Sargon came to the throne, and it might as yet have had no special name to distinguish it from the Arvad on the mainland. Consequently Sargon could very naturally describe the new colony as "the Phoenicians who dwell in the midst of the sea." The notices of Arvad previous to this date can very well be taken as referring to the older town on the mainland. There may, of course, have been a settlement on the island before the Phoenicians took possession. It is certainly significant that Asurbanipal speaks of Jakinlû, King of Arvad, "in the midst of the sea, who like a fish had made his dwelling in the boundless waters" [cf. Smith, *Assurbanipal* (1878), p. 75; *Keil. Bib.*, II, p. 170, note 2], words that bear a remarkable resemblance to those of his illustrious predecessor concerning the Jamnai. There would appear, moreover, to be no mention, by name, of Arvad in the Sargon inscriptions.

Of the Javanites' connexion with Sinaherib (705–681 B.C.) we learn indirectly. Through Berosus [*Berosi Fragm.*,

ed. Müller, 12] we have word of a conflict between Sinaherib and "Ionians," who had landed in Cilicia. The "Ionians" were beaten back. Rawlinson [*The Five Great Monarchies*, II (1864), p. 453], and Schrader [*Keil. u. Alt. Test.*[2], p. 81] think that these must have been Cyprian Greeks. The name further appears in the Assyr. Bab. version of the rock inscription of Behistûn—Ja-ma-nu ša-nu-tu ša ma-gi-du[?]-ta ina [ḳaḳḳadi-šu-nu na-]šu-[u], i.e. "other Javanites who wear a *magiduta* (whatever that may mean) on their heads."

(*e*) *The Old Testament.* In Gen. x. 2, 4, 1 Chron. i. 5, 7, the LXX reads Ἰωνάν, or variations of this form, for the MT. reading יָוָן. In Ezek. xxvii. 19, where we have יָוָן in the Hebrew text, the LXX has οἶνος, and the Vulgate Graecia. Elsewhere the LXX renders יָוָן by Ἕλλας, or Ἕλληνες.

As the result of his investigations Stade [*De Populo Javan* (1880)][1] has come to the conclusion that only after the Persian period is it possible to render Javan of the Old Testament by "Greeks." Two classes of references are in consequence now distinguished by scholars. In Gen. x. 2, 4, 1 Chron. i. 5, 7, Isa. lxvi. 19, Ezek. xxvii. 13 (Joel iii. [iv.] 6, Zech. ix. 13) Javan is held to mean Asia Minor Ionians, but in Dan. viii. 21, x. 20, xi. 2 (Joel iii. [iv.] 6, Zech. ix. 13) the Greeks.

The Javan of Gen. x. 4 [1 Chron. i. 7] would seem to represent not a colony, but a motherland. There are four "sons" of Javan. Is it possible then to represent it as a Greek colony in Asia Minor? Each of the four "sons" has, moreover, been identified with Phoenician settlements [cf. Kiepert, *Monatsb. Königl. Pr. Ak. d. Wiss.* (1859), p. 214); Budde, *Urgeschichte* (1883), p. 319, note 2], but in the uncertainty that exists with regard to these names, we cannot assume that the "parent" Javan must be Phoenicia. Stade recognizes that he is here confronted with a difficulty.

[1] Reprinted in Stade, *Akademische Reden und Abhandlungen* (1899), pp. 125 ff.

He contends that the "sons" of Javan as inhabitants of islands and coast lands were on the same footing as the Ionians. They were, however, specially designated "sons" because they fell short of the Ionians in power and wealth. Such an explanation is very obviously unsatisfactory.

Of the Javanites the O.T. does not give us very much information. From Ezek. xxvii. 13 we gather that the Javanites are traders. They deal in slaves. As slave-dealers, it may be remembered, the Phoenicians were notorious [cf. Pietschmann, *Phönizier* (1889), p. 280; Movers, II, 3, pp. 70–86]. As early as Homer they appear in this capacity [cf. *Od.* xii. 372 f., xv. 472 f.]. From this same passage we further learn that Javan has a trade in vessels of brass—also a special industry of the Phoenicians [cf. Movers, II, 3, pp. 65 ff.]. The reference in Isa. lxvi. 19 helps us but little. To Tarshish, Pul, and Lud, to Tubal and Javan, to the isles that are afar off, Yahveh will send "such as escape" of his enemies. Here Javan is closely associated with the "isles afar off," but clearly much cannot be made of this, which after all may be only coincidence. The passage in which Javan occurs in Zechariah [ix. 13] is a little more specific. Here the captive Israelites (Ephraim and Judah) are invited to return, when Yahveh will rouse them to victory over בניך יון. Javan here clearly cannot mean Greece. Why should the Israelites be stirred up against "thy sons, O Greece?" To obviate the difficulty Cheyne [*Ency. Bib.* (Javan)] has made the suggestion that the scribe wrote בניך יון inadvertently for בני ארם. To other scholars, again, the manner in which "Greece" is here mentioned has proved a "grave obstacle" [cf. Driver, *Introd.*, p. 349] in assigning a pre-exilic date to Zechariah, although the evidence for an early date is otherwise strong. Marti [*Dodecapropheton* (1904), p. 396] thinks here of the Seleucid conquest, and a settlement by them in Syria between 197 and 142 B.C. If the בניך יון were taken to mean Phoenicians, the difficulties tend to disappear. It would be quite natural that the Israelites should be stirred

up to a victory over a people in their immediate neighbourhood. In Joel iii. [iv.] 6 "Tyre, Sidon, and all the regions of Philistia" are depicted as selling the children of Judah and Jerusalem to the בני יונים. Here our identification would seem to break down, as Tyre and Sidon, Phoenician cities, are described as selling to the בני יונים. Had, however, the Javanites been here intended the expression would have been not בני יונים, but בני יון. It is just possible that in בני יונים we have a term in use at that time for "traders" or "slave-dealers." The Daniel references, viii. 21 (מלך יון), x. 20 (שר־יון), xi. 2 (מלכות יון) furnish little information. Here Cheyne would find a reference to the Graeco-Macedonian Empire, "an expansion of the original conception which identified Javan with the important colonies of Asia Minor."

Whatever be the correct interpretation of Javan in the Old Testament, it is at any rate certain that it does not mean the classical Greeks. Javan must be sought in Asia, not in Greece or amongst the islands of the Aegean. To attribute to Javan the meaning of Asia Minor Ionians is to attach to the Ionian colonies in Asia more importance than they seem entitled to have. Such meaning quite breaks down when applied to Javan in the "table of nations." Yet here, as in the Indian and Egyptian records, we note the curious fact that, although Javan cannot possibly mean Greece or the Greeks in the earlier notices of the name, yet in later ages it seems to have had unquestionably that meaning. The Greek translators of the Old Testament concur in rendering Javan by Ἕλλας or Ἕλληνες, and in Talmudic literature it means unquestionably the Greeks.

How then are the Javanites so intimately connected with the Greeks? We have seen that the Javanites possess those characteristic features with which tradition has endowed the early Phoenicians. Is the history of these Javanites the early history of the Greeks? Is it possible that the Greeks, or say the Ionian race, owed to their own ancestors that culture which they later developed, and

whose origin they attributed to the Phoenicians? Can we, in fact, trace any close connexion between the Ionians and the Phoenicians?

(*f*) *Greece.* The Javanites are known in Greek literature as Ἰάονες, recognized as a contraction from Ἰάϝονες. We may approach a discussion of the early Ἰάονες without misgiving, since we have an adequate treatment of the subject by E. Curtius in his brochure *Die Ionier vor der Ionischen Wanderung* (1855). Curtius is one whose scholarship can scarcely be called in question. It will be here sufficient to bring together some of the results of his investigations as set forth in his essay.

Curtius shows that the Ionians were a seafaring people whose settlements were to be found in all quarters of ancient Greece, but everywhere on the sea-coasts, on islands and promontories, in bays and straits, and at the mouths of rivers [p. 4]. In mental attainments they were closely related to the Phoenicians, and in many places were no doubt related to them by blood [p. 13]. They were the pupils and successors of the Phoenicians in their sea-routes. They acquired the arts and industries of their teachers, and knew how to make them their own. They it was who gave the name Φοίνικες to the Canaanites, and Φοινίκη to their settlements, many of which subsequently fell into their hands. They took over from the Phoenicians the trade in Grecian waters, and introduced there the knowledge of the East. They were the founders of the wine trade in the Archipelago, and spread through all Greece the fame of the Byblos wine. They planted the date-palm (φοῖνιξ) in Delos and Aulis. Like the Phoenicians, they caught the tunny-fish, and established in many quarters purple-fisheries and the purple trade [p. 14]. They appear as the spreaders of the Syrian cults. They were often confused with the Phoenicians, and, in the earliest traditions of the western Greeks, are identified with them [p. 15]. "Cadmus is a name which—be its origin what it may—was at home in Ionia from the earliest times" [p. 26].

The theory of Curtius is that only in Asia Minor could the Ionians have had an opportunity of developing their national characteristics before scattering amongst the islands and shores [cf. *Griech. Gesch.*[6] (1887), I, p. 29]. From the description given by Curtius of the early Ionians it is not easy to see where the Phoenician stops and the Ionian begins. There would appear to be no break. The Phoenician is merged in the Ionian. Indeed, as Renan [*Hist. Génér. d. Langues sémit.*[5] (1878), I, p. 44] remarks, "M. Ernest Curtius dans son *Essai sur les Ioniens* semble avoir établi que le nom des Phéniciens couvrit en réalité des migrations de peuplades ioniennes vers l'occident."

Here, then, the Javanites and the Phoenicians are associated in the closest possible manner. They are practically identified. We have tried all along to show the possibility of such an identification ; but here we seem to be on firmer ground. Yet if the Javanites or Ionians were of the same origin as the Phoenicians, how do we account for the different names ? How do we account for the difference of language, or for the Greek traditions that made the Phoenicians a distinct race ? These, and similar questions, very naturally call for an answer.

Phoenicians and Javanites. — Stephanus Byzantinus shows in one or two passages the close connexion between Javan and Phoenikē. Thus : Ἴος,—*νῆσος τῶν Κυκλάδων, ἀπὸ Ἰώνων οἰκησάντων . . . . ἐκαλεῖτο δὲ καὶ Φοινίκη ἡ Ἴος* [cf. also Pliny, *H. N.*, iv. 12 to the same effect]. Also Γάζα—*πόλις Φοινίκης, νῦν δὲ Παλαιστίνης, . . . ἐκλήθη δὲ καὶ Ἰώνη ἀπὸ τῆς Ἰοῦς*. He also states that the sea between Gaza and Egypt was called Ἰόνιον.

The notes that follow will be as brief as the nature of the subject will permit, and for the most part of a general character.

According to the view mostly favoured by scholars at the present day, the Phoenicians entered Canaan as part of a great Semitic migration from Arabia at about 2500 B.C. Phoenician inscriptions in a language closely akin to Hebrew afford the main ground for believing the Phoe-

nicians were Semites. It is, however, notorious that these inscriptions are of comparatively late date. Thus Lidzbarski [*Nordsemitische Epigraphik* (1898), p. 118] thinks that of the seven inscriptions found in Phoenicia itself, none is older than the fifth century B. C., and that, of Phoenician inscriptions from all quarters, the oldest does not go further back than the seventh century B. C. All then that we are justly entitled to conclude from these inscriptions is that the Phoenicians made use of a Semitic language after about 1000 B. C.

There are good reasons why we should be careful to go no farther on the point of language than the facts warrant. It has been repeatedly held before now that the Phoenicians were originally of a non-Semitic race, and for some reason or another changed their language after settlement in Canaan. The Phoenician character, too, is so unlike the Semitic. We cannot do better than quote the words of so good an authority as Renan. "Since the Phoenicians spoke a Semitic language, the linguist is of necessity driven to conclude that they were themselves Semites. Here grave difficulties, however, present themselves to the historian, and cause him to suspend judgment on the real origin of this people which has played so important a part in the history of civilization. To begin with, the Hebrews firmly repudiated all relationship with Canaan, and attached him to the family of Ham. The critic is almost tempted to be of their opinion. As we pointed out before, the Semitic character knows neither industry, nor *esprit politique*, nor municipal organization. Navigation and colonization were foreign to it. The Semitic sphere of action remained purely oriental, only entering the current of European affairs indirectly. Here, on the contrary, we find an industrial civilization, political revolutions, the most active commerce known in antiquity, a nation ceaselessly spreading its influence abroad, and helping to shape the destinies of the Mediterranean world. In religion, too, the same contrast! In place of the stern monotheism, so characteristic

of the Semitic peoples, we find amongst the Phoenicians a mythology of the grossest description, base and ignoble deities, lust exalted into a religious rite. . . . Indeed, if invited to select from amongst the ancient peoples that one whose character presents the greatest contrast to the Semitic, we would be tempted to name the Phoenicians" [*Hist. Génér. d. Langues sémitiques*[5] (1855), p. 173 f.].

Much has been added to our knowledge of the early eastern world since Renan wrote these words. Now we require to depend for our information less on Greek writers. The researches of the Assyriologist and Egyptologist have furnished us with evidence older, more complete, and more trustworthy. Light can thus be brought to bear on Phoenicia from all sides, and we would naturally expect to learn more of these marvellous traders, whose fame has been so sounded by Greek trumpets. Yet, as Pietschmann rightly observes: "Among the nations, on whose history scarcely any light is thrown by the great discoveries resulting from researches into the ancient monuments of the East, must be placed the Phoenicians" [*Phönicier*, p. 4]. This fact would seem to indicate, if anything, that the Phoenicians did not play so important a part in the early world as Greek writers would lead us to believe. Phoenicia herself has supplied very little material for her own history. The only documents of importance originating there are the letters in cuneiform character from the Phoenician towns to the Egyptian king, Amenophis IV. These tablets, which belong to the Tell-Amarna group, give us a valuable insight into the conditions then existing in Phoenicia. We find little in these letters to indicate that the Phoenicians were Semites. It is now established that Babylonian was the diplomatic language of the period. That the Phoenician petty princes made use of it proves nothing. The excavations carried on at Boghaz-Kevi for the last two summers have furnished results that make it almost certain that the main element of the population of Phoenicia was Indo-Germanic at this period.

There has always been a delightful vagueness about the Phoenicians, what they did, and what they were capable of doing, and of this uncertainty full advantage has been taken before now by many scholars. The theorist has often found it convenient to bridge a gap in his theory by means of the magic word Phoenicians. But, touching the Phoenicians, we find ourselves face to face with numerous difficulties. The Phoenicians, for instance, are represented as having been above all a seafaring nation. Yet their coast-land is peculiarly devoid of good harbours. None are large, and none afford complete protection from the west wind [cf. Pietschmann, *Phön.*, p. 31]. This fact of itself is no argument against the possibility of resolute seafarers developing here an extensive commerce. It is, however, a very strong argument against a pastoral people entirely changing their mode of life, and taking to the sea for a livelihood. Yet this is what we are asked to believe if we acquiesce in the modern view that the Phoenicians came originally from the Arabian desert. If the land on which they had settled were barren and unfruitful, and even if it were furnished with sheltered bays, or deep rivers, we might acknowledge that there was some inducement for the new settlers to alter their habits. But Phoenicia presented an uninviting coast-line, and was, moreover, a fruitful land—"one of earth's most productive gardens, emphatically a 'good' land, that might well content whosoever should be so fortunate as to possess it. There is nothing equal to it in Western Asia" [so Rawlinson, *Hist. of Phoenicia* (1889), p. 28]. To whatever race the people belonged who developed a world-wide trade from that unsheltered coast, they certainly could not have been tyros in things nautical on their first settlement there.

Again, we are told the Phoenicians traded from island to island and established colonies in all parts of the Mediterranean. For their earliest trading ventures they sought the Aegean and the shores of Greece. How then did it come about that the colonies in Greek waters, presumably the oldest and most firmly established, disappeared so

completely as to leave practically no trace of their former existence, whilst those of Carthage, Sicily, &c., flourished and developed? The Phoenicians, it is answered, were driven from their settlements by the Greeks. If so we should surely have some echoes in Greek history of such conflict. It is difficult to believe that Greek tradition would have remained silent on this most momentous struggle. If, on the other hand, instead of engaging in conflict, the Greeks had settled down alongside the Phoenicians, learning what they could of their methods, and gradually absorbing their colonies, the Greek language must inevitably have reflected such contact in a wealth of Semitic words. This is, however, not the case. Another explanation is sometimes offered. It is suggested that the Phoenician settlements were in reality mere trading stations. Those in Greek waters were absorbed by the Ionians, whilst those in Cyprus and the Western Mediterranean developed into colonies. This suggestion has received the attention of v. Landau [*Ex Oriente Lux* (1905), I, 4, p. 11 f.], who shows convincingly that trading-stations of themselves can never develop into colonies. To establish a colony there must be conquest and settlement of people. Such an extensive colonization as has been ascribed to the Phoenicians could only have been effected after long centuries of development and continual intercourse between the mother-country and her colonies. It has been argued that the Phoenicians were driven to take to their ships and settle amongst the islands to escape from their enemies; but such an argument can scarcely be taken seriously. For the great colonial undertakings of the Phoenicians nothing short of a powerful, free, and united motherland could have sufficed. The Amarna letters make it clear that at the very time when Phoenicia might reasonably be supposed to be engaged in founding and developing her colonies, her cities were crushed under the heel of Egypt, and were vieing with each other in expressions of servility to the Egyptian monarch. When, indeed, in early times was Phoenicia

powerful? With Babylon on the one side and Egypt on the other Phoenicia was between two mill-stones, and it is difficult to find a time when the cities of Syria and Palestine were free from oppression. Assuredly the oppression of the Assyrian and the Egyptian left little scope for development. Nor was Phoenicia even united. There was no central authority. The land was divided into a number of independent townships. Concerted action for any length of time would be out of the question. Further, even if Phoenicia had the power to conquer, had she ever population enough to send forth to these colonies? This problem becomes still more acute if we have to think of single towns establishing these colonies instead of a united land. Indeed, the whole question of Phoenician colonization presents so many difficulties that Winckler [*Vorderasiatische Gesch.* (1905), p. 4] and v. Landau [*Ex Oriente Lux*, I, 4 (1905), p. 25 f.] agree in thinking that Carthage did not obtain its Semitic population from Phoenicia at all. They regard it as probable that the Semites made a lodgement there in the course of the same migration that brought them to Phoenicia, and that Carthage had a great deal to do with the colonization of the western Mediterranean. Further, to allow that the Phoenicians possessed mere trading-stations does not make the difficulties disappear. They must then have been entirely at the mercy of the nations, oftentimes savage, amongst whom they traded. To preserve trade under such conditions the Phoenicians must have been fair and honest dealers, and masters in the art of diplomacy. Rawlinson believes that such was the case, and introduces "adaptability" as a special feature of the Phoenician character [*History of Phoenicia*, p. 58 f.]. On the other hand, to believe the ancients the Phoenicians were by no means open and above board in their dealings.

Again, to the Phoenicians the Greek writers were almost unanimous in attributing the invention of the alphabet. Modern criticism sees in the so-called Phoenician alphabet

no invention, but the result of a long process of development. The alphabet has been evolved from an early system of picture-writing. Viewed as a stage in the process of development the alphabet of the Phoenician inscriptions may be said to come near the end, since the evolution has naturally tended towards simplification. This has implied reduction in the number of symbols used, as well as modification of the individual signs. If we are to believe the various expert critics who have busied themselves with the subject, the Babylonian, Hittite, Cretan, Cypriote, early Greek, and Phoenician characters are inter-connected, if one may use the term. The discovery of new Hittite monuments is adding rapidly to the number of Hittite signs. Omitting Cretan and Hittite, and arranging the others in order according to the number of signs possessed, we find the order is Babylonian, Cypriote, early Greek, Phoenician. It is rather remarkable that the early Greek alphabet possessed more signs than the Phoenician. If the alphabet be the result of development, the early Greek alphabet must have preceded the Phoenician in point of time. Even if the old view that the Phoenicians invented the alphabet be maintained, the Greeks must be held to have supplemented the alphabet they obtained from the Phoenicians by signs of their own. Had the Phoenicians, however, been inventors of the alphabet it is only reasonable to expect that the names given to the letters would be Semitic. Taking the Hebrew names of the letters as closely approximating to the Phoenician, we find that הא, זין, חית, טית, צדי, קוף, תו cannot be brought under known Semitic roots [cf. Bevan, *Ency. Bib.* (art. *Writing*)]. The name וָו occurs only in Hebrew, and is thus in all probability a loan-word in Semitic, as also may well be אלף and דלת, which do not seem to be found in Arabic. The derivations of גימל, למד, סמך, too, are quite uncertain. Of the names of the twenty-two letters of the Hebrew alphabet a very considerable number would appear to be non-Semitic—a state of things

which speaks eloquently against a Semitic invention of the alphabet, though not necessarily against their development of it.[1]

There is still another point which calls for attention. The impression formed after reading histories of the Phoenicians is that they were a people who traded far and near, both learning and teaching at the same time, and ingratiating themselves with the nations—in fact, a people welcomed everywhere and known everywhere. Such being the case, we would expect repeated reference to them in the early records of the various countries with which they came into so close contact. Such a people as the Phoenicians could not possibly be ignored. As a matter of fact, these records know nothing about the Phoenicians. A few references to the inhabitants of individual towns in Phoenicia occur in the Old Testament and in the Babylonian-Assyrian inscriptions. It has been thought that "Sidonians" was used as a general designation for

[1] The theory, originated by De Rougé, of the origin of the alphabet from the Egyptian hieratic writing, still finds, amongst others, a warm supporter in Halévy. A Babylonian origin has long been advocated by Assyriologists. Recently, Winckler and Hommel, working quite independently, have both come to the conclusion that the alphabet has an astral origin, and that it is to this quarter that we must look for the explanations of the names of the letters (*vide Alt. Orient*, III. 1^2 (1904), p. 14.) Lidzbarski (*Ephemeris*, 1902, p. 134) contends that the so-called Phoenician alphabet was invented about the twelfth century, B. C. by a Canaanite with only a very imperfect acquaintance with the Egyptian system of writing. In place of the names קוף, נון, גימל, דלת, he would substitute, קשת (bow), נחש (snake), גרזן (axe), דד (breast). The forms of the names of the letters, as they appear in the various Semitic dialects, have been examined and contrasted by Nöldeke (*Beitr. z. semit. Sprachw.*, 1904, pp. 124 ff.). Whilst pointing out that the final *a* in the Greek names of the letters, is merely a helping vowel for pronunciation, and no argument for a Canaanite origin, he still inclines, with all reserve, to accept the traditional (Phoenician) origin. The theory of an Aegean origin, due as seems in the first place to Evans, is supported by Dussaud (*J. As.*, 1905, pp. 357 ff.), whilst Praetorius (*Urspr. Kanaan. Alphab.* (1906)) believes that the forms of the letters developed from Asianic (Hittite) pictographs—the Cypriote syllabar, as a parallel but distinct development from the same source, giving a clue to the intermediate stages.

Phoenicians, but there is nothing to support such a view. A reference to Phoenicians is sought for in vain in Brahman literature. As regards Egypt, great interest was attached to the discovery in the quarries of Turrah near Cairo of two tablets, on one of which was recorded that the people employed at the opening up of the quarries belonged to the Fenkhu. Two bare notices of the same name are to be found in the inscriptions of Tahutimes III. It was thought that here at last was a long-looked-for reference to the Phoenicians from the Egyptian side. There was naturally much disappointment when Müller [*Asien und Europa*, p. 208 f.] showed that the name was really a general designation for "aliens," thus depriving Egyptologists of what seemed their only reference to the Phoenicians.

In short, the whole Phoenician question presents so many difficulties that one begins to wonder how much the Greeks really did know about the Phoenicians. It is suggested by v. Landau[1] that Homer's presentation of the "Sidonians" may have helped to mould Greek ideas on this subject. It is at least certain that there was no consensus of opinion amongst Greek writers as to the extent of Phoenicia itself. Its boundaries, as given by Herodotus, Scylax, Strabo, Pliny, and Ptolemy differ materially [cf. Meyer, *Ency. Bib.* (Phoenicia)].

But to return to the Javanites! We have tried to show in a preceding part of this article that the Javanites occupy in the history of the early world the very position which Greek traditions have assigned to the Phoenicians. The name Javan, moreover, is found in the records of all the nations with whom the Phoenicians are said to have traded. Of the attainments of these Javanites we learn mainly from Indian sources. They were possessed of a very high culture. Their wide knowledge is specially praised. They excelled in astronomy and navigation. From them, indeed, the first Indian astronomers acquired their knowledge. So well known were they as traders that many of their wares

[1] *Ex Oriente Lux*, I, iv, p. 10.

received their name. Their name too was intimately associated with writing.

Where was the home of the Javanites? It cannot be supposed that the Javanites were a mere wandering race. The culture which they possessed they could never have acquired as wanderers. The question is, where could a people be settled so as to acquire the highest degree of civilization possible in earliest times, and still come into contact with India and Egypt? Evidently only in Babylonia, or South Arabia. It is now well known that in Babylonia dwelt a race who had attained to an advanced state of culture before the Semites came in from the desert and took possession. To this people is ascribed the origin of the cuneiform writing, and hence probably writing in general. Inscriptions in an unknown language, presumably theirs, are found side by side with the Babylonian-Assyrian. It was in Babylonia that the science of astronomy originated. Here flourished art and the epos: here were in existence great civil and political institutions. The people seem to have dwelt together in towns, each with its own ruler. The religion was astral and thus polytheistic. It is not unnatural to believe that this people spread eastwards and westwards, trading and bearing their culture to India and the Mediterranean. The name of this people has not been handed down, so that we run counter to no tradition in suggesting that these predecessors of the Semites were Javanites.

The arrival of the Semites in Babylonia produced many changes. The Semitic language naturally prevailed. The Semites on the other hand absorbed the culture of the conquered, and there is good reason to believe that the advance of civilization in Babylonia received a check. Political changes followed. Instead of the independent townships we find that the whole land was gradually united under one ruler. Since we have no echoes of a conflict, it is reasonable to suppose that the Semites settled amongst the earlier inhabitants of the land and

intermarried with them. From the mingling of races arose a people strong and energetic, eminently suited for conquest.

Let us follow the pre-Semites as they spread to the Mediterranean. The stronghold of the Asia Minor Javanites seems to have been Ionia, whence they scattered amongst the islands and shores. The high state of Ionian civilization is known to all readers of Greek history. Amongst them it, may be noted, reappeared the epos.

A number of the Javanites settled in Phoenicia. As in early Babylonia and Greece, they dwelt in independent towns, and developed that navigation which they had learned on the Lower Euphrates and Persian Gulf. This is quite in accord with Phoenician tradition, which, according to Herodotus [I, 1, 2, VII, 89], fixes their original home on the Persian Gulf—a tradition which Renan [*Hist. d. Langues sémit.*[5] (1855), p. 183] upholds. The position of these towns in Phoenicia was one of perpetual difficulty and danger. The great powers Egypt and Babylonia, and later Assyria, repeatedly marched victorious armies through the land and levied tribute without ceasing. The Hittites, too, came storming from the north. The towns had no chance to develop. Their rulers were minions of the Egyptian or Babylonian or Hittite kings. There can be no doubt that their proximity to Cyprus was of supreme importance to them during the long years of oppression. Cyprus was almost secure from invasion. No doubt Javanites settled here shortly after their appearance on the coast of the Mediterranean; and here to-day is one of the most interesting fields for the historian and antiquarian. The language concealed by the peculiar Cypriote characters has been identified as Greek. Phoenicia could never have been the centre of trade in early times. If we have to look for it at all in that quarter, we must seek it in Cyprus.

Yet the Phoenician towns must have kept in the forefront of civilization. That was determined for them

by their close contact with Egypt and Babylonia at different times, and with the Aegean through Cyprus. All that was wanting was an opportunity for development. Their chance came about 1200 B. C. Babylonia and Egypt were simultaneously weak. For over 300 years Syria and Palestine were to be free from their tyranny. The impulse to development came with the Israelites, who crossed the Jordan and entered the "promised land" about the end of the twelfth century B. C. What then happened in the case of the Phoenician towns is related in the opening chapters of the Book of Judges—our only source for the history of Phoenicia at this period. "Asher drave not out the inhabitants of Accho, nor the inhabitants of Zidon, &c.; but the Asherites dwelt among the Canaanites, the inhabitants of the land" [i. 31, 32]. The Israelites, moreover, intermarried with the Canaanites. "The children of Israel dwelt among the Canaanites . . . and they took their daughters to be their wives, and gave their daughters to their sons, and served their gods" [iii. 5, 6]. Nothing could be more explicit. The Semites overran Phoenicia, but were conquered by the civilization of those whom they had vanquished. It was an exact repetition of what had taken place in Babylonia more than 1,000 years before.

As in Babylonia, so in Phoenicia, the mingling of the races made for energy and progress. The Phoenician towns entered on their period of greatest prosperity. The effort towards centralization resulted in the beginning of the glory of Tyre. The language that now prevailed was the Semitic, the language of the conquerors. No great impression was made by the new race on Cyprus. Only the eastern part of the island seems to have been at all Semitized, and we may safely conclude but small impression was made on the Aegean islands and Greece. There was no opportunity for establishing fresh Semitic settlements, though they doubtless traded in Greek waters. Taking the line of least resistance, the expansion

of Phoenicia was towards Carthage and the Western Mediterranean.

Phoenicia's invasion by the Semites, and Phoenicia's period of prosperity, came a few centuries before the awakening of Greece. In a back-eddy, away from the tide of progress that ebbed and flowed between Mesopotamia and Egypt, a great civilization lay slumbering amidst the Greek islands and shores. Long ere Greek historians commenced to write, Phoenicia had taken and held the leading place in the world's trade, and in the development of culture. It is not surprising that Greek writers attached so much importance to the Phoenicians. This mongrel race, speaking a Semitic language, had no doubt inherited traditions to which they had but half a right. Before the epoch which saw the beginning of Grecian records, the industries, trade, talent, and enterprise of the Phoenicians must have become a tradition. In how far, indeed, the Phoenicians were responsible for the awakening of Greek civilization, it would be difficult to say. They may have taught the Greeks much. They probably did so; but it is impossible to believe that when the Semitic-speaking Phoenicians appeared in the Aegean they found these peoples, either savage or half-civilized. It is certainly hard to imagine that Arabs wandered, settled, and taught amongst these islands in very early times; but it seems probable that the Semitic Phoenicians made their first appearance there about the time of Homer.

E. ROBERTSON.

LEA ON THE INQUISITION OF SPAIN

AND HEREIN OF SPANISH AND PORTUGUESE JEWS AND MARRANOS

DR. LEA.

It is the fashion in American Universities to give their Professors a Sabbatical Year—one year of rest in every seven. A Harvard Don spent his year in travelling through Europe. Wherever he went he was deluged with inquiries as to Lea, the historian of the Inquisition, and, when he came to Spain, he was assured that the one American of all others whom the Spaniards wished to welcome was Dr. Lea. Among Americans—cultured Americans—Lea has long been recognized as one of the greatest of their number, and surely his fine book on the *History of the Inquisition in Spain*[1] can but confirm his reputation, it cannot be enhanced. To the general historian it will commend itself as a monumental history of the Holy Office in its special home. To the Jew it provides a remarkable history of the rise and fall of Judaism in Spain. To the dry-as-dust collector of records it adds a large number of lists and details of unknown dispatches, trials, autos-de-fé and other celebrations unearthed by the author from the vast stores of unpublished documents in his possession or copied at his expense. Only once, and that many years ago, has Lea crossed the Atlantic, but the gruesome MSS. at Simancas, Madrid, London, Oxford, Berlin, Halle and Copenhagen are to him an open book. Lord Acton, when in 1888 he reviewed the great *History of the Inquisition in the Middle Ages*, told a pretty story about Lea and

[1] *A History of the Inquisition of Spain*, by Henry Charles Lea, LL.D., in four volumes. New York and London: Macmillan, 1906–7.

Disraeli. Disraeli was informed that public libraries sent their MSS. over to America to enable Lea to write his history. "But they did not come back?" inquired the statesman. And indeed they have come back, and clothed in such inviting garb that he who runs may read. The results of his life-long study and research are now revealed in the four noble volumes which have followed each other with almost unprecedented rapidity and regularity in the last two years. Already in 1903 it was my privilege to hear extracts from these read out by the veteran author who, with the graceful condescension only attainable by the real scholar, accepted and adopted from a mere tiro additional material gleaned from a lucky haul of papers in Seville and Madrid.

INQUISITION OF THE MIDDLE AGES.

The present work necessarily differs from the *History of the Inquisition of the Middle Ages*. There it was the philosopher investigating the history of religious thought. Here we have the keen observer of political facts. The Inquisition, as a religious weapon of the middle ages, was an institution or organization altogether different from that of Spain, whose only aim and policy it was to make all Spaniards conform to one rigid unity of faith under penalty of exile and confiscation. Neither King nor Inquisitor is uniformly religious, but he is always eager for the penalty. It drove a political engine more potent than any previously imagined. The Pope himself was not suffered to interfere with its working, and the history of the *Suprema* was one long struggle for supremacy to which not only Jews, Moslems, Heretics and Freethinkers, but also the Civil Tribunals, the Church as by law established, the people at large, and even the king had in turn to submit. Our author, after patiently collecting his materials, claims to have presented a faithful and impartial account of this Spanish Inquisition, and indeed he has done so.

CHURCH AND STATE.

The first book treats of the origin of the Inquisition and its establishment in Spain. We are shown how the relations between that most catholic country and Rome were never intimate or cordial. Spain had always arrogated to itself the right to what was practically ecclesiastical autonomy, but, internally, its religious associations were almost independent of the State. For centuries the royal power in Spain declined to persecute Moors or Jews, and Rome could never compel it to do so. Under the Catholic Monarchs Spain's traditional policy underwent a change. The control of the machinery of persecution passed from the "Church to the Sovereign." It was the King's Supreme Council of the Inquisition that recognized allegiance to nobody except the king, and as often as the people petitioned against the wrongs inflicted by the Inquisition or protested against the immunities claimed by its officials and familiars, the sovereign—especially if he was a Bourbon—turned a deaf ear to their complaints. Our historian accordingly exonerates the papacy and the Church generally from any large measure of responsibility for the constitution or practice or methods of the Inquisition. He claims that it was the national hatred of the heretic which, during and after the fifteenth century, converted the Spaniards from the most tolerant into the most intolerant nation of Europe. In this view a distinguished critic, influenced perhaps unconsciously by contemporary French policy, joins issue. Salamon Reinach maintains that the whole tendency of the facts so masterly grouped by Lea is to prove the direct responsibility of Rome for the ferocious bigotry of the Holy Office. The truth perhaps, which is never at the bottom of the well—nor at the surface—lies between the two. Persecution was not uncongenial either to pope or king, and, if not always welcomed for its own sake, was rejected by neither when it could advance some high political purpose.

QUEEN ISABELLA.

In another historical verdict, Dr. Lea will probably meet with less opposition. He dissociates Ferdinand from Isabella in the establishment of the Inquisition. Examination of that king's correspondence reveals an unexpectedly favourable aspect of his character. Despite his cruelty and duplicity, his instructions always are to decide all cases "with rectitude and justice." But Isabella, Lea characterizes as a *muger baronil*, a mannish woman, whose fanatic religiousness was "due to the rigid and unbending churchmen whom she chose as her spiritual directors." Our author repudiates the modern tendency to regard the Inquisition as political rather than religious. It was no engine for bringing about a revolution from feudalism to absolutism. Absolutism was not the work of the Inquisition, and when in 1480 Ferdinand and Isabella reconstructed Castilian jurisprudence by the enactment of the *Ordenanzas reales*, they deemed religious conformity no less urgent than protection to life and property.

JEWS AND THE CANON LAW.

In the second chapter Lea, in a few masterly strokes, sketches the history of the Spanish Jews during a thousand years. Their story is summed up in a fine sympathetic passage in which he shows how the "annals of mankind afford no more brilliant instance of steadfastness under adversity, of unconquerable strength through centuries of hopeless oppression, of inexhaustible elasticity in recuperating from apparent destruction, and of conscientious adherence to a faith whose only portion in this life was contempt and suffering" (i. 35). The Canon law, as Paramo was the first to point out, justified the maltreatment of the Jew, and barely tolerated his existence except upon terms of virtual slavery. But this very ferocity is proof of the cordial relations which subsisted between the early Christians and the Jews and which the Apostolic Canons

sought to suppress. They actually found it necessary "to forbid bishops and priests and deacons as well as laymen from fasting or celebrating feasts with Jews or partaking of their unleavened bread or giving oil to their synagogues or lighting their lamps" (i. 37). The early Christians were, as Renan has remarked [1], essentially Jewish. It is only when we enter the middle ages, that "the barbarians arrive, and then began that deplorable ingratitude of humanity, now Christian, against Judaism." In 415 Cyril succeeded in ousting the Jews from Alexandria, where they had always preponderated. In 589 the Council of Toledo found it necessary to forbid the Jews to have Christian wives or concubines or servants. The offspring of such unions was to be baptized, and "the convenient doctrine was adopted that the sacrament of baptism was indelible and that, while Christianity was not to be spread by force, unwilling converts were nevertheless Christians and were subject to all the pains and penalties of heresy for any secret inclination to their own religion" (i. 41). This doctrine, by the by, became the keynote of the Inquisition 800 years later. The Arian Goths, once tolerant, became the keenest of persecutors, and had no mercy upon unfortunate converts deemed guilty of the unpardonable crime of apostasy.

THE MOORS.

After the Saracen invasion in 711, toleration was restored to the Peninsula. The Mozarabes, or subject Christians, were actually better treated by the Caliphs than they had been by Christian Gothic kings. The facility of conversion from one faith to another became a characteristic of Spain under the Saracens. The Jews were tolerated, though not loved, by the Moslems. As physicians and administrators, they were almost a necessity. Certainly in 850 Mahomet I dismissed all his Jewish officials, but barely a hundred years later their standing was such that when

[1] Renan, *Le Judaïsme et le Christianisme*. Paris: Calmann Lévy, 1883.

the Jew Ibn Peliag went to visit the Caliph of Cordova 700 Jewish retainers rode with him, all richly clad and riding in carriages. But again in 1066—the year that brought the Jews to England—those of Granada were massacred and pillaged, and among the 4,000 martyrs was Samuel ha Levi the Nagid.

Part of Spain was reconquered in the thirteenth century by San Alfonso III, but, while most of the Peninsula remained Moorish, it was not policy to persecute Mudejares, free Moors, or even Jews.

JUDERIAS AND CONVERSOS.

The Church, however, made mighty efforts at their conversion. The *converso* was then a special favourite of the legislature, but, instead of attempting a policy of assimilation, the Church used every effort to keep Christians apart from Jews and Moors on the humiliating pretext that she would lose more souls than she would gain. Hence Morerías and Juderías were established in their cities to segregate their inhabitants from the Christians. But it was not till 1412 that every city was enjoined by law to establish Morerías and Juderías surrounded by a wall having only one gate. In 1480 Ferdinand and Isabella, finding that the law had not been observed, ordered its enforcement, allowing two years for the establishment of these ghettos, and yet

> in the closing triumph over Granada the capitulations accorded by Ferdinand and Isabella were even more liberal to Jews and Moors than those granted from the eleventh to the thirteenth century by such monarchs as Alfonso VI, Ferdinand III, Alfonso X, and Jaime I. Unless they were deliberately designed as perfidious traps, they show how little real conscientious conviction lay behind the elaborately stimulated fanaticism which destroyed the Jews and Mudejares (i. 79).

The third chapter deals in fuller detail with the Jews and *conversos*. Though the Crusades had no permanent influence on the condition of the Spanish Jews, the Church was helped in its efforts to arouse popular hatred by the

odium which the Jews themselves excited. With considerable psychological insight, Lea points out that

> a strong race is not apt to be an amiable one. The Jews were proud of their ancient lineage and the purity of their descent from the kings and heroes of the Old Testament. A man who could trace his ancestry to David would look with infinite scorn on the hidalgos who boasted of the blood of Lain Calvo, and, if the favour of the monarch rendered safe the expression of his feelings, his haughtiness was not apt to win friends among those who repaid his contempt with interest. The Oriental fondness for display was a grievous offence among the people. The wealth of the kingdom was, to a great extent, in Jewish hands, affording ample opportunity of contrast between their magnificence and the poverty of the Christian multitude, and the lavish extravagance with which they adorned themselves, their women, and their retainers, was well fitted to excite envy more potent for evil because more widespread than enmity arising from individual wrongs. Shortly before the catastrophe, at the close of the fifteenth century, Alfonso V of Portugal, who was well affected towards them, asked the chief rabbi, Joseph Ibn Jachia, why he did not prevent his people from a display provocative of the assertion that their wealth was derived from robbery of the Christians, adding that he required no answer, for nothing save spoliation and massacre would cure them of it (i. 96).

MEDIAEVAL PERSECUTIONS.

The author touches with a light hand on the various persecutions, with corresponding massacres, to which the Jews had to submit—that of Navarre in 1328, that of the Black Death, that of Bertrand de Guesclin and his hordes of Free Companions in 1366. Pedro the Cruel, who became king of Castile in 1350, and who had married the daughter of King Edward of England, had surrounded himself with Jews, and confided to them the protection of his person, and shown such Jewish proclivities that he was himself asserted to be a Jew. It was, therefore, only natural that the rebellious faction led by his brother should declare themselves enemies of the Jewish race. In 1388 the fanatical ecclesiastic Fernan Martinez threatens to tear down the twenty-three synagogues of Seville and, despite the opposition of king and archbishop, succeeded three

years later in causing the destruction of the Judería there and the massacre or enforced baptism of its inhabitants. This "guerra sacra contra los Judios" formed a turning-point in Spanish history. Henceforth the old friendliness between Jew and Christian became a thing of the past, and gradually the Spanish character changed until it was prepared to accept the Inquisition. Lea, therefore, looks upon Martinez as the real, though remote, founder of the Inquisition.

MARRANOS OF 1391.

It was the massacres of 1391—a date even more ominous to Jews than 1492—which created the new class of converted Jews known as "New Christians," "Marranos," or "Conversos." At that date conversion was favoured by law, and the convert was received with a heartiness of social equality which shows that, as yet, there was no antagonism of race but only of religion. The Jew who became a Christian was eligible to any position in Church or State, or to any matrimonial alliance. These massacres spread to Barcelona, Palma, Valencia, and Toledo, and whole communities were baptized. Panic destroyed the unyielding fortitude so often manifested by the Jews under trouble. They clamoured to be admitted into the Church, and the conversions in Castile and Aragon were said to be numbered by the hundred thousand. The Conversos thus produced were the direct causes not only of the establishment of the Spanish Inquisition, but also of the expulsion of the Jews from Spain.

Dr. Lea says they became the deadliest opponents of their former brethren. Many who have traced the history of the Marranos in Spain and out of it will question whether that statement is not too sweeping, if it is true at all, but there is undoubtedly psychological justification for the attitude our author takes up. In a fine passage he says:—

> Whether their conversion was sincere or not, they had broken with the past and, with the keen intelligence of their race, they could see

that a new career was open to them in which energy and capacity could gratify ambition, unfettered by the limitations surrounding them in Judaism. That they should hate, with an exceeding hatred, those who had proved true to the faith amid tribulation, was inevitable. The renegade is apt to be bitterer against those whom he has abandoned than is the opponent by birthright, and, in such a case as this, consciousness of the contempt felt by the steadfast children of Israel for the weaklings and worldlings who had apostatized from the faith of their fathers gave a keener edge to enmity. From early times the hardest blows endured by Judaism had always been dealt by its apostate children, whose training had taught them the weakest points to assail, and whose necessity of self-justification led them to attack these mercilessly (i. 113).

ANTI-JEWISH LAWS OF 1411.

Then he refers to Paul of Burgos and his controversial writings, to Joshua Lorqui and his *Hebraeomastix* and to Bonafos Caballerías. He shows how those men, in stimulating the spirit of persecuting fanaticism, sowed the wind and reaped the whirlwind. The persecutions which followed the massacres of 1391 induced a constant stream of emigration to Granada and Portugal, and though, in 1395, Henry III promised them royal protection, it was he also who required them to wear the hateful red circlet. In 1411 San Vicente Ferrer, Bishop of Segovia, caused further oppressive laws to be passed against the Castilian Jews in the hope of forcing them into the bosom of the Church by reducing them to despair. These Spanish laws were not unlike the May laws adopted in Russia 500 years later. They debarred the Jews from trades and intercourse, while the Conversos were enabled to make the most brilliant careers. Their intellectual capacity justified their aspiring to the highest places "in the Courts, in the Universities, in the Church, and in the State." They entered into matrimonial alliances with the noblest houses in the land, and the clergy recommended marriage between converts and Christians as the surest means of preserving the purity of the faith. New Christians were described by

contemporaries as "virtually ruling Spain whilst secretly perverting the faith by their covert adherence to Judaism." This is not quite consistent with what had been previously laid down as to their hatred of the Jews, but anyhow their triumph was shortlived.

> The hatred and contempt which, as apostates, they lavished on the faithful sons of Israel reacted on themselves. It was impossible to stimulate popular abhorrence of the Jew without at the same time stimulating the envy and jealousy excited by the ostentation and arrogance of the New Christians. What was the use of humiliating and exterminating the Jew if these upstarts were not only to take his place in grinding the people as tax gatherers, but were to bear rule in court and camp and church? (i. 121).

In 1442 there was some indication of a reaction in favour of the Jews by way of counterpoise to Converso influence. Papal bulls provided that Christian and Jew should dwell in harmony; the king's physician, Jacob Aben-Nuñez, was appointed Rabb Mayor (Chief Rabbi). The Cortes of 1462 petitioned Henry IV to restore liberty of trade between Christian and Jew. The Jews offered him an immense sum for Gibraltar, where they proposed to establish a city of refuge, but he refused. On his deposition, the laws of 1411 were restored. In 1475 the Jews of Medina del Pomar successfully complained to Ferdinand and Isabella that their port had restricted all dealings with foreigners to the Jews resident in Bilbao, where they had been accustomed to purchase cloths and other merchandise from foreign traders. Despite these vicissitudes, the oppression of Jews reached its climax with the settlement of the country under the Catholic Monarchs. With the recrudescence of oppression

> came a revulsion of feeling adverse to the proscribed race inflamed by the ceaseless labours of the frailes whose denunciatory eloquence knew no cessation. Under these circumstances, the Jews and Moors seem to have had recourse to the Roman curia, always ready to speculate by selling privileges whether it had power to grant them or not, and then to withdraw them for a consideration (i. 124).

DECLINE OF JEWISH POPULATION.

While the Conversos had accumulated enormous wealth and popular hatred, the number of professed Jews had greatly declined. In 1474 there were only 12,000 Jewish families left in Castile, and so the importance of Jews as a source of public revenue had fatally diminished. Such communities as those of Seville, Toledo, Cordova, and Burgos paid much less than towns inconspicuous prior to 1391. The Conversos, as farmers of the taxes, succeeded to the odium as well as to the profits of the Jews, and extreme tension existed between the Old and the New Christians. The latter were stigmatized as more than suspect in the faith, and as in reality Jews, and despite the bull of Nicholas V (1449) declaring that all the faithful are one,

the hatred which of old had been merely a matter of religion had become a matter of race. The one could be conjured away by baptism, the other was indelible, and the change was of the most serious import, exercising for centuries its sinister influence on the fate of the Peninsula (i. 126).

RACIAL HATRED.

Old Christians and New were constantly quarrelling, and sometimes fought in the streets of Toledo, Valladolid, and Cordova. On Ferdinand's accession, Dominicans and Franciscans were thundering from the pulpits and calling on the faithful to purify the land from the pollution of Judaism —secret as well as open.

Wise forbearance, combined with vigorous maintenance of order, would in time have brought about reconciliation, to the infinite benefit of Spain, but at a time when heresy was regarded as the greatest of crimes and unity of faith as the supreme object of statesmanship, wise forbearance and toleration were impossible. After suppressing turbulence, the sovereigns therefore felt that there was still a duty before them to vindicate the faith. Thus, after long hesitation, their policy with regard to the Conversos was embodied in the Inquisition, introduced towards the end of 1480. The Jewish question required different treatment, and it was solved, once for all, in most decisive fashion.

The Inquisition had no jurisdiction over the Jew, unless he ren-

dered himself amenable to it by some offence against the faith. He was not baptized; he was not a member of the Church, and therefore was incapable of heresy, which was the object of inquisitional functions. He might, however, render himself subject to it by proselytism, by seducing Christians to embrace his errors, and this was constantly alleged against Jews, although their history shows that, unlike the other great religions, Judaism has ever been a national faith with no desire to spread beyond the boundaries of the race. As the chosen people, Israel has never sought to share its God with the Gentiles. There was more foundation, probably, in the accusation that the secret perversity of the Conversos was encouraged by those who had remained steadfast in the faith, that circumcisions were secretly performed, and that contributions to the synagogues were welcomed.

While the object of the Inquisition was to secure the unity of faith, its founding destroyed the hope that ultimately all the Jews would be gathered into the fold of Christ. This had been the justification of the inhuman laws designed to render existence outside of the Church so intolerable that baptism would be sought as a relief from endless injustice, but the awful spectacle of the autos-de-fé and the miseries attendant on wholesale confiscations led the Jew to cherish more resolutely than ever the ancestral faith which served him as shield from the terrors of the Holy Office and the dreadful fate ever impending over the Conversos. His conversion could no longer be hoped for, and, so long as he remained in Spain, the faithful would be scandalized by his presence, and the converts would be exposed to the contamination of his society. The only alternative was his removal (i. 130–1).

Policy and fanaticism were irreconcilable. The war with Granada was expensive, and it may be that the threatened expulsion was rather a financial than a religious measure adopted with a view of selling suspensions and exemptions. With the surrender of Granada in 1492 the work of the reconquest was accomplished. The Jews had zealously contributed to it and had done their work too well, and the Jews were no longer financially indispensable. "Der Mohr hat seine Pflicht gethan. Der Mohr kann gehn."

TORQUEMADA.

Torquemada neglected no means of proving Jews a danger to the Church. In June, 1490, he had trumped up

a case of sacrilege against a Converso of having a consecrated wafer in his knapsack at Astorga. A year later he invented the story of the crucifixion at La Guardia of a Christian child, though no child had anywhere been missed, and no remains were found at the spot where it was said to have been buried. "Three deceased Jews were burned in effigy, and two living ones were torn with red-hot pincers, and some Conversos were reconciled and strangled before burning" (i. 134), and the sentence Torquemada had translated into Catalan and published in Barcelona. The author deals with this case at length in his *Studies from the Religious History of Spain*, and Padre Fidel Fita quotes the records of the trial in Volume XI of the *Boletín*.

THE EXPULSION.

The expulsion of the Jews from all the Spanish dominions was decided on and fixed for the 7th of Ab, and all that the influence of Abravanel and Abraham Senior could effect was to obtain two days' grace, bringing it to the 2nd of August. This accounts for the discrepancy between the dates given as the date of the expulsion. Efforts were even made to follow exiles and secure their property, and Henry VII of England and Ferdinand of Spain were appealed to for assistance in such cases. The author then describes feelingly and eloquently the bearing of the Jews under their tribulation. Unlike 1391 there were comparatively few renegades. The Inquisition had altered the situation, and now the dread of exile was less than that of the Holy Office and the stake.

There was boundless mutual helpfulness; the rich aided the poor, and they made ready as best they could to face the perils of the unknown future. Before starting all the boys and girls over twelve were married. Early in July the exodus commenced, and no better idea of this pilgrimage of grief can be conveyed than by the simple narrative of the good *cura* of Palacios. Disregarding, he says, the wealth they left behind, and confiding in the blind hope that God would lead them to the promised land, they left their homes, great and small, old and young, on foot, on horseback, on asses or other

beasts or in wagons, some falling, others rising, some dying, others being born, others falling sick. There was no Christian who did not pity them: everywhere they were invited to conversion, and some were baptized, but very few, for the rabbis encouraged them, and made the women and children play on the timbrel. Those who went to Cadiz hoped that God would open a path for them across the sea; but they stayed there many days, suffering much, and many wished that they had never been born. From Aragon and Catalonia they put to sea for Italy or the Moorish lands or whithersoever fortune might drive them. Most of them had evil fate, robbery, and murder by sea and in the lands of their refuge. This is shown by the fate of those who sailed from Cadiz. They had to embark in twenty-five ships, of which the captain was Pero Cabron; they sailed for Oran, where they found the corsair Fragoso and his fleet; they promised him ten thousand ducats not to molest them, to which he agreed, but night came on, and they sailed for Arcilla (a Spanish settlement in Morocco), where a tempest scattered them. Sixteen ships put into Cartagena, where a hundred and fifty souls landed and asked for baptism; then the fleet went to Malaga, where four hundred more did the same. The rest reached Arcilla and went to Fez. Multitudes also sailed from Gibraltar to Arcilla . . . but they were robbed on the journey and their wives and daughters were violated (i. 139).

NUMBER OF EXILES.

Fire and pestilence, murder and rapine made their fate so unendurable in Morocco, that many sought to return to their native land. So much so, that Ferdinand and Isabella set guards to keep them out unless they had money to support themselves. In 1499 an edict was issued forbidding Jews to return even for baptism unless this had been previously notarially sanctioned. Lea's estimate of the number of exiles is comparatively low. He thinks even Loeb's calculation of 165,000 emigrants, 50,000 baptized, and 20,000 Jews is too large, but, says he, the sum of human misery was incomputable, "yet such were the convictions of the period . . . that this crime against humanity met with nothing but applause among contemporaries" (i. 143). The sober view of our author is confirmed by a letter from Castile to Rome and Lombardy in 1487, found by Prof. A. Marx in the binding of a book belonging to the Jewish Theological

Seminary of America, which has just been published[1]. This gives the number of Jewish families in Castile as only 14,000. From Granada, a local authority of the eighteenth century states that 420 Jews, belonging to 120 families, proceeded under Isabella's decree of March 3, 1492[2]. The sovereigns who exiled them were in 1495 granted the proud title of Catholic Monarchs, but the edict of expulsion proclaimed to the world "the policy which in its continuous development did so much for the abasement of Spain. At the same time it closed the career of avowed Jews in the Spanish dominions. Henceforth we shall meet with them as apostate Christians, the occasion and the victims of the Inquisition" (i. 144).

JUDAIZERS.

Their change of religion was not altogether an advantage. As Jews they enjoyed complete freedom of faith, in which they were subjected only to their own Rabbis, and under the jurisdiction of their own not always lenient Courts of Justice (*Beth Din*). But, once members of the Church, they became amenable to its laws for any aberration from orthodoxy. Now Rabbinical Judaism so entwines itself

> with every detail of the believer's daily life, and attaches so much importance to the observances which it enjoins, that it was impossible for whole communities thus suddenly Christianized to abandon the rites and usages which, through so many generations, had become a part of existence itself. Earnest converts might have brought up their children as Christians, and the grandchildren might have outgrown the old customs, but the Conversos could not be earnest converts, and the sacred traditions, handed down by father to son from the days of the Sanhedrin, were too precious to be set aside. The Anusim, as they were known to their Hebrew brethren, thus were unwilling Christians, practising what Jewish rites they dared, and it was held to be the duty of all Jews to bring them back to the true faith (i. 145).

[1] *J. Q. R.*, XX, 247.

[2] Noticias varias de . . . Granada . . . por Don Josef Dom° Chantoli . . . Año de 1784 (MS. Adler).

And so one found councillors of state and even bishops inclined to "Judaize"—a new word coined to exemplify a new habit—and this is suggested as the ground of an application by Juan II in 1451 to introduce the Inquisition for the chastisement of Judaizing Christians. But papal authority did not suffice for the organization of the Inquisition. To Rome the Spaniard had never shown very much respect. It was on the secular power that the Spanish Inquisition relied for its efficiency, even as it was to the secular arm that it handed its victims. *En passant*, Lea quotes from the *Fortalicium Fidei* of Fray Alonso de Espina (whom he declares to be an Old Christian and no apostate) a curious reference to the Khozars which has escaped the notice of historians less painstaking and less learned.[1] Alexander the Great, says Fray Alonso, "shut the Jews up in the mountains of the Caspian adjoining the realms of the great khan or monarch of Cathay. There, between the castles of Gog and Magog, confined by an enchanted wall, they have multiplied, until now they are numerous enough to fill twenty-four kingdoms. When Antichrist comes they will break loose and rally around him, as likewise will all the Jews of the Diaspora, for they will regard him as their promised Messiah" (i. 150).

INQUISITION ESTABLISHED.

There was a prolonged struggle at court before the Inquisition was adopted. Ferdinand and Isabella, habitually jealous of papal encroachments, did not at once respond to the papal zeal for the purity of the faith. Modern apologists, says Lea, err in assuming that it was from humanitarian motives that they delayed. They desired "not the ordinary papal Inquisition, but one which should be under the royal control, and should pour into the royal treasury the resultant confiscations." The Papal Bull for its authorization was dated November 1,

[1] Fray Alonso evidently derived his story from one of the versions of the Pseudo-Callisthenes.

1478, and in a characteristic note Lea comments on the singularity of the fact that the Inquisition possessed very few documents relating to its early history, and from a *consulta* of July 18, 1703, he infers that they were in a chest which disappeared on the arrest of the secretary of Philip III. He points out that when Innocent VIII renewed Cardinal Torquemada's commission from Spain on March 28, 1486, it was only "ad nostrum et dictae sedis beneplacitum," whereas in the case of Torquemada's successors this formula was abandoned. But in a Bull dated April 9 of the same year the pope confirms Torquemada as inquisitor-general of Castile and Arragon absolutely and without this qualification, and expressly directs that appeals from Inquisitors shall be "non ad nos seu sedem Apostolicam sed ad te"—not to the pope, but to Torquemada. A certified copy of this bull under seal dated July, 1703, was acquired in Madrid just two centuries later, with a large number of other documents[1]. The seller stated that they came from the estate of a family whose ancestor had been secretary of the Inquisition. Possibly this was Llorente himself, who in a letter dated December 12, 1822, which was acquired in Paris, explains that he is to return to Madrid, having been expelled from France for publishing books much opposed to the doctrine and ideas of the French Government. The copy was evidently made in connexion with the search for documents by the Suprema to which Lea refers. Anyhow the Inquisition was first established in Seville, whence many of the Conversos had fled to the lands of the neighbouring nobles "in the expectation that feudal jurisdictions would protect them even against a spiritual court such as that of the Inquisition" (i. 161). Others preferred resistance to flight, but their plot was betrayed by a fair woman, the daughter of one of their number, Diego Susan,

[1] See Documents published in the *Revue des Études Juives* in vols. XLVIII–L, and in the *J. Q. R.*, some of which Lea quotes in the third and fourth vols., together with other documents not yet published.

and five of them were burned at the first auto-de-fé on February 6, 1481, and the parricide daughter lived to regret her infamy. She left a convent to follow a career of shame, and when she died in want directed that her skull should be placed as a warning over the door of her house, where it is still to be seen in the Calle del Artaud near its entrance hard by the Alcázar.

The first tribunal was established at Ciudad-Real in 1483 for the province of Toledo, to which city it was transferred two years later, perhaps because the archbishop was specially zealous for the faith. An "Edict of Grace" was promulgated for a period of two months. This was a fiendish device to enable such as felt themselves in danger to come forward, confess, and be reconciled to the Church upon terms that they divulged all they knew of other heretics. Terrorized cowards scrupled not to denounce their nearest and dearest. At one auto-de-fé no less than 1,500 such penitents were exhibited. The testimony thus obtained indicates the careless security in which the Conversos had lived, and allowed their Jewish practices to be known to Christian servants and acquaintances.

HEBREW PRINTING IN SPAIN.

In the *Revue des Études Juives*, 1907, Mitrani-Sarmian, in an interesting article, proves the existence of a Hebrew printer in Spain before 1481. In that year one Ganso deposed that, when he lived at Montalban, Juan de Lucena used to print Hebrew books there, which he sold in the land of the Moors in Granada. Lucena's daughters also printed Hebrew books, and five out of the six were prosecuted by the Inquisition. In addition to the authorities quoted in the article there is a reference to Teresa de Lucena, then the widow of Juan de Idrada, in the *Catálogo de Toledo* (p. 204). She was condemned in 1549, and the documents of her trial are preserved in the Archivo Histórico Nacional (bundle 163, No. 525). The whole question of Hebrew

incunables in Spain has yet to be investigated. Copies of only nine such are known to be extant, but the fragments from the Cairo Genizah contain pages from at least as many more, including the Spanish Prayer Book (Cituri, i.e. Siddur, en Romance) and Spanish Bible (Biblia romançada) referred to in Mitrani-Sarmian's documents. Most of these must have been destroyed. Already in 1490 a large number of Hebrew Bibles and other Jewish books were burnt, and "soon afterwards in Salamanca it consigned to the flames in an auto some six thousand volumes of works on Judaism and Sorcery" (iii. 480).

It is only natural to suppose that the first Hebrew books were printed in Spain before February, 1475, the date of the earliest known Hebrew incunable. The Jews of Spain were in those days wealthier and more intellectual than their Italian brethren. Significantly enough that very book was printed in Reggio di Calabria, at that time part of Spanish Italy, and the character of its type is distinctly Spanish.

PROCEDURE.

Another device of the Inquisition was to summon the Jewish rabbis and require them under penalty of death and confiscation to "place major excommunication on their synagogues, and not remove it until the members should have revealed everything within their knowledge respecting Judaizing Christians" (i. 168). In Seville, Judah Ibn-Verga expatriated himself to avoid compliance with such a demand. This was the famous author of the *Shebet Jehuda*, whose work was continued and published by his son in Adrianople in 1554. Lea gives full details of the establishment of tribunals in the various provinces. He points out how, from the first, the procedure was differentiated from that of the Papal Inquisition which had been so effective in the thirteenth and fourteenth centuries throughout Europe. Ferdinand and Isabella intended the Spanish Inquisition to be a national institution strongly

organized and owing obedience to the Crown much more than to the Holy See. It had become an affair of State of the first importance, but did not come within the purview of the four royal councils, among whom since 1480 the affairs of government were distributed. Accordingly a fifth council was appointed called the "Council of the Supreme and General Inquisition," with jurisdiction over all matters connected with the faith. "La Suprema," as it was called for short, like the other councils, met daily in the palace for dispatch of business, but it soon burst through its courtly trammels and became vastly more important. Its president was a new official of almost boundless power, the President or Inquisitor-General. The Papal Brief appointing Torquemada, the royal choice, has never been found, but it must have been earlier than October 17, 1483. Under his guidance the Inquisition rapidly took shape, and extended its organization throughout Spain. It was untiring and remorseless in the pursuit and punishment of apostates. The popes praised Torquemada for his labours. Thus the infamous Borgia, Alexander VI, "assures him in 1496 that he cherishes him in the very bowels of affection for his immense labours in the exaltation of the faith" (i. 174). Torquemada, though himself an ascetic, dwelt in palaces surrounded by a princely retinue. He accumulated vast wealth, but lived in perpetual fear of assassination. It was owing to his zeal that verdicts of acquittal were so infrequent in the early days. He became so mighty that the Curia took alarm, and there were frequent quarrels between him and the papal nominees. "There was a constant struggle on the one hand to render the Spanish Holy Office national and independent, and on the other to keep it subject to papal control" (i. 178).

JURISDICTION OVER CLERICS.

Special faculties were required to degrade ecclesiastics condemned by the Inquisition. So long as they were in orders, clerics were exempt from secular jurisdiction,

and it was necessary to degrade them before they could be delivered to the civil authorities for burning. This was a serious impediment, as many Judaizing Conversos were found among clerics. In 1516 Charles V made his tutor, Cardinal Adrian of Utrecht, Inquisitor-General of Aragon, and six years later by the like influence he became pope, successor and predecessor of the two famous Medicean popes. Lea then proceeds to deal with the various "Instrucciones Antiguas" or rules which governed the Inquisitorial Court. The first collective print under Inquisitor-General Manrique was issued in Seville in 1537, of which there is a copy in the Bodleian Library. The only other copy known was found by the writer of these lines at Lima bound up with the manuscript instructions given by Cardinal Espinosa for the appointment of the American Inquisition in 1569.

CONFISCATIONS.

The Inquisition soon became autonomous—an *imperium in imperio*—with all the resources of the State at its disposal. No wonder its terror spread over the land and thousands sought safety in flight. Statistics of the early autos-de-fé show that their living victims were far outnumbered by the effigies of the absent. If the object of the Inquisition had simply been

> to purify the land of heresy and apostasy, this would have been accomplished as well by expatriation as by burning or reconciling, but such was not the policy which governed the sovereigns, and edicts were issued forbidding all of Jewish lineage from leaving Spain, and imposing a fine of five hundred florins on shipmasters conveying them away. This was not, as it might seem to us, wanton cruelty, although it was harsh, inasmuch as it assumed guilt on mere suspicion. To say nothing of the confiscations, which were defrauded of the portable property carried away by the fugitives, we must bear in mind that, to the orthodox of the period, heresy was a positive crime, nay, the greatest of crimes, punishable as such by laws in force for centuries, and the heretic was to be prevented from escaping its penalties as much as a murderer or a thief (i. 183).

Again, in 1502 the Inquisition obtained a royal edict ordering "that no ship-captain or merchant should transport across seas any New Christian, whether Jewish or Moorish, without a royal licence," and officers were sent to the seaports to arrest any such (i. 184). Naturally power so irresponsible was often abused, and Lea notes that Ferdinand was as a rule prompt to intervene in favour of the oppressed. He bids the inquisitor remember that the only object of the Inquisition is the salvation of souls. The king's correspondence shows what a sincere bigot he was. After witnessing the auto-de-fé in Valladolid in September, 1509, he writes to express the great pleasure which it had given him as a means of advancing the honour and glory of God and the exaltation of the Holy Catholic faith. Inquisitors were in the habit of sending to him, as well as to the Suprema, "Relaciones" or reports of the autos they celebrated, and he would acknowledge receipt in terms of high satisfaction.

RESISTANCE TO THE INQUISITION: LUCERO.

A quarter of a century elapsed before there was any serious resistance to the Inquisition. Lucero the inquisitor made himself prominent by his excesses at Cordova, and produced a veritable reign of terror, and the favour shown to him seems to have been due to the pecuniary results of his activity. While elsewhere the confiscations which had at first contributed largely to the royal treasury were diminishing, their productiveness at Cordova rapidly grew.

Lea shrewdly suggests that redistribution of offices was an element which at first reconciled the Old Christians to the Inquisition. These had been largely in the hands of Conversos. They had to vacate them, and the vacancies thus created passed into the hands of the receivers, and were distributed by the sovereigns as favour or policy might dictate. The Conversos, realizing that it was useless to appeal to Ferdinand, had recourse to Philip, whose wife, Juana, Ferdinand's daughter, governed Castile for him as

titular queen. She and her husband issued a cedula to the inquisitor, Don Deza, suspending the Inquisition until they arrived in Castile, but no attention was paid to this command. They were aware (i. 196) that their "action had produced a bad impression, for the people were hostile to the Conversos, and there was talk of massacres like that of Lisbon"—a curious anticipation of the Black Bands of Russia in 1906. After Isabella's death, Lucero saw a chance of striking at the highest quarry yet aimed at, Talavera, the veteran archbishop of Granada. Though he had a Jewish strain in his blood, he was reverenced as the pattern and exemplar of all Christian virtues. Lucero selected a woman whom he had tortured on the charge of being a Jewish prophetess and maintaining a synagogue in her house. He threatened her with further torture unless she testified that she had seen things he suggested in a room at Talavera's palace, imputing Judaism to the archbishop and his whole family and household. As bishops were outside the direct jurisdiction of the Suprema, Ferdinand was induced to apply to Rome for authorization to prosecute Talavera. The papal commission for his trial was dispatched in June, 1506, but meantime a court intrigue gave the Conversos a short respite. Queen Juana, whose story, says Lea, "is one of the saddest in the annals of royalty, and her treatment by her father, husband, and son is a libel on human nature," was locked up as insane, her husband Philip assumed the government, and proving amenable to the golden arguments of the Conversos, opposed the Inquisition (i. 200). Lucero tried to anticipate his fall by burning all his prisoners so as to get them out of the way, but after an auto-de-fé arranged for the purpose had been announced, there came orders from the sovereigns which fortunately prevented the holocaust, and Lucero and some of his colleagues were removed from Cordova.

This triumph of the Conversos was short-lived, for the sudden death of Philip enabled Deza to restore Lucero to power. Pope Julius II was appealed to in vain. He wrote

Deza that the Jews pretending to be Christians who had dared to rise against the Inquisition must be exterminated root and branch. But again the reaction in favour of the Inquisition did not last long, for the rival factions of the two grandfathers of Charles V, Maximilian I and Ferdinand, each striving for the regency during his minority, both desired support from the Conversos. Political intrigues resulted in the famous Bible Cardinal Ximenes, as president of a "Congregación Católica" or Royal Commission, pronouncing sentence on Valladolid in July, 1508, restoring the honour of Castile and Andalusia which had been so deeply compromised by the pretended revelations extorted by Lucero, and declaring that there was no ground for the asserted existence of synagogues, the preaching of sermons, and the assembling of missionaries of Judaism. But the interests involved in the confiscations were too many and too powerful for the victims to obtain justice. Ferdinand was determined to undo the results achieved by Ximenes. The trial of Lucero became a farce, he was dismissed from his office without further punishment. Though Lucero was an exceptional monster, it may safely be assumed (i. 211) that the temptations of secrecy and irresponsibility rendered frightful abuses, if not universal, at least frequent. Other communities also appealed to Philip during his short reign, and the details set out in their petitions seem incredible. In Cordova, one witness, a perjurer, drunkard, gambler, forger, and clipper of coins, sufficed to crowd the gaol of Cordova with 200 victims. The notary of the tribunal on one occasion locked a young girl of fifteen in a room, stripped her naked, and scourged her till she consented to bear testimony against her own mother. A prisoner was carried in a chair to the auto-de-fé with his feet burnt to the bone. When property was confiscated it could be bought cheap, and so informers told of heretics. With Ferdinand's death in 1516 the Inquisition proved to be too firmly rooted to be essentially reformed. The will of Ferdinand, executed the day before his death in 1516,

solemnly adjured his grandson and successor Charles V to labour with all his strength to destroy and extirpate heresy and appoint ministers God-fearing and of good conscience to conduct the Inquisition. The successor of Ximenes as inquisitor-general was the emperor's tutor, Adrian, afterwards pope, who, though well-intentioned, was weak and confiding, but who ultimately acquired a complete ascendancy over Charles in favour of the Holy Office.

CHARLES V.

Charles V, a youth of seventeen, was as clay in the hands of the potter, surrounded by grasping Flemish favourites, whose sole object, as far as concerned Spain, was to sell their influence to the highest bidder. During the interval before his coming to take possession of his new dominions he fluctuated in accordance with the pressure which happened momentarily to be strongest. The Spaniards who came to his court gave fearful accounts of the Inquisition, which they said was ruining Spain, and we are told that his counsellors were mostly Conversos who had obtained their positions by purchase. In the prologue to his subsequent abortive project of reform, Charles says that while in Flanders he received many complaints about the Inquisition, which he submitted to famous men of learning and to colleges and universities, and his proposed action was in accordance with their advice. Ximenes was alive to the danger, and it was doubtless by his impulsion that the Council of Castile wrote to Charles that "the peace of the kingdom and the maintenance of his authority depended on his support of the Inquisition" (i. 216). Charles continued to vacillate, proposing at one time to banish from his court all those of Jewish blood, at another to forbid the suppression of the names of witnesses, one of the crowning atrocities of the Inquisition, for which Ferdinand and Isabella had refused 1,200,000 ducats. This uncertainty as to the views of Charles sensibly diminished the awe

felt for the Inquisition. When Charles, after his arrival in Spain, held his first Cortes at Valladolid in 1518, the deputies petitioned him. They formally complained of the Inquisition and showed that the people felt the whole Office to be an engine of oppression for the furtherance of private ends and to the disregard of law and justice. His chancellor thereupon attempted some reform, but on his death the scheme was dropped, though Charles, in congratulating Adrian on his elevation to the papacy in 1522, suggests that he should be careful in his appointments, and provide the proper means to prevent the Inquisition from punishing the innocent, and its officials from thinking more about the property of the condemned than the salvation of their souls. Various offers were made by the New Christians, as well as by the Moriscos, to bribe Charles to remove secrecy from the procedure, and to give the inquisitors salaries and not pay them by results, but all these efforts proved futile, and the Inquisition continued to shroud its acts in impenetrable darkness.

ASSASSINATION OF ARBUES.

In Aragon, although founded as early as 1238, the Inquisition had sunk into a condition almost dormant during the spiritual lethargy of the century preceding the Reformation, but greed and fanaticism joined hands at the prospect of wealthy Conversos to be punished, and so the re-organized tribunal of Valencia was vigorously started in 1482. Pope Sixtus, in response to appeals and bribes, intervened, but Ferdinand satirically writes that if the pope has thus yielded to the cunning persuasions of the New Christians, he, the king, did not intend ever to allow them to take effect. The poor Conversos of Aragon, like those of Castile, were merely used as pawns in the pitiless game of king and pope over their despoilment. The establishment of the Inquisition met with similar opposition in Valencia, Saragossa, and Teruel. But the assassination

of inquisitor Arbues in 1485 produced a revulsion of feeling in Saragossa. There was danger not only that the Conversos would be massacred, but that the Juderías and Morerías would be sacked. Ferdinand and Isabella obtained from Innocent VIII in 1487 a Bull ordering all princes and rulers to seize and deliver to the Inquisition of Spain any fugitives from its justice. This practically outlawed all refugees, and when Portugal obtained its Inquisition an agreement was come to between the two countries that the fugitive was to be tried in the country where he was captured, and the Inquisition from which he had fled was to furnish the evidence. This is the reason that we meet with so many Portuguese victims in the Spanish autos-de-fé. The Spanish tribunals had jurisdiction over Portuguese refugees in Spain.

This assassination of Arbues gave the Inquisition ample opportunity to make a profound impression. By the punishment of fifty or sixty individuals, Arbues was sufficiently avenged, and the sanbenitos of the convicts were hung as customary in the cathedral of Saragossa, where they are still to be seen. Luis de Santangel was one of the culprits beheaded and burnt for the crime. He was a descendant of Rabbi Azarias Ginillo. His cousin, who advanced to Isabella the 16,000 ducats which enabled Columbus to discover the New World, was penanced in 1491.

CATALONIA AND THE BALEARIC ISLES.

Catalonia, though more intractable than her sister kingdoms, had eventually to yield to Ferdinand's unchangeable determination that the Inquisition should perform its work. Barcelona submitted to its first auto in 1498, but furnished only four living victims and the effigies of twelve fugitives! Ferdinand's declaration that no *fuero* or law should obstruct the Inquisition, but that its jurisdiction was supreme over all others, became practically engrafted upon Spanish common law, but even Ferdinand was powerless to suppress

the official malfeasance of knavish receivers. He rebuked them but did not punish, and this tenderness for malfeasance continued throughout the career of the Inquisition.

In the Balearic Isles the delay in introducing the Inquisition gave opportunity for flight, so that for years the chief business of the tribunal in the kingdom of Majorca was the condemnation of fugitives. Thus in one auto of 1493 there were but three relaxations in person to forty-seven in effigy, and in 1497 not a single living victim was punished, and the only excitement provided was the burning of the bones of one dead heretic and of fifty-nine in effigy. Yet horrible abuses were no less rife in the Balearic Isles than elsewhere. The Concordia of Monzon proposed some reforms and "there is a hideous suggestiveness in the provision that, when perjured testimony has led to the execution of an innocent man, the inquisitors shall do justice, and shall not prevent the king from punishing the false witnesses" (i. 271).

LEO X.

Leo X, distinguished though he was as a cultured aesthete, does not shine in Lea's book. When Ferdinand died his Holiness sat on the fence. He waited to know whether the new monarch Charles desired to continue the policy of his grandfather, but, though he dispensed Ferdinand from his oath of observing the Concordia, he did in 1516 most solemnly confirm them in his Bull *Pastoralis Officii*, in which he declared that the officials of the Inquisition transgressed the bounds of reason, and he subjected those who contravened the ordinary and ecclesiastical secular law to excommunication. But the inquisitors remained persistently arrogant under royal favour, and the people struggled in vain for relief from their oppression. The Holy Office had become part of the settled policy of the House of Austria in their war against Jews and Lutherans.

The system grew to be an integral part of the national institutions to be uprooted only by the cataclysm of the French Revolution

and the Napoleonic war. At what cost to the people this was effected is seen in the boast, in 1638, of a learned official of the Inquisition that, in its favour, the monarchs had succeeded in breaking down the municipal laws and privileges of their kingdoms which otherwise would have presented insuperable obstacles to the extermination of heresy, and he proceeds to enumerate the various restrictions on the arbitrary power of the secular courts which the experience of ages had framed for the protection of the citizen from oppression, all of which had been swept away where the Inquisition was concerned, leaving the subject to the discretion of the inquisitor (i. 288).

COMBINATION OF SPIRITUAL AND TEMPORAL POWER.

The second book deals with the relations of the Inquisition with the State, but these are technical matters which, though interesting in themselves and important, need not be here considered at any length. The Spanish Inquisition owed its terrible efficiency to its combining the mysterious authority of the Church with the secular power of the Crown. It wielded both the spiritual and the temporal swords, and the combination produced a tyranny similar to that "which England suffered during the closing years of Henry VIII as supreme head of the Church" (i. 289). Ferdinand did not want the Inquisition to be independent of the Crown. During his life he maintained control, but under Charles V it began to develop practical independence. This was due to Adrian's influence over Charles. Philip II, for all his ridiculous love of detail, did not interfere with the inquisitor-general's responsibility, though, at one auto in Toledo in 1615, he exercised the royal prerogative by increasing a Lutheran's punishment to perpetual imprisonment and adding 200 lashes. Cardinal Espinosa, the inquisitor-general who established the Inquisition in America, died in 1572 in consequence of a reproof from Philip II. The succeeding kings were feeble, and always yielded to the superior strength of mind of the Suprema, but in 1700, with the accession of Philip V, a Bourbon, who brought from France a Gallicanism and principles of high royal prerogative quite incompatible with the

pretensions of the Curia and quasi-independence of the Inquisition, a new era opened in the relations between the Crown and the Holy Office.

REFORMS ATTEMPTED.

In 1714 steps were taken to reform the Inquisition so as to render it an instrument for executing the royal will and avoid the invasions of the royal jurisdiction which had been so constant and audacious. Dr. Dellon had led the attack upon the Inquisition, but years elapsed before it confessed itself beaten. The Crown insisted on its right to select the heads of the Inquisition, but its practical control was weakened by the claim of the Suprema to interpose between the king and the tribunals, insisting that the royal commands must pass through the Suprema, and thus substituting bureaucracy for autocracy. In the Suprema, a century and more before the advent of the Austrians, a convenient phrase had been coined, *obedecer y no cumplir*, "to obey but not to execute," and thus nullify the royal wishes. Lea dilates upon the power acquired by the Suprema through its practical, though not theoretical, financial independence of the sovereign from the earliest times. The American Inquisition were flagrant offenders. Between 1630 and 1650, when the whole trading communities of Peru and Mexico were shattered, the tribunals became immensely rich, but no royal official was allowed to penetrate into their pecuniary secrets. Philip V, however, reasserted the right of the Crown to confiscation, and by 1727 forced the Suprema to restore the confiscations, and that was the real death blow of the Inquisition. Under the House of Bourbon the subordination of the Inquisition became recognized, whilst its jurisdiction was curtailed and its influence diminished.

At every auto-de-fé a notary of the Inquisition held up a cross and made the people raise their hands and swear oaths of obedience to the Inquisition, and when the sovereign was present, besides the general oath he had to

take a special one. In 1588 in Lima there was great scandal when the inquisitors claimed precedence over the Viceroy of Peru, and carried their point by excommunicating him. But it was the inviolability claimed by the Inquisition for all its servants that made the institution so very obnoxious to people as well as to Crown. It was a recognized theory with the Holy Office that scandal was more to be dreaded than crime, and so the inquisitors enforced respect for its authority by sheltering even criminals if they were in their service. It was a long struggle, in which religion was in no way concerned, for the Holy Office sought to arrogate to itself control over a constantly widening area of secular affairs while claiming release from secular obligations.

PRIVILEGES AND EXEMPTIONS: BENEFIT OF CLERGY.

We can pass rapidly over the chapters dealing with the privileges and exemptions claimed by the Holy Office. Its officials claimed to be exempt from taxation and customs from billeting of troops and military service, while proudly insisting on the right to bear arms and hold secular office, and the right of asylum. Even as late as 1818, the Suprema succeeded in obtaining a royal order exempting the salaries of its officials from income tax (i. 384). From the first, the Inquisition had been worked upon commercial lines, regardless of the protests and opposition of the cities whose revenues were impaired and whose laws were ostentatiously disregarded. It exploited its exemptions from taxation and octroi duties by opening shops for the necessaries of life. The abuse of its power for unlawful gains and benefits excited exasperation even among those most zealous in the extermination of heresy.

Lea next devotes a long chapter (i. 427 seq.) to the consideration of the exclusive jurisdiction which it sought to establish over all who were connected with it, not only between themselves, but between them and the rest of the community.

Throughout the Middle Ages the benefit of clergy exempted clerics from the jurisdiction of the laity. Already in 1488 Ferdinand issued a *cédula* that no secular tribunal was to take cognizance of anything that concerned ministers and familiars of the Inquisition (i. 429). This enabled laymen subject to the secular courts to obtain immunity from their crimes on the pretext of being familiars. In doubtful cases, the evidence was to be sent to the court of the king, and a majority was to decide as to the jurisdiction. This process of adjudicating disputes became known as *competencia.* But the Inquisition never scrupled to excommunicate even the royal judges if they ventured to try a person whom it claimed as one of its officials. Thus all criminal judges lived in an atmosphere of dread lest, at any moment, the honest discharge of their functions might precipitate them into a disastrous conflict with the tribunal. After protracted effort a Concordia was granted to Valencia in 1554 limiting the inquisitors in their right of interference, but the inquisitors took great care that the new Concordia should not be printed, and as a fact it was never published for general information. The Inquisition seems to have spared no pains to make itself detested, and thus it is not surprising that by 1677 the Suprema had so fallen in public esteem that, for instance, in Barcelona it was able to secure but one familiar. Wherever a province retained institutions through which public opinion could assert itself, as in Castile or Aragon, stubborn resistance was offered to the arrogant pretensions of the Inquisition, but in all these struggles there was no question of freedom of conscience, and no desire to limit the effectiveness of the Holy Office as the guardian of purity of faith.

The Castilian, like the Catalan, looked with exultation on the triumph over heresy in the autos-de-fé, and he desired only to set bounds to the intrusion of the Inquisition on the field of secular justice (i. 486).

CONFLICT WITH COURTS SPIRITUAL AND SECULAR.

The spiritual courts as well as the secular had perpetual conflicts with the Inquisition (i. 493). Notoriously lax as were the episcopal courts with offenders of the cloth, the Inquisition had the reputation of still greater indulgence towards those who were under its protection. In cases of conflict an appeal lay only to the Suprema, for Spain's traditional jealousy of the interference of Rome made it impossible to appeal to the Holy See. Ultimately in 1612 some sort of compromise was effected by a royal decree that episcopal Ordinaries should have exclusive jurisdiction over offences relating to clerical duties and offices, to simony and spiritual matters, while inquisitors should have cumulative jurisdiction with the Ordinaries, depending on priority of action, in public and scandalous offences such as incontinence, usury, gambling, and the like. Towards the end of the seventeenth century a quarrel arose between the government of Minorca and the Inquisition, and, as the Mallorquin tribunal had claims to consideration arising from vigorous proceedings against Judaizers and the large resultant confiscations, the Suprema supported it against the pope himself.

THE JUNTA MAGNA.

In 1696 a serious effort was made to effect a radical reform of the abuses of the Inquisition by a Royal Commission known as the "Junta Magna," which drew up a "Consulta Magna" (i. 511). This memorial constituted a terrible indictment of the abuses by the Inquisition of its temporal jurisdiction, with ample proof of flagrant cases and its graft, followed by a consideration of possible remedies, but this too was consigned to the limbo in which reposed so many previous memorials. The inquisitor-general worked upon the king through his confessor. When Philip V called for it in 1701 no copy could be found in the archives! It is true that, for a special reason, hereafter referred to,

there was for some years a recrudescence in heretic baiting, and more autos-de-fé are recorded between 1714 and 1726 than for generations previously and after. In 1703 the King did make an attempt at reform, but his vacillation was such that nothing came of it. But the eighteenth century would no longer tolerate the abuses which had been so common in the seventeenth. The lay tribunals would not brook interference by the Suprema, nor did they mind interdicts and excommunications. Step by step its old privileges were curtailed. In 1734 Philip decided that a salaried officer should be tried by the ordinary courts. In 1747 Fernando VI gave the council of Castile jurisdiction over the officials of the Inquisition. Remonstrances were not wanting, but proved ineffectual. The resolute Carlos III was even more assertive of the royal prerogative than his brother Fernando, and in 1763 entirely removed familiars, as laymen, from the jurisdiction of the Inquisition.

Such conflicts of jurisdiction between the lay tribunals and that of the Inquisition, and the attempted settlement thereof by the process of *competencia*, are very fully detailed by Dr. Lea, but they are not without parallel in our own country, where, until the Judicature Acts, there was a joint jurisdiction of the courts of Equity and Common Law, each jealous of the other, and each desirous of catching all litigants in its net. But the Spanish Court had an irritating habit of refusing the form of *competencias* on the ground that its rights were too clear to admit of debate. From 1634 a Junta did exist, composed of two members each of the Suprema and Council of Castile, to settle disputes, but the Junta rarely met, and if it did the two pairs of members always voted on opposite sides and produced a deadlock, until in 1721 Philip V decreed that a fifth member should be appointed, so that a majority was always assured. It is to the irritating arrogance of the Inquisition rather than to its cruelty that Lea attributes the detestation that it excited.

If the people regarded it as a whole with awe and veneration as the bulwark of the Catholic Faith, their hatred was none the less for its members, and the perpetual struggle against the tremendous odds of its power, supported by the unflinching favour of the Hapsburgs, bears equal testimony to the tenacity of the Spanish character and to the magnitude of the evils with which the Inquisition afflicted the nation (i. 525).

ABUSES.

None can doubt the truth of Spinoza's theme in the *Tractatus Theologico-Politicus*, that freedom of thought cannot be denied without danger both to public peace and true piety. Spinoza himself was of a Marrano family which had suffered through the Inquisition, and its horrors doubtless influenced his thought.

Lea writes throughout with studied moderation, but even he cannot repress his feeling of indignation as he details the various abuses that prompted popular hostility. One curious detail is worth mentioning which is paralleled in our own country. The familiars of the Inquisition could not be restrained from trading, and traders in fact eagerly sought the position in order to have the Inquisition at their back so as to secure unfair advantages over their competitors. This is an abuse which has been found to attach to consular officials also, so that it has become almost a dogma in modern practice to refuse consulships except to the diplomatic service and to avoid mercantile consuls so far as possible.

The decadence of the Inquisition in the eighteenth century, though it diminished its powers of oppression, failed to allay the persistent antagonism it excited. Spaniards abhorred Jews and heretics, but they dreaded and detested the Inquisition for abusing its privileges in matters wholly apart from its functions as the guardian of the faith.

TORTURE.

The third volume, like the first, is of more special interest to the Jews, nearly a quarter dealing either directly or

indirectly with them. We pass over the preliminary chapters with regard to Torture and the Trial, and also the seventh book, which deals with Punishment under the respective headings of "The Sentence," "Minor Penalties," "Harsher Penalties," "The Stake," and "The Auto-de-Fé," but one or two points may be referred to. Lea very fairly says that the Spanish Inquisition was not responsible for the introduction of torture, and that it was less frequent and less cruelly applied than by the secular courts, but the tender mercies of the wicked are cruel, and we see that there was no absolute limitation on the severity of torture, and indeed in some cases it was resorted to time and again. Many cases are recorded in which the accused submitted to torture without confession, and in several the immediate pain of the torture might cause a confession which would be followed by a revocation of the confession, and then torture again, and again revocation. Thus in 1643 Engracia Rodriguez, 60 years of age, had a toe wrenched off while in the *balestillón*, and then an arm was broken. The torture was stopped without a confession having been extorted, but ten months later she confessed to Jewish practices. Many victims died under torture, and though it is ghastly reading, nothing can perhaps better bring home to us what this torture meant—and, as Lea says, it was only the "very moderate case of water torture"—than to reproduce here part of a quotation from the official report given by Lea. This was in the case of a Jewess, Elvira del Campo, who was tortured on April 6, 1568, by the tribunal of Toledo. She was accused of not eating pork and of putting on of clean linen on Saturdays. She admitted the acts but denied heretical intent, and was tortured on intention.

She was carried to the torture-chamber and told to tell the truth, when she said that she had nothing to say. She was ordered to be stripped and again admonished, but was silent. When stripped, she said, "Señores, I have done all that is said of me and I bear false witness against myself, for I do not want to see myself in such trouble; please God, I have done nothing." She was told not to bring false testimony against herself, but to tell the truth. The

tying of the arms was commenced; she said, "I have told the truth: what have I to tell?" She was told to tell the truth, and replied, "I have told the truth and have nothing to tell." One cord was applied to the arms and twisted, and she was admonished to tell the truth, but she had nothing to tell. Then she screamed and said, "I have done all they say." Told to tell in detail what she had done, she replied, "I have already told the truth." Then she screamed and said, "I have done all they say. Tell me what you want, for I don't know what to say." She was told to tell what she had done, for she was tortured because she had not done so, and another turn of the cord was ordered. She cried, "Loosen me, Señores, and tell me what I have to say; I do not know what I have done. O Lord, have mercy on me, a sinner!" Another turn was given. She said, "Loosen me a little that I may remember what I have to tell; I don't know what I have done; I did not eat pork, for it made me sick. I have done everything. Loosen me, and I will tell the truth." Another turn of the cord was ordered, when she said, "Loosen me, and I will tell the truth. I don't know what I have to tell; loosen me for the sake of God. Tell me what I have to say; I did it, I did it. They hurt me, Señores. Loosen me, loosen me, and I will tell it." She was told to tell it, and said, "I don't know what I have to tell—Señor, I did it—I have nothing to tell—oh, my arms, release me, and I will tell it." She was asked to tell what she did, and said, "I don't know; I did not eat because I did not wish to." She was asked why she did not wish to, and replied, "Ay! loosen me, loosen me; take me from here, and I will tell it when I am taken away—I say that I did not eat it." She was told to speak, and said, "I did not eat it, I don't know why." Another turn was ordered, and she said, "Señor, I did not eat it because I did not want to—release me, and I will tell it." She was told to tell what she had done contrary to our holy Catholic Faith. She said, "Take me from here, and tell me what I have to say—they hurt me—oh, my arms, my arms!" which she repeated many times and went on, "I don't remember—tell me what I have to say—oh, wretched me!—I will tell all that is wanted, Señores—they are breaking my arms—loosen me a little—I did everything that is said of me" (iii. 24).

Torture was repeated, for instance, in the case of Miguel de Castro, tried for Judaism at Valladolid in 1644. He was tortured and confessed, after which he ratified, revoked, and ratified again. He was tortured again, during which he confessed, and then revoked the confession. He would have been tortured a third time, but the physician and

surgeon declared him to be unable to endure it. The Suprema ordered him to be relaxed to the secular arm if he could not be induced to return to the Church. Finally he confessed, and was sentenced to reconciliation and irremissible prison and sanbenito with 100 lashes, which was executed on January 21, 1646 (iii. 29).

With regard to the punishments little need be said. One curious punishment especially adapted to Judaizers and Moriscos was *vergüenza* or shame. The victim was not lashed, but was stripped to the waist and paraded through the streets while the town crier proclaimed his sentence. We are informed that many regarded death as a mercy, preferring to die rather than submit to *vergüenza* (iii. 138).

JEWS IN PORTUGAL.

The chapter on Jews in the third volume is a fascinating description of their condition in Spain after the expulsion. They differed from the Moriscos, in that the campaign against the religion of the Moors was so successful that, early in the seventeenth century, Moriscos disappear from the records of the tribunal. But for more than a century later, though expelled a hundred years before the Moors, Marranos or Jewish New Christians provided the chief part of the work of the Inquisition. Lea points out that, in their coerced conversion, the Church took no pains to instruct them in their new religion, that they were prosecuted and persecuted upon the slenderest of proofs, that, like Islam, Judaism had tended to disappear in Spain in the reign of Philip II till the situation was entirely changed by the conquest of Portugal in 1580. The Jews in Portugal who had flocked there from Spain at the time of the expulsion met with kindly treatment by King Manoel, of whom the present king is the namesake, at his succession in 1495. His marriage with the daughter of Ferdinand and Isabella, however, caused him to issue a general edict of expulsion, excepting children under fourteen, and practically all of these were forced to accept baptism, though for

twenty years they were to be exempt from persecution. In 1499 they were forbidden to leave Portugal without royal permission. Then came the awful Lisbon massacre of 1506, which produced a revulsion of feeling, so that in the following year the restrictive laws of 1499 were repealed. The New Christians flourished exceedingly till Manoel's death in 1521, but his successor was more rigorous, and in 1531 Dr. Bras Neto, the ambassador at Rome, obtained from Clement VII briefs establishing a Portuguese Inquisition on the Spanish model. The New Christians by lavish payment of blackmail secured the friendliness of Rome, and on the whole they were not badly treated.

OVERTURES FOR TOLERATION.

As with the Spanish Marranos, Rome recognized that the rich New Christians of Portugal would afford a rich harvest.

> This speculation in human agony was the more lucrative that Portugal was comparatively feeble and could be treated with much less ceremony than Spain. . . . Thus in 1534 some twenty or thirty thousand ducats were to be extorted. . . . In transmitting this proposal the Portuguese Ambassador added that nothing could be done in the Curia without money, for this is all they wanted. . . . Clement, who was rapidly approaching his end on July 26, ordered the nuncio to overcome by excommunication all opposition to the pardon, and forbade all prosecution for past heresies, moved to this, as Santiquatro told Paul III, by his confessor, who insisted that, as he had received the money of the New Christians, he was bound to protect them. . . . The struggle was renewed under Paul III . . . the nuncio, della Rovere, entered into a contract with the new Christians, dated April 24, 1535, under which they promised to pay Paul III 30,000 ducats if he would prohibit the Inquisition, confining prosecution to the bishops, who should be limited to ordinary criminal procedure; smaller sums, moreover, were provided for less desirable concessions. The Curia honestly endeavoured to earn the money, and made several propositions to João, which he rejected; then, on November 3, a Bull was solemnly published in Rome, renewing the pardon-Brief, annulling all trials, releasing all prisoners, recalling all exiles, removing all disabilities, suspending all confiscations, prohibiting all future prosecutions for past offences, and enforcing these provisions by excommunication. . . . The New

Christians declined to pay the full amount, and della Rovere was not able—at least so he said—to remit more than 5,000 ducats. This parsimony came at an unfortunate moment. The result of this was seen in a Brief of May 23, 1536, which constituted an Inquisition on the Spanish model, except that, for three years, the forms of secular law were to be observed, and, for ten years, confiscations were to pass to the heirs of the convicts. Diogo da Silva was to be inquisitor-general (iii. 240–1).

PAPAL NUNCIOS.

Capodiferro was appointed nuncio, and during his stay in Portugal received 1,800 cruzados per annum, in addition to the profit he derived from his pardon traffic. "In 1554 Julius III, in a moment of wrathful candour, told the Portuguese ambassador that nuncios wero sent there to enrich themselves as a reward for previous services." The New Christians were not the only subject of quarrel between João and Pope Paul III. The Bishop of Viseu had fallen into disfavour with his royal master, and his appointment in 1542 as Cardinal so offended the King that it gave rise to "fears that Portugal was about to withdraw from the Roman obedience." This deprived the New Christians of such aid as they had purchased in Rome, and left Henrique (the King's brother and then inquisitor-general) in peaceable possession of the inquisitorship. He established six tribunals, Lisbon, Evora, Coimbra, Lamego, Porto, and Thomar, of which only the first three remained permanent. Lippomano was appointed nuncio, but got no further than Valladolid. His secret instructions were to fight the Inquisition. "As for the Inquisition, it would be a most holy thing to abolish it and commit the jurisdiction to the bishops." A settlement was ultimately arrived at, and at the end of 1544 he was recalled, and abstained from aiding the New Christians. After much angry negotiation Ricci was appointed a new nuncio. He reported adversely to the Inquisition, and the Pope,

assuming that the brief of 1536 had established it for ten years only, notified João that the term had expired: in deference to him it was

prolonged for a year, but he was told that, within that time, the question as to the New Christians must be definitely settled; it was suggested that a general pardon could be granted, or that he could banish them all from his kingdom. . . .

The gold of the New Christians had not been spared in Lisbon or in Rome. João evidently felt that the turning-point had come and that some supreme effort must be made to outbid his subjects. . . . He forwarded bills of exchange for 33,000 cruzados (to Cardinal Farnese, the favourite grandson of Paul III). . . . Julius III was as mercenary as his predecessor. In 1551 João, in response to a hint that a present was desirable, sent him a magnificent diamond, valued by the Roman jewellers at 100,000 cruzados. . . . Julius declared that he would make it an heirloom in his family (iii. 251–2).

Next year he asked for another gift, and in 1554, after making Henrique perpetual legate, João sent him a brooch. After his death the regency in 1562 sent Pius IV a couple of rings, "to which he loftily replied that he did not desire such gifts, but he had previously had them appraised and found that they were of little value."

FINAL TRIUMPH OF THE PORTUGUESE INQUISITION.

In 1546, bribed by the See of Viseu, Paul sacrificed his protégés, but with a semblance of decency demanded that there should be a general pardon for past offences, and the granting of a term during which those desiring to emigrate could leave Portugal. Lea remarks as to this that,

The Holy See has been stained with many examples of nepotism and rapacity, but its history has furnished few transactions of more shameless effrontery in sacrificing those whom it was pledged to protect. A brief of safe conduct had been secretly issued inviting the Portuguese New Christians to Italy, with assurance of not being disturbed on account of their religion . . . those who had been baptized at birth came and were immediately circumcised, and filled the synagogues under the very eyes of the pope—the inference being that he desired free emigration from Portugal, in order that Italy might benefit by the intelligence and history of the apostates, an argument which was freely used and was not easy to answer. . . . (iii. 253).

Thus after a contest lasting through seventeen years the Inquisition was fastened upon Portugal, and, in reviewing the kaleidoscopic vicissitudes of the struggle, we cannot trace in any act of the Holy

See a higher motive than the sordid one of making out of human misery a market for the power of the keys and selling it to the highest bidder (iii. 257).... A long struggle ensued among the Portuguese Ambassadors (at Rome) and the New Christians, in which for some time the latter were successful (iii. 258).

Paul IV, who succeeded in 1555, and Pius IV at the end of 1559, both coquetted with the New Christians, but did not give them what they wanted, and they had to abandon all hope when the latter made his peace with the King of Portugal, and "Cardinal Henrique was re-appointed legate *a latere* in all matters concerning the faith, thus cutting off all appeal and all interference with the Holy Office" (iii. 259). When the Portuguese Inquisition becomes active, the names of witnesses being no longer published, the number of condemnations mightily increases. Lea says that no auto was celebrated in Lisbon till 1559, nor in Coimbra till 1567, though autos occurred in Evora in 1551, 1552, 1555, and 1560, after which date they became more frequent and severe, although till the conquest of Portugal by Philip II in 1580 the whole number of Jews recorded in the three tribunals was only thirty-four. Lea admits that the lists are very defective for the early years, and as a matter of fact those given in the *J. Q. R.*, XIII and XIV, show how inaccurate are these details. The authorities quoted in the *J. Q. R.* give an auto at Lisbon in 1531, one at Evora in 1541, and no less than forty-three autos up to 1580.

THE SPANISH CONQUEST AND IMMIGRATION OF PORTUGUESE JEWS INTO SPAIN.

When Portugal became Spanish the activity of the Inquisition immensely increased, but in the American colonies of Portugal no tribunal was ever established, although the New Christians of Brazil helped the Dutch to obtain a foothold there, as they successfully did on the Malabar coast of India, and Lea notes the fact that in the treaty of 1810 with England "Portugal bound itself never to establish the Inquisition in its American possessions" (iii. 262). Although

the main object of the Inquisition was to purify Portugal from Judaism, it also exercised "its blighting influence on the intellectual development as well as on the material prosperity of Portugal" (iii. 263). George Buchanan, who was Professor of Greek at Coimbra in 1547, was imprisoned as a heretic, but eventually escaped to England. When in 1578 Cardinal Henrique succeeded to the crown of his grandnephew Sebastian, he did not resign the inquisitor-generalship for fifteen months. Next month he died, "universally detested, and only regarded because in the rivalry of claimants to the throne and in the exhaustion of the land through famine and pestilence the way was open to the easy conquest by Philip II" (iii. 265). In the reorganization under the Spanish crown the Inquisition was not merged with that of Castile, but was left as an independent institution under the Archbishop of Lisbon. Curiously enough, the increased vigour of heretic baiting induced the Marranos to migrate to Spain, which would have seemed the last place to which they would care to go. With this immigration, convictions for Judaism in the Spanish tribunals largely increased, so much so that Portuguese became almost synonymous with Jew.

NEGOTIATIONS FOR A GENERAL PARDON.

In 1602 the New Christians commenced to negotiate with Philip III for a papal Brief granting them a general pardon for past offences. Dr. Lea tells us how Philip and his favourite Lerma were desperately in need of cash, and (despite the remonstrances of the Portuguese archbishops) all scruples were overcome by the dazzling bribe of 1,860,000 ducats to the king besides 50,000 cruzados to Lerma, 40,000 and 30,000 to two members of the Suprema, and 30,000 to its secretary. The papal brief was issued on August 23, 1604, and proved immediately effective. A great auto announced at Seville for November 7 was countermanded, 410 prisoners were released in Por-

tugal, and the great body of Portuguese Judaizers in Spain obtained valid absolution for all past sins during the twelvemonth of its duration" (iii. 267–70). The original documents dealing with this period were published in the *Revue des Études Juives* (1904–6), and are quoted by Dr. Lea. The wealth of the Portuguese Christians must have been very great. In their memorial praying for pardon they admitted themselves to be worth 80 millions of ducats, and were assessed on the basis of 75 millions. Their wealth was even slightly greater, for another MS. of Luys de Melo's *Católicas contra Ficciones Judaicas*[1] differs from the Bodleian MS. in giving their wealth as 83 millions instead of 80. For some years there was a marked interruption of persecution.

A writer remarks in 1611 that, in Seville, the Castle of Triana was used as a penitential prison, for there was no one on trial, the Judaizers having all been pardoned, the Moriscos expelled, and the Protestants suppressed. This episode, however, could have no permanent influence. . . . After this we hear little of the Old Spanish Conversos; nearly all Judaizers are Portuguese and all Portuguese are presumably Judaizers (iii. 270).

Efforts were made to check the transit of such Portuguese through Spain to France and Holland, "where the refugees were of material assistance to the national enemies." In 1601 Philip III, for 200,000 ducats, allowed New Christians to go to the Spanish and Portuguese colonies. In Brazil nearly all the sugar plantations were in their hands, but,

with the faithlessness customary in dealing with the proscribed race, this irrevocable permission was withdrawn in 1610. . . . Another decree of Philip III, April 20, 1619, called the attention of the inquisitor-general to the evils resulting from the multitudes of Portuguese passing with their families and property to France. . . . An eloquent memorial[2] also asked for the removal of all limitations. . . . The new Christians had greatly enriched the kingdom and the colonies by their labours (iii. 271–2).

[1] In the possession of E. N. Adler.

[2] This Memorial was also published in the *R. É. J.*, loc. cit.

AGITATION TO EXPEL NEW CHRISTIANS.

In 1621 a Portuguese, Vicente da Costa Mattos, published a work seeking to drive them from the land. "They were enemies of mankind, wandering like gypsies through the world and living on the sweat of others. They had possessed themselves of all trade . . . Luther commenced by Judaizing. . . . All heretics were either Jews or descendants of Judaizers, as was seen in England, Germany, and other parts where they flourished; Calvin called himself the father of Jews. . . . Their perverse obstinacy was sufficiently proved by the numbers who were every day burnt, and the still greater number who escaped by penance after conviction" (iii. 272–3). Two pardons were granted in 1627 and 1630, besides an Edict of Grace published in 1622, which, however, only relieved sixteen persons. In 1630 Sotomayor reported that the new Christians wanted no more edicts of grace, and Luys de Melo asserts that the Inquisition had depopulated the various cities of Portugal. The inquisitors complained that their labours were unavailing, as Judaism was steadily increasing. Philip IV was urged by the Bishop of Faro to remedy the political dangers apprehended from the New Christians.

> They were all secretly Jews . . . they secretly invested their capital in dealings with the Dutch and in Dutch commercial companies. . . . Israel has rarely had a more flattering tribute to its intellectual superiority than the fears excited by this remnant surviving through nearly a century of pitiless persecution (iii. 275–6).

In 1628 Philip consulted a "Junta" of Portuguese bishops, who assembled at Tomar and submitted a series of suggestions. They asked for the complete expulsion of the whole race, at least such as were full-blooded Jews. Philip assented to the exile of the reconciled and vehemently suspect. The bishops then recommended that all who desired should irrevocably expatriate themselves. The king replied that already there was unrestricted liberty to

go, but their return to the Peninsula should thenceforth be prohibited. The bishops next suggested that

> to check the spread of Judaic infection by intermarriage, which was destroying the lustre of the nobility, no dower in such unions should exceed 2,000 cruzados. . . . The king assented. Finally, the bishops proposed that the New Christians should be wholly excluded from trade and commerce. . . . Philip answered rather curtly that it was none of their business (iii. 277).

INFLUX OF MARRANOS INTO WESTERN EUROPE.

In the result, the New Christians paid Philip 80,000 ducats for the privilege of leaving Portugal, under cover of which some 5,000 families emigrated to Castile. In 1632 the question of transit to France again came up. Many refugees were found in Saint-Jean de Luz when it was captured by the Spanish in 1636. Most of them, however, went to Holland, where their success was the chief cause of the effort to prevent immigration. Luys de Melo says 2,000 families had passed to Holland, and purchased the right to establish a synagogue. In 1640 Portugal recovered its independence, no doubt assisted by the New Christians. They were for a time somewhat leniently dealt with by the Inquisition, but although no Portuguese inquisitor-general had been appointed between 1653 and 1672 the supply of victims at autos seems as large as ever. Intermarriages between the New Christians and the Old had been so frequent, and "so large a portion of the population was thus contaminated, that foreigners generally regarded the Portuguese as all Jews." When, in 1622, João IV died, a New Christian named Duarte "made a liberal offer of money and troops for the defence of the land in return for a general pardon, the publication of witnesses' names, and permission to found a synagogue in which professing Jews might worship" (iii. 283). The attempt was abortive. A Jesuit, Vieira, an apostle of Brazil, intervened, urging the king to remove the distinctions between the Old and New Christians. The Inquisition, however,

penanced him. He escaped to Rome, where under numerous writings he denounced the Holy Office of Portugal "as a tribunal which served only to deprive men of their fortunes, their honour, and their lives, while unable to discriminate between guilt and innocence: it was known to be holy only in name, while its works were cruelty and injustice." In a note (iii. 285)[1] Lea upholds the authenticity of *Noticias recónditas y posthumas . . . de las Inquisiciones de España y Portugal*, Villa-franca 1722, as Ferreira's work; *Villa-franca* is London, the City of Freedom. At last, in 1674, the New Christians induced Clement X to issue a brief inhibiting further action in Portugal. Coimbra treated this as a general pardon and discharged its prisoners, but the other tribunals detained theirs.

The Inquisition was sullen and celebrated no auto-de-fé between the years 1674 and 1682, save three private ones in the Lisbon audience-chamber, in each of which there was but a single penitent (iii. 289).

This struggle with Rome weakened the Portuguese Inquisition, and even after its resumption in 1681 and triumphal autos in 1682 there were thenceforth comparatively few autos and victims.

PORTUGUESE IN SPAIN.

In Spain, however, the prejudice remained unabated. Like the Russian Count de Witte of our own day, a Spanish minister, Olivares, opened negotiations in 1634 with the Jews of Africa and Levant, and opposed the Inquisition. In 1641 he even suggested that Jews should be allowed to reside in a separate quarter in the suburbs of Madrid, with a synagogue such as that in Rome. But the Holy Office was too strong for him, and caused his downfall in 1643, after which the Suprema instructed the Valencia tribunal to forbid the landing of Jews from Oran. In some trenchant

[1] Dr. Lea cites the English Translation of this work by Moses Mocatta privately printed at London in 1845. It was reprinted and published at Philadelphia, Barnard and Jones, in 5620 (1860).

passages Lea deals with proselytism. He regards the charge that Jews proselytize as preposterous.

> Judaism is a matter of race as much as of dogma; the Jews have never sought to convert Gentiles. . . . What conversions there were were spontaneous, and these served to intensify the horror of Judaism and to keep alive the sense of danger (iii. 293).

Thus Lope de Vera had become so deeply learned in Hebrew and Arabic that his studies led him to embrace Judaism. Other instances are given by Dr. Lea. Little colonies of Portuguese kept being discovered. The Inquisition was always on the watch, and the utmost reserve was practised by the crypto-Jews; "their children were not allowed to know anything of Judaism until of an age at which their discretion could be trusted." Jewish observances were only sporadically obeyed. "Judaism seems to have resolved itself into Sabbath keeping with occasional fasting, and into hoping to be saved in the law of Moses and in denying Christ and Christian doctrine." Outside the Portuguese immigrants,

> which supplied the apparently inexhaustible harvest of culprits throughout the seventeenth century, there was one corner of Spain which escaped the influx and where the old Conversos continued to cherish their secret faith with little or no molestation (iii. 305). . . .

This was Majorca.

Here, indeed, the tables were turned, and in 1668 the inquisitors actually complained to the Suprema that the priests "talked of the Inquisition as a secret heresy, and that it was a den of robbers which should be abolished." But in 1677 a synagogue held in a garden attracted the inquisitor's attention. Wholesale arrests were made, and four autos were celebrated, and the confiscations amounted to a million and a half pesos. After this we are told that nothing more is heard of Judaism in Majorca.

EXCLUSION OF FOREIGN JEWS.

In the latter part of the eighteenth century and thenceforth the exclusion of foreign Jews exercised the Holy

Office more than the detection of native ones. Officers of the Inquisition visited ships at all Spanish ports. Baptized Jews were seized and their goods confiscated, but the unbaptized might "depart with the ship . . .

> Still the indefatigable mercantile energy of the Jews and the venality of officials to a limited extent neutralized these precautions. . . . Those of Spain would go to sea by Nice, or elsewhere, to enjoy freedom of worship, while Italian Jews came to Spain to trade in spite of inquisitorial vigilance. Licences to come were occasionally issued. . . . In 1689 orders were specially issued to disregard an agreement which Don Pedro Ronquillo under powers from the king had made with an English Jew, enabling him to land at any port in Spain. . . . When in 1713, by the Treaty of Utrecht, Gibraltar was ceded to England, it was under the condition that no Jews or Moors should be permitted to reside there. The inobservance of this by England was the subject of complaint, but it is not likely that many intruders risked the dangers that attended the attempt of a foreign Jew to enter Spain (iii. 312).

Our author seems unaware of the large number of Jews in Gibraltar. Already at the end of the eighteenth century they were treated by the government as forming an important, a third, section of the native population.

> In 1756, Abraham Salusox, a Jew of Jerusalem, ventured to Valencia with a lion for sale. The shipmaster reported him, and a familiar was deported to accompany him, day and night, on board and on shore, never to let him out of his sight, or to communicate with any one. The Count of Almenara bought the lion, and Salusox . . . re-embarked (iii. 313).

So with the Jew from Gibraltar who came in 1759 and others in 1761, 1762, and 1795. In 1797 the Finance Minister proposed that Jews might be allowed to establish factories in Cadiz, but the Council of Ministers rejected the project as contrary to law. During the Napoleonic wars, however, enterprising Jews had entered the country, and in 1819 the tribunal of Seville represented to the Suprema its perplexities arising from the influx of Jews at Algeciras, Cadiz, and Seville, who came to the tribunal begging for baptism. They were indigent beggars and

perhaps fugitive criminals. Down to 1819 no Jew could enter without a royal licence. In 1848 the anti-Jewish laws were not being enforced, and Jews could travel and trade in Spain without molestation. In 1854 Dr. Ludwig Philipson, Rabbi of Magdeburg, came to Madrid and pleaded that the Cortes should introduce into the constitution express permission for the Jews to come to the country, but it was not till the revolution which drove Isabella II from the throne "that the constitution of 1869 proclaimed freedom of belief and guaranteed it to all residents in Spain" (iii. 315). The constitution of 1876 preserved this principle, but forbade the celebration of religious ceremonies in public other than those of catholicism. And Lea concludes his chapter on the Jews with a quotation from the beginning of a series of articles of Autos-de-fé and Jew which appeared in the *J.Q.R.*, XIII, when he states that

> It was a remarkable proof of conversion from ancient error when in 1883 the Jewish refugees from Russia sent by the organizing committees of Germany were enthusiastically received, although the experiment ended in disastrous failure (iii. 315).

MORISCOS AND LUTHERANS.

In the next chapter the Moriscos are discussed at even greater length than the Jews. The number of those exiled is variously given by the different authorities, and fluctuates from a maximum of three millions to a minimum of 120,000. Lea estimates that they exceeded half a million. The third chapter deals with the Protestants, but there were never many Protestants in Spain, and so they are dismissed in something less than seventy pages. The third volume concludes with a chapter on censorship. Till the Lutheran revolt, censorship was a function of the state. The Inquisition assumed control in 1521, and in 1539 the pope granted a faculty in the Commission confirming the appointment of Tavera, inquisitor-general, as successor to Cardinal Manrique. When the Lutheran scare was at its height Philip II ordered that no bookseller or other person should sell or keep any

book condemned by the Inquisition, and this under penalty of death and confiscation. Authorship was discouraged by this all-embracing censorship—"an engine of immense power, constantly applied for the furtherance of obscurantism, the repression of thought, the exclusion of foreign ideas, and the obstruction of progress" (iii. 549).

The fourth volume is devoted to the remainder of the work of the Inquisition, to its criminal as distinguished from its ecclesiastical jurisdiction.

CRIMINALS.

Crypto-Judaism was the cause of the establishment of the Inquisition, but it soon extended its jurisdiction so as to cover all offences against Spanish Catholicism, nor did it stop there. Crimes, which were also sins, were soon caught in its net. Five chapters treat of the different crimes with which the Inquisition concerned itself—mysticism, solicitation, sorcery, witchcraft, and bigamy. There are also chapters on heretical propositions such as that marriage is better than celibacy, or that the Vulgate is not infallible, or its text is inferior to the Greek and Hebrew originals. To this class of propositions belongs indulgence in freemasonry, philosophism and blasphemy, even non-heretical blasphemy. Propositions indeed were distinguished into ten classes, according as they were heretical, erroneous, savouring of heresy, ill-sounding, rash, scandalous, schismatic, impious, insulting, and blasphemous—a wealth of epithets which reminds one of the vocabulary of Rabelais. The tenth chapter of the eighth book is especially important as it deals with political activity and the manner in which the Inquisition became a political instrument and was used to enforce secular law as in the case of restraint on the export of horses. The last chapter again deals, under the heading of miscellaneous business, with other kinds of immorality and with such ecclesiastic offences as marriages in orders, personation of priesthood and officials, the hearing of confessions by laymen, saints transgressing the dogma of the immaculate

conception and abuse of the seal of confession. The case of usury is somewhat special. Here the Inquisition abandoned its jurisdiction, though usury was always regarded as an ecclesiastical crime; but the Suprema itself by a *carta* of 1554 forbade its tribunals to take cognizance of usury, inasmuch as usurers were not moved by erroneous belief, but by the desire for sordid gain. The non-ecclesiastical functions of the Inquisition were practically limited to such classes of crime as belong to the category of what the Germans call *Entgegnungs-Delikte*, in which an offence is committed against a person although such person is willing. Fault has been found with the author for dealing at rather full length with this somewhat unsavoury subject, but it is an important contribution to the social history of Spain and the Church and could not have been reasonably curtailed. The pity of it is that, towards everything except heresy, the Inquisition was inclined to be lenient and yet in the whole range of these offences it is only with regard to witchcraft that such leniency can be justified.

When Dr. Lea says (iv. 509) that it was only the technical heresy and not morality that was considered, he is quite right. It is true that such offences, excepting perhaps the abuse of the Confessional, could be dealt with by the ordinary law, outside the Inquisition, but the whole point of our author's elaborate investigation is to convince the impartial reader that the Inquisition was so jealous of its jurisdiction that, even where co-ordinate powers existed, it interfered with the exercise thereof.

MYSTICISM.

Spanish mysticism is a very fascinating subject and not the least readable of Dr. Lea's pages (iv. 1 seq.) are devoted to it. Santa Teresa, San Pedro de Alcantara, and Molinos are characteristic mystics of the seventeenth century. The Molinists were viewed with disfavour by the Church which indeed changed its policy of *laisser-penser* precisely

for them. It was perhaps justifiable that the Inquisition should seek to suppress the Molinists. The strange mixture of the sensual with the spiritual they displayed reminds one of the followers of Sabbatai Zevi and the Chassidim of contemporaneous Jewry[1]. It is strange to consider how catching an attitude or pose may become. The religions themselves could not be more different and yet the religiousness of their votaries is of the same kind, and indeed the same applies to irreligion. The wave of atheism which spread over Europe, induced by the works of such freethinkers as Voltaire, Hume, and Rousseau could not be stopped from entering Catholic Spain. At first the orthodox Spaniard treated freethinking more tolerantly than the uncompromising Protestants used to do. Formalism has a tendency to prefer mere negation to an informality; a dissenter is deemed worse than a mere infidel. Pablo Olavide, a young lawyer of Lima, became Superintendent of a foreign colony near Seville, which roused the jealousy of the Church and the Mesta, a body of shipowners whose pasturages had been limited by such colonization. He was denounced as a follower of Voltaire and was condemned for professing the fashionable philosophy. The private auto-de-fé at which he was condemned took place on November 24, 1778, and was the last *cause célèbre* of the Inquisition. He was "condemed to reconciliation," confiscation of property and eight years' imprisonment in a Convent (iv. 308–311).

The crime of Bigamy deserves special mention because the Inquisition acquired jurisdiction over it in consequence of its affecting Jews and Moors. Moors and the Spanish Jews were polygamists and therefore "bigamy like absti-

[1] Sabbatai Zevi, by the by, himself figures in the history of the Inquisition. In 1666 "the seaport tribunals were warned that some of the Portuguese would seek to join him, ... so they were to be detained ... and a report sent to the Suprema. Some four months later Barcelona forwarded the testimony taken in the case of four Portuguese thus detained."

nence from pork and wine and change of linen on Saturday, created suspicion of heresy" (iv. 316). In numerous cases the offence of bigamy is conjoined with Judaic practices.

ROYAL PIETY.

Clericalism was responsible for the expulsion of the Jews and Moriscos. It was "the leading factor in controlling the destinies of Spain, in resourcing its resources, in moulding the character of its people, and the Inquisition was its crowning work" (iv. 499). It was under the influence of clericalism that the toleration of the mediaeval period gradually gave place to the fanaticism of the Inquisition. When Dr. Lea goes on to say that there can be no question as to the sincere devoutness of Charles V one may be perhaps permitted to join issue. Deathbed regrets for not executing Luther at Worms and his testamentary charge to his son Philip II in all ways to favour the Inquisition are not in themselves proof that such piety dictated his policy during the vigour of his youth and manhood. But none will disagree with our author when he asserts that Philip II needed no such exhortation, or when he explains how Philip III, despite his piety, "had not energy enough to be an active persecutor" (iv. 500), though his will also contained the customary instructions to his successor to foster the Inquisition. It had become common form by that time. Philip IV was a willing slave to the Inquisition and, at the dictation of its Supreme Council, incurred war with England under Cromwell rather than sign a treaty forbidding the religious persecution of the English in Spain.

RECRUDESCENCE OF ACTIVITY IN 1720.

With the Bourbons, says Lea, a new era commenced in which fanaticism no longer dominates the policy of the State, and this though during the first third of the century there was a fierce recrudescence of Inquisitorial activity. It had long been a puzzle why just at this date there were so many autos-de-fé—at least ninety-three in ten years.

But this problem, like so many others, is solved by Lea. He suggests that it was due to the discovery of a secret synagogue in Madrid. Twenty families had worshipped there since 1707 and had, in 1714, actually elected a Rabbi about whom they consulted the Leghorn Jews. Five such Jews were relaxed and burnt in the auto of April 7, 1720, and this must have roused the other tribunals to activity. The Jews had grown careless of concealment, thinking the political conjuncture favourable to toleration, but they were bitterly to regret their false sense of security. Moreover, a new inquisitor-general, D. de Astorga y Cespedes, held office from 1720 to 1724, and showed great zeal, as instanced by his treatment of Macanaz. Ample details have been furnished in the JEWISH QUARTERLY REVIEW as to the particulars of the numerous autos-de-fé which took place during those few years. Not only are the details of the autos printed by the official publishers to the Inquisition at Madrid and Seville but the same relation is reprinted and perhaps pirated by other printers at Seville, such as Francisco Sanchez Reciente who quaintly describes himself as a printer with knowledge of Latin (impressor con intelligentia latina), Juán Francisco de Blas "impressor major," and Manuel de Rios. This proves that inquisitorial activity was not only official but popular and we miss in Lea a satisfactory explanation of the recrudescence he chronicles. With characteristic insight Dr. Lea explains that the religiousness so correct in form was in essence superficial, and that devotion even in Church was more honoured in the breach than the observance. It needed a Brief of Pope Urban VIII in 1642 to forbid the priests to smoke whilst celebrating Mass in Seville or to stain the sacred cloths with tobacco!

COMMERCIAL DISADVANTAGES.

One is irresistibly reminded of Russia when one reads how the enforcement of unity of faith at every cost led the Spaniards to burn and pauperize those among their subjects

who were economically most valuable and to expel its most industrious classes and its bravest soldiers. It was this suicidal policy that led to endless wars and rebellions and left Spain financially exhausted and drove the producer in despair from the soil. It was this that made commerce pass "into the hands of foreigners who dealt under the mask of *testas ferreas*—of Spaniards who lent their names to the real principles, for the most part the very heretics whom Spain had exhausted herself to destroy" (iv. 505). Barnuevo, the pompous cleric who edited the *Lima Auto* of 1735, actually boasts "that the determination to enforce unity of faith at all costs had rendered Spain rather a Church than a Monarchy, and her Kings Protectors of the Faith rather than Sovereigns. She was a Temple in which the altars were Cities and the oblations were men, and she despised the prosperity of the State in comparison with devotion to religion" (ibid.).

Lea goes on to remark that even an inquisitor could have a glimmer of the truth, as appears from the Memorial addressed to Philip IV by a member of the Suprema with regard to the Portuguese Jews. He gives as the authority for this memorial the *Boletín* for July to September, 1906. The memorialist seeks to prevent the exodus of Portuguese Jews which is depriving Spain of population and wealth, and proposes to win back those who have expatriated themselves by softening inquisitorial severity. A similar worldly view is expressed in the eleventh document of "Les Marranes d'Espagne et de Portugal sous Philippe IV" (Adler's MSS. in *R. É. J.*, 1904–6 frequently cited in the third volume in Book viii, chap. 1), but prejudices of the time were too strong, "the Judaizers were driven forth to aid in building up Holland" (and the author might have added England and France) "with their wealth and intelligence, and Spain in ever deepening poverty continued to cherish the ideals which she had embodied in the Inquisition" (iv. 507).

Lea does not think much of the argument that in the

sixteenth and seventeenth centuries the Inquisition preserved Spain from the religious wars which decimated Northern Europe but holds that the nineteenth century bore in an aggravated form the brunt which should have fallen on the sixteenth. In the turmoil of the Revolution the Inquisition died a natural death, but the Church filled the vacancy, and it is too early to predict what may be the outcome of the pending struggle between Church and State. The Inquisition stimulated indifference to morals, for it dissociated religion from morals and indeed aided in disseminating corruption "by its custom of reading at the autos-de-fé sentences *con méritos* of which the details were an effective popular education in vice" (iv. 510). Moreover, it was virtually an independent power in the State and dominated the land. Lea scouts the argument of the defenders of the Inquisition that during its existence no voice was raised against it. In his first volume he proves, from its own admissions, the hearty hatred felt for it and its officials and quotes the continuous complaints of the Cortes of the various Spanish States against it. The universal terror it inspired did perhaps induce among the Spaniards a feeling of habitual self-restraint. The yearly Edict of Faith kept its horrors constantly before the public, and "no other nation ever lived through centuries under a moral oppression so complete, so minute, and so all pervading" (iv. 516).

STATISTICS.

In dealing with the statistics as to victims, Lea keeps a middle course between Rodrigo's cool estimate of less than 400 who perished at the stake, and Llorente's "extravagant guesses" of 31,912 burnt in person and 17,659 burnt in effigy (iii. 518), figures exceeded by Amador de Los Rios who is not usually given to exaggeration. And here with a characteristic touch Dr. Lea, who is surely not a friend of the Inquisition, protests against Gallois, the abridger of Llorente, for classifying all personal relaxations as burn-

ings alive. In many, probably in most cases, the cruel kindness of the Inquisitors commuted burning alive to death by garrotting before burning, as though the slight diminution in the pain of death deprived death of its horror, but Lea is nothing if not accurate. He concludes that the material at hand is as yet "insufficient to justify even a guess at the ghastly total." He impugns the motives of those whose efforts to induce conversion showed that there was no absolute thirst of blood. Persecution was profitable, and had the Holy Office been a source of expense instead of income, it would probably never have been introduced and would certainly have had but a short and inactive career. As it was, it introduced intellectual torpidity, and accounts for the remarkable eclipse of Spanish intellectual progress after the sixteenth century. Such severe repression of thought was an ample explanation of the "decadence of Spanish learning and literature, especially when coupled with the obstacles thrown around printing and publication." Spain was kept out of the current of European progress and was secluded from the investigations and speculations induced, even among Catholics, by the Reformation. Material progress also became impossible and a nation in leading strings was bound to suffer more than the rest of the world in the "transition from absolutism to modern conditions."

Perhaps our author treats Llorente a little cavalierly. He talks of his "extravagant guesses" (iv. 518), and a few pages further on of the "reckless computations of Llorente which have been so largely accepted (ibid. 524). It is true that the first statement is qualified by an admission that Llorente's "figures are exceeded by Amador de los Rios, who is not usually given to exaggeration," but in a footnote Lea compares his own statistics with a view of showing how "entirely fallacious was the guesswork on which Llorente based his system."

Nine instances are given—(*a*) Toledo 1483–1501, (*b*) ibid. 1575–1610, (*c*) ibid. 1648–1794, (*d*) Saragossa 1485–1502,

(*e*) Barcelona 1488–98, (*f*) Valencia 1485–1592, (*g*) Valladolid 1485–92, (*h*) Majorca 1488–1691, (*i*) "all tribunals" 1721–27.

Now the Toledo records are, says Lea in iii. 551, "manifestly imperfect." Those of Saragossa are only from a seventeenth or eighteenth century MS., and they do not comprise e.g. an auto celebrated there on Oct. 24, 1487. Of Barcelona, Lea says that its records were notoriously in "complete disorder" already in 1544 (ii. 258). The Valladolid statistics given by Lea are merely those of *two* autos-de-fé. The Valencia records are incomplete (iii. 562). When Joseph Jacobs visited Alcala in 1888 thirteen packets treating of 280 trials at Valencia had not been calendared[1]. They were presumably removed to Madrid in 1897, but are only briefly referred to in the appendix to Catálogo i of the Archivo Histórico Nacional (p. 687). The *Relación de Autos-de-fé* there quoted may supplement the details of Legajo 98. The Majorca "records" are difficult to reconcile with the 722 cases of "reconciliation" (iii. 524), or Lea's total number of 139 relaxed in person with the 43 relaxed in 1691 alone, according to Garan's account in *La Fe Triunfante*, or the statement of "Judaism Extinguished," with the survival to this very day of *Chuetas*. And when he states (iii. 307) that "we hear nothing more of Judaism in Majorca; during the height of persecution elsewhere the tribunal celebrated two autos, May 31, 1722, and July 2, 1724 . . .," he omits the autos there of Sept. 15, 1721, and Dec. 17, 1730. But the last instance, "all tribunals 1721–7," is the most striking case to show how unreliable even Lea's statistics may be. He compiles them from a volume at Berlin containing "relacions" of sixty-four autos-de-fé between 1721 and 1727. Now this volume omits at least twenty-one autos held between these dates, particulars of which are given in the *J.Q.R.* (XIII, 413–7), and three others detailed in XIV (713). So far from Llorente exaggerating the figures for those dates there

[1] *Sources of Spanish Jewish History*, p. xii.

were actually 2,681 penanced or relaxed at ninety-three autos during the régimes of the thirty-five and thirty-six inquisitors, i.e. between 1720 and 1730, instead of Llorente's estimate of two killed outright, one relaxed in effigy, and twelve "penitenciados" yearly at each tribunal, i.e. $15 \times 10 \times 16 = 2{,}400$ (*J.Q.R.*, XV, 433).

Another detail which is perhaps worthy of correction is the too sweeping statement that public general autos were abandoned in 1660. Not to mention those in Portugal, there were "general" autos at Granada on May 30, 1672, at Mallorca on Jan. 13, 1675, and a "public" auto at Llerena on Nov. 30, 1722, all of which are so described in the title-pages to their respective Relaciones.

ETHICAL VALUES IN HISTORY.

But these are minor defects, if defects at all. For the rest, the four volumes constitute an almost impregnable phalanx of sound scholarship and philosophic insight, based not upon the vague generalities of previous historians or the wild denunciations of eloquent pamphleteers, but upon untiring examination of original documents and records. Lea has been true throughout to the standpoint he adopts in his *Ethical Values in History*[1]—the remarkable presidential address he delivered four years ago to the American Historical Association. In that paper he breaks a lance with a critic of his own, the late Lord Acton. He denounces the exhortation of the Cambridge lecture to "try others by the final maxim that governs your own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong." He denies that we have the right to presuppose a fixed and unalterable standard of morality. That might "add piquancy to a narrative . . . by heightening lights and deepening shadows," but is a fallacy. Morals may not be purely conventional, but "there is scarce a sin in the

[1] New Era Printing Co., Lancaster, Pa., 1903.

Decalogue which has not been or may not now be regarded as a virtue, or at least as an allowable practice, at some place or time among a portion of mankind." We may condemn a superstition, though our conscience acquits the perpetrator of personal guilt. To the Hebrew priest, to a St. Louis of France, to a Chief Justice Hale, to a John Knox or a Philip II, or even to a Luther, "the preservation of his religion was the one essential thing, and no penalty was too severe for aught that threatened its supremacy. . . . The Massachusetts Law of 1658, under which Quakers were put to death on Boston Common, suffices to show that this conception of public duty was not confined to one race or faith. . . . Voltaire has sufficiently shown the use that may be made of trying one age by the standards of another in his mocking sketch of David, the man after God's own heart." The historian must live in the period he is describing and view life from its standpoint.

> Thus alone can he give us an accurate picture of the past. . . . This is the true philosophy of history. . . . To inject modern ethical theories into the judgment of men and things of bygone times is to introduce subjectivity into what should be purely objective. . . . The historian who becomes an advocate or a prosecutor instead of a judge forfeits his title to confidence, and, if he aspires to be a judge, he should not try a case by a code unknown to the defendant. . . . He may often feel righteous indignation, but he should strenuously repress it as a luxury to be left to his reader. . . . The *affaire Dreyfus* and the massacre of Kischeneff show how the fires of the persecuting spirit are still occasionally re-kindled in their ashes. . . . To depict a man like Philip as a monster of iniquity, delighting in human misery, may gratify prejudice . . . but it teaches no lessons. To represent him truthfully as the inevitable product of a distorted ethical conception is to trace effects to causes and to point out the way to improvement.

It is in this spirit that Lea has depicted the history of the Spanish Inquisition, and the lesson he deduces from its melancholy record is that so long as any religion claims a monopoly of salvation it must produce stagnation and make progress impossible. "Competition in good works is the most beneficent sphere of human activity."

LEA'S KINDRED WORKS AND CONDEMNATION OF THE INQUISITION.

The Retrospect which concludes the History best enables the reader to ascertain Dr. Lea's view of the subject to which he has devoted a lifetime, and which he has made peculiarly his own. Happily it is not the last of the author's great works on the subject. His promised volume on "The Inquisition in the Spanish Dependencies" has just appeared [1]. Indeed, if one goes through a list of Dr. Lea's works, one is reminded of the story of Moses, who, angered and disheartened by the recusancy of his people, flung the tablets containing the Ten Commandments from him so that they fell, and as they broke on the ground, says the Midrash, each fragment was a precious stone and the world was enriched by numberless gems. The Inquisition of the Middle Ages is the central monument round which Lea's other works naturally group themselves. "Studies in Church History," "The Moriscos of Spain, their Conversion and Expulsion," "Chapters from the Religious History of Spain connected with the Inquisition," "Studies in Church History," "Superstition and Force," "The Papal Penitentiary," "Sacerdotal Celibacy," "Auricular Confession," "The Ecclesiastical Treatment of Usury," "An Anti-Masonic Mystification," "Lucero the Inquisitor," "A Sketch of the History of Mortmain," "Molinos and the Italian Mystics," and "Ethical Values in History," the lecture to which special attention has been drawn. All these are subjects on which Dr. Lea has naturally become the chief authority. Anything more unlike the savage denunciations of Llorente, the secretary of the Inquisition and keeper of its records, can hardly be imagined than the calm philosophic deliberations of the cultured publisher in Philadelphia, who, far away from the wrangles of theologians and the excitement of European politics, has reconstituted the story of the most human, because most

[1] New York, Macmillan Co., 1908.

inhuman, instrument of wrong that theological politician or political theologian ever invented.

It is his deliberate judgment, after following the career of the Spanish Inquisition from its foundation to its suppression, after examining its methods and its acts and appraising its influence and share in the misfortunes of Spain, that its work was almost wholly evil. But Lea finds an excuse for Isabella and the Hapsburg Princes for their share in the originating and maintaining the Inquisition in the fact that, for centuries, the Church has encouraged the universal belief that "heresy was treason to God, its extermination the highest service to God and the highest duty to man." In one respect Lea thinks the Inquisition operated humanely and rationally in its dealings with witchcraft, but the great lesson he derives from his study is that "the attempt of man to control the conscience of his fellows reacts upon himself. He may inflict misery but in due time the misery recoils on him or on his descendants and the full penalty is exacted with interest ..... The sins of the fathers have been visited on the children and the end is not yet" (iv. 533). Our author has also learned another profound philosophic truth in the melancholy story of religious Spain—a truth which is perhaps a paradox. "Unity of faith, once the ideal of statesmen and churchmen alike, is fatal to progress." Deplorable as were the hatred and strife developed by the rivalry which followed the Reformation it raised the moral standards of both sides, broke down the stubbornness of Conservatism and rendered development possible.

The whole work, with its 2,423 pages, is completed by a most valuable, full, and careful index, which converts it into the best book of reference on the subject. Many inaccessible documents which constituted the author's *pièces justificatives* and interesting statistics and lists are relegated to the appendix in each volume, and confirm what Acton pointed out twenty years ago, that Lea chooses authorities which are not only rare but singularly appropriate and convincing.

E. N. ADLER.

DIE AUSDRÜCKE, MIT DENEN DIE TRADITION BEZEICHNET WIRD[1].

1. Die Verba מָסַר und קִבֵּל.

Die beiden Verba, mit denen das Übergeben (Überliefern) und das Entgegennehmen (Empfangen) der tradierten Lehre bezeichnet wird, finden sich in ihrer correlativen Anwendung in der Aufzählung der Traditionsträger von Moses bis Hillel, mit der der Mischna-Traktat Aboth eingeleitet ist. Von Moses selbst heisst es an der Spitze dieser Aufzählung, dass er die Thora vom Sinai, d. h. von Gott am Sinai, empfangen[2] und sie dem Josua überliefert habe. Bei den zunächst folgenden Gliedern der Überlieferungskette wird das Verbum des Überlieferns, von Antigonos an das des Empfangens angewendet[3]. Sonst kommt das Verbum מסר in der *tannaitischen* Litteratur als Terminus der mündlichen Überlieferung nur selten vor; s. *Tos. Edujoth* Ende (von der Überlieferung der Namen der in ihrer Legitimität angefochtenen Familien); *Bar. Kidduschin* 71 a (von der Überlieferung des Gottesmannes). In der oft wiederholten Erzählung[4], in

[1] Einleitendes Kapitel zu einem in Vorbereitung befindlichen Werke: *Tradition und Tradenten in den Schulen Palästinas und Babyloniens.*

[2] Vgl. einen Ausdruck der Schule Schelas (*Sota*, 4 b) in der Deutung von יד ליד, Prov. xxvi. 5, אפילו קיבל תורה כמשה רבינו.

[3] In *Aboth d. R. Nathan*, c. 1, wird schon von Josua an nur der Begriff des Empfangens gebraucht. Ausserdem ist dort der erste Theil der Kette durch Specialisirung um einige Glieder vermehrt: Zwischen Josua und die Propheten sind die Ältesten (Richter, ii. 7) und die Richter eingefügt, zwischen die Propheten und die Männer der grossen Versammlung die Gruppe der drei letzten Propheten: Chaggai, Sacharia und Maleachi, als besonderes Glied.

[4] S. *Ag. d. pal. Am.*, I, 120, 3, wo hinzufügen ist: *Tanch. B.*, בראשית 10.

der ein Agadist dem anderen einen Ausspruch leise mittheilt, weil er ihn ebenso vernommen hatte, bietet eine einzige Quelle (*Tanchuma B.*) die beiden Verba מסר und קבל, während in den anderen — und zwar auch den älteren — Quellen die Verba des "Hörens" und "Sagens" angewendet sind (*Gen. r.*, c. 3 Anf., כשם ששמעתיה בלחישה כך אמרתיה לך בלחישה). Sonst kommt מסר mit קבל verbunden in der nachtannaitischen Litteratur nirgends vor.

Das Verbum קִבֵּל als Terminus des Empfangens der Tradition ist selten zu finden. Als Beispiele seien erwähnt der alte tannaitische Bericht in *M. Pea*, II, 6 (שקבל מן ..... שקבלו מן ..... שקבל מן) und ein Agadasatz aus dem 4. Jahrhundert in *Lev. r.*, c. 10 (2), כל הנביאים קיבלו נבואות נביא מן נביא. Häufig ist die Formel מְקַבְּלָנִי oder מְקַבֵּל אֲנִי mit folgendem מִן, mit der ein Tradent angiebt, dass ihm der betreffende Ausspruch von dessen Urheber oder dessen Tradenten überkommen ist[1]. Diese Formel bedeutet eigentlich: ich bin mit der Überlieferung ausgestattet, d. h. es wurde mir überliefert.

Im Targum entspricht מְסַר dem hebr. נתן; das aram. Verbum קַבֵּיל giebt das hebr. לקח, aber auch שמע wieder.

2. Das Substantiv קִבָּלָה.

Das aus קִבֵּל gebildete Substantiv gewann im Sprachgebrauche der tannaitischen Schulen eine ganz specielle, *ausschliesslich* bezeugte Bedeutung. Es bezeichnet nämlich nicht "Überlieferung" im allgemeinen, sondern nur, insofern sie in den nachmosaischen biblischen Schriften durch ihre Träger, die Propheten niedergelegt ist. Eine sehr häufig vorkommende tannaitische Formel, mit der Stellen aus nichtpentateuchischen biblischen Büchern citirt werden,

[1] Simon b. Azzai (*M. Zebach.*, I, 3; *Jadajun*, IV, 2; ibid., III, 5): מקובל אני מפי ע"ב זקן ביום שהושיבו את ר"א בן עזריה בישיבה. Elieẓer b. Hyrkanos: כך מקובלני מרבותי, *Sifrā* zu Lev. x. 1 (45 c) und an den *Ag. d. T.*, I², 102, 1, citirten Stellen. Ebenso Eleaẓar b. Arach, *Sch. tob* zu Ps. i. 3 (§ 19). Akkiba zu Elieẓar b. Hyrkanos: כך מקובלני אני ממך. *Ab. ẓara*, 45 b. S. auch unten.

lautet: מְפוֹרָשׁ בַּקַּבָּלָה; es wird damit gesagt, dass etwas, was in dem Pentateuch nur angedeutet oder unbestimmt gelassen wurde, hier deutlich ausgesprochen ist. Oder es sind דברי קבלה den דברי תורה entgegengestellt; oder es heisst מן הקבלה (aus einem nichtpentateuchischen Texte). Diese ausschliessliche Bedeutung des Substantives קבלה erhielt sich auch bei den Amoräern fort[1].

Erst im Mittelalter (etwa seit dem 10. Jahrhunderte) wurde die Anwendung des Substantivs als Name der mündlichen Tradition im allgemeinen gebräuchlich und besonders durch *Maimuni*'s Mischne Thora populär[2]; vom 13. Jahrhunderte an wurde es zum Namen der jüdischen Mystik, als der auf Überlieferung beruhenden Geheimlehre.

3. Das Substantiv מָסוֹרֶת.

Das zum Verbum מסר gehörende Substantiv מָסוֹרֶת stammt aus Ezechiel xx. 37, wo das Wort, wie aus dem Targum und der Übersetzung Theodotions ersichtlich ist, im Sinne von "Überlieferung" verstanden wurde. Die Punctation des Wortes an jener Ezechiel-Stelle beweist, dass man es "māsōreth" und nicht etwa "massōreth" (מַסֹּרֶת) aussprach[3]. Ohne Zweifel ist es dieses Substantiv, dem der griechische Name der Tradition (*παράδοσις*) entspricht. In der Angabe bei Josephus (*Antiq.*, xiii. 10, 6) über den Unterschied zwischen den Saddukäern und Pharisäern heissen die von diesen gelehrten mündlichen Gesetze "die aus der Überlieferung der Väter[4] stammenden." In Ver-

[1] S. *Tann. Terminologie*, 155 f., 165 f.; *Amor. Term.*, 185.

[2] S. Löw, *Gesammelte Schriften*, I, 311. Vgl. weiter unten, im Abschnitte über שמועה. Der Satz ו הקבלה שקבלו איש מפי איש, der sich in *Mech.* zu Deut. xvii. 10 (ed. Hoffmann, S. 21) findet, ist dort irrthümlich unter die Excerpte aus dem Midrasch Hagadol aufgenommen worden; er ist maimunischen Ursprunges.

[3] S. Näheres über מסורת und מסרה, *J. Q. R.*, III, 785 ff.

[4] Ἐκ *παραδόσεως τῶν πατέρων*. Vgl. damit im Hiob-Targum zu 15, 18: מסורתא דאבהתהון (Paraphrase des Textwortes מאבותם). Der bei Josephus ebendaselbst gebrauchte Ausdruck *πατέρων διαδοχή* entspricht einem hebräischen קַבָּלַת הָאָבוֹת (da קבל = *διαδέχομαι*).

bindung mit den "Vätern" findet sich auch der Ausdruck מסורת in einem grossen Theile der weiter unten zu erwähnenden Beispiele. Aber gleich dem Substantive קבלה hat auch מסורת im Sprachgebrauche der tannaitischen Schule, sowie in dem der auf ihm beruhenden amoräischen Schule, die allgemeine Bedeutung der auf die gesammte mündliche Lehre sich beziehenden Überlieferung eingebüsst; die Traditionslitteratur zeigt uns das Wort nur in *zwei speciellen Bedeutungen.*

A. Zunächst bedeutet מסורת die auf den *geschriebenen Bibeltext* sich beziehende und seine genaue Bewahrung sichernde Überlieferung. In dieser Bedeutung ist höchst wahrscheinlich das Wort auch in der Sentenz Akibas (*Aboth*, III, 13): "Die Überlieferung ist ein schützender Zaun für die Lehre" angewendet. Namentlich die Norm יש אם למסורת zeigt die Geltung des Wortes in dieser speciellen Bedeutung in der tannaitischen Zeit[1]. Die Disciplin der Massora, welche sich auf dieser den geschriebenen Bibeltext begleitenden und behütenden Überlieferung aufbaute, behielt den alten Namen bei, jedoch kam neben der Substantivform "māsōreth" auch eine andere — ursprünglich "mōsērā" (מֹסֵרָה), nachher "māsōrā" oder "massōrā" ausgesprochene — zur Geltung[2].

B. Überlieferungen *nichthalachischen* Inhaltes werden namentlich bei den palästinensischen Amoräern, zum Theile aber schon in tannaitischer Zeit als מָסֹרֶת bezeichnet. Die dabei zur Anwendung kommende Formel lautet meist so: "Es ist eine Überlieferung in unserer Hand von unseren Vätern her," oder ähnlich. Man kann die Beispiele, in denen vielfach auch der volle Ausdruck מסורת אגדה "agadische Überlieferung" gebraucht ist, nach ihrem Inhalte in folgende Gruppen theilen.

(*a*) Angaben über die biblische Zeit und deren Helden.

[1] S. *Tann. Term.*, S. 119 f.

[2] Die Feststellung und Geschichte der Aussprache unseres Wortes s. in *J. Q. R.*, III, 785 ff. Ibid., XII, 241 ist irrthümlich מָסוֹרֶת gedruckt, statt מָ׳.

1. Zu derselben Zeit, als Joseph aus dem Kerker befreit wurde, starb Isaak (anonyme Agadisten, דורשי אגדות, wol aus tannaitischer Quelle gebraucht im Midrasch Haggadol: מסורת היא בידן)[1]. 2. Esau wurde durch Jehuda getödtet (*j. Kethub.*, 25, c. 24; *Gittin*, 47 b, 11, als Überlieferung der Römer, der Nachkommen Esaus, citirt — מ' בידם מאבותם — zur Begründung dessen, dass zur Zeit der hadrianischen Verfolgungen das Stammgebiet Jehuda's, Judaea, in erster Reihe zu leiden hatte)[2]. 3. Serach, die Tochter Aschers, wurde in Aegypten als Sklavin zum Dienste bei der Handmühle gezwungen (*Pesikta*, 65 b; *Pesikta r.*, c. 17, 88 b; Jehuda b. Paẓẓi, d. i. J. b. Simon, מ' אגדה היא)[3]. 4. Amoz, der Vater des Propheten Jesaja, und König Amazja waren Brüder (*b. Megilla*, 10 b; *Sota*, 10 b; Levi, דבר זה מ' בידינו; in *Pesikta*, 117 b, ohne die Formel). 5. Chiram, der König von Tyrus, heiratete die Mutter Nebukadnezzars und wurde von diesem getödtet (*Lev. r.*, c. 18 g. Anf.; Simon b. Paẓẓi, מ' אגדה היא, darauf sei hingewiesen in Ezech. xxviii. 18).

(*b*) Angaben über den jerusalemischen *Tempel*. 6. Der Raum, den die Lade einnahm, ist in den Maassen des Heiligthums nicht einbegriffen (*Joma*, 21 b; *Megilla*, 10 b; *B. B.*, 99 a; Levi[4], דבר זה מ' בידינו מאבותינו). 7. Die Lade wurde an der Stelle des Heiligthums verborgen, über welcher sich nachher die Holzkammer befand (*Mischna Schekalim*, VI, 1, eine in der Familie Gamliels I und in der

[1] Von Marx aus der Berliner Handschrift (153 a) angeführt (*Oriental. Litteraturzeitung*, 3. Jahrg., No. 8. In ed. Schechter zu Gen. xxxv. 26 fehlte der Satz. Im *Seder Olam*, c. ii, heisst es, als anerkannte These der biblischen Chronologie: בו בפרק מת יצחק.

[2] In Sch. tob zu Ps. xviii. 41 (§ 12): מסורה אגדה. Dort ist es Josua b. Levi, der damit die Erzählung von Esaus Tödtung durch Juda einleitet. In *Ag. d. Tann.*, II, 213, 5, habe ich irrtümlich Josua b. Levi als Tradenten, Jehuda b. Ilai als Autor genannt.

[3] S. *Die Ag. d. pal. Am.*, III, 176.

[4] In *B. B.* א"ר לוי ואיתימא ר' יוחנן (statt יוחנן citirt eine bei Rabbinowicz, XI, 299 citirte Quelle Jonathan; s. auch *Dikd. Sofirim* zu *Megilla*, VIII, 36, Anm. ח). In *j. B. B.*, c. vi. Ende sagt *Tanchuma*: מ' אגדה היא שאין דביר עולה מן המנין; dann folgt ein Ausspruch Levis: ולא מקום ארון עולה מן המנין. In *b. B. B.* heisst es in der Überlieferung מקום ארון וכרובים.

Chananjas des Vorstehers der Priesterschaft bewahrte Überlieferung: שכן מ' בידם מאבותיהם)[1].

(*c*) *Prophezeiungen.* 8. Die in der *Mischna Joma* Ende erwähnten Priesterfamilien, die im Besitze gewisser den Tempeldienst betreffender Kenntnisse und Fertigkeiten waren, weigerten sich deshalb, dieselben Andere zu lehren, weil sie die Überlieferung hatten — מ' היא בידינו מאבותינו — dass der Tempel dereinst zerstört werden würde, und jene Kenntnisse und Fertigkeiten sollten nicht, indem sie von Anderen gekannt würden, für den Cultus von heidnischen Tempeln verwendet werden (*Bar. j. Joma*, 41 a, 50; *Schekal.*, 48 d. unt., 49 a, 9). 9. Jerusalem wird nicht früher aufgebaut, als nicht sämmtliche Diasporen Israels versammelt sein werden (*Tanch. B.*, נח 17; *Tanch. A.*, נח 11; Samuel b. Nachman, מ' אגדה היא; mit Ps. cxlvii. 2 als biblischem Belege). 10. Esau wird in die Hand der Kinder Rachels fallen (*Pesikta*, 28 a; *Tanch. A.*, ויחי 14; *Tanch. B.*, כי תצא 16: מ' אגדה היא: ויחי 13: מ' של אגדה היא; *Gen. r.*, c. 73 (7), c. 75 (6), c. 99 (7): מ' היא, an allen diesen Stellen mit Jer. xlix. 20 als biblischem Belege und Samuel b. Nachman als Autor[2]. Ebenso *Tanch. B.*, ויצא 15, aber hier heisst es, ... מסורת היא ביד בניו של עשיו שאין נופלין[3]. In *Tanch. B.*, וישלח 5 ohne Nennung *S. b. N.*'s einer tannaitischen Agada angefügt, ומ' אגדה היא). 11. Zur Erklärung der Worte Jakobs in Gen. xxxiv. 30 werden ihm die Worte in den Mund gelegt: "Es ist eine Überlieferung in der Hand der Kanaaniter, dass sie einst in meine Hand fallen werden"

[1] Gegenüber der Ansicht des Tannaiten Jehuda b. Lakisch (s. *Tos. Schekal.*, II Ende), wonach die Lade unterhalb ihrer eigenen Stelle verborgen wurde, vertreten die anderen Gelehrten (רבנין, *j. Schek.*, VI Anf.) die Überlieferung: בלשכת דיר העצים היה הארון גנוז. Die Lade wurde durch König Josija verborgen (*Bar.*, ibid.). Nach II. Makkab., 2, 6, verbarg sie Jirmija im Berge, von dem aus Moses vor seinem Tode das heilige Land schaute.

[2] In *bab. Talmud B. B.*, 123 b, ohne die einleitende Formel als prophetische Voraussehung Jakobs durch Samuel b. Nachman in der Beantwortung einer Frage Chelbos zu Gen. xxx. 25 vorgetragen. S. auch noch *Pes. r.*, c. 12 (49 a). *Gen. r. Schitta Chadascha*, c. 2 (anonym.).

[3] Vgl. oben unter (*a*), No. 2.

(*Gen. r.*, c. 80 Ende, מ' היא ביד הכנענים). 12. Die Israeliten in Aegypten hatten es als Überlieferung, dass ihr Erlöser ihnen die Befreiung von der ägyptischen Knechtschaft mit dem verdoppelten Ausdrucke פקד ankündigen werde (ermittelt aus Exod. iii. 16 und Gen. l. 24[1]).

(*d*) *Aus dem babylonischen Exil* mitgebrachte Überlieferungen zur *Bibelauslegung*. 13. Wo eine biblische Erzählung mit den Worten "es war in den Tagen" anfängt, ist von Drangsal die Rede (*Lev. r.*, c. 2, Eleazar aus Modiim, המדוש הזה[2] עלה בידינו מן הגולה; *Megilla*, 10 b, Levi oder Jochanan, דבר זה מסורת בידינו מאנשי כנסת הגדולה)[3]. 14. Zu Ps. lxviii. 18, über die Zahl der Engel, die zur Offenbarung am Sinai in Gottes Gefolge waren (*Pesikta r.*, 103 b, citirt von Azarja, במ" שעלתה בידם מן הגולה מצאו כתב)[4]. 15. Zu Hohelied i. 12. In den Worten dieses Verses ist darauf hingewiesen, dass die Verfertigung des goldenen Kalbes der Verfertigung des Heiligthumes auf unerwartete Weise zuvorkam (*Schir r.*, zur St., מסורת עלתה בידם מן הגולה)[5].

(*e*) Andere Überlieferungen zur *Bibelauslegung*. 16. Zu Num. xiii. Die Namen der Kundschafter enthalten Hinweise auf ihre Handlungen (*Sota*, 34 b, Jizchak, דבר זה מ" בידינו מאבותנו).

[1] *Exod. r.*, c. 3 (8): מ' היא בידם; dann weiter: מ' גאולה היא בידם. Ibid., c. 5 (13), zu 4, 31: מ' בידם מיעקב; dann folgt auch die Angabe der Traditionskette, durch welche das "Geheimniss" (סוד) überliefert wurde: Jakob überlieferte (מסר) es an Joseph, dieser an seine Brüder, einer derselben, Ascher, an seine Tochter Serach, die damals, als Moses auftrat, noch am Leben war. S. auch noch *Gen. r.*, c. 97 Ende, *Tanch. A.* שמות 24 (סימן זה היה מסור בידם מימות אברהם יצחק ויעקב ויעקב מסר ליוסף), *Pirke R. Elieẓer*, c. 48, g. Ende. Hier lautet die Traditionskette: Abraham-Isaak-Jakob-Joseph-Ascher (und die anderen Brüder)-Serach.

[2] Vielleicht hiess es ursprünglich מסורה זו.

[3] S. Weiteres, *Agada d. Tann.*, I, 144 (2. Aufl. 192); *Ag. d. pal. Am.*, I, 262.

[4] Der Schluss "fanden sie geschrieben" beruht auf der Vorstellung *niedergeschriebener* Tradition. Jedoch heisst es *Pesikta*, ed. Buber, 107 b מכח שעלה מבבל אמרו, corrumpiert hier במסרת ש' מ' אמרו.

[5] So muss gelesen werden st. מסכתא ע' ב' מן הגולה ושנו בה. Zu Nos. 14 und 15 vgl. Friedmann, *Einl. zu Seder Elija*, S. 78.

(*f*) Überlieferungen von *Moses*. 17. Der wirksame Gebetspruch, mit dem Moses, von Gott selbst belehrt, das bittere Wasser süss machte (Exod. xv. 23), war als Überlieferung in seiner Hand (היה הדבר מ״ ביד משה) und er verwendete ihn bei seiner Fürbitte für Israel (Exod. xxxii. 11) (*Exod. r.*, c. 43, Samuel b. Nachmans Deutung des Wortes ויחל)[1]. 18. Zu Jos. xi. 13. Die Stadt Chazor allein wurde durch Josua verbrannt, auf Grund einer Überlieferung (*Gen. r.*, c. 81 Ende; *Eleazar b. Pedath*, במסורת)[2]. 19. Auf die Frage Davids an Jonathan, den Enkel Moses' (Richter xviii. 38), warum er sich als Priester des Götzenbildes habe anstellen lassen, antwortete er: "Ich habe eine Überlieferung von meinem Grossvater (מ״ בידי מאבי אבא): Verkaufe dich selbst dem Götzendienste, nur sei nicht auf die Unterstützung der Menschen angewiesen" (*j. Sanh.*, 30 b, 67, tannaitisch)[3].

(*g*) *Familienüberlieferungen*[4]. 20. Eine These zur Beobachtung des Neumondes (*j. R. H.*, 58 b, 39; *Gamliel* II, tradirt von Chija b. Abba, מ׳ בידו מאבותיו). 21. Ein Abkömmling der Priesterfamilie, die die Zubereitung des Räucherwerkes kannte, sagt einem Fragesteller, Simon b. Lagos: "Ich habe die Überlieferung von meinen Vätern, es keinem Menschen zu zeigen" (*j. Joma*, 41 b, unt.; *Schekalim*, 48 a, 26, berichtet von Akiba, dem es der Fragesteller erzählt hatte: מ״ בידי מאבותי)[5]. 22. Als Simlai an Jonathan b. Eleazar die Bitte richtete, ihm Agada zu lehren, wies er ihn ab, denn er habe die Überlieferung (מ״ בידי מאבותי),

[1] S. *Die Ag. d. pal. Am.*, I, 515.

[2] Die Traditionskette wird dazu gesetzt הק״ב״ה אמר למשה ומ״ א״ ליהושע.

[3] In *j. Berach.*, 13 d, 30, *Schir r.*, 2, 5 lautet die Formel: כך אני מקובל מבית אבי אבא; ebenso *b. Baba Bathra*, 110 b, wo die überlieferte Ermahnung so lautet: לעולם ישכיר אדם את עצמו לעבודה זרה ואל יצטרך לבריות. Die dann in *B. B.* folgende Berichtigung, עבודה זרה bedeute לו עבודה שזרה (eine ihm fremde, ungewohnte Dienstleistung), ist in den paläst. Quellen dem Fragesteller Dawid in den Mund gelegt.

[4] Auch No. 19 ist eine solche, ebenso Nos. 7 und 8.

[5] In *Tos. Jom Kipp.*, II, 7 lautet die Formel: שבועה היתה בידם של בית אבא; in *b. Joma*, 38 a: ש״היא בידינו.

weder einem Babylonier, noch Einem aus dem Süden Agada zu lehren (*j. Pesach.*, 32 a, unt.)[1].

(*h*) Eine *semiotische* Überlieferung. 22. Halte dich an diese Überlieferung (המ"ז תהיה בידך): Wer, dem Tode nahe, eine gute That ausübt, dem fehlte, wie es scheint, gerade diese eine That, um das Maass seiner Gerechtigkeit voll zu machen; und wer, dem Tode nahe, eine Sünde begeht, dem fehlte, wie es scheint, gerade diese eine Sünde, um das Maass seiner Sündhaftigkeit voll zu machen. (*Koh. r.*, zu 3, 18).

In den vorgeführten Stellen, welche die Anwendung des Wortes מסורת zeigen, ist gewissermaassen das ganze Gebiet der Agada vertreten. Das Gebiet der *Halacha* streift ein Ausspruch des Amora Jizchak (s. No. 16) in dem die Qualificirung eines Vogels als zu den reinen, rituell erlaubten gehörig von der Überlieferung abhängig gemacht wird (*Chullin*, 63 b, נאכל במס"); aber auch hier bezieht sich der Begriff der Überlieferung nicht auf die Satzung, sondern auf die Thatsache, dass irgend ein Vogel zu den rituell geniessbaren Gattungen gehöre[2].

Es sei noch ein interessantes Beispiel für die Anwendung unseres Wortes im tannaitischen Midrasch erwähnt. In der Erläuterung zu Exod. xix. 2 sind Gott die Worte in den Mund gelegt: ("Ihr selbst habet es gesehen ....") "nicht auf dem Wege der Überlieferungsage ich es euch" (*Mechiltha*, z. St.: לא במ' אני אומר לכם)[3]. Auch hier handelt es sich um die Überlieferung von Thatsachen (der in Aegypten geschehenen Wunder).

[1] S. *Ag. d. pal. Am.*, I, 60. Hieher gehört auch die Regel Ismael b. Joses über die alten Städte Palästinas (*Megilla*, 10 b, *Arachin*, 32 b), ... כל שתעלה לך מסורת בידך מאבותיך שמוקפת חומה .....

[2] In der Erläuterung das. heisst es: Man schenkt dem Jäger Glauben, wann er sagt, diesen Vogel habe ihm sein Meister als rein überliefert (עוף זה מהור מסר לי רבי).

[3] In der *Mechiltha* des R. Simon b. Jochai (ed. Hoffmann, 94) ist das erweitert zu: לא מפי עדים ולא מפי כתב ולא מפי מסורת אני אומר לכם.

4. Die Verba אמר und שמע.

אמר (sagen, mittheilen) ist naturgemäss das Verbum, mit dem die Urheberschaft eines tradirten Satzes, wenn dessen Urheber bekannt ist, aber auch, wenn der Tradent bekannt ist, die Tradierung des Satzes angegeben wird. Das Schema lautet in dem einen Falle: .... ר' אמר, אמר .... ר', ... ר' היה אומר, אומר .... ר' und dergleichen; in dem anderen Falle: .... ר' משם[1] .... ר' אמר, oder אמר .... ר' אמר .... ר' und dergleichen. Die Pflicht, den Urheber eines Ausspruches zu nennen, wird mit der Bezeichnung des Tradenten als האומר דבר בשם אומרו empfohlen[2].

Wer einen Lehrsatz tradiert, betont mit der Angabe שמעתי (ich habe es gehört), dass er denselben von autoritativer Seite überkommen habe. In *M. Edujoth*, VIII, 6 leitet Eliezer b. Hyrkanos mit diesem Worte eine Mittheilung aus dem Verfahren beim Baue des — herodianischen — Tempels ein; ebend. Josua b. Chananja eine Reihe von Thesen über den Opfercultus ohne das Tempelgebäude und ohne die Mauern Jerusalems[3]. Josua b. Chananja bedient sich öfter des Ausdruckes שמעתי, *Sifrā* zu iv. 2 (11, c. 1); ibid., c. 7; *M. Pesachim*, IX, 6; *Jebam.*, VIII, 4. Einem von Eliezer b. Hyrkanos gelehrten Satze gegenüber trägt J. b. Ch. einen die Giltigkeit desselben einschränkenden und die Fälle specialisirenden Satz vor mit Voraussendung der Worte, שמעתי בְּפֵרוּשׁ, "ich habe es ausdrücklich gehört" (*Orla*, I, 7). In drei Fällen giebt Josua b. Chananja mit den Worten כך שמעתי סתם an, dass er in einem Halachasatze einen von der gewöhnlichen Redeweise abweichenden Ausdruck, aber nicht auch den Grund gehört habe, warum gerade dieser eigenthümliche Ausdruck gebraucht sei. In allen drei Fällen unternimmt es Ben Azzai den Grund zu erläutern (*M. Para*, I, 1). Gegenüber einer Controverse

[1] Auch משום; oder בשם.

[2] S. *Baraitha Aboth*, VI, 6, und die in *Ag. d. pal. Am.*, I, 12, 1, citirten Stellen.

[3] Eine dieser Thesen (שמקריבין א"ע"פ שאין ביה) wird anderwärts einem der letzten drei Propheten in den Mund gelegt. S. *Zebachim*, 62 a.

zwischen Elieẓer b. Hyrkanos und Josua b. Chananja beruft sich Papias auf eine von ihm gehörte Halacha, durch welche die beiden einander entgegengesetzten Meinungen, aber jede in einem speciellen Falle, als richtig anerkannt werden (*M. Schekalim*, IV, 7, שמעתי כדברי שניהם).

Aus der nachhadrianischen Zeit kann man folgende Tannaiten nennen, die den Ausdruck anwenden: Meir (*M. Erubin*, V, 4; *T. Kidduschin*, V, 2); Simon b. Jochai (*M. Schebuoth*, VI, 5, 6[1], שמעתי בפירוש); Jose b. Chalaftha (*Sifrā* zu xxii. 14, 97 d, 19; *T. Pesach.*, V, 5; *T. Schekal.*, III, 12); Jehuda b. Ilai (*Sifrā* zu xix. 15, 89, a 9)[2]; Eleaẓar b. Schammua (*T. Jebam.*, X, 2; *b. Ẓebach.*, 65 b); Simon b. Gamliel (*T. Kethub.*, VIII, 3)[3]; Ismael b. Jochanan b. Beroka (*T. Jebam.*, VI, 6; X, 3)[4]; Simon b. Eleaẓar (*T. Sabb.*, XIII, 7).

Als ein Schüler aus dem obern Galilaea vor Elieẓer b. Hyrkanos eine Halacha tradierte, sie mit dem Worte שמעתי einleitend, schränkte E. die Giltigkeit derselben ein, indem er einwandte: "Vielleicht hast du es nur mit Beziehung auf den Sabbath gehört?" (שמא לא שמעת אלא לענין שבת, *T. Kelim A.*, II, 1; ganz so bei einer anderen, ähnlichen Halacha, ib. 2)[5]. Als Josua b. Chananja auf eine von Elieẓer b. Hyrkanos vorgetragene Halacha die einschränkende Bemerkung machte, er habe nur eine der von E. genannten Kategorien gehört, sagte ihm E.: "Man sagt nicht dem, der den Neumond nicht gesehen hat, er möge kommen und Zeugniss ablegen, sondern dem, der ihn gesehen hat. Du hast wohl nicht gehört, wir aber haben gehört; du hast eine gehört, aber wir haben vier gehört" (*T. Nidda*, I, 5)[6]. Unter den Controversen der Schulen

[1] S. auch *Sifrā* zu xxv. 7 (106 c, 11).

[2] Ebenso *j. Sanh.*, 21 c, 24; *b. Schebuoth*, 30 a; *T. Sanh.*, VI, 2, מקובלני ש"

[3] S. auch *b. Baba Mezia*, 38 b.

[4] Beidemal: אני שמעתי בנרם ביבנה; in bab. Talmud, *Jebam.*, 42 b, 75 a, ש"מפי חכמים בנרם ביבנה. S. auch *j. Jebam.*, 9 a, 71.

[5] S. auch *Sabbath*, 117 b.

[6] Ebenso *b. Nidda*, 7 b; gekürzt *j. Nidda*, 49 a, 22.

Hillels und Schammais findet sich eine (*M. Jebam.*, XV, 2; *Edujoth*, I, 12) in welcher die von der Schule Hillels sich darauf berufen, einen Halachasatz anders gehört zu haben, als er von der Schule Schammais gelehrt wurde (לא שמענו אלא ב .....); sie erkennen aber dann die Interpretation an, mit der die von der Schule Schammais die abweichende Tradition in dem Sinne ihrer eigenen Meinung deuten[1].

Sehr selten kommt es vor, dass zum Ausdrucke "ich habe gehört" die Angabe hinzugesetzt wird, *von wem* der Tradent es gehört habe. In dieser Form trägt Dosithai aus Kefar-Jathma, einer der Schüler Schammais, eine Lehrmeinung des letzteren vor, die mit dem übereinstimmt, was die Schule Hillels im Gegensatze zur Schule Schammais lehrte (*M. Orla*, II, 5)[2].—"Ich habe von R. Eliezer gehört." So leitet Ilai drei Halachasätze ein, die er von seinem Lehrer El. b. Hyrkanos gehört hatte und für die er vergebens einen andern Ohrenzeugen unter Eliezers Schülern suchte (*M. Erubin*, II, 6)[3].

לא שמעתי, "ich habe es nicht gehört"; mit diesen Worten lehnt El. b. Hyrkanos die Beantwortung von Fragen halachischer Casuistik ab (*M. Negaim*, IX, 3[4]; ibid., XI, 7); beidemal erbietet sich Jehuda b. Bathyra, die Antwort zu geben und erlangt das Lob E.'s. Einmal war es sein Schüler Ilai, dessen Frage El. nicht beantwortet, weil er nichts darüber gehört habe. Als ihm Ilai nachher die von Josua b. Chananja empfangene Antwort mittheilt, spricht er über diese seinen Beifall aus (*Pesachim*, 38 b). Man sagte von ihm, er habe nie etwas gesagt, was er nicht gehört hatte[5]. In dem Ausspruche, in dem E. die Ehr-

[1] S. auch *Sifrā* zu xiv. 34 (73 a, 8) . . . . אני לא שמעתי אלא; ibid. zu xiii. 3 (61 a, 3) *M. Negaim*, VII, 4 . . . . לא שמענו אבל שמענו.

[2] Statt . . . . . שמעתי משמאי הזקן שאמר . . hat die palästin. Mischna-Recension שאלתי את שמאי הזקן ואמר.

[3] שמעתי מר" אליעזר . . . . . וכן שמעתי ממנו . . . . . וכן ש" מ" . . . . . והזהרתי על כל תלמידיו ובקשתי לי חבר ולא מצאתי. Vgl. *T. Zebach.*, II, Ende.

[4] S. auch *Sifrā* zu xiii. 18 (64 c., 11).

[5] *Tos. Jebam.*, c. 3, Ende, שלא אמר דבר שלא שמע מימיו; in *Joma*, 66 b, *Sukka*, 27 b, ist hinzugefügt מרבו.

furcht gegen den Lehrer einschärft, wird auch der getadelt, der etwas tradiert, was er nicht aus dem Munde seines Lehrers vernommen (*Berach.*, 27 b, האומר דבר שלא שמע מפי רבו)[1]. Erwähnt sei noch *M. Sanh.*, XI (X), 2 (= *Sifrê* zu Deut. xvii. 8), אם שמעו אומרים להם .....

Hie und da tradieren auch Amoräer Halachasätze mittels der Formel שמעתי, jedoch zumeist Palästinenser. So Tannai (*Berach.*, 22 a, *Ẓebach.*, 70 b); Jehuda b. Chija (*Ẓebachim*, 13 b); Jochanan (*Baba Bathra*, 28 a; *Bechoroth*, 22 a; Jose b. Chanina (*Sabbath*, 35 b); Jozehak (*Joma*, 41 b; *Megilla*, 10 a); Benjamin b. Jepheth (*Berach.*, 33 a); Firmeja (*Sabbath*, 108 b); Dimi (*Pesachim*, 39 b).—Babylonische Amoräer; Huna (*Bechoroth*, 22 a); Assi (*Sabbath*, 95 b)[2].

5. Das Substantiv שְׁמוּעָה.

Die prophetische Kunde, das, was der Prophet von Gott gehört hat (s. Jes. xxi. 10), heisst in der Bibel שְׁמוּעָה (Jer. xlix. 14; Obadja, ii.). In der Sprache des Lehrhauses bedeutet dieses Wort den aus dem Munde des Lehrers oder sonst einer autoritativen Person vernommenen Lehrsatz, der zum Gegenstande der Überlieferung geworden ist. Was jemand so vernommen hat, das ist seine שְׁמוּעָה, seine Überlieferung. Der alte Tannait Akabja b. Mahalalel sagt in seiner Todesstunde in Bezug auf die Meinungsverschiedenheit zwischen ihm und den anderen Gelehrten: "Ich habe, was ich lehrte, aus dem Munde Vieler gehört und auch sie haben, was sie lehrten, aus dem Munde Vieler gehört; ich beharrte bei meiner, sie beharrten bei ihrer Überlieferung" (*M. Edujoth*, V Ende, אני עמדתי בשמועתי והם עמדו בשמועתן). Pflicht des Tradenten ist eine genaue Feststellung des von ihm Gehörten. Diese Pflicht (המכוין את שמועתו) steht neben der bereits oben[3] erwähnten Pflicht,

[1] Zu den sieben Merkmalen des Weisen gehört, ועל מה שלא שמע אמר לא שמעת (*Aboth*, V, 7). S. auch *Sifrā* zu Lev. ii. 20 (47 d); *Ẓebach.*, 101 a.

[2] Über sonstige Verwendung des Verbums שמע zur Bezeichnung mündlich empfangener Belehrung s. *Amor. Term.*, S. 220 f.

[3] S. oben, S. 581.

den Urheber — oder früheren Tradenten — eines Lehrsatzes mit Namen zu nennen am Schlusse der 48 Bedingungen des erfolgreichen Studiums (*Bar. Aboth*, VI, 1). Als Issi (Joseph) der Babyloner an seinen Lehrer Eleaẓar b. Schammua binnen vierundzwanzig Stunden viermal dieselbe Frage stellte, rief endlich der letztere verwundert aus: "Es scheint, dass du bisher das Vernommene nicht genau festgestellt — und dir eingeprägt — hast" (*Tos. Ẓebach.*, II g. E., דומה שלא ביונת שמועתך)[1]. Den Bericht über eine Controverse zwischen Jonathan b. Eleaẓar und Chija schliesst Jose b. Abun mit der Bemerkung ab, dass Jeder trotz der Argumentation des Gegners bei der von ihm vertretenen Meinung beharrte (*j. Pesach.*, 33 b, 45, זה עומד בשמועתו וזה ע"ז בשמועתו). Die Beziehung dieses Ausdruckes für Überliefertes auf die Person des Überliefernden findet sich auch sonst im amoräischen Sprachgebrauche, in welchem שְׁמוּעָה, sowie dessen im babylonischen Talmud fast ausschliesslich gebrauchtes aramäisches Aequivalent שְׁמַעְתָּא, speciell die halachische Überlieferung der Amoräer im Gegensatze zu der aus der tannaitischen Zeit überkommenen Tradition der "Mischna" ("Mathnitha") bezeichnet[2]. Jose (4. Jahrh.) spricht von seinen eigenen Schemuoth (שמועתי[3], *j. Schekalim*, 61 c, 10); man spricht in Palästina von den Schemuoth des babylonischen Amora Schescheth (*j. Sabb.*, 3 a, 46, שמועתיה דרב ששת). Im babylonischen Talmud ist der Gebrauch des Wortes in Verbindung mit dem Personalsuffix oder mit der als Inhaber der Überlieferung genannten Person gang und gäbe, sowohl

[1] Cod. Erfurt (ed. Zuckermandel, p. 483, Z. 9) hat dafür דומה שלא ביוונו שמועתן. Diese Variante beruht auf der parallelen *Baraitha b. Menach.*, 18 a, wo die Frage Isses und ihre Beantwortung anders berichtet sind; der Ausruf E.'s lautet: שלא ביוונו שמועתנו (V. לי) כמדומה אני. Berichterstatter ist Jehuda I, der auch in T. als solcher zu supponieren ist. Zum Ausdrucke und zur Sache ist zu vergleichen der Ausruf Ẓeiras (*Erubin*, 12 b), במה מכוונן שמעתתיה דסבי.

[2] S. *Amor. Term.*, S. 222–224.

[3] = שמועותי, das hebr. Wort in aram. Flexion; ebenso auch in den anderen Beispielen aus dem *Jeruschalmi*.

im Singular, als im Plural[1]. Der Midrasch zu den Psalmen (*Sch. tob* zu Ps. i. 16) spricht von der Schemu'ah der beiden grossen Amoräer Palästinas, Jochanan und Simon b. Lakisch. Der Gewährsmann einer Überlieferung heisst ihr Herr (Besitzer, Inhaber), z. B. מרא דשמעתא דאושא (*Kethub.*, 50 a). Als Jizchak b. Nachmani in Babylonien einen Lehrsatz im Namen des in Palästina wirkenden Eleaẓar b. Pedath vortrug, sprach Ẓeira die Hoffnung aus, dass es ihm gegönnt sein werde, nach Palästina zu ziehen und dort den Lehrsatz aus dem Munde Eleaẓars selbst zu lernen. Dabei bezeichnet er diesen — also den Urheber des von J. b. N. Überlieferten — als den Herrn der Schema'thu (*Nidda*, 48 a, אזכה ואיסק ואגמר לשמעתא מפומיה דמרה)[2].

Mit שמועה wurde schon in tannaitischer Zeit die *Halacha* im Gegensatze zur Agada bezeichnet. S. *Moed Katon*, 23 a (Bar.), שמועה והגדה; *Chagiga*, 14 a, בעלי שמועות, בעלי אגדה; *Baba Bathra*, 45 b (Bar.), בעל הגדות, בעל שמועות. In den babylonischen Schulen spricht man von שמעתא und אגדתא (*Sota*, 40 a; *Sanh.*, 38 b).

Gerne stellte man zu שמועה den Ausdruck ... מפי, um zu betonen, dass der überlieferte Lehrsatz "aus dem Munde" dessen hervorgieng, in dessen Namen er überliefert wurde[3]. Simon b. Jozadak dichtete mit Verwendung von Hoh. vii. 10: "Die Lippen des verstorbenen Gelehrten regen sich im Grabe, wenn ein aus seinem Munde gekommener Lehrsatz vorgetragen wird" (שאומרים דבר שמועה מפיו)[4]. Man sagte aber auch,

[1] S. *Amor. Term.*, S. 224.

[2] In *Lev. r.*, c. 29 g. E., bezeichnen Jochanan und Simon b. Lakisch den babylonischen Amora Kahana (Rab's Schüler) als מרא דשמעתא, weil sie voraussetzen, dass sie über den Gegenstand, der gerade, als Kahana vorübergieng, von ihnen besprochen wurde, von ihm eine Tradition hören werden. Oder aber es muss gelesen werden: מרא שמעתתא, was gleichbedeutend ist mit בעל שמועות, *Chagiga*, 14 a.

[3] Vgl. den biblischen Sprachgebrauch: Ezech. iii. 17; xxxiii. 7; ibid. xvi. 56.

[4] *Jebam.*, 97 a, *Bechor.*, 31 a, *Sanh.*, 90 a. S. *Ag. d. pal. Am.*, I, 121, 1. Die palästin. Version des Ausspruches bietet den Ausdruck: האומר שמועה משם אומרה (*j. Berach.*, 4 b, 45); vgl. oben Anf. von Cap. 4. Ebenso entspricht in der Agada zu Ps. lxi. 5 (*Jebam.*, 96 b f.; *Bechor.*, 31 b) den

die Überlieferung personificirend: מפי שמועה. So sagt Jochanan bei der Zurückführung der Halacha eines Tannaiten auf alte Überlieferung: מפי שמועה אמרה (*Chullin*, 137 b). In der Erläuterung des Mischnasatzes über die Meinungsverschiedenheiten zwischen einem einzelnen Mitgliede des grossen Gerichtshofes und der Mehrheit desselben bedienen sich Kahana und Eleazar b. Pedath des Ausdruckes: הוא אומר מפי שמועה והן אומרין מפי שמועה (*Sanh.*, 88 b)[1]. Sowie קַבָּלָה wurde auch שְׁמוּעָה und zwar in der Verbindung מפי שמועה bei *Maimuni* zu einem ständigen Terminus der religionsgesetzlichen Tradition und zwar speciell der traditionellen halachischen Schriftauslegung[2].—Zum Schlusse sei noch ein altes Beispiel der Verwendung unseres Wortes erwähnt, in welchem der durch dasselbe ausgedrückte Begriff besonders klar hervortritt. In *T. Edujoth*, I, 3 (parallel mit *M. Edujoth*, I, 4) lesen wir: "Einmal kamen zwei Weber, die beim Mistthore in Jerusalem wohnten, vor Schammai und Hillel und bezeugten im Namen Schamajas und Abtalions eine von diesen gelehrte Bestimmung über das rituelle Tauchbad. Diese Bestimmung war von dem, was Schammai und Hillel, und zwar in Controverse mit einander, darüber lehrten, verschieden; aber sie erkannten das durch die Weber Überlieferte als richtig an. Die Controverse — so ist dazu bemerkt — wird aber trotzdem weiter tradiert, damit das Beispiel der beiden grossen Meister lehre, einer Tradition gegenüber — במקום שמועה — nicht bei der eigenen Meinung zu beharren."

6. Das Verbum הֵעִיד und sein Substantiv עֵדוּת.

Wenn die Überlieferung eines Lehrsatzes vor einer Autorität in den Formen einer *Zeugnissaussage* stattfindet, wird

Worten שיאמרו דבר שמועה מפי im pal. Talmud (*Berach.*, 4 b, 47): שיהו דברי נאמרין על שמי.

[1] S. oben, S. 584, die Äusserung Akabja b. Mahalels.

[2] S. Löw, *Ges. Schriften*, I, 314; mein "Die Bibelexegese Moses Maimunis," S. 28; A. Schwarz, *Der Mischneh Thorah* (Jahresbericht der Isr. Theol. Lehranstalt, Wien, 1905), S. 142–229.

die Aussage des Gewährsmannes mit dem Verbum הֵעִיד bezeichnet. Die Zeugnissaussage geschieht entweder ohne Berufung auf den Urheber oder den Tradenten des Lehrsatzes oder mit Nennung eines solchen. In dem ersteren Falle bedeutet die Zeugnissaussage, dass der betreffende Satz dem Zeugen, d. i. dem Tradenten, schlechthin als giltige Norm bekannt ist. Gewissermassen in vorhistorische Zeit, aus welcher sonst keine mit Autornamen versehene Halacha verzeichnet ist, reicht die älteste dieser Bezeugungen. Es ist *Jose b. Joezer aus Zereda*, der drei Halachasätze bezeugt, und zwar — ebenfalls der einzige derartige Fall in der Mischna — in aramäischer Sprache (*Edujoth*, VIII, 14)[1]. Die meisten der als Zeugnissaussagen auf die Nachwelt gekommenen Überlieferungen gehören der *Schule von Jabne* an. Ältere Mitglieder derselben bezeugen, was ihnen als Norm oder was ihnen aus ihrer eigenen Erfahrung bekannt ist. Zunächst hören wir, dass durch einzelne Gelehrte mehrere derartige Zeugnissaussagen abgelegt wurden. *Chanina*, der Vorsteher der Priesterschaft, "bezeugte vier Dinge" (*M. Edujoth*, II, 1–3), von denen die ersten zwei die priesterliche Praxis des Tempels angeben[2]; *Akabja b. Mahalalel* bezeugte ebenfalls vier Dinge; das wird zugleich mit den verhängnissvollen Folgen berichtet, die diese Aussagen für ihn hatten (*M. Edujoth*, V, 6)[3]. Auch *Zadok* bezeugte vier Dinge (ibid., VII, 1–4); doch fehlt hier die zusammenfassende Formel (העיד ארבעה דברים), weil bei No. 1 Zadok als zweiter Zeuge neben Josua b. Chananja genannt ist[4]. Eine ganze

[1] Vgl. die Baraitha, *Pesach.*, 16 a.

[2] No. 1 ist in *M. Pesachim*, I, 6 als Ausspruch Chaninas, des V.'s der Pr., gebracht; No. 2 ebenso in *M. Zebachim*, XII, 4. Zu No. 3 s. *Gittin*, 20 b; zu No. 4 *Pesach.*, 29 a.

[3] No. 2 ist in *M. Nidda*, II, 6 im Namen A. b. M.'s gebracht; No. 3 in *M. Bechoroth*, III, 4, wo jedoch angegeben wird, nur Jehudah b. Ilai habe so tradiert, während Jose b. Chalaftha die Meinung A. b. M.'s auf einen speciellen Fall einschränkte. Zu No. 4 s. *Berach.*, 19 a.

[4] No. 2 steht kürzer in *T. Edujoth*, III, 1. No. 4 ist wiederholt in *M. Mikw.*, V, 5.

Reihe von "Zeugnissen" gehört *Josua b. Chananja*, aber stets in Verbindung mit einem anderen Gewährsmanne, so dass je zwei Zeugen für die betreffenden Lehrsätze einstehen. Die Mitzeugen Josua b. Chananjas sind: der bereits genannte Zadok, wie schon erwähnt war (*M. Ed.*, VII, 1)[1]; Nechunja b. Elinathan aus Kefar Ha-Babli (ibid., VI, 2)[2]; Jakim aus Chadid[3] (VII, 2)[4]; Papias in fünf Dingen (in einer Gruppe mitgetheilt, deren erste Nummer mit פפייס ור"י יהושע העיד ר", die anderen Nummern mit הן העידו eingeleitet sind)[5]; Jehuda b. Bathyra (VIII, 3)[6]. In dem letzteren Falle sagt *Gamliel II*, der Vorsitzende des Collegiums, zu den beiden Zeugen: "Wir haben euer Zeugniss angenommen (קבלנו עדותכם); aber was sollen wir thun, es steht dem von euch bezeugten Lehrsatze eine Verordnung Jochanan b. Ẓakkais entgegen!" Andere Zeugenpaare sind: *Jose Ha-Kohen* und Ẓekarja b. Ha-Kazzab, ebenfalls zu den älteren Mitgliedern des Collegiums von Jabne gehörig (VIII, 2); *Jehuda b. Baba* und Jehuda Ha-Kohen (ibid.); *Eleaẓar der Schreiber*[7] und Jochanan b. Gudgeda (*Bar. Chullin*, 55 b). Als einzelne "Zeugen" der *vorhadrianischen* Zeit werden noch genannt: der bereits erwähnte *Papias* (*M. Ed.*, VII, 6), *Josua b. Bathyra* (VIII, 1[8]; *Jebam.*, VIII, 4); Simon b. Bathyra

[1] Wiederholt in *M. Bechor.*, I, 6.

[2] In dem darauf folgenden Mischnasatze (VI, 3) stehen Josua und Nechunja als gemeinsame Urheber einer Meinung Elieẓer (b. Hyrkanos) gegenüber. In dem Citate *Chullin*, 129 b, steht ר" נחוניא בן הקנה statt ר" נחוניא.

[3] חדיך (s. Ezra ii. 33; Nech. xi. 34) ist die ursprüngliche Lesart (st. הדר), s. *D. S.*, X, z. St., Mischna, ed. Lowe, 140 a.

[4] In *M. Para*, X, 3 als Ansicht der Gelehrten gegenüber Elieẓer gebracht.

[5] No. 1 wiederholt in *M. Temura*, III, 1; No. 2 in *M. Kelim*, XV, 2 anonym recipiert; No. 3 in *M. Kelim*, V, 10 als Ansicht der "Gelehrten" gegen Elieẓer (vgl. *B. M.*, 59 a); No. 2, 4, 5 finden sich auch *T. Edujoth*, III, 1; s. auch *T. Sanh.*, II, 13.

[6] Was *M. Ed.*, VIII, 1 und *T. Ed.*, III, 2 als Zeugniss Josua b. Bathyras steht, das bezeugen nach *Bar. Menach.*, 103 b, Josua (b. Chananja) und Josua b. Bathyra gemeinschaftlich.

[7] אלעזר ספרא.

[8] S. Anm. 6.

(*Ed.*, VIII, 1)[1]; Menachem b. Signai (ibid., VII, 8)[2]; Jochanan b. Gudgeda (ibid., VII, 9, eine Gruppe von vier Aussagen)[3]. Aus der Zeit Jochanan b. Ẓakkais tradiert Jehuda b. Ilai die Zeugenaussage eines sonst nicht genannten Ben Bokri (*M. Schekalim*, I, 4). Gamliel II ist genannt als derjenige, vor dem Chananja aus Cluo eine die Intercalation betreffende Norm bezeugte (*T. Sanh.*, II, 13)[4]. Geringer an Zahl sind die als Zeugnissaussagen erwähnten Traditionen, bei denen der Zeuge sich auf eine Autorität beruft. Hieher gehört der Bericht über die im Namen *Schemajas* und *Abtalions* aussagenden zwei Weber[5]. Im Namen *Gamliels I* bezeugt vor dessen Enkel, Gamliel II, ein nur hier genannter Chiẓkija aus Ikosch eine These, die dann in die Mischna (*Kelim*, II, 3 Ende) aufgenommen wurde (*Sifrā* zu xi. 33, 53 d)[6]. Akiba bezeugt eine eherechtliche Norm im Namen des *Nechemja aus Beth-Deli* (*M. Ed.*, VIII, 5). Die näheren Umstände dieser Aussage sind in *M. Jebam.*, XVI, 7 erzählt. Im Zusammenhange mit einer Aussage Akibas wird erwähnt ein Zeugniss der Bewohner von Medeba im Namen *Ismael b. Elischa's* (*M. Mikwaoth*, VII, 1). Vor Akiba bezeugt Jehuda b. Jesaja der Gewürzeverfertiger eine Halacha im Namen *Tarphons* (*T. Schebuoth*, V, 12)[7]. Zweimal referiert Jose b. Chalaftha, dass *Eutolmos* im Namen von "fünf Ältesten" — deren Namen jedoch

[1] Mit einem Zusatze Akibas (הוסיף ר" עקיבא).

[2] Ebenso *T. Eduj.*, III, 1.

[3] Das Ganze auch in *M. Gittin*, V, 5; No. 1 allein *M. Jebam.*, XIV, 2.

[4] S. *j. Sanh.*, 18 d. unt.; *b. Sanh.*, 11 b.

[5] S. oben, S. 587. S. auch noch *Bar. Beza*, 25 a, זו עדות שהעידו מפי שמעיה ואבטליון; ferner Anm. 4, S. 591 unt.

[6] עדות זו העיד חוקיה איש עיקוש לפני רבן גמליאל דיבנה שאמר משום רבן גמליאל הזקן. So die vollständige Lesung im *Jalkut* (I, 539 Ende). Der gewöhnliche *Sifrā*-Text macht aus איש עיקוש: = אבי עקש und lässt die nach dem ersten גמליאל stehenden fünf Worte aus. In *b. Bechor.*, 38 a, wo die *Sifrā*-Stelle mit דתנן citiert ist, und zwar mit vollständigem Texte, ist ebenfalls אבי für איש geschrieben.

[7] Ebenso *T. Chullin*, III, 7, in Bezug auf eine andere Halacha; in *b. Chullin*, 55 b, lautet der Name des Tradenten: ר" אושעיא בנו של יהודה הבשם.

nicht tradiert sind — Zeugniss ablegte (*M. Erubin*, III, 4[1]; *T. Schebuoth*, IV, 21[2]).

Aus der *nachhadrianischen* Zeit sind nur einige wenige als *Zeugnisse* bezeichnete Traditionen erwähnt. *Jose b. Chalaftha* bezeugt im Namen Eliezer b. Jakobs (*Tos. Sabb.*, XIV, 3)[3]. In Bezug auf eine von demselben vorgetragene Halacha sagen ihm seine Collegen: "Nachdem du uns dieses bezeugt hast (. . . מאחר שהעדת לנו), dürfte dieselbe Bestimmung auch für einen verwandten Fall Geltung haben" (*M. Jebam.*, VII, 3)[4]. *Jismael b. Jose* bezeugt vor Jehuda I eine halachische These im Namen seines Vaters (*b. Kethub.*, 104 a). *Ben Schela*, der Vorsteher der Schlächter von Sepphoris, bezeugt im Namen Nathans die Erklärung eines Ausdruckes für einen inneren Körpertheil (*T. Chullin*, III, 2). Auch der Amora *Josua b. Levi* "bezeugt" eine These der Intercalation im Namen der "heiligen Gemeinde von Jerusalem"[5].

Das Substantiv עֵדוּת, *Zeugniss*, wendet der Amora *Jochanan* an, um zu sagen, dass ein Satz der Mischna auf einer der bisher erwähnten Tradentenaussagen beruht[6]. So sagt er in Bezug auf eine Einzelheit in *M. Para*, VI, 4: מעדותו של ר" צדוק נשנה משנה זו; er meint das vierte der Zeugnisse Zadoks in *Edujoth*, VII, 4 (*Zebach.*, 25 b). Ebenso sagt er in Bezug auf eine Einzelheit in *M. Chagiga*, III, 2: מעדותו של ר" עקיבא נשנית משנה זו; er meint *Edujoth*, VIII, 1, indem er den Zusatz Akibas zum Zeugnisse Simon b. Bathyras ebenfalls als "Zeugniss" bezeichnet (*Pesach.*, 19 a). *Raba* leitet eine Folgerung aus einem der Zeugnisse Jochanan b. Gudgedas mit den Worten ein: מעדותו של ר" יוחנן בן גודגדא (*Gittin*, 55 a; *Jebam.*, 113 b).

[1] Ebenso *T. Erubin*, III, 6.

[2] S. *b. R. H.*, 15 a; *Sukka*, 40 a.

[3] S. *b. Sabb.*, 125 a.

[4] In der *Bar. Jebam.*, 67 a, wird noch erzählt, Jose habe geantwortet: זו שמעתי וזו לא שמעת. Ferner wird daselbst eine Baraitha angeführt, wonach Jose die Halacha im Namen Schmajas und Abtalions bezeugt habe: זו עדות העיד ר" יוסי מפי ש" ו".

[5] *R. Hasch.*, 19 b, העיד ר"י"ב"ל משום קהלא קדישא שבירושלים.

[6] S. auch oben, S. 590, Anm. 6 und Anm. 7.

Der Plural עֵדִיוֹת dient als Name des Mischna-Traktates, in dem die meisten der als "Zeugenaussage" bezeichneten Traditionen enthalten sind. Eine tannaitische Angabe lautet, dass dieser Traktat jenem Tage seine Entstehung verdanke, an dem in Jabne der Conflict zwischen Gamliel II und den Mitgliedern des Collegiums zum Ausbruche kam und an Gamliels Stelle Eleazar b. Azarja zum Vorsitzenden gewählt wurde (*Berach.*, 28 a: תנא עדיות בו ביום נשנית). Dieser Angabe liegt wol die Thatsache zu Grunde, dass die meisten der im Traktate enthaltenen Zeugnissaussagen durch die an jenem Tage begonnenen Verhandlungen veranlasst wurden.

7. Das Verbum שָׁנָה und sein Substantiv מִשְׁנָה (Aram. תני und מַתְנִיתָא).

Das Verbum שנה wurde zum Terminus für das Studium der Überlieferung, deren Lernen und Lehren auf dem "Wiederholen" der tradierten Texte beruht[1]. Das aus ihm gebildete Substantiv מִשְׁנָה benennt die Gesammtheit des Traditionsstoffes als Gegenstand des Studiums. In dieser Bedeutung steht der Ausdruck der Benennung der Gesammtheit der biblischen Texte, מִקְרָא, gegenüber. Die "Mischna" in diesem älteren und weiteren Sinne zerfällt in die drei Disciplinen: Midrasch, Halachoth und Haggadoth. Im engeren Sinne wird und bleibt Mischna Benennung der zweiten dieser drei Disciplinen und schliesslich des Litteraturwerkes, in dem die Halachoth durch Jehuda I endgiltig redigiert wurden[2].

Das aramäische Aequivalent für שנה ist תני (תנא), das namentlich bei Anführung der tannaitischen Traditionstexte innerhalb der nachtannaitischen Litteratur auf mannigfache Weise angewendet wird[3]. Mit מתניתא, dem Aequivalent für משנה, werden sowol die Mischna, als auch

[1] S. *Tann. Term.*, S. 194; *Amor. Term.*, S. 225.

[2] S. *Tann. Term.*, S. 122; *Die Ag. der Tann.*, I², S. 475 ff.

[3] S. *Amor. Term.*, S. 238-40.

die anderen tannaitischen Traditionssammlungen oder einzelne Stücke aus denselben bezeichnet.

תַּנָּא, תַּנָּאִי (תַּנָּיֵי) — auch in hebräischem Contexte angewendet — bezeichnet den Tradenten tannaitischer Lehrsätze, sowie den Kenner und Bewahrer der tannaitischen Überlieferungen und ihrer Sammlungen in den amoräischen Lehrhäusern. (Das hebr. Aequivalent dafür ist שׁוֹנֶה.) Das Wort wurde auch zur Bezeichnung der in der Mischna oder anderwärts aus der mit dem Abschlusse der Mischna abschliessenden Epoche erwähnten Gelehrten (Tannaiten) angewendet.

8. Zwei aramäische Namen der Überlieferung.

Der *amoräischen* Zeit gehören die beiden aramäischen Substantive an, welche die Überlieferung als gelernten Wissensstoff bezeichnen: אוּלְפָּן (אוּלְפָּנָא) und גְּמָר (גְּמָרָא), letzteres nur in den babylonischen Schulen gebräuchlich. Beide bezeichnen im engeren Sinne den auf die Erläuterung der Mischna abzielenden Lehrstoff, aus dem der Talmud ("Gemara") hervorgegangen ist. Eine Personificirung des Begriffes der Überlieferung zeigt sich in den Ausdrücken: משמיה דאולפנא, משמיה דגמרא (beides nur im babylonischen Talmud), wenn ein Satz schlechthin auf Grund einer unbestimmten Überlieferung — ohne Kenntniss eines Gewährsmannes — vorgetragen wird[1]. Im babyl. Talmud dient גמירי (Partic. plur.) zur Einführung von solchen Traditionssätzen[2].

אַשְׁלְמְתָּא, Überlieferung, ist die massoretische Bezeichnung der prophetischen Bücher[3], gleich bedeutend קבלה in dem oben (S. 573) erwähnten speciellen Sinne.

9. הֲלָכָה (Halacha).

Mit הֲלָכָה, einem dem Aramäischen entlehnten und hebraisirten Substantiv, welches Brauch, Sitte, Satzung

[1] S. *Amor. Term.*, S. 7, 31.
[2] Ibid., S. 30.
[3] S. Frensdorff, *Die Massora*, Anhang, S. 2.

bedeutet, bezeichnete die tannaitische Schulsprache die normirte religiöse Satzung, die geltende Regel ohne Rücksicht auf ihre Herleitung aus der heiligen Schrift. Die Gesammtheit der normirten Satzungen der Halachoth (הלכות) wurde zu einem der drei Hauptzweige der Mischna, d. i. der Tradition als Wissens- und Lehrstoffes[1]. Der Begriff der *Überlieferung* knüpfte sich von selbst an die Bedeutung des Wortes, das demnach im engeren Sinne die überlieferte religionsgesetzliche Vorschrift bezeichnet und so für das Gebiet des Religionsgesetzes an die Stelle der Substantive קבלה und מסורת getreten ist, während diesen durch den Sprachgebrauch der Schule die oben dargelegten speciellen Bedeutungen zugewiesen wurden. Die Bedeutung "überlieferte Satzung" ist am klarsten ersichtlich in der Formel הלכה למשה מסיני. Diese Bedeutung tritt ferner scharf hervor, wo הלכה und דִּין einander entgegengestellt werden, d. h. die überlieferte Satzung und die Schlussfolgerung[2], oder wo הלכה und מקרא (oder מדרש) im Gegensatze zu einander stehen[3]. Im jerus. Talmud findet sich הלכה von תורה (oder דבר תורה) unterschieden[4]; im babylonischen Talmud הילכתא (das aramäische Wort) und קרא, oder im Plural הִילְכָתָא und קְרָאֵי[5]. Ferner sei erwähnt die Formel des babyl. Talmud, הילכתא גמירי לה[6]. Auf die Frage nach dem Grunde einiger das Naẓir-Gelübde betreffenden Vorschriften der Mischna antwortet *Jochanan* (*Naẓir*, 25 a, ob., 28 b, u., 30 a, u., 61 b) הלכה היא בנזיר, d. h. es ist überlieferte — weiter nicht zu begründende — Satzung. Ebenso antworten drei Schüler Jochanans (*Sabbath*, 132 a)[7] auf die Frage, woher zu deducieren

[1] S. *Die Ag. d. Tann.*, I², Anhang.

[2] S. *Tann. Term.*, S. 22, Anm. 5, und den Nachtrag dazu, *Amor. Term.*, S. 252.

[3] S. *Tann. Term.*, S. 144.

[4] S. *Amor. Term.*, S. 54.

[5] S. ibid., S. 55.

[6] Ibid., S. 30, 55.

[7] אמר עולא הלכה וכן אמר רבי אסי הלכה וכן אמר רבי יצחק הלכה. Der an zweiter Stelle Genannte nur in der Münchener Handschrift.

sei, dass die Pflicht der Beschneidung am achten Tage das Verbot der Sabbatverletzung aufhebe, es sei הלכה, d. h. überlieferte Satzung und bedürfe keiner biblischen Begründung.

10. תּוֹרָה שֶׁבְּעַל פֶּה (Mündliche Lehre).

Die principielle Gleichstellung der Überlieferung mit der h. Schrift ist in der Benennung der ersteren als mündlicher Lehre am deutlichsten zum Ausdrucke gebracht. Zwei Erzählungen über die Unterweisung von Nichtjuden in der jüdischen Religion stellen an die Spitze der Unterweisung die Feststellung dessen, dass Israel zwei Lehren erhielt, eine schriftliche und eine mündliche. In der einen Erzählung (*Sabbath*, 31 a; *Ab. d. R. N.*, c. 15) beantwortet *Hillel* (bez. Schammai), in der anderen (*Sifrē* zu Deut. xxxiii. 10, § 351) *Gamliel II*, in diesem Sinne die Frage des zu Unterweisenden, die im Hinblicke auf die Antwort formuliert ist[1]. Der tannaitische Midrasch zu Lev. xxvi. 46 interpretiert den Plural והתורות in diesem Verse so: "Dies lehrt, dass den Israeliten zwei Lehren gegeben wurden, eine schriftlich und eine mündlich" (*Sifrā* z. St., 112 c)[2]. Gegen diese, wie es scheint, sehr alte Interpretation wendet sich (ibid.) Akiba und erklärt, der Plural תורות beziehe sich auf die als תורה bezeichneten einzelnen Abschnitte in Leviticus (vi. 2, 7; vii. 1, 11) und Numeri (xix. 1)[3]. Vielleicht will Akiba, indem er die Deutung des Plurals תורות

[1] In der ersten Erzählung lautet die Frage in *b. Sabb.*: כמה תורות יש לכם; in *Ab. d. R. N.*, c. 15, das eine Mal (an Schammai) ebenso, das andere Mal (an Hillel): כמה תורות ניתנו. In der zweiten Version des *Ab. d. R. N.*, c. 29 (ed. Schechter) beide Male: כמה תורות ניתנו מן השמים. — In der zweiten Erzählung lautet die Frage: כמה תורות ניתנו לישראל. Die Antwort lautet in der zweiten Erzählung: שתים אחת בכתב ואחת בעל פה; in der ersten, nach dem Talmud: שבעל פה (Var. אחת) שבכתב ותורה (Var. אחת) שתים תורה; nach *Ab. d. R. N.*, erste Version, wie in der zweiten Erzählung (in der zweiten Version bloss: אחת בכתב ואחת בזה). S. auch *Ag. d. T.*, I², 76.

[2] מלמד ששתי תורות ניתנו להם לישראל אחת בכתב ואחת בעל פה. Im *Jalkut* (I, 675) heisst es: אחת בפה ואחת בכתב.

[3] Der Schluss: מי'מד שתורות הרבה נ" ל" לישראל (*Jalkut*) fehlt in der Ausgabe.

auf die beiden Lehren ablehnt, gegen die Zweitheilung der *einen* Lehre Israels protestieren, davon ausgehend, dass das Wort תורה schon im Singular die gesammte Lehre, also schriftliche und mündliche zu einer Einheit verbunden, bezeichnet[1]. *Akiba* war es ja, dessen exegetische Methode die Einzelheiten der mündlichen Lehre in der schriftlichen angedeutet zu finden besonders bemüht war.

Die *agadische* Schriftauslegung hat in manchem Bibelverse einen Hinweis auf *die beiden Lehren* gefunden. Besonders die Worte in Exodus xxxiv. 27 : על פי הדברים האלה, wo der Ausdruck על פי an die Benennung der mündlichen Lehre erinnert, boten eine bequeme Handhabe zu solchen Deutungen[2]. Aber schon der Tannait Jehuda b. Ilai deutete פיפיות in Ps. cxlix. 6 auf die beiden Lehren[3]. Die in Ps. xvi. 6 genannten Antheile, aus denen das Israel am Sinai zugefallene Loos (V. 5) besteht, sind die schriftliche und die mündliche Lehre. So Simon b. Lakisch[4]. Der Agadist Jizchak erklärt תורות, Jes. xxiv. 5, als die Bezeichnung beider Lehren[5]. Nach Judan ist in Jes. v. 24 "die Lehre des Ewigen" die schriftliche, "das Wort des Heiligen Israels" die mündliche Lehre[6].

W. Bacher.

[1] Es verdient bemerkt zu werden, dass Raschi (im Comm. zur Stelle) die alte, anonyme, Tobija b. Eliezer (z. St.) die Akibä'sche Erklärung sich aneignet.

[2] Jochanan in *j. Pea*, 17 a, und *Parall.*, *b. Gittin*, 60 b (*Ag. pal. Am.*, I, 261, 2); Jehuda b. Nachmani, *Gittin*, 60 b, *Temura*, 14 b; Samuel b. Nachman, *j. Pea*, 17 a und *Par.* (*Ag. pal. Am.*, I, 490, 1).

[3] *Pesikta*, ed. Beber, 102 b : פיפיות תורה שבכתב ותורה שבעל פה. In *Schir r.* zu 1, 2 (ישקני Ende) ist die Deutung dem Gegner Jehudas, Nechemia, zugeschrieben, und zwar in dieser Form : שתי תורות נאמרו א"ר נחמיה בא"ר יהודה בבתב.

[4] *Schocher tob.*, 2 : הגורל הזה תכוכני בסיני חבלים . . . . . שנים תורה שבכתב ותורה שבעל פה.

[5] *Pesikta*, 98 a.

[6] *Pesikta*, 121 b : זו תורה שבכתב . . . . . זו תורה שבעל פה . . . . . .

NOTES ON THE DYNASTIES OF OMRI AND JEHU[1]

I. *Introduction.*

THE object of the following pages is to specify some preliminary problems which arise in studying the history of the dynasties of Omri and Jehu, and to show that there are certain internal features the explanation of which is involved with the problems which are encountered at other periods of biblical history. Consequently, these pages do not attempt to deal finally with the questions; the recognized literary structure of the historical writings of the Old Testament warns us that similar influences have been at work everywhere, and it will be safer to direct one's attention to the positive data scattered over the entire field than to strive to present elaborate or complete conclusions regarding separate groups.

For the few years from the commencement of the Syrian wars towards the close of Ahab's reign down to the accession of Jehu and Jehoash (of Judah), we have a singularly copious supply of literary material in the book of Kings, a number of noteworthy variant traditions in 2 Chronicles, and some extremely welcome external evidence in the inscriptions of Shalmaneser II. Thanks to the possession of three distinct sources, one of which is contemporary, it is possible to obtain a more complete estimate of the period, in the light of which the scantier records for the years which precede and follow may be reconsidered. While Shalmaneser's inscriptions may be coloured by the loyalty of a royal scribe, we shall do well to avoid any *a priori* ideas in regard to the relative value of the biblical sources; thus we shall avoid the initial assumption that the book of Kings is necessarily historical and that the late book of Chronicles is obviously unhistorical. The first aim will be, not the reconstruction of the true history of the period, but a consideration of the traditions that prevailed, and since the religious standpoint of Chronicles is already sufficiently recognizable it should not be difficult to determine where its evidence is most likely to be unreliable.

Thanks to the accessibility of the recent commentaries on Kings it is unnecessary to deal at any length with the general character of

[1] Based upon a paper read before the Cambridge Theological Society, February 21, 1906.

the earlier written sources.[1] We have to distinguish (1) the separate and independent annals of the two kingdoms Israel and Judah, (2) biographies and collections of narratives associated with the work of the prophets (in some cases earlier political records are implied), and (3) narratives of exclusively Judaean interest, viz. the history of Jehoash (2 Kings xi-xii). A careful examination has shown that these three sources which have been incorporated are not of the same origin, and necessarily not of equal value for the history of the period. Moreover, there are some indications of adjustment and dislocation which cannot be overlooked. For example, if Elijah is the prophet of the fall of Omri's dynasty, Elisha is certainly that of the new, and it is therefore noteworthy that the latter, in spite of the prominent part which he took in securing the rise of Jehu, disappears from the pages of history for some forty-five years until the days of Jehoahaz of Israel. But although northern tradition has carefully preserved the name of the prophet Jonah, Jeroboam's contemporary (2 Kings xiv. 25), it is to be observed that the brief notices of the disastrous wars in the dynasty of Jehu make no reference to Elisha, whereas the final interview, some forty-five years after Jehu's accession, explicitly represents the dying prophet as one "whose spirit had been the best defence of the realm—its chariots and its horsemen" (Skinner, p. 350). It is a natural inference that Elisha had been the mainstay of the land in its calamities, and it is difficult not to agree with Robertson Smith that "those narratives in which the renowned prophet appears as on friendly terms with the king and possessed of influence at court, plainly belong to the time of Jehu's dynasty, though they are related before the fall of the house of Omri[2]." Granted that this be the case, we find at the very outset the probability of a rearrangement of tradition the significance of which will have to be carefully watched. It is obvious that the feature which has been already recognized implies more than mere chronological

[1] Frequent use has been made of I. Benzinger in the *Kurzer Hand-Commentar* (1899), R. Kittel, *Handkommentar* (1900), C. F. Burney, *Notes on the Heb. Text of Kings* (1903), J. Skinner in the *Century Bible*, and C. F. Kent, *Israel's Hist. and Biogr. Narr.* (1905).

[2] So (after Kuenen) in art. "Kings," *Ency. Brit.* (ed. Kautzsch, *Ency. Bib.*, col. 2670, see Kuenen, *Einleitung*, i. 2, p. 80). See also Benzinger, p. 130; J. S. Strachan, *Hastings' D. B.*, i. p. 694; W. E. Addis, *Ency. Bib.*, col. 1276 (§ 2); G. A. Smith, *Hist. Geog. of the Holy Land*, p. 582; König and Hirsch, *Jewish Ency.*, V, 137 sq. (who remark, "legend being as indifferent to accuracy in dates as it is to definiteness of places and names"), and W. R. Harper, *Amos and Hosea*, p. xli sq. These references will sufficiently indicate the extent to which the evidence has impressed previous writers.

dislocation, but it is for literary criticism to determine what changes have ensued in the course of adjustment.

The possibility—or rather the probability of early fluctuation is confirmed by a careful investigation of the framework, the chronological data, and the LXX. Thus, in 2 Kings i. 17 sq., the synchronism is at variance with the scheme in iii. 1, and the LXX inserts at this point the introduction to Jehoram of Israel, with the addition "the anger of the Lord was kindled against the house of Ahab." This, as Dr. Skinner observes, looks very like a preface to the events in ix sq., and according to the chronological system of the LXX, Jehoram of Israel ought to follow after Jehoram of Judah (viii. 16–24). There are other intricacies in viii. 16, 25–29, and ix. 29, and a close study of the whole evidence endorses Dr. Skinner's remark (on i. 17 sq.) that the indications "go to show that the disorder in this passage is connected with sweeping operations on the text, in the course of which the independent Elisha-narratives were freely transposed in accordance with the views of different editors" (p. 276). These operations, it is to be added, belong to a relatively late stage in the literary history of the book.

Fluctuation of tradition appears also in regard to the site of Naboth's vineyard, in Ahab's penitence, the modification of the original penalty, and his death (see below, p. 604). Again, according to our records it was Elisha and not Elijah who anointed Jehu; and despite the command to Elijah to return to the wilderness of Damascus, the prophet is actually found at Abel-meholah. That is to say, instead of taking the route east of the Jordan he went straight to the middle Jordan valley[1]. Further, although Hazael, Jehu, and Elisha are spoken of as the men of the new age to be ushered in by the sword (xix. 17), the whole course of events as preserved in the present writings is entirely at variance, and unless one may suppose that a very different tradition of the age was once extant, we must allow that the passage is an unfulfilled prediction proving that it is "no invention of a late writer with an eye on the fulfilment" (Skinner, p. 241). It is very difficult to determine which is the less drastic remedy. On the one hand, a source which breaks off abruptly after ver. 18 represents situations which utterly conflict with the canonical history; on the other, writers have preserved a remarkable theophany with an unfulfilled prediction which had no value outside the period to which it is ascribed[2].

[1] See the commentaries on 1 Kings xix. 15–19.

[2] That is to say, it stands upon quite another plane as compared with ideals and hopes of the future (e.g. the return of the Ten Tribes). Another equally embarrassing prophecy will be encountered in xxii (p. 604 below).

In general, it is clearly necessary to take notice of the interests of the various sources. The independent annals of Israel and Judah have each a separate standpoint. This often obscures the relations between the two kingdoms, and it is necessary to go behind the compiler's method (that of handling the reigns separately) in order to estimate if possible existing conditions. Some allowance must also be made for the interest in the prophetical figures and its bearing upon the development of tradition. As in 1 Samuel, some growth can be traced, and it may be noticed in passing that the story of Elijah in 2 Kings i is marked by a fierce supernaturalism quite unlike other conceptions of his personality, and whatever view one may maintain, the chronological note in i. 17 is at variance with the scheme in 1 Kings xxii. 51, 2 Kings iii. 1, and the isolated allusion to the Moabite revolt in i. 1 seems to anticipate, in a rather unintelligible manner, the fuller account now given for the reign of Jehoram (iii. 4 sqq.). Finally, although it might be assumed that the lengths of the reigns of the kings are more trustworthy than the synchronisms, the 240 years of the Israelite kingdom fall naturally into three equal portions, the second of which corresponds to the duration of the Aramaean wars from a date shortly before Ahab's death to the accession of Jeroboam II. If this, together with other features, is suggestive of a certain element of artificiality, the possibility that it has influenced the traditions should not be overlooked.

II. *The Aramaean Wars.*

The inscriptions of Shalmaneser II furnish a very clear account of the steps he took to extend the supremacy of Assyria westwards [1]. As he prepared to subjugate North Syria great preparations were made by the southern states to meet the inevitable conflict. Damascus under Bir-idri (Ben-hadad) was the centre, and a coalition was formed in which Hamath, Cilicia, Phoenician towns, Ammon, and Ahab of Israel took part. In 854, at the battle of Ḳarḳar (perhaps Apamea), Shalmaneser claimed a victory over the allies, but the fact that he soon retired without imposing tribute suggests that it was by no means a decisive one. Indeed, again in 849 and 846 expeditions were sent against Bir-idri. In 842 came another great attack. Hazael (now king of Damascus) made Sanir in Lebanon his stronghold, he was forced to flee to Damascus, and the Assyrian records would show that although his country was wasted, the capital itself was not

[1] Reference may be made to L. B. Paton, *Syria and Palestine*, pp. 200 sqq.; H. Winckler, *Keilinschr. u. d. alte Test.* (3), pp. 40 sqq., 247 sqq.; C. F. Kent, *op. cit.*, p. 496 sq.

taken. It is at this juncture that Jehu together with Tyre and Sidon sent tribute. But although Hazael appears to be without the support of the coalition, and in spite of the devastation of his land, his position was not hopeless, and once again, in 839, Shalmaneser marched for the last time against the cities of Hazael, captured four of them, and received tribute from Tyre, Sidon, and Byblus.

The biblical narratives in turn furnish independent accounts of the relations between Ahab and Ben-hadad, Jehu and Hazael, and describe the part taken by Elisha in the changes which led to the accession of the latter pair. But no reference is made to Shalmaneser or to Assyria, and the feature is an instructive one for a consideration of the horizon of the writers. Now for the time of Ahab we have three prominent events: (*a*) Ben-hadad's unsuccessful siege of Samaria (1 Kings xx. 1–22); (*b*) Ahab's victory at Aphek in the following year, when cities were restored to Israel (vv. 23 sqq.); and (*c*), after a three years' peace, the war at Ramoth-Gilead when Ahab was mortally wounded (xxii)[1]. The first point that arises is the conflict between Ahab and Ben-hadad and their co-operation against Shalmaneser. Did Ahab take part in the battle of Ḳarḳar willingly or unwillingly? Was he an independent ally or a vassal? The biblical tradition of the relation between the two (see 1 Kings xx. 3 sq.) suggests the latter (cp. Skinner, p. 244); on the other hand, "it is difficult to suppose that Ben-hadad could compel the attendance of such an army as is ascribed to Ahab by the Assyrian inscription[2]."

But it is also necessary to fix the chronological order of events, and since Jehu was evidently reigning in 842 we must either place all three biblical narratives after the battle of Ḳarḳar and cut down the reigns of Ahaziah and Jehoram, or, we must conclude (with most scholars) that the first two precede, while the last follows the great battle. In fact, it is possible to place Ḳarḳar in the spring of 854 and Ahab's last fight at Ramoth-Gilead in the autumn, and this just allows the twelve years before the accession of Jehu.

Consequently, if we are to combine the Assyrian evidence with the biblical traditions[3], we must assume that Ben-hadad had attempted to coerce Ahab, but had himself suffered defeat, that they were united against Assyria (in 854), but that a few months later hostilities were resumed. The biblical tradition might imply some old feud of long standing, it is true, but it seems extremely unlikely, from what is

[1] Chap. xxi, which breaks the connexion, is placed before xx in the LXX.

[2] H. P. Smith, *O. T. Hist.*, p. 195.

[3] The source of the latter "seems to be popular history of the northern kingdom, written from a political rather than a religious standpoint" (Skinner, p. 244).

known of the period, that Ahab should have desired to provoke a conflict with the superior power of Damascus[1]. Some intelligible situation should be conceived, since on the natural interpretation of Shalmaneser's records Damascus had been making strenuous efforts to collect an army of allies, and although the records for 849 and 846 are unfortunately brief, it is quite clear that some coalition still existed at those dates. Thus when the two distinct sources are brought together a serious historical problem arises, and, so far from attempting to explain one in the light of the other, it is safer to consider them more narrowly as separate units in the first instance.

But the Aramaean wars during Jehu's dynasty form a continuous thread. From the annals of his reign we learn that "in those days Yahweh *began* to cut Israel short[2]" (2 Kings x. 32). In the time of Jehoahaz Israel was reduced to its last extremity (xiii. 3 sq. 7). Under Joash the tide turned, and the king in accordance with the words of Elisha evidently defeated Hazael's son Ben-hadad at Aphek, and succeeded in recovering the cities which Hazael had taken from Jehoahaz (xiii. 17, 25). These very brief annalistic statements stand in marked contrast to the detailed narratives of Ahab's time, and the general tenor of the latter shows that they belong to popular tradition and are not without some elements of exaggeration (1 Kings xx. 29 sq.). But those narratives appear to be of one stamp, and the climax is reached partly in the death of Ahab, the punishment for his guilt (xxii. 37 sq.), and partly (in view of his repentance, xxi. 29) in the death of Jehoram, a dozen years later, when a new dynasty began. Now, in the account of Ahab's victory at Aphek (xx. 23–34), the king of Israel who defeated a Ben-hadad is nameless[3], and when the latter agrees to restore the cities which his father had taken from the father of the former, it is a natural inference that Omri had been compelled to cede some of his territory to Damascus. No one will suppose that the reference is to Omri's predecessor Baasha, who had also suffered from a Ben-hadad (xv. 20), but, as the notice stands, it can only mean that Omri, one of the most successful of Israelite kings, in spite of his alliance with Phoenicia and his marriage-relations with Judah, was coerced in some manner by his more powerful neighbour. If, however, the supremacy of Damascus was so great, the varying relations between Ahab and Ben-hadad about the year 854 become more difficult. On the other hand, it is at least

[1] See also H. P. Smith, p. 202: "It is difficult to suppose that the campaign of Ramoth-Gilead, in which Ahab lost his life, took place the same year with the severe losses of the battle of Ḳarḳar."

[2] Or, "to be angry with" Israel (reading לְקָצֹף).

[3] The text of verse 34 is extremely suggestive of later alteration.

a coincidence that the details of the treaty should agree so closely with the events in the time of Joash (2 Kings xiii. 25), and it is not surprising that it has been conjectured that there has been some confusion or interchange (cp. Benzinger, p. 146).

The account of the last interview between Jehoash and Elisha shows faults in the king's character; there was "a lack of grit and determination, a disposition to rest satisfied with something less than the utmost attainable" (Skinner, p. 351). The opportunity was offered to him of making an utter end of the Syrians, but he lacked energy, and the dying prophet chides him for this, and promises him only three victories over his enemy (2 Kings xiii. 14–19). This may be legend, but none the less some meaning it must have; it explains in its way the partial successes which Israel achieved[1], and subsequent references would show that despite the victories of Joash it was Jeroboam who completed the overthrow of Syria. For, a passage (now out of place) refers to the saviour who delivered Israel so that they dwelt in their tents as of old (xiii. 5)[2], and the account of Jeroboam's reign proves clearly that Israel had been grievously afflicted and almost blotted out (xiv. 26 sq.). From these notices, therefore, it is to be inferred that Israel was again plunged into the midst of disastrous troubles after the three victories at Aphek and before the extension of Israelite supremacy under Jeroboam. Conditions are implied upon which the present sources are entirely silent, and it is only by a careful comparison of all the related evidence that their significance can be adequately realized.

Now, on returning to the detailed narratives of Ahab's time we find a remarkable passage—1 Kings xx. 35–43, the general tone of which has led several critics to assign it to a relatively late period. After the unnamed king of Israel had recovered his cities, he made a treaty with Ben-hadad, and a prophet comes forward to denounce the king's leniency. He warns him that as he had freed the enemy whom Yahweh had given over to destruction, he and his people would pay the penalty that ought to have been exacted. The condemnation passed upon this king is of particular interest for the manner in which it illustrates the keen political interest of the prophetic circles. But is not this exactly the spirit which we look for after the victories of Joash? The three defeats of Syria—and no more—the subsequent misery of Israel, the final conquests of Jeroboam, presuppose some cessation of hostility of which Syria subsequently took advantage,

[1] The stronger position of the land is shown also by the defeat of Amaziah of Judah.

[2] That xiii. 5 refers to Jeroboam and not to the advance of Assyria (Winckler, Kent) is almost certain.

and in Joash's day it would require no very great foresight to warn the king that if Assyria could not overthrow Damascus his few victories would not have permanent results.

Moreover, the actual course of events in Jehu's dynasty can at least be *illustrated* by observing the sequel in the narratives of Ahab. Three years later comes the account of the alliance of Ahab and Jehoshaphat against the Syrians at Ramoth-Gilead (xxii). Again the interest lies in the prophets, and the chapter with its conception of the origin of false prophecy does not appear to be from an early source (cp. Ezek. xiv. 9). Here the prophet Micaiah foresees that Israel will be scattered upon the mountains as sheep that have no shepherd (ver. 17), and the Syrians will overrun the land so that a man would flee into an inner chamber to hide himself (ver. 25). The essential purpose of the narrative assuredly proves that we are not dealing with unfulfilled prophecy, and consequently, apart from the problem of finding a place for this chapter anywhere near the date of the battle of Ḳarḳar, it is submitted that it represents historical circumstances which cannot be found in the present history of Ahab or his successors. On the other hand, is not this the situation which is elsewhere implied in the rise of Jeroboam?

Not only is there no true sequel to the representation in Micaiah's prophecy, but the fate of Ahab finds a close parallel in the death of Jehoram. In 1 Kings xxii war has suddenly broken out, Jehoshaphat and Ahab are allied, the army is at Ramoth-Gilead, Ahab is wounded and dies at *Samaria*. A few years later, Ahaziah of Judah in his brief reign assists Jehoram against Hazael at Ramoth-Gilead, Jehoram is wounded, and is killed at *Jezreel*. Apart from the similarity in these situations, the final scenes—Samaria and Jezreel, each connected with a divine denunciation—are not without some significance, and while 1 Kings xxii prepares us for conditions upon which the subsequent narratives are contradictory, the war in 2 Kings ix sq. appears suddenly without any proper introduction and must be viewed in the light of the Assyrian evidence for 842[1].

[1] The reference in 2 Kings ix. 25 sq. is to the field of Naboth the Jezreelite, the massacre of his family, and the oracle of Yahweh. It presupposes the incident in 1 Kings xxi, but not in the form in which it now appears. In the latter, Naboth has a vineyard hard by the king's palace in Samaria, and no mention is made of the death of his sons. On the one hand, Ahab shows unfeigned penitence at the murder, rends his clothes and puts on sackcloth at the news (1 Kings xxi. 16 and 27 in LXX), and the penalty falls upon his seed (vv. 27–29), i.e. Jehoram. But, on the other, Ahab actually dies at Samaria according to Yahweh's word (xxii. 37 sq.; see xxi. 19). It is not easy to determine the true relation between the conflicting passages.

The tradition which associates the activity of Elisha with the accession of Hazael points to some close bond between Israel and Syria. The prophet's visit to Damascus and the courteously framed inquiry from "thy son Ben-hadad" (2 Kings viii. 9) by no means presuppose a state of hostility. If it is difficult to explain Elisha's relations to Hazael and Jehu in connexion with the war at Ramoth-Gilead, it is still more noteworthy that he only *foresees* the horrors which Hazael would perpetrate, and the latter's incredulity hardly accords with other traditions which imply war in 854-842. It is true that some of the biblical narratives represent war with Syria between these dates, but if there are contradictory representations it would be unsound to attempt any premature reconciliation or compromise. Since in Shalmaneser's inscription Hazael appears to be isolated, since Jehu pays tribute to Assyria, and the biblical traditions depict war at Ramoth-Gilead, the view has found favour that Hazael attacked Israel in order to avenge the latter's withdrawal from the coalition, and that Jehu wished to have his independence recognized or supported by Shalmaneser. But the *argumentum e silentio* is a dangerous weapon, and the mere failure to record any allies of Hazael in 842 and 839 should not be pressed too far. The cuneiform data are quite straightforward: a coalition in 854, 849, and 846, the defeat of Hazael (alone) in 842 with the devastation of his land, and a final war in 839 when Hazael was clearly able to hold his own. If, as is generally allowed, his stronghold Sanir in Lebanon may be identified with Senir of Hermon (Deut. iii. 9), the chances are that he was still supported by his southern neighbours; and since Shalmaneser set up his monument on the headland of Baal-raš (Nahr el-kelb) and received tribute from Tyre, Sidon, and Jehu, it is equally plausible (from the Assyrian evidence alone) to assume that Jehu wished to purchase immunity. Indeed, the details suggest (by themselves) some coalition in north Palestine, and Shalmaneser's campaign in Hauran shows how nearly Israel was endangered. Moreover, Hazael's losses are put at 6,000 soldiers, 1,121 chariots and 470 horsemen (so in 842); but nevertheless three years later he was able to maintain his position and only lost four cities, while at the previous battle of Ḳarḳar his forces had amounted to 20,000 men and 1,200 chariots. It seems probable, therefore, that Hazael was not entirely bereft of support, and it is evident from later events that Damascus and Ammon (at least) were natural allies (Amos i. 13 sq., cp. 3 sq.).

There is nothing in the independent Assyrian evidence to show that there was war between Israel and Syria in the middle of the ninth century (854-842 B.C.), or that Hazael found it necessary to

take vengeance upon a defaulting state. Indeed if the latter were the case it would be necessary to infer that Hazael would have his hands pretty full in dealing with other members of the former confederation. But, on the other hand, there is much in the external source which seems to preclude hostile relations between Ahab and Ben-hadad, between Jehoram and Hazael. When, however, we turn to the biblical evidence it is at once necessary to observe that, as Cheyne has pointed out, the fact that Ahab was once actually besieged in his own capital cannot have stood alone (*Ency. Bib.*, col. 92). Consequently, the entire situation cannot be treated as an isolated occurrence. Besides, from 1 Kings xxii we are entitled to expect after Ahab's death conditions which shall justify Micaiah's prophecy, but there is nothing to suggest that it was fulfilled, and it is equally difficult to find the prelude to the state of affairs some years later when Jehoram was wounded at Ramoth-Gilead.

Of the popular narratives which intervene, some are quite devoid of any historical background, while others either do not presuppose any state of warfare or (like the interview between Elisha and Hazael) treat the Aramaean wars as an event of the future. The story of Naaman with the account of Gehazi's leprosy (2 Kings v) does not come from the same source as the incident arising out of the seven years' famine where Gehazi is at the king's court (viii. 1–6); the latter is connected with the account of the woman of Shunem (iv. 8–37), north of Jezreel, and neither knows of any period of hostility. In v. 7, however, it is natural to see some allusion to uncertain relations between Israel and Syria (cp. 1 Kings xx. 7) and ver. 2 explicitly refers to Syrian marauding bands. Kent frankly observes "as in the case of most of these popular stories it is impossible to determine under whose reigns the events took place" (p. 232). Elisha is a prophet of renown, Israel stands in fear of Syria (ver. 7, see Kittel, *ad loc.*), and logically the narrative follows the seven years' famine (i. e. before Gehazi was smitten with leprosy). But there is no decisive date-criterion, and if the object of ver. 2 is to explain how an Israelite maiden came to be in Syria, it is evident that at certain periods of close intercourse another explanation would be equally suitable; ver. 2 may have arisen in connexion with the raids mentioned in vi. 23.

Again, in vi. 8–23, another passage where the Israelite king is unnamed, we have "a popular tale intended to illustrate Elisha's miraculous power; details . . . are conspicuously lacking" (Kent). It ends with the cessation of the raids and should thus logically precede chap. v. (Kittel); but it is generally agreed that it has no historical value, and it is merely one of the traditions encircling the majestic prophet which enable us to understand why Elisha was

regarded as "the chariots and horsemen of Israel." This is followed immediately by a more detailed account of the siege and deliverance of Samaria (vi. 24–vii. 20). It is a time of famine, for which Elisha is held responsible, and since Gehazi still holds a favoured position (as in viii. 1–6), it should precede the story of Naaman. The political background is more distinct but the data are such that a decisive opinion is at first difficult. It is obvious from its position that the narrative is ascribed to the reign of Jehoram, although its connexion with other passages where Elisha is the prominent prophet high in favour would plead for the dynasty of Jehu. Thus Kuenen ascribed it to the time of Jehoahaz, when Israel reached the bed-rock of humiliation. On the other hand, literary and other features tend to link it with stories of Ahab and Elijah, in particular with the story of the relief of Samaria in 1 Kings xx. 1–22. In both, the city suffers all the miseries of a siege, in both the prophet or man of God intervenes. The problem is a complicated one, because (1) the accounts of Ahab's wars presuppose far more than the narratives themselves describe; (2) if there was another siege in the days of Jehoram one would be led to ascribe to the same reign such passages as 2 Kings v and vi. 8–23; and finally, (3) the Israelite annals specifically represent serious conflicts in the following dynasty.

The fact that the unnamed king of Israel is called "son of a murderer" is indecisive (vi. 32 sq.). It describes the king's hostile menace, and while it is very improbable that Elisha would use this language of the dynasty which he supported, it is equally unlikely that the attitude of the sovereign would be that taken by Jehoahaz or Joash. The natural assumption is that we are in the dynasty of Omri, and one may compare Elisha's hostility to Jehoram in iii. 13 sq. This, however, will be a strong argument in favour of the view that elsewhere, where the unnamed king and prophet are on friendly terms, another historical background is to be sought. But the result is singularly embarrassing, since if we accept the logical order of the narratives, 2 Kings iii and vi. 24–vii will belong to the dynasty of Omri while – if the famine in vi. 25 is identified with that in viii. 1–3 – viii. 1–6, vi. 1–23 and v will fall under Jehu or his successors[1]. On the other hand, the words in vi. 31 sqq., which some scholars consider to be decisive for the time of Jehoram, belong to a passage where there are clear signs that the text has been manipulated[2], and

[1] The apparent logical order of the series is: iv. 8–37 (woman of Shunem), vi. 24–vii (war and the famine), viii. 1–6 (after the famine), vi. 8–23 (Syrian raids), and v (Naaman and Gehazi's leprosy).

[2] This is shown by vi. 33 (end) and vii. 2, which presuppose the arrival of the king, and by verse 32.

it would be reasonable to suppose that a later writer has put into Elisha's mouth sentiments in agreement with the condemnation passed by Hosea upon Jehu's bloodshed (i. 4) or that the transference of the narrative (*ex hypoth.*) from Jehu's dynasty to that of Ahab has led to editorial adjustment. At all events, the passage affords no criterion and in dealing with a semi-political story of this kind it is impossible to say what changes may have taken place.

Kent urges the very plausible view that "tradition has combined the popular version of the famine in the days of Elijah (1 Kings xvii) with that of the defeat of the Aramaeans in the days of Ahab (1 Kings xx), and associated both with Elisha" (p. 237). Further support for an historical background in Ahab's time is claimed in the allusion to the "kings of the Hittites and the kings of the Egyptians" (vii. 6), since the latter are doubtless the people of Muṣri who actually took part in the North Syrian confederation of 854. If Damascus had any reason to fear that Israel had hired them we can obtain a definite starting-point, and several scholars agree that this can only be before the battle of Ḳarḳar[1]. But it would be just as plausible to look for this at a later period. The confederation certainly hung together from 854 to 846, and it is very unnatural to suppose that in the years preceding there was such lack of cohesion as the above conclusion implies. From the year of his accession Shalmaneser had been steadily extending his power over the west, and in 859 he subdued the "Hittite" states of Northern Syria (Carchemish, Sam'al, Gurgum). Not until this was accomplished did he advance southwards upon Damascus, and it is safe to conclude that during these years negotiations were being made to secure the support of the states from Arabia to Cilicia[2]. On the other hand, we do know that sooner or later Damascus did not have everything its own way, and although it is unsafe to rely upon the absence of details in the records for 842, it is evident that the rise of Jeroboam in itself presupposes some subsequent weakening of the state[3]. Consequently, the external evidence

[1] Cp. Cheyne, *Ency. Bib.*, col. 2350, also col. 92; see also Benzinger, p. 142.

[2] Cp. Paton, p. 207.

[3] Since this was written, H. Pognon has published a very interesting Aramaic inscription relating to the defeat of Bar-hadad, son of Hazael, and king of Aram, by Z-k-r, king of Hamath and La'ash. Bar-hadad has the support of Gurgum, Sam'al, and other states, thus showing how small coalitions could be readily formed, and how improbable is the view that Damascus was quite isolated in 842. This valuable text, a preliminary account of which was given in the *Revue Biblique*, 1907, pp. 556 sq., is now edited fully in the second volume of Pognon's *Inscriptions Sémitiques*.

scarcely favours the probability of alliance against Damascus, at least before 846, and in all probability a lower date is to be sought.

Perhaps it will now be apparent that although almost any historical theory could be built upon a generous treatment of the various sources and a one-sided selection of the evidence, a more searching examination of the records is inevitable. The history of the Aramaean wars, which extend over one-third of the traditional duration of the northern kingdom, and begin with the dynasty of Omri, is bound up with complicated questions which must be considered separately and in their mutual bearing. (*a*) The wars at the close of Ahab's reign now form a closely connected whole, they imply far more than is actually stated, and they conclude with the expectation that Israel would be scattered without a leader, and its nobles would be forced to hide themselves from the invaders (1 Kings xx, xxii). We certainly do find within the next few years (in *some* traditions), raiding bands of Syrians, the supernatural defeat of Syrian armies, the presence of the enemy in the very heart of the land and the deliverance of Samaria (2 Kings v, vi. 8–vii). But these are disjointed, and there is no prelude to the battle at Ramoth-Gilead when Jehoram was wounded and the occasion was seized for the accession of Jehu (ix). Moreover (*b*), with Jehu's rise we find only the extermination of the Baal-cult and its supporters in the family of Ahab, and we reach the climax of the prophet's condemnation of Ahab and his successors. It is in Jehu's reign that Yahweh *began* to cut short (or be angry with) Israel, and some brief notices enable us to follow the course of events to the rise of Jeroboam. But (*c*) it is here that Elisha, some five and forty years after the accession of Jehu, is found to have been Israel's "chariots and horsemen"; it is he who had prevision of the miseries which Israel would suffer, and when tradition gives him a share in the accession of both Jehu and Hazael, it actually represents friendly relations between the two countries and depicts Ben-hadad's courteous regard for the Samarian prophet. The conflicting situations cannot be commingled. If Elisha's work fell under the dynasty of Jehu, less confidence can be placed in evidence which now fills the gap between the Syrian wars at the death of Ahab and of Jehoram. Some consistently critical attitude must be maintained throughout. Further (*d*), notwithstanding Micaiah's prophecy, Ahab is at once succeeded by Ahaziah who reigns quietly in Samaria and dies of an accident. Moab rebels against Jehoram and an unsuccessful attempt is made to suppress it. The annals of Jehoram even regard him with some favour as a reforming king. While it is to the annals again that we owe our knowledge of the (later) Aramaean wars, the popular narratives relegated to the earlier period

are marked by several peculiarities, of which the frequent omission of the name of the Israelite king is the most significant. Finally (*e*) it is necessary to consider the close resemblance between the course of events in Ahab's day and the history preceding the rise of Jeroboam II. It is well known that history is constantly repeating itself and it is naturally conceivable that tradition could have confused Aramaean wars under Ahab with those of the following dynasty. But on the traditional view these wars lasted practically without intermission for seventy years, and one would not expect the coincidences to be methodical or orderly[1]. It would perhaps be difficult to come to any decision were it not for the external evidence, and the attempt has been made to show that in so far as this appears to support the general traditional outline, this has only been effected by ignoring all the conflicting traditions. Viewed by itself, the inscription of Shalmaneser does not lend its support to any war between Syria and Omri's dynasty; indeed it brings manifold difficulties, and the position which is here adopted is that the biblical evidence cannot be reconciled in any natural manner with what is known from contemporary sources of the history of the middle of the ninth century.

The resemblance between the abruptly introduced series under Ahab, and that which "began" in Jehu's day ceases with the death of Ahab which finds an historical doublet in the death of Jehoram. In each case it is not history which is the controlling factor but prophecy, and to the interest taken in the work of the prophets much of the confusion in our narratives is due. The fluctuation in the traditions of Naboth's vineyard is more significant than appears on the surface. The murder of Naboth the Jezreelite, Elijah's denunciation, Ahab's penitence—these lead to the fate which befell Jehoram at Jezreel (2 Kings ix); it is a modification of this when the penalty

[1] Viz. Ahab's victory at Aphek, followed by the treaty, the popular resentment and warning, the final catastrophe. It will be noticed also that the first great king of Israel was denounced for his clemency to the enemy whom Yahweh had marked out for extermination (the Amalekites, 1 Sam. xv). This is regarded as the explanation of the Israelite disaster in the north, when the enemy occupy the land and the people flee in haste across the Jordan (1 Sam. xxviii. 18 sq., 2 Sam. ii. 8 sq., iv. 4). Israelite tradition was familiar with the state of extremity when the land was "like the dust in threshing" (2 Kings xiii. 7), when arms were lacking, and life and trade were endangered by an enemy who was ultimately overwhelmed in the plains of Jezreel (Judges v). It is at such a time, too, that Israel's heroic figures come to the front (cp. 1 Sam. xiii. 19 sqq.). For historical criticism it is very important to notice carefully *all* the traditions of conflicts in N. Palestine; see p. 626.

falls upon Ahab himself, and his death in Samaria agrees with the location of Naboth's vineyard by the royal palace in Samaria. To some critics 2 Kings ix appears to be a relatively more historical record than the popular narratives with which we have been dealing. Some explanation for the fluctuation of tradition is necessary, and while the death of Jehoram is followed by an account of the manner in which Jehu came to the throne, the anticipation of the penalty for the murder of Naboth has a twofold result: (1) Ahab's death is on the occasion of a similar historical background, and (2) the doctrine of individual responsibility is more implicitly emphasized[1].

III. *Judah and Israel.*

Putting on one side for a moment the arguments which have been adduced in the preceding section, we turn now to a consideration of the trend of the history of Judah as it is represented in our sources. Asa, king of Judah, son or grandson of Rehoboam, may probably be regarded as contemporary with the fall of the dynasty of Jeroboam I, the rise and fall of that of Baasha, the civil war at the accession of Omri, and the extension of Israelite power under that monarch. He was succeeded by Jehoshaphat, the contemporary of Ahab, and the close relation between the two states is evident from their joint participation in war, and from the marriage of Jehoshaphat's son Jehoram with Athaliah the daughter of Ahab. However these relations may have been inaugurated, there can be little doubt that the southern kingdom was affected by the religious innovations which marked Ahab's marriage with Jezebel, and there is no support for the assumption that the presence of the temple of Jerusalem ensured religious conditions in Judah much superior to those in the north[2]. Jehoshaphat, for example, passed for a king of indubitable orthodoxy, but this favourable judgment must be carefully weighed in view of the opinions held regarding his successors or even his kinsman Ahab.

Little is related of Ahab's successor Ahaziah apart from the revolt of Moab and the story of the king's sickness in 2 Kings i (see above, p. 600). He was followed after a brief reign by Jehoram his son—more probably his brother (so Lucian's recension)—and the persistence of the close union between north and south may be naturally inferred. In fact, Jehoram and Jehoshaphat are found in alliance against Moab (2 Kings

[1] It is well known that different representations of Ahab's character are given in the narratives. His name became a by-word for wickedness and religious institutions opposed to purer conceptions of Yahweh (Mic. vi. 16, 2 Kings xxi. 3).

[2] Cp. W. R. Smith, *Prophets of Israel* (2), pp. 111 sq., 199.

iii). Jehoshaphat, however, was apparently soon succeeded by his son Jehoram, with the result that the two kingdoms were now ruled by kinsmen of identical name. But after serious troubles in Judah, Jehoram was followed by Ahaziah, whose reign was as brief as that of his namesake in Israel. Like Jehoshaphat, he took part with Israel in the Aramaean war at Ramoth-Gilead, and on his return he fell in the massacre of the royal families of Judah and Israel by which the dynasty of Jehu was inaugurated.

No one can doubt that the history represents Israel and Judah as united by the closest bonds, and the evidence has not unnaturally led to the belief that during these few years Judah was practically the vassal of Israel. Certainly, the two were united in policy and cult, and the revolt which was aimed against the Baal-cult and its patrons and led to Jehu's accession must have concerned both Judah and Israel. The Israelite dynasty was exterminated, Ahab's seventy sons were slain, and the Judaean royal house was equally unfortunate[1]. The king of Judah fled from *Jezreel*, but died at Megiddo (ix. 27); according to another account he was found in hiding at *Samaria* (2 Chron. xxii. 9). The chronicler's tradition is not dependent upon 2 Kings; so far from being a hasty and not quite accurate summary of the earlier source, a careful comparison suggests the use of an originally independent authority[2]. This feature is of considerable importance for the historical criticism of the period. Moreover, forty-two of the Judaean royal family were slain by Jehu between Jezreel and Samaria (2 Kings x. 12–14); perhaps, if we may accept 2 Chron. xxii. 8, in company with sundry Judaean nobles[3]. On the other hand, the Judaean narrative relates that when Athaliah, the half-Phoenician wife of Ahaziah, saw that her son was dead, she slew all the males of the royal house, and that the infant Jehoash alone escaped (xi. 1). It is unnecessary to lay any weight upon the chronicler's tradition of the disasters which had overtaken the

[1] Ahab's sons were slain in *Samaria* (2 Kings x. 1), and brought to *Jezreel* (ver. 7), where all that remained of Ahab's house fell together with his kinsmen and priests (ver. 11). Jonadab then accompanied Jehu to *Samaria* for the extermination of all that remained to Ahab (ver. 17), and for the slaughter of the priests of Baal. It seems highly probable that there is some fusion of tradition identical with that which has been already noticed (p. 604).

[2] See Benzinger, *Chron.*, p. 110 sq.; Kittel, *Chron.*, p. 145.

[3] Literary criticism finds a difficulty in the present position of 2 Kings x. 12–14 which implies that the princes were fleeing *northwards*. For historical criticism, however, it is indisputable that a massacre of the Judaean royal family by Jehu was current in tradition.

Judaean dynasty scarcely a year or two previously (2 Chron. xxi. 17, xxii. 1): there is sufficient ground for the conclusion that the situation at the rise of Jehu was equally serious in Judah and Israel, and it will probably be allowed that the chronicler has hit off the situation in his statement that "the house of Ahaziah had no power to hold the kingdom" (xxii. 9)[1].

The various sources have thus brought the history of the two kingdoms to a well-marked stage. Jehu's accession was the victory of the reforming party, and it can scarcely be denied that Judah stood in need of religious reforms as surely as its more powerful neighbour (cp. 2 Chron. xxi. 6–13, xxii. 3). Israel and Judah were intimately joined by common blood and history and by the absence of definite geographical frontiers. Some of the prophetical guilds lay hard by Judaean territory, and the Rechabite supporter of Jehu belonged to a clan related to the Kenites and therefore of Judaean or southern ancestry. Moreover, intercourse between the two states, obvious enough in itself in times of alliance, is confirmed by the stories of the period. Consequently, it is on *a priori* grounds hardly likely that the reforms under Jehu were confined to Israel, and a Judaean source is obviously in harmony with the situation when it states that the people of the land destroyed the temple of Baal, broke up its altars and images, and slew the priest (2 Kings xi. 18). That is to say, if we consider the broad outlines of the period, the relations between north and south, the prevalence of the Baal-cult in both, the disasters which befell the two dynasties, and the reforms which mark the climax of the preceding years, we can gain a fair picture of the general situation which should enable us to apprehend the events which ensued. And here we are at once confronted with what I venture to think is an irresistible conclusion: Jehu, the nominee of the conquering party, would claim to be king of Judah even if popular opinion would not naturally regard him as such.

This conclusion, however, is admittedly contradicted by other evidence, and the ordinary plain historical continuity is found to be at direct variance with another source. Down to 2 Kings ix-x the history has favoured the expectation that the king who overthrew both dynasties would lay claim to both Judah and Israel, whereas in xi sq. a novel source gives an independent account of the fate

[1] Our survey of the main outlines does not require any critical study of the traditions relating to the Judaean massacres, but it may be observed that the intimate relationship between Jehoram and Ahaziah makes it unlikely that a careful distinction between Judaean and Israelite princes or nobles was regularly maintained.

of the Judaean royal family, depicts another background and furnishes another representation of the events. Athaliah, it is said, maintained herself upon the throne after the death of her mother Jezebel, and perished in a conspiracy no less than six years later; and this interval separates the reform in Judah from the parallel movement in Israel. We have already seen that there is a difference in the treatment of Israelite history before and after Jehu; here, too, we find that the compiler has utilized another record, and no light is thrown upon the relations which had hitherto subsisted between north and south. It is surely difficult to see how the daughter of Jezebel could have succeeded in maintaining her independent position. Judah was necessarily in a weakened condition, if only on account of the Edomite revolt (2 Kings viii. 22), and the suggestion that Athaliah had the support of the Judaean army would presuppose situations which must be judged in the light of the previous participation of Judaean and Israelite armies in warfare. It is necessary to visualize the situation with the help of all that can be gathered of revolts and internal disturbances in other periods of biblical history. The revolt of Edom, for example, carries with it much more than appears on the surface; the massacre of royal families must have profoundly struck the army and priesthood. It is easy to register the supposition that Athaliah hoped to take vengeance upon Jehu, but the question inevitably rises: How was this to be effected? To suggest that she relied upon Phoenician help scarcely solves the problem, since one does not know what part Phoenicia took after the murder of Jezebel, the daughter of the priest-king of Sidon. The attitude of Jehu and Israel must excite speculation, but the Judaean source is occupied with the history of Jehoash and his work upon the temple. No doubt it is a plausible suggestion that Jehu was fully occupied with the Aramaean wars (Winckler), but the independent study of the latter has rendered it doubtful whether implicit reliance can be placed upon the view that they began so early. Besides, during the minority of Jehoash the power lay in the hands of the priest Jehoiada, and it is clearly important to form some opinion of the relations between the reforming priests of Jerusalem and the prophetical party under Elisha in Israel.

About fifty years later, Amaziah of Judah came into conflict with Joash of Israel; Amaziah was captured, Jerusalem was occupied, its northern walls demolished, the temple and palace sacked, and hostages removed to Samaria (2 Kings xiv. 13 sq.). If we consider deliberately the significance of this brief notice and attempt to form some idea of all that it entails, it is impossible to convince oneself that this was merely the outcome of a mere vaunting

challenge (xiv. 8 sqq.)[1]. Historical inquiry cannot be in direct proportion to the quantity of its evidence, yet it is singular to observe the inadequate attention often bestowed upon brief significant notices of this nature. We have here remarkable light upon the political situation; it is the first positive piece of information since the death of Jehoram, and it is sufficient to show that *after* the period of union between Israel and Judah in the Omri dynasty, and *before* this disastrous catastrophe in Judah, important developments are to be inferred upon which our narratives are silent. Thus the problem is the determination of the antecedent events, the recovery of historical situations which for some reason or other have been passed over, and it is necessary to examine more closely such narratives of Judaean history as have been allowed to survive.

The account of Jehoash in 2 Kings xi. 4-xii. 16 appears in 2 Chron. xxiii. 1-xxiv. 14 in a form which is peculiarly characteristic of the later treatment of records. But even the former shows marks of a late hand, and there is reason to suppose that xi. 10 owes its introduction to the notice in 2 Chron. xxiii. 9. It may, however, be preferable to assume a common source for these verses, and the view that the chronicler has not simply re-written the record preserved in Kings, but has relied upon a parallel record, is suggested by the additional details of Jehoiada in 2 Chron. xxiv. 3. Further, that the chronicler had access to some independent tradition is demonstrated by the circumstance that 2 Kings xii. 17 sq. is replaced by a novel account of the Aramaean invasion (2 Chron. xxiv. 23 sq.), and that it is preceded by a story of Jehoash's iniquity, which surely attests some earlier source. After the death of Jehoiada it is said that the princes of Judah came and did obeisance to the king, and he hearkened unto them; they turned aside from Yahweh, and wrath came upon Judah and Jerusalem for their guilt; prophets were sent to bring them back, but they would not give ear; when at length the priest Zechariah solemnly denounced the king, the people conspired against him and stoned him to death. The sequel is found in the invasion of the Aramaeans, when a small force overwhelmed the land—the chronicler not unnaturally regards this as the penalty for the apostasy of Judah. But obviously neither the chronicler nor his age would invent both the cause and the effect, and whether he framed the apostasy to account for the invasion or endeavoured to find a necessary punishment for the king's iniquity, the fact remains that he did not utilize the account of

[1] There is a curious allusion to an attack upon the cities from Samaria unto Beth-horon in 2 Chron. xxv. 13.

Hazael's march upon Jerusalem (2 Kings). It is true that the book of Chronicles will endeavour to explain the cause of the misfortunes of monarchs, but the tradition which he has to explain is not that in the book of Kings; it is also true that their sins receive a befitting penalty, but again, it is not the earlier work which supplies the text.

Consequently, one may infer that the chronicler's records do not preserve purely arbitrary or worthless traditions, although it must be freely admitted that any attempt to recover their original value must be hazardous. It is significant, however, that the details suggest some reaction after the death of Jehoiada; some serious conflict in which the nobles and the king made common cause against the priests. According to 2 Kings xi sq., Jehoiada must have held the reins until Jehoash reached maturity, and one can only form conjectures as to the relations between the reforming parties of Israel and Judah. The novel story of an apostasy from Yahweh amid the protests of priests and prophets may represent the form which tradition had taken in the chronicler's age, and it is plausible to assume that it is on a line with the treatment elsewhere of political history from a religious standpoint. To appreciate this it is only necessary to place oneself in the age of Jehu and Elisha, and to consider the significance of an act of apostasy from *their* point of view. If one attempts to understand the times of Jehu, Elisha, and Jehonadab, it is not difficult to conceive what would have been thought if Jehoash and the nobles of Judah had actually severed themselves from the reforming movement. In fact, if Jehu came to the throne as the supporter of the reformers and as king of Judah and Israel, and if, under circumstances which it would be useless to conjecture, Judah subsequently succeeded in recovering its independence under Jehoash, our knowledge of the general conditions shows that this would both explain certain features in the chronicler's tradition and would form the necessary antecedent to the defeat of Amaziah and the vengeance taken upon Jerusalem.

Some hypothesis of this kind seems to be demanded by the traditions viewed as a whole. The Judaean compilers clearly hold that the kingdom of Judah was recovered for the family of David, and it is inevitable that historical inquiry should attempt to ascertain more precisely the probable events of the age. Now, in considering the evidence which conflicts with this hypothesis, it is impossible to overlook sundry phenomena in the Judaean narrative, 2 Kings xi–xii. The overthrow of Athaliah is followed by the accession of Jehoash and his temple-reforms. But the ruined condition of the temple in his twenty-third year (xii. 6) can hardly be ascribed to the

mysterious disasters which befell the city in Jehoram's reign, an event for which the chronicler is our authority; nor is it probable that it is due to the misdeeds of Athaliah as this writer believes (xxiv. 7). The infant prince had been secreted in the sacred precincts (1 Kings xi. 3), and for some years at least the high-priest Jehoiada was practically at the head of affairs. Moreover, the history of Judah does not lead to the expectation that there would be Carites among the temple-guard in the ninth century (xi. 19). But these narratives, in common with xvi. 10–18 and xxii. 3–xxiii. 24, have been assigned to a series of temple-narratives[1], and although to postulate a *continuous* "history of the temple" may be (with Skinner) too narrow a conception of the writer's standpoint, "attention is focussed, not on the king and the fortunes of the kingdom, but upon the temple and its ritual" (Kent). It is also to be observed that in some cases the citations form part of the Judaean annals themselves, that of the 480 years from the foundation of the temple to the Return from Exile the reform of Jehoash marks the end of the first third, and that there is reason to believe that we owe the Judaean chronology to the hand which introduced the temple-notices[2].

There is a close literary relation between the account of the repairs in xii. 11–16 and those in the time of Josiah (xxii. 3–7); points of resemblance in the history of these kings can also be found. Both come to the throne after a revolt, and in each case their tender years imply a regency, of which, however, there is no hint in the life of Josiah. The condition of the temple is perhaps more intelligible in the later age, the allusion to Carites is more natural in the seventh century, and, if Athaliah's name is of Assyrian origin, its occurrence after the time of Manasseh is perhaps more probable[3]. It is now very generally agreed that xxii sq. have been revised, though to what extent is disputed. The account of Josiah's interest in the repair of the temple is entirely superseded by the discovery of the law-book, and the buildings ("which the kings of Judah had destroyed," 2 Chron. xxxiv. 11) are ignored in the description of the great reform which constitutes the climax of the book of Kings. But such repairs now enter into the history of Jehoash in an incident which is scarcely creditable to the priests: it was in the eighteenth year (of Josiah) that instructions

[1] Wellhausen; cp. Benzinger, p. 159; Robertson Smith and Kautzsch, *Ency. Bib.*, col. 2671; Kent, p. 17.

[2] See for the latter, W. R. Smith, op. cit., p. 147 sq., and cp. *J. Q. R.*, XX, pp. 159, 161.

[3] Athaliah: "Yahweh is exalted" (so Cheyne, who compares Ass. *etellu*).

were given to attend to the needs of the temple-structure (xxii. 3), but in the twenty-third year (of Jehoash), it was found that the priests had not repaired the breaches of the house, and Jehoiada and his colleagues were taken to task for their negligence. Cases can be adduced where historical material was freely used for specific purposes, often with only slight and superficial adjustment, and even in 1 Kings xv. 15 a compiler has inserted an obscure allusion to the temple-vessels which is only intelligible when the verse is considered in its suitable context in vii. 51. Here it is possible that the writer intended to illustrate Asa's piety from his temple-source without any careful regard to sense or connexion, and this view may be supported by the reference to David's weapons in 2 Kings xi. 10, 2 Chron. xxiii. 9, which overlooks the previous notice in 1 Kings xiv. 26 sq. It must be admitted, however, that the data are too inconclusive for any positive decision, but the possibility still remains that the account of the rise of Jehoash (in so far as the situations conflict with the trend of history) has been influenced by that of the young Josiah, where the account of the temple has now been almost superseded by a description of his epoch-making reforms[1].

In Jehu's reign "Yahweh began to cut Israel short," and Hazael made his attacks upon the land. The Judaean annals relate that Gath was taken and that Jerusalem escaped by offering a timely bribe (xii. 17 sq.). It is true that the Syrians reached Aphek, presumably on the road to Philistia, but the first onslaughts were delivered east of the Jordan (x. 33), and it is conceivable that Judah was not threatened in the early stages of the war. The reference to Gath raises the question of Philistia, and Ewald conjectured that it had been conquered by Judah and had appealed to Damascus for aid. In 2 Kings xiii. 22 Lucian's recension records the tradition that Hazael had taken the Philistine out of the hand of Jehoahaz, from the Western Sea unto Aphek. This independently points to the later date for the invasion of Judaean territory, and it is interesting to notice that xii. 17 sq. and xiii. 22 (Lucian) represent events from the Judaean and Israelite standpoints respectively. The Judaean version is chiefly interested in the temple (so also in the notice of Shishak's invasion, 1 Kings xiv. 25 sqq.), and, as already observed, 2 Chron. xxiv. 23 sqq. follow a different tradition, associating the attack with some apostasy after the death of Jehoiada. Here it is stated that a small Aramaean army destroyed the Judaean host and sent all the

[1] Apart from the suggestion in *J. Q. R.*, XX, 163, n. 1, it may be added that E. Day, *Journ. Bibl. Lit.*, 1902, p. 203, lays stress on the close connexion between the history of Josiah and that of Jehoiada; cp. also W. Erbt, *Orient. Lit. Zeit.*, 1908, Feb., col. 59 sqq.

spoil to the king of Damascus, and there is no allusion to the use which was made of the temple and royal treasure. Naturally, if the Syrian army had been under the command of Hazael of Gath, he, as king of Damascus, would have taken the spoil for himself; and the notice finds a more intelligible explanation in the conjecture that Syrian mercenaries had been hired and that the booty was the payment for their services.

Our survey of the history from Ahab to Jehu has led to the conclusion that the traditions are at variance in regard to the Aramaean wars, and that the evidence tends to the view that they did not commence before the dynasty of Jehu. Further, the traditions point to the independence of Judah under Jehoash and Amaziah *after* the practical union of Judah and Israel under the Omri dynasty and *before* the vengeance taken by Israel upon Amaziah. It was inferred that Jehu would at least lay claim to sovereignty over Judah, and although some narratives imply that the government of Judah for some years actually lay in the hands of the priests (Jehoiada), a singular story suggests that there was a combined effort by Jehoash and the Judaean nobles to break away from the priestly party (i. e. from those who had promoted religious reforms parallel to those in Israel). The main object of these notes being to indicate the problems and not to attempt to settle the numerous questions which are inevitably raised, it is perhaps enough to observe that historical criticism will scarcely be able to recover the true history of the period save in its broadest outlines. Had there been the break in Judaean history which our conclusions suggest, it is only natural that the national records should have attempted to bridge it, and it is instructive to find at a later period, where another interruption may be inferred, clear traces in the chronological systems of earlier and later conceptions of the relations between Judah and Israel[1].

IV. *The History of the Period.*

The fact that Jehoram and Ahaziah are kings both of Judah and (in the inverse order) of Israel in the few years separating the two pairs Jehoshaphat and Ahab from Jehoash and Jehu may illustrate the intimate relationship between the two reigning families, but it is a coincidence that, while Israelite history records the

[1] The situation at Amaziah's defeat hardly allows the independence of Judah, and the chronological notices imply that his successor Uzziah began to reign in the third year of Jeroboam (xv. 8) or in the twenty-seventh (xv. 1), although others allow that Amaziah "lived" fifteen years after the fateful battle (xiv. 17, cp. xiii. 10 with xiv. 2).

sickness of Ahaziah and Elijah's prediction (2 Kings i), the chronicler has the story of a message from Elijah to Jehoram of Judah announcing his impending death from a frightful disease (2 Chron. xxi. 11–15). It is true that Elisha has already taken the place of Elijah in the account of Jehoshaphat and Israel (2 Kings iii. 11); but this does not explain the story, and one is obliged to recognize that the chronicler had access to some very interesting material. The recognition of this, however, is to be kept distinct in the first instance from any inquiry into its true historical value. Further, the account of Jehoshaphat's wars in Chronicles is undoubtedly extravagant, but even 1 Kings xxii. 47 implies the conquest of Edom, and this scanty notice, when estimated in the light of known conditions in the south of Palestine, clearly brings with it much indirect information. Again, the brief references to the rebellion of Libnah (in the Philistine country) and of Edom against Jehoram (2 Kings viii. 20–22) may very properly be regarded as the merest abstract of data which reappear in a late and exaggerated dress in the chronicler's story of the Philistines, Arabians, and Cushites (2 Chron. xxi. 16). Yet another example is afforded by a comparison of Uzziah's recovery of Elath in 2 Kings xiv. 22 with his successes over Philistines, Arabians, and Meunim (2 Chron. xxvi. 7). Concerted action between Philistia and Edom (with the allied districts) is entirely intelligible, as is clear from the history of Ahaz and Hezekiah, and it is not improbable that the use of the term "Arabians" in Chronicles is due to the circumstances of the post-exilic age when the Edomites no longer held their earlier seats.

Now, since the relations between Judah and Israel under Ahab scarcely changed when this king was succeeded by his son Ahaziah, the chronicler's account of the destruction of Jehoshaphat's fleet (2 Chron. xx. 35–37) is probably correct in representing the two kings as partners from the first[1], and 1 Kings xxii. 47–50 puts the incident in a rather different light with the apparent object of obscuring an alliance which was not considered creditable. When, moreover, the chronicler proceeds to give the warning of the prophet Eliezer, the son of Dodovahu of Mareshah (xx. 37), there is no reason to doubt that some older source has been used, since we know that Libnah and Edom subsequently revolted against Jehoshaphat's son, and not only was Mareshah near the scene of trouble, but the name of the seer's father has quite an old stamp[2]. One may surely conclude in this

[1] See Skinner, p. 270. The chronicler's passage is famous for the misinterpretation of the Tarshish ships.

[2] G. B. Gray, *Hebrew Proper Names*, p. 232.

case at least that the novel traditions of the book of Chronicles rest upon sources the essential elements of which are closely akin to the now abbreviated notes in Kings. The historical value of these sources does not, however, belong to an inquiry which aims at collecting and sifting all accessible material.

At this stage, the Moabite campaign deserves notice. According to 2 Kings iii, Jehoram of Israel was in alliance with Jehoshaphat; the chronological scheme in Lucian's recension, however, is obliged to substitute Ahaziah, and the statement in 2 Kings i. 17 shows decisively that the Israelite Jehoram had come to the throne in the second year of his Judaean namesake. Nevertheless, there can be little doubt that one of the objects of the *present* narrative is to contrast the good king Jehoshaphat with the Baal-worshipper of the house of Ahab (iii. 13 sq., contrast ver. 2). There are literary points of contact with the narratives of Ahab and Jehoshaphat, and it seems probable that a purely political narrative has been used in order to illustrate the influence of the prophet Elisha[1]. The last-mentioned is discovered in the camp, or in the desert-region south of the Dead Sea; he is summoned to save an army from dying miserably of thirst, and this becomes a fresh wonder when the Moabites believe that the allies had fallen upon one another[2]. Part of the narrative describes the manner in which the army was wont to devastate Moabite territory (the tenses in ver. 25 are frequentative), but it hastens to describe a single occurrence at Kir-hareseth, and concludes abruptly with a reference to some Israelite disaster. When these points are taken into consideration with the appearance of Elisha (well known to Jehoshaphat as a true prophet, ver. 12), it seems highly probable that the whole account is the result of careful re-writing or revision. Consequently, the allusions to the *king* of Edom as an ally of Israel and Judah do not belong necessarily to the original narrative. Edom had been subject to Jehoshaphat (1 Kings xxii. 47 sq.); it had revolted under Jehoram of Judah when it "made a king" for itself (2 Kings viii. 20), and it was subsequently re-conquered by Amaziah. The natural assumption would be that Edom was now either a dependent vassal—and without a king—or hostile, and support for the latter may be claimed in the attempt of the king of Moab to cut his way through to the king of Edom—not with the object of taking vengeance for a supposed act of unfaithfulness,

[1] Cp. verses 7, 11 with 1 Kings xxii. 4–7; ver. 14 with xvii. 1; ver. 20 with xviii. 29, 36.

[2] If a natural explanation of the incidents can be found the writer of the narrative was ignorant of it, and to rationalize the details is to obscure the story as it appealed to its readers.

but simply in order to join forces with his ally[1]. Mesha's inscription shows that Omri must have forced Moab southwards, i.e. towards Edom, and its attempt to recover its independence would certainly involve some agreement with Edom. It may be assumed, therefore, that Jehoram's march round by the south end of the Dead Sea was intended to drive a wedge between the two states, and from the account of the withdrawal of the army it appears that the expedition failed[2]. Thus there is some ground for the view that underlying 2 Kings iii is a tradition of the defeat of Jehoram of Israel at the hands of Moab—and probably Edom—and in this neither Elisha nor Jehoshaphat originally found a place. It is more important, however, to observe that if Israelite tradition has recorded an unsuccessful expedition by Jehoram along the southern side of the Dead Sea against Moab—and probably Edom, the independent annals of the Judaean Jehoram, with their brief allusion to the revolt of Libnah and of Edom, make no reference to Israel—whose aid would surely have been enlisted—but mention some obscure defeat by Edom at the otherwise unknown Zair (צָעִיר). Various conjectures have been made, but one can hardly find a better one than that of Ewald, viz. Zoar (צֹעַר) at the extreme south end of the Dead Sea[3]. The result is suggestive—and embarrassing, and it is necessary to bear in mind that in dealing with independent records, the presence of independent standpoints must be allowed. From the Judaean annals alone it is tempting to associate the disaster to Jehoshaphat's fleet at Ezion-geber (1 Kings xxii. 48) with the great revolt in the time of Jehoram of Judah, but the loss affected both Jehoshaphat and Ahaziah (2 Chron. xx. 35–37), and it is Ahaziah's son Jehoram of Israel who suffers from Moab—and Edom. Had there been one king over a united Judah and Israel, it is possible to understand how the coincidences in the history of this period could have arisen in the attempt to narrate events from separate standpoints. There seems to have been a body of tradition upon which the historians could draw, and this they apparently utilized at a time when no very clear recollection of the events was retained.

These wars of the period between Ahab and Jehu, when the peoples of South Palestine and Moab were up in arms, may be

[1] To a certain extent this interpretation of 2 Kings iii. 26 is held by Kittel, *Kings*, pp. 193, 196; see also Küchler, *Stellung des Propheten Jesaja*, p. 6.

[2] For joint action by Moab, Edom, &c., cp. 2 Chron. xx. 10, 22. Some hostile relations between the two appear to be indicated in Amos ii. 1, but naturally the relations would vary from age to age.

[3] An equally simple emendation is required in Jer. xlviii. 4 (end).

supplemented by the story of the remarkable successes ascribed to Jehoshaphat in 2 Chron. xx, and by the chronicler's history of the Judaean Jehoram (xxi–xxii. 1). On ascending the throne the latter slew his brethren and many nobles, and was denounced by Elijah; the Philistines, Arabians, &c., invaded Judah, looted the palace, carried off his wives and sons, and left only the youngest Jehoahaz (Ahaziah). This tradition is incorporated by the chronicler together with the familiar notice of Edom and Libnah, and must, like the latter, be taken from some older source. In spite of its late dress some of the elements are entirely plausible, and although the picture differs from that which we gain from the book of Kings, even the latter contains features which are found to present the most serious difficulties. It is another picture of revolt in South Palestine; and the scenes of bloodshed at the accession of Jehoram cannot fail to recall the rise of Jehu who, by the way, is twice called the son of Jehoshaphat (2 Kings ix. 2, 14), and, as Ahab's captain, may well have been of the royal blood (cp. Abner).

The view that Judah was the vassal of Israel, in the latter part of Omri's dynasty at least, is too well known to call for comment, but, although we may probably infer that it recovered its independence under Jehoash, it is impossible to work back with any security through the preceding years. How Judah came to lose its independence can scarcely be guessed, and if certain data suggest that Judah and Israel had been under one king, there is no evidence to determine how or when this situation arose. Even the earlier Judaean traditions elude inquiry. Both Baasha and Omri gained their position when the Israelite army was laying siege to the Philistines at Gibbethon (1 Kings xv. 27, xvi. 15), an unidentified place mentioned with Eltekeh, Aijalon, &c., in the southern territory of Dan (Joshua xix. 40–46). These isolated facts cannot be isolated in any inquiry, and the conflicts separated by some five-and-twenty years must have both cause and effect. Fuller narratives of such disputes would tempt us to ask the position of Judah, but Judah is ignored and the Judaean narratives are unaware of the crises. On the other hand, both Israelite and Judaean annals record war between Asa and Baasha "all their days" (1 Kings xv. 16, 32), and an interesting incident is related. Asa, it seems, was hard pressed by Baasha, and could only gain relief by sending to Ben-hadad and begging him to break his alliance with Israel. An army was at once dispatched against the northern territory, and Baasha was compelled to retire (xv. 17–22). The incident is practically a torso. The compiler of Kings had already described the foundation of the kingdom of Damascus and Edom's recovery

of its old position. Both are represented as constantly inimical to Solomon (xi. 25, cp. ver. 22 LXX), and consequently the allusion to the alliance between the fathers of Asa and Ben-hadad point to some significant changes during the twenty years of Rehoboam and Abijam. Further, if Damascus was bribed to break off its alliance with Israel, this, too, is important for subsequent history, and modern writers who condemn Asa's policy have seen in it the foundation of future troubles. Ultimately, however, Israel and Judah are represented as united against Damascus, and in Ahab's time we are suddenly plunged into the midst of the siege of Samaria. It is obvious that this fragment of Asa's history supplies food for conjecture, but there is no independent evidence by which to test it, and its value for us lies primarily in its bearing upon the Aramaean wars.

The endeavour has been made in the course of these notes to trace the wars between Israel and Damascus, and reasons have been given for the view that they began *after* 842. Also, upon independent grounds, from a survey of the relations between Judah and Israel, it has been inferred that there was a separation between the two after the downfall of the Omri dynasty and before Joash's great defeat of Amaziah. Certain traditions point to a conspiracy of the Judaean nobles and Jehoash and to the invasion of Judah by Aramaean troops. The account of Asa and Baasha may possibly serve to suggest the course of events. If Jehoash actually followed the policy ascribed to Asa, and used the royal treasure to win over the help of Damascus, a new light is thrown upon the outbreak of war between Israel and the Aramaeans. Even the statement that Jehoash lost his life in a conspiracy thus becomes more natural (in view of the former relations between the two kingdoms) than on the ordinary assumption that he owed his unpopularity to the price he paid for delivering his land from Hazael. It is intelligible that the profound events during the latter half of the ninth century should have made a great impression, and that diverging traditions should have been current; it is natural, too, that, had the history of Judah taken the course which we have suggested, later compilers may have found traditions more favourable to their national patriotism. This conjecture of the origin of the Aramaean wars can only be made in all diffidence, but it is at least a coincidence that the presumed results of Asa's appeal to Damascus agree closely with the events in Jehu's dynasty which are without an antecedent.

V. *Conclusion.*

In these notes we have attempted to investigate the history of an age where there seemed to be sufficient evidence for some preliminary conclusions; it now remains to summarize briefly a few of the more important features. The few years from the decline of Ahab to the rise of Jehu extend over about one-third of the entire book of Kings—the history of Solomon about another third—and we have the additional advantage of possessing an extremely valuable external source. The last-mentioned has brought out one very noteworthy feature: the silence of the biblical traditions in regard to Assyria. The interest of our authors is national, perhaps rather local; their horizon was circumscribed, they disregarded or perhaps were even unacquainted with the great movements which Assyriological research has revealed. We may contrast them with those prophets whose oracles evince a keen interest in all that went on in the lands around Palestine; and consequently we may avoid the tendency to read our traditions too closely in the light of our fuller knowledge of events. Historians would no doubt allow that events in Palestine during our period were directly or indirectly shaped by the threatening attitude of Assyria, but we cannot recover these from the biblical traditions which give their own representation of the history; and any attempt to dress them in accordance with the cuneiform evidence would be as unsound as to find a scientific evolution theory in the account of the Creation. We desire therefore to avoid all promiscuous combinations of evidence from totally distinct quarters, and this is precisely the method which should be adopted whenever native tradition and external or archaeological evidence have to be brought into connexion. History clothes itself in many ways, and the events which seem most striking to us often fail to leave their mark upon popular tradition. Here, in our period it is not history, in the modern sense of the word, but the work of the prophets, which our writers have at heart; it is not the historian who would embody the quiet domestic stories of Elisha, but those whose interest lay in the prophetical communities; genuine historical traditions have undoubtedly been employed, but it is necessary for criticism to attempt to unravel the threads before the course of history can be safely recovered, and only when some progress has been made in this can the work of literary criticism—the study of the literary growth of the traditions—expect to pass beyond the present initial stages. It is naturally necessary to adjust the results of literary criticism to a historical framework, and for this the study of the four centuries from the time of David to the fall of Jerusalem

is of the first importance. The earlier periods have been dealt with provisionally by the present writer elsewhere; in submitting this collection of notes it must be distinctly recognized that they have intentionally been restricted to an independent survey within somewhat narrow limits.

The treatment of the Aramaean wars and of the figure of Elisha has perhaps been sufficiently noticed. The concise details of the disasters during Jehu's dynasty are apt to be overlooked from their very brevity, but it is necessary to go behind the summary details and seek to recover their significance. As a matter of fact there is much useful evidence which illustrates warfare in North Israel (Deborah and Barak, the victory of the Philistines at Ebenezer and Aphek, the overthrow of Israel at the battle of Gilboa, the wars in the Omri dynasty), and it is obvious that writers could draw at length upon the popular traditions of the district. A closer scrutiny will even suggest that there are parallels which are not accidental but are due to confusion; there are narratives admitted to be much later than the events themselves which contain elements which reappear later in records of subsequent ages in a more historical environment (cp. p. 610, n. 1). This is a feature which it is unnecessary to pursue further at this stage, and any one can picture for himself the significance for the Israelites of the brief data preserved in 2 Kings x. 32 sq., xiii. 3–7, 14–19, 22–25, xiv. 25–27.

The internal history of the period at the rise of Jehu has been obscured, and the Judaean traditions which reach us in two forms (Kings and Chronicles) are too closely occupied with the fortunes of the Davidic dynasty and the temple to furnish us with a representation of the great events in which Judah was vitally concerned. From the Israelite point of view the subject is the fall of one dynasty and the rise of its successor, a change of national importance to which a religious significance was attached even when religious changes were not involved. Jehu, a military commander like Abner or Zimri, comes forward as the champion of Yahweh to end the old age and to inaugurate the new. The founder of the previous dynasty had been confronted with a rival, and civil war prevailed until Omri made good his position. Baasha had killed his predecessor at Gibbethon, and the ill-fated Abner had commenced to intrigue with Judah. That there were grave disturbances before Jehu's accession could already be inferred from the account of the Aramaean war beyond the Jordan, but it is equally necessary to take into consideration the traditions of the serious troubles in which Edom, Moab, and Philistia were concerned.

Although Elisha sent to anoint Jehu the son of Jehoshaphat

(2 Kings ix. 2), he took no part in the reforms. To him is ascribed the inauguration of a new religious era which colours the narratives as a whole, but it is Jehonadab the Rechabite who suddenly leaps into prominence, and as suddenly disappears. Phenomena of this character sometimes have a purely literary explanation; more could probably have been told of the part he took had subsequent writers cared to describe more fully the early years of the dynasty of Jehu. The sect which is thus associated with Jehu's zeal was one which inculcated nomadic simplicity and is connected with the Kenites. Elsewhere Israelite tradition knew of friendly relations between its kings and the clans of the south; Saul shows his friendship for the Kenites (1 Sam. xv. 6), and it is possible that Samuel was of southern origin before later local tradition magnified his position[1]. At all events, we cannot treat Jehonadab as an isolated fact. In the announcement to Elijah at Horeb of the advent of the sword, in the seven thousand faithful adherents of Yahweh and in the sudden prominence of the Rechabite-Kenite sect, there are the traces of a tradition which has hardly left sufficiently definite indications for its recovery; but it is a tradition which cannot be lightly put on one side in view of the criticism of the period. Subsequently we know that the bloodshed of Jezreel was bitterly resented (Hos. i. 4), and this later change in attitude can scarcely be severed either from the subordination of traditions which belong to the clans of the south and appear to represent some distinctive movement, or from the scattered evidence which ascribes to them deeds of violence which it was not easy to exculpate[2]. There are obscure references to the bloodthirsty zeal of another Israelite king (Saul, 2 Sam. xxi. 2), and in view of the unambiguous testimony of Hos. i. 4, it is not surprising that the present history lays more stress upon the wickedness of Omri's dynasty and the judgment which befell it, than upon a new movement which affected both Israel and Judah.

The fall of Omri's dynasty was the penalty for its iniquity: Ahab sinned and repented, and the judgment came in his son's days when Jehoram and Jezebel met their end at Jezreel in accordance with the oracle of Yahweh (2 Kings ix. 25 sq.); but the remission of the penalty is ignored when Ahab's fate at Samaria was the fulfilment of the divine condemnation (1 Kings xxii. 38). The fluctuation of tradition between Jezreel and Samaria is by no means confined to the story of Naboth; it crops out in the account of Jehu's massacres, and it is

[1] *Critical Notes*, pp. 52, 98, note 3, 135, note 1.

[2] See, for the former, *Critical Notes*, p. 82 and n. 1, p. 122 sq., and for the latter, ibid., p. xiv, n. 1.

possible that one ought to recognize distinct local traditions emanating from Jezreel and the more southerly city of Samaria [1].

The narrative in 2 Kings ix seems, on the whole, to be the more trustworthy; it presupposes events similar to those recorded in the extant records of Elijah, but not those accounts themselves [2]. One may probably infer that the original prelude has been replaced by the present history of the life-work of Elijah. This prophet is not named in 2 Kings ix. 25 sq., but he enters into the Samarian version of Naboth's vineyard, and it is perhaps important to notice that the stories of Elijah and Elisha do not encircle Jezreel, but Samaria and Gilgal [3]. Of the Elisha narratives, those which bear upon the Aramaean wars suggest Samaria as their centre, and they clearly embody more historical data than those where the prophet lives among the prophetical communities. It is useful, therefore, to notice Prof. Kent's suggestion that Gilgal inherited the traditions of a more northerly sanctuary, and it is tempting to conjecture that the Jezreelite traditions (which geographically belong to the north of Samaria) are among the oldest which have been preserved [4].

It is easy to understand how the same elements of tradition should attach themselves indifferently to the great figures of antiquity, while the varying forms in which the same figure will appear are due to diverging traditions for which chronological or even merely local causes will suffice. In view of the past results of literary criticism this feature is of very great importance for biblical criticism, and it offers an explanation of the phenomena which so frequently perplex the biblical student. Now, it is especially in the quiet domestic stories of Elisha that parallels with the work of Elijah can be found, and where Elijah is associated with the prophetical guilds it has been recognized that the source in question is relatively late (2 Kings ii). In like manner, when Samuel appears in 1 Sam. xix. 18–24 at the head of a school of the prophets, it is commonly admitted that the passage is one of the later portions of the books of Samuel. It would seem from this, therefore, that the influence of these communities in the growth of the biblical history is of some

[1] Hosea (l. c.) refers only to Jezreel, but see 2 Kings x. 1, 7, 11, 14, 17, 25 (cp. above, pp. 604, 610 sq., 612). The unravelling of this fluctuation is perhaps the most important problem in the literary history of the period.

[2] Cp. W. R. Smith, *Ency. Bib.*, col. 2670, head.

[3] Even the exception in 2 Kings ix. 36 gives a fuller form of Elijah's denunciation of Jezebel than 1 Kings xxi. 23; but the literary history of the latter is extremely intricate (see the Commentaries).

[4] C. F. Kent, *Israel's Historical and Biographical Narratives*, p. 227 (note on § 81).

significance, and it should not be overlooked that the proximity of certain of their seats to Judaean territory would give them a greater interest in Judaean history. A distinct friendliness for Judah has already been observed in the present revised form of 2 Kings iii (see p. 621).

There is a general resemblance between the treatment of our period and that of the history in 1 Samuel. Similar features meet us in both, and there is some ground for the belief that both at one stage passed through the same circles. The books of Samuel and Kings are obviously closely connected, and at a certain period were evidently part of the great Deuteronomic history introduced by the book of Deuteronomy itself. One is aware that there is a predilection for simple literary hypotheses, but if the present notes have any value, it is clear that the literary structure is excessively intricate. The incorporation of groups of tradition representing differing standpoints can of course be due to a single compiler who has drawn upon all accessible material, but it may also arise from the literary vicissitudes of a work in the course of transmission from one centre to another. It was already obvious from the structure of the book of Kings that a certain amount of North Israelite material was taken over into Judah and now appears in a Judaean dress; and this actual transmission with successive stages of revision, suppression or omission, and the incorporation of local tradition frequently suggests itself as an explanation of some of the more complex phenomena in Old Testament research[1].

In conclusion, this endeavour to direct attention to some fundamental problems upon which the criticism of the period depends, may have succeeded in showing the general character of our sources for the history of the ninth century, B. C. In the centuries which follow, the external and internal evidence again affords adequate material for independent investigation, and we enter upon an age of turmoil and revolution, tribal movements and changes of population. These are vicissitudes whose influence upon existing religious and sociological conditions is only to be expected. Both biblical criticism and Palestinian archaeology agree that Israel did not come into forcible possession of "the great and goodly cities", and that no "hornet" drove out the earlier inhabitants. But it is in this later age that those representations of the Israelite conquest which appear to be unhistorical were taking shape. It will be legitimate to suppose that the new peoples who settled in Palestine underwent the experiences which we associate with the invading

[1] See *J. Q. R.*, XX, 157 sq., 164 sq.

Israelites, and that the occupation of another soil involved the acquisition—however partial—of its old traditions, &c. In this later age we reach a significant turning-point in the Deuteronomic spirit and in the Deuteronomic history itself: we look back upon the history of the dim past, the records of which we have attempted to survey, and we stand at the inauguration of an era which amid internal dissension and conflict leads down to the rivalry of Judaism and Samaritanism.

STANLEY A. COOK.

CRITICAL NOTICE.

THE MURSHID OF SAMUEL AL-MAGRIBI.

المقالة الثانية من الكتاب المسمّى بالمرشد فى السبت "*Traktat*" *über den Sabbat bei den Karäern, von Samuel ben Moses ha-Ma'arabi*, nach einer Berliner Handschrift kritisch herausgegeben, ins Deutsche übertragen und mit Anmerkungen versehen. Von Dr. NATHAN WEISZ. Pressburg, 1907, 48+(1)+35 SS., 8vo.

אלמקאלה פי אלמאכלות *Die Speisegesetze der Karäer, von Samuel el-Maġrebi*, nach einer Berliner Handschrift im arabischen Urtext herausgegeben und mit deutscher Uebersetzung, Einleitung und Anmerkungen versehen. Von Dr. N. LORGE. Berlin, 1907, 78+24 SS., 8vo.

Zu den bisher edirten Stücken aus Samuel al-Magribi's Gesetzesbuch *al-Murschid*, die ich in dieser Zeitschrift besprochen habe (s. *J. Q. R.*, XVI, 405; XVII, 594; XVIII, 560), kommen nun zwei weitere hinzu, nämlich Abschnitt II über den Sabbat und Abschnitt VII über die Speisegesetze. Auch diese zwei Publikationen sind ursprünglich als Doktor-Dissertationen erschienen, was die Ratlosigkeit der Herausgeber oft erklärt, aber nicht ganz entschuldigt. Doch verdient hervorgehoben zu werden, dass sie, im Gegensatz zu den letzten vorangegangenen Editionen, ganze Abschnitte enthalten und von einer deutschen Uebersetzung begleitet sind.

I.

Der Abschnitt über den Sabbat zerfällt in 15 Kapitel, wobei die einzelnen Kapitel der Reihe nach an diejenigen Stellen der Schrift, in denen der Sabbat geboten ist, anknüpfen und aus ihnen die verschiedensten Vorschriften deduciren. Der Sabbat, so beginnt Samuel seine Ausführungen, sei seiner Wichtigkeit und der Menge

seiner Gesetze halber an 36 Stellen der Schrift erwähnt (אעלם אן אלשבת פריצה מעטמה מבגלה מדכורה פי סתה ותלתין מוצע מן אלכתאב לגלאלתהא ואתסאע פקהה), doch ist es unmöglich diese Zahl herauszubekommen (s. Anm. 2). Samuel gehört auch hier zu den Erschwerern und stellt den Grundsatz auf, dass alles, was nicht ausdrücklich erlaubt, am Sabbat verboten sei (p. 10, l. 8 : ובאלגמלה כל מא לם יקם דליל עלי אבאחתה מן אלאעמאל פי אלסבת פהו תחת אלחטר ; vgl. auch p. 7 unt.). Selbstverständlich sind auch die Erschwerungen von seinen Vorgängern übernommen, da er wie bekannt in erster Linie Kompilator ist. So findet sich z. B. auch die originelle Behauptung, dass die Scene in Hiob i. 6 sich am Sabbat abgespielt habe (p. 1, l. 10: ועגה יקול ויהי היום ויבואו אלך), bei Jakob b. Reuben z. St., der bekanntlich meistens aus Jefet b. ʿAli schöpft, s. ed. Koslow, fol. 4 a unt.: ויהי היום . יום הראשון מן השבוע הא׳ שנאמר בבית אחיהם הבכור ביום שיקבצו בנן האלהים לעבודת ה׳ ואמרו כי הוא השבת וכו׳. Doch citirt Samuel in diesem Abschnitt keinen seiner Vorgänger mit Namen, sondern nennt sie ganz allgemein. So heisst es z. B., dass man sich über die scheinbare Abrogation, welche Ex. xx. 6 durch Stellen wie Num. xxviii. 9 und Ezech. xlvi. 4 erduldet, in den Schriften über die Grundlagen der Religion und des Gesetzes unterrichten kann (p. 17, l. 12: ומן אראד אלוקוף עלי אלכלאם פי אלנסך פעליה באלכתב אלמולפה פי אצול אלדין ואלפקה; vgl. auch p. 8, l. 6). Aehnlich auch bei einer anderen Gelegenheit (p. 14, l. 6 v. u.).

Polemischen Ausführungen gegen die Rabbaniten begegnet man hier oft, wobei die אלרבאנין nur an einigen Stellen ausdrücklich genannt werden (p. 3, l. 13; p. 6, l. 4 v. u.; p. 14, l. 10). Besonderen Anlass zur Polemik gab das Verbot לא תבערו (vgl. z. B. p. 4, l. 4 v. u.; p. 12, l. 5 v. u.; p. 14, l. 9; p. 18, l. 2 v. u.). Der Ton ist kein aggressiver, nur einmal lässt er sich hinreissen, sie Sünder zu nennen, mit denen seine Seele nicht vereinigt sein möchte, aber auch hier unterlässt er ihren Namen (p. 21, l. 18: ובהדא אלסבב נחן מסגונין . . . פי אלגלות לאן קום מן אלאמה אבאחו פיהא מא לא יגוז ותכלמו עלי אללה תע׳ ועלי שראיעה במא לא יליק פנסלה תע׳ אן ינקרנא [l. ינקדנא] מן חטאיהם ואן לא יחשר נפוסנא מעהם אלך). Andererseits führt er die אלרבאנין auch übereinstimmend an (p. 7, l. 10).

Der Text ist nur nach der Berliner Handschrift gedruckt, aber seltsamer Weise hat der Herausgeber ihn ganz mechanisch wiedergegeben (s. Einleitung, p. 6) und sogar keine eigenen diakritischen Punkte hinzugefügt. An Druckfehlern mangelt es nicht und einmal (p. 14, l. 2–3) ist sogar das Wort וכליהמא in zwei Zeilen gesetzt.

Die Anmerkungen sind sehr dürftig und anstatt auf die Quellen Samuels hinzuweisen werden in ihnen nicht streng zur Sache gehörige Dinge erörtert. So wäre, inbetreff profaner Lektüre am Sabbat, anstatt auf Mose Isserles (Anm. 47) auf Ḳirḳisâni, I, 19 (ed. Harkavy, p. 318, l. 16), Aron b. Elia (גן עדן, 36 d) usw. (vgl. auch Kohut's *Semitic Studies*, p. 440) zu verweisen. Auch die eigenartige Begründung der Notwendigkeit von לא תבערו, das doch eigentlich im Verbot in Ex. xx. 10 inbegriffen ist (p. 12, l. 7 v. u.), stammt von Aron b. Elia (גן עדן, 27 d; daraus in Baschiatschi's *Adderet*, ענין שבת, Kap. XVII), wenn auch Samuel diese Begründung weiter ausführt[1], usw. Ueberdies strotzen diese Anmerkungen von Druckfehlern (so l. z. B. Anm. 57 Ġawaliki anst. Godaliki u. al-Mu'arrab anst. Almu'arabb usw.).

Ebenso mangelhaft wie die Anmerkungen ist die Einleitung Weisz', deren Anfang ausserdem in allzu pathetischem Tone gehalten ist. Charakteristisch sind besonders zwei Stellen. So hat die תרכיב (hebr. רכוב)-Theorie nichts mit dem Sittengesetz gemein (p. 4 ob.), sondern bezieht sich bekanntlich auf das Ehegesetz und ist ausserdem die Stelle bei Pinsker, p. 146 ff., nicht einem Gutachten Samuel's, sondern dem IX. Abschnitt des *Murschid* entnommen. Ebenso hat Samuel die Dogmen von der Erschaffung der Welt, Strafe und Belohnung usw. nicht den Rabbaniten zu entlehnen brauchen (p. 10), da doch die Karäer hierin sich nie von den Rabbaniten unterschieden haben.

Die deutsche Uebersetzung, die ich nur zum Teil gelesen habe, ist sehr schlecht stilisirt und nicht immer fehlerfrei. So lautet z. B. gleich der erste, von mir oben im Original angeführte Satz: "Wisse, dass der Sabbat ein herrliches und erhabenes Gebot ist, in der Bibel an 36 Stellen erwähnt, *zu seiner Verherrlichung und zur Erweiterung seines Verständnisses.*"

II.

Der VII. Abschnitt, der aus 20 Kapiteln besteht, enthält Allerlei, was mit den Speisegesetzen in Zusammenhang steht, also über verbotene Tiere, Fische, Vögel usw. (Kap. 1–6), über Schlachten, כסוי הדם, אותו ואת בנו usw. (Kap. 7–13), über verbotene Fettstücke,

[1] Der von Aron b. Elia an anderer Stelle (fol. 28 b) angeführte Grund vom Schmelzen der Metalle am Sabbat beim Bau der Stiftshütte findet sich schon bei Saadja, s. die Stelle aus Isaak Sar Schalom's מטה עז in Saadia's *Œuvres*, IX, p. 170, nr. 135. Ueber ähnliche Begründungen bei den Samaritanern Munaǵǵa und Ibrahîm s. Geiger, *Z. D. M. G.*, XX, 532 u. Wreschner, *Samarit. Traditionen*, p. 15 ff.

Blut und Spannader (Kap. 14–15), über Schlachten in Jerusalem nach der Tempelzerstörung (Kap. 16), über das Kochen von Fleisch in Milch, den Genuss von toten Fischen und Heuschrecken, über קן צפור und ערלה (Kap. 17–20). Interessant ist hier besonders der Exkurs über die Feststellung der Namen der verbotenen Vögel (p. 3-4), dann die Klage über die Unmöglichkeit sich in der Diaspora von unreinen und verbotenen Sachen ganz fern zu halten (p. 6, l. 8 v. u.: ונחן פי אלגלות בעונו' הר' לא יתם לנא אלכלאין אלכלי' מן תלויתאת אלגוים לאן גלאתנא ובקולנא ואתמארנא מתלותה בהם אלך). Die Polemik gegen die Rabbaniten ist hier öfter als im vorher besprochenen Abschnitt, dabei werden sie nur einmal als אלרבאנין bezeichnet (p. 21, l. 11), sonst aber als אלמכאלפין, d. h. Häretiker (p. 4, l. 9; p. 5, l. 11 v. u.; p. 6, l. 5; p. 9, l. 5 v. u.; p. 11, l. 5 u. l. Z.; p. 21, l. 1). Das hält ihn aber nicht ab, auch hier den Rabbaniten zu folgen, und hat er ihnen, gleich den meisten seiner Glaubensgenossen, auch die Termini שהיה, חלדה usw. entnommen (p. 12–13). Dann polemisirt er in sehr scharfen Worten gegen diejenigen Häretiker, welche das Verbot des Fettgenusses nur auf geopferte Tiere beziehen (p. 15, l. 14: . . . ונהי ען אכלהא וחכם עלי אכלהא באלכרת כקו' כי כל אוכל חלב מן הבהמה וג' וקד תאוֹלו אלמכאלפין עלי הדא אלקול וזעמו אנה ראגע אלי שחם אלשכין אלמקרב פקט ולים דלך בצחיח . . . פאעמי אללה קלב מן יתאוֹל אלבאטל קצדא ויתכלם עלי אללה תע' ועלי כתאבה באלאבאטיל אלתי לא יצח מנהא שיא ויכטי ויכטי גירה). Gemeint ist selbstverständlich Meswi al-Okbari (s. *R. É. J.*, XXXIV, 164), was aber dem Herausgeber (Anm. 108) ganz unbekannt blieb.

Entgegen seiner sonstigen Gewohnheit citirt hier Samuel eine ganze Reihe von karäischen Gelehrten, und zwar: Ḳirḳisâni (p. 5, l. 2 v. u.; p. 18, l. Z.; vgl. *Steinschneider-Festschrift*, p. 216); Abû Ja'ḳûb [Josef] al-Baṣîr (p. 19, l. 1), Abû Sa'id, d. i. Lewî b. Jefet (p. 5, l. Z.), Salomo ha-Nasi (p. 14, l. 15; p. 21, l. 17); Jefet b. Ṣaġîr (p. 14, l. 16; vgl. auch p. 6, l. 2); Israel ha-Ma'arabi (p. 14, l. 15; vgl. *J. Q. R.*, XX, 216) und Israel (l. Josef) b. Kauġak (vgl. weiter unten). Aber auch hier zeigt der Herausgeber seine vollständige Unkenntnis der karäischen Literaturgeschichte. Man lese z. B. seine Ausführungen über die drei Jefet und über den הנשיא (Anm. 3), unter dem selbstverständlich David b. Boaz gemeint ist; über Menaḥem ha-Karai, der für ihn noch immer ein Zeitgenosse Saadja's ist (Anm. 61; vgl. *J. Q. R.*, XVIII, 219); über Ḳirḳîsâni und Josef al-Baṣîr und ihre Schriften (Anm. 131–133), die uns fast noch in die vor-Pinsker'sche Zeit versetzen usw. Ebenso ist J. b. Kauġak ein wohlbekannter karäischer Autor, nur muss es heissen (p. 14, l. 16; dazu Anm. 104)

יוסף בן כוגך anst. ישראל ב' כ'; s. Steinschneider, *Arab. Liter. d. Juden*, § 181[1].

Auch sonst ist zu den Anmerkungen Lorge's, die denen Weisz' gegenüber sich allerdings vorteilhaft abheben, noch Manches hinzuzufügen: Anm. 8. Zur Uebersetzung von אקו und דישון vgl. noch *Z. D. M. G.*, LV, 599. — Anm. 10. Der talmudische Grundsatz היוצא מן הטהור טהור wird von sämtlichen Karäern verworfen (s. *Kaufmann-Gedenkbuch*, p. 176). — Anm. 50. Die von Baschiatschi [L. schreibt immer Beschizi] angegebene Zeit des Saugens eines Kindes stammt von Benjamin Nahawendi, der sie aus der Schrift begründet. Vgl. Kirḳisâni's handschr. *Kitâb al-'anwâr*, Absch. XII, Kap. 29 (Br. Mus. MS. 2578, fol. 134 a): . . . וקד קאל פי דלך בניאמין קולא חסנא יליק פזעם אן חדّ אלרצאע תלתּ סנין ואסתדל עלי דלך בקו' פי שמואל ותעלהו פאכבר אנהא אדכלתה אלי בית אללה ענד מא פטמתה קאל וקיל פי דברי הימים אן אלליואניה כאנו ידכלון אלי בית אללה ולהם תלאתּ סנין לקו' כל הבא לבית י"י לשנים שלש אלך. — Anm. 58. Zu den verschiedenen Ansichten der älteren Karäer über מליקה vgl. *R. É. J.*, XLV, 196. — Anm. 64. Hier wäre noch Israel ha-Ma'arabi's הלכות שחיטה (beigefügt zu דד מרדכי ed. Wien) Kap. 1 anzuführen: ויהיה ישראל מאמין בה' ובמשה רבינו ע"ה ובתורתו האמתית (ר"ל השוחט). Vgl. auch noch Epstein, *Eldad*, p. xliii. — Anm. 138. Zu der Stelle aus Dan. x. 3 inbetreff des Fleischgenusses in der Diaspora s. noch *M. G. W. J.*, 39, 443 und הגרן II, 97 (wo ich auch einige hierhergehörige Zeilen aus unserem Samuel in hebr. Uebersetzung mitgeteilt habe). — Anm. 142. Zum Genuss von toten Fischen und Heuschrecken bei den Karäern vgl. *Z. f. H. B.*, IV, 74.

Der Mangel an literarhistorischen Kenntnissen macht sich auch in der Einleitung bemerkbar, wo die bibliographische Hauptquelle, nämlich Steinschneider's *Arab. Liter. d. Juden*, § 199 (dazu mein *Zur jüdisch-arabischen Literatur*, p. 77) nicht benutzt ist, trotzdem sie p. 7, n. 7 (wahrscheinlich aus sekundärer Hand) angeführt wird.

Die Uebersetzung, die ich ebenfalls nur zum Teil gelesen habe, ist ziemlich sorgfältig. Nur warum schreibt der Uebersetzer Allah anstatt Gott?

Hatten wir auch an diesen beiden Publikationen Vieles auszusetzen, so ist doch jede neue Edition eines jüdisch-arabischen karäischen

[1] Ausserdem citirt Samuel noch (p. 7, l. 11 v. u.) אבקראט פי כתאבה אלמסמי באלפצול, worunter aber nicht die Hippokrates beigelegte Schrift über den Urin gemeint ist (so Anm. 48), sondern dessen Aphorismen, s. Steinschneider, *Die hebr. Uebersetz.*, p. 658.

Textes mit Dank entgegenzunehmen. Hoffentlich erhalten wir in nicht allzulanger Zeit den ganzen *Murschid*, nur wäre den meist als Anfänger hervortretenden Bearbeitern zu raten, dass sie sich zuerst mit mehr Vorkenntnissen ausrüsten möchten.

SAMUEL POZNAŃSKI.

THE MEANING OF חָרְבוֹת.

THE word חָרְבוֹת, which occurs several times in the Old Testament is generally taken to mean throughout "ruins, ruined cities, ruined dwellings." This meaning, however, offers serious difficulties in Job iii. 14 and Ps. ix. 7, and gives by no means a satisfactory sense in Ezek. xxxviii. 12 and Mal. i. 4. In Job iii. 14 various suggestions are made and emendations proposed. It is felt by all commentators that a meaning like "palaces" or "(strong) buildings" is required. Olshausen reads אַרְמְנוֹת, Beer הֵיכָלוֹת, and Duhm, following Ewald, thinks of "pyramids" (Aeg.-Ar. *hirām*, *ahrām*)[1]. In Ps. ix. 7 "ruins" gives no good sense either, and again various alterations in the reading of the verse are proposed (see commentaries[2]). Neither is "to turn thine hand on inhabited 'waste places'" (Ezek. xxxviii. 12), or "we will return and build 'waste places'" (Mal. i. 4) satisfactory. Why speak of cities or inhabited places as "ruins (rebuilt[3])"? And when we observe closely passages like Ezek. xxxvi. 4; xxxvi. 10; xxxvi. 33 (in all these passages חרבות is parallel to ערים; note especially xxxvi. 4), we see that "ruins, ruined cities" does not answer at all. Not only is here "ruins" in itself not satisfactory ("the ruins should be built"? or "the desolate ruins, wastes." Can ruins be not desolate?), but the meaning must be different owing to the parallel of ערים. Cf., for instance, Ezek. vi. 6 (ערים || במות); xii. 20 (ערים || ארץ); xix. 7 (ערים || אלמנותיו), and xxxvi. 35 (ארץ || ערים), also Lev. xxvi. 31 (מקדשיכם || עריכם) and 33 (ערים || ארצכם). These passages already show that חרבות as parallel of ערים must mean "towns" or "palaces," castles" and the like. And these are not the only places where חרבות cannot mean "ruins." Cf. Ezek.

[1] Friedrich Delitzsch (*Das Buch Hiob*, 1902) translates "Ruinen" and remarks: "sarkastisch, da die Paläste der Könige und ihrer Veziere nach altorientalischer Sitte schon unter dem nächsten Nachfolger zu Ruinen zu werden pflegen." But this explanation is scarcely satisfactory.

[2] They all seem not to consider that תמו חרבות לנצח must be parallel to ועירים נתשת.

[3] As it is generally explained.

xxxiii. 24, where "ruined places" gives no sense ("those who live in these ruins"?). Neither does Ezek. xxxiii. 27 "in the ruined (or waste) places" fit in. There it should mean, by contrast to על פני השדה, "in the fortified places," "cities" or something similar[1].

Two more passages are really difficult through the rendering of "ruins," "desolate places," and these are Isa. v. 17 (וחרבות מחים גרים יאכלו) and Ps. cix. 10 (ודרשו מחרבותיהם). There, too, a meaning like "palaces," "castles" would furnish a perfectly satisfactory explanation. This would also be the case with בחרבותיהם in 2 Chron. xxxiv. 6, if the reading is correct, which is made very probable through the meaning of "towns" or "castles." It is very much worthy of consideration whether this meaning is also to be found in Isa. lii. 9 (why should the "ruins" of Jerusalem sing? They will disappear!), Isa. lviii. 12 (חרבות עולם || מוסדי דור ודור), and Isa. xliv. 26. The meaning of "ruins" seems to be certain in Isa. xlix. 19 and lxi. 4; Jer. xxv. 9 and xlix. 13, and Dan. ix. 2. I am not so sure about Isa. li. 3[2]; Ezek. xiii. 4[3]; xxvi. 20; xxix. 10[4] and Ezra ix. 9. In Ps. cii. 7 the meaning of "ruins" seems to be assured already through the parallel (קאת מדבר)[5].

We thus see that in many, we may say in most, of the cases חָרְבוֹת must mean something like "cities," "palaces," "fortified buildings" or the like. I therefore think that we have to distinguish between two different words חָרְבוֹת with different roots. As a matter of fact there is one חרבות in Isa. xlviii. 21, which seems to mean "dry places" (from חרב "to be dry")[6]. And we have also the root חרב "to attack, smite down" (= حَرَبَ "to plunder," III. "wage war with"). Why should it be impossible to assume that there is another root of חרב meaning "city," "fortified place," "castle," "palace" or something similar? This suggestion, for which there is, as shown, strong internal evidence, can, I think, also be supported etymologically. حَرِيبَةٌ in Ar. means (also) "wealth,

[1] Cf. also, for instance, Micah iv. 10.

[2] חרבתיה || ציון and ערבתה || מדברה.

[3] Cf. Cant. ii. 15.

[4] It may mean "to ruined palaces."

[5] It is worthy of note, however, that out of the five passages in which חָרְבוֹת (in st. abs. and without any praep.) occurs (Job iii. 14; Ps. ix. 7 and cii. 7; Ezek. xxxviii. 12, and Mal. i. 4) it can mean "ruins" only in one passage (Ps. cii. 7).

[6] In Gesenius's *Wb.*[14] (p. 230) it is regarded as pl. of חָרְבָּה and translated "Wüsten" (deserts). But it may mean "deserts" and still be derived from חרב "to be dry"; places without water are deserts.

or property, by means of which one lives, or subsists" (v. Lane, s. v.), and مِحْرَابٌ has (among many other meanings) the meaning of "a [pavilion, or building of the kind called] قَصْر" (v. Lane, s. v.), a meaning almost such as we require for חָרְבוֹת. I therefore believe that we have in the Old Testament a word חָרְבוֹת with the meaning of "castles, palaces, fortified places, towns," to be distinguished from חרבות "ruins" and חרבות "dry places," and that this חרב would correspond to the Arabic حرب in مِحْرَابٌ and, most probably, also in حَرِيبَةٌ [1].

[1] After I had read the first proof of this article, my attention was drawn (by Prof. Büchler) to a note by Praetorius in *Z. D. M. G.*, vol. LXI, p. 951. I looked up the books and articles Praetorius refers to on p. 951, and in his article on "Äthiopische Etymologien" (pp. 621–2, ibid.), and I am glad to see that still more support can be found for my theory about חרבות put forward above. See especially H. Derenbourg, "Supplément aux monuments sabéens et ḥimyarites du Louvre" (in *Revue d'Assyriologie et d'Archéologie orientale*, vol. VI, Paris, 1905, p. 40), where he translates (אוסן) במחרבן (line 3 of No. 21) "dans la forteresse (Ausān)." Cf. also *Corpus Inscriptionum Semiticarum*, part IV, pp. 178–9 (No. 106, l. 3), where מחרבן must mean "castle," "fortified place" (there translated "propugnaculum"), and perhaps also pp. 300–2 (No. 289, l. 3), and see *Zeitschrift für Assyriologie*, vol. X, p. 301. Cf. also *Orientalistische Literaturzeitung*, vol. X, p. 241, l. 12, where בתחרבן must have something to do with some kind of a building. As stated above I think that these roots of חרב and حرب have to be distinguished from the other roots of חרב and حرب. With regard to the meaning of مِحْرَابٌ see especially Rhodokanakis, *Vienna Oriental Journal*, vol. XIX, pp. 296–8, especially p. 297 (also explained as *Burg*, *Kastell*). I shall not go here into the question whether محراب is a loan-word in Arabic (see Fraenkel, *Die aramäischen Fremdwörter im Arabischen*, p. 274, and the references in *Z. D. M. G.*, LXI, p. 621), or not (see Praetorius, ibid., p. 622). I am inclined to think that it is not a loan-word, especially as we have the same root in Hebrew (as shown above), and other Semitic dialects (see the quoted references).

SAMUEL DAICHES.

THE EIGHTH CIRCLE OF GEHENNA:

Being an Account of the New Circle in Hell destined for Social Reformers.

(*From the Hebrew of J. L. Peretz.*)

. . . . . .

I am weary. It was a labour beyond my strength, and I toss upon my bed, my mind a monstrous, dully-clacking treadmill, grinding tortuously out the events of the barren day. How did it all happen? . . . I had been to the Society, had spoken there. My speech was flame; arrows flew from my mouth; I menaced my audience as with a sword, a razor-sharp glittering sword. Yes, I had stood there, ranting like Lear, storming like the whirlwind; and I heard my own words, and I found them good, good exceedingly.

Yes, indeed. For am I not something of a hero? Do I not give battle for the Beautiful, the Excellent, and the True? Am I not the devoted knight of Liberty and all those fine sweet somethings which await us in the remote future—that glorious time which we are destined presently to possess? And there, on the rostrum, I tear from the face of Falsehood her mask, and expose her in the pillory; I rend the meretricious robes which begaud her foul body, and show you her in her shameful nakedness, leprous and sin-flecked.—

Suddenly I am dumb. My heroic passion is spent, my fire is ashes, my tongue becomes leaden. What has befallen me? . . . Ah, nothing much—only while I was talking I had involuntarily raised my eyes and my glance had fallen upon a mirror opposite me. And I saw in the mirror that the light of my eyes was evil—a queer, foul light which glowed about my lashes. Those eyes did not at all seem my own.

Once I had seen such eyes.

But when?

Ah, now I recall it. I had seen them once, when a private at the barracks was being knouted. His brethren, the fellow-soldiers who whipped him, had just such eyes; eyes which said: *To-day we knout thee, thou wilt knout us to-morrow. Here, then, is payment also for the morrow.* Yes; not the image of a champion of the Ideal was mine in the mirror; it was an image of a downright butcher of men.

And, therefore, I was struck dumb. And my silence was to the audience as the lifting from their hearts of a heavy weight. They felt like cattle after a hailstorm; like children who, sitting in the dark, catch the flare of the coming candle; like cripples who lean against a wall, unable to move, and suddenly receive again their crutches and their sticks, and find they can travel where they choose. One of them, a young man, nears a lady, catches her arm, and asks: 'Now is it permitted?" and she shakes her pretty head, but answers gently, smiling: "Yes, yes, it is permitted."

Then I ran from the club as if I had a fiend for driver. And now, here I lie upon my bed, tired and broken. The moon, whose slow, slow gliding over the face of the heavens I had noticed as I ran, glances at this moment in through my window. Is it from dreamland that the rumour creeps how moonlight is mankind's soothing, his redemption from self-torment, his soul's quittance for the bitter reckonings she demands of herself? But, bah! I scorn the puny moon and her sickly light! I scorn conscience! I scorn—yes, even all the Reform clubs in the world. Yet, since it is at no club I find myself, and the moon's is not a face successfully to spit upon, I turn from her to gaze upon the wall. But see—out of the wall a pair of eyes glower upon me. Lunacy! Moon-magic! The old girl is joking with me. Still . . . who owns those eyes? Are they the eyes of the soldier lashing his brother, or the eyes of those who, when I passed from one inanity to another, would greet me on the way with *Rest a little time, thou mighty hero; here is honey, here is nectar—taste! O mighty hero, rest a little time!* But these eyes glow neither with kindness nor with anger. About them a wan face flickers, and here, see, appear beard and earlocks white as snow, a yellow hat, fashioned a hundred years since; and finally, like an exhalation, a man's head thickens from the wall; the head of a Jew, a real, untainted Jew.

"Who are you, friend Jew?" The head seems not to hear, so I repeat, "Old man, who are you?"

Then the chiseled vapour shifts place a little and I hear: "I? I am that stinging rood, *Shevet Mussar*[1]."

Since I know that it is only the moon playing tricks with me, I rather like this witticism. I behave as if I believe in magic and say, "Peace be with you, *Shevet Mussar*."

[1] Literally "Rod of Instruction, or Reproof." It is a popular ethical treatise written in Hebrew, and containing a detailed account of Gehenna. The author was Elijah Kohan of Smyrna. The book was first printed in the second decade of the eighteenth century, about 1719. It has gone through countless editions.

"And with you be peace," he responds gravely, according to rote. Now, somehow, his face is much closer to mine, and I see his body. He is a little man, well-proportioned, but without distinction. His eyes are leaden, dull, lightless, but the look of them is straight and sure, as if they doubt not at all the nature of what they see. His voice, too, is clear, absolutely colourless, without a single tremor. He appears so certain and self-assured that his words pour out of his mouth, yet each one is distinct.

Now I know that *Shevet Mussar* has long ago been gathered unto his fathers, but still—do I fancy that his appearance before me is not fanciful, but that *Shevet Mussar*,—may his memory be the blessing of mankind,—has materialized for the sake of paying me a visit? And fancy as I will, no imagining frees me from this delicious thrill of fear the presence causes. But I take courage and ask, "Then you are he who described Gehenna?"

"Yes." He answers flatly as one might say, "I have eaten," or "I have slept."

"And is your description true? Have you added or detracted nothing? You ought to know now, for without doubt, now you have really seen Gehenna with your own eyes."

"I saw the place also during life."

"During life?"

"Yes, I saw it many times, in dreams."

"And is *Gehenna* truly as you have painted it, word for word?"

"No, my dear friend," he replies with a wisp of a smile, "an eighth circle is now added."

"How? for whom?"

"Listen. The eighth circle is intended for you and your like, for the new and *modern* sinners."

"Why, what is there new about us?"

"Heed me well. Once the soul and the body waged ceaseless war. The soul, part of heaven above, of God himself, strained continually toward the eternal blue, upward; willed to be ever in the sky. But the foul body strained downward ever, low down; it willed to sink itself into dust and ugliness. When the soul was victorious, all was well, and when the body conquered—why, it received its guerdon, since it had sinned indeed. Now then, what is the nature of bodily punishment? Why, torture by means of boiling pitch, of fire, water, serpents, cancers; all sorts of criminal labour in deserts, in forests, in ruined houses, in whatever places of darkness and evil. And there is, in addition, the punishment in the seven rings of *Gehenna*. Each sinful body is condemned to the ring destined for its peculiar type of sin. But in these days things are changed. The souls are combined into a trust—they rebel, they wage war with the angels of heaven, with

all established order, with all created things. They wish to remodel the world, to transmute the universe, to turn all things topsy-turvy."

"The latter-day sinners are therefore not bodies, but souls. You fellows wish to achieve the end, to see the curtain fall, to hear the grand finale. You have no time, your eyes crawl from their sockets with impatience; with impatience your ears grow above your skulls. You behave just as if the world were yours; as if all men were your slaves and bound to do your will. For you and your like there is no place in the seven rings of *Gehenna*."

"Then there is no burning pitch in the newly created eighth ring, eh?"

"No."

"And neither fire nor water?"

"Neither."

"And perhaps the bastinado is also banned?"

"There is not even the memory of a whip."

"And one may eat and drink and sleep there?"

"There you may even read and write books."

"But wherein is the castigation?"

"Patiently, patiently:—do you see that heavy cloud swelling in the east? It's moving toward the moon. When her face will be darkened by it, I must return to my rest. But as it's moving slowly, I shall lose no more time and relate at least a thousandth part of the terror. . . . Heed me well . . . a man like you for instance, who is always absorbed in 'the Ideal,' is placed naked before a mountain of snow. Behold him, how he stands powerless. But an Ideal occurs to him, and once it comes, it is transformed into passion. The man wills to make of the snow, water, and if so to do is his will, then come what come may, he *must* do so. And if he must—why, he does, for by his deeds only was he numbered on earth among the famous heroes. Therefore he warms the snow with his body, he embraces it, presses it close to him, pours his breath into it, infuses into it his very self, his soul and his body. He dreams: *Perhaps the snow will melt, at the end of one hundred and twenty years.* And with fervid giving he gives the snow all the warmth of his body, all the fire of his spirit . . . the deathless life that is in him, gives them to the snow, the horrible white mountain of snow . . ."

"But perhaps there are devils and she-devils who, with whips goad him on to this task?"

"No; no, not at all. Have I not told you. There are no goads in the eighth circle of *Gehenna*. His human will, his instinct, is goad enough; is of all goads the best. . . . And now the man loves the snow as his life. That snow!—it is his pride, his all-hope, the ground of his Ideal. He knows, and it is an intense, overmastering, driving

knowledge, that the snow is like himself, unhappy; that it can be happy only when it will melt, only when it will flow away into water. For without a doubt water is happiness and joy. All that melts, that flows, . . ."

"Yes, yes, what then?"

"You shall hear. Another is placed on a plain of clay and mud. Over his head is a wonderfully beautiful heaven unmarred even by the lightest cloudlet, smooth, empty, without sun, moon, or stars. There is not even the faintest blur of a milky way. For to tell the truth, this is no heaven, but a sort of sheet drawn over the face of heaven. And the man's feet squash through the clay and the mud, and he is the only living being in this desert, this wilderness of desolations. He becomes very lonely, he is weary of his own fellowship, he wills to resurrect the dead, to breathe life and soul into his surroundings. There, on earth, he had suffered for tens of thousands, had wrought for tens of thousands, had thought for tens of thousands. Indeed, indeed, his soul was the only soul of millions. So he feels that he should be like God, that he must busy himself with creating worlds. And that which the Holy One, Blessed be He, has achieved, he also achieves. He takes the dust of the earth, he takes mud and clay, and wills to create . . . what think you he wills to create? . . . birds, with wings; yea, even eagles. His first creatures are little, but they have wings, wings. It is their bodies he first makes, then he breathes his own soul into them, and they live, the little birds, and the man is very happy, his feet twitch with dance while he calls to them: *Fly, fly my little birds! into the air, fly!* But the birds do not fly. They creep about on the ground, dig in the clay in search of a bit of worm to support their fainting little hearts. But there are no worms, and they die of *hunger.* And when a pair of birds do finally rise into the air and do fly a little, they are male and female, and toy with each other, and laugh. And the man cries: *Heavenward! heavenward!* But they laugh. Whereon the man seizes lumps of clay and throws them at the birds, and kills them. The field becomes heaped with cadavers—dead eagles. About and about and about him, only cadavers."

"Unhappy man!"

"Another sinner is thrown into a cave, among a tribe of wild hounds."

"And do they devour him alive?"

"God forbid. They are ravenous, those dogs, but him they touch not. He speaks to those ravenous dogs. He is their prophet, an apostle unto caninity. At first his speech is the speech of dogs, but when they begin to understand him he interpolates a few human words. Behold him, how erect he is, speaking motionless, his eyes fixed upon those hounds. An evolution begins its way, the species

changes; he is making of the hounds—men. One of them has already risen on his hind-legs, and is groping with his fore-paws clumsily about him. Another is still barking, but in his dog-voice the man catches a wholly new expression, a human tone. The man continues thus, tongue and eye pouring a wondrous magic upon the dogs. See now—they are all upright, they stand like men; here is one raising his fore-paws like a hand. And see! it points aloft, toward heaven. There, in that dog's eyes do you see no gleam, no shade of *will*, of *self-consciousness*? Another minute, and the eyes of all these dogs shall shine so, all shall *will*. They have forgotten their hunger, their caninity. Just one moment more, and *thought* will waken in them, *thought*, great, marvellous . . ."

"And if it does waken, what then?"

"Ah, but it never will waken. At the critical moment an evil angel somehow appears and throws a bone into the cave; then the hungry dogs become again—hungry dogs. The dog-apostle, after the bone is left gnawn and marrowless, begins again—and then again, for ever and for ever."

"Horrible!"

"Not so fast. I saw one of the sinners at the foot of a high mountain on whose top gleams a wondrous light which draws him up, up towards its magic glow. He thinks: *If only I reach that mountain top, I may float in a sea of light, I may have the stars for my fellows, and be in truth a child of high heaven.* And he wills to attain that luminous station. Oh, how he craves to be there, there in the mazes of the hosts of light!"

"And he can't ascend I suppose?"

"Beside him, there lies on the ground a woman. When he takes a few steps up the mountain, she opens her eyes. And in her eyes is also a magical light; also in her eyes are heaven, sun, stars, and the glow of bliss ineffable. Therefore he descends, and then she shuts her eyes."

"Wonderful!"

"So then, he stands, dazed, broken, between heaven above and heaven below, between the unattainable light above and the curtained light below . . ."

"But, *Shevet Mussar*, you are making fun of me. Why doesn't the man take the woman up with him?"

"The woman is very heavy: besides, *she will not go*. . . . And now, as to the eagles with their swine-hides—"

"What are those?"

"Oh, mere nothings. The souls of your prophets and seers transmigrate into the bodies of eagles, great broad-winged eagles. Only their skins are those of swine. And your seers rise into the air.

They fly very high, they wish to conquer heaven, to loot the Ineffable Throne, to take the place of very God. But when they rise into the air, their swinish skins split. They get intensely painful wounds. So they drop back to earth, into its muddy waters, where they soak their poor skins. Then up they go again! And so they fly—upward and down, downward and up—"

Suddenly the moon vanished, and with her the *Shevet Mussar*. I rose and lighted a candle. Upon my table I found a post-card on which was written: *You are invited to attend a meeting of the Reform Club to-morrow. Subject: Human Darkness: How to Illuminate It.*

I burned the card.

HORACE M. KALLEN.

THE

JEWISH QUARTERLY REVIEW

JULY, 1908

MIŠNAIC HEBREW AND ITS RELATION TO BIBLICAL HEBREW AND TO ARAMAIC.

BY Mišnaic Hebrew (MH.) we understand the idiom in which was composed the Halakic and Haggadic literature of the Jews from *c.* 200 B.C. to 200 A.C., i.e. from Simon the Just down to the first generation of the Amoraim. This literature comprises first and foremost the *Mišna* (edited in its present form *c.* 150 A.C.), and its companions the *Tosefta*, *Aboth d'R. Nathan* and the *Masektoth Ḳetanoth*; the *Midrašim*: *Mekilta*, *Sifra*, *Sifré* and *Seder 'Olam*; further, the Hebrew portions of the *Gemaroth* and of the exclusively Haggadic *Midrašim*, and a number of minor works which, though very late in their present forms, contain nevertheless elements which go back to the Mišnaic period. The term Mišna (משנה) used in this connexion must be understood in that wider sense which includes all the earlier Rabbinic literature as distinguished from the Scriptures (מקרא)[1]. This name Mišnaic Hebrew is preferable to the term New Hebrew (*Neuhebräisch*) by which the idiom is commonly known. It has the merit of being free from any ambiguity. The latter is appropriate enough in relation to Biblical Hebrew (BH.), but it either ignores

[1] Cf. Bacher, *Terminologie*, p. 34 and n. 2, pp. 122 f., 194.

the later phases through which, after the Talmudic period, the Hebrew language passed, or confuses them [1] with that particular stage of its development with which we are now concerned.

Paitanic Hebrew [2], mediaeval Hebrew of the Hispano-Arabic school, and Modern Hebrew (beginning with R. Moses Ḥaim Luzzatto, 1710–50) [3] may have little or no value to the philological student as such [4], but they are certainly not without their linguistic interest. In any case the existence of these idioms is a fact. To ignore them in studying the history of the Hebrew language would be unscientific. It is therefore important that every one of the varied idioms of the language at whatever period it appeared should be distinguished by an appropriate and precise designation.

The grammatical treatment of MH. has been scanty and fragmentary. The first pioneer work was Geiger's little *Lehrbuch*, which, in spite of many serious defects, still remains the best work on the subject. Unfortunately it does not go far enough. Leopold Dukes' book *Die Sprache der Mischna* (Esslingen, 1846) is of little value. Far better is Weiss's learned and suggestive work, משפט לשון המשנה (Vienna, 1867). But Weiss, eminent though he was as a Talmudist, was not a trained philologist or grammarian, and hence his judgment was not always what it should be, especially where he applied Rabbinical dialectics to the elucidation of questions of etymology. The arrangement of the work and its technical language is also crude and primitive. More methodical and fuller in the grammatical side is Siegfried and Strack's *NH. Grammatik*. But their work is vitiated by the admission of many Talmudic and even mediaeval forms, by the failure of the authors to distinguish between MH. and Aramaic or semi-Aramaic

[1] As is done by Siegfried and Strack in their *Grammatik*.

[2] Cf. Zunz, *Synagogale Poesie d. Mittelalters*, pp. 117 ff., 372 ff.

[3] N. Slouschz, *La renaissance de la littérature hébraïque*, Paris, 1903.

[4] Nöldeke, *Encyc. Brit.*[9], vol. XXI, p. 646.

forms and phrases, and by a number of other inaccuracies. Useful material has also been collected by S. Stein in his dissertation *Das Verbum in der Mischnasprache* (Berlin, 1888) and by F. Hillel in *Nominalbildung in der Mischna* (Berlin, 1891). Scattered notices of MH. forms are also found in Barth's *Nominalbildung*.

On the lexical side, too, much still remains to be done. The elucidation and derivation of words have indeed been performed worthily and with adequacy in the well-known lexicons, notable among which are: Kohut's prolix but monumental edition of R. Nathan's *Aruch*, Jacob Levy's great and useful *NH. Wörterbuch*, and the more recent "Dictionary" by Marcus Jastrow[1] (the only work on the subject in the English language). But no systematic attempt has yet been made to distinguish the Hebraic elements in the vocabulary of MH. from the Aramaic and to trace their history and development both in form and meaning.

As to the nature of MH. and its connexion with BH. on the one side and with Aramaic on the other, great diversity of opinion prevails among scholars. Geiger[2] regards it as a purely artificial and mechanical creation of the Schoolmen, comparing it to the Latin of the Middle Ages. He goes so far as to trace some of its forms to false exegesis[3]. Siegfried and Strack hold the same view (p. 5), though they frequently point out the connexion of MH. forms with the corresponding forms in BH. Lector M. Friedmann holds that MH. is nothing but a Hebraized

[1] The services of this scholar to Semitic philology have not yet received the recognition which they richly deserve. For though many of his etymologies may be fanciful and far-fetched, he has nevertheless succeeded in restoring to the Semitic vocabulary a large number of words hitherto held to be of foreign derivation, and in the case of many others in at least reopening the question of their etymology for further discussion.

[2] So already Salomon Levysohn in his introductory essay מאמר על דקדוק לשון המשנה, printed in the Warsaw edition of the Mišna (1879).

[3] Cf. his explanation of לא כי, of אשאה, of כדור, p. 24.

Aramaic. According to his theory, MH. was, so to say, manufactured by the Rabbis after the fall of Bar Kokba, who for national and religious reasons had become hostile to Aramaic, now completely christianized; and in order to spread this new-fangled dialect among the people they had composed[1] in it Midrašic commentaries on the Bible, tales, legends, &c., thus creating the Rabbinic literature through which MH. gained currency among the mass of Jews (*Onkelos und Akylas*, Wien, 1896, p. 86 ff.). To this G. Dalman agrees, at least as far as the character of the idiom is concerned (*Gram. d. Jüd.-Pal. Aram.*, 2nd ed., Leipzig, 1905, p. 10, § 6).

Geiger's view is stoutly contested by Graetz (*Litteraturblatt d. Orients*, 1844, col. 824 ff.). He asserts that MH. was a living language spoken by the Jews in Hasmonean times, and that it was, moreover, the natural and direct development of BH. This, practically, is also the opinion of S. D. Luzzato (ibid., 1846, col. 830 ff.) and of Jacob Levy who regards MH. as a popular and corrupted form of BH. (ibid., 1844, col. 812)[2]. The genuine character of MH. has been defended more recently by M. Israel Lévi who adduces the wealth of MH. words and expressions connected with secular occupations and with matters of general daily life as evidence of its having been the ordinary language of everyday life (*Ecclésiastique*, Introd., p. xxii). So also M. Grünbaum (*Z. D. M. G.*, XXXIX, p. 592 f., and *Sem. Studies in Memory of Kohut*, p. 232 f.), Dr. Wijnkoop (*J. Q. R.*, XV, p. 23 ff.), and Prof. W. Bacher in his article 'Hebrew Language' in the *Jewish Encyclopaedia*.

Nöldeke seems to occupy an intermediate position. He holds that MH. was a genuine survival of classical Hebrew which, however, was preserved only artificially by the schoolmen whose ordinary and natural language was Aramaic (l. c., and *Die Semitischen Sprachen*, 2nd ed.,

[1] To be precise, one would have to add "and translated," as a great part of this literature originated much earlier than that age.

[2] Cf. also Maimonides to *Terumoth*, I, 1.

p. 21 f.). He is followed by Brockelmann in his new *Comparative Grammar*, p. 9 f.

On the other hand, Weiss (p. 2) grants that MH. was used as a medium of speech by the ordinary people, but nevertheless treats it almost throughout his book as an artificial scholastic idiom.

In order to facilitate its solution it will be useful to state the problem more fully and to indicate the real questions at issue. On perusing any ordinary chapter of the Mišna the reader is at once struck by many peculiarities in vocabulary, grammar, style, and diction. He will meet with a large number of words which are unknown in BH. but common in Aramaic. Again, a number of words which occur both in BH. and in Aram., but are used in the latter in a different sense, will be found in MH. in the Aram. sense. Many genuine BH. words are used in MH. in an entirely new connotation. The reader will also meet with a large number of technical words and phrases which are quite unknown in BH. Then as to grammar, he will find forms which in BH. occur but sporadically, and are therefore termed by grammarians "irregular," constituting in MH. the usual and normal type, and again forms and constructions which are entirely novel and without parallel in BH. but are common in Aramaic. The diction will appear as unlike ordinary Hebrew style as can be. Many familiar idioms and constructions, without which good Hebrew prose is inconceivable, are here entirely absent, while at every step the reader stumbles upon usages, phrases, and turns of speech which strike him as strange and almost barbarous. And yet he feels all the time that he is reading Hebrew and not Aramaic; that though the influence of the latter is perceptible at every step it is yet not the predominant factor, but is, on the contrary, everywhere subjected to the Hebrew and made to accommodate itself to it and to subserve it.

Now is this idiom a genuine and natural Hebrew speech only coloured and disfigured by Aram. influence, or is it

merely a mechanical and artificial mongrel production of Hebrew and Aram., combined in which Aram., though the natural and life-giving element, has been forcibly and mechanically subordinated to the artificial and lifeless Hebrew element? Would Hebrew, if left alone, have developed grammatically and syntactically on much the same lines as our MH. shows, and has the overpowering influence of Aram. merely intensified and hastened that development and in some cases directed it into certain channels; or would the development of Hebrew, if unchecked, never have been capable of proceeding on such lines as to produce something similar to MH., the latter therefore not being a genuine product of BH. but an artificial creation consisting of a clumsy intermixture of dead Hebrew with the living Aram., and which is neither the one nor the other? It is evident that these questions cannot be settled satisfactorily and scientifically except by a thoroughgoing study of the grammatical phenomena presented by MH., and by a comparison of these phenomena with the corresponding forms and constructions in BH., especially those of a later period, and also with those of Semitic languages other than Aramaic. It is only by such a method that we can ascertain whether the linguistic phenomena of MH. are natural to it or merely artificial; whether such peculiarities which it shares with Aram. are its own or merely borrowed from its more powerful rival. For the dissimilarity in style, however striking, between MH. and BH. cannot be adduced as evidence against the genuine Hebraic character of the Mišnaic idiom, any more than a similar dissimilarity existing between Old English, for example, and Modern English can be adduced against the claim of the latter to be the direct lineal descendant of the former; especially if we consider the profound and far-reaching differences in the surroundings and historical circumstances of the Jews of the Mišnaic period and those of Biblical times. Some part of this dissimilarity must also be ascribed to the general

differences in the character of the subjects treated of in the Bible and in the Mišna respectively. Nor should too much importance be attached to the differences in vocabulary between MH. and BH. Words, too, are subject to the inexorable laws which govern the existence of all organic beings. They, too, become old, often prematurely, and die without leaving any issue. They, too, are compelled to carry on an incessant struggle for existence in which the weaker go to the wall, and often disappear entirely without leaving any trace behind them. Moreover, new circumstances produce new needs and new ideas, and to express them new words and new phrases have to be created or borrowed. And owing to these causes, a more or less rapid change of vocabulary goes on continually in every living language. Such changes have taken place within BH. itself, and would have gone on on a more extensive scale in post-Biblical times even without the dominating influence of Aramaic.

But while individual words and phrases can be freely laid aside, borrowed or exchanged, grammatical forms and rules are not so easily and so freely manipulated. True, they, too, are subject to change, but the change must be natural, gradual, and imperceptible. For grammar is, as it were, the soul of the language, and by violently surrendering its grammar, the language would at the same time be giving up its very life and committing its own self-destruction. Change in grammar is usually a very slow and laborious process. The germ of the new form must have existed in the language long before the new form made its appearance. And when it does appear it remains for a time quiet and unobtrusive, and slowly and gradually works its way until it acquires a permanent place in the government of the language, existing for a long time side by side with the old form which it is eventually to supplant. And when the latter is compelled at last to acknowledge itself conquered, it does not yet yield up its position entirely but continues to exercise some kind of power,

however feeble and subordinate, until it is finally exterminated by its rival and disappears entirely.

It follows, therefore, that if MH. be a direct development of BH., its grammar will be found to coincide in its general characteristics with the grammar of the latter, while in certain particulars it will exhibit changes which it will be possible, to some extent at least, to trace to their BH. sources and to explain their growth by the general laws which regulate the development of Semitic grammar as exemplified in other Semitic dialects. The new forms will often agree with Aram., but this agreement will have to be capable of being accounted for partly by the close kinship which has ever existed between Hebrew and Aramaic, and which would lead to the same results being produced in the two languages under equal conditions, partly by the direct influence which a powerful and widely diffused language, such as Aram. was in the Mišnaic period, would naturally exercise upon a less powerful, though living and independent, neighbouring dialect.

On the other hand, if MH. is but an artificial creation of men who spoke Aram. as their natural language, its grammar would be bound to assume one of the following three forms: either it would be a painfully exact and pedantic copy of BH., or entirely an imitation of Aram. grammar, or, finally, a more or less skilful but mechanical and unnatural blending of the grammars of BH. and Aram., forming a sort of hotch-potch incapable of lending itself to rational explanation or to philological analysis.

In the following pages an attempt will be made to survey the leading characteristics of the grammar of MH., and to compare them, wherever possible, with the corresponding forms in BH., in Aram., and in other Semitic dialects, in order to ascertain the true nature of the dialect as revealed in its grammar and its relation to BH. and to Aramaic.

The Pronoun.

1. *Personal Pronoun.* The first person singular is in the Mišna and in other purely MH. works always אני and not אנכי. The latter is only found either in quotations from the Bible or in direct allusion to Biblical passages.

This exclusive use of אני MH. shares with later BH. Thus אנכי never occurs in the popular Song of Songs, in Lamentations, in Haggai, in Zachariah i–viii, in the semi-colloquial memoirs of Ezra, in Esther or in Ḳoheleth, and only once in each of the following books: Ezekiel (xxxvi. 28 in a common and stereotyped phrase, cf. Jer. xi. 4, xxx. 22, &c.), Nehemiah (i. 6 in a prayer), Daniel (x. 11 in the words of the angel), and Chronicles (1 Chron. xvii. 1 from 2 Sam. vii. 2). Elsewhere the chronicler regularly substitutes אני for אנכי: contrast 1 Chron. xvii. 6 with 2 Sam. vii. 18; 1 Chron. xxi. 10, 17 with 2 Sam. xxiv. 12, 17; 2 Chron. xxxiv. 27 with 2 Kings xxii. 19. In the Pentateuch the portion assigned by critics to J and E show indeed a distinct preference for אנכי, but P uses אני almost exclusively[1]. So also Aramaic (with the exception of the Zinjirli dialect)[2], Arabic and Ethiopic possess forms corresponding to אני only, while Assyrian, Moabitish and Phoenician use forms corresponding to אנכי only. In earlier Hebrew alone the two forms are found existing side by side, but אני being the shorter of the two, gradually came to be employed more frequently, especially in colloquial speech, until the longer form disappeared entirely from common use.

The *plural* is everywhere אנו[3]. This form occurs, as is well known, only once in BH., and then only in the Kethîb

[1] Cf. Driver, *Introd. LOT.*[6], p. 156 note, and the references to König.

[2] Cf. Cooke, *N. Sem. Inscr.*, Nos. 61, line 1 אנך; 62, l. 19 אנכי; but 63, l. 1, 20 אנה. The statement in the text does not, of course, imply that *'anî* and *'anâ* have a common origin; cf. Stade, *Hebr. Gr.*, § 179a 2.

[3] But in the earlier portions of the liturgy אנחנו is the regular form, cf. *The Authorized Daily Prayer Book*, edited by Rev. S. Singer, pp. 9, 51, &c., and contrast with the *Confession*, p. 262, &c.

(Jer. xlii. 6), which is rather remarkable, seeing that the Kethîb generally represents a more archaic type of the language. The word seems to be a popular formation of אני on the analogy of the plural forms of the pronominal suffixes קטלני, קטלנו, or of ממני, ממנו; cf. also the verbal plurals קטלו, יקטלו, &c., and the use of *u* in Assyrian as one of the plural terminations of nouns[1]. From the vernacular the form crept into the book of Jeremiah, which was a great favourite with the popular reader, as witness the many interpolations and glosses found in it[2], but was struck out by the Massorah as a vulgarism.

All other Semitic languages have forms corresponding to אנחנו. So especially the Aram. dialects אנחנא, נחנא, אנחנן, and in the latest and most debased dialects אנן, with the syncope of the inaudible guttural.

The pronoun for the second person masculine is in MH. אַתָּה, just as in BH. But אַתְּ for the masculine occurs in אַתְּ פתח לו (Passover Haggadah and in the parallels *Mekilta*, 13, 14; *Talm. j. Pesaḥ.*, 10, § 4); אַתְּ סָבוּר (*Sifré*, Num. xi. 6; *Gen. rabba*, 2, 12), and more frequently in the late Haggadic Midrašim. This masculine use of אַתְּ is so rare and exceptional in earlier MH. that it can hardly be considered as evidence of a genuine modification of the established rule. אַתְּ must be regarded in such cases as having been borrowed directly from the Aramaic.

The occurrence of אַתְּ for the masc. in BH. (Num. xi. 15; Deut. v. 24; Ezek. xxviii. 14) is most probably due to a scribal oversight[3].

In the plural אתן is sometimes found for אתם and הן for הם, but this is merely a phonetic change which is very common in MH., but which may partly be due to Aram. influence in which these pronouns end in ן.

2. *Demonstrative Pronoun.* The fem. sing. is usually זו.

[1] Delitzsch, *Assyr. Gr.*[2], p. 192 (5).

[2] Graetz, *Geschichte*, vol. II, part 2, p. 13, note 3.

[3] Cf. the spelling אַתָּ 1 Sam. xxiv. 19, Ps. vi. 4, &c., and see Driver on Deut., l. c., and the *Oxford Heb. Lex.*, s. v.

In BH. the form occurs once in Hosea (זוֹ, vii. 16) and in the cycle of N. Israelitish stories in the books of Kings (זֶה, 2 Kings vi. 19), both of which exhibit a number of dialectal peculiarities; further in Ezekiel (זֶה, xl. 45), who has several other neologisms, in a late psalm (זוֹ, Ps. cxxxii. 12) and six times in Ḳoheleth.

It is therefore very probable that the shorter form זֶה or זוֹ existed from early times as a dialectal form in the northern speech, from which it gradually spread to the south, and in the course of time supplanted the longer form זאת.

The plural is אֵלּוּ for אֵלֶּה, which occurs also in Sirach (אֵילּוּ, li. 24). The change of the second vowel must have been due to an unconscious desire to indicate more distinctly the plural character of the word. The vowel chosen is the same as in אנו discussed above.

MH. has also preserved the demonstrative use of the pronouns of the third person, e.g. *Sanh.*, III, 3 בזמן שאין להם אומנות אלא הוא "When they have no other trade but *that one*"; *B. Bathra*, V, 2 חמורך הוא "*that* ass of thine," as opposed to חמורך זה; so often הרי הוא, הרי היא, הרי הם, but more commonly with the article ההוא, ההם.

The stronger demonstr. הלזה is found only in the shortened form הַלָּז: *Tohoroth*, IV, 3; VI, 5 למקום הַלָּז; VI, 8 "If he stands in *this* entrance (בפתח הזה) of the *basilica* and can see those who come in and go out through *that* (= the opposite) entrance (בפתח הלז)"; *Maccoth*, II, 2 הוציא הַלָּז את ראשו "*that one* brought out his head[1]."

The fem. הַלָּזוּ is found in *Yebamoth*, XIII, 2 ותצא הַלָּזוּ משום אחות אשה "that one goes forth[2] on account of her being the wife's sister."

The form הַלָּה seems to be shortened from הלז with the apocope of the ז[3]. It has the same force as הלז but is only used substantively[4]: *Ma'as. Šeni*, III, 2 זֶה אוכל פירותין בטהרה

[1] But the Cambridge codex (C) reads הלה. [2] i.e. החוצה, Deut. xxv. 5.
[3] Cf. גומא from גומץ (Ḳoh. x. 8), and ציר from צר בראיזה.
[4] Graetz, *Orient.*, 1845, col. 77.

וְהַלָּה עושה צרכיו במעותיו "*This one* eats his fruits in purity *and that one* does what he requires with his money"; *Nedarim*, IV, 8, V, 6; *B. Meṣia'*, III, 2; *Sanh.*, VII, 10 (הַלָּה opposed to הוא); *'Aboda Z.*, IV, 12. In *Yebam.*, III, 5 || *'Eduyoth*, IV, 9 הַלָּה stands also for the feminine וְהַלָּה תצא משום אחות אשה [1].

The plural of הלז (=הלזה) and of הלה is הַלָּלוּ, evidently a contraction of הַלָּ+אֵלּוּ: *Ketuboth*, VII, 8 מומין הַלָּלוּ "these defects," and frequently.

MH. also uses the particle אֵת as a demonstr. The particle stands alone when introducing a clause, e. g. *Gittin*, IX, 5–7 אֵת שהעדים נקראין עמו בשר "That one with which the witnesses are read (i. e. which is immediately followed by the signatures of the witnesses) is valid." *Ohol.*, II, 4 אֵת שהגולל נשען עליו "*That one* on which the *golel* is supported." So especially to introduce two cases which either agree or differ from one another: *Berak.*, III, 1 אֵת שלפני המטה וְאֵת שלאחר המטה אֵת שלמטה צורך בהן פטורין אֵת שאין למטה צורך בהן חייבין "Both of *those* before the bier and of *those* behind the bier: *those* of whom the bier has need are absolved, but *those* of whom the bier has no need are bound (to read the Šĕma')"; so *Šeḳalim*, VIII, 7; *Ḳinnim*, III, 1, and, with omission of second את, *Yadaim*, III, 1.

When introducing a noun the particle is followed by the pronom. suffix of the 3rd person in anticipation of the following noun [2], e. g. בְּאוֹתָהּ שׁעה "in *that* hour" (*Pea*, V, 4), בְּאוֹתוֹ יום "in *that* day," אוֹתוֹ איש "*that* man," &c. [3].

The origin of this use of את may be discovered probably

[1] Graetz's suggestion (l. c.) to point the fem. הַלָּה is improbable. If this were so it would have been spelt הַלּוּ just like זוּ.

[2] Cf. below, p. 729 f. Literally the phrase means: "in its essence, namely, of the hour," &c. (cf. Ges.-Kautzsch, p. 280, footnote 1), and is parallel to BH. בְּעֶצֶם היום הזה. Compare with the less emphatic בּוֹ בַיּום below, p. 730).

[3] Cf. Weiss, p. 112. The remark of Ges.-K. (§ 117 *i*) concerning the MH. use of את is incorrect.

in the peculiar usage found sporadically in all parts of the Bible, but more frequently in its later parts, of placing את before a noun, not necessarily in the accusative, in order to emphasize it or bring it out more prominently before the reader, thus imparting to the particle a semi-demonstrative force [1]. Analogous to the MH. use of את . . . . . את may be mentioned Ezek. xxxv. 10 (emphatic "both . . . and"), xliii. 7; also Neh. ix. 19 and 2 Sam. v. 8.

The use of these demonstrative forms is peculiar to MH. and is unknown in Aramaic.

3. *Relative Pronoun.* The relative is in MH. everywhere ־שֶׁ. אשר only occurs in the early liturgical language which is conceived in an elevated and semi-Biblical strain; thus in the Passover Haggadah . . . אֲשֶׁר גאלנו וגאל (*Pesaḥim*, X, 6), in the Evening Service . . . אֲשֶׁר בדברו (Singer, op. cit., p. 96), and often in benedictions; so the formula אֲשֶׁר קדשנו במצותיו (ibid., pp. 4, 124, 219, 274, 276, 278, &c.); אֲשֶׁר בחר בנו (pp. 4, 230, 243); אֲשֶׁר יצר (pp. 4, 299); אֲשֶׁר נתן (pp. 5, 68); אֲשֶׁר ברא (pp. 280, 299) and a few more. Elsewhere ־שֶׁ is used: שֶׁבכל (p. 51), שידענו, שֶׁבראת (p. 239), and in benedictions (*Berak.*, VI, 3; VII, 3; IX, 1 ff.; Singer, pp. 5 f., 276, 290, 291, &c.).

In BH. the shorter form occurs twice in the Song of Deborah (שֶׁזָּמְתִּי), a N. Israelitish production; three times in the story of Gideon—a N. Israelitish hero; once in the N. Israelitish section of the books of Kings; exclusively, except in the late superscription, in the collection of the popular songs known as Canticles, which originated most probably in N. Palestine [2]; sporadically in the later books and very frequently in Ḳoheleth (cf. Ges.-K., § 36). Now whatever the relation of the two forms to each other, there is no doubt that ־שֶׁ is as old, if not older than אשר. Its confinement in the earlier books to N. Israelitish

[1] Cf. Gesenius, *Lehrgebäude*, p. 683 f., König, *Syntax*, § 270 f. and the Oxford Lexicon, p. 85, 3.

[2] Driver, *Introd.*, p. 449.

documents proves, as Schröder[1] remarks, that its use must have been common in the vernacular speech of N. Palestine, under the influence, to some extent at least, of the Phoenician אש, ש, the Assyrian *ša*, and, perhaps, also the Aram. זי, די. The scarcity of its occurrence even in these documents proves that it was regarded as a vulgarism which the literary language had to avoid. Its use gradually extended to S. Palestine, and being the shorter and more pliable form, it must in the course of time have entirely supplanted the longer form in the common language of the people, and from this it descended directly into MH. But the literary prejudice against it seems to have remained very strong, even long after BH. had ceased to be a living speech. This prejudice accounts for the non-occurrence of שֶׁ־ in Esther, its scarcity in the Chronicles, and the anxiety to avoid it displayed occasionally even by a man of such an independent mind as the author of Ḳoheleth[2], not to mention such a studious imitator of the ancients as Sirach.

4. *Interrogative Pronoun.* By prefixing the interrog. particle אֵי to the demonstratives זה, זו MH. has formed a new interrog. adjective אֵיזֶה, fem. אֵיזוֹ "which?" It is often strengthened by the addition of the enclitic הוא, היא and sometimes written as one word, אֵיזֶהוּ, אֵיזוֹהִי, *Zebaḥim*, V, 1 אֵיזֶהוּ מקומן של זבחים "*which* is the place of sacrifice?"; איזו היא דרך ישרה "*which* is the right way?" *Aboth*, II, 1; *Kelim*, XVII, 6 אֵיזוֹהִי גדולה, &c.

איזה being practically one word, prepositions are attached to אי as באיזה, בּאיזה, לאיזה, מאיזה[3].

The plural of אֵיזֶה is אֵלּוּ of which only the following

[1] *Phoeniz. Sprache*, § 65 and footnote.

[2] Note such cumbrous and inconsistent phrases as בשל אשר יעמול (=Aram. . . . בדיל די, viii. 17), מבלי אשר לא ימצא, iii. 11, &c.

[3] Cf. the phrase so common in the Halakic Midrašim כּאיזה צד "which side?" = how?, contracted usually in the Mišna and elsewhere, by the elimination of the זה, to כּיצד. In the fragment of the Mišna with superlinear vocalization published by J. B. Markon (*Hakedem*, No. 1, St. Petersburg, 1907) the form is still written כּאיזצד and כּאיצד, cf. the formation of הלה from the original הלוה discussed above, p. 657.

examples have been discovered by the writer: *B. Meṣ.*, X, 1 ורואים האבנים הראויות להשתבר אֵלּוּ "They consider *which* are the stones which are likely to have been broken"; *Makširin*, III, 2 בְּאֵלּוּ משקין אמרו "In the case of *which* fluids have they said it?[1]" Possibly this plural may also be found in *B. Meṣ.*, II, 1 אֵלּוּ מציאות שלו וְאֵלּוּ חייב להכריז "*Which* things when found are his (= the finder's) and which is he bound to proclaim?" So D. Hoffmann in his translation and commentary. But the following resumption אֵלּוּ מציאות שלו and § 3 וְאֵלּוּ חייב להכריז favour the rendering "*these*, &c." also in the foregoing passage.

This אֵלּוּ is a contraction of אֵי+אֵלּוּ and perhaps ought to be spelt אֵילּוּ, the defective spelling being due to the ignorance of the scribes, who mistook it for the demonstr. plural. The Rabbis, who had a passion for lucidity and precision, seem to have avoided this word for fear of this confusion with the demonstr., and hence its extreme rareness.

The composition and use of אֵיזֶה is thoroughly Hebraic, and not as might perhaps be imagined an adaptation of the Aramaic אידין, אידא; rather may the latter be a translation of the MH. forms.

We have in BH. a number of passages by which we can trace the development of the phrase to its later sense. In אֵי זֶה בית הראה (1 Sam. ix. 18) the emphasis is on אֵי (= אַיֵּה), while זה serves merely as an enclitic particle to add strength and directness to the question[2], and the proper answer to the question would be הִנֵּה or פֹּה בית הראה. So Isa. l. 1 אי זה ספר כריתות, and Jer. vi. 16 אי זה דרך הטוב ולכו בה, where it is to be noted that דרך, which is in the constr. state, is explicitly treated as fem. = בָּהּ; so, probably, also Job xxxviii. 19 (bis), 24. Through constant use, however, of this interrog. combination the emphasis would in the course of time be sometimes shifted from אי to זה, especially as Hebrew words have a tendency of shifting forwards the accent, and the question would now be in the demonstr., the answer being

[1] The rendering "In the case of *these* fluids, &c." would not accord with the usual interrogatory style of the Mišna.

[2] Cf. Ges.-K., § 136 *c*, *d*, and Burney's Note on 1 Kings xiv. 6.

no longer הנה or פה but זה[1], while אי would be reduced to a mere interrogative particle as in איפא, איכה and MH. אימתי[2]. This is the case in אי זה הדרך הלך (1 Kings xiii. 12) "*which* way did he go?"; הדרך being the direct object of הלך as in the following clause. If the question had been "*where* is the way in which he went?" the relative אשר, which is very rarely omitted in good prose, would have been inserted before הלך. So also 2 Kings iii. 8 אי זה הדרך נעלה "*which* way shall we go up?" as is shown by the answer: דרך מדבר אדום, and 2 Chron. xviii. 22 אי זה הדרך עבר[3]. In all these passages דרך is treated as masc., as sometimes elsewhere, or the phrase אי זה having become stereotyped is used without regard to the gender.

These two usages of אי זה must have existed side by side, influencing each other until finally the older sense disappeared and אי זה ceased to be an interrog. of place and became a pure interrog. pronoun or adjective. So in Ḳoh. ii. 3, and especially in xi. 6, where it stands before a verb, אי זה יכשר. Though the two parts of the combination are still kept separate and distinct, the phrase is already indistinguishable from the MH. איזה.

An intermediate stage, where אי may bear both the meaning of "where?" and of the mere interrog. particle, is to be observed in cases where the phrase is combined with a preposition. Thus the question אי מזה באת (Gen. xvi. 8) presupposes the statement מזה באתי "from here (=this place) I come," and originally it must have meant, "Where is the מזה from which thou comest?" though as it stands אי hardly seems to be more than a mere sign of the interrogative. So Judg. xiii. 6, 1 Sam. xxv. 11 (a virtual question), 2 Sam. i. 3, 13, Job ii. 1, and in Jer. v. 2 אי לזאת אסלח לך, which presupposes the statement לזאת תסלח לי.

In 2 Sam. xv. 2 אי מזה עיר אתה, where the phrase is used without regard to the gender of the following noun, and in Jonah i. 8 ואי מזה עם אתה, we have the interrogative in its full MH. sense, except that the two parts remain separated with the preposition attached to the second component, while MH. would say: מאיזו עיר, מאיזה עם[4].

[1] Cf. Ḳoh. xi. 6.

[2] Against Levy, *NHWB.*, s. v., cf. Payne-Smith, s. v. لمحلا.

[3] In the parallel account 1 Kings xxii. 24 הדרך seems to have fallen out.

[4] Hence the rendering of the LXX: ἐκ ποίας πόλεως and καὶ ἐκ ποίου λαοῦ

5. *The Article.* The MH. article is identical with the BH. article both in form and in the general characteristics of its usage. Thus it is used whenever a noun is definite and known either from being definite in itself (e. g. החמה "the sun," השחר "the dawn," העולם "the world," השבת, &c.), or by having been mentioned before, or by being well known or necessary in connexion with the subject treated (e. g. נושאי הַמִּטָּה "the bearers of *the* bier" in connexion with a dead body, *Berak.*, III, 1; מוזגין את הַכּוֹס "*the* cup is filled" (literally "mingled," in connexion with *Kiddušin*, VIII, 2)). The article is used with titles (e. g. הממונה "the overseer," *Yoma*, II, 1; הסגן "the deputy High Priest," VII, 1; אגריפוס המלך [1] King Agrippa, *Bikkurim*, III, 4; ר׳ יהודה הַנָּשִׂיא R. Juda the Prince (but כהן גדול and others)); with the vocative (e. g. המעון הזה "by this habitation!" *Ketub.*, II, 3; *Kerithoth*, VI, 3; המלך "O King!" *Sifre*, Deut. iii. 23, העבודה "by the Service!" &c.); with names of material (העץ "wood," *Šabb.*, II, 3; הזהב, הכסף, *B. Meṣ.*, IV, 1); with collectives (e. g. הלוף והשום "*Lof* and garlic," &c., *Terumoth*, IX, 6); with abstracts (e. g. העושר והנוי והכבוד . . . "beauty, strength, riches, glory, &c.," *Aboth*, VI, 8; *B. Meṣ.*, IV, 3, &c.).

The principle of using the article with nouns which are definite in the mind of the speaker [2] has found a much more extensive application in MH. than in BH. But it must be confessed that the article is used also in cases which cannot easily be brought under this heading, as e. g. הצואה "dirt," *Berak.*, III, 5; הצמר "wool," *Šabb.*, I, 6 and often. This must probably be ascribed to the influence of Aram., in which the emphatic state is so indiscriminately used even in those dialects which have still preserved the absolute state of most nouns. It must not, however, be

respectively. But אי מזה, not followed by a noun, is rendered by the LXX by *πόθεν*: Gen. xvi. 8; Judg. xiii. 6; 1 Sam. xxv. 11; and 2 Sam. i. 3, 13. אי זה, however, the LXX always renders by *ποῖος*, except in Job xxxviii. 24.

[1] For the order, cf. Driver, *LOT.*[6], p. 506, No. 11.

[2] Cf. Ges.-K., § 126 *q–t*, Driver on 1 Sam. i. 4; xix. 13.

supposed that MH. was becoming unconscious of the force and meaning of the article. On the contrary the emphatic and demonstrative force of the article in BH. has been strengthened and still further developed in MH., as will be evident from a consideration of the following idioms :—

(1) The article is regularly used with the participle in the sense of "he who . . .," "she who . . .," &c., especially in semi-conditional sentences, e. g. הַקּוֹרֵא את שמע ולא השמיע לאזניו "*He who* reads the Šema' but has not made his ears hear it," i.e. if one reads, &c., *Berak.*, II, 3; המתפלל וטעה "*He who* prays and commits an error," i.e. if one prays, &c., V, 5; המוצא תפלין, *'Erub.*, X, 1; החובל בחברו "He who wounds his neighbour," *B. Ḳam.*, IX, 1, &c., &c. Contrast with Exod. xxi. 12 מַכֵּה איש ומת; Prov. xv. 32 . . . פּוֹרֵעַ מוסר מואס; Ḳoh. x. 8 חוֹפֵר גומץ בו יפל, &c.

(2) The article is prefixed to adjectives used substantively, i.e. when the nouns to which they refer are omitted. This omission is due to the laconic brevity and the parsimony in words which is one of the characteristics of Rabbinic diction, especially in the Halaka. The article in this instance serves to emphasize the nominal character of the adjective. In some cases it has a demonstr. force "that which."

Demai, IX, 6 טול אתה הַלַּח ואני את הַיָּבֵשׁ "Take thou the wet and I (take) the dry," sc. חטים mentioned before, or תבואה. *Terum.*, I, 5 . . . ולא מן הַתְּלוּשׁ על הַמְחוּבָּר . . . ולא מן הַחָדָשׁ, &c. "Neither from that which is loose upon that which is joined to the soil, &c.," ibid., I, 7, II, 6, IV, 8; *'Erub.*, X, 11 (והמונח), *Megilla*, I, 11 and *Zebaḥ.*, XIV, 6 בכל הרואה, sc. מקום "In every place which can see it," viz. the High Place of Šiloh (an allusion to Deut. xii. 13 בכל מקום אשר תראה)[1]. *Sanh.*, VII, 2 נותנין סודר קשה לתוך הָרַכָּה "A hard napkin is put into a soft one." *Aboth*, II, 1 מצוה קלה כְּבַחֲמוּרָה; II, 9 הנולד sc. דבר *Menaḥ.*, X, 2; *Ḥullin*, II, 6 השוחט המסוכנת "If one slays a beast afflicted with a fatal illness"; IV, 2 המבכרת (cf. *Bekor.*, III, 2); *Bekor.*, II, 6, 7 היפה (cf. *Kerith.*, VI, 6), VI, 4 והפנימיות; *Miḳwaoth*, V, 5 הזוחלין והנוטפין sc. מים "those which trickle and those which drop," i. e. water derived from a flowing stream and from rain respectively;

[1] Cf. also *Tosefta Pesaḥ.*, III, 10; *R. Hašana*, 2 b.

VI, 3 השאוב sc. מקוה "A ritual bath filled with water drawn from another source."

In *Ḳidduš.*, I, 4 for והדקה ought to be read ובהמה דקה "and small cattle," according to the Editio Princeps (Naples, 1492) and the Cambridge codex[1].

(3) In a number of passages, hardly exceeding forty in the whole Mišna, the attribute (an adjective, but more commonly a participle, active or passive) is found with the article, while the substantive is without the article, but in almost all these cases the attribute is more or less emphatic, limiting the range of the substantive or contrasting it with another substantive of a different character, and the article is thus often equivalent to introducing a qualifying relative clause. As is well known this construction is already found in a comparatively large number of Biblical passages[2], and in some of them a certain emphasis is to be observed in the attribute[3], but many more "are hardly reducible to any rule[4]," and may therefore be regarded as colloquial irregularities which crept into the literary language. All the examples, however, in the Mišna, with hardly any exception, can be explained on the score of emphasis.

The following classification contains a fairly complete list of the passages in the Mišna with this construction:—

(1) When one attribute of the subst. is to be distinguished from another attribute of the same substantive expressed explicitly or implied: *'Erub.*, X, 11 נגר הַנִּגְרָר נועלים בו . . . . . והַמּוּנָח באן ובאן אסור "A bolt *which* is dragged (on the ground by a string tied to the door) one may bolt with it in the sanctuary but not in the country, but (with a bolt) *which* lies loose it is prohibited both here and there."

[1] *The Mishna on which the Palestinian Talmud rests*, ed. by W. H. Lowe, Cambridge, 1883. In future these two texts will be quoted as N. and C. respectively.

[2] Ges.-K., § 126 *w*, *x*; Driver's *Tenses*[3], § 209.

[3] Ges.-K., l. c., letter *w*.

[4] Driver, l. c. The expression איש הישראלי (Lev. xxiv. 10) may perhaps be due to the analogy of the preceding בן הישראלית. In לאיש העשיר (2 Sam. xii. 4) a certain emphasis may be intended in the adject. as distinguished from the רָשׁ; so perhaps in Num. xxviii. 6, Judg. xvi. 27. In Zach. iv. 2 (note that הר הגדול is vocative) a ה has perhaps fallen out as the last word, אתה, ends with ה, and the substantive itself, הר, begins with ה.

Šabb., XIX, 5 קטן החולה "an infant who is ill," opposed to an ordinary infant dealt with at the beginning of the section.

Beṣa, V, 3 כלים המיוחדים לאחד מן האחים "articles which are the special property of one of the brothers," opposed to the following ושאין מיוחדים.

Yebam., IV, 3 נכסים הנכנסים ויוצאים עמה "properties which come in and go out with her (= the wife)," i.e. נכסי מלוג [1] as opposed to ordinary נכסים or to נכסי צאן ברזל.

Ketub., VIII, 2 נכסים הידועים לבעל, opposed to the following ושאינו ידועים.

Ketub., VIII, 3 פירות התלושין מן הקרקע "fruits which have been plucked from the ground," opposed to the following והמחוברין "those which are fixed to the ground."

Ketub., XIII, 10 מוציאין מנוה הרע לנוה היפה אבל לא מנוה היפה "the husband may take his wife from a bad habitation to a fair one, but not *vice versa*."

Sota, VII, 3 עניה האמורה להלן "the 'answering' spoken of there," opposed to the following באן (עניה האמורה).

B. Ḳam., I, 2 נכסים המיוחדים "property which is the special possession of some owner," opposed to נכסי הפקר "unowned property [2]."

Ibid., רשות המיוחדת למזיק "a locality which belongs to the person causing the injury," opposed to רשות הרבים "a public locality," or to רשות הניזק "a locality belonging to the person injured [3]."

B. Meṣ., II, 1 גיזי צמר הבאות ממדינתן "shorn wool which comes from the country," opposed to הלקוחות מבית האומן "those which have been brought from the mechanic," ibid., II, 2.

Aboth, V, 8 מיתות האמורות בתורה שלא נמסרו לב"ד "capital penalties which are enjoined by the Torah, but which are not in the power of the court of law to inflict," opposed to capital penalties שנמסרו לב"ד.

(2) When only one attribute is mentioned but with the chief stress laid upon the attribute and not upon the substantive, the article being still equivalent to a relative: —

[1] Cf. Levy, *NHWB.*, s. v. מלוג.

[2] Cf. the *Gemara*, fol. 13 b.

[3] Cf. the preceding ובכל מקום.

ʿErub., IX, 4 גשרים המפולשים "bridges under which there is an open passage." So following למבוי המפולש.

Yebam., XII, 6 עצה ההוגנת לו "a counsel which is suitable (= profitable) to him."

Aboth, I, 11 למקום מים הרעים "to a place of waters which are evil."

Ḥullin, IV, 1, 2, 4 בהמה המקשה לילד "a beast which has hard labour in bearing" (cf. Gen. xxxv. 17).

Ibid., IV, 7 נפש היפה "an appetite which is good."

Ibid., IX, 2 גמל הרכה "a tender (= young) camel, calf."

Arakim, IX, 7 כח היפה "the power which is good (=privilege)."

Kelim, II, 7 קלמרים המתואמות "a double (= twin) inkstand."

Chol., XVIII, 8 ועפר התיחוח "earth which is crushed."

(3) Some of these are standing expressions which have acquired almost a technical sense:—

Šeḳal., VI, 2 שער העליון "the Upper Gate," so Ezek. ix. 2.

Yoma, IV, 2, VI, 2 שעיר המשתלח "the goat which is to be sent away to Azazel," as opposed to שעיר החטאת.

Ḳiddušin, II, 9 (and often) שור הנסקל "an ox condemned to stoning" (cf. Exod. xxi. 28, &c.).

B. Ḳam., I, 4 (&c.) שור המועד "the goring ox the owner of which has been forewarned[1]," as opposed to שור תם.

Sanh., VII, 4 נערה המאורסה "a betrothed maiden" (cf. Exod. xxii. 25, 27).

ʿEduyoth, V, 6 שפחה המשוחררת "a manumitted female slave[2]."

Aboth, I, 1, 2 כנסת הגדולה "the Great Synagogue," as distinguished from an ordinary כנסת.

Ibid., II, 11 עין הרע ויצר הרע "an evil eye and evil inclination[3]," as opposed to עין טובה and יצר טוב[4].

(4) Where the subst. is preceded by a preposition, the latter may be pointed with *pathaḥ*, or the expression is to be classed under the preceding headings:—

Pesaḥ., VI, 5 לְדִבּר האסור, לְדִ׳ המותר; *B. Bathra*, X, 8 (end) כַּמעין הנובע, so *Aboth*, II, 8 כַּמ׳ המתגבר; *Ḥullin*, III, 1 בָּעוף, הגם

[1] Cf. Exod. xxi. 29.

[2] C. reads משוהררת.

[3] So לשון הרע where עין and לשון are treated as masculine. So according to the traditional pronunciation עַיִן, לָשׁון, as absolutes.

[4] This last expression, not found in the Mišna, does not take the article at all. Cf. below, p. 669.

הדק ; *Kerith.*, III, 1 לַקרבן הקל ; *Kelim*, VIII, 1 בַּפות החמור ; XXI, 1 בַּפ׳ התחתון, בַּפּובד העליון.

In *'Erub.*, III, 6 יום־טוב הסמוך, the compound יו״ט never takes the article ; so *Mikwaoth*, III, 4 בעל־קרי החולה ; cf. below, p. 669.

On the other hand, cases are found in which the subst. has the article but not the attribute.

(1) *Pea*, VIII, 4 נאמנין על הַיָּרָק חַי ואין נאמנין על המבושל "(the poor) are to be believed in the case of raw vegetables (if they declare it to have been given them as 'tithes of the poor,' מעשר עני), but they are not to be believed in the case of cooked (vegetables)." Here חי may be explained as accusative of state—"being raw[1]." Cod. C. actually reads in the second clause עליו מבושל ; but the Munich cod. has חַי[2].

Terum., VII, 3 המאכיל את בָּנָיו קְטַנִּים ואת עבדיו בין גדולים ובין קטנים. Here, too, the adjective may be taken as acc. of state, "being young . . . whether young or grown up[3]."

But this explanation can hardly apply to the following passages :—

Tamid, II, 4[4] סידר הַמַּעֲרָכָה גְּדוֹלָה מזרחה "he laid in order the great pile (of wood on the altar) towards the east."

Ibid., II, 5 לסדר הַמַּעֲרָכָה שְׁנִיָּה של קטרת "to set in order the second pile for the frankincense."

Kelim, VIII, 10 הבנים ראשו לאויר הַתַּנּוּר טָהוֹר טמאהו "if he caused his head to enter into the air space of a clean oven he has defiled it," and foll. הבנים ראשו לאויר הַתַּנּוּר טָמֵא נטמא.

Para, XI, 2 כל הַסָּפֵק טָהוֹר לתרומה טהור לחטאת "every doubtful case which would be clean in respect to *Teruma* is also clean in respect to the Red Heifer." Perhaps the article was omitted from the first טהור (attributive) by analogy of the second (predicative).

For הַחָבִית מְרוּתַּחַת (*'Aboda*, IV, 10) cod. C. reads חבית מר׳, while Munich cod. has הח׳ המר׳.

[1] Cf. הורע בשלה, Num. vi. 19, and see G. B. Gray, ad loc.

[2] Cf. Rabbinowicz, דקדוקי סופרים.

[3] But cf. *Talmud b. Ketub.*, 103 b לְבְנִי קָטוֹן אני צריך "I require my youngest son," and then לְבְנִי גָדוֹל אני צריך.

[4] This form with ה *locale* is only found here in the Mišna and in *Para*, XXXI, 8, both treatises belonging to the oldest strata of the Mišna, cf. D. Hoffmann, *Die erste Mischna*, pp. 18, 21.

For הַמַּיִם שְׁאוּבִים (*Temura*, I, 4) N. reads המים השא', while C. has מים שאובים.

Nega'im, X, 3 מיד הַשֵּׂעָר צָהוּב (so N.), C. reads שער צ'. Note the following מיד שער צהוב.

Cf. in BH. 1 Sam. xv. 9 (המלאכה נמבזה); 2 Sam. vi. 3; Jer. ii. 21, xxii. 6, xxiv. 2; Ezek. xxxix. 27; Esther ii. 14; Dan. viii. 13, xi. 31. After a suffix, Gen. xliii. 14; 2 Sam. xxii. 18 (אויבי עז); Ezek. xxxiv. 12; Ps. cxliii. 10 [1].

(2) Sometimes the article is omitted with a demonstrative attribute, e. g. *Terum.*, III, 5 הברי זה "this heap of corn"; *Ketub.*, I, 8 עובר זה "this embryo"; *Me'ila*, VI, 6 הבים זה "this bag." In BH. this construction is found regularly when the subst. is determined by a suffix (e. g. דברי אלה, Deut. xi. 18), and only occasionally, for the sake of euphony, when determined by the article [2]. But in Moabitish and in Phoenician it seems to have been pretty common [3].

The article is always omitted in a number of common expressions, specially compounds, which have become standing expressions, and as such are considered definite in themselves, e. g. תלמוד תורה "the study of the Torah"; דרך ארץ "good manners"; ספר תורה, בעל קר, בעל מום, יום טוב "festival"; כהן גדול "High Priest." Conversely other nouns of the same nature are only found with the article, e. g. בעל הבית (*οἰκοδεσπότης*), בית המדרש, בית הכנסת; but plural, בעלי בתים, בתי מדרשות, בתי כנסיות. Further, עם הארץ; and plural, עמי הארץ [4].

The article is always omitted with the genitive when introduced by של and preceded by an anticipatory suffix (e. g. *Šabb.*, I, 1

[1] See König, *Syntax*, § 334 *m*, *s*, cf. also the omission of the article with the attribute of old proper names in BH., e.g. תהום רבה; בית חרן תחתון, 1 Kings ix. 17, &c.; but contrast ‖2 Chron. viii. 5 ב' ח' התחתון, ב' ח' העליון, and 1 Chron. vii. 24. Cf. also the formula ירושלם קדשה on coins of Simon Maccabaeus, beside the more usual הקדושה '. (Madden, *Coins of the Jews*, p. 67 f.). In this case the article may have been omitted in order to save space. So in Syriac ܒܝܬ ܡܕܫܐ, cf. Nöldeke, *Beiträge z. semit. Sprachwissenschaft*, p. 49, footnote 2; also *Syr. Gram.* (Engl. tr.), §§ 202, B. Rem., 203.

[2] Ges.-K., § 126 *y*, and *Tenses*, § 209.

[3] Cf. Schröder, op. cit., §§ 43 (on הוא), 58 and footnote, and 61; G. A. Cooke, *N. Semitic Inscriptions*, p. 26.

[4] Contrast Ezra ix. 1 עמי הארצות in a different sense.

ידו של עני), of which more will be said below in the treatment of this construction [1].

Having now arrived at the conclusion of our survey of the MH. pronoun, we are in a position to affirm that as regards the pronoun, MH. stands wholly on the basis of BH., and that the few differences in forms and syntax between the two dialects are natural developments in MH. out of the older BH.; developments, moreover, which bear the stamp of a popular and almost colloquial character (cf., e. g., אנו, אלו, הלה, הללו, את, &c.). The development and growth of the MH. pronoun have been seen to have proceeded gradually and uninterruptedly along the lines laid down by BH. and to have been hardly ever disturbed by Aramaic influence.

The Verb.

The MH. verb, as is but natural, differs materially from the verb in classical Hebrew both in form and usage. Some old formations have almost disappeared (e. g. the Pu'al and the Po'el in verbs ע"ע), while many forms which appear in BH. as late and irregular neologisms have become here the normal type (e. g. the Nithpa'el; the new intensive forms of verbs ע"ו). A great many syntactical idioms which imparted such beauty and force to classical Hebrew style, are here entirely absent (e. g. the consecutive tenses, the variety of constructions with the infinitive); while, on the other hand, new constructions have arisen which were rare or unknown in BH. (e. g. the rise of a present tense in the participle, its use with היה, the periphrasis of the future by עתיד). Nevertheless, in spite of its great gains and still greater losses, the MH. verb, such as it is, is entirely indigenous and Hebraic. The Aram. influence which appears here and there, especially in the syntax, is not

[1] The frequent omission of the article in Sirach is probably to be ascribed to a studied imitation of the poetical and elevated style of BH. (cf. Ges.-K., § 126 *h*).

so intense or so general as might be supposed. Frequently this influence had already been active in Biblical times, and sometimes a form or usage which appears at first as an Aramaism, will be found on closer examination to be a feature common to many or all Semitic dialects in a later stage of their development. Such changes and differences manifested by MH. cannot therefore be ascribed, as they have been hitherto, to Aramaic influence, but must be explained as productions of the laws of growth and decay which govern all living languages in general and the Semitic family in particular.

We proceed to review the more prominent etymological and syntactical modifications exhibited by the MH. verb.

1. *The Stems.*

The *Ḳal* is identical both in form and meaning with BH. The form *Ḳatel* is exhibited by the verbs בָּדַל, בָּטֵל, כָּשֵׁר, לָמַד, &c. *Ḳatol* is only found in the common verb יָכוֹל.

The *Niph'al* also agrees practically with the Niph'al in BH. It is found in a *reflexive* sense. לִיטָּהֵר (= להטהר) "to purify oneself"; . . . . נחלקו עליו "the sons of the High Priests divided themselves against him," i. e. disagreed with him (*Ketub.*, XIII, 1, 3); נמנו "they counted themselves" (*Šabb.*, I, 4); ונמניתי (*Pesaḥ.*, IX, 11); היה נטמן "he would hide himself" (*'Arakin*, IX, 4).

In a *middle* sense: נשאל "to inquire" (*Mo'ed Ḳaṭ.*, III, 1); נפרעין "to obtain payment" (*'Ab. Z.*, I, 1); נזכר "to recollect" (*Berak.*, III, 5; VIII, 7); נהנה "to enjoy" (*Aboth*, IV, 5, so Sirach xxx. 19); נמלך "to change one's mind[1]."

More frequently as passive of Ḳal, נגמרו "they were completed," *Pea*, IV, 8; כל הנאכלין "all sacrifices which are eaten," &c., &c. Denominative Niph'al is found in יֵעָנִי "to become poor"; יֵעָשֵׁר "to become rich." *Šeḳal.*, III, 2 (but followed by העני, העשיר !).

In חרש רומז ונרמז . . . . קופץ ונקפץ "a deaf-mute makes sign (with his hand or head) and signs are made to him,

[1] Lit. "to obtain counsel for oneself," cf. Neh. v. 7.

. . . . makes signs with his mouth and signs with the mouth are made to him" (*Gittin*, V, 7); the Niph. is used loosely in order to preserve the personal construction with the subject which is a characteristic feature of Mišnaic style[1].

So the *Pi'el* is identical with the BH. Pi'el except that it is often spelt with *yod* after the short ḥirek. This, of course, is merely an orthographical device to facilitate the correct pronunciation and has no grammatical significance whatever[2]. Cf. also the full spelling of the Pu'al (e.g. מְחוּבָּר), of the Hoph'al (e.g. הוּתַּר), and in nouns like אוֹכֶל, גּוֹרָן, &c.

The Pi'el is used in an *intensive* or *iterative* signification, e.g. מפסלין "to trim, cut off twigs," *Šebi'ith*, II, 3; ממרסין "to mingle, stir" (ibid., II, 10; cf. Ezek. xlvi. 14); הַמְעַבְּדוֹ "he who tans it"; המחתכו "he who cuts it up" (*Šabb.*, VII, 2); ממרח "to smear" (ibid., XXII, 3; cf. Isa. xxxviii. 21); היו מתלשין "they were plucking violently" (*Yoma*, VI, 4); זינתה (*Sanh.*, VII, 2); מחמדתן "coveteth them" (*Maccoth*, III, 15); הרוח מנשבת "the wind bloweth" (*Menaḥoth*, X, 4), &c.

Causative. סילק "to put aside"; מחפיץ "causing to be leavened" (*'Orla*, II, 4); מדמע "causing to be mingled"; טמא "to defile"; עִבְּרָהּ "he caused her to be pregnant" (*Yebam.*, VII, 5; cf. Job xxi. 10); מילדין "to help in child-bearing," so מילדת "a midwife" (BH.); מדדין "causing to walk" (*Šabb.*, XVIII, 2; cf. Ps. xlii. 5); לְשַׁכֵּחַ "to cause to forget" (*'Erub.*, VII, 9; cf. Lam. ii. 6); משתקין אותו "they silence him" (*Sanh.*, V, 4), &c.

Denominative. מזבלין "to cover with manure" (> זבל); מאבקין "to cover with dust"; מעשנין "to fumigate" (*Šebi'ith*, II, 2), often in a *privative* sense: מיבלין "to remove wens"

[1] Cf. *'Erub.*, IV, 10; *Mo'ed Ḳat.*, III, 1, &c.

[2] So regularly in Aram. In MH. the full spelling is confined to certain types of texts. Stein's suggestion (*Das Verbum*, p. 31) that this spelling signifies a lengthening of the vowel consequent upon a dissolution of the doubling cannot, in view of these facts, be entertained at all.

(> יבלת, Lev. xxii. 22); מסקלין "to remove stones" (BH.); מזרדין "to nip off shoots" (> זרד) (ibid., §§ 2, 3), &c.

Of the *Pu'al* only the participle is common, e. g. מחותך "cut up"; מרובה "large"; מיופה "beautified, beautiful"; מכוער "ugly"; מיוחד "specially belonging" or "unique"; מדומע "mingled" (of tithed fruit with untithed); מחומין "soured"; מעוברת "pregnant"; מאוחר "late[1]". But the other parts are extremely rare, the passive Nithpa'el being used in their place. The following instances only occur: לוקט "gathered" (*Pea*, V, 1); תעובר צורתו "let its form be made to pass away" (i. e. let the sacrifice be kept over the prescribed period and thus become liable to be burnt), a sacrificial technical expression. (*Pesaḥ.*, VII, 9; *Šeḳal.*, VII, 3; *Zebaḥ.*, VIII, 4); שינוגבו[2] "that they might become dry" (*Makširin*, V, 3); יחונגו, in elevated style (*Sota*, IX, 15, a later addition to the Mišna not found in N.), and חויבנו *Talmud b.*, *Makkoth*, 3 a. יופי (*Pea*, VI, 6), cited by Stein, is doubtful. C. reads יופי, N. יפי, Munich cod. ייפה. The parallel הורע proves nothing. In *Ketub.*, VIII, 4 יָפָה (so in all texts) is used as the opposite to הורע[3]. ויבוקש הדבר, in the historical *Baraitha Talm. b. Ḳiddušin*, 66 *a*, is, as Stein (p. 12, n. 7) observes, a reminiscence of Esther ii. 23. In *Pesaḥ.*, III, 1 point אלו עוֹבְרִין "these pass away," sc. מן העולם, i. e. are destroyed[4], and not as Weiss (p. 78) suggests עוּבְּרין which would involve an unnatural construction[5].

The disappearance of the Pu'al and its replacement by the originally reflexive Nithpa'el is evidently due to the decay of the inflexional power of the language which was no longer capable of expressing the modification of the stem-idea by internal change alone without the aid of external additions to the stem[6]. The participle with its

[1] Hence probably מחר = מְאָחָר.

[2] N. reads שיגובו, on which cf. Stein, p. 12.

[3] Cf. also *Talm. b. Ḳidd.*, 20 b; *'Arakin*, 30 b.

[4] Cf. *Aboth*, V, 21.

[5] Cf. Geiger, *Jüd. Zeitschrift*, 1867, p. 173, and Stein, l. c.

[6] Cf. Geiger, *Lehrbuch*, § 15, 2.

firm preformative has been preserved, and even extended to newly acquired verbs; but the imperfect with its continually changing personal preformatives, and especially the perfect which had no preformatives at all, were no longer able to maintain themselves. This decaying tendency was already strong in BH, where the old passive of the Ḳal disappeared entirely, leaving behind only a few traces, and its place was taken by the reflexive Niph'al [1].

The same tendency was at work in all the other Semitic languages. In Assyrian [2] the reflexive stems were gradually supplanting the passives. In Ethiopic [3], in Modern Arabic [4] and, of course, in Aramaic [5], all the passive forms have entirely disappeared and their place has been taken by the corresponding reflexives. MH., therefore, presents in the disappearance of the Pu'al a common Semitic phenomenon which, however, it confines to one stem only, while the other languages extended it to all the verbal stems [6].

The *Hiph'il* is practically identical both in form and signification with the BH. Hiph'il. The Aram. א for the formative ה is only found in מה שאוניתני "wherein thou hast cheated me" (=הוניתני, Exod. xxii. 30, &c.; cf. the verbal noun אונאה), *B. Meṣ.*, IV, 4 [7], but such Aramaisms already occur in BH., as אשכים (?), Jer. xxv. 3, and according to Barth (*Nominalbildung*, p. 73) also in אסוף, ארוש; cf. also the noun אזכרה (cf. Ges.-K., § 63 *k*, *p*).

[1] Cf. Ges.-K., §§ 52 *e*, *s*, 53 *u*, and the reff. to Böttcher and Barth.

[2] Delitzsch, *Assyr. Gr.*[2], § 115, pp. 238-9.

[3] Dillmann, *Ethiop. Gr.*[2], § 80. [4] Spitta-Bey, § 90 a (4).

[5] With the exception of a few isolated forms in Biblical Aramaic and in some inscriptions, cf. Nöldeke, *GGA.*, 1884, p. 105; Wright, *Comp. Gr.*, p. 224 f.; Driver, *LOT.*[6], p. 504.

[6] As might have been expected, the disuse of the Pu'al in MH. has also been laid to the door of Aram. influence, because, forsooth, the latter has no Pu'al (Stein, p. 11). But the Aram. contemporary with MH. has no Hoph'al either, and yet the Hoph'al is so abundant in MH.

[7] C., however, reads שהוניתני. אכסח (*B. Meṣ.*, III, 7, IX, 4 and often in Talmud) cited by Siegfried and Strack is a purely Aram. form borrowed from the colloquial speech of the common people, and is, probably, not a verb at all.

As regards its meaning the Hiphʿil occurs—

As *causative* very frequently: הקדיש "to sanctify"; מקריא "to make to read—read to" (*Bikk.*, III, 7, &c.); מאחיזין את האור "cause the fire to take hold (of the wood)[1]=kindle," *Šabb.*, I, 11; XIV, 5; משחיטין את הטבח "cause the butcher to slay," *Ḥullin*, V, 4, &c. &c.

Denominative. התליע "to breed worms, decay"; figuratively, "spread like worms" (*Kilaim*, II, 3, also Sirach xxx. 13), and in a *privative* sense: "to remove worms" (*Middoth*, II, 5); הגריל "to cast lots" (*Yoma*, VI, 1); המגדיש "to pile up a stack" (*B. Ḳam.*, VI, 3); הדביש "to ferment" (of honey, *B. Meṣ.*, 38 a); המשליש "to deposit with a third party" (> שליש, *Ketub.*, VI, 7); האהיל "to overlay, cover," *Ohol.*, II, 1, &c.

Internal Hiphʿil. This is even more common in MH. than in BH.: הוריקו "to become yellow" (*Šebiʿith*, VI, 3; *Maʿaseroth*, IV, 2, &c.); יבריא "to become healthy," *Šabb.*, XIX, 5; מְשֶׁתַּגְדִּיל "after she will have grown up," *Ketub.*, VI, 6; והעשיר . . . והעני "he grew rich . . . poor" (ibid.); הבריקה "she became bright," euphemistically "blind" (*B. Meṣ.*, VI, 2); יחכים "grow wise," *B. Bathra*, X, 8; הקדים "to advance, be first"; הרחיק, הפליג "to be far," &c., &c.

The *Hophʿal* is extremely common. It differs in no respect from the BH. Hophʿal except that it takes invariably the vowel *u* after the preformative, written —הו[2] instead of the usual BH. *hŏ*. This form of the vowel is found in BH. occasionally in the strong verbs (Ges.-K., § 53 *s*) and regularly in most of the weak verbs (viz. ע״ע, פ״נ, פ״ו, ע״ו, and ל״א). As *u* is also the regular vowel of Puʿal, it became in the popular mind the *only* characteristic vowel of the passive stems, to the total suppression of the vowel *ŏ*.

The few relics of the Hophʿal in Aram. have *ŏ* after the

[1] Otherwise Jastrow. We should, probably, point אוּר (Isa. xxxi. 9, &c.), Aram. נוּר "a fire," and not according to traditional pronunciation אוֹר.

[2] Cf. above (p. 672) on the spelling of the Piʿel. Stein cites one exception, viz. מָיחזרת *Sifré*, Deut. iii. 23. His suggestion that הר is merely *hŏ* written *plene* is hardly probable.

preformative except in the weak verb; thus הָתקנת, הָנחת, but חוספת, הֶפק; cf. Wright, *Comp. Gr.*, p. 225.

Hithpo'el and *Nithpa'el.* The reflexive of the intensive stem in MH. is, with few exceptions, Nithpa'el instead of the BH. Hithpa'el. Now these two formations are practically identical both in form and meaning, except that in the perfect the one has ה as its preformative and the other נ. There can, therefore, be no doubt whatever that the two form really one and the same stem[1]. The preformative —הִ was in the course of time changed in popular speech into —נִ on the analogy of the Niph'al, through —הִ becoming associated in the popular mind with the causative idea through the influence of Hiph'il and Hoph'al, and —נִ with the reflexive idea through the influence of the Niph'al. This change only extended to the perfect, for in the imperf. there was no room for either of these preformatives, and in the infinitive and imperative the Niph'al itself has —הִ, hence also the Hithpa'el-Nithpa'el has retained —הִ (e.g. להתגדל, *Aboth*, IV, 5; להתקים, V, 17; הסתכל, III, 1, &c.). In the participle the preformative מ has maintained itself, in spite of the Niph'al participle נִקטל, through its firmly established nominal force which is so universal in Semitic speech. Besides it would be unreasonable to expect that an analogy formation of this kind should be worked out to its full logical extreme.

This change of preformative must have begun at an early period in the popular idiom, hence its occurrence already in Deut. xxi. 9 and later in Ezek. xxiii. 48, where, it is to be noted, it has a passive signification. Gradually it made its way until in the Mišna the old form was almost entirely suppressed. The preformative —הִ survives only in the old Mišna, *Bikk.*, III, 6[2]: והשתחוה (perhaps only

[1] Contrast Geiger, § 15, and Siegf.-Strack, § 91, and compare Stein, p. 17. Salomon Levysohn (cf. above, p. 649, n. 2) explains the form Nithpa'el as an artificial composition of the Niph'al and the Hithpa'el.

[2] || *Sifré*, Deut. xxvi. Note the form שורהו and the general purity of style of this and the preceding sections. Cf. also Hoffmann, *Die erste Mischna*, p. 15 f.

a reminiscence of והשתחוית, Deut. xxvi. 10); in the liturgical expression התפלל (*Ta'anith*, III, 8; old?) and in the legal phrase חתקבלתי ממך מנה "I have received from thee a mina" (*Ketub.*, IX, 8). In V, 1, C. reads שנתקבלתי, while in N. it is missing; in *'A. Z.*, IV, 12, both C. and N. read שנתקבלתי, while ordinary edd. have התקבלתי.

The phonetic rules regulating the preformative ת are the same as in BH.; thus נשתתק "to become silent, dumb"; נשתתף "to join in partnership"; נסתמא "to become blind"; נצטרע "to become leprous." With first radical a ז the ת is changed into ד and transposed, as in Aram. (Dan. ii. 9): נזדמן "to chance"; נזדעזע "to be shaken violently"; להזדייף "to be forged" (*Gittin*, II, 4).

Before the letters ד, ט, ת the ת is assimilated to the first radical, the short vowel being, however, often represented by a י as in Pi'el, e.g. שֶׁנְּדַיְּרָה "to be manured by cattle"; שֶׁנְּיִטַּיְּבָה "to be improved" (*Šebi'ith*, IV, 2); וּמְטַמֵּא בנדה "and he becometh defiled by a *Niddah*" (*Nidd.*, V, 5; but also מתטמא, *Nazir*, IV, 3. Cf. especially *Kelim*, II, 1); מיתרגם "to be translated." Cf. further, Stein, p. 19.

As regards its meaning, the Nithpa'el bears the same relation to the Pi'el as the Niph'al to the Ḳal. It is primarily *reflexive*, as נסתפג "to dry oneself"; נתעסק "to busy oneself"; נתודע "to make oneself known," &c.; or what may be termed *internally reflexive*: נסתכל "to look intently, consider" (= BH. התבונן); נשתדל "to endeavour, strive"; תתיָּרא "to fear" (*Sota*, VII, 8, also Sirach iv. 36, xii. 11); מִתְנַדְּבִין שמן (*Zebaḥ.*, X, 8; cf. Ezra iii. 5; 1 Chron. xxix. 17). Note especially נתפקח "to regain the sense of hearing and speech"; נתפתח "to regain the sense of sight"; נשתפה "to become sane"; נתחרש "to become deaf"; נסתמא "to become blind"; נשתטה "to become mad" (*Gittin*, II, 6); נשתתק "to become dumb" (ibid., VII, 1). Also *reciprocal*: נשתתף "to join in partnership" (*Pea*, III, 5); נצטרף "to join one another" (ibid., VI, 1); נתערב "to become mixed" (*Yebam.*, XI, 3). As *passive* it is very common, serving as a

substitute to the Pu'al, e. g. נתבשל, נתגייר, נתגלה, נתארסה, נתפתתה, &c., corresponding to the actives בִּשֵּׁל, גִּיֵּר, גִּלָּה, אֵרַס, פִּתָּה, &c.

This passive use of a reflexive stem is, as stated above (p. 674), common to all Semitic languages in their later phases, but in BH. it is only regular with the Niph'al, while in the Hithpa'el it is only found in וישתמר (Micah vi. 16), וישתבחו (Ḳoh. viii. 10), and in the cases of Nithpa'el mentioned above (p. 676).

As in BH. and other Semitic languages[1] the reflexive idea is often expressed in MH. by periphrasis instead of the reflexive stems. This is especially the case with verbs which have no Nithpa'el. But instead of נפש, which is usual in BH. and Aram., MH. uses for this periphrasis the noun עצם ("bone," and in a derived sense, "substance, essence"), followed by the appropriate pronominal suffix, e. g. *Ḳidduš.*, I, 1, קונה את עַצְמָהּ "acquires herself"; so in the following sections; אין אדם משים את עַצְמוֹ רשע "A man cannot make himself guilty," *Talm. b.*, *Yebam.*, 25 *b*, &c.

This use of עצם is found already, in the construct state, in BH., but only in connexion with things, viz. בעצם היום הזה (Gen. vii. 13 and frequently); בעצם השמים (Exod. xxiv. 10) and בעצם תמו (Job xxi. 23). But it is obvious that the expression must have been primarily applied to animate beings and then figuratively also to inanimate beings, so that it must have been more commonly used in actual life than appears in the literary remains of old Hebrew.

עצם is also used generally in MH. as a reflexive pronoun, e. g. לעצמו (*Aboth*, I, 5); בעצמך (ibid., II, 4); הוא עצמו "he himself"; זה בעצמו וזה בעצמו "this by itself and this by itself"= separately (*Šabb.*, XIX, 2); so זו לעצמה וזו לעצמה (*Pesaḥ.*, I, 2). As a genitive עצם is equivalent to an emphatic pronominal suffix, e. g. בינו לבין עצמו "between him and his own person," i. e. privately (*Bikk.*, I, 4); על ידי עצמו "on his own behalf" (*Ketub.*, II, 9); מעשה עצמו "his own act," as opposed to מעשה שורו (*B. Ḳam.*, III, 9); דברים של עצמו "matters affecting himself,"

[1] Cf. Ges.-K., § 139*f*, *s*, and Wright, *Comp. Gr.*, p. 129.

opposed to דברים של אחרים (*Šebu'oth*, III, 5); בפני עצמך "before thyself" (*Aboth*, II, 13); בבסות עצמן "by their own garment" (*Tamid*, I, 1); מחמת עצמן "through themselves" (*Para*, VIII, 11), &c.; cf. also the phrases לחוב בעצמך "to be guilty against thyself, thy life" (*Berak.*, I, 3), with מתחייב בנפשו (*Aboth*, III, 4, 7, 8); תמה עצמך "wonder in thyself" (*Makširin*, I, 3), with תמה בנפשך.

This use of עצם is an exclusively MH. idiom, and the late Aram. use of גרם in the same signification is an imitation of MH. (cf. also 2 Kings ix. 13 and see Burney's Note).

The old form *Saph'el* is found in the two verbs סרב (=סרהב) "to refuse, rebel[1]" and סרגל (>רגל) "to rule, draw lines," and in the nouns סמרטוט (>מרט) "rag, lappet," and סרק (>ריק) "empty." The *Šaph'el* occurs only in the two very common verbs שעבד "to enslave, subdue," and שחרר "to liberate, manumit," and in the corresponding verbal nouns שעבוד, שחרור and also in שעמום "dullness" (>עמם, Ezek. xxviii. 3, &c.). These formations are found in all Semitic languages and also in BH.[2] The verbs שעבד and שחרר are, however, most probably loan-words from the Aramaic.

Like BH. and other Semitic languages[3], MH. has formed a number of *quadriliterals*, but it does not exhibit in their formation that lack of restraint and of good taste which characterizes so many of the Aram. and especially Syriac formations[4]. They may be classified as follows:—

(1) Those formed by doubling the third radical: ערבב "to mingle"; שרטט "to scratch, inscribe"; קמצץ "to press."

(2) By repeating the whole root, only in ע"ע and ע"ו verbs: קלקל "to damage"; פרפר "to crumble"; סלסל "to curl, twist"; כלכל "to maintain"; נמנם "to be drowsy."

(3) By inserting a ר after the first radical: קרצף "to scrape"; קרסם "to trim, gnaw" (=BH. כרסם, Ps. lxxx. 14); or adding a ר

[1] Also in Sirach, iv. 25 a, xli. 2, and probably also in BH. סרנים.

[2] Cf. Wright, *Comp. Gr.*, p. 204 f., Ges.-K., § 55 *i*.

[3] Ges.-K., § 56; Wright, *Arab. Gr.*[3], I, § 67; Spitta, § 89; Dillmann, *Eth. Gr.*[2], § 71 ff., and Wright, *Comp. Gr.*, p. 218 f.

[4] Nöldeke, *Syr. Gr.*, § 180, and especially § 182; Dillmann, p. 251 f.

at the end: קנתר or קנטר "to chide" (>קנט); or a מ: פרסם (>פרשׂ) "to spread abroad, publish"; or a ם: פרכם "to move convulsively."

(4) Denominatives: נתאלמן or, after the Aram. fashion, נתארמל "to become a widow"; נתכרכם "to look saffron-like, abashed" (>כרכם, Cant. iv. 14); כרכב "to round off" (>כרכב, Exod. xxvii. 7, xxxviii. 4); משכן "to pledge" (>משכון)[1]. Note also הלקט "to stuff birds," probably a Hiph'il, "to cause to pick up," but used as an independent verb — מהלקטין (*Šabb.*, XXIV, 3). פרנס "to sustain"; קרטס "to scrape," and תרגם "to translate" (BH.) are most probably loan-words[2].

Most of these formations are also common in Aram. dialects, but in few, if in any, belongs the priority of formation to Aramaic. Some of them, like הלקט, כרכב, קרסם, קרצף are the exclusive possession of MH.

2. The Tenses.

In the inflexion of the verb, the following variations from the BH. forms are found in MH. :—

The second masc. plural of the perfect sometimes ends in תן for תם (e.g. עשיתן, *Middoth*, II, 1; but עשיתם in *Aboth*, II, 3). This is usually ascribed to Aram. influence[3]. But may not this modification be due simply to the natural phonetic change of ם into ן? How liable older Hebrew was to make this change, and how anxious it was to avoid it, is shown by the fact that the tone was always placed on the syllables תם, תן, כם, כן, &c., in order, presumably, to ensure the distinct pronunciation of the final consonants, and to prevent their being confused with each other. Naturally this confusion which appears in MH. was facilitated and accelerated by contact with Aram., but it is difficult to believe that Aram. influence alone would have produced this change of letters if Hebrew itself had not shown a natural tendency in that direction. Aram. influence was incapable of remodelling in the least the

[1] An Assyrian word, Nöld., op. cit., § 181 (8).

[2] Cf., however, Jastrow, s. vv.

[3] So Stein, p. 24.

inflexion of the Hebrew verb after its own manner. It could not produce a change in the vowel of this suffix from *ĕ* to *û* and *ê* (cf. MH. קטלתֶּם, קטלתֶּן with Aram. קטלתּוּן, קטלתִּין). Moreover, this influence, if it had really been so intense, ought to have worked in an opposite direction. Instead of producing in MH. one form for both genders, it ought to have preserved and accentuated in MH. the differences and distinction between the genders and persons of which Aramaic itself is so jealous, while Hebrew had always been slack about them, as is shown by the common gender of קטלו (Aram. קטלו m.; קטלא, קטלי f.), and the use of תקטלנה for the second and third fem. plural (Aram. תקטלן, יקטלן or נקטלן respectively).

In the imperfect the form תקטלנה has entirely disappeared without leaving any trace in the whole of the vast MH. literature[1]. יקטלו and תקטלו are therefore used for both genders just like קטלו already in BH. and קטלתן sometimes in MH. In this MH. has merely developed to the full a tendency already strong in BH. (cf. Gen. xxx. 39; Lev. xxvi. 33 b; Judges xxi. 21 a, &c.; Ges.-K., § 145 *p*, *t*, *u*). Modern Arabic has gone further in this respect than MH., inasmuch as it has given up all the fem. plural forms, whether in the perfect or in the imperfect[2]. Aramaic, however, has anxiously preserved the distinction of gender even in the latest and most decayed dialects[3].

The imperfect Ḳal of transitive verbs is, in accordance with the general rules of spelling in MH., written plene יקטול. The plural remains יקטלו even at the end of a sentence. In a few instances, however, the form יקטולו is found in pause: *Ṭohor.*, X, 3 עד שיטבולו "until they bathe"; *Miḳwaoth*, I, 5 וישטופו "and they will overflow"; *Uḳṣin*, III, 4 עד שימתוקו "until they become sweet"; ויחלוקו "and

[1] The form וחחזיקה עינינו in the 18 (19) benedictions (Singer, p. 51), is an adaptation of Isa. xxxiii. 17 and Ps. xvii. 2.

[2] Spitta, § 90 a (1).

[3] Mandaic forms an exception, as it uses sometimes the masc. for the fem.; cf. Nöldeke, *Mand. Gr.*, § 162, and p. 87 (top).

they shall divide" (*B. Meṣ.*, I, 1, 2, &c.), the latter also without pause in *Ketub.*, VIII, 2. So שימתוכו "that they may become softened" (*Ṭohor.*, IX, 5), and the fem. sing. שתדורי "which thou wilt vow" (*Nedarim*, X, 7), which Stein (p. 30) ascribes to Syriac influence[1].

So also in the imperative in pause בתובו "write ye!"; חתומו "seal ye!" *Gittin*, VI, 7; VII, 2.

The *consecutive tenses* have practically[2] disappeared altogether in MH. They are not even found in the liturgy except in a few isolated cases, viz. in the *Ahaba*, שבטחו בך וְתִלַמְּדֵם (Singer, p. 39), but it may be doubted whether this phrase existed in the benediction in Mišnaic times[3]; in the formula for the sanctification of the festivals: וְתִתֶּן לנו (Singer, pp. 228, 230, &c.); in the *Habdala*: וְתַבְדֵּל, וְתִלַמְּדֵנוּ, &c. (ibid., pp. 46, 227, 240, six times beside one perf. with simple *waw*); in the Service for the New Year: וְתִפְקְדֵהוּ (p. 250), וְתַשְׁמִיעֵם . . . בהגלותך (p. 252); in the Neʿila for the Day of Atonement: וְתִלַמְּדֵנוּ וְתַכִּירֵהוּ (p. 267). These instances must be ascribed to the influence of Biblical style which manifested itself only in elevated and semi-poetical passages. They are not deliberate imitations of the old literary style, nor are they derived from the living speech of the day; for in either case they would have occurred more frequently.

As is well known, numerous passages are found even in the oldest portions of the Bible in which the simple tenses are used in place of the usual consecutive tenses, and this becomes more frequent from the times of Jeremiah onward, until in Ḳoheleth the relation between the consecutive and

[1] In *Megillah*, III, 3, the ordinary reading לא יהלוש is correct. יהלושו could hardly be used in an impersonal sense (against Stein, l. c.).

[2] The only passage known to the writer where the consec. tenses are found is the remarkable *Baraitha* in *Talm. b. Ḳidduš.*, 66 a, in which the impf. consec. occurs seven times (three of which are the form ויאמר), beside eleven times of the perf. with weak *waw*. This *Baraitha* seems to be a fragment of a collection of historical tales written in MH. but affecting to imitate the old historical style.

[3] Cf. *Berak.*, I, 4. The phrase in the *Geulla*, וַיַּכְּסוּ מים צריהם (Singer, p. 43), is of course a quotation from Ps. cvi. 11.

the simple tenses is reversed, i. e. the use of the simple tense becomes regular while that of the consecutive tense becomes exceptional. The explanation of this phenomenon as due to Aramaic influence, though obvious and plausible, is inapplicable to the cases in the earlier books (cf. Driver's *Tenses*, § 133). It remains, therefore, to say that this irregularity arose at an early time within the Hebrew language itself and independently of outside influence. For it is inconceivable that in ordinary colloquial Hebrew, even of the golden age of the language, such a subtle and complicated idiom as the use of the consecutive tenses could have always been observed with the strict precision which we generally find in the literary dialect. The popular speaker could not always have been equal to the mental strain involved in the regular and continuous use of a construction of this nature. Now and again looseness of thought would manifest itself in loose and irregular constructions, and these would in due time find their way into the literature, and what was first a vulgarism would in the course of time become merely a permissible and innocent irregularity of style, and later a regular alternative construction, until finally it would become the acceptedly natural and regular mode of expression.

It may even be doubted whether the consecutive construction ever attained in popular speech that dominating position which it occupies in the literary dialect, and whether the more original and more convenient construction with the simple tenses did not survive in the everyday language side by side with the new and more elegant construction by means of the consecutive tenses. In Phoenician, which also possesses the consecutive tenses, the simple tenses are used very often where BH. would employ the consecutive; thus וּפָעַל . . . וישמע (Cooke, *N. Sem. Inscr.*, No. 3, l. 8); ופעלת אנך וְיִקְרְשֻׁתִּ (No. 29, l. 13); בן . . . וּפָעַל (No. 33, l. 3); פעל וְיִחְדֹּשׁ (No. 38, l. 1), and the common phrase ויטנא יתן (No. 13, l. 2, &c.), both verbs of which are perfects.

The contact with Aram. would, naturally, but strengthen the position of the older construction until finally the consecutive tenses would be entirely banished from the living language and survive only in literature largely by force of the literary tradition, as in Ḳoheleth, Daniel, &c., or through conscious and deliberate imitation of older models; so in Esther, Chronicles, and in Sirach. If this be the case, the consecutive tenses must have become obsolete in the living language long before the close of the Canon.

3. The Infinitive.

Of the various and manifold constructions with the infinitive to be found in BH., MH. has only retained the gerundial use with ל to express the motion, direction, and purpose of a verb. In its nominal capacity the infin. has been supplanted in MH. by the corresponding verbal nouns which are so numerous in MH., while for the infin. with the prepositions ב, כ, periphrasis with —בְּשֶׁ (=BH. כאשר, Aram. כדי, Dan. vi. 10, כד) has been substituted as in Syriac and usually in Aramaic. The loss of these constructions cannot be ascribed to Aram. influence, since in Aram. the infinitival construction is to be found pretty often, at least in the Targumim, e. g. במיתא (Gen. xlviii. 7), במפקיה (xii. 4), במיתוהי (xxiv. 61), במפקי (Exod. ix. 29), בשלחותיה (xi. 1), &c., &c. These Aram. forms may, of course, be due to the influence of the Hebrew text; but the fact remains that they were permissible in Aram. and not in MH. Moreover, the infin. absolute for emphasizing a following finite verb is extremely common, not only in the Targumim but also in Syriac[1], while not a trace of it is to be found in MH. The loss of the infinitive must therefore be due to natural decay. And in fact in those late books of the Bible which have not been influenced consciously or unconsciously by

[1] Cf. Nöldeke, *Syr. Gr.*, § 293 ff. In the Targumim the inf. absol. is used almost always where the Hebrew text has it. Cf. also Winer's *Chald. Gr.*[3] (1882), § 46, 4, 5.

earlier models the use of the infin. is much more scarce than in earlier books. Thus in Nehemiah's Memoirs the inf. with כ is only found once, כשמעי (i. 4); contrast with כאשר שמע (iii. 33, iv. 1, 9), כאשר באו (iv. 6), כאשר נבנתה (vii. 1), &c. In Ḳoheleth the infin. with ל is extremely common, just as in MH., while the other infinitival constructions are extremely rare. The only real infinitives in the book are ברבות (v. 10) and בשפל (xii. 4), since ברוב (i. 18, v. 2, 6, xi. 1), מלא (iv. 6)[1], and ברוע (vii. 3) are properly substantives. Contrast, on the other hand, מבלי אשר לא ימצא (iii. 11), כאשר תלך (iv. 17), כאשר יהיה (viii. 7), also iv. 10–12, &c., where older Hebrew would certainly have preferred the infinitival construction. So also in the book of Canticles, the inf. with ל alone is found (vi. 2, 11), but not with ב or כ. Note the construction in viii. 1, 6, 8, and other places where literary Hebrew would have certainly used the infinitive. This construction of the infin. with ב or כ is also absent in the first chapter of Daniel, while from the clumsy way in which it is employed in the rest of this book, and also in the original passages of the chronicles[2], it is evident that it was with these authors an artificial mode of expression, in the use and application of which they were but seldom successful. Its total disappearance, therefore, in MH. is but natural and inevitable.

As regards the form of the infin. with ל, it may be remarked that in the Niph'al the preformative ה is usually elided after the ל, as לישבע "to swear"; ליסקל "to be stoned," &c., though the full form is quite common, e.g. להבראות, להפרע (*Aboth*, V, 1), especially in weak verbs: להוודע (*Aboth*, IV, 22), להנדר (*Šebi'ith*, III, 9). In the Hiph'il the ה is but rarely elided, as in לַרבות (=להרבות), לַשהות (=להשהות) "to cause delay" (*'Erub.*, X, 5)[3]. This elision

[1] These two are often construed in the same way in MH., e.g. *Aboth*, III, 15 רוב המעשה; *Kilaim*, III, 1 מלא רוחב הפרסה, cf. II, 6; *Šabb.*, VII, 8, &c.

[2] Cf. Driver, *LOT.*[6], pp. 506, No. 12; 538, No. 37.

[3] לשטיח quoted by Stein (p. 10) is a noun = לְשָׁטְיַח "for a spread" or "mat," cf. Bertinoro to *Ḥullin*, IX, 3.

of the ה is merely an extension to the infinitive when preceded by a preposition of the phonetic principle followed in the formation of the imperfect; cf. also the elision of the article after a preposition, and other cases of the elision of ה in Ges.-K., § 23 *k*. It is found in isolated cases also in BH.[1] and must have been very common in the colloquial language.

The analogy of the imperfect is also evident in the formation of the infin. of verbs the first radical of which is a weak letter. Thus פ״י: לֵרֵד[2], לֵידַע, לֵישַׁן, corresponding to the impff. אֵרֵד, אדע, אישן; פ״נ: לִיטוֹל, לִיטַע, לִיגּוֹף = impff. יִטּוֹל, יִטַּע, יִגּוֹף. So לישֹׂא, ליתן, except in the standing expression לשאת ולתת (literally, "to give and to take," i. e. "to buy," and then "to deal" in its widest sense), where the old forms have been preserved for their assonance[3].

Further, ליקח and לומר = impff. יקח, יֹאמַר, but other פ״א verbs form the infin. regularly.

These infinitives may, perhaps, be older than the usual BH. forms with the fem. termination ת: לרדת, לטעת, &c. In לָתֵתָן (1 Kings vi. 19) we have perhaps a *forma mixta* of the colloquial לְתֵּן and the literary לָתֵת; so perhaps also תתן (1 Kings xvii. 14, in the Kethîb) may be a *forma mixta* of תֵּן and תֵּת. This would go to show that there was also a colloquial infin. תֵּן without the preposition.

The inf. with ל preceded by the adjective עתיד is sometimes used to express with emphasis the occurrence of a future act or event (the *Periphrastic Future*). It is not very common in the Mišna or in the Halakic Midrašim, and where it does occur it always expresses, in accordance with the meaning of עתיד, a resolve, readiness, or obligation to perform an act, or the certainty and inevitable character

[1] Ges.-K., §§ 51 *b*, 53 *q*.

[2] So Sirach xxx. 17.

[3] Cf. Weiss, p. 91. A similar commercial expression is אם חסר ואם יתר "more or less" (*B. Bathra*, VII, 2 f.). Hoffmann in his edition points יֶתֶר incorrectly. The Targumic נסב ויהב (Zach. v. 6, 7), and the Talmudic שקיל ומרי are imitations of the MH. לשאת ולתת. So also the Talmudic שקלא ומריא is a translation of the MH. משא ומתן "business." Cf. also Barth, *Wurzeluntersuchungen*, p. 25.

of an event[1]. The following are all the instances of this construction in the Mišna :—

Demai, VII, 1 מה שאני עתיד להפריש "what I shall have to set apart."

Megilla, II, 3 אם עתיד לחזור "if he is resolved, or going to return."

Nedar., III, 1 כל נדר שאני עתיד לידור "every vow which I shall ever make."

Ṭohor., IX, 2 גמר מלמסוק אבל עתיד ליקח . . . אבל עתיד ללוות "he has finished gathering the olives but he is going to buy (more), he has finished buying but he is going to borrow (more)."

Ibid., IX, 6 נתנן בבית . . . ועתיד להעלותן לגג "he put them into the house, but he is going to bring them up to the roof."

Šeḳal., VI, 3; *Midd.*, II, 6 בו המים מפכים ועתידין להיות יוצאין מתחת מפתן הבית "in it the waters trickle forth and in the future they shall go forth from under the threshold of the house" (cf. Ezek. xlvii. 12).

Midd., II, 3 . . . וכך הם עתידים להיות שנאמר "and so shall they be in the future, as it is said 'And he brought me forth into the outer court'" (Ezek. xlvi. 21).

Nazir, V, 4 "if you had known שביה"מק עתיד ליחרב that the temple was going to be destroyed"; *Sota*, V, 2; *B. Meṣ.*, IV, 2; *Sanh.*, X, 2; *Aboth*, III, 1; *Uḳṣin*, II, 12 (a later addition).

The construction is extremely common in the later Haggadic literature with a force analogous to that of the last examples in the list above. It is also very common in the Targumim, where it is used as a rule in the same way as in MH. (e.g. Gen. iii. 15, 22; iv. 10; vi. 3; xv. 12, in Jonathan). But sometimes עתיד is followed in the Targum by ד and the imperf., e.g. Isa. xl. 2. In Syriac ܥܬܝܕ is always followed by —ܐ and the imperf.[2] In PH. the construction is found only once, viz. Job iii. 8 העתידים עורר לויתן (לעורר=). Note also עתידות "the destined future," Deut. xxxii. 35. The root עתד is rare in the Bible, but it may have been common in the colloquial language of Biblical times.

[1] Cf. Graetz, *Orient.*, 1845, col. 87, and M. Grünbaum, *Sem. Studies in memory of Kohut*, p. 230.

[2] Cf. Payne-Smith, s. v.

4. The Participle.

In its form the MH. participle coincides exactly with the BH. participle. The feminine singular usually ends in ת־ ת— as פּוֹרֶקֶת, מִתְחַלֶּקֶת, מְדַמַּעַת. So also in BH. the fem. partic. with ת־ is by far the more common form. Thus in a cursory examination of the first twenty-seven chapters of Genesis the writer has found fifteen examples of the form with ת־ against hardly one with ה־ (xx. 3 בְּעֻלַת בעל)[1].

The fem. of קטוּל, however, and of verbs ע״ו and ל״ה always ends in ה־.

Here we see again how little MH. grammar was influenced by Aramaic. The analogy of Aram., which forms the fem. partic. by attaching the termination א־, ֻ— to the masculine, ought to have favoured the predominance in MH. of the form with ה־, but as a matter of fact the reverse is the case. Curiously enough the scarcity in MH. of the fem. partic. with ה— has also been attributed to Aram. influence (Stein, p. 28 (2)).

Already in BH. we find a few cases where the passive קטוּל is used for the active, viz. in intransitive verbs, to express an inherent quality as בטוח, שבור[2], and in transitive verbs to express an act which is so constant and continuous as to become a condition and a quality of the subject, who is thus conceived to be himself influenced and acted upon by his own act[3]; so אחוזי חרב "holding swords" (Cant. iii. 8); זכור "mindful" (Ps. ciii. 14), &c. This construction is more extensively used in Aram. and especially in Syriac[4]. In MH. it is not so common as in Aram., but is yet more frequent than in BH. The following is a fairly exhaustive list of examples of this usage in MH.: מָתוּן "cautious"

[1] Cf. also Ges.-K., § 94 *d*.

[2] Cf. Ges.-K., 50*f*.

[3] Otherwise Barth (*Nominalbildung*, p. 175 f.) who regards these forms as participles *active* derived from the *u* imperfect.

[4] Nöldeke, *Syr. Gr.*, § 280.

(*Aboth*, I, 1); שָׁקוּד "watchful, diligent" (ibid., II, 14); רְבוּצִים "lying" (*Bekor.*, IX, 7); טְבוּל יום, טְבוּלַת יום "one who has bathed but has to wait for sunset in order to become pure" (*Ṭohor.*, II, 1 and *Ṭebul Yom*, *passim*). The common form סָבוּר "thinking" is an adaptation of the Aram. סביר.

In transitive verbs: מְקוּבָּל "having been made the recipient of a tradition" (*Pea*, II, 6, &c.; cf. *Aboth*, I, 1 משה קבל[1]); נָשׂוּי "married" (*Yebam.*, XIII, 7, &c.), i. e. "in condition of being married," but the act of marrying is always expressed by the active הנושא; חֲשׂוּבֵי בגדים "lacking garments" (*Kelim*, I, 2); שתויֵי יין "men who are in a state of having drunk wine[2]"; שלא רָחוץ ידים ורגלים "one who is in a state of not having washed his hands and feet[3]" (*Kel.*, I, 9; *Para*, IV, 1); תְּפוּסֵי מעשי אבותיהם בידיהם "holding the acts of their fathers in their hands," i. e. conducting themselves as their fathers did (Sifra, ed. Weiss, fol. 112 b). So perhaps in the phrase כְּפוּי טובה "ungrateful" (pl. כְּפוּיֵי טובה), if, as appears to the writer, it means "repressing, withholding thanks[4]".

The other examples adduced by Hillel (op. cit., p. 22), are true passives: שָׁקוּל "balanced" = even; תָּלוּי "hanged" = hanging[5]; שָׁלוּחַ "stripped of the skin"; שָׁחוּל "suspended" = falling. In *B. Bathra*, 2 b point נָפוּל not נְפוּל. The Munich cod. actually has ניפול (*Dikd. Soferim*, ad loc.).

So also חלוצה cited by Weiss (p. 90 (א) Obs.) is conceived in MH. as a true passive, while the person whose shoe was drawn off is conceived everywhere in MH. as active, חוֹלֶצֶת, e. g. *Yebam.*, IV, 1, 7, 8, &c.; cf. IV, 5, 6 עליך מצוה או חָלוֹץ או יַבֵּם (imperative), &c.

The *Negative* usually employed with the participle in MH. is אין, just as in BH., but frequently לא is used, whenever it is intended to impart a certain emphasis to the

[1] In Mediaeval Hebrew מקיבל means "having been initiated into the *Kabbala*," a "Kabbalist."

[2] Cf. Lev. x. 9.

[3] Cf. Ex. xxx. 10 f.

[4] Cf. *'Aboda Z.*, IV, 3. The etymology given by Levy and Kohut is improbable; cf. also Jastrow.

[5] So תלוים, Josh. x. 4.

negation. This happens either when the negative follows immediately upon an affirmative [1], or when two or more negatives follow each other. In the first case ולא has the force of "but not," and in the second case לא . . . ולא means "neither . . . nor . . ." The participial clause thus negatived contains as a rule no other words but the participle.

1. *Bikk.*, I, 1, 3, 4 יש מביאין בכורים וקורין מביאין וְלֹא קוֹרִין "there are some who bring first-fruits and recite, some who bring but do *not* recite [2]."

Šabb., XI, 2 מושיטין . . . אבל לֹא זוֹרְקִין "one may hand the boards . . . but *not* throw them."

Yebam., III, 1 ff. הרי אלו חולצות וְלֹא מִתְיַבְּמוֹת "lo, these perform the *ḥaliṣa* but are *not* to be taken in wedlock by the levir"; cf. VI, 1; VII, 4; X, 8, 9; XI, 4, 6, and *Sota*, I, 2.

Ibid., III, 6 אנדרוגינוס נושא אבל לֹא נִישָּׂא "the *ἀνδρόγυνος* may marry a wife but must not be married to a husband"; cf. *Sanh.*, VII, 5.

Šebu'oth נשבעין ולא משלמין "they take the oath but are free from payment."

Ḥullin, I, 7 תוקעין ולא מבדילין "the trumpet is blown (as a signal for stopping work) but no *habdala* is recited"; so following מבדילין ולא תוקעין. Contrast with the negatives אין at the beginning of the section in non-emphatic negation or in longer clauses.

2. *Terum.*, I, 2 חרש המדבר וְאֵינוֹ שומע "the deaf who can speak," the negative not being emphatic, but following שאינו לֹא שׁוֹמֵע וְלֹא מְדַבֵּר "who can *neither* hear *nor* speak."

Pesaḥ., I, 5 תולין לא אוכלין ולא שורפין "they are in suspense: *neither* may they eat (the leavened bread), *nor* need they burn it."

Beṣa, II, 8 אין מקרדין . . . אבל מקרצפין וחכמים אומרים אין מקרדים אף לא מקרצפים "one may not comb a beast on the festival with an iron comb, but one may do so with a wooden comb. The Sages say one may *not* comb with an iron comb *neither* may one comb with a wooden comb." Cf. further V, 2; *Yebam.*, VII, 5; VIII, 4, 5; XI, 2 לא חולצים ולא מיבמים (contrast with XI, 5, 7 in longer clauses); *Sota*, IV, 1, 2, 3; *Maccoth*, III, 13; *'Eduyoth*, V, 2 ||

[1] Cf. Geiger, p. 43.

[2] The section in Deut. xxvi. 5–10.

Ḥullin, VIII, 1; *Temura*, IV, 1; *Me'ila*, III, 1 ff. (contrast with III, 3 אין מועלים בָּהֶם); *Nega'im*, X, 4; *Nidda*, VI, 1.

3. The two cases side by side, *B. Bathra*, VIII, 1; *Horayoth*, III, 5 כה"ג מקריב אונן ולא אוכל וההדיוט לא מקריב ולא אוכל[1] 'the High Priest may offer sacrifices on the day of the death of a near kinsman *but* may *not* eat of the sacrifice, while the ordinary priest may not offer a sacrifice nor eat of one"; *'Arakin*, VII, 4; *Ohol.*, VIII, 1; *Mikwaoth*, VII, 1; *Uḳṣin*, I, 1.

In longer clauses the participle is negatived by אין, e. g. *Me'ila*, I, 3; . . . אין מועלים בהם ואין חיבים עליהם משום "one does not incur *Me'ila* by using them nor is one guilty in their case of . . ."; *'Arakin*, II, 6; *Ketub.*, V, 5.

The following are the exceptions to the above rules met with in the Mišna: לא used to negative a longer clause; *Ketub.*, VII, 6; *Nedarim*, IV, 5; cf. *Aboth*, II, 16; *'Arakin*, II, 3; VII, 1; cf. also *Aboth.*, V, 14. In *'Ab. Z.*, II, 5 read with N. and C. לא נהנין ולא מועלין.

In BH., too, numerous cases are found of participles being negatived by לא[2], but very few of them can be regarded as emphatic negations. The usual explanation of such constructions on the analogy of לא עם[3] (Deut. xxxii. 21) is hardly applicable to passages like Deut. xxviii. 61; Hab. i. 14; Job xii. 3, xxix. 12; or to 2 Sam. iii. 34; Ezek. iv. 14 where the participle, being parallel to a finite verb, is evidently used with a verbal force. We have obviously, in these constructions, whether in BH. or in MH., an extension of the use of the general negative לא to cases regularly negatived by אין without in the least implying a weakening of the nominal character of the participle. Considering also the restrictions, enumerated above, under which לא is used with the participle in MH., it will become

[1] Cf. Gen. xxxv. 18 (אונו); Lam. iii. 39.

[2] All the cases are collected and classified by E. Sellin, *Über die verbalnominale Doppelnatur d. hebr. Participien u. Infinitive*, p. 27, and by J. Kahan in his dissertation with the same title, p. 19.

[3] Cf. Driver to Deut. iv. 42, also *Tenses*[3], § 162 footnote.

clear that it would be wrong to adduce this construction as evidence that the participle had become in MH. a mere verb just as in Aramaic.

This also applies to the *Position of the Subject* of a participial predicate. The subject whether pronoun or noun is sometimes placed in MH., as in BH.[1], after the participle, but only as a rule when special emphasis is to be placed on the participle, so that the act rather than its subject is uppermost in the speaker's mind, and is thus placed first in accordance with the general custom in Hebrew. Gradually this order of words was extended also to cases where the emphasis is faint or even entirely absent, especially in very common and colloquial phrases.

The following is a classified list of passages in the Mišna in which the participle precedes its subject :—

(1) With a noun as the subject:

Ḥalla, I, 8 ויוצא בה אדם ידי חובתו "one *may* fulfil with it one's obligation," opposed to the following ואין אדם יוצא.

Šabb., V, 1 "wherewith may a beast go out and wherewith may it not go out?" יוצא הגמל "the camel *may* go out ..."; so *'Eduy.*, II, 7.

Beṣa, III, 8 אומר אדם "a man *may* say," opposed to לא יאמר אדם in the preceding paragraph; so הולך אדם and IV, 6, 7; *Šabb.*, XXI, 1; XXIII, 1; *Ketub.*, II, 4, 10; *Nazir*, II, 2; *Sota*, III, 4; *Ḳidduš.*, IV, 12 מתיחד אדם "a man *may* be alone," opposed to the preceding לא יתיחד . . .

B. Meṣ., V, 6, 8, 10; VII, 5 אוכל פועל קישות "a workman may eat cucumbers," opposed to the following לא יאכל פועל (VII, 6).

Aboth, III, 14 חביב אדם, חביבין ישראל, &c.; VI, 7 גדולה תורה; *Bekor.*, V, 5; *Kerith.*, VI, 3.

So usually in the common phrases חיב אדם "one is bound" (*Berak.*, IX, 5, &c.)[2]; צריך אדם "one must" (*Šabb.*, II, 7, &c.);

[1] Cf. Driver, *Tenses*, § 135 (4). So also in Phoenician: אנך קרא, אנך פעל, Cooke, op. cit., No. 3, 1, 2, 3, and the note p. 21 f.

[2] But *Bekor.*, IV, 1: ישראל חייבים as the subject is emphatic: the *Israelite* as opposed to the *priest*.

ומודים חכמים "the Sages admit" (*Pea*, III, 2; *Ketub.*, II, 2; *B. Bathra*, V, 2; *Horay.*, I, 2, &c.).

(2) With a pronoun as the subject:

Šabb., III, 5 לא יתן לתוכו צונן אבל נותן הוא לתוכן "one may not put into it cold water but one *may* put into it . . .," so below.

ʿErubin, IV, 2 מה אנו לירד אמר להם מותרים אתם "may we go down?[1] He said to them, You *may*"; *Pesaḥ.*, II, 7 (אבל שפה הוא as opposed to לא תשרה); *Beṣa*, II, 1.

Ketub., II, 5, 6 נשבתי וטהורה אני "I was indeed taken captive, *but* I have remained chaste"; IX, 5; *Nedar.*, IV, 4; XI, 7, 12; *Sota*, I, 5; III, 5 (טמאות הן), III, 6; IV, 2; *ʿEduy.*, VIII, 2; *Horay.*, I, 4.

So also with the common participle יָכוֹל which is generally emphatic: *Ketub.*, VII, 10 (*bis*, very instructive!); XIII, 5, 6, 8, 9[2]; *Sota*, IV, 2; *Ḳidduš.*, III, 13.

In some of the following passages the emphasis on the participle is hardly noticeable: יודע אני[3], *Berak.*, V, 5 (instructive!); *Nedar.*, XI, 7 (*bis*); *Nazir*, II, 4; *Nidda*, V, 6; מקובל אני "I am in possession of a tradition," *Pea*, II, 6; *Yebam.*, XVI, 7; *ʿEduy.*, VIII, 7; *Yadaim*, IV, 3; רואה אני[4] "I prefer," *Kilaim*, II, 11; *R. Hašana*, II, 8; *Ketub.*, XIII, 3, 4, 5; *Šebuʿoth*, VI, 3; *Aboth*, II, 9 (2).

תמוה אני "I am astonished," *B. Meṣ.*, VI, 8; *Kerith.*, IV, 3.

זכור אני[5] "I remember," *Ketub.*, II, 10; *Ḳidduš.*, IV, 14 (מניח אני); *Maccoth*, I, 1 ff.; *Šebuʿoth*, IV, 1 ff.; *ʿArakin*, IV, 2 (אומר אני)[6]; *Makširin*, I, 4 (2); *Yadaim*, IV, 3 (קובע אתה)[7], IV, 6 f.

Note also the following passages where the pronoun הוא placed after the predicate anticipates the subject proper[8]: *Aboth*, II, 14,

[1] Literally: "What are we in respect of going down?" cf. *Tenses*, § 205.

[2] With omission of the pronoun הוא. Cf. the very common technical expression —יכול ש, which stands for —יכול אני לומר ש.

[3] So Ḳoh. viii. 12.

[4] So Gen. xxxi. 5.

[5] In later style contracted, after Aramaic fashion, to זכורני, *Talm. b. Šabb.*, 115 a, &c.

[6] So Ps. xlv. 2 by which the statement in *Tenses*, § 135 (4) Obs., is to be corrected.

[7] A reminiscence of Malachi iii. 8.

[8] Cf. on this idiom below, p. 730.

16: ונאמן הוא בעל מלאכתך "and faithful is he, even thy employer"; *Para*, X, 5 אבל עומד הוא הטהור; XII, 5 אוחז הוא הטהור "the clean man *may* stand, hold."

The contraction of the participle and the following אני into one word is sometimes found in Midrašim and in late MH. style generally, probably under the influence of Aramaic, in which this contraction takes place with the personal pronouns of the 1st and 2nd persons both singular and plural[1]. Such contracted forms never occur in the Mišna. The instances quoted by previous writers rest on incorrect texts. For חוששני (*Šabb.*, XXII, 3) C. reads חושש אני "I fear[2]," while N. has, wrongly, חושד אני "I suspect." For גוזרני (*R. Hašana*, II, 9) both N. and C. read גוזר אני ("I decree"), and for מקובלני (*Yebam.*, XVI, 7; *Yada.*, IV, 2) both these texts have מקובל אני. So also *Nedar.*, I, 1 for מודר אני . . . מודרני . . . מופרשני . . . מרוחקני these two texts have . . . מופרש אני . . . מרוחק אני.

The substantive verb היה when combined with the participle is treated, in respect to its position, similarly to the personal pronoun. As a rule it precedes the participle, but the latter sometimes stands first for the sake of emphasis or in familiar expression.

Pea, II, 4 נוהגין היו בית אבא "my father's house were accustomed," modifying the preceding statement; so *Šabb.*, I, 9; *Sukka*, II, 1; III, 9 (צופה הייתי).

Ketub., II, 3 "this is our handwriting אבל אנוסים היינו קטנים . . . היינו but we were forced, we were minors, we were disqualified for evidence."

Ibid., II, 5 "if a woman says אשת איש הייתי וגרושה אני I was, indeed, a married woman but am now divorced." VII, 10 סבורה הייתי "I had thought"; *Kidduš.*, II, 5; *Nazir*, II, 4; *B. Meṣ.*, I, 7; *Kerith.*, IV, 2 . . . פוטרו היה ר' יהושע אף "R. J. acquitted him even . . ."; *Me'ila*, III, 7 נותנין היו ממנה זקנים contradicting the previous statement; *Para*, XII, 4. So also in BH. for the sake of emphasis: Exod. xxvii. 1, xxviii. 16; Deut. ix. 7, 22, 24; Josh.

[1] Cf. Nöldeke, *Syr. Gr.*, § 64; Dalman, § 65.

[2] Similarly, Dan. i. 10 ירא אני.

v. 5; Ezek. xvi. 22, xxvi. 13, xliv. 2 (contr. xlvi. 1); Zeph. ii. 4; Ps. lxix. 9, cxxii. 2, &c. This order is also common in Aram., cf. Dan. ii. 31, 34, iii, 8, iv, 7, 10, 12, 13, 26, vi. 2, vii. 8, &c. (contr. ii. 20, 43, v. 19, 29, vi. 27, &c.). Ezra iv. 12, 22, v. 8, vi. 6 (contr. vi. 9, 10, vii. 25, 26), and often in the Targumim and in the other dialects.

The participle is sometimes used as a complement to another verb, where we should normally expect the infinitive with ל. Thus after התחיל, *Pesaḥ.*, I, 5 התחילו כל העם שורפין "all the people began to burn"; *Ta'anith*, I, 4 התחילו היחידים מתענין "individuals began to fast"; *Tamid*, II, 2, 3: החלו מעלים VI, 1, 3; *Nega'im*, VII, 4. But also with the infin., *Šeḳal.*, I, 3 התחילו למשכן, התחילו לשקול "they began to pay the *Šeḳel*," "they began to seize pledges for the *Šeḳel*," and elsewhere.

The nearest approach to this use of the participle to be found in BH. is the expression החלו כהות (1 Sam. iii. 2). Note also אחל רש (Deut. ii. 24), אחל תת (v. 25), אחל גדלך (Joshua iii. 7). In the Aramaic of the Targumim שָׁרֵי "to begin," is usually construed with the infinitive with ל; cf., for example, Gen. vi. 1; x. 8, and the above passages in the Targumim; but occasionally also with the participle. So Deut. i. 5 in Onḳelos שרי משה פריש for the Hebrew הואל . . . בֵּאֵר, but *Targ. Jon.* has למלפא[1]. In Syriac, however, بَدَأَ is regularly followed by the participle; cf. Nöld., *Syr. Gr.*, p. 214 (bottom, Engl. tr.).

The participle is also found after נוהגין in *Pea*, II, 4 נוהגין היו בית אבא נותנין ". . . . . to give[2]"; but *Šabb.*, I, 9 שהיו . . . נוהגין נותנין; so *Suk.*, II, 1. After נמנע, *Yebam.*, I, 3 לא נמנעו עושין[3] "they did not shrink from preparing," beside לא נמנעו מלישא (N. לישא); cf. also the parallel passage in *'Eduy.*, IV, 8.

After the noun דרך, *Berak.*, I, 3 בשעה שדרך בני אדם שוכבים ובשעה שדרך ב"א עומדים "at the hour when it is the custom of men to lie down . . . to rise up[4]"; *B. Bathra*, VI, 6; *Sanh.*, VII, 2 דרך כל המומתין מתודין "it is the custom of all those about to be put to death to make a confession"; *Nidda*, II, 1. But the infinitive with ל is more common, e.g. *Berak.*, I, 2

[1] Cf. Levy, *Chald. WB.*, s. v. שרי.

[2] This is the reading of N. and C.

[3] But N. has לא נ' מלעשות.

[4] For this sense of עמד in late Hebrew, cf. *LOT.*[6], p 507, No. 16.

שכן דרך בני מלכים לעמוד . . . "for thus it is the custom of princes to rise up at the third hour of the day"; *Nedar.*, VIII, 5, 6, &c.

After קונם[1], *Nedar.*, I, 4 . . . . קונם פי מדבר עמך, &c. "*Ḳonem* that my mouth speak not with thee, that my hand work not with thee, that my foot walk not with thee," II, 2, 4; III, 2; VII, 3. Contrast II, 1 קונם שאיני ישן שאיני מדבר שאיני מהלך; III, 11, &c.

The participle is sometimes used in apposition to the subject or object with the force of a circumstantial clause. Thus:—

ʿOrla, II, 12 שאלתי את ר' גמליאל עומד בשער המזרח "I asked R. G. while he was standing in the Eastgate[2]." *Negaʿim*, VII, 4 שאלתי את ר"ג ואת ר"י הולכין "I asked R. G. and R. J. while they were going[3]."

Yoma, VII, 1 וקורא עומד; *Sota*, VII, 8 וקורא יושב; *Terum.*, II, 3 המטביל כלים בשבת שוגג ישתמש בהם מזיד לא ישתמש בהם "he that bathes vessels on the Sabbath unwittingly he may use them, wittingly he must not use them"; cf. also the following clauses: *Ketub.*, IX, 6 (משמשתו נדה); *Gittin*, V, 4; *Ḥalla*, II, 3, 7 (ערומה); *Maccoth*, III, 2 (טמא); *ʿAb. Z.*, IV, 10[4]; *Negaʿim*, VII, 3 (מתכון); *Sifra*, 94 c (אם זונת פנויה); further, *Pea*, III, 7 הכותב נכסיו שכיב מרע "if one assigns his property when ill"; *B. Ḳam.*, VIII, 6 שְׁמָרָהּ עומדת "he watched her as she was standing"; *Menaḥoth*, V, 7 טעונים סמיכה חיים ותנופה שחוטים "they require laying on the hands when alive and waving when slain." But contrast XI, 7 אוכלין אותן כשהוא חי "the Babylonians eat it raw"[5]; *Ḳidduš.*, II, 1 כשהיא נערה[6], and often elsewhere.

The same idea is expressed also with ב *essentiae* attached to the participle: בלא מתכון "when not intentional" (*ʿErub.*, IV, 4); בשוגג, במזיד (*Ḳidduš.*, II, 8, &c. &c.), or by a full circumstantial clause: והם מגולים "they being uncovered" (*Maʿaseroth*, V, 2); והן נהגין זה עם זה "being uttered both together" (*Šabb.*, XII, 4; XVII, 1; *Ketub.*, VII, 8, &c.). Such a clause is sometimes attached ἀσυνδετῶς: לא בזה כדי להחמיץ "there being in neither sufficient to cause fermentation" (*ʿOrla*, II, 11, 14, 15).

[1] Cf. on this word Cooke, op. cit., p. 33 f.

[2] C. actually reads והוא עומד.

[3] But N. C. read בהולכין with ב *essentiae*; cf. also *Sifra* (ed. Weiss), 61 a.

[4] According to some edd., cf. above, p. 668.

[5] Cf. Onḳelos, Lev. xvi. 10 יתוקם כד חי for the Hebrew יעמד חי and often.

[6] Sirach xxx. 12 a כשהוא קטן.

Weiss (p. 89)[1] states that the participle preceded by one of the prefixed prepositions ב, כ, ל is widely used in MH. in the place of the infinitive. But this rests on a misapprehension. Forms like לשומרם, לדורכן are ordinary infinitives written *plene* = לִשְׁמֹרם, לְדָרכן[2]. Such forms are often found in the better texts without the vowel letter, e. g. for לשוחקן N. and C. have לשחקן "to wear them out" (*B. Meṣ.*, II, 8, &c.).

Forms like ביושבין, בעומדין are participles with the ב *essentiae* mentioned above: "as sitting ones," "as standing ones," i. e. "whether standing or sitting" (*Zabim*, III, 2). So also in בידוע . . . בשאינו ידוע[3] "as known . . . as not known," i. e. "when known . . . and when not known" (*Terum.*, IV, 8). In the phrase בנותן טעם we have a standing *technical* expression to which ב has been prefixed without, however, impairing thereby the participial force of נותן. The significance of the ב varies with the context. Thus in *Ḥalla*, III, 10 בנותן טעם (אוסר) "*Ṭebel* renders a food prohibited by adding to it a flavour," the ב has an instrumental significance. So in *Terum.*, X, 1; *ʿAb. Z.*, V, 8 (where it is parallel to אוסר בכל שהוא "by anything"), and *Ḥullin*, VII, 5. On the other hand in the expression אם יש בו בנותן טעם (*Nedar.*, VI, 6; *ʿAb. Z.*, V, 2; and *Ḥullin*, VII, 4) the ב seems to have the force of ב *essentiae*.

The same construction is found with the *technical* and invariable expression בכונם משקה "by taking in a liquid" (*Kelim*, VIII, 2) parallel to בזיתים "(measured) by olives" and במשקים, i. e. with ב *instrumenti*. But in היו בכונם משקה (ibid., X, 8) we have the ב *essentiae*; so, probably, in *Ohol.*, V, 2 ונקובה בכונם משקה "having a hole large enough to take in a liquid."

Similarly, *Ohol.*, XIII, 1 ff. בפותח טפח (שיעורו) "its measure is by an open space of a hand-breadth" (cf. VI, 5 ff.) with ב *instrumenti*.

In כחם (*Šabb.*, II, 5) the כ is used pleonastically; cf. *Yadaim*, IV, 2 אתה בְּמַהֲנֵן ממון ואין אתה אלא כְּמַפְסִיד נפשות "thou art benefiting them with money but art really losing souls"; הרני כְּמֵשִׁיב על טרפון אחי "lo, I am answering Ṭarphon my brother";

[1] Quoted by Driver, *Tenses*[6], p. 172.

[2] Cf. Geiger, *Jüd. Zeitschrift*, 1867, p. 175; Stein, p. 27 (3) and footnote.

[3] Or the expression is perhaps abbreviated from בזמן שידוע . . . ובזמן שאינו ידוע.

so also commonly in late MH. with סבור, סבורים, &c. (*Ḳidd.*, III, 5); cf. also the expression כביכול, the redundant use of the ל in לכשאפנה (*Aboth*, II, 4), לכשתבא, לכתחלה, &c.[1]

This pleonastic use of כ is already found in BH., Ps. cv. 12 (כמעט); Lam. i. 20 (כמות); Isa. lix. 18 (כעל), &c.

Like Aram., MH. regularly combines the *partic. with* חיה whenever it desires to express the iteration of an act in the past or in the future, or its continuity through a longer or shorter period, the combination thus taking the place of the frequentative and iterative uses of the old perfect consecutive and of the simple tenses. The construction in MH. is, however, of native origin and not borrowed from the Aramaic. Already in BH. the partic. is construed with the substantive verb[2] not only when used in a quasi-nominal capacity (e.g. Gen. iv. 2; Deut. ix. 7; Isa. iii. 7 in the imperative; Ps. x. 14, and especially with passive participles which are treated almost like adjectives: 1 Kings x. 9; Deut. xxviii. 33, 34; Isa. ii. 2; Zeph. ii. 4), but also when the partic. has a purely verbal force (e.g. of the past: Judges i. 7; 2 Sam. iii. 7, viii. 15; Jer. xxvi. 18, 20; 2 Kings xvii. 32, 33; of the future: Gen. i. 6; Deut. xxviii. 29[3]; Isa. xxx. 20; with passive participles: Jer. xviii. 23; Ezek. xliv. 2, xlvi. 1; Zech. xiii. 1). This is especially the case in the late books. Thus Neh. i. 4, ii. 13, 15, iii. 2 b, v. 18, vi. 14, 19, xiii. 5, 22; 2 Chron. xxx. 10; Dan. viii. 5, 7, x. 2; Esther ii. 7, 15, and with להיות (a genuine MH. construction), i. 22, viii. 13, ix. 21. The construction may have been even more common in the popular dialect in which the consecutive tenses seem to have been employed but sparingly[4]. This is supported by the special frequency of the construction in the Memoirs of Nehemiah which,

[1] פִּדְי (or כדאי) does not belong here. The כ is a radical which suffered aphaeresis in BH., cf. Barth, *Etymol. Studien*, p. 39.

[2] Cf. *Tenses*, § 135 (5), and, with fuller lists, Sellin, op. cit., p. 35, and Kahan, p. 25.

[3] Note the parallels ימשש and חצלח.

[4] Cf. above, p. 683.

being primarily intended for private use, were but little influenced by the literary tradition, and therefore approached most nearly to the actually spoken Hebrew of the day. With the complete disappearance of the consecutive perfect in MH., and the tendency which this idiom displays to confine the simple tenses to the expression of *single* acts in the past and future respectively, the regular employment of the participle as a frequentative and iterative became a necessity. But the participle being incapable, owing to its nominal character, of expressing any relation of time has to be accompanied, wherever possible [1], by the auxiliary verb in order to indicate the time in which the act expressed by the participle occurs. The same construction is also regularly employed in modern Arabic [2], and is therefore a characteristic common to all those Semitic dialects in a late stage of their development which had been capable at an earlier period of developing the verbal faculty of their participles [3]. That in none of these dialects is the construction found so early and so extensively as in the Aram., is due simply to the fact that of all the Semitic languages Aram. was, with the exception, perhaps, of Assyrian, the first to reach its decline and to suffer the disintegration of its inflexional system and its primitive syntax. It must, of course, be conceded that the example of Aram. exercised a potent influence upon the development of the construction in MH.; but, on the other hand, there is no doubt whatever, considering the BH. instances referred to above, that Hebrew, even more so than Arabic, would have developed the construction even without any external aid whatever. All that Aram. influence could have done was to hasten the extension and firm establishment of an already existing native construction to the exclusion of other and older modes of expression.

[1] i.e. in the preterite, future and imperative, but not in the present, e.g. קורין, נכנסין (*Berak.*, I, 1); so Ḳoh. i. 4 הולך, &c., &c.

[2] Cf. Spitta, §§ 109 e, 166.

[3] It does not occur in Ethiopic as the participle of this language had early become fossilized into a real noun. Cf. Dillmann, § 123.

On the other hand it is worthy of note that the tenses are never found in MH. combined with היה as, occasionally, in the Targumim (e. g. Gen. iv. 1 (Jon.) דהוה חמידת; Cant. i. 12 הוא נפק)[1], and very frequently in Syriac (Nöld., *Syr. Gr.*, §§ 263, 268) and in Arabic (Wright, *Ar. Gr.*[3], II, § 3 (c)); also once in Phoenician, כן נדר (Cooke, op. cit., No. 37, l. 5), evidently because there is nothing in BH. approaching such a use of the tenses[2]. We see, therefore, that Aram. was incapable of forcing upon MH. anything which was foreign to the nature of Hebrew as exemplified in the Biblical books.

5. The Weak Verbs.

Of the verbs which have a weak letter as their *first* radical none exhibit any notable variations from the BH. types except in the infinitive discussed above (p. 685 f.). The inflexion of the other weak verbs also generally runs on BH. lines even where MH. seems to differ from the normal forms of BH. Aramaic influence is noticeable here and there, but only as accentuating and extending forms already existing in Hebrew. In many cases, however, MH. pursued its own course unaffected by Aram. influence. Thus in *verbs* ע״ע Aram. usually has the contracted forms, except in the Ethpe'el[3]. The natural affinity of these verbs with verbs ע״ו is preserved and accentuated much more strongly in Aram. than in the other Semitic languages. BH., on the other hand, as also the other Semitic languages, shows a tendency to make these verbs approximate to the standard type of the strong triliteral verb, and hence exhibits a large number of augmented forms on the analogy of the strong verb. This tendency is carried still further by MH. It has indeed preserved a considerable number of biliteral

[1] Cf. Winer, § 4, 5, 1. The scarcity of this construction in the Targumim is due to Hebrew influence.

[2] Cf. König, *Syntax*, § 122.

[3] Nöld., *Syr. Gr.*, § 178; Winer, § 19. The augmented forms enumerated by Dalman (§ 71) are all much later than MH.

forms as, e. g. יחוף (> חפף), יבור (> ברר), לכוס (> כסס), למוד (> מדד), and so exclusively in the causative stems: לְהָקֵל, לְהָטֵן (*Makš.*, III, 4), הוחמו (*Šabb.*, III, 4), יוצן (*'Ab. Z.*, III, 9), מֵיסֵב (*Sanh.*, II, 1), מֵיסֵך (*'Erub.*, X, 8); also in the Niph'al: יֵחַמּוּ (*Šabb.*, III, 5), לִיחֵם[1] (*Kelim*, XIV, 1), נָמַקּוּ (*Bikk.*, I, 6)[2]; but more commonly we find the triliteral forms, e. g. רקקה (*Yebam.*, XII, 2), צָרָרָן (*B. Meṣ.*, III, 10), לחצוץ, ימדוד (*Beṣa*, IV, 6), לגרור (*Šabb.*, XVII, 2) and so normally in the Niph'al; לְהִבָּלֵל (*M. Seni*, II, 5), לִינָּזֵז (*B. Ḳam.*, IX, 1), נקצצו (*Bikk.*, I, 6), נגררת נגררין (*Beṣa*, II, 10), תִּקָּצֵץ (*Nid.*, II, 1), יִקָּצְצוּ (III, 5), נזקק (*Neg.*, V, 4, 5)[3]. So also the participles of the Ḳal which are never found with biliteral forms. In the intensive stems, too, the triliteral form is the regular one, as often in BH.[4], e. g. מְנַפֵּף, מְחַלֵּל, מְפָרֵר, מְזוּקָּק. But instead of Pi'el, the Pilpel is very common: הרהר, מסלסל, מקלקל, &c. The Po'el, however, is very rare (e. g. in elevated diction: יְחוֹנְנוּ יְסוֹבְבוּ, *Sota*, IX, 15)[5]. The Hithpo'el is found in the common word נתרועע "to become worse" (cf. Isa. xxiv. 19), and in משתומם[6] (Isa. lix. 16). In the perfect Hiph'il occurs the form הקלת, traditionally pronounced הֶקֵלְתָּ, for BH. הֲקִלּוֹת; cf. BH. הֶתֵלְתָּ (Judges xvi. 10). So also in the ע"ו form הֶעֱרַתָּ (*Yebam.*, VII, 3) as in BH. הֶנֱפַתָּ. These forms are evidently due to the analogy of the strong verb.

Other noteworthy points in the MH. treatment of ע"ו verbs are the following: in the Niph'al the preformative נ is pointed נִי, obviously through the analogy of the strong verb, e. g. ניצוק (*Yada.*, IV, 7), ניזונת (*Ketub.*, XI, 1), נִיעוּר (*Aboth*, III, 4)[7], נִילוּשׁת (*Menaḥ.*, XI, 1), נידון (*Sanh.*, VIII, 6);

[1] With elision of the formative ה, cf. above, p. 685.

[2] חשו cited by Stein (p. 39) may be from חוש (Ḳoh. ii. 25) and not from חשש.

[3] In BH. the biliteral form only is found in the Niph'al.

[4] Ges.-K., § 67 *u*, end.

[5] A later addition not found in N.

[6] In the historical Baraitha *Ḳidduš.*, 66 a noticed above, p. 682, note 2.

[7] Cf. Zech. ii. 17, also נְמוֹל Gen. xvii. 26 f.; see Ges.-K., § 72 *ee*.

but also נָדוֹן (*B. Ḳam.*, II, 5; *Yada.*, IV, 3, &c.; cf. 2 Sam. xix. 10), נָלוֹז (*Kilaim*, IX, 8, BH.).

The Hiph'il imperfect אובין (*'Ab. Z.*, III, 5) seems to be a metaplastic form for אבין; cf. in BH. בוש הוביש[1]. For הוֹבִירָה "he caused it to lie fallow" (> בור, *B. Meṣ.*, IX, 3; *'Arak.*, IX, 1) both C. and N. read correctly הבירה. הושיבו (> שוב, *Tosefta Sota*, I) cited by Stein (p. 44) is no doubt a scribal error for הֵשִׁיבוּ. So אוחיל (> חול, *Sifré*, Num. vi. 26) is an error for אחיל, caused by the following אוליד.

In the intensive stem occur all the three formations found in BH., thus Pil'el: עורר, נתמוטט (rather rare); Pilpel: בלכל, נמנם, מטמטם; and Pi'el proper: חִיֵּב[2] (BH.), קִיֵּם (BH., Sirach xlii. 23), כִּיֵּן, מָכֵּן, וִיוֵּג, מְוַדֵּג, &c.

The last-mentioned formation is generally considered to have been borrowed by late BH. from Aramaic. But without entering upon the vexed question as to the original character of the ע"ו verbs, it must be remembered that the same formation is found in other Semitic languages also beside Aram. and late Hebrew. Why should not קִיֵּם and כִּוֵּן be just as original in Hebrew as قَوَّمَ in Arabic? That earlier Hebrew possessed the power of converting the vocalic middle radical into a hard consonant is shown by the cognate nouns אָוֶן, מָוֶת, &c., and by the uncontracted verbs like רָוַח, עָוַר, עָוַת which, as König shows[3], belonged originally to the same class as the contracted verbs, the hardness of the *waw* being caused by the presence of other weak letters in the root. It would therefore be but reasonable to expect that, with the gradual disappearance of the Polel conjugation and with the increasing tendency of adapting the weak verb to the standard of קטל, the Hebrew language itself and unaided should make use of its power to harden the middle radical in order to provide itself with

[1] Cf. Bacher, *Terminologie*, p. 8.

[2] The Ḳal occurs in an old Mišna, *B. Ḳam.*, I, 12 and elsewhere. For the weakening of the *waw* into *yod* cf. ילד from ולד, &c.; also Syriac ܩܝܡ pronounced *qayem*, and vulg. Arabic *qâyil* for *qâ'il*, *bâyi* for *bâ'i*, Spitta, § 105 e.

[3] *Lehrgebäude*, I, p. 452 f.

a Pi'el of ע"ו after the analogy of the strong verb. It may even be assumed that such forms had existed in the vernacular long before they made their appearance in literature [1], and that from the vernacular they descended directly into MH.

The close affinity between *the verbs* ל"א and *verbs* ל"ה caused already in BH. a frequent interchange of forms between these two classes and a general unsettlement of their respective types. This becomes more pronounced in MH., and so we meet with forms like קוֹרִין (but also קוראים) [2], מקרין (*Bikk.*, III, 7), ממרין (= ממראין "to fatten," *Šabb.*, XXIV, 3); קָרוּי, מָצוּי, נָשׂוּי, so always in the singular; לקרות [3] (*Berak.*, I, 1), יצתה or the *forma mixta* יצאתה [4] beside יצא ה, מצינו, נמצינו, נִישֵּׂאת, &c. The Pi'el, however, is regular מרפאין, טְמָאוּנִי, &c., except in the infinitive which is generally a *forma mixta*; לְמַלֹּאות, לְרַפְּאותו (cf. Ges.-K., 74 *h*). Cases of ל"ה verbs taking ל"א forms are not so frequent. Examples are: the feminine of the participle Niph'al נעשית, נקנית [5] (= נפלאת, Deut. xxx. 11; נקראת, *Megilla*, I, 1, &c.), and by analogy of the partic. also the perfect נגבית, נעשית = נגבתה, נעשתה (cf. the similarity of the perfect נְקָטְלָה in pause נְקָטְלָה to the partic. נְקָטָלָה. The tone rested probably in both cases, at least in colloquial speech, on the penultima, Ges.-K., p. 94 f. note and the reff.). Further before pronominal suffixes עֲשָׂאָן (*Beṣa*, III, 2), פְּדָאָן [6] (*Pea*, IV, 8), דחאתן (*Gittin*, VI, 6), &c. But it is important to remember that, in spite of the frequent interchange of forms between these two verbal classes, each of them retains, nevertheless,

[1] König (loc. cit.) thinks that forms like עָוַד had existed in the spoken language, though not in literature, before the *Polel* קומם came into use as an intensive.

[2] Cf. קוֹרְאִים, Ps. xcix. 6.

[3] Cf. קרֹאות, Judg. viii. 1.

[4] Probably, as Weiss (p. 39) observes, because יצאה would hardly be distinguishable in sound from יצא as the א was not pronounced distinctly.

[5] For נעשָׂה נקנָה, which would normally be in MH. נעשָׂת נקנָת, cf. above, p. 688.

[6] C. reads פְּדָן.

in MH. its own particular individuality and its distinctive characteristics. The relation of the two verbal classes to each other remains in MH. practically the same as in BH. and as in Assyrian and classical Arabic [1], except that in MH. ל״ה forms predominate over ל״א forms, thus exhibiting the beginnings of the final triumph of the ל״ה class. In Aramaic, on the other hand, and in modern Arabic the ל״א verbs disappear entirely, being completely absorbed by the ל״ה class [2].

Stein (p. 49 f.) asserts that the participle Ḳal of verbs ל״ה is sometimes formed in MH. after the Aramaic fashion with *ā* in the first syllable. But this assertion rests on insufficient evidence. Of the instances which he adduces, שפין (*ʿEduy.*, I, 8; cf. *ʿAb. Z.*, III, 10) is from שוף "to rub"; צבה (*Bekor.*, VII, 5) is an adjective which is already found in BH. (Num. v. 21); so also כָּלָה (*Terum.*, VII, 7) and the late, though frequent, combination פָּרִין וְרָבִין "fruitful and multiplying" may be adjectives. Note that in neither of them is there a corresponding finite Ḳal in MH., and פרה as a verb does not occur in MH. at all. The participle of זכה is always זוכה, זוכין, except in the legal maxim זָכִין לאדם שלא בפניו ואין חבין לאדם אלא בפניו (*ʿErub.*, VII, 11; *Gittin*, I, 6, &c.), where the *a* in זכין may be due to assonance with the following חבין.

He further regards the forms העני "he became poor," מתמיה "astonishing," and יופי "to be fair" as evidence of the existence in MH., as in Syriac, of ל״י verbs. But העני is clearly a denominative of עני, מתמיה is Hiphʿil of תמה, and for יופי we ought to read יָפֶה; cf. above, p. 673.

The Noun.

As in the other parts of speech so also in the treatment of the noun, MH. followed faithfully the traditions of BH. This is true in the main both of the formation of the noun

[1] Cf. Ges.-K., § 75 *nn* ff.; Delitzsch, *Assyr. Gr.*[2], § 150; Wright, *Arab. Gr.*[3], I, § 132, Rem. a.

[2] Cf. Dalman, § 72, 1; Spitta, § 130 b. In Syriac only the intensive stem of the verb ܟܠ and of one or two others has preserved the original ל״א forms. All other ל״א verbs have been absorbed by the ל״י (=ל״ה) class. Nöldeke, *Syr. Gr.*, § 177, C, Rem.

and also of its inflexion. As regards its formation not only has MH. retained the original forms of almost all those BH. nouns which it still uses but has also formed its new substantives on the basis of the old BH. ground-forms. A full treatment of the subject will be found in F. Hillel's monograph mentioned above (p. 649). It will be sufficient for our purpose to note here only those formations which are specially characteristic of MH., and which may help us to ascertain its relation to BH. on the one hand and to Aramaic on the other.

1. Verbal Nouns.

As stated above (p. 684 f.), MH. has lost the nominal constructions of the infinitives and uses in their stead *nomina actionis* corresponding to the respective verbal stems. These are freely formed as occasion demands. We give below a classified list of these verbal nouns.

Ḳal. The verbal noun of the Ḳal is קְטִילָה, probably the feminine of קָטִיל, the ground-form of the abstract and infinitival nouns אָסִיף, בָּצִיר, קָצִיר[1]. Examples: זריקה, נשיכה, פתיחה, קריאה, יציאה; טיחה, לישה, סיכה, and in a secondary sense also as concretes: מציאה ("finding"—a thing found), חתיכה ("cutting"—a piece), קליפה ("peeling"—peel). So in Sirach: שקידה xxxviii. 26; גויעה xxxviii. 16; שעיה xxxviii. 25. In BH. the form occurs as *nomen actionis* in שריקות (Judges v. 16), אכילה (1 Kings xix. 8), שניאה (Ps. xix. 13), שחיטה (2 Chron. xxx. 7), and in ע"ו roots: קימה (Lam. iii. 63), also ביאה (Ezek. viii. 5, concrete) and a few more. In Aramaic, however, this form is extremely rare, occurring only in the Jewish dialects[2] in which it is most probably borrowed from MH. There is thus no doubt that it is a genuine Hebraic form. The fact that in earlier BH. it occurs only in the Song of Deborah and in the story of Elijah may, perhaps, tend to show that it was originally a Northern dialectal form which was only received into the literary language after it had firmly established itself in the spoken language, and from the latter it descended to MH.

[1] Cf. Hillel, p. 19, note 2.

[2] Cf. Dalman, p. 158, 5 and footnote.

The form is also used in MH. in abstract sense, e. g. מִיתָה "death," and the affix וּת— is sometimes added in order to strengthen its abstract character, as, e. g. פְּרִישׁוּת "separation"; גְּמִילוּת חֲסָדִים "performance of kindness"; שְׁפִיכוּת דָּמִים "bloodshed"[1].

The verbal noun מְקָטֶל or מַקְטֵל, which is analogous to the Aramaic infinitive *Peal*, is only found in MH. in מַגָּע (*Ḥullin*, IV, 4; *Kelim*, XVIII, 6), the other instances being BH. words: מַתָּן (*Aboth*, II, 1), מְשָׁךְ, מַשָּׂא (ibid., IV, 22; cf. 2 Chron. xix. 7), מְמָכָּר (*Megilla*, III, 2).

Pi'el. The verbal noun of the intensive stem is קְטוּל (=קִיטּוּל)[2] formed at will from any Pi'el, e. g. בְּטוּל, כְּבוּד, נִיפּוּק, בֵּיעוּר, עֵירוּב (also concrete); of ל״ה verbs וִידּוּי, מִיחוּי, עִנּוּי, and so of ל״א roots as מִילּוּי; ע״ו: קִיּוּם עֲוּוֹת; in ע״ע roots the noun assumes the form of Pilpul: דִּקְדּוּק, קִלְקוּל, בַּעְבּוּעַ, הַרְהוּר; cf. also the three Šaph'el forms peculiar to MH., שִׁעְבּוּד, שִׁחְרוּר, שִׁעְמוּם[3]. The form is sometimes used in the plural only in an abstract signification, usually of a technical nature: קִדּוּשִׁין, אֵירוּסִין ("betrothal"); נִישּׂוּאִין ("marriage"); מֵיאוּנִין ("refusal" of a wife to cohabit with her husband to whom she had been married by her mother or brothers while still a minor), גֵּירוּשִׁין ("divorce"), &c. In a concrete sense the form is found in יְשׁוּב ("a habitation, settlement'), חִפּוּי ("a covering," *Kelim*, XVI, 17), כִּסּוּי ("a lid"), טִינּוּף ("filth"), &c. In BH., too, this ground-form has generally in the singular a concrete signification: שִׁקּוּץ, צִפּוּי, לִמּוּד ("disciple"); but abstract in שְׁלוּם and the fem. שְׁלֵמָה (Ps. xci. 8), and of ע״ע root חֲרָחוּר (Deut. xxviii. 52); so especially in the plural נְחוּמִים, מְלוּאִים, נְדוּפִים, שְׁלוּמִים. In Sirach: חִמּוּד xiv. 14, יְפוּד xl. 29, לְמוּד (abstract) lxi. 28, נְפוּי xxxi. 1, xliv. 20.

Another verbal noun belonging to this stem is the form קַטָּלָה which is identical with the Aramaic infinitive *Pa'el*, but is used in MH. rather more as a true abstract than as a *nomen actionis*. Examples: כַּפָּרָה "atonement"; כַּוָּנָה "devotion" (direction of the mind); סַכָּנָה "danger"; קַבָּלָה "receipt"; עַכָּבָה "delay," "detention"; also as a concrete, "1im" (*'Ab. Z.*, V, 1), so חַרָּרָה "biscuit."

[1] אֵרִיסוּת cited by Hillel (p. 20) does not belong here, being a denominative of אריס; so והירות of והיר, &c.

[2] The corresponding form in Syriac is ܩܛܘܠ, Nöldeke, *Syr. Gr.*, § 117.

[3] Cf. Nöldeke, op. cit., § 123.

The BH. instances are comparatively late: בקרה (Ezek. xxxiv. 12), בקשה (Esther v. 7; Ezra vii. 6), נאצה (Neh. ix. 18, 26; cf. Ezek. xxxv. 12), and נחמה (Job vi. 10; Ps. cxix. 50). It is to be observed that this form is not very frequent in MH., and that it cannot be formed at will as קִטּוּל.

Hiph'il. The causative stem has two *nomina actionis*, viz. הֶקְטֵל and הַקְטָלָה. Examples of הֶקְטֵל are: הבער, הפשט, הקטר, הרגל, היתר, &c. This form is practically the old infin. Hiph'il fossilized into a noun. The traditional pronunciation with *ĕ* after the preformative seems to have arisen through the influence of the vowel *ē* of the second syllable. When followed by a genitive, however, it generally preserves, if tradition can be trusted, the old pointing; so הָנֵץ החמה (*Berak.*, I, 1; *Nidda*, IX, 9), הַשֵּׂג יד (*'Arak.*, IV, 1; *Sifra*, fol. 24 b, c), הָשֵׁב אבדה (*B. Meṣ.*, VII, 4), הַעֲרֵב שמש (*Halla*, I, 9), הַעֲלֵם שרץ, &c. (*Šebu'oth*, II, 4).

Examples of הַקְטָלָה are: הבערה, הדלקה, הטמנה, הכנסה, הפסקה, הוראה, הוצאה, הוספה, הַבאה; הַתזה, הנחה; הרקדה[1], הרכבה, הפרשה (or הוריה), השקיה, &c., &c. With א for ה, in Aramaic fashion, we meet in אזכרה (BH.), אזהרה[2], אבעיה, and אונאה.

The form הקטלה, which is identical with the Aramaic infin. of Aph'el (Haph'el), is more common in MH. than הקטל. It is probably older than the ordinary infin. with *ē* (=*î*) in the second syllable[3]. In BH. it is found as early as Isaiah: הַכָּרָה (> הכיר) iii. 9 and הַנָּפָה (> הניף) xxx. 28. Further with א in אזכרה (Lev. ii. 2, &c.); beside הנחה (Esther ii. 8) and הצלה (iv. 14). In Sirach: השגה (xxxv. 10) and הודאה (li. 17); הצנע (xvi. 25; xxxii. 3; cf. Mic. vi. 8).

Here may be mentioned the verbal noun הִשְׁתַּחֲוָיָה, plur. השתחויות (*Tamid.*, VII, 3, &c.), which already occurs in the N. Israelitish document, 2 Kings v. 18.

That these verbal nouns are not borrowed by MH. from Aramaic is proved by their occurrence in BH., often in the older books. Their scarcity in the literary language of

[1] This list of the form הקטלה in strong verbs, to which many more might be added, disposes of Hillel's statement (p. 37) that הקטל is generally used in strong verbs and הקטלה in weak verbs.

[2] Cf. Bacher, *Terminologie*, p. 41.

[3] Cp. Barth, *Nominalbildung*, pp. 73, 90.

BH. may be ascribed to the highly developed nominal constructions of the infinitive in BH. which made the use of those nouns unnecessary. In Aramaic, moreover, these forms are used as pure infinitives to express, with prefixes, the complement of another verb. MH., on the other hand, uses for this purpose the old infinitive with ל while these forms are employed only in a purely nominal capacity.

The *nomina agentis* with the termination ן־ may have been borrowed by MH. direct from Aramaic, and when their form had become firmly established in the language, new nouns were formed out of Hebrew roots on the model of these naturalized foreign nouns, e. g. רַצְעָן, רַצְחָן ("saddler, shoemaker") [1], דַּרְשָׁן. On the other hand the *denominative adjectives* terminating in ן־ may be purely Hebraic formations; examples, מַקְבָּן "shaped like a hammer," לִפְתָּן "turniplike" (> לפת), *Bekor.*, VII, 1, and the feminine, which ends in נִית־. Cf. the BH. נחשתן, לויתן (prob.); ידעוני, אדמוני, and the fem. רחמניות (Lam. iv. 10). In Sirach נְבָהָן (iv. 29).

The adverbs מַעְלָן "above," מַטָּן "below" (*Zebaḥ.*, II, 2, III, 6; *Ohol.*, XII, 8, XIII, 3, and Sifra), have probably preserved the old adverbial termination [2] ם־ changed into ן־. So also the frequent adverb לְהַלָּן (or לָהֳלָן ?) "yonder, there," which in Aramaic has no final *n* except in the late Galilean dialect [3].

Here may be mentioned the *nomina agentis* of the form קָטוֹל which occur but occasionally in MH. but are so common in Aramaic under the form קָטוֹלָא, מְקַטְּלָא [4]. The following examples of this formation occur in MH. [5]: טָחוֹן "a miller" (*Demai*, III, 5); סָרוֹק

[1] Cf. Nöldeke, *Syr. Gr.*, § 130.

[2] Cf. Ges.-K., § 100. *g*, *h*.

[3] Cf. Dalman, p. 102 e. In סְחָמָן, פֵּירוּשָׁן (*'Aboda Z.*, I, 5), quoted by Hillel (p. 43), the *n* is a pronominal suffix.

[4] Nöldeke, op. cit., § 107.

[5] Cf. Barth, *Nominalbildung*, p. 176, and Hillel, without mentioning Barth, p. 27 f. These forms have been misunderstood by previous writers, cf. Geiger, p. 44, 6; Graetz, *Orient.*, 1845, col. 87 (cf. ibid., 1846, col. 373); Weiss, p. 90; Siegfried and Strack, § 68 c.

"a woolcomber" (*Kelim*, XXVI, 5); plur. סָרוֹקוֹת (ibid., XII, 2), and the following which occur in the plural only: דְּרוֹכוֹת "wine-presses" (*Terum.*, III, 4; cf. Isa. xvi. 10, &c.); חָכוֹרוֹת "tenants, farmers" (*Bikk.*, I, 2); מְשׂוֹחוֹת "surveyors" (*'Erub.*, IV, 11; *Kelim.*, XIV, 3); גְּרוֹסוֹת "gristmakers"; דְּשׁוֹשׁוֹת "groatmakers" (> דשש = דיש; *Mo'ed Ḳaṭ.*, II, 5); לָקוֹחוֹת "purchasers"[1] (*Ketub.*, VIII, 1, &c.), and according to the best texts also לָעוֹזוֹת "men speaking a foreign tongue" (*Megilla*, II, 1), but note the following singular לוֹעֵז. So also always לוֹקֵחַ "a purchaser," and not לָקוֹחַ. This may perhaps be due to a deliberate change of spelling on the part of the scribes who mistook the form לָקוֹחַ for the partic. passive לָקוּחַ.

The same form is found in the following *names of instruments*: שְׁחוֹר "a razor" (*Kelim*, XIII, 1); דָּקוֹר "a borer" (XIV, 3); מָחוֹק "an instrument for levelling a measure of grain" (XVII, 16), רָחוֹשׁ "a stew-pan" (cf. the references in the Kohut, s. v.)[2].

These forms occur already in BH., viz. אָמוֹן, בָּחוֹן, חָמוּץ, יָקוֹשׁ, עָשׁוֹק, רָזוֹן; perhaps צָרוֹף "a refiner" (Jer. vi. 29; cf. LXX ἀργυροκόπος); the feminine בָּגוֹדָה; and as a *nomen instrumenti*: תָּקוֹעַ (Ezek. vii. 14). This fact and also the rareness of the form in MH. prove conclusively that the form was not borrowed by MH. from Aramaic.

2. Diminutives.

MH. possesses a number of diminutive formations which, though not so fully and so strongly developed as in Arabic or as the secondary formations in Syriac[3], are yet sufficiently numerous and strongly marked as to deserve fuller treatment than has been accorded to them by previous writers[4]. We give below classified lists of the various forms; many of these, it must be admitted, are necessarily

[1] The explanation of Jastrow, s. v. (so Dukes, op. cit., pp. 75, 101), will not apply to most cases where the word is used.

[2] In *Beṣa*, I, 7, cited by Hillel (p. 28 B), read עֵץ הַפָּרוּר "the wood used in the pot," i.e. the ladle; so all the commentaries (against Levy, *NHWB.*, s. v.), cf. Raši, כף גדולה.

[3] Cf. Wright, *Arab. Gr.*[3], I, § 269; Nöldeke, §§ 131, 132; also Ges.-K., p. 250 footnote.

[4] Cf. Barth, op. cit., p. 313 f.; Hillel, p. 45 f.

dubious, but they are sufficiently probable to deserve to be included here.

1. Diminutives formed by the insertion of the vowel *ei* (originally *ai*), or more usually its contracted form *î*, after the second radical: בודידה [1] "a little oil-press" (> בד, *Šebi'ith*, VIII, 6); שומירה "a watchman's hut" (*'Erub.*, II, 5, according to N. and cod. Munich; C. has שומרה. In *B. Bathra*, IV, 8 both C. and N. have שומרה. In *Kilaim*, V, 3 both C. and N. have שומרה, but the Munich cod. reads שומירה; cf. also Maimonides and other commentaries, ad loc.). These two forms exhibit the vowel *u* after the first radical as in Arabic and in Aramaic [2]. Further, חֲפִיסָה "a small bag" (*Gittin*, III, 3; *B. Meṣ.*, I, 8; cf. the explanation in the *Gemara*, fol. 20 b: חמת קטנה); עֲרִיסָה "a cradle" (*Kelim*, XVI, 1. Contrast with ערש Deut. iii. 11. A large bed is always מטה in MH.). Perhaps בנימה "vermin" (?, a collective? *Makšir.*, VI, 1). In ע"ע roots the second radical is repeated; כדידה "a little pitcher" (*Tosefta Menaḥ.*, IX, 10); סלילה [3] "a little basket" (*'Ab. Z.*, II, 7). Cf. also בודידה (> בד) mentioned before. Further, כפיפה "a basket" (from כפף; *Terum.*, IX, 3; *Kel.*, XXVI, 1; *Sota*, II, 1); C. and cod. Munich read in both places קפיפה which, according to Wright [4], is a diminutive of קופה. If so, the form will also exhibit reduplication, which is a further method of forming diminutives; cf. below. Reduplication also appears in חריר [5] "the eye of a needle," from the ע"ו noun חור "hole," and perhaps סליל "shuttle," from סַל [6] (*Neg.*, XI, 9). The words are probably to be pointed חֲרִיר, סְלִיל just like the BH. זְעִיר; so also the Aram. זלילא, זליל (Targum, Prov. xiv. 6, xii. 9, xxviii. 7).

Barth, who denies the existence of the diminutive in Hebrew, ascribes this formation in MH. to the influence

[1] This is the reading of C. and N., cod. Munich has בודירה, evidently a corruption of בודידה. Other texts have בדידה.

[2] Wright, l. c.; Nöldeke, § 112; Barth, l. c.

[3] So N. and C.; other texts have סלולה.

[4] op. cit., p. 167, Rem. Cf. Kohut, s. v. כפיפה.

[5] *Kelim*, XIII, 3 מחט שניטל חרירה "a needle the eyelet of which has been removed"; של סַקִּין שניטל חרירה "a needle of sack-makers, the eyelet of which, &c."

[6] Cf. Jastrow, s. v. Here perhaps belongs BH. אֱלִיל, a contemptuous diminutive of אֵל "god," or of אַל "nought."

of Aramaic. But surely the Aram. contemporary with MH. could not possibly have been conscious of the diminutive force of حكما, سنرا, since it stopped short at two[1] words without extending this formation to other nouns; how then could it have influenced MH. to form about ten new diminutives? There can be no doubt whatever that this formation is genuinely Hebraic. Its use must have been confined to colloquial and familiar speech in which diminutives abound in almost all languages. Hence its absence in the literary dialect of BH. and its occurrence in Isaiah's parody of the speech of drunkards (Isa. xxviii. 10, 13 four times) and in the deliberately familiar and condescending words which Elihu addresses to Job (Job xxxvi. 2). Elsewhere Isaiah uses the ordinary and polite form מְזֻעָר (Isa. x. 25, xvi. 14, xxix. 17; also xxiv. 6).

It is noteworthy that all the MH. forms given above, with the exception of חריר, are feminines. Below we shall find this gender alone in another form expressing the diminutive. It is but natural that the feminine, being the weaker gender, should be used for that purpose. Further, the diminutive expresses either endearment or contempt, both sentiments naturally inspired by the female and not by the male sex.

2. By reduplication: בצלצול "dwarf onion" (*Kilaim*, I, 3); סמרמוט "lappet, rug" (*Šabb.*, XXI, 2, &c.); סלסלה "small basket" *Tanḥuma* to Lev. xix. 2, opposed to סל גדול below. So, as the text stands, in BH. Jer. vi. 9; cf. Raši, ad loc.). With the reduplication of the third radical only and the addition of the feminine termination ית—: תְּלוּלִית (plur. תלוליות[2]) "a little heap or hill" (> תל; *Ohol.*, XVI, 2); שלולית "a pool" (ibid., XVI, 5). Further, גבשושית "a hillock, heap" (*Talm. b. Šabb.*, 73 b, probably an Aramaic word); עפרורית "a little dust" (*Talm. b. B. Bathra*, 93 b)[3].

[1] So according to Barth, who regards حقل as a loan-word from the Arabic.

[2] Cf. Nöldeke, § 134.

[3] Note the presence in these forms of the vowel *u*.

Several Pilpel formations may also perhaps be regarded as expressing the diminutive idea; so certainly נמנם "to doze" (cf. Levy, *Ch. WB.*, s. v. נוּם); לחלח or לכלך (> לח) not "to make very wet" but "to soil."

Compare further זעטוט or זאטוט "young man, student," from זוטא[1] and דגונית (or contracted to דוגית) "a light fisherboat."

BH. parallels are to be found in שחרחרת (Cant. i. 6) which can only mean "blackish" = "dark"; so ירקרוקת "yellowish" = "pale" (of Esther's complexion, *Talm. b. Megilla*, 13 a). Perhaps also ירקרק, אדמדם (Lev. xiii. 42, 43[2]), אספסוף (contemptuously, Num. xi. 4) "rabble," and פרחח (contemptuously, Job xxx. 12) "low brood"; cf. פרחי כהונה "young priests" (*Yoma*, I, 7; *Tam.*, I, 1).

3. By adding the termination ־וֹן or ־וֹנוֹת[3], חֲבִיּוֹנוֹת "little jars" (> חבית *Kelim*, II, 2); שׁוּמָנִית "small kind of garlic" (> שום with the addition of the feminine termination, cf. No. 4, *Kilaim*, I, 3); perhaps also[4] קָנוֹן "a basket of reeds" (?, *Beṣa*, I, 8; *Kelim*, XVI, 3 הק׳ הגדולים, הקנונים הקטנים!); ניקון, כידון (BH.) "little (?) javelins" (*Kel.*, XI, 8). Cf. further the Aramaic גנוניתא "a little garden" (*Targ. j.*, Exod. ii. 21; *Talm. b. Berak.*, 43 b גנונית של ירק)[5]; כנונא "a portable brazier" (> כן, כנה "base of stone," so Jastrow); כוננית or כנונית "a little chamber" (> כון "to arrange" (?) *Talm. b. Ḥullin*, 56 b); כולניתא or כלניתא "little bride"—a kind of plant.

4. By adding the feminine termination ־ִית: גדודית "a little band" (*Sifra* בחקתי in the beginning)[6]. Perhaps also עססית or עסיסית "pounded wheat or peas" (> עסה[7] *Tosefta Beṣa*, I, 23); דוגית "a light fisherboat"; סנונית "a swallow"; כלבית "a kind of small fish"; סממית "a poisonous spider" (> סם[8] BH. שׁממית) *Talm. b. Šabb.*, 77 b.

[1] So Jastrow. Levy identifies it with the Greek ζητητής.

[2] Cf. Ibn Ezra, ad loc. In *Neg.*, XI, 4 it is explained as an intensive.

[3] Cf. Ges.-K., § 86, 9 and footnote, and Nöldeke, § 131.

[4] Cf. Hillel, l. c.

[5] Cf. Dalman, § 30 B.

[6] So Raši to Lev. xxvi. 31 and Jastrow. But ראב״ד to the *Sifra* (l. c.) explains our word as "foundation" and this is adopted by Levy, s. v.

[7] So Jastrow, s. v.; cf., however, 'Aruch, s. v.

[8] So Jastrow, s. v.

Several BH. nouns ending in יִת— may also perhaps be regarded as diminutives, e.g. צלחית (2 Kings ii. 20) as compared with צלחת (ibid. xxi. 13 and especially 2 Chron. xxxv. 13); מנקית (Exod. xxv. 29, &c.); שאריתּ.

5. By periphrasis with בן: בן חריץ "a small ditch" (*B. Bathra*, VII, 4); בן פטיש "a small hammer," *Kelim*, XXIX, 7). Perhaps also בת קול "*the Bath Kol*"; cf. BH. בן בקר, בני יונה, &c.

3. The Plural.

The plural termination of masc. nouns is in MH. almost as often ין— as ים—. This is especially the case in participles. This termination is not an Aramaism. The *n* is common to nearly all Semitic languages[1] and is the only form found on the Meša' stone, though Phoenician uses only *im*. In BH. the form *in* is found pretty often[2] and as early as the Song of Deborah (מדין, Judges v. 10), and must have been more common in the spoken language than in the literary dialect. Its frequent occurrence in poetry tends to support this view. For unlike the prose writer, the poet does not easily allow himself to be fettered by convention and fixed rules; and if he be especially a lyrical poet, as almost all Hebrew poets are, he will give expression to his feelings and thoughts in a style and in a form which are most natural to him. The poetical parts of the Bible, therefore, present in many respects a more accurate picture of the language of their time than the contemporary prose which we may assume, on the analogy of the literary style of other languages, had to conform to a certain standard set up by earlier writers, and to employ only the forms and expression current in the polite, but in many respects artificial, language of the educated classes. So that in the case of the plural termination also we find MH. preserving and extending a feature peculiar to the spoken language of Biblical times, as distinguished from the literary language of the Biblical books.

[1] Cf. the table in Zimmern's *Vergl. Gr.*, p. 74.

[2] Cf. also Sirach, מכוערין, מחופין (xiii. 22), מגולין (xvi. 15).

Besides the ordinary plural terminations of the feminine ות— or יות— (in case of singulars ending in ית—, וּת—), a number of nouns form their plural in MH. by the termination אות—ָ: מקוָה "bath," pl. מקוָאות (but also מקוות); משתָּאות—משתה (or משתיות)[1], מֶרְחָץ "a bathing establishment," מרחצאות; שדרה (or שזרה) "backbone"—שדראות; cf. also בירָאות "wells" (*'Erub.*, III, 1), כומסאות (*Pea*, V, 8).

This termination is especially common in foreign words, e.g. אַמְבַּטְיָאות, pl. of אמבטי "bath-tub"; אפותיקא—אפותיקאות (*ὑποθήκη*); איצטבא—איצטבאות (*στοά*); גימטריא—גימטריאות (*γεωμετρία*); דוגמא—דוגמאות (*δεῖγμα*); דיוטה—דיוטאות (*δίαιτα*); טבלא—טבלאות (*tabula*, *τάβλα*), &c., &c.

Luzzatto[2] explains this termination as a combination of the Aramaic fem. plural תָּא—ָ with the Hebrew ות—. Similarly Nöldeke[3] who goes further and maintains that irregular Hebrew plurals in ות— of masculine nouns like מקומות, מזבחות are also to be traced to Aramaic influence.

A far easier and more natural explanation of these MH. plurals seems to the writer to be the following. The vowel *ā* was inserted before ות— from a desire to make these plurals, especially those of recently acquired nouns, conform to the standard type of feminine plurals which has the vowel *ā* before the termination ות— (e.g. מלכות, צדקות[4]), and for the sake of euphony an א (or י) was inserted between this vowel *a* and the termination to serve as bearer of the vowel *ô* with which the termination begins[5].

[1] These two plurals may exhibit the return of the old third radical *y*, since the א was usually pronounced as *y*. Cf. מקשאות (*Šebi'ith*, II, 1), pl. of מקשה = מקשאה "a cucumber field," Isa. i. 8.

[2] *Orient.*, 1847, No. 1, col. 2. So already Salomon Levysohn in his essay cited above, p. 649, note 2.

[3] *Beiträge*, &c., p. 57.

[4] Cf. the table in Ges.-K., p. 289.

[5] Though not etymologically similar, it may, nevertheless, be interesting to compare these forms with the BH. plurals חלכאים, דוּדאים, יוּלאות (Ps. x. 10, cf. Ges.-K., § 93 *x*), and the MH. זַנָּאין, רַשָּׁאין, כַּדָּאין, pl. of זַנִּי, רַשַּׁי, כַּדִּי (often spelt רשאי and כדאי, וכאי), and BH. קשואים, pl. of קשות as in MH.

In MH., as in BH., the rule that the masculine forms the plural by ־ִים and the feminine by ־וֹת holds good only in the case of adjectives and participles. In the case of nouns the exceptions are so numerous as almost to break down the rule, e. g. מִפְתְּחוֹת — מִפְתָּח; חוֹתְמוֹת — חוֹתָם, &c., especially in nouns ending in ־ָן, ־וֹן: סִיטוֹנוֹת — סִיטוֹן "horse-radish"; צְנוֹנוֹת — צְנוֹן, שִׁלְחָנוֹת, קִרְבָּנוֹת "a corn merchant" (*σιτώνης*?); cf. also the plural of *nomina agentis* סְרוֹקוֹת, דְּרוֹכוֹת, above, p. 709.

Conversely feminine plurals in ־ִין, ־ִים: טִפִּין — טִפָּה "drop"; חֲזִרִין — חַזֶרֶת "lettuce"; קִישׁוּאִין — קִישׁוּת "cucumbers"; דְּלוּעִין — דְּלַעַת "gourd," and, of course, שְׁעוֹרִים — שְׁעוֹרָה, חִטִּים — חִטָּה, &c.

Note.—The BH. singular אִשְׁפּוֹת is only found in MH. once (*Kelim*, XXVII, 11). Elsewhere it is always אִשְׁפָּה, but the plural is regularly אִשְׁפָּתוֹת, at least in earlier MH. (*Šebi'ith*, III, 1, 2, 3; *Ohol.*, XVIII, 8, &c.). In view of these facts Geiger's[1] ingenious explanation of MH. אִשְׁפָּה as an artificial singular derived from BH. אִשְׁפּוֹת which was mistaken by the Rabbis for a plural, falls to the ground. Probably the BH. אִשְׁפּוֹת is a secondary form, with *ā* obscured to *ô* of אַשְׁפָּת, from the verb שִׁפַּת[2] with prosthetic א, whence the plural אַשְׁפַּתּוֹת (like גְּמַלִּים). The old form אַשְׁפָּת, however, survived in popular speech, but the ending ־ָת being mistaken by the popular mind for the old feminine termination, the word was shortened to אִשְׁפָּה; but the plural אִשְׁפָּתוֹת was already too firmly established to be changed accordingly.

4. The Dual.

The dual is pretty common in MH. not only in words which have the dual in BH. but also in many new formations. This is another proof that MH. and Aramaic have little in common in the sphere of strict etymology. For Aramaic, as is well known, has with one or two exceptions, entirely lost its dual, while in MH. it has survived with

[1] op. cit., p. 24. Levy (*Orient*, 1844, p. 815) regards BH. אשׁפות itself as pl. of the sing. אשׁפה and אשׁפתות as a double plural.

[2] Cf. the Oxford Hebrew Lexicon, s. v.

increased vitality. We give here a list of all the duals found in the Mišna which do not occur in BH.[1]

אֲחוֹרַיִם "back" (*Kelim*, XXV, 1 f.); אֶצְבָּעַיִם "two fingers" (*Ohol.*, XIII, 1); גַּבַּיִם "back" (*Kelim*, XXV, 5); גַּפַּיִם "wings[2]" (*Ḥullin*, III, 4); טְפָחַיִם "two handbreadths" (*Menaḥ.*, XI, 5; *B. Bathra*, I, 1); כּוֹרַיִם "two *kors*" (*Kelim*, XV, 1); מְנָפַיִם "greaves" (ibid., XI, 8); מַחֲלָצַיִם "windlass" (*Mo'ed Ḳat.*, I, 10); מַסְפָּרַיִם "scissors" (*Kelim*, XVI, 8, &c.); קַבַּיִם "two *ḳabs*" (*'Eduy.*, I, 2; *Tamid*, III, 6); קִרְבַּיִם "intestines" (ibid., IV, 2); קַרְסוֹלַיִם "ankles" (*Ḥullin*, III, 7); רְבָעַתַיִם "two-fourths" (*Kerith.*, I, 7); שׁוּלַיִם "skirts" (*Kelim*, XV, 1); שְׁיָרַיִם "remnants" (*'Erub.*, II, 6, &c.). Further, זַרְתַּיִם "two spans" (*Baraitha, Talm. b. Ta'anith*, 5 a) and בית הַמִּטְבָּחַיִם[3] "the slaughter-house" (*Aboth*, V, 5; *Middoth*, III, 5). The Aramaic בי מטבחיא must be an adaptation from MH., as shown by the ט.

5. The Expression of the Genitive.

(*a*) *The Construct State.* The most usual and predominant method of expressing the genitive in MH. is still by means of the construct state. Circumlocution of the genitive is resorted to, as a rule, only in certain cases and under certain restrictions, viz. when the grammar or the desire for lucidity and precision would make the employment of the constr. st. awkward or impracticable. MH. differs in this respect also from Aramaic. The latter, too, in the earlier Jewish dialects, makes a most extensive use of the constr. st. But in MH. the respective usages of the constr. st. and of circumlocution can be classified under certain headings and explained by certain logical and grammatical rules; in Aramaic, on the other hand, the two constructions are found side by side without any apparent cause,

[1] The dual is often spelt יִם—.

[2] i. e. the limbs on which the כנפים "the feathers" grow. Hence the Mišna says נשתברו גפיה but נמרטו כנפיה.

[3] So according to the traditional pronunciation. Levy and Kohut point הַמִּטְבָּחַיִם, but the form מִטְבַּח is not found elsewhere. Jastrow points הַמִּטְבָּחַיִם.

depending, as it seems, entirely upon the momentary whim of the speaker or writer whether he chooses to use the one or the other[1]. Contrast Ezra v. 13 (מלכא די בבל . .) with vi. 14 (מלך פרס); Ezra v. 14 (מאניא די בית . .) with vi. 5 (מאני בית); especially in the Aram. of Daniel: Dan. ii. 19 (חזוא די ליליא) with iv. 2, 6; ii. 49 (עבידתא די מדינת) with iii. 12; iii. 1 (צלם די דהב) with iii. 5, 7, &c.; v. 5 (פס ידא) with v. 24, &c. Instances of the indiscriminate use of the two constructions in the Targumim are too numerous and too well known to require special mention here (cf. Winer, op. cit., § 56).

Though, as stated above, the constr. st. is the regular form in MH. for the expression of the genitive, it may nevertheless be useful to classify the chief cases of its use.

(1) It is used with *nomina actionis* as *regens*: מגע טרפה "the touching of a *ṭerepha*" (*Ḥullin*, IV, 4); מתן סביב "sprinkling of the blood round about the altar" (*Zebaḥ.*, XIV, 10; cf. VIII, 10); מלא רחב הפרסה "the full breadth of a step."

קְטִילָה: שבירת העצם (*Pesaḥ.*, VII, 12); נטילת לולב "the taking of the palm-branch[2]" (*Megilla*, II, 5); ידיעות הטומאה "cases of knowledge of uncleanness[3]" (*Šebu'oth*, I, 1); further concrete: פתילת הבגד "the lappet of a garment" (*Šabb.*, II, 3), &c.

קְטוּל: ביטול בית המדרש "the neglect of the house of study" (*Šabb.*, XVI, 1); עירובי תחומין "*'Erubim* of limits" (*'Erub.*, VII, 11); עינוי הדין "delay of judgment" (*Aboth*, V, 8); concrete: מיעוט הקהל "the minority of the assembly" (*Pesaḥ.*, VII, 6); כסויי הכלים "the lids of the vessels" (*Šabb.*, XVII, 8); further קלקולי המים "the

[1] It is, however, to be noted that in the Zinjirli Inscriptions the constr. st. alone is used; cf. the text in Cooke, op. cit., Nos. 61–3. On the other hand in the Aramaic Papyri of Assuan the constr. st. is confined to "the most common words where the relation is a close and natural one" (Cowley, Introd., p. 19).

The constr. st. has been given up almost entirely by the late non-Jewish dialects of Aram., e.g. Syriac (Nöldeke, *Syr. Gr.*, § 205, B), the Christian Palestinian Aram. (Nöldeke, *ZDMG.*, XX, p. 507, § 36), and nearly so in Mandaic (cf. Nöldeke, *Mand. Gr.*, § 221, f.).

[2] Cf. Lev. xxiii. 40.

[3] Cf. Lev. v. 2 f.

damaged receptacles of waters" (*Mo'ed Ḳaṭ.*, I, 3); צחצוח חרבות "the glistening of swords" (*Sota*, VIII, 1); שחרורי עבדים "a writ of manumission" (*Gittin*, I, 4), &c.

קְטָלָה: תקנת המועדות "the proper arrangement of the festivals" (*R. Ḥašana*, I, 3); סכנת נפשות "danger of life" (*Ḥullin*, III, 5), &c.

הֶקְטֵל: הקטר חלבים ואיברים "the burning of fats and limbs" (*Berak.*, I, 1); הקדש טעות "devoting to the use of the sanctuary by error" (*Nazir*, V, 1, 3); הפסד מצוה (*Aboth*, II, 1), &c.

הַקְטָלָה: הדלקת הנר "kindling of the lamp" (*Šabb.*, III, 6); הפרשת הר סיני "the separation from Mount Sinai"[1] (*B. Ḳam.*, V, 7); הודית המעשר "the confession of the tithe" (*Ma'aser Šeni*, V, 15)[2]; הוריית בית דין הגדול "the decision of the Great Court" (*Horay.*, I, 5), &c.

(2) With *nomen agentis* as *regens*: participles: חותמי ברכות "those that close the benedictions" (*Berak.*, IX, 3); עולי בבל "those that came up from Babylon" (*Šebi'ith*, VI, 1); מחוסר כפורים "lacking atonement" (Hag. iii. 3); plural: מחוסרי כפורים (*Kerith.*, II, 1); שלוחי מצוה "those sent to perform a divine commandment" (*Sukka*, II, 4); אנוסת אביו, &c. "a woman outraged by his father" (*Yebam.*, XI, 1). Of the form קַטָּל: חייבי חטאות "those bound to bring a sin offering" (*Šabb.*, XI, 6); חזן הכנסת "the beadle of the synagogue" (*Sota*, VII, 7); גבאי צדקה "collectors of alms" (*Ḳidduš.*, IV, 5).

With these may be classed adjectives as *regens*: נקיי הדעת "those of pure mind" (*Gittin*, IX, 8); שחורי הראש "black-headed" (*Nedar.*, III, 8); צוערי הלוים "the youngest of the Levites" (*'Arak.*, II, 6).

Further, with nouns of the common types, as *Segolates*: קשר מוכסין "a knot of tax-gatherers" (*Šabb.*, VIII, 2); זרע קישואין (IX, 7); צָרְבֵי המת "the requirements of the dead" (XXIII, 5); עֹמֶר השכחה "a forgotten sheaf[3]" (*Pea*, IV, 3); וְלַד שפחה (> וְלָד) (*Ḳidduš.*, III, 12); בשר תודה; פקק החלון (*Šabb.*, XVII, 7); טענת בתולים (*Ketub.*, I, 1); חזקת בעולה (I, 6, 7); שגגת המעשה (*Horay.*, II, 3); טומאת מקדש (*Šebu'oth*, I, 3 f.); סעודת אירושין "the meal of betrothal" (*Pesaḥ.*, III, 7); חבורת נשים (VIII, 7); שבונת קברות

[1] Exod. xix. 12. [2] Deut. xxiv. 13.
[3] Deut. xxiv. 19.

(*Naz.*, IX, 3); תנחומי אבלים (*Megilla*, IV, 3); תלמוד תורה (*Pea*, I, 1); תכשיטי נשים "ornaments of women" (*Pes.*, III, 1; *Kelim*, XI, 6); תשמישי הכלים (*Tamid*, V, 3); רשות הרבים "a public place"; קלות ראש, גמילות חסדים, &c. &c.[1]

Numerals, with the exception of שנים, שתים which are always in the constr. st., are generally construed in apposition to their substantives[2], but the following constructs occur in the Mišna: ארבעת (*B. Bathra*, II, 5; VI, 7); חמשת (*Nedar.*, VII, 2; *Sota*, VIII, 2); שבעת (*Bikk.*, I, 3; *Yoma*, I, 1, 2, 4), and עשרת (*Sanh.*, X, 3).

In the following passages אחת may be either in the constr. st. or in apposition: מאחת יד "from one place" (so Maimonides, *Pea*, III, 3); באחת יד "with one hand" (*Šebi'ith*, III, 9); באחת ידו "with one of his hands" (*Para*, VII, 2, 3). Elsewhere this numeral follows the noun. (Cf. Neh. iv. 11 באחת ידו, and see König, *Syntax*, p. 240, Note 2.)

The *Plural of construct combinations*[3] is generally formed by attaching the termination to the *regens*, e. g. חוטי צמר, &c. "woollen threads" (*Šabb.*, VI, 5); צורפי זהב "goldsmiths" (VIII, 4); פקיעי עמיר "bundles of sheaves" (XXIV, 2), &c., &c. Occasionally both members of the combination receive the plural termination: בתי כנסיות ובתי מדרשות[4] "synagogues and houses of study" (*Terum.*, XI, 10; *Pesaḥ.*, IV, 4 and often); בתי הבדים (sing. בית הבד) "wine-presses" (*Ma'as. Šeni*, III, 7); בתי נירין "meshes, slips" (בית ניר, *Šabb.*, VII, 2); אבות בתי דינין "Chiefs of the *Beth Din*" (sing. אב בית דין, *Hagiga*, II, 2; cf. *Sanh.*, XI, 2); בתי דשנין (sing. בית הדשן, *Sifra*, fol. 9 b) "receptacles for ashes"; בעלי אומניות "artisans" (*Bikk.*, III, 3); בעלי שיבות "greyheads" (*Nedar.*, III, 8); בעלי דינין "litigants" (*Aboth*, I, 8, &c.); בעלי מומין "defective" (*Bekor.*, VII, 6, &c.); בעלי בתים "householders"

[1] It will be seen that many of these governing nouns are invariable in the constr. st., a fact which disproves the statement of Levy (*Orient*, 1884, col. 813, so Wijnkoop, *J. Q. R.*, XV, p. 44, without mentioning Levy) that the genitive of invariable nouns is expressed in MH. by circumlocution with של.

[2] But they are always placed in MH. *before* their substantives. Cf. Ges.-K., § 134 *c* and footnote 1.

[3] With the following remarks cf. Ges.-K., § 124 *p*, ff.

[4] The plural is formed from כְּנֶסֶת (*Aboth*, IV, 11), and not from כנסת.

(*Kelim*, XVII, 1 and often); בעלי קריין (sing. בעל קרי[1], *Miḳwaoth*, VIII, 1); ראשי חדשים (sing. ראש חדש) "New Moons" (*Pesaḥ.*, VII, 4); ראשי שנים (*R. Hašana*, I, 1); ראשי דברים (II, 6); ערבי פסחים "Eves of the Passover" (sing. ערב פסח, *Pesaḥ.*, IV, 1, X, 1; *ʿEduy.*, V, 2); ערבי שבתות "Eves of the Sabbath" (*B. Meṣ.*, IV, 6); דיני ממונות "civil cases" (*Sanh.*, I, 1); דיני נפשות "capital cases[2]"; עדי נפשות "witnesses in capital cases" (ibid., I, 4, IV, 5); חייבי חטאות (*Šabb.*, XI, 6); חייבי מיתות (*Sanh.*, VII, 10); חייבי כריתות (*Makkoth*, III, 15; cf. *Kerith.*, VI, 4); contrast חייבי עולה (*Temura*, V, 1); גטי נשים "bills of divorce" (sing. גט אשה); שחרורי עבדים "bills of manumission" (*Gittin*, I, 4 and often).

On the other hand a number of combinations with בית as *regens* attach the plural sign to the *rectum*[3]: בית חמשתאות "banqueting houses" (*Sota*, IX, 11); בית הבדין "wine-presses" (*B. Bathra*, III, 1); בית האצבעות (טהורות) "gloves" (*Kelim.*, XXVI, 3); בית פרסות (sing. בית פרס) "a field declared unclean owing to bones having been carried over it from a ploughed grave" (*Ohol.*, XVIII, 2); בית הקמטים, בית הסתרים (אינן צריכים) "folds and hidden parts of the body" (*Miḳwaoth*, VIII, 5); בית הטומאות (. . . מטמאין) (*Nidda*, VII, 4); בית השווקים "market-places" (*Makširin*, VI, 2).

So also with regard to the other rules and idioms peculiar to the constr. st., MH. agrees almost in every respect with BH. There is, therefore, no need to recapitulate them here. The following points, however, may be noted:—

The construct before a relative clause is not found in MH. except in the case of a number of nouns, the construct form of which has become stereotyped in certain connexions; hence we get the following combinations: אף על פי ש— "although"; בזמן ש— "when"; כדי ש— "in order that"; כלפי ש—[4] "in respect to"; מפני ש— "because"; משום ש— "because"; על שם ש— "because" and על מנת ש— "on condition that."

So the noun חזקה "state, assumption," which is very common in the constr. st. before a noun (e. g. *Ketub.*, I, 6, 7; *Nazir*, IX, 2;

[1] Cf. Deut. xxiii. 11.

[2] Contrast *Targ. j.*, Num. xv. 34; xxvii. 5 דיני ממונא but דיני נַפְשָׁתָא.

[3] Cf. Hillel, p. 47; Nöldeke, *Syr. Gr.*, § 141.

[4] Construct of אַמַּיִם. The כ is redundant, cf. above, p. 697 f.

B. Bathra, III, 1 f., &c., &c.), is also found in the construct before a relative clause: בחזקת שהוא קיים "on the assumption that he is alive" (*Gittin*, III, 3, 7, 8; cf. III, 4); בחזקת שנתן, בחזקת שלא נתן "on the assumption that he has given, . . . that he has not given" (*B. Bathra*, I, 4); בחזקת שלא נפדה (*Bekor.*, VIII, 6). So in *Tamid*, III, 3, after five cases of the construct לשכת before nouns, we get by analogy לשכת שהיו עושין, &c.

Two instances only have been found by the writer of a construct before a preposition, viz.: בהולכי לבית המדרש[1] (*Aboth*, V, 14), and *Mekilta*, fol. 61 b לעולי לכרמי מלכים. This is the more unnecessary since the MH. construct may regularly have the force of a preposition; cf. מהלכי שתים "bipeds" (= על, *Bikk.*, II, 3; *Sifra*, fol. 48 d); פסולי עדות "disqualified for evidence" (= ל-; cf. the phrase פסול לעדות, *Ketub.*, II, 1); יוצאי מצרים (*Nedar.*, III, 2); יורדי הים[2] (III, 6).

(*b*) *Circumlocution of the Genitive.* The restrictions which the constr. st. by its peculiar nature, its inflexibility and awkwardness imposes upon the language must have been felt keenly by the Semitic dialects. Add to this the fact that in the many nouns which are invariable (and in dialects with a poorly developed vowel-system almost all nouns are invariable), the constr. st. lost even its outward semblance of an inflexional distinction, leaving thus the relation existing between the nouns ambiguous and uncertain, and it will be easy to understand the necessity felt by the Semitic dialects of devising some new means for expressing the genitive relation[3]. Being

[1] So N. and other edd.; C., however, has בְּהוֹלְכֵי בֵיהמ"ד. Cf. Ges.-K., § 130 *a* f.; Nöldeke, *Syr. Gr.*, § 206.

[2] Cf. Ps. cvii. 23. In BH. this construction is confined to the poetical style, Ges.-K., § 116 *h*.

[3] Kautzsch (*Bib. Aram.*, § 81, footnote) ascribes the origin of the circumlocution of the genitive to the desire of making the *regens* definite. But it is evident that this desire was only one of the many causes at work, since circumlocution is very common in languages like Assyrian and Ethiopic which do not possess the article or its equivalent. Further, we have cases in Hebrew where circumlocution was chosen for the special purpose of leaving the nouns *indefinite*, e. g. 1 Sam. xvi. 18 בן לישי, 1 Kings ii. 39 עבדים לשמעי, cf. Ges.-K., § 129 *c*.

no longer capable of producing any internal or inflexional change in the nouns concerned, they had to fall back upon a periphrasis of the genitive. This they did by inserting a particle between the two nouns. In the selection of this particle the Semitic languages divide themselves into two groups. Those languages in which the period of decay set in early in their history, when their mode of thought was still of a primitive nature, viz. the Assyrian, the Aramaic dialects, and the Ethiopic, selected for this periphrasis the *demonstrative particle*, which had already come into use as a connective link in the form of a relative: Assyrian *ša*, Aramaic זִי, דִּי, and finally דְּ, -ʾ, Ethiopic H (ዘ)[1]. Thus in בֵּיתָא דִּי מַלְכָא (*domus iste rex*) the particle דִּי merely points out that there is a connexion between the two nouns without attempting in the least to indicate explicitly what that connexion is. Convention alone determined that the connexion should be understood as that of the genitive relation, just as it was convention alone that determined the relation of a clause introduced by the same particle to the principle clause of the sentence[2]. The particle thus used as a genitive did, therefore, as much as the older constr. st. For the latter did no more, at least in historical times, than merely indicate by its juxtaposition with the *rectum* and its hurried pronunciation, often producing a vocalic change, that some kind of connexion existed between the two nouns, which connexion was commonly understood to be that of the genitive.

Those Semitic languages, however, which had been endowed with greater vitality, and did not feel the need for a substitute for the constr. st. till a comparatively late period in their development, viz. Arabic, Hebrew, and

[1] Cf. Delitzsch, *Assyr. Gr.*[2], § 84 a; Dillmann, *Eth. Gr.*[2], §§ 145, 6, 186. ለ (ኑ) in simple circumlocution is rare in Ethiopic, and only when the relation may also be conceived as that of the dative (Dillmann, § 145, 6). Amharic expresses the genitive exclusively by circumlocution with ኘ (ን), a weakened form of H (ibid., p. 289, footnote).

[2] Cf. Ges.-K., § 138 *a*.

Phoenician, could not when that need arose be satisfied with the primitive method adopted by the first group. It was found necessary to indicate quite clearly the relation subsisting between the noun and its genitive. Classical Arabic, with its highly developed inflexional system in which, moreover, annexion had been fortified by a real genitive termination attached to the *rectum*, seems to have never experienced any real need for a substitute to this construction. Only occasionally do we find the genitive of material expressed by circumlocution with مِنْ [1]. But Modern Arabic, in consequence of the loss or confusion of the old case-endings, has felt itself compelled to devise some periphrasis of the genitive. In the Egyptian Arabic annexion is being supplanted by a circumlocution which is expressed by placing the noun *betā'* ("property, possession") between the *regens* and *rectum*, where it signifies "peculiar to," "belonging to." It stands in apposition to the *regens* and in constr. st. to the *rectum*, the latter being thus governed by it and subordinated to it as its genitive [2].

In Hebrew circumlocution of the genitive is expressed by the preposition ל "belonging to" and the construction is exactly the same as in Modern Arabic. Thus in מזמור לדוד or רוחות לכל בשר the ל stands in apposition to מזמור and רוחות, while דוד and כל בשר are governed by and subordinated to the preposition as its genitive [3]. This primitive construction, however, of simple apposition between the *regens* and the preposition had to give way in this case, as also in other cases, to a smoother and more logical construction [4], in which the connexion between the *regens* and the preposition was specified by the originally demonstrative link אשר, so that the determining words

[1] Wright, *Arab. Gr.*[3], II, § 48 (9). The constructions with ل enumerated ibid., § 53 (*b*) are real datives.

[2] Cf. Spitta, §§ 77 c, 119 a ff., 120 c, also Gesenius, *Lehrgeb.*, p. 672 f.

[3] Cf. Wright, op. cit., I, § 355, and Ges.-K., § 101.

[4] Cf. *Tenses* [3], p. 246.

were practically placed in a relative clause, e.g. הפלגשים בנך המעיל אשר לשאול, אשר לאברהם.

The colloquial form of —ל אשר was —שֶׁלְ[1], a form which found its way also into the literature[2]. From —שֶׁלְ to the formation of an independent particle שֶׁל is but an easy and natural step, and thus arose the genitive particle שֶׁל which in MH. is the only means for expressing circumlocution of the genitive, but which must have existed in popular speech long before it was reluctantly admitted into the literary dialect of BH.

So in Phoenician the periphrasis of the genitive is effected by prefixing ל to the *rectum*, and then by —אשל (= —ל אשר) and finally by של. Only in very late times, under the overpowering influence of Aramaic, against which it was apparently more powerless than MH., Phoenician often uses for the genitive simply —שֶׁ[3].

The foregoing remarks prove conclusively that the MH. circumlocution of the genitive with של is an original Hebrew construction and not an adaptation of the Aramaic circumlocution with די. For the two particles differ most essentially and radically. די indicates some vague connexion between the two nouns which it joins together, while של expresses explicitly and with precision the relation existing between them. של is not the equivalent, much less the translation of די. It says a great deal more than די and has had an entirely different history and development. Neither has של any connexion with the Aramaic hypothetical דיל. דיל is never used without either the prefix —ב or the pronominal suffixes, while של is extensively used

[1] Cf. above, p. 659 f.

[2] Cant. iii. 7; cf. 2 Kings vi. 11, Cant. viii. 12, and Jonah i. 12.

[3] Cf. Schröder, *Phoen. Sp.*, §§ 68, 69 and 82, 83. Instances in BH. of the use of אשר alone to express the circumlocution of the genitive seem to occur in 1 Sam. xiii. 8, 1 Kings xi. 25, 2 Kings xxv. 10 (cf. ||Jer. lii. 14), and 2 Ch. xxxiv. 22. But most probably the text in all these passages is at fault. Cf. Ewald, *Lehrbuch*, p. 746 note, the Oxford Lexicon, p. 83, and König, *Syntax*, § 283.

when standing alone. It would, perhaps, be more correct to say that דיל was influenced by של. דילי, &c., is only used exclusively in Syriac. In the non-Jewish Palestinian dialects of Aramaic דידי (=די+די) only is found[1]. In the Targumim and in the Aramaic of the Talmud both דילי and דידי are found, but the latter more frequently. Only Onḳelos who is noted for his Hebraizing tendencies uses דילי exclusively, most probably because the author, or authors, of this Targum spoke MH. Moreover, the Targumim actually use —דְ=של to express the circumlocution of the genitive where the Hebrew text has —אשר ל, instead of simple די, —ד, e. g. Gen. xxv. 6 דלאברהם, xxix. 9 דלאבוה, xlvii. 4 דלעבדך (*Onḳ.*; *j.* די לעבדך); Exod. xxix. 26 דלאהרן (*j.*, *Onḳ.*; די לאהרן), xxvi. 29 both דלאהרן; Lev. ix. 15, xvi. 15 דלעמא, &c. &c.

Circumlocution with simple ל, though very common in BH.[2], is extremely rare in MH. and generally only when the ל may also be construed as ל of the dative or of reference[3]. The following is a fairly exhaustive list of these constructions in the Mišna:—

Pea, II, 6 הלכה למשה מסיני (perhaps sc.: נתונה למ׳).

Pesaḥ., I, 1 אור לי״ד "the eve[4] of the fourteenth"; so *Kerith.* המפלת אור לפ״א; but the parallel passage in *ʿEduy.* has אור פ״א.

R. Hašana, I, 1 ראש השנה למלכים, &c.; *B. Meṣ.*, V, 1 תחלה לקוצרים; *Sanh.*, VIII, 5 כינום לרשעים, &c.; *Aboth*, IV, 2 זנב לאריות, &c.; *Menaḥ.*, VI, 3, X, 6, &c. קודם לעשיתן; but the ל may be here a sign of the accusative; cf. *Kerith.*, VI, 8 קודם אֶת האב.

Menaḥ., VIII, 1, 3, 6 אלפא לסולת, &c. "ἄλφα (=the first, best of) fine flour"; *Temura*, I, 1 מתנה לכהן (perh. sc. נתונה לכ׳, but cf. the common phrase מַתָּנוֹת בְּהוּנָה); *Kelim*, XVII, 11 מב׳ ידות לכבר מנ׳ לקב "two parts of a loaf, which loaf is a third of a *Ḳab*[5]"; *Zabim*, I, 2 ביום השלישי לספירת זובו.

[1] Cf. Dalman, p. 118, 4.

[2] Cf. König, *Syntax*, § 280 f.

[3] As in Ethiopic, cf. above, p. 722, note 1.

[4] Cf. the Aram. אורתא.

[5] For the peculiar use of מ cf. *B. Meṣ.*, VIII, 9; *Menaḥ.*, IX, 3; *Para*, I, 1. So in Syriac, Matt. xx. 2: ܡܢ ܕܝܢܪܐ (in the Pešiṭta).

Mekilta, fol. 57 a חבר למקום, ריע למקום (contrast *Sifra*, fol. 20 a רע של אל); ibid., fol. 75 e שביעית למכירה ולא שביעית לשנים.

Sifré, fol. 3 a קדש לבעלים; and perhaps a few more cases in the Midrašim; elsewhere של is used, but never —ל אשר[1].

Circumlocution in MH., as stated above (p. 716), is not used with the indiscrimination and arbitrariness which characterize Jewish Aramaic, Vulgar Arabic, Ethiopic, and Assyrian. It is possible, just as in BH., to tabulate the usages of circumlocution in the Mišna and reduce them to certain rules. But it must be admitted that in later Rabbinic style, especially in the Haggada which is couched in a popular and Aramaizing language, the use of the circumlocution, especially with the anticipation of the genitive by a pronominal suffix, approaches more and more the looseness and arbitrariness of other dialects[2].

The following are the principal cases where simple circumlocution is used[3]:—

(1) To express the *genitive of material*, in which case של has the force of "belonging to the *genus* of." This construction is not found in BH.[4], but is regular in the Targum (e. g. Gen. xxiv. 21, 53; Exod. ii. 2, 4 (but contrast vers. 21, 22), &c., also Dan. v. 7)[5]. Arabic, too, often expresses this genitive by circumlocution with مِنْ (cf. above, p. 723).

Examples: *Yoma*, III, 4 סדין של בוץ; *Sukka*, IV, 10 חבית של זהב. So also sometimes to express a quality: ירק של תרומה *'Eduy.*, II, 2, 4 and often with תרומה as genitive. There are, however, some exceptions. Thus the frequent noun כלי always takes its material in the constr. st.; so also בזיכי "spoons" (*Pesaḥ.*,

[1] The citation by Siegfried and Strack (§ 72 b) of the phrase דעתו לשמים as an example of the genitive with ל rests upon an oversight. The phrase does not mean "die Erkenntniss Gottes" (sic!) but "his mind, or intention, directed towards Heaven." So לבו לשמים, *Sanh.*, fol. 61 b (bottom).

[2] Cf. König, *Syntax*, § 280 ff.

[3] We must refrain, owing to want of space, from giving exhaustive lists of references.

[4] But cf. Lev. xiii. 48; Ezra i. 11.

[5] Cf. Kautzsch, *Gr. d. Bib.-Aram.*, § 81 c.

V, 5); כן "base" (*Yoma*, V, 2); מחתת הכסף (*Tamid*, I, 4, V, 5. These sections, however, belong to the older strata in the Mišna).

(2) When there are more than one *regens* dependent upon one *rectum*; *Ma'aseroth*, I, 7 תאנים וענבים של טבל; cf. *Terum.*, XI, 4; *R. Hašana*, IV, 6; *B. Meṣ.*, X, 1 f., &c. Cf. in BH. Gen. xl. 5; Exod. xiv. 28; 2 Kings xi. 10.

(3) When the *regens* consists of a construct combination in which the second member is inseparable from the first. *Demai*, IV, 1 (&c.) תרומת־מעשר של דמאי; IV, 3, 4 מעשר־עני של דמאי; *Šebi'ith*, I, 2, &c., &c.

Conversely when the *rectum* is made up of such a compound expression: *Šabb.*, XX, 5 מכבש של בעלי־בתים; *B. Ḳam.*, I, 2 נכסים של בני־ברית, &c., &c. Or when both *regens* and *rectum* consist of compound expressions: *'Erub.*, VIII, 4 תפיסת־יד של בעל־הבית; *Yoma*, III, 2 יום־הכפורים של כלי־ידות־הכלים, &c.

There are, of course, numerous exceptions to this rule, e. g. שמחת בית־השואבה, *Sukka*, V, 1; cf. V, 3, &c., &c.

Cf. in BH. Gen. xxv. 6 (לבני־הפלגשים אשר לאברהם); Num. xvi. 22, xxxi. 48; Judges vi. 25, xviii. 28. (See for further examples König, *Syntax*, §§ 281 l–m, 282 e, f, and cf. also Dillmann, op. cit., § 186.)

(4) When an adjective intervenes between *regens* and *rectum*: *Yoma*, V, 6 יסוד מַעֲרָבִי של מזבח החיצון; *Sukka*, II, 6 לילי יום טוב רִאשׁוֹן של חג, &c., &c. So with numerals: *Demai*, VII, 8 עשר שורות של עשר עשר כדי יין "ten rows of ten wine-jars each"; *'Arakin*, IX, 6 ג' חצרות של שני שני[1] בתים; *Kilaim*, IV, 5 שורה של חמשה גפנים; *Pesaḥ.*, VIII, 1 עבד של שני שותפין; *Nedar.*, VIII, 7 כור אחד של חטים, &c., &c. Cf. in BH. 1 Sam. xxii. 20 (בן אחד לאחימלך); Ezek. xl. 40 b; so in Assyrian (Delitzsch, § 166, 2) and Ethiopic (Dillmann, § 186).

(5) Circumlocution is generally used with nouns borrowed from other languages including Aramaic, since the language was no longer able to assimilate them so thoroughly as to inflect them like native words: *Ḳidduš.*, IV, 5 איסטרטיא של מלך "the King's στρατιά"; *'Ab. Z.*, II, 1 פונדקאות של עכו"ם "the πανδοκεῖα of the heathen"; IV, 6 בימוסיאות של מלכים[2], &c. &c.

[1] The numeral repeated in a distributive sense. Note the *suspended construct.*

[2] Cf. Jastrow, s. v.

(6) Generally circumlocution is used when for one reason or another the *regens* or *rectum* is to be emphasized, as when a noun is used in a secondary or derived sense[1], e.g. *Kelim*, XIII, 1 זוג של סַפָּרים "shears of barbers" (זוג־ספרים may mean "a pair of barbers"); XIII, 2 השן של מעדר "the tooth of a mattock," &c., or in enumerating many cases which either agree or differ from one another: *Kelim*, XIII, 6 (טבעת של מתכת . . . . טבעת של אלמוג); XIII, 8 (מסרק של פשתן . . . ושל צמר); XIV, 8; XV, 2; XXIII, 2, 4; XXIX, 4–6, &c., &c.

Cf. in BH. 2 Sam. iii. 2–3 (לאביגיל, לאחינעם).

(c) *Circumlocution with Anticipation.* The circumlocutory genitive is often anticipated in MH., as in Aramaic, by a possessive suffix attached to the *regens*, e.g. שלוחו של אדם "a man's messenger." The construction is only found as a rule in cases of true (possessive) genitives[2], but in the following passages it is used also with the objective genitive of *nomina actionis*:

Šebi'ith, II, 3 כזירודה ובפיסולה של חמשית כך של ששית "just like the thinning and trimming of the fifth so of the sixth."

Yoma, VII, 2 הפשיטן וניתוחן של אלו "the flaying and cutting up of these."

Yebam., XI, 7 על מכתו ועל קללתו של זה ושל זה "for the striking and cursing this one and that one."

The construction is only employed when the *regens* is a flexible noun, which is elsewhere found in the constr. st., as otherwise it could not take the suffix. Generally the construction has an emphatic force, laying a certain stress on the *regens*, the *rectum*, or on both, or on the connecting particle. Frequently, however, it is used without any apparent emphasis in familiar and colloquial language, especially in the Haggadic style, which should be attributed to Aramaic influence. (Cf. above, p. 726.)

The genitive is almost always determinate in one of the following ways: by a suffix (e.g. תבואתו של חברו, *Kila.*, VII,

[1] Cf. below, p. 733.

[2] So regularly in Syriac, Nöldeke, § 205, C.

4); by being a proper noun (e.g. *Aboth*, I, 12 תלמידיו של אהרן); or, very frequently, a demonstrative (cf. the examples cited above from *Yoma*, VII, 2; *Yebam.*, XI, 7); by having been mentioned before; by being well known generally or only in connexion with the subject treated in the context. But it *never* takes the article except in such stereotyped phrases as בעל הבית, הקדוש ברוך הוא and עם הארץ which are never found without the article. Very instructive are the following passages in which the genitive is mentioned before with the article, but the article is dropped as soon as the noun stands in this construction: *Šabb.*, I, 1 (עני); *Yebam.*, VII, 3 (עובר); *Nedar.*, VII, 5 (עיר); *Sota*, VIII, 8 (עם); *B. Bathra*, IV, 4 (חצר); *Šebu'oth*, I, 7 (פר); *Menaḥ.*, XI, 5 (שלחן); *Ohol.*, II, 1 (מת); *Neg.*, XIV, 1 (מצורע). Evidently the genitive was regarded as having been determined by the suffix of the *regens* and therefore could as little take the article as if the suffix had been attached to itself. Hence in Ethiopic, which has no article, this construction is used regularly and most extensively for the purpose of rendering a noun definite (cf. Dillmann, § 172 c). In Aramaic, however, the genitive is always in the *emphatic* state; cf. Dan. ii. 20, 44, iii. 26, and so in the Targumim.

The idiom of anticipation is not confined to the genitive. It occurs also in other cases when a noun is introduced by a preposition.

Thus with על, e.g. אמרו עליו על רחב"ד (*Berak.*, V, 5).

With ל: אמרו לו לר"ג (*'Erub.*, IV, 2; *Aboth*, II, 3, 8; *Middoth*, IV, 2 היו לו לשער)[1]. So usually with דַּיּוֹ לָבָא: מן הדין להיות כנדון "sufficient for the law derived by the conclusion *ad majus* to be like the law from which it is derived" (*B. Ḳam.*, II, 5; *Nidda*, IV, 6); דַּיָּם לישראל "it is enough for Israel" (*Mekilta*, fol. 3 a); דַּיּוֹ לעבד להיות כרבו "sufficient for the slave to be like his master" (*Sifra*, fol. 108 b and often).

[1] In *Nedar.*, III, 11, N. and C. omit לו before משה. כיה אכפת להן לעכברים (*B. Meṣ.*, III, 7) is a semi-Aramaic phrase.

With ב: only in the phrase בּוֹ בּיוֹם "on the same day"[1] (*Sabb.*, I, 4, &c.). With מִן: לֹא כֹל הֵימֶנּוּ מִן הָרִאשׁוֹן "everything does not depend on him, even on the first[2]" (*Gittin*, VIII, 8; cf. *B. Ḳam.*, X, 2).

Anticipation of the subject by הוּא is found in the following passages in the Mišna: *Bikk.*, III, 6 (עוֹדֵיהוּ הַסֶּל); *Pesaḥ.*, IX, 10 (שֶׁלָּנוּ הוּא הַפֶּסַח, &c.); *Yebam.*, XVI, 1 (מְעוּבֶּרֶת הִיא צָרְתָהּ); *Aboth*, II, 14, 16; *Para*, X, 5, XII, 5[3].

This idiom of anticipation is not, however, peculiar to MH. and to Aramaic.

There are very many examples of it in BH. Thus: *anticipation of the subject* by הוּא, as in אַחַת הִיא יוֹנָתִי (Cant. vi. 8, &c.). See Driver's *Tenses*, § 201, for a full treatment of this particular construction.

Anticipation of the genitive occurs in BH. in the following passages:—

(1) Before the construct state: Jer. lii. 20 (לְנְחשֶׁתָם כָּל הַכֵּלִים). In the parallel passage, 2 Kings xxv. 16, the suffix is indeed omitted, but it is attested here by the Ancient Versions, which, however, omit the following genitive); Ezek. x. 2 בְּבֹאוֹ הָאִישׁ; xlii. 14 בְּבֹאָם הַכֹּהֲנִים; xlvi. 22 מְהֻקְצָעוֹת לְאַרְבְּעָתָם (but the genitive which is diacritically pointed by the Massorah should probably be omitted as in the Versions); Ps. xlix. 14 דַּרְכָּם כֶּסֶל לָמוֹ (?); Prov. xiii. 4 נַפְשׁוֹ עָצֵל; Job xxiii. 9 בְּהֶלּוֹ נִרְוֶה; Ezra ii. 62 || Neh. vii. 64 כִּתְבָם הַמִּתְיַחֲשִׂים; Ezra iii. 12 בְּיִסּוֹדוֹ זֶה הַבַּיִת; 1 Chron. vii. 9 לְתוֹלְדוֹתָם רָאשֵׁי (?).

In סְעִיפֶיהָ Isa. xvii. 6 the ה should probably be attached to the following genitive: הַפּוֹרִיָּה; so in Prov. xiv. 13 read: וְאַחֲרִית הַשִּׂמְחָה.

(2) Before a genitive introduced by ל; Num. i. 21–43 פְּקֻדֵיהֶם לְמַטֵּה ...; Ezra ix. 1 כְּתֹעֲבֹתֵיהֶם לַכְּנַעֲנִי ...; 2 Chron. xxxi. 18 טַפָּם ... לְכָל קָהָל; cf. also 1 Chron. iv. 33 וְהִתְיַחֲשָׂם לָהֶם, vii. 4 לְתוֹלְדוֹתָם לְבֵית (?).

[1] Cf. Dan. iii. 6-8, 15; v. 11; Ezra v. 3 (בָּה זִמְנָא); see Kautzsch, op. cit., § 88.

[2] C. has wrongly הימנה. N. is corrupt.

[3] Cf. the quotation above, p. 693.

Anticipation of the accusative: Exod. ii. 6 .. ותראהו את; Deut. iii. 14 .. את . . . ויקרא אתם (cf. Driver, ad loc.); 1 Kings xix. 21 בשלם הבשר; xxi. 13 את נבות . . ויעידהו; 2 Kings xvi. 15 את . . . ויצוהו (Kethîb); Jer. xix. 14 מאבילם את העם; Ps. lxiii. 12; 1 Chron. v. 26[1] ויגלם לראובני, xxiii. 6 להגדוד . . ויחלקם; 2 Chron. xxv. 5 לבית . . ויעמידם, v. 10 להגדוד . . ויבדילם.

The above lists, supplemented by the references given in Driver's *Tenses*, § 201, containing passages drawn from all parts of BH., prose and poetry, early and late, will have made it abundantly clear that the anticipation of a following noun by a preceding pronoun or pronominal suffix is a genuine Hebrew idiom and not an Aramaism. The idiom is, moreover, extremely common in Assyrian before a genitive introduced by *ša*. The genitive so introduced may even precede the *regens* with the attached suffix (Delitzsch, § 166, 3). It is also widely used in Ethiopic whenever the noun is to be conceived as determinate both in the genitive and in the accusative, the particle introducing the noun being always ለ (l) even with the genitive, and not ዘ (z) as in simple circumlocution (cf. Dillmann, § 172 c). It follows, therefore, that the anticipatory constructions in MH. are of native origin and not borrowed from the Aramaic, though the latter may have exercised some influence upon their usage.

It may be remarked that the idiom appears to be in its origin a colloquialism, one might almost say, a vulgarism, implying a lack of precision in thought and in expression. The speaker at first deems it sufficient to refer to the noun by means of a pronoun or more commonly a pronominal suffix, but recollecting that the hearer may be in doubt as to whom the suffix refers, he adds as an afterthought a clause containing the real name of the person or thing which he has in his mind. The noun being thus expressed twice became emphatic; gradually the idiom began to be used more frequently, and then regularly whenever any

[1] Cf. Driver, *LOT.*, p. 538, No. 39.

stress was to be laid upon a noun, and, in the course of time, even where no emphasis was intended. Being thus essentially a popular construction it may be assumed to have been even more common in the popular dialect of Biblical times[1] than in the literary language, and from the old colloquial Hebrew it descended into MH.

In about forty passages in the Mišna and frequently in the Midrašim circumlocution by של with the appropriate suffix is found in the place of the possessive suffix attached immediately to the noun itself. This construction is used (*a*) on grounds of grammar where, namely, the noun cannot take the suffix through being indeclinable or consisting of a compound expression, and (*b*) on grounds of style, where it is desirable to leave the noun unchanged for the sake of lucidity or emphasis.

(*a*) On grounds of grammar:

1. Compound expressions which form standing phrases and are thus inseparable: *Ma'as. Šeni*, III, 6 (מעשר שני שלהם); *Yoma*, VIII, 6; *Ḥullin*, II, 7 (חצר־כבד שלו); *Megilla*, IV, 8; *B. Ḳam.*, VIII, 1; *B. Meṣ.*, VII, 2; *'Eduy.*, III, 5; *Kerith.*, I, 2 (לא "הודע שלהן; cf. Lev. iv. 28); *Mekilta*, fol. 28 a, b, 56 a; *Sifra*, fol. 50 a (סימני־טהרה שלו).

2. A composite subject: *Šabb.*, VI, 8 (כסא וסמוכות שלו "his—the lame man's—seat and supports"); *'Aboda Z.*, II, 6 הפת והשמן שלהם.

3. Indeclinable: *Pesaḥ.*, VIII, 5 (בשני שלה, בשמיני שלו); *Beṣa*, II, 8; *'Eduy.*, III, 12 (ברחים שלהם); especially foreign words: *Kelim*, XIII, 7 (האונקלי שלה = ἀγκύλη); XVI, 7 (קמרון שלה "arched lid"—καμάρα[2]); XVIII, 2 (מוכני שלה—μηχανή); *Uḳṣin*, I, 2 (הפיטמא שלהן); *Mekilta*, fol. 26 b, 28 b, 32 a, 42 a (איקונין שלו—εἰκών); 44 a (פלטרין שלו—παλάτιον[3]).

[1] Note its occurrence in the N. Palestinian documents 1 Kings xix. 21 and xxi. 13; cf. Burney's *Notes on Kings*, p. 209.

[2] Cf., however, Jastrow, s. v.

[3] So Levy and Kohut. Jastrow derives it from πραιτώριον, with the change of ρ into ל.

(*b*) On grounds of style:

1. With nouns used in a secondary, derived, or figurative sense: *Šebi'ith*, II, 10 התמרות שלהם (of the palm-like flower of the gourd; cf. Bertinoro, ad loc.); *Šabb.*, I, 10 התחתון שלה "its lower part" (תחתונה might have been taken in a different sense); VI, 8 קב שלו "his artificial foot" (not *ḳab* "a measure"); so *Kelim*, XI, 7; *Yebam.*, VIII, 4 הבצים שלו (*testes*, so *Kelim*, XIX, 8); *'Ab. Z.*, II, 3 הקרע שלו "its opening"; *Ḥullin*, III, 2; *Sifra*, fol. 48 c החוט שלה (viz. of the שדרה "the spinal cord"); האם שלה ("the *matrix*," so *Bekor.*, IV, 4); *Kelim*, XII, 4 עגלה שלה ("the stand of a chest"); XVI, 3 לרחב שלהם ("of the sides of a basket"); *Ohol.*, XI, 8 והפרח שלה ("the calyx of a candlestick"); *Uḳṣin*, I, 2 הלבוש שלה ("the vesture" of an ear of corn); so perhaps הסיב שלו (cf. Maimonides, ad loc.); *Sifra*, fol. 75 a האמה שלו ("*membrum*").

2. Emphatic: *Terum.*, X, 12 אפילו החלמון שלה "even its *yoke*"; *Kelim*, VII, 2 הצדדין שלו, and below הרחב שלו (viz. of דכון stand mentioned at the beginning of the section; XIII, 6 חפין שלה and חותם שלה (in antithetical cases); so perhaps *Mekilta*, fol. 28 b; *Sifra*, fol. 19 c (שהנשיא שלו).

Cf. the following similar constructions in BH.: Gen. xxiii a מערת המכפלה אשר לו, xli. 43; Exod. xxxviii. 30; Lev. ix. 8 עגל החטאת אשר לו (emphatic; cf. v. 15); xvi. 6, 11; Judges iii. 20 (עלית המקרה אשר לו); 1 Sam. xvii. 40; 1 Kings xv. 20 (שרי החילים אשר לו); so || 2 Chron. xvi. 4; 1 Kings xxii. 31 || 2 Chron. xviii. 30; 2 Kings xvi. 13. Further, 1 Sam. xx. 40 (הנער אשר לו), xxv. 7; 2 Sam. xiv. 31; 1 Kings i. 33, iv. 2; Ruth ii. 21 (הנערים הקציר אשר לי, אשר לי); Lam. i. 10 (בקהל לך); Ezek. xliii. 14 והחיק לה (?)[1].

So also in late Phoenician (Punic): אמא שלי, הולך שלי, and בני שלי; cf. Schröder, § 69; Wright, *Comp. Gr.*, p. 120.

Vulgar Arabic also uses *betâ'* for the possessive suffix but without apparent cause; cf. Spitta, l. c.

In the Assuan Papyri are found, apparently without any emphasis at all, such instances as ברלי = ברא לי = ברי; ברהלי = ברתי; ביתא זילך = ביתך; cf. Cowley's *Introd.*, pp. 9, 17.

[1] Cf. König, *Syntax*, § 281 O, *β*; Oxford Lexicon, s. v. אשר.

Enough has now been said in the foregoing pages to enable us to answer with a certain degree of confidence the questions with which we set out at the beginning of this inquiry. Our survey of some of the chief features of MH. grammar has revealed the fact that as far as strict grammar is concerned, MH. is *absolutely independent* of Aramaic; that it is identical in the main with BH., and where it differs from the latter the genesis of the differences can generally be traced back to an older stage of the language, out of which the new forms have developed in a *natural* and *methodical* manner. We have met with a considerable number of forms and constructions which are quite unknown in Aramaic. Some of these are found in BH. in isolated cases, and in others it is possible at least to trace their connexion with BH. prototypes; but, what is most important, nearly all of them bear the stamp of *colloquial usage* and of *popular development*, while, on the other hand, not a single trace has been discovered of that artificiality with which the MH. idiom has been commonly credited. In fact, the colloquial and popular character of MH. grammar is so strongly pronounced that it helps us in many cases to distinguish in BH. colloquial or dialectal forms and phrases from the literary and polite ones, a fact which, if elaborated with proper care and discrimination, may have an important bearing upon many problems in Biblical criticism.

Many grammatical phenomena, especially in the realm of syntax, which had been hitherto regarded as peculiar to Aramaic, and the occurrence of which in MH. and also in BH. had been attributed to Aramaic influence, have been shown to be common to all or several of the Semitic dialects in a later phase of their existence, and therefore as indigenous in Hebrew as in any of its sister languages.

No doubt Aramaic did exercise a profound and far-reaching influence upon MH., but this influence was confined to the vocabulary and hardly extended to the grammar at all except indirectly, in so far as the altered

vocabulary and phraseology tended also to modify in some measure the grammatical construction of the language.

The answer, therefore, which grammar has to offer to the question whether MH. was a natural, living, and popular dialect developed gradually and systematically out of old Hebrew, or merely an artificial and mechanical scholastic jargon which masqueraded as a kind of Hebrew but was really a bad Aramaic in disguise, is decidedly and unequivocally in favour of the former alternative, and this answer must be taken to settle the question once and for all. The presence of so many Aramaic words and phrases in MH. can as little affect its genuineness as, for example, the preponderance of the Latin element in the English dictionary can affect the genuine Teutonic character of the English language, or, let it be said, as little as the presence in Aramaic itself of so many Hebrew and other foreign words and phrases can affect the genuine and originally Aramean character of the language of Syria and Mesopotamia. Nay, on a closer examination the MH. vocabulary itself will be found to support strongly the verdict of the grammar. Without entering for the present upon this very desirable examination, it may be stated here that the MH. vocabulary consists of two main divisions each of which has to be subdivided again into three smaller groups, viz. :—

I. Words common to MH. and BH.

1. Words used in MH. in the same connotation and in the same form as in BH.

2. Words used in MH. in the same connotation but in slightly altered form, often approaching or similar to Aramaic usage.

3. Words used in MH. in a different connotation often agreeing with Aramaic usage.

II. Words found in MH. but not in BH.

1. Words peculiar to MH., not found in Aramaic, or only as MH. loan-words, but often found in other Semitic languages.

2. Words common to MH. and to Aramaic, either as originally common Semitic or North Semitic words, or as loan-words in both dialects from foreign languages, notably Assyrian, Iranian, and the classical languages, or as mutual loan-words in MH. and Aramaic.

3. Words borrowed by MH. from Aramaic.

It will be seen that Aramaic influence comes in only in group II. 3 and, to some extent, in groups I. 2, 3, while group I. 1, and especially group II. 1, a considerable proportion of which consists of words connected with the arts and crafts and other occupations of everyday life, can only be reasonably accounted for by the assumption that Hebrew continued to be a living medium of speech up to, and including, the MH. period. Group II. 2 includes a large number of words in which priority may be claimed by either dialect, but in the case of words connected with the religious and ethical aspects of life the presumption will generally have to be in favour of MH. It cannot be repeated too often that the vocabulary of the Old Testament contains but a part, and possibly only a small part, of the stock of words possessed by the Hebrew language. It is, therefore, unreasonable to assign to Aramaic all such words in MH. which are not found in BH.[1] As a matter of fact the much-talked-of Aramaic influence upon post-exilic BH. was comparatively insignificant even in the sphere of vocabulary[2], and much more insignificant in the sphere of grammar. Many of the so-called grammatical Aramaisms in the Old Testament are nothing but colloquial or dialectal, but none the less genuine Hebraic, forms which generally turn up again as the normal types in MH., as we have often had occasion to point out in the preceding pages. For both in respect of grammar as well as in respect of

[1] As is done by S. Mannes in his dissertation *Über d. Einfluss d. Aram. auf den Wortschatz d. Mišnah* (Berlin, 1897). In spite of all his partiality for Aramaic, he has only succeeded in collecting 176 instances of Aramaic words under the letters א—ת.

[2] Cf. Kautzsch, *Aramaismen im AT.*, p. 102 f.

vocabulary, the Hebrew Scriptures offer us but a fragmentary and incomplete presentation of what the living language actually was at various periods of its existence, a presentation, however, which can often be supplemented and completed by MH.

MOSES H. SEGAL.

THE ORIGINS OF THE RELIGION OF ISRAEL.

(*Concluding Articles*[1].)

The Mountain of the World, the World of the Dead, and the Worship of Death.

In vol. XI, on pp. 242 and 243, I discussed at some length the myth of the זְבֻל. This is not so much the central feature of the earth's surface, as it is the earth itself regarded as a great mountain of hemispherical form—the form of a tumulus—corresponding to the dome of sky above. What is very extraordinary, a similar conception appears to exist, not only in India, but among a people so remote and so uncivilized as the Esquimaux[2].

"The earth, with the sea supported by it, rests upon pillars, and covers an under world, accessible by various entrances from the sea, as well as from mountain clefts. Above the earth an upper world is found, beyond which the blue sky, being of a solid consistence, vaults itself like an outer shell, and, as some say, revolves *around some high mountain-top in the far north. . . . The upper world*, it would seem, *may be considered identical with the mountain* round the top of which the vaulted sky is for ever circling. . . . One of the tales also mentions a man going in his kayak (boat) to the border of the ocean, where the sky comes down to meet it."

The conception therefore would appear to be astronomical rather than geographical in its nature, the summit of the earth corresponding to the celestial pole. This is perhaps

[1] The previous articles appeared in the Jewish Quarterly Review as follows: XII, 381; XVII, 57, 489; XVIII, 715; XIX, 688.

[2] Spencer, *Data of Sociology*, App. A, pp. 807, 808; from Rink, *Tales and Traditions of the Eskimo*, 1875.

the true reason why in Isa. xiv. 13, the mountain is located, ירכתי צפון and is described as הר מועד, the latter word bearing the significance, not perhaps of assembly, but of fixed place, or appointed sign (Gen. i. 14).

"According to the old Babylonian conception of the gods and their relation to the world's edifice, En-lil or Bêl of Nippur is 'the king of heaven and earth,' or 'the father' and 'king of the gods' and 'the king of the lands,' i.e. the earth. Bêl's sphere of influence, therefore, is what we generally style 'the world.' It extends from the upper or heavenly ocean (the seat of Anu) to the lower or terrestrial ocean (the seat of Ea), which was regarded as the continuation of the former around and below the earth. In other words, Bêl rules an empire which includes the whole world with the exclusion of the upper and lower oceans, or an empire confined on the one hand by the starry firmament which keeps back the waters of the upper ocean (Gen. i. 6–8) and is called heaven (*an*), and on the other hand by that lower 'firmament' which keeps the waters of the lower ocean in their place (Gen. i. 9, 10) and is called earth (*ki*). But his empire not only lies between these two boundaries, it practically includes them. The *ziggurrat* of Bêl is 'the link of heaven and earth' which connects the two extreme parts of his empire; that is, it is the local representation of the great mythological 'mountain of the world,' '*Kharsag-kurkura*, a structure 'the summit of which reaches unto heaven, and the foundation of which is laid in the clear *apsû*,' i.e. in the clear waters of the subterranean ocean[1]."

"Bel, 'the lord' par excellence, who took the place of the Sumerian *En-lil* in the Semitic pantheon, is, as we have seen, the king of this 'middle empire.' His manifestation is 'the wind' (*lil*), and his name designates him therefore as 'the lord (*en*) of the wind' (*lil*) or 'storm,' and of all those other phenomena which frequently accompany it, 'thunder,' 'lightning,' &c. The hundreds of terra-cotta images of Bêl or En-lil discovered at Nippur accordingly represent him generally as an old man (a real 'father of the gods') with a long flowing beard, and a thunderbolt or some other weapon in his hand. He and his consort Bêltis reside in a house on the top of the great 'mountain of the world,' which reaches unto heaven (Gen. xi. 4). There the gods were born, and from thence the 'king of heaven and earth' hurls down his thunderbolts. This house is localized in *Ekur* ('House of the mountain'), Bêl's famous temple at Nippur[2]."

[1] Hilprecht, *Explorations in Bible Lands*, pp. 462, 463.

[2] Hilprecht, op. cit., p. 464.

In a previous paper we have seen how the "Lord of Heaven" is lord also of the Storm and of the Mountain-top. Here we see the ruler of the World-mountain exercise the sovereignty of the Storm and of the Sky. The one concept is the converse of the other. And as the "House of the mountain," the "Link of heaven and earth[1]," had its parallel in each of the great temples of Chaldea[2], we may be fairly sure that what was ascribed to Bêl at Nippur would be attributed to Sin or Nannar at Ur-Kasdim, may we not add also, at Uru-shalem?

The Zeus of this Olympus appears in Isa. xiv as עליון [אל], a name which in Gen. xiv. 18 seq. is ascribed to the God of Shalem. Note also that in Hab. iii. 11 the Moon stands in his זבל (should we not read זְבֻלָה?), and it is fair to suppose an analogous relation between Sin and Sinai. Indeed it is probable that there would be a strong tendency to associate with the mythical זבל particular high mountains, such as Sinai and Lebanon.

The Moon, then, is owner of a זבל, in other words בַּעַל זְבֻל, presumably equivalent to זבולן [אל], the god of an Israelite tribe, which like that of Asher must have been exposed to Phoenician influences, especially if it be true that, as Cheyne thinks[3], a part of their territory was ceded by Solomon to the king of Tyre. In this connexion we may also consider the divine title, בעל צפון the Genius of the North. The term צפון may be legitimately derived from the root צפה, to "keep watch," and interpreted in the sense of "watcher" with reference to the conspicuous constellation which we call the Bear or Wain.

> Ἄρκτόν θ', ἣν καὶ ἅμαξαν ἐπίκλησιν καλέουσιν
> ἥ τ' αὐτοῦ στρέφεται καί τ' Ὠρίωνα δοκεύει,
> οἴη δ' ἄμμορος ἐστὶ λοετρῶν Ὠκεανοῖο.[4]

[1] *Dur-anki*, ibid., 462.

[2] Thus, e. g. the ziggurrat of Shamash, both at Sippara and at Larsa, was called *E-Duranki*, 'House of' &c., and that of Marduk at Babylon, *Etemenanki*, 'House of the foundation of heaven and earth.' Hilprecht, p. 464.

[3] *E. B.*, art. "Cabul."

[4] *Il.* xviii. 487.

i. e. the only constellation then known by name[1] of which this could be said. "It must . . . be remembered that the Great Bear lay in Homeric days much nearer the Pole than he does at present, owing to the precession of the equinoxes There was no obvious Pole Star in the first millenium B.C.[2]" We may be sure that the name of this guiding Sign cannot have been "unheard or unadored" by mariners and colonists of Phoenicia, serving by its position to direct their course, and by its motions answering the inquiry, שמר מה מלילה[3]. As the Spirit of the North bore the name of בעל צפון, so that of the South may have been known as בעל ימין. Nor is it improbable that the Southern branch of the House of Joseph may have placed itself beneath his protection, and have identified him with the mythical divine child of Rachel-Ephrath. The hypothesis renders plausible the subsequent transformation of בעל ימין into בנימין, analogous to that which has perhaps converted רעובעל into ראובן.

The Babylonian Temple, image of the Mountain of the World, on the one hand, "rises from the earth inhabited by man, unto heaven, the realm of the gods; on the other, it descends to the 'great city' (*urugal*) of the dead, the realm of the departed souls. For, according to Babylonian conception, 'the nether world' (*Arâlû*), the abode of the dead, lies directly below and within the earth, or, more exactly, in the hollow space formed by the lower part (*kigal*) of the earth (which resembles an upset round boat, or so-called *qûfa*), and by the lower ocean, which at the same time encircles this 'land without return.' The mountain of the world, therefore, is also called 'the mountain of the nether world' (*shad Arâlû*) in the cuneiform inscriptions. As *gigunû* 'grave,' 'tomb,' is used metonymically as a synonym of *Arâlù* 'the nether world,' it follows that the *ziggurrat* of Nippur, which is the local representation of the great mountain of the world, also could be called 'the house of the tomb' (*E-gigunû*) or 'the house of the nether world.' It is the edifice that rises over Hades, *quasi* forming the roof beneath which the departed souls reside[4].'

[1] Liddell and Scott, s.v. ἄρκτος. [2] Leaf, in loc.

[3] Isa. xxi. 11 שֹׁמֵר *i.q.* צָפוֹן. "Les Phéniciens . . . se guidaient sur la Petite Ourse. . . . Les Grecs l'appelèrent pour cette raison Phœnikè, l'étoile phénicienne." Maspero, II, 195, citing Movers.

[4] Hilprecht, op. cit., p. 465.

But more than this: the Chaldean Temple-mound is itself a Tomb, and the deity, in Grant Allen's words, "a buried god."

"It is generally known that Strabo (16. 5), in speaking of Babylon, mentions 'the sepulchre of Bêl' (ὁ τοῦ Βήλου τάφος), evidently referring to *Etemenanki*, the famous stage-tower of the metropolis on the Euphrates, which he seems to regard as a sepulchral monument erected in honour of Marduk. . . ."

"Diodorus (ii. 7) informs us that Semiramis built a tower in Nineveh as a tomb for her husband Ninos, a story apparently based upon the conception that the ziggurrat of Nineveh likewise was a tomb[1]."

"Gudea states expressly that 'he restored *Eninnû-imgig* (*gu*) *barbara* [Ningirsu's temple] and constructed his [i. e. the god's] beloved tomb (gigunû) of cedar wood in it[2]."

"Startling as this statement may seem at first, it is in entire accord with the character of the principal god of Lagash, as a god of vegetation and as a sun-god. . . . According to the Babylonian conception, he suffers death in the same way as Tammûz (Ezek. viii. 14), the god of the spring vegetation and of the lower regions, with whom Ningirsu is practically identical; or as Shamash, the sun-god himself, who descends into the *apšu*, the terrestrial and subterranean ocean, every evening, and rises out of it again in the morning; who in the spring of every year commences his course with youthful vigour, but gradually grows weaker and weaker until he dies during the winter[3]. The sun dwelling in 'the nether world' for half a year, the sun-god himself naturally is considered as dead during this period, and Shamash consequently has his tomb in Larsa, and Ai, his wife, at Sippara, as Ningirsu in Lagash. More than this, the ziggurrat of Larsa itself is Shamash's tomb. For on a barrel cylinder from the temple of Shamash and Ai at Larsa, Nabonidos unmistakably calls the god's stage-tower 'his lofty tomb[4].'"

Consider what all this implies: the Universe is conceived as a gigantic Tomb, having for its lord a buried god, who within and beneath it presides over the World of the Dead. Even the celestial divinities of Chaldea, like the gods of

[1] Hilprecht, op. cit., p. 459. [2] Ibid., p. 467.

[3] I much question this interpretation. In fact the sun does *not* die during the winter. How can he be considered as dead or "dwelling in the nether world," when he shines overhead every day?

[4] Hilprecht, pp. 468, 469.

Egypt, were once mortal men. A more impressive confirmation of Grant Allen's theory could hardly be sought for. Yet there is more to come.

On the summit of the Mountain of the World is situate the Garden of the Gods. This appears not only from Ezek. xxviii, 13, 14, but also from the statement of Gen. ii. 10–14, which makes the chief rivers of the known world, Tigris and Euphrates, perhaps Nile and Indus[1], take their rise thence. In the midst of the garden (בתוך הגן, Gen. ii. 9; iii. 3) is the Tree of Life, or of Souls (עץ החיים, ii. 9; iii. 22), and in the midst of the Tree (בתוך העץ, cf. Isa. lxvi. 17) the god Tammuz, the equivalent, if not the original, of the Syrian Adonis and the Egyptian Osiris. This may be inferred from the inscription cited in *Authority and Archaeology*, pp. 19, 20, of which I quote two lines, referring in the first instance to the holy tree of Eridu:

> "Its seat was the (central) place of the earth . . .
> In its interior is the sun-god Tammuz."

View now these data in the light of what has already been established. It will then appear that the divine garden, of which it could be said ויצמח (יהוה) אלהים מן האדמה כל עץ נחמד למראה וטוב למאכל is planted on the Grave of all Mankind, and the sacred tree, incarnating the dying and reviving god, who is himself the Spirit of Vegetation, rises from the summit of the World-Tomb, just as that of Byblos rose from the grave of Osiris, and incorporated his sarcophagus[2].

It would be difficult to conceive a more decisive vindication of the hypothesis of Grant Allen, which both derived the worship of the Tree-spirit in general from that of the Tree planted on the grave to incorporate the spirit of the dead, and ascribed the origin of cultivation to the growth of food-plants from the fruits thrown there as offerings. He suggests that the primitive field or garden was primarily

[1] Addis, in loc.

[2] See especially the figure in Maspero, II, 570.

the enclosure of a tomb, and that its fertility was imputed to the agency of the person there buried, whose spirit was supposed to manifest itself in visible form in the vegetation growing on the tumulus—a heap of earth, cleared, sifted, and manured by libations of blood or milk.

Just such a garden, in view of the present writer, was the Garden of the Gods, planted on the Universal Tomb. The further suggestion may be added that the Hanging Gardens of Babylon were in fact a kind of *Ziggurrat*, symbolizing the Mountain of the World and the Garden of the Gods upon its summit, as the banqueting-hall of Domitian bore the title *Iovis cenatio.*

The holy tree of Eridu, according to Jensen and Maspero[1], gave its oracles through the medium of a priest attached to its guardianship. Compare what is said of Deborah, Judges iv. 4, 5. Priest and prophetess, we may presume, alike represented and were held to be inspired by the god or δαίμων within the tree. And perhaps this is why the second forbidden tree in the Garden of Eden was held capable of communicating the knowledge of good and evil. Compare the prayer of Solomon, 1 Kings iii. 9 להבין בין טוב לרע, with the language of Gen. iii. 5 והייתם כאלהים ידעי טוב ורע (ibid. ver. 22).

The divine sycamores of Egypt, planted on the edge of the desert, but striking root far below ground, and drawing life and nourishment from the waters below the earth—that is, from the under-world, shared with the עין חיים, the power to translate the eater of the fruit bestowed by them to the world of gods[2]. In the same essay in which I called attention to this parallel, I also ventured to suggest that the Serpent might with probability be regarded as the Genius of the Tree of Life[3], a visible manifestation of the god within; to associate it with the brazen serpent "which

[1] *Dawn of Civilization*, p. 642, n. 4.

[2] *J. Q. R.*, vol. X, "The Burning Bush and the Garden of Eden: a Study in Comparative Mythology."

[3] Ibid., p. 498.

Moses made," and which bore the name of Nehushtan ; and to compare the latter, in respect of its healing powers, with the serpent goddess of the Theban tombs, Marîtsakro, " the friend of silence." I ought in this connexion to have referred to the god Asclepios, the divine physician, as to whom Spencer's often-cited Appendix furnishes a most instructive allusion. (P. 799) " Speaking of certain Roman coins, Mr. Warwick Wroth, of the British Museum, says:—

'On the reverse of this specimen Caracalla is represented in military dress, with his right hand upraised to salute a serpent entwined around a tree, its head toward the Emperor. . . . That the serpent who is here receiving adoration is Asklepios is rendered certain both by the presence of Telesphoros, and by a comparison of this piece with another of Caracalla's Pergamene coins. . . . Although the serpent is an attribute of the God of Healing, which is almost invariably present, it is not usual to find the god represented as on the coin now under discussion. Serpents, however, were kept in many of his temples, and indeed were sometimes considered as the incarnation of the deity himself, especially in the transmission of his worship from one city to another. Thus the people of Sikyon traced the origin of their Asklepios cultus to a Sikyonian woman who had brought the god from Epidaurus in the form of a serpent. In the form of a serpent also the god was brought from Epidaurus to Rome. On a famous medallion of Antoninus Pius we see the serpent—that is, Asklepios—about to plunge from the vessel which has conveyed him into the waves of Father Tiber, who welcomes him with outstretched hand, and upon whose island the first Roman temple of the new divinity was afterwards erected. This medallion bears the inscription, Aesculapius[1].' "

The healing power of the Serpent, Marîtsakro, Aesculapius, or Nehushtan, may plausibly be derived from its undoubted power to kill. That the nomads of the wilderness should propitiate the Snake-god to avert the consequences of Snake-bite is a thing so natural that we are not obliged to seek a more recondite origin for that especial cult. But Marîtsakro is a goddess of the tombs, while, as we have

[1] "*Asklepios and the Coins of Pergamon* [republished from *The Numismatic Chronicle*, 3rd series, vol. II], by Warwick Wroth, Esq., pp. 47-8."

seen, it is probable that the Serpent of Eden is an incarnation of Tammuz, that god of Death and Resurrection. A third and greater deity, associated with the lower world, also plays his part in the myths of Hebrew scripture; it is the Cosmic Serpent, Leviathan.

At my suggestion (X, 264) of the identity of Leviathan and Levi, a smile crossed the pages of two encyclopaedias. But I doubt whether *these* Leviathans condescended to grasp my argument. It was, in the first place, a particular application of the hypothesis (X, 239) that the tribal name is in general to be regarded as an appellation of the tribal god. Secondly, we must consider that the Brazen Serpent was actually worshipped up till the reign of Hezekiah, and its origin attributed to the Levite Moses. And, thirdly, that Moses was at the same time the reputed founder of the exclusive national cultus of Jahveh, carried on by Levitical priests at Jerusalem. To assume then the identity of Levi, or Leviathan, with Nehushtan, and that the tribal deity was merged in the god of Israel, or, yet more precisely, of Judah (X, 247, 248, 250; XVII, 62, 63) still appears to me the most probable reconciliation of these data—quite apart from totemism. We might, indeed, suppose that the cosmic element in the conception of Leviathan represented an accretion alien to the tribal cult, and derived, like other features of the Judaean cosmogony, from the traditions of Uru-salimmu, and of Bit-Ninib, or לחם (בעל) בית[1]. But the idea of the World Serpent cannot, I think, be eliminated from the cultus of the God of Sinai and the story of Moses. Before proceeding further, I must offer the additional suggestion that, as the masculine אֶפְרָ[י]ם has replaced the feminine אֶפְרָת[2], so לֵוִי and לִוְיָתָן have been differentiated, by rejection and addition respectively, from an original feminine לִוְיָת[3]. And the point is of some importance. For, as we shall presently see, upon one memorable occasion the World Serpent laid an Egg. And that was the origin of the

[1] Cf. בית בעל מיטן, discussed by Buchanan Gray.

[2] XI, 247, 260.

[3] Cf. XI, 264.

Universe, to say nothing of the sons of Levi, who were doubtless familiar with the myth.

It would seem that in the imagination of Early Man, the ideas of Night and Darkness, Ocean and Chaos, Death and Hades, are intimately associated and readily interchanged. And the problem of the primitive cosmogonist is, I will not say to explain, but to conceive, the origin of Light out of Darkness, of Land out of Water, and of Life from Death. The remnant of primaeval darkness survives in the Night we know (Gen. i. 4, 5) and that of the primaeval waters in existing seas (vers. 9, 10)[1].

We have seen, in previous excerpts from Hilprecht, how the waters of the lower ocean encircle the Mountain of the World, which the Chaldeans alleged to be σκαφοειδῆ καὶ κοίλην, like an upturned circular boat or "kufa."[2]

"Near the foot of the mountain, the edges of the so-called boat curve abruptly outwards, and surround the earth with a continuous wall of uniform height having no opening. The waters accumulated in the hollow thus formed, as in a ditch[3]; it was a narrow and mysterious sea, an ocean stream which no living man might cross save with permission from on high, and whose waves rigorously separated the domain of men from the regions reserved to the gods[4]. The heavens rose above the 'mountain of the world' like a boldly formed dome, the circumference of which rested on the top of the wall in the same way as the upper structures of a house rest on its foundations[5]."

[1] "Ainsi, dans la doctrine druidique, la mort précède la vie, la mort engendre la vie, et comme la mort est identique à la nuit, et la vie identique au jour, la nuit précède et engendre le jour." D'Arbois de Jubainsville, *Le Cycle Mythologique Irlandais*, p. 104.

[2] *Dawn of Civilization*, p. 543, citing Diodorus Siculus.

[3] Cf. Gen. i. 9, *one* "place" or "gathering."

[4] "The waters which surrounded the earth were called *abzû*, *apsû*, like the primordial waters with which they were sometimes confused" Maspero, footnote.

[5] *Dawn of Civilization*, p. 544. Maspero here identifies with the *ishid shami*, or "foundations" of the heavens, the *shupuk shami*, which he translates "embankment," but Winckler (art. "Sinai and Horeb") "highway" of the heavens. The former appears to be related to the latter, as the Horizon to the Zodiac. Cf. Judges v. 20.

As the mountain of the gods corresponds to Olympus, so the stream which surrounds the base of Earth, and separates it from the foundations of the Sky, is the obvious counterpart of the Greek Oceanus. I have already cited the Esquimaux tale of the man who crossed it in his boat. So did the Chaldean hero Gilgames[1]. Before him, no one had done so from time immemorial, with a single significant exception. "Shamash the valiant crossed the sea; after Shamash, who can cross it?" The myth is transparent;—the land is bounded by the sea, the sea only by the dome of sky. From the meeting of sky and sea, the Sun rises in the morning, and thither he descends at night. Of course as the ocean washes the foundations of the solid vault of heaven, there must be gates through which the Sun may pass.

> "At last, the golden Orientall gate
> Of greatest heaven gan to open fayre;
> And Phoebus, fresh as brydegrome to his mate,
> Came dauncing forth, shaking his deawie hayre,
> And hurld his glistring beams through gloomy ayre."

And so far as Chaldean art could express the subject, on a diminutive intaglio of green jasper, he may be thus seen in the *Dawn of Civilization*, p. 656. But where does he go to at night?

According to a large class of myths, which may be read in Tylor, *Primitive Culture*, chap. ix, the setting Sun is swallowed up by, or descends into, a world of gloom, which is conceived not so much as a region, or even a state, but as a personal divine being, or supernatural monster, and—here lies the importance of the subject for our purpose—whither the Sun goes, thither go the Souls of the Dead, descending like him into the underworld, or like him swallowed up by the jaws of darkness[2]. This tremendous being is the Greek Aides, the Hebrew Sheol, known also by a name still more awful, צַלְמָוֶת, the Shadow of Death.

[1] *Dawn of Civilization*, p. 584.

[2] *Primitive Culture*, chap. xiii.

What is *his* place in these "begettings of heaven and earth"?

According to the first chapter of Genesis, and the first cosmogony of Philo Byblius, the primal elements of creation were just Wind and Water: רוח אלהים מרחפת על פני המים. We may with probability identify this wind with the רוח ים חזק מאד, at once a Sea-wind and a West-wind, of Ex. x. 19, which blows from the going down of the Sun, and from the gate of Sheol, and is represented in the symbolism of Ezekiel by the Face of the Vulture. The Vulture then is the mighty bird suggested by the expression מרחפת[1]. In another passage of the Byblian, the primordial wind is described by the adjective *κολπίας*, which is said to mean "swelling in folds," a term appropriate enough to describe a sea-breeze by its effects. In this case the wind's wife is Baau, "which is interpreted Night." I am inclined to regard it as a name for the West, and connect with the מבוא השמש[2].

We are more nearly concerned with the תהום of Gen. i. 2, whose identity with the Babylonian Tiāmat is now generally accepted. This is the *δαίμων* of the primaeval waters, female in sex, and in bodily form a serpent[3], the equivalent of the Hebrew לִוְיָתָן, presupposed in לֵוִי and לִוְיָתָן. Her habitation, according to Philo Byblius, was "a chaos turbid and black as Erebus"—וחשך על פני תהום—just as the companion wind is described by him as "a dark and condensed windy air, or a breeze of dark air"; as yet there was no light. Impregnated by the Vulture-Wind, the Serpent of the Waters produces an Egg, the mysterious Μωτ. As to this, I must observe that it cannot be identical, either as Halévy supposes with תהום[4], or as other scholars have imagined, with some Phoenician form of מים[5] since it is clearly distinguished from both, as the offspring from the parent. By Μωτ,

[1] Cf. Deut. xxxii. 11.

[2] Cf. *Dawn of Civilization*, p. 672, n. 1; p. 646, n. 2.

[3] See *E. B.*, art. "Serpent," § 3 *f* (col. 4395).

[4] Ibid., art. "Creation," § 7.

[5] Maspero, II, 168, n. 1. Philo's *explanation* of Μωτ is clearly drawn from Egypt, and as clearly false.

I understand the Hebrew מָוֶת or שְׁאוֹל, the world of Darkness and of Death being held to constitute the antecedent source whence Life and Light emerge, regarded, I presume, as a hard dark shell, the concave of Night without a star. To this supposition it may be objected that according to the Greek text Μωτ is not merely a source of light but is itself luminous;—*καὶ ἐξέλαμψε* Μωτ *ἡλιός τε καὶ σελήνη ἀστέρες τε καὶ ἄστρα μεγάλα*. But it must be remembered that the Byblian was professedly translating an ancient Phoenician text, which perhaps in pointed Hebrew would have run much as follows[1]: וַיֵּאֶר מָוֶת אֶת־הַשֶּׁמֶשׁ וְאֶת־הַיָּרֵחַ וְאֶת־הַכּוֹכָבִים, signifying that Death or She'ol—the Dark World regarded as a personal being—lit the lamps of heaven[2] to give himself light.

Night by night the Sun is swallowed up by the jaws of Darkness: morning by morning he is born again from her womb[3]. In Egypt, in the City of the Sun, it was told how he, existent before creation, lay hidden in the primal flood, as the closed Eye of Horus, or in a folded lotus-bud, a fairer envelope than the Egg of Death—until at the sublime summons of the uncreated Sun-God, "Come unto me," the flower opened and revealed the divine babe[4]. So, according to the legend, in a basket of reeds, the "door" closed with bitumen, Sargon I once floated on the waters of Euphrates[5]. So, and in such an ark, the child Moses upon those of Nile[6].

Does the reader follow the implication? If we are to press strictly the interpretation of the myth (and we are

[1] I do not venture to translate the last clause, which may refer either to the planets or the constellations.

[2] They are thus represented in Egyptian hieroglyphics. *Dawn of Civilization*, p. 16, n. 7.

[3] מְעֵי שְׁאוֹל, Jonah ii. 3. Cf. Ps. cx. 3 שחר [מ]מֵרֶחֶם. See the myths in Tylor.

[4] *Dawn of Civilization*, pp. 137, 138, and 140; fig. on p. 136.

[5] Ibid., p. 597, n. 6; 599, n. 2: also King, *First Steps in Assyrian*, p. 224.

[6] See especially *E. B.*, art. "Moses," col. 3207; a passage of admirable learning and lucidity.

not at liberty to neglect it) it will result that Moses, the "son of Levi," prophet of the God of Sinai, and maker of the Brazen Serpent, is himself, like the god of light, the direct offspring of the primal abyss of waters, personified in Liwyath, the Serpent of the Deep. Other circumstances tend to confirm this view.

Cheyne[1] has seen that the ark of Moses is a coin of the same mint with that of Noah, that at least this element in the legend of the prophet comes to us, not from Egypt but from Babylonia. Now the name of Moses has never received a satisfactory explanation either from Hebrew or Egyptian. But Assyrian furnishes the noun *mûšu*, signifying "night," with a feminine form *mušîtu*, pointing, it would seem, to a root ל״ה[2]. There was a Levite clan Mūšī, and I would suggest that it claimed a mythic origin from Night, the child of Chaos, and that the name of מֹשֶׁה is properly its eponym[3]. I have formerly put forward the hypothesis that the God of Ur-Kasdim and Uru-šalimmu, of Harran and of Sinai, was worshipped by the name of Urru or Uru, אוֹר or אוּר. Now *urru u mûšu*[4] is equivalent to "Day and Night" (cf. Gen. i. 1–5 and ver. 16). And in a document cited by Delitzsch[5], Marduk is identified with Sin, "as being Illuminator of the Night," *munammir mûši*. Remember how the face of Moses "beamed" as a consequence of his converse[6] face to face[7] with the God of Sinai. Must we not recognize in these three elements of the legend of Moses—the Finding, the Name, and the Transfiguration—the features of a myth which told how the primal Dark, offspring of the Storm and of the Deep,

[1] Art. "Moses" sup. cit. Cf. "Bitumen," col. 589.

[2] Delitzsch, *Ass. Gr. E. T.*, § 65, 3.

[3] "Galli se omnes ab Dite patre prognatos praedicant idque ab Druidibus proditum dicunt. Ob eam causam spatia omnis temporis non numero dierum, sed noctium finiunt; dies natales et mensium et annorum initia sic observant ut noctem dies subsequatur." Caes., *B. G.* VI. xviii, §§ 1, 2. So Tacitus, *Germania*, cap. XI: "nox ducere diem videtur." Cf. Gen. i.

[4] Ibid., 78, p. 213.

[5] *Babel and Bible*, pp. 144, 145.

[6] Exod. xxxiv. 29–35 (P.).

[7] Exod. xxxiii. 11 (E.), Num. xii. 8, Deut. xxxiv. 10.

was lightened by that first rising of the Moon when God said יהי אור ויהי אור? We may even find in this hypothesis an explanation of Exod. xxxiii. 23: the full brightness of the god *destroys* the darkness of Night. On the view here taken, there appears no trace of hostility between the power of Light and that of Darkness—rather the former is the benefactor of Night, while Chaos is regarded as its parent. There is a harmony between the three persons of the Myth which enables us to understand how the worship paid to the Serpent could be assigned to Moses, and associated (though on an inferior level) with that addressed to the God of Sinai and Urusalem. We have as yet no parallel to the conflict of Marduk and Tiāmat. The myth of Sin was not derived from Babylon, and it was surely no friend to the priests of Marduk who shaped the story of the Tower of Babel. But a very interesting parallel to the association of the Brazen Serpent with the cultus of Jahveh is supplied by a marble tablet, found by Rassam in 1881, buried carefully in an inscribed terra-cotta trough or box closed with a lid, beneath the asphalt pavement of a chamber in the sanctuary of Sippara, and bearing a relief, accompanied by inscriptions, expressly designed to transmit to posterity the authentic "Image of Shamash, the great lord, dwelling in Ebabbara, situated in Sippar[1]."

The waters of Ocean (*apšu*) occupy the base of the relief. Above, the god is seen in profile, seated upon his throne, beneath a canopy, of which the back and top are formed by *an immense snake* "whose head can be clearly recognized over the column in front of the god." I may add that the curved form and slender proportions of the serpent suggest the employment of metal in its construction. Here, then, is a likeness of Nehushtan, and the column which supports its head may be compared with the נֵס of Num. xxi. 8, 9. In the field of the relief are placed the conjoined disk and crescent of Sin, beside the emblems of Shamash and Ishtar.

[1] Hilprecht, op. cit., pp. 269–72. Cf. *Dawn of Civilization*, p. 657.

I must not linger on the interesting details of this monument, but I suspect that the column is a sacred tree, and that tree and serpent alike might find their analogues in the palms and *wreaths* (ליות, *si vera lectio*) among the ornaments of Solomon's temple; for the ornaments of ancient art have commonly a symbolic meaning. The relation of לילה to √לוה, i. e. of *la-ya-la-ya* to *la-wa-ya* is another tempting subject of inquiry and speculation, which must firmly be put aside. Was the Night also accounted a Snake? The decision must be left to the Philologists.

The direct worship of Death, *eo nomine*, has left but few traces in the Hebrew scriptures. In that which may be distinguished as the cosmic conception, Death is parallel with Sheol. Here belongs the *mashal* in Cant. viii. 6:

כי עזה כמות אהבה
קשה כשאול קנאה

in accordance with which we must interpret the proper name עזמות [1], which should in turn be compared with עזבעל and עזגד [2], and with the various names in which the root עז supplies a predicate of יה or אל. By whomsoever borne, clan, town, or individual, the appellation "Strong is Death" is no mere platitude but implies a direct ascription of praise to Death considered as a god. Nor can we doubt that the inhabitants of חצרמות counted themselves among his worshippers, and that אחימות claimed him for a brother. The explanation is not far to seek. Like the terrible Chaldean divinity Nergal (who is also the god of pestilence and of the destroying summer sun), Death is not only lord of the underworld, but also a god of War.

Philo Byblius also tells us how "Kronus offered up his only son as a sacrifice to his father Ouranos, and circumcised himself, and compelled his allies"—*τοὺς ἅμ' αὐτῷ συμμάχους*—"to do the same: and not long afterwards he consecrated after his death another son, named Muth, whom he had by

[1] 2 Sam. xxiii. 31; 1 Chron. viii. 36; Gray, p. 231.

[2] *E. B.*, s. v. Azgad.

Rhea. The Phoenicians call him Death and Pluto[1]." Here, I think, we have to do with the dying god, Tammuz or Adonis; and in spite of the contradictory statements just cited, we may fairly identify him with that only son of Kronos, who, as we learn from another fragment, expressly attributed to Sanchoniathon[2], was offered in sacrifice *invested with the emblems of royalty—βασιλικῷ κοσμήσας σχήματι*—a circumstance which at once brings him into the class of royal and divine victims dealt with by Frazer[3]. If he is identified with Pluto, he has become the god of Sheol, which brings this conception of Death into harmony with the cosmic type. It will be observed that while the divine victim affords an excellent illustration of the Spencerian theory adopted and developed by Grant Allen, the cosmic idea of Death appears a good instance of the exception admitted by the latter, the class of gods "directly framed either from abstract conceptions, from natural objects, or from pure outbursts of the mythopoeic faculty[4]."

In discussing the implications of the name, עזמות, I purposely postponed the comparison with עזאל, which Cheyne, with reason, regards as the original form of עזאזל. On this view it will follow that the ascription "God is strong" has passed in usage into the proper name of the particular deity to whom, we must suppose, it was originally addressed. A similar supposition may be entertained with regard to עזמות, and in that case we may consider בית עזמות as, at least in origin, the sanctuary of a god of Death. And, further, combining the well-established principle of the identity of the victim and the god, with the cases adduced by Frazer in which Death (so called) fulfils the office of a scapegoat, we may with some probability infer the equivalence of עזמות and עזאל, and reach the conclusion that the scapegoat was in fact devoted to Sheol.

[1] Cory, pp. 16, 17.

[2] Ibid., pp. 21, 22 (the Greek from Müller).

[3] *The Golden Bough*, 2nd ed., vol. II, chap. iii. § 1.

[4] *J. Q. R.*, XII, 393, also 401.

"The use of the divinity as a scapegoat clears up the ambiguity which, as we saw, appears to hang about the European folk-custom of 'carrying out Death.' Grounds have been shown for believing that in this ceremony the so-called Death was originally the spirit of vegetation, who was annually slain in spring, in order that he might come to life again with all the vigour of youth. But, as I pointed out, there are certain features in the ceremony which are not explicable on this hypothesis alone. Such are the marks of joy with which the effigy of Death is carried out to be buried or burnt, and the fear and abhorrence of it manifested by the bearers. But these features become at once intelligible if we suppose that the Death was not merely the dying god of vegetation, but also a public scapegoat, upon whom were laid all the evils that had afflicted the people during the past year." *The Golden Bough*, vol. III, p. 121.

The three characters or ὑποστάσεις of Death the Scapegoat[1]—the Hebrew Azazel; Death as the dying and reviving god of vegetation and fertility—Tammuz, Adonis, or Osiris; and Death as the God of War—the Babylonian Nergal;—appear to have been shared by Mars, in early times the principal divinity of the Roman people; and were there no resemblance in form between *Mars* and *mors*, we should still be justified in inferring their identity of meaning. And a note in the *Fasti Praenestini*, which has caused Mr. Warde Fowler some perplexity [2], and which runs: . . . [VEDI]OVI [M]ARTIS VEDIOVIS INTER DUOS LUCOS, may be explained by the very simple suggestion that "Vediovis" was in fact a Mars, that is, a Death. This appears (*a*) from the name of the god[3], *quasi* ἀντίζευς, (*b*) from the sites of his worship *outside* the pomerium, one of them the Asylum, which (*c*) connects him with the associations of the scapegoat, the other in the Tiber island, which (*d*) brings him into relation with the worship of the Serpent-god, Aesculapius, already discussed; and also from the circumstances that the god was represented as (*e*) *holding arrows*, and (*f*) having *a goat* standing beside him; while (*g*) the usual victim was a goat which was

[1] Frazer, *G. B.*, III, 122; compare, however, Warde Fowler, *Roman Festivals* (1899), under March 14, pp. 44-50.

[2] op. cit., p. 43.

[3] Ibid., p. 121.

sacrificed *humano ritu*. "Humanum sacrificium dicebant quod *mortui causa* fiebat[1]." We may compare the expiatory rite enjoined in Deut. xxi. 1–9, where the heifer, writes Driver, "is manifestly designed as a substitute for the unknown murderer, and bears the penalty which ought properly to be his." We may then infer that originally, like the scapegoat, it was חרם to a god of Death.

The analogy of Vediovis and Azazel furnishes a good example of the mutual illustration of Biblical and Classical Antiquities, and of what I have ventured to describe as the "common religion," correlated with the "common civilization" of the ancient world[2].

Death, as the god of war, is necessarily the first shedder of man's blood, since it could not be shed without him. And Mars, as god of the Spear (Quiris, Quirinus) is parallel with the Biblical קַיִן or קֵינָן. It is not then surprising that the story of Cain and Abel should be matched by that of Romulus and Remus, since the former is hardly to be distinguished from his father Mars. Again, under the form Mamurius, Mars appears like Cain, or Tubal, as the first smith, maker of the Ancilia[3], and perhaps the first instruments of agriculture[4]; and Mamurius is beaten out of the city[5], as Cain is driven out from the face of the ground. And as Tubal is associated with Jubal, i. q. יוֹבֵל, or "Ram's horn," אבי כל תפש כנור ועוגב, so the lustration of the Ancilia on March 19 was followed on the 23rd by that of the *tubae* or *tubi*, the trumpets "used chiefly in military and religious ceremonies[6]"; while a similar lustration on May 23 is described by Ovid in these terms[7]:—

"Proxima *Volcani* lux est: Tubilustria dicunt;
Lustrantur purae, *quas facit ille*, tubae."

[1] Ibid., p. 122.

[2] *J. Q. R.*, XVII, 57. I may add that the youth of the god corresponds to the youth of the victim in Deut. xxi. 3.

[3] Warde Fowler, op. cit., p. 39.

[4] "formae caelator aenae,
Tellus artifices ne premat Osca manus," ibid., p. 47.

[5] Ibid., p. 46. [6] Ibid., pp. 63, 64. [7] Ibid., p. 123.

Special cults on the part of *artifices* and *tibicines* seem also to have been associated with March 19 and 23[1], and in connexion with the Tubilustrium on the latter date we meet with an obscure allusion to the *clava* of Romulus[2], apparently regarded as a *tuba incurva*.

It will be observed that the same ambiguity as to whether the first smith, Tubal or Vulcan, should be identified with or distinguished from the war-god, Cain or Mamurius, occurs both in the Hebrew and Latin sources. Ovid may be following Greek mythology. But May 23 is marked in two calendars, drawn up ante A.D. 46, as "Feriae Volcano," and as the Romans certainly worshipped the Fire of the Hearth as Vesta, it does not seem improbable that apart from foreign influence, they may have reverenced that of the Forge under the name of Vulcan. As regards the biblical parallel, it is clear that Jabal, Jubal, and Tubal belong to the pastoral life, while Cain and Mars are alike gods of agriculture and founders of cities.

The status of the outlawed manslayer, whose life is nevertheless protected by religion, which is ascribed to Cain, when compared with the story told by Livy, how Romulus (who, for our purpose, may be regarded as the vicar of Mars) "asylum aperit," which must have been *Marti Vediovi sacrum*, raises the question whether the fugitive homicide, *Dis Infernis devotus*, may not have placed himself beneath the protection, and entered into the service of Death, the God of War?

The association of the trumpet and weapons of war in the Roman ceremonial, and the use made of the שופרות היובלים in the narrative of Josh. vi (the magical circumambulation of Jericho), serve to explain the conjunction of Jabal, Jubal, and Tubal. The ram's horn trumpet is regarded as the primary instrument of music, but its employment especially, though not exclusively, belongs to the religion of war. The horns employed may have been those of the

[1] Warde Fowler, op. cit., pp. 57, 62.

[2] Ibid., p. 64.

victims sacrificed to the ram-god, אל or יבל, in order to "hallow war." Their sound would be considered as the god's voice, and be produced in order to express, or to procure, his presence.

We have traversed in these pages a great part of the religion of antiquity, though by a devious route, which has nevertheless enabled us to survey the several provinces of Bel's empire, and observe their mutual relations. The general reflections, to which the data here collected may give rise, must be postponed to a subsequent article (p. 761 below), which must also deal with the relation between the Worship of the Dead and that of the Host of Heaven.

Mr. Holman Hunt has somewhere placed on record the difficulties and risks which he encountered when painting, in the Holy Land, his celebrated picture of *The Scapegoat*. Fearful lest, upon the completion of his task, himself or his work might be detained, he resorted to an innocent deception, with regard to the probable date of his departure. With the loving care of the Pre-Raphaelite, he filled in all the details of his landscape, leaving the ostensible subject a vast white blank in the middle of the picture, to be supplied at leisure when the more difficult part of his task was done. So, if my reader should be disposed to inquire, what all this has to do with the Religion of Israel? I must as yet be content to answer, I have tried to depict *a background*.

The foregoing pages were written in the closing months of 1904. The reader will find it advantageous to compare what has been said on the subject of Vediovis with the learned yet original treatment of the same topic in the third of Mr. A. B. Cook's papers on "The European Sky-God" (*Folk-Lore*, Sept. 1905, p. 273). Mr. Cook insists upon the chthonian character of Vediovis, but regards him as a subterranean Jupiter. As, however, Mr. Cook also maintains that Mars "was but a specialized form of Jupiter" (ibid., p. 320); and, indeed, that Jupiter, Mars,

and Quirinus "were but differentiated forms of one and the same deity" (p. 321), the discrepancy between his view and mine is more apparent than real. He does not, I think, mention the note in the *Fasti Praenestini*.

It begins to appear more and more probable that Quirinus and Romulus are alike mere epithets of a god of War and Death. Note in this connexion that "a law, attributed to Romulus, ordained that a patron or client who neglected his duties might be put to death by any man[1], as a victim devoted to the chthonian Jupiter, i. e. to Vediovis" (Cook, p. 273). "Romulus, according to the usual tradition, was caught up to heaven in a thunderstorm, but subsequently appeared in more than mortal beauty to Proculus Julius, and announced that he had become the god Quirinus" (ibid., p. 286). But a darker tradition preserved by Livy, Plutarch, and Dionysius (ibid., p. 324) relates that he was torn to pieces by the hands of the fathers *in the temple of Vulcan* and the fragments distributed among them to be buried in the earth like the members of Osiris, or those of the Meriah of the Khonds.

The identity of (Mars) Romulus with Mars Quirinus and Mars Vediovis, and his association with Vulcan, already referred to, appear clearly enough in these passages.

The Monist for October, 1905, contains an interesting article by Mr. A. H. Godbey, of the University of Chicago, on "The Semitic City of Refuge." I will transcribe the passage most relevant to our subject:—

"Among all North American Indians burial places are regarded with peculiar reverence, but perhaps this is especially marked among North-west Coast tribes. The burial places of chieftains are to be especially guarded from sacrilege. As a consequence, private individuals and medicine men sometimes claim to be protégés of the spirits of the dead. In some South African tribes and in the South Sea Islands the burial places of chieftains are asyla. In Samoa a tree at the burial place of a chieftain famous as a dispenser of primitive justice is known as an asylum for the criminal; in this case there seems to be an appeal to the spirit of the chieftain for justice. In the

[1] Gen. iv. 14 b.

Kingsmill Islands each chieftain has his sacred mark or device, usually of red paint. A stranger may claim the protection of the chief and wear the same mark[1]. This almost leaves the sacred ground idea for that of the clan totem or badge. But the sacred mark here is not tribal, it seems. Among the Afghans the tombs of ascetics and holy persons are looked upon as places of refuge for murderers, where they may remain till the avenger of blood passes by. In most of these instances the connexion with ancestor worship is to noticed " (loc. cit., p. 606).

With these data before us we can have little doubt as to the true nature alike of the father of the Kenite and the founder of Rome. Whether a deified individual or an individualized deity, he is in either case a god of Death and Bloodshed, to whom the outlaw might indeed be sacrificed, but from whom also he might claim protection. I have assumed throughout that קִין really does mean spear, or perhaps more exactly the artificial or "made" part of spear, "opificium" as well as "opifex." I see no valid reason why we should not accept in this sense the reading of 2 Sam. xxi. 16 וּמִשְׁקַל קִינוֹ שְׁלֹשׁ מֵאוֹת מִשְׁקָל נְחֹשֶׁת : *καὶ ὁ σταθμὸς τοῦ δόρατος αὐτοῦ τριακοσίων σίκλων ὁλκῇ χαλκοῦ*, "cuius ferrum hastae trecentas uncias appendebat." Compare לַהֲבַת חֲנִיתוֹ, 1 Sam. xvii. 7 *ἡ λόγχη αὐτοῦ*, *ferrum hastae*. The metal may have been copper or bronze. See *E. B.*, art. "Copper": "The Assyrians used bronze axes as late as the ninth century." At Tell el-Hesy "in the remains of the Amorite city (perhaps 1500 B. C.) there are large rough weapons of war, made of copper without admixture of tin; above this, dating perhaps from 1250 to 800, appear bronze tools, but the bronze gradually becomes scarcer, its place being taken by iron" (cited from Dr. J. H. Gladstone, "The Metals of Antiquity," *Nature*, April 21, 1898, p. 596). Cf. Gen. iv. 22.

Finally, I may observe that the remarkable name חֲצַר מָוֶת, *quasi* "Death-garth," the modern Hadramaut, occurs in regions of the Semitic world as far apart as the South of Arabia, Africa propria (Hadrumetum = Ἀδρούμητος = חַצְרָמֶת ?)

[1] Gen. iv. 15 b; Isa. xliv. 5 b. Red paint is a surrogate for blood.

and Mysia (Adramyttēos, -ēum, ĭum = Ἀδραμύττειον = חַצְרְמָוֶת ?).

I hardly dare to add the further question: *Was Rome, too, of Semitic origin?* Yet Warde Fowler has remarked "it is certain that even before the eighth century B. C. the whole western coast of Italy was open first to Phoenician trade and then to Greek[1] . . . We may take it as not impossible that the *ara maxima*[2] was older than the traditional foundation of Rome, and that its cult was originally not that of the characteristic Italian Hercules, but of an adventitious deity established there by foreign adventurers[3]."

With regard to the mysterious monuments beneath the pavement of Black Stone in the Roman Forum—"Romuli morti destinatum," designed for the *corpse* of Romulus—I would suggest that "the two parallel pedestals accurately facing north[4]," and the "long narrow tufa base[5]" at the back of them, are the remains of a *throne* rather than a tomb; and that the sepulchral monument attributed to Romulus is rather to be sought in the truncated cone hard by.

The Sons of the Gods.

The Religion of Israel stands towards that of the ancient world at large—that diversified, yet on the whole harmonious, system of thought and usage, on which old writers bestowed the convenient name of "Gentilism"—in the twofold relation of a Reform and of a Compromise. We know that much was expressly rejected and condemned; for instance, Polytheism and Idolatry. And we know, too, that much was retained; that in spite of disparagement on the part of Prophet and Psalmist, the antique rite of Circumcision continued to be enforced, and that of Sacrifice was not only accepted but developed. These obvious con-

[1] *The Roman Festivals*, p. 197. [2] *Herculi Invicto ad Circum Maximum.*
[3] Ibid. [4] Baddeley, *Recent Discoveries in the Forum.*
[5] Burton-Brown, *Recent Excavations in the Roman Forum.*

siderations are but a part of the truth. To compare the Faith and Worship of Israel with that of her neighbours in old time is like comparing an unique MS. with the vulgate text. We must take account not only of its "adhesions" but also of its "abstentions." We must note what is silently omitted or intentionally modified, no less than that which is added to the record of the past. Only thus can we estimate aright the documents of a Reformation.

A reader of my previous papers might with some justice allege that I have been at the pains to elucidate precisely that which the religion of Israel rejected, and which appears in the Hebrew Scriptures only in scattered allusions, such as the physiologist would describe as "vestiges" and the anthropologist as "survivals." I reply, this is a necessary task, and will contribute to place in a clearer light the point of departure of the Reform, the spirit which animated it, and the results achieved.

Thus it is nowhere explicitly commanded, "Thou shalt not devise fables touching Jahveh thy God, neither shalt thou tell that which is unseemly concerning him." But the implied principle is steadily acted on. Tacitly, and upon the whole, the Bible *rejects Mythology*. Why is this? It may be said that in the nomad stage, when doubtless the faith of Israel first took shape, as in the early days of the Roman people, the insistence of religion was upon cultus and conduct, leaving little scope to the play of imagination. And if we could be assured of this, it would be a sufficiently remarkable result. But even if this were so, yet considering the vivid and varied presentment of human life in the Scriptures, and the concrete personal character ascribed to the God of Israel, the persistent refusal to make him the subject of mythology, or to apply to him the myths current in the ancient world, appears even more remarkable.

The nearest approach to fables such as I have in mind is to be found in the earlier narratives of Genesis, especially

in such allusions as are contained in iii. 8, xi. 5, xviii. 21. But these are marked exceptions, they are presumably of great antiquity, and not improbably of foreign origin, just such "vestiges" as above described.

One of the most important among the abstentions of the Bible is its steadfast, silent refusal to ascribe to God the fundamental human relationships. Nowhere indeed is it laid down, as in a famous passage of the Koran, "He begetteth not, neither is he begotten;" but this truth is uniformly assumed. Jahveh is neither Son, nor Lover, nor Husband, nor Father—except in metaphor. We do not know that it was always thus. Here again the Roman parallel is suggestive. "In the whole range of Italian religions," says Jordan, quoted by Warde Fowler[1], "liberorum procreatio nulla est unquam." But it lacks support from the Semitic side. It is possible, and I do not think it improbable, that in an early age the *'ēl* of Israel, or Israel's predecessors, may have been regarded like Joseph (=Ephraim) or Benjamin, as the son of the divine matriarch; or as her suitor, like the hero Jacob. Or as Abram had Sarah to wife, and the God of Harran the *šarrat šamē*[2], so may Jahveh have had his consort in the ancestress of Israel. The prophet Hosea, standing nearer than the rest to the point of departure of the reformers, represents the relations of Israel to Jahveh under a parable of the most tender human affections; Israel is his (alas!) unfaithful wife, Ephraim his beloved but rebellious son[3]. The parable may be justly held to imply an older myth, and the supposition is confirmed by the large class of names which, at least in origin, imply kinship with Israel's God. But all such considerations only make it plainer than before that Israel was well acquainted with a mode of thought which the Hebrew Scriptures silently put aside.

[1] *Roman Festivals*, p. 224. Compare p. 37, text and note 3; an instructive passage. And see Frazer, *Adonis Attis Osiris*, Ed. 2, App. II, § 2, "The Marriage of the Roman Gods" (p. 410).

[2] Or at least *šarratu*.

[3] Cf. Exod. iv. 22, 23.

In modern language we should attribute this selective and discriminative action to the religious genius of Israel; the Hebrew prophets might have said, "Israel guided by the Spirit of God;" Herbert Spencer, I suppose, "the power which in ourselves wells up under the form of consciousness." Is there really any difference?

In the preceding article of this series, I have collected a body of data which, on the whole, tend to demonstrate the immense importance of the Worship of the Dead, and to support the Spencerian theory which seeks in it the Origin of Religion. But here again we must note the marked abstention of the Old Testament. If such was the origin of the religion of Israel, then (which is quite possible) it has in the Bible advanced to a stage at which it repudiates its parentage. The Worship of the Dead is ignored, except upon the rare occasions when it is explicitly condemned [1].

Two points of vital importance distinguish the "Old Testament" from the "New." It is the uniform witness of the first, that the God of Israel, who is the God of the Universe, is a single, unique, Person. It is equally clear that the idea of a Future Life had no place in the Religion of Israel. That religion was concentred upon the ideal personality of Jahveh, and upon his moral relations with his people, potentially with all mankind, in the world of actual human life, and in the experience of the race. From the standpoint of the Hebrew Scriptures the Immortality of the Soul is neither a necessary nor an actual postulate of the moral consciousness [2]. And it was not that the teachers of Israel were unacquainted with the thought and practice, the hopes and fears, which in one form or another prevailed throughout the ancient world upon this subject, but that they deliberately put all this upon one side, as foreign, if

[1] Deut. xiv. 1, 2. Cf. Lev. xix. 28 and xxi. 1-6. Also Deut. xxvi. 14.

[2] Even in Job it is not a pre-supposition but at most *un grand peut-être*. Compare moreover such passages as Micah vi. 8; Deut. xxix. 29; Job xxviii. 28; Eccles. *ad fin.*

not hostile, to the office of religion; much as the Protestant Reformers repudiated the Worship of the Saints, and the Prayers for the Dead, which had come to play so great a part in Catholic Christianity. Nay more, there supervened (for I dare not affirm that it was original) a direct antagonism between the Religion of Jahveh and the Worship of Death. We have seen this already illustrated in the case of Azazel. A Tammuz or Osiris, that god of Death and Resurrection, was incorporate in the Tree of Life, and manifested in the Serpent of Eden; and Jahveh pronounces the Serpent accursed. The Brazen Serpent, sharing with the goddess of the Theban tombs the power to kill and make alive, is set up by Moses at the express command of Jahveh; it is destroyed by the reforming Hezekiah. The Serpent of Ocean, associated and perhaps confounded with Sheol, was once esteemed the parent of the tribe of Levi and the prophet Moses; in time Jahveh becomes the slayer of Leviathan. The infection of the supernatural, corresponding to the idea of "tabu," originally one, is severed into the opposite poles of holiness and uncleanness; the associations of the cultus are "holy" and those of Death "unclean."

It is possible that here again we have a deliberate return to the traditions of the wilderness, as opposed to the elaborate, the engrossing development, which the Religion of the Sepulchre attained in the settled lands, and amid the Cities of the Dead, on the banks of the Euphrates and the Nile. And this supposition derives considerable support from a noteworthy passage of Hilprecht's often-cited work.

"It is interesting," he writes, "to observe how certain religious ideas of the Semitic conquerors . . . seem finally to have brought about a radical change of the ancient burial customs in Babylonia. With regard to Nippur, this change can be traced to about the period of Sargon I, after whose government no more burials occur in the sacred precinct of *Ekur* . . . In fact we do not know yet how the Semitic inhabitants of ancient Nippur generally disposed of their dead."

Gudea, Hilprecht thought, did the same for *Shir-pur-la.*

"He stopped cremating and burying the dead in the environments of the Temple of Ningirsu, and levelled the ground of the ancient cemetery around it, with due regard to the numerous burial urns and coffins previously deposited there. In other words, 'he cleaned the city' and 'made the Temple of Ningirsu a pure place like Eridu', the Sacred city of Ea, where, apparently, in the earliest days, burials were not allowed[1]."

If this be so, it would seem that even in that remote age there had already arisen an antithesis between Gods and Ghosts, such that the Tombs of the former might no longer be surrounded by those of men. Here, again, the parallel between the Roman and the Semite, though not exact, is nevertheless instructive. The reader will recall the law of the XII Tables, which prohibited intra-mural interment: "hominem mortuum in urbe ne sepelito neve urito." And so deeply rooted was the sentiment associated with the law, that at the end of the sixth century A.D., Augustine, the "Apostle of the English" and first Archbishop of Canterbury, fixed, upon this account, the burial place of himself and his successors in the monastery which afterwards bore his name, outside the walls of his cathedral city. In sum, if we seek in the cult of the dead the Origin of Religion, we must admit the differentiation of Religion from the cult of the dead.

We now approach the principal subject of this paper; the identification of the Souls of the Dead with the Host of Heaven, and their re-incarnation at the conception of the Living.

In transcribing, at the commencement of the previous article, the passage cited by Spencer from the work of Dr. Rink upon the Esquimaux[2], I purposely omitted the following extract, as more suited to the present place :—

"The upper world exhibits a real land, with mountains, valleys, and lakes. After death, human souls either go to the upper or

[1] *Explorations in Bible Lands*, pp. 466, 467.

[2] *Data of Soc:* App. A., pp. 807, 808.

to the under world. The latter is decidedly to be preferred, as being warm and rich in food. There are the dwellings of the happy dead called *arsissut*—viz., those who live in abundance. On the contrary, those who go to the upper world will suffer from cold and famine, and these are called *arssartut*, or ball-players, on account of their playing at ball with a walrus-head, which gives rise to the aurora borealis or northern lights."

"The whole visible world is ruled by supernatural powers or 'owners,' taken in a higher sense, each of whom holds his sway within certain limits, and is called *inua* (viz., its or his, *inuk*, which word signifies 'man,' and also *owner* or inhabitant[1])." (*Rink*, p. 37.)

"The upper world is also inhabited by several rulers besides the souls of the deceased. Among these are the owners or inhabitants of celestial bodies, who having been once men, were removed in their lifetime from the earth, but are still attached to it in different ways, and pay occasional visits to it. They have also been represented as the celestial bodies themselves, and not their *inue* only, the tales mentioning them in both ways. The owner of the moon originally was a man called Aningaut, and the *inua* of the sun was his sister." (*Rink*, pp. 48-9. *Spencer*, p. 808).

It will not escape the reader that the Esquimaux *inuk* is in this use the equivalent of the Hebrew בעל. And if the anthropologist conjectures that the Hebrew concept of the stars as "sons of the gods" was in origin analogous to that entertained by the Esquimaux, not only is the hypothesis unquestionably legitimate, but it applies with equal force to the deities of Sun and Moon, to Shamash and to Sin. It should, however, be observed that these "inhabitants of celestial bodies" are, like the Biblical Enoch, immortal (Gen. v. 21–24).

I must also here refer to the passages translated for Herbert Spencer by Dr. Scheppig from the work of Fr. Spiegel, *Erânische Alterthumskunde*, vol. II (1873) which describe the ancient Persian conception of the *fravashi*[2]. The *fravashi* seems to be very like the Roman *genius*. It is at once a part of the soul and an external protecting power. "Every living being has a *fravashi*, not only in

[1] Spencer, *Data of Soc.* App. A., p. 789.

[2] Ibid., pp. 809-11.

the terrestrial but in the spiritual world." They include at the same time the souls of the dead (*manes*, heroes, and ancestors) and those of the unborn. Collectively the *fravashis* are identified with the stars, and form, according to Spiegel, the host that fights against the demons. Here again we approach the region of Hebrew thought. The biblical student will perhaps reply, The Esquimaux or Persian conceptions may afford an antecedent to those of the Old Testament for aught I know to the contrary; but, if so, it must be admitted that at the earliest date of which we have historic evidence (a period, after all, not so very remote) the latter had already passed into a different stage. Even in Gen. vi. 1–4, the sons of the gods, though associated with, are clearly distinguished from the children of Man. To this the anthropologist will answer, that the former, like the Rephaim, Emim, and Zamzummim [1], or perhaps like our own fairies, are the mere ghosts of pre-historic races converted by tradition into supernatural beings. Why then, it may be asked, are the heroes, "the mighty men which were of old, men of renown," their offspring? The reply of Anthropology is equally cogent and surprising [2]. The Native Tribes of Central Australia, described by Messrs. Spencer and Gillen,

"Have no notion that mankind is propagated by the union of the sexes, indeed, when the idea is suggested to them they steadfastly reject it. Their own theory to account for the continuation of the species is sufficiently remarkable. They suppose that in certain far-off times, to which they give the name of 'Alcheringa,' their ancestors roamed about in bands, each band consisting of members of the same totem-group. Where they died their spirits went into the ground and formed, as it were, spiritual store-houses, the external mark of which is some natural feature, generally a stone or tree. Such spots are scattered all over the country, and the ancestral spirits who haunt them are ever waiting for a favourable opportunity to be born again into the world. When one of them sees his chance he pounces out on a passing girl or woman and

[1] See Driver (quoting Robertson Smith), Commentary on Deut., p. 40.

[2] Frazer, "The Origin of Totemism," *Fortnightly Review*, April and May, 1899, especially p. 649.

enters into her. Then she conceives, and in due time gives birth to a child, who is firmly believed to be a reincarnation of the spirits that darted into the mother from the rock or tree[1]."

Hartland, in his *Legend of Perseus* (vol. i, p. 164) writes :

"In the same way Algonkin women who sought to become mothers flocked to the couches of those about to die, in hope that the vital principle, as it passed from the dying, would enter their bodies and fertilize their sterile wombs. Among the Hurons in the seventeenth century, babes who died under one or two months were not placed, like older persons, in sepulchres of bark raised on stakes, but buried in the road, in order that they might enter secretly into the wombs of passing women and be born again."

And this notion, common to the natives of Australia and North America, existed among the earliest Greeks, and has left its traces in the *Odyssey*, xix. 163:

ἀλλὰ καὶ ὥς μοι εἰπὲ τεὸν γένος, ὁππόθεν ἐσσί.
οὐ γὰρ ἀπὸ δρυός ἐσσι παλαιφάτου οὐδ' ἀπὸ πέτρης.

"Not from the rock or tree[2], of ancient tales."

And in *Iliad*, xxii. 126–8, Hector, in his famous soliloquy before the final encounter with Achilles[3], draws the reflection :—

οὐ μέν πως νῦν ἔστιν ἀπὸ δρυὸς οὐδ' ἀπὸ πέτρης
τῷ ὀαριζέμεναι, ἅ τε παρθένος ἠΐθεός τε,
παρθένος ἠΐθεός τ' ὀαρίζετον ἀλλήλοιιν.

which appears to mean :—

"Beginning from ancestral rock or tree,
Parley of old descent."

We may now understand why the Hebrew *gibborim*, like the Greek heroes, were born of human mothers, but without a human father. A god, if we may use the term in the sense in which Elohim is applied to the shade of Samuel by the Witch of Endor, a pre-existent and perhaps ancestral spirit, like the Persian *fravashi*, enters into the mother

[1] See Appendix, p. 776 below.

[2] δρῦν ἐκάλουν οἱ παλαιοὶ πᾶν δένδρον, *Schol. Il.* XI, 86.

[3] "Oak and rock" (Arthur Bernard Cook), *Classical Review*, July, 1901, p. 322.

and is incarnate in her offspring. (1) Here there is no question of sexual intercourse, for in this early stage of man's development paternity is still unrecognized. Every human being is an embodied ghost. (2) Later on, it is especially the Hero, who, by virtue of his mighty deeds, is recognized as of divine origin, that is, a god incarnate. (3) And when the notion of paternity has become established, the Heroes are of necessity regarded as the sons of divine fathers, the Elohim, who are in turn identified with the host of heaven.

Here arises an interesting question. In Gen. vi. 4, the Nephilim are closely associated with the Gibborim. In Num. xiii. 33 the בני ענק are of the Nephilim. In Deut. ii. 10–12 and 20–23, the Anakim are reckoned with the Rephaim, called by the Moabites Emim, and by the Ammonites, Zamzummim. Now there is good reason to believe that Nephilim and Rephaim, Emim and Zamzummim are, like our own fairies, the ghosts of prehistoric or at least extinct races. And the question may be asked whether these are not identical with the divine ancestors of the Gibborim[1]?

The doctrine of Re-incarnation serves to explain a difficulty which has probably been observed by readers of the preceding article in this series. The Garden of the Gods is planted, it would seem, upon the Grave of all Mankind; yet the Origin of Mankind is traced to the Garden of the Gods. The inconsistency is patent, but it becomes intelligible if we suppose that the original narrators of the myth held the belief that in general every living babe did but re-embody a pre-existent spirit. The antinomy arises out of the attempt to extend this theory of *actual*, to the case of *ultimate* origins. No philosopher, excepting of course Hegel, has quite succeeded in the effort to "hold himself up by his own waistband"; and there are doubts as to

[1] The tradition of gigantic stature attaches not only to the Anakim, but also to the Amorites who in Amos ii. 9 are compared to the sacred tree.

the success of Hegel. The ancient mythologist may have thought (*a*) that all the souls of all the Dead were embodied in the leaves and fruit of the Tree of Souls, and perhaps the other trees of the divine garden (in this case *every* tree would have its indwelling spirit); and (*b*) that the souls of all the Living issued from the Garden of the Gods [1]. He may (*c*) have regarded the primal Man and Woman, naked, innocent, and ignorant of good and ill, as sharing the condition of the Babe at birth [2]. And I think it not improbable that (*d*) there was a myth by which the primitive matriarch [3], prior to the Birth of Man, became pregnant by partaking of the fruit of the Tree of Souls. In this way the Death-god Cain might incarnate the Death-god Tammuz.

It now becomes necessary to take account of the remarkable doctrine which is known in Christian theology as Traducianism, viz., that the soul is transmitted *in semine patris*; from which, as Maine I think relates, some legal theorists deduced the inference that the mother was merely an intermediary, the "nurse" of the germ received, and therefore no relation of her own child! [4]

This mode of thought cannot be primitive, since it is obviously a concomitant and support of the patriarchal system; but from its character it may well be of great antiquity. In nearly all the myths of Supernatural Birth collected by Mr. Hartland (excepting those cases which I have already cited), there is some distinct Means of Impregnation, some Vehicle of Life, or Embodiment of the Soul, some object, phenomenon, or influence which is

[1] "Souls awaiting incarnation hide in the drooping branches of the *coolabah* tree; and each child is born with a *coolabah* leaf in its mouth." Lang, "Incarnation and Reincarnation," *Independent Review*, Dec. 1904, p. 456 (Euahlayi tribe, N. S. W.).

[2] *J. Q. R.*, vol. X, "The Burning Bush," &c., *ad fin.* Cf. Isa. vii. 16.

[3] אם כל חי, Gen. iii. 20. Cf. iv. 1, which at least implies divine aid.

[4] "A woman is only a nurse who takes care of a man's children for him." *The Native Races of South-East Australia*, p. 284 (Howitt); *Athenaeum*, Dec. 10, 1904.

in turn identified with the father, and also with the son. Thus was Danae made pregnant by the Shower of Gold, and so gave birth to Perseus. Thus, according to a wild legend, the Buddha entered his mother's womb in the form of a White Elephant. It should be observed that in the Gospel Narrative there is nothing corresponding to this. The Mother remains a Virgin, and conception is effected by the miraculous operation of the Holy Spirit, on which account the offspring is called "Son of God[1]": a very good example of the refining effect of Jewish thought upon the common mythology of the ancient world.

The Traducian doctrine carries with it important consequences. In the first place there arises from it a possible danger to the male parent, the effusion of his soul; and I am inclined to think that *this* was the evil which the rite of Circumcision, as a preliminary to Marriage, was designed in some way to avert. Secondly, as the offspring is regarded as an embodied portion of his father's spirit, there comes about a kind of identity between the divine father and the human son, the god and the king, Mars, for example, and Romulus; and (thirdly) between the founder of a dynasty and his successor, so that for instance, David's "spirit," his "quality," his "genius," and in last resort *himself*, might be held to live again in his representative[2].

The heroes of Israel belong to a stage of thought which has advanced beyond the doctrine of Divine Incarnation. Human parentage, on both sides, is a matter of course. Children and the fruit of the womb are an heritage and gift (Isa. ix. 5) that cometh from Jahveh[3]. But this is especially emphasized in the case of an Isaac, a Samson, or a Samuel, where the birth is contrary to expectation, or even against the course of nature. I do not think these narratives can be rightly understood, except by reference to the prior stage.

[1] Luke i. 35. Cf. Gen. i. 2. [2] Hos. iii. 5 and Jer. xxx. 9.
[3] Ps. cxxvii. 3. (Book of Common Prayer).

It is Inspiration which now replaces Incarnation. In especial crises the spirit of Jahveh comes mightily upon Samson or on Saul. It *rests* upon the mysterious child of Isa. xi. 2. In the days of the Judges we may be sure that wherever an individual manifested conspicuous ability in word or deed, in the affairs of peace or war—the courage, energy, resolution, the resource, prudence, and sagacity, which made a successful leader against the enemy, and a successful arbiter of strife at home—in a word, the רוח עצה וגבורה men would esteem him *θεόπνευστος*, a מלאך אלהים; they would affirm in the characteristic phrase of the Bible that Jahveh was "with him." Such an one would become the שופט, the *vindex* of Israel, acting in this capacity as the instrument of the nation's God. An historical person, Hero or Prophet, may thus acquire a supernatural, or even a mythical character, so that if mythical elements can be detected in the stories of Elijah, of Moses, of Abraham, we are not hastily to conclude that they never lived. The Prophet, Priest, and King, were all representatives or tenements of the deity, and were anointed in order that his spirit might be thus imparted to them. The rite is on this view a real sacrament[1], and its effects are expressly indicated in the case of Saul (1 Sam. x. 1, compared with ver. 7) and in that of David (chap. xvi. 13).

Unfortunately Sacraments are make-believe, a superstition identical with the principles of Magic. It is a wholesome though bitter truth, that an outward and visible sign cannot really confer an inward and spiritual grace, nor can official consecration bestow the gifts of genius upon a ruling family or a prophetic order. Two points, therefore, are necessary to the ideal Messiah;—hereditary succession and personal inspiration. He must *be* the Son

[1] Oil is an equivalent of blood, the vehicle of life or spirit. It may be noted that even in Rome the king had his face painted red; "the vermilion-painted face," like the chariot described in a previous article, "belonged alike to the Roman god and to the Roman king" (Mommsen, Eng. trans. I, 83).

of David; he must *have*, in full measure, the Spirit of Jahveh.

Again employing the New Testament to illustrate the Old, and the Old to explain the New (since we can neither hope to understand the Origins of Christianity without recognizing its vast indebtedness to Judaism, nor fully understand Judaism without taking account of those elements which made it the parent of Christianity), we may observe that both these points are marked in the narrative of the Gospels. Jesus, we are expressly told in the Epistle to the Romans (i. 3) was born

"Of the seed of David, according to the flesh."

And the genealogy which now opens the New Testament once ended with the words:—

"And Jacob begat Joseph, the husband of Mary, of whom[1] he begat Jesus, who is called Christ."

We do not hear that Jesus was in fact anointed, and perhaps he would have refused the rite. But at his baptism, which forms the true commencement of the Gospel narrative, "he saw," we are told, "the heavens rent asunder, and the Spirit as a dove descending upon him: and a voice came out of the heavens, Thou art my beloved Son, in thee I am well pleased" (Mark i. 10, 11; Matt. iii. 16, 17; Luke iii. 22, "in a bodily form as a dove"). The dove was perhaps suggested by the expressions of Gen. i. 2; but how unlike the vulture of the ancient myth!

I shall bring this paper to a conclusion by an endeavour to supply the much-needed explanation of the Messianic name in Isa. ix. 5. It should run:—

פלא יועץ אל גבור
אבי עד שר שלום

[1] The authorities for the text (Matt. i. 16) fall into two classes. Those of class 1, the most and the best, have preserved the former part of the verse, as far as and including the words "of whom," but modified the latter. Those of class 2 have done just the reverse. Verses 18–24 are a *Midrash*, interrupting the sequel.

The text, I believe, is quite sound. It consists of two parallel clauses, each a nominal sentence, in which the predicate precedes the subject. El-gibbor, here of course employed as a synonym for Jahveh, originally (it is probable) designated the Hebrew Hercules, the Wrestler-Hero of Gen. xxxii. 25–33, of whom Israel, Jacob, and Naphtali are alike appellations. There is no hostility between him and his divine antagonist, the "Face of God," since the latter bestows on him his blessing, as the God of Sinai makes bright the countenance of Moses, and as Sin is described as *munammir muši*. With the advance of monotheism it would seem that his personality was merged in that of Jahveh, himself an איש מלחמה. Jeremiah, contending with his own despair, utters the cry ויהוה אותי כגבור (xx. 11). And comparing the present passage with Isa. vii. 14, we may hazard the conjecture that a similar invocation may have been employed by women in labour, and even that El-gibbor may have stood in a special relation to male offspring. He is here described as the Divine King of Israel, either as "a wondrous counsellor," or as one now "counselling," or "about to counsel, a wonder." (Cf. Isa. xxviii. 29, xxix. 14.)

As the subject of the first clause is a synonym of Jahveh, so is that of the second (שר שלום) of David. David is the Prince of Peace, i. e. the wholeness of estate which results from victories achieved and enemies overcome, like the *Pax Augusta*; of course with an allusion to Jerusalem. And the predicate אבי עד which in form may be compared with אל עולם[1], may be adequately explained from Ps. lxxxix. 30, ושמתי לעד זרעו:

"His seed also will I make to endure for ever."

The Name may now be rendered:—

The Mighty God doth counsel a wonder;
The Prince of Peace is a father evermore.

[1] Cf. Jer. xx. 17 הרת עולם "ever pregnant." Also Gen. xvii. 7, 8 אחזת עולם, ברית עולם.

APPENDIX.

The passage cited in the text was transcribed as long ago as 1899, from an article by Dr. Frazer on "The Origin of Totemism" in the *Fortnightly Review*[1]. Since these pages were prepared for publication in 1904, independent evidence, in some cases involving a correction, has been supplied by Mr. Strehlow, missionary at Hermannsburg, to Mr. N. W. Thomas, who published it in an article on "The Religious Ideas of the Arunta," *Folk-Lore*, Dec., 1905 (vol. XVI, 428 sq.). I quote a few sentences.

"Spencer and Gillen assert . . . that *alcheri* means dream, and *Alcheringa*, the dream times; this is a mistake. Dream is *altjirerinja*, a dreamer, *altjirarena*; a 'dream time' is unknown to the blacks. It is also erroneous to say that the Aranda believe in re-incarnation of ancestors; what they believe is that each birth is an incarnation of invisible individuals (not merely spirits), who live in trees, crevices, water-holes, &c., in human or animal form, and enter the bodies of women, being named after the species of animals from which they originated. The soul does not go back to the *knanakala* place at death, preparatory to reincarnation; it goes northwards, to the island of the dead, called *laia*, where it wanders for many years and is finally annihilated." *F. L.* XVI, 431.

There is an agreement as to *pre-existence*, a conflict of testimony as to *re-incarnation*. The analogies cited in the text, and the Hindu doctrine of transmigration, dispose me to accept the evidence of Spencer and Gillen. It is quite possible that inconsistent ideas as to the future of the soul may exist side by side in the savage mind.

GREY HUBERT SKIPWITH.

[1] See also *Adonis Attis Osiris*, Ed. 2, pp. 79-81.

A GENIZA FRAGMENT OF GENESIS RABBA.

THE fragment here printed is at present located in the Cambridge University Library, Library Collection, Drawer 35. It consists of three leaves. Of the six sides one is blank, containing only a name or two and some Arabic jottings. The measurements are as follows: leaf 1, 20 × 21 cm.; leaf 2, 18 × 19·5; leaf 3, 18 × 19·5. Though the sizes of leaves 1 and 2 differ they belong to the same MS., leaf 2 a following on leaf 1 a exactly. The leaves were found at different times in different sacks, but were put together by Mr. Abrahams, to whom (as well as to Mr. Herbert Loewe) I am indebted for suggestions in preparing the present edition. There is a gap between leaf 2 and leaf 3.

The leaves are tolerably well preserved, though here and there the MS. is obliterated or torn; especially is this the case at the bottom of leaf 1. The writing is in square character, and the MS. probably dates from the eleventh century. Comparing our MS. with dated Geniza texts (e.g. T-S. 24. 1, dated 1082, and T-S. 24. 7, dated 1004) the identity with eleventh century MSS. is almost certain. The usual Geniza features are exhibited. The divine name is usually written יי, and the contractions אי׳ם, אל׳ים and אל׳ם (for אלהים) occur frequently. Some words are punctuated, and there are occasional erasures and corrections.

The MS. fortunately contains the beginning of the Midrash on Genesis, and the order of sections fully confirms Dr. Theodor's judgment in using Codex Brit. Mus. Add. MS. 27169 as the basis of his edition. Dr. Theodor's view that we must reject the epithet רבה (after ר׳ הושעיא) is not, however, confirmed by this old MS., for the word is found here. Some of the spellings of the Greek words are unique. Thus we have פיתגוג (for *παιδαγωγός*) a spelling not noted

by Theodor. The passage of the Greek δ into the Hebrew ת occurred already in pre-Christian times (Krauss, *Griechische und Lateinische Lehnwörter*, I, 38), and there is reason to think that in Rabbinic lips the Greek δ was sounded like the soft English *th* (in *these* or *bathe*). Cf. Krauss, op. cit., p. 39. Another interesting point is the spelling of the name *Julianus*. Dr. Büchler has detected this name in the inscription published in the Palestine Exploration Fund Quarterly Statement, April, 1908 (p. 165). This distinctly ends in א, but the only instance of this given by Krauss (op. cit., II, p. 310) is in the corrupt form לוליבא. Our MS. stands alone in reading לולינא. In general, our MS. has original variants in the names of Rabbinical authorities cited. I would also call attention to the interesting word פרשתא (II, 2 b), and the regular use of the form דכמה דאת אמר in introducing Bible citations. Noteworthy, too, is the use of שמועו for כמשמעו; only found in this form here. Cf. Bacher, *Terminologie der Amoräer*, 221, note 2. Then, again, in the spelling ביראשית we have an example of the representation of the *sheva mobile* by the letter *yod*.

The text, though not always carefully or accurately written, is well worth close study. It is a new and independent text; thus it sometimes differs from the MSS. which it most resembles (e.g. it stands alone in omitting חדרים before פשפשים I, 1 b, line 9), and in one place it has the curious reading אתהבה for the usual אתמהא. This is probably a mere mistake.

I.

1 (b) [ר׳ הו]שעיה רבה פתח וא[היה] אצלו אמון ואהיה שעשועים יום יום משחקת לפניו | עת אמון פיתגוג אמון מכוסה דכמה דאת אמר אמון מוצנע אמון פתנוג דכמה | דאת אמר כאשר ישא האומן את היונק [על] האדמה אמון מכוסה הכמה דאת אמר | האמונים עלי תולע אמון מוצנע [כמה דאת] אמ׳ ויהי אומן את הדסה אמון אומן הת[ורה] | אומרת אני הייתי כלי אומנתו של ה׳ק׳ב׳ה בנוהג שבעו׳ מלך בשר ודם בונה

[פלטין] | ואינו בונה אותה מדעת עצמו אלא מדעת האומן והאומן אינו
בונה אותה מדעתו | אלא דפתריות ופינקסיות יש לו לידע איך הוא
עושה פשפשים כך היה ה׳ק׳ב׳ה | מביט בתורה ובורא את העולם והתורה
אומרת בראשית ברא | אי׳ם ביראשית ברא אי׳ם אין ראשית אלא תורה |
כמה דא׳ אמ׳ יי קנני ראשית דרכו. רב הונה ב׳ ב׳ קפרא | פתח
תאלמנה שפתי שקר הדוברות על צדיק עתק בג׳ ובוו אתפרכן אתחרשן |
אשתתקן אתפרכן כמ׳ דאת אמ׳ והנה אנחנו מאלמים אלומים אתחרשן
כמה דאת אמ׳ | או מי ישום אלם או חרש אישתתקן כשמועו הדוברות
על צדיק עתק הדוברות על | צדיק חי עולמים שהעתיק מבריותיו את הכה
בשביל להיתנאות ולומר אני [דורש] | במעשה בראשית ובוו אתמהא מבזה
על כבודו אתמהא דאמר ר׳ יוסה בן חנינה [כל] | המתכבד בקלון
חבירו אין חילק לעו׳ הבא בכבודו של׳ק׳ב׳ה אתמהא מה כת׳ אחר[יו] |
מה רב טובך אשר צפנת ליריאיך רב אמר אל יהי לו מה רב טובך
בנוהג שבעו׳ [מלך בשר] | ודם בונה [פלטין ב]מקום חביבין ובמק׳
האשפה ובמק׳ הסיריות כל מי שיבוא לו[מר] | פלטין זו [בנויה במק]ום
אמת המים או של צואה במ׳ האשפה ובמ׳ הסיריות אינו פוגם כך | כל
מי ש[יבא] לומר העו׳ הזה [נב]רא [מתוך] תוהו ובוהו וחושך אינו
פוגם. ר׳ הונה בשם | בר קפרא אילולי שהדבר כתוב [אי אפשר ל]אומרו
בראשית ברא אל׳ים מן הן מן הארץ היתה | תוהו [ר׳ יהודה] ברבי
סימון [פתח והוא גל]י עמיקתא ומסתרתא וג׳ והוא גלי עמיקתא | זו גהנם
ולא ידע כי רפאים שם ב[עמקי שאול קרו]אי ה׳ ומסתרתא זו גן עדן
למחסה ולמסתור | מזרם וממטר ד׳א׳ והוא גלי עמ׳ [אלו] מעשיהן
שלרשעין אוי המעמיקים מיי׳ | מיסתרתא לסתיר עיצה ידע [מה בחשוכה]
אלו מעשיהן שלרשעין והיה במחשך מעשיהן | [ונ]הורא עמה שרי אלו
מ[עשיהם של צדיקים שנ׳] אור זרוע לצדיק אמ׳ ר׳ אבא מקום חרוני |
ונהורה עמה שרי [זה מלך המשיח א׳ר יהוד]ה בירבי סימון מתחילת
בר[י]תו | גלי עמיקתא . . . . . לא פירש איכן |
. . . . . ויאמר אל׳ים | פירש . . .
. . . . . [יצ]חק פתח רא[ש דברך אמת] | . . .
. . . . . [ברא]שית ברא |

On (1 a) occur some names: לשלמה בי׳ר צמח נו׳ and לאברהם, also some Arabic jottings.

II.

(a) 1 הם מצדיקין עליהם את הדין ומקבלין אותן באמונה אין ביריה . . . לומר | התורה אומרת שתי רשויות בראו את העולם וידברו אל׳ים אין כת׳ כן אלא וידבר אל׳ים בראשית בראו | [אין כת׳] כן אלא בראשית ברא אל׳ים ר׳ יהושע דסכנין בשם ר׳ לוי פתח כח מעשיו הגיד לעמו מה טעם גילה ה׳ק׳ב׳ה | לישראל מה שנברא ביום הראשון מה שנברא ביום השני מפני אומות העו׳ שלא מונים לישראל ואומרים | הלא אומה של ברויות אתם ישראל משיבין אותן ואומרין להן אַתֶּן הלא בזויה היא בידכן אלא כפ[תרים] | היוצאים מכפתור השמידו יי׳ אלי׳ך מפניך וישב העולם ומלואו ש׳ל׳ק׳ב׳ה כשהוא רוצה נותנו לכם וכשהוא | רוצה נוטלו מכם ונותנו לנו הדה היא בשביל לתת להם נחלת גוים כוח מעשיו הגיד לעמו הגיד להם | את הבראשית בראשית ברא אלי׳ם. ר׳תנחומה פתח כי גדול אתה ועושה נפלאות אתה א׳י׳ם לבדיך | א׳ר׳ תנחום בר חייה הנוד הזה אם יהי בו נקב כחרירה שלמחט כל רוחו יוצאת | הימנה האדם הזה עשוי מחילים ונקבים נקבים ואין רוחו יוצא ממנו מי עשה כן | אתה אלי׳ם לבדיך אמתי נבראו מלאכים ר׳ יוחנן אמ׳ בשני נבראו מלאכים הדה ד׳כ׳ המקרה | במים עליותיו וכת׳ עושה מלאכיו רוחות ר׳ חנינה אמ׳ בחמישי נבראו מלאכים ועוף | יעופף על הארץ וכת׳ ובשתים יעופף ר׳ לולינא בר יעדו בשם רבי יצחק בן על דע[תה] | דר׳ חנינה בן על דעתה יוחנן הכל מודים שלא נברא ביום הראשון כלום שלא תאמר | מיכאל היה מותיח בדרומו של רקיע וגבריאל בצפונו וה׳ק׳ ממדד באמצעיתו אלא [אנכי יי] | עושה כל נוטה שמים לבדי רוקע הארץ מאיתי מי איתי כתב מי היה שותף [עמו] | בביריתו של׳ע׳ו׳ בנוהג שבעו׳ מלך בשר ודם מיתקלס במדינה וגדולי המדינה | מיתקלסין עמו למה שנושאין עמו במשוי אבל הק׳ב׳ה׳ אינו כן אלא הוא לבדו | מיתקלס בעולמו א׳ר׳ תנחומה כי גדול אתה ועושה נפלאות א׳ למה אתה אלי׳ם לבדך | אתה לבדך בראתה את העו׳ בראשית ברא אלי׳ם. ששה דברין קדמו שלעו׳ יש | מהן שניבראו ויש מהן שעלו במחשבה להיבראות התורה וכסא כבוד מנ [ין] | יי קנני ראשית כסא כבוד מנ׳ כסא כבוד מרום וכת׳ נכון כסאך מאז האבות | במחשבה להיבראות כביכורה בתאינה בראשיתה ראיתי אבותיכם ישראל עלו | במחשבה להיבראות זכור עדתך קנית קדם בית המקדש עלה במחשבה להיבר[אות] | כסא

כבוד מרום מראשון מקום מקדשינו שמו שלמשיח עלה במחשבה לה[יבראות]
יהי שמו לעולם לפני שמש ינון שמו ר׳ אחוא בר עזור א׳ אף התשובה
הדא היא | בטרם הרים יולדו מאותה השעה תשב אנוש עד דכה ותאמר
שובו בני אדם אבל | איני ידיע איזה קודם אם תו[רה] לכסא כבוד אם
כסא כבוד לתורה א׳ | (b) 1 . . . . . קדמה לכסא כבוד דכ׳ יי קנני
ראשית דרכו קדם מפעליו | מאז לאותו שבת׳ בו נכון כיסאך מאז ר׳ הונה
ר׳ ירמיה בשם ר׳ שמואל | ב׳ר׳ יצחק מחשבתן של ישראל קדמה לכל
למלך שהיה נושא | . . . . נה למטרונה והיה (!) לו המנה בן פעם אחת
נמצא המלך עובר בשוק | אמר טלו מלנין וקלמין זו לבני והיו הכל אומרין
בן אין לו והוא אומר טלו מלנין | וק[למין לב]ני חזרו ואמרו המלך
אסטרולוגוס הוא אילולי שצפה המלך שהוא | עתיד להעמיד הימנה היה
או׳ טלו מלנין וקלמין זו לבני׳ כך ה׳ק׳ב׳ה אילולי | שצפה שאחר עשרים
ושׁשה דור וישראל עתידין לקבל התורה היה כותב בתורה | ואו׳ צו את בני
ישראל דבר אל בני ישראל א׳ר׳ ברכיה העו׳ ומלואו לא נברא אלא | בזכות
התו׳ שנ׳ יי בחכמה יסד ארץ ר׳ ברכיה אמ׳ בזכות משה וירא | ראשית
לו וג׳ ר׳ חונה בשם ר׳ מתנה בזכות שלשה דברין נברא העולם | בזכות
חלה בזכות מעשרות ובזכ׳ הבכורים בראשית ברא אלי׳ם אין ראשית |
אלא חלה הכ׳ דא׳ אמ׳ ראשית עריסותיכם חלה וג׳ ואין ראשית אלא
מעשרות | שנ׳ ראשית דגנך תירושך ויצהריך ואין ראשית אלא ביכורים
שנ׳ ראשית | בכורי אדמה א׳ר׳ פינחס ר׳ יהושע ברה דר׳ לוי בשם ר׳
לוי זה שהוא | בונה צריך ששה דברין מים ועפר עצים ואבנים וקנים
וברזל א[ם] | תאמר עשיר הוא ואינו צריך לקנים הרי הוא צריך לקנה
מידה ובידו | קנה המדה התורה קדמה אותן ששה קדמות מאז ומעולם
[מראש] | ומלקדמין תרין פלוסופוס אחד שאל את ר׳ גמליאל אמ׳ לו
צייר גדול היה אלי׳ם | אלא שמצא לו סממנין טובין שיסיעו אותו אמ׳
לה מה אינון אמר תוהו ובוהו | וחושך ומים ורוח ותהומות א׳ לה תפח
רוחה דהוא גברה כולהן כת׳ בהון ביריה | תוהו ובוהו עושה שלום ובורא
רע חושך יוצר אור ובורא חושך מים | הללוהו שמי השמים והמים אשר
מעל השמים והמים למה כי הוא צוה | ונבראו ורוח כי הנה יוצר הרים
ובורא רוח תהומות באין תהומות חוללתי |

(a) 2 קיבלונו מדוכבים אנו קובלנו א׳ר׳ יהושע בר נחמיה [היו
עולים] הרים רדים ויורדים [תהומות] | עד שהגיעו לאוקינוס הדה היא
דכ׳ יעלו הרים [ירדו בקעות אל מקום זה]יסדתה להם זה אוק [יינוס] |

א׳ר׳ גוי יש מן הדרושות שהן דורשין כגון בן עזי ובן זומה [נעשה] קולו
של הקב׳ה מיטטרון על המ[ים] | הדה היא דכת׳ קול יי׳ על המים א׳ר׳
ברכיה לא פרשו המים העליונים ממים התחתונים אלא מבכיי הדא היא
[דכתיב] | מבכי נהרות חבש ר׳ תנחומה מיתי לה מן הכה עושה ארץ
בכחו לקול תתו המון [מים] | ואין קול אלא בבכי הכמה [דאת אמר קול
ברמה] נשמע | הים שהוא נקרע לפני ישראל [ה׳ה׳ד וישב] הים לאיתניו
לתנאים שהתנה | הק׳ בה׳ עמו א׳ר׳ ירמיה בן אלעזר לא עם הים בלבד
התנה ה׳ק׳ב׳ה אלא עם כל מא שנברא [בששת] | ימי בראשית הדה
ידי נטו שמים וכל צבאם צויתי [ידי] נטו שמים וכל צבאם ציויתי | את
הים שיהא נקרא לפני ישראל צויתי את השמים ואת הארץ שישתתקו
לפני משה [שנאמר] | האזינו השמים ואדברה וג׳ צויתי את השמש ואת
היריח לפני יהושע שמש בגבעון דום | בעמק אלון ואת העורבים שיכלכלו
לאליהו והעורבים מביאים לו ואת האור שלא יזיק לחנניה | מישאל ועזריה
ואת האריות שלא יזיקו לדניאל את השמים שיפתחו לפני יחזקאל
נפת[חו] | השמים וארא מראות אלי׳ם את הדג שיקא את יונה ויאמר
יי׳ לדג ויקא את יונה אר׳ אל [עזר] | מחילת (!) ברייתו שלעו׳ גזר הקב׳ה
(יאמר) ויאמר אלי׳ם יקוו המים ולמה הקורא למי הים וג׳ ש[ני] |
פעמים אחד בדור אנוש ואחד בדור הפלגה בשביל מה עשה כל מה
שעשה בשביל | שיראו מפניו למדינה שמרדה במלך שלח לה המלך ליניון
קשה והקיפה כדי | שיראו אתו [בני] המדינה ויתיראו מפניו כך למה כונס
כנד מי הים וג׳ בשביל יראו אתיי (!) | כל אפסי א[רץ] . . . . . רו
ממנו כל יושבי תבל בנוהג שבעו׳ אדן מפנה כלי מלא לתוך כלי ריק |
שמא כלי מ[לא] לתוך כלי [מלא] כך מלא כל העו׳ כולו מים במים ואת
או למקום אחד אלא מ . . . . . | ממועט את המ[ר]ובה ודכותה ויקהילו
משה וא׳ א׳ הק׳ וג׳ א׳ר׳ חנינה כמלא כבר[ה] | היה בה וכל ישר׳ עומדין
שם אלא מיכן שהחזיק ממועט את המרובה ודכותה [ויאמר] | יי׳ ואל
אהרן קחו לכם מלא חפניכם א׳ר׳ חנינה וכי חפנו שלמשה מחזקת בשמונה |
קמצין אלא מיכן שהחזיק ממועט את המרובה ודכותה א׳ר׳ יוסה בי׳ר׳
חל[פתה] | ארך החצר מאה באמה ורוחב חמשים בחמשים וכל ישראל
עומדין אלא מיכן שהחזיק | ממוע׳ את המרו׳ ודכותה ויאמר יהושע אל
בני ישראל גושו הנה ד׳ר׳ הונה אמר | זקכין בין שני בדֵי ארון וחייה
בריה דר׳ חנינה א׳ סימדן בין שני בדי האר[ון] | רבנן אמ׳ צימצמן בין
שני בדי ה[א]רון א׳ להן יהושע ממה שהחזיקו | שני בדי הארון אתכן

אתן יודעין כי אל חי בקרבכם אף בירו[שלם] | דתנן עומדין צפופין ומשת[ח]וין רווחין ר׳ שמואל בר׳ יונה בש[ם ר׳ . . . א׳ ד׳] | (b) 2 אמות לכל אחד ואמה מכל צד כדי שלא אחד מהן שומיע תפילתו | [של]חבירו אף לעתיד ביום ההוא יקראו לירושי׳ם ר׳ יוחנן סלק לשאול שלמיה דר׳ | [ח]נינה אשכחה יתיב דרש הדן פסוקה ביום ההוא יקראו לירושלם א׳ לה ר׳ וכי | בחוקה אמ׳ להעתיד הק׳ לומר לה א׳ האריכי הרחיבי ויתידותיך חזקי כי ימין | [שמ]אול תפרוצי. פרשתא.

ויקרא אלי׳ם ליבשה ארץ ולמה ארץ שרצת | [לע]שות רצון קונה רב נ׳תן בש׳ ר׳ אחא ר׳ ברכיה בש׳ ר׳ יצחק אני אל שדי אני הוא אל | [שא]מרתי לשמים דיי שאילולי שאמרתי לשמים דיי ולארץ דיי עכשיו היו מותחין | והולכין ולמקוה המים קרא ימים א׳ר׳ יוסה בי׳ר׳ חלפתה והלא ים אחד מה תל׳ לו׳ | ולמקוה המים קרא ימים אלא לא דומה הדג העולה מעכו לעולה מצידן | ולעולה מאספמיה . . ויאמר אלי׳ם תדשא הארץ תני בשם ר׳ נתן שלוש | שהכנסו לדין ויצאו ארבעה׳ מחוייבין אדם וחוה ונחש נכנסו | לדין ונתקללה הארץ עמהן ארורה האדמה בעבוריך שתהא | מעלה לך דברין ארורין כגון יתושין ופרעושין וזבובין ותעלה לו | גמל א׳ר׳ יצחק מגדליה אף הוא ישבו הנאה ולמה נתקללה א׳ר׳ | יהודה ב׳י׳ר שלום ור׳ פינחס ר׳ יהודה ב׳י׳ר שלום א׳ שע[ברה] על הציוי | שכך א׳ לה ה׳ק׳ב ויאמר אל׳ים תדשא הארץ עץ פרי מה הפרי | [נא]כל והעץ יהא למאכל והי לא עשת כן אלא ותוצא הארץ עש׳ ועץ | עושה פרי אפילו אילני פריק עשו פירות על דר׳ יהודה ב׳י׳ר שלום | ניחא על דעתיה דר׳ פינחס למה נתקללה אלא כאנש דאמ׳ ילוט | ביזה דהאכדן איינק ויהי ערב ויהי בוקר יום שלישי יום | שנבראו בו גיבורין הכמה דאת אמר שלישים וקרואים | רוכבי סוסים כולם ביוון שניברא הברזל התחילו | אילנות מריתיתין א׳להן מה לכן מרתיתין עץ מיכן | [אל יכ]נס בי ואין אחד מכן ניזוק. |

EPHRAIM LEVINE.

SOME NOTES ON RESEMBLANCES OF HEBREW AND ENGLISH LAW [1].

THE law of which I am about to speak is concrete law, not theories of law, but actual working rules of law or specific laws. I confine myself to the English Bible—generally to the Authorised Version. I feel strongly how much this little essay must suffer from my ignorance of post-biblical literature, especially the Talmudic. For its writers and thinkers were necessarily in a better position to comment on their classical writings, and, moreover, they must have had scholarly and legal traditions.

To begin with, Hebrew law does not make the distinction between Civil and Criminal law, which, after all, is quite artificial, and between which in English law the line is not always clearly drawn. Certainly there is no trace of two corresponding kinds of tribunal—to us, frequently, the only *visible* sign of a difference. For instance, who would suppose that the non-repair of a highway—"the king's highway" (Num. xxi. 22)—was a crime, if it was not punishable on indictment after a trial by jury exactly as in a case of theft? Yet, in fact, there are many provisions of which the only object is to punish the wrongdoer—as a deterrent to others,—where there is no provision for compensation to the sufferer, and others where, except such compensation, there is no recognition that the state has an interest in preventing illegality—and this, after all, is the broad distinction in our system between the criminal and the civil. As jurisprudence progresses, it will be more and more felt that any infraction of the law is an offence against the state, because the slightest disobedience to the

[1] Adapted from an address to the Jews' College Union Society.

law sets a bad example and tends to weaken public morality. But regarding only actual standards, I should say that much of the Hebrew civil law, some of the Decalogue, for instance, is elementary public morality—of course, evolved slowly from generations of custom—embodying the custom, the ideal custom, of the time in which it is promulgated, but without any express penal sanction. For instance, we may be sure that in the society which was exhorted to honour parents and not to covet other people's goods, as in our own, the notorious offender against these principles was made to feel the disapproval of his "set," without any formal prosecution.

For the purposes of comparison, then, attaching no importance to the distinction between civil and criminal, I find that topics common to Hebrew and English law are the following:—Arson, Assault, Bailees, Blasphemy, Breach of Promise of Marriage, Burglary, Dangerous Animals, Debt, Kidnapping, Maintenance, Manslaughter, Murder, Negligence, Perjury, Perversion of Justice, Pledges, Poor Law, Real Property, Sanitary legislation, Succession, Theft—a list comprising Contract, Tort, and Crime. Finally there is the Assessment of Damages, and Procedure and Punishment.

A few words on each head, but not always in this order:—

Exod. xxii. 6 is hardly a case of **Arson**: rather of negligence with damages.

Bailees. Exod. xxii. 7–15; Lev. vi. 2–5.

The distinction between *gratuitous* or *for reward* is not made. Assuming bailment here to be *gratuitous*, then the law is that of Lord Hale: "the bailee is not answerable if they are stole without any fault in him, neither will a common neglect make him chargeable, but he must be guilty of some gross neglect"; then he is chargeable. If the bailee pays for the use of the thing (ver. 15), "if it be an hired thing, it came for his hire," then the hirer is only bound to use the same care as a prudent man would of his

own, i.e. a lesser degree than the utmost, which seems to be meant here.

Where the bailee not only has nothing to get but has work to do on the thing, he is only liable for gross negligence.

An agister of cattle does not insure their safety, but if they are killed, injured, or stolen through his negligence, he is liable (v. 13). In Smith *v.* Cook, 45 L. J., Q. B. (1875), a colt agisted was gored to death by a bull: agister held liable, only because there was negligence. Thus, though the details are not the same, the principles are similar.

Ver. 15. The stipulation that if the owner be with it the bailee is not liable for damage is exactly analogous to our rule, that if a contractor's employer personally controls the work he and not the contractor is liable for injury. The reason is obvious.

Lev. vi. 2–5 adds nothing to this topic except as to lost property, for keeping which there may be, as with us, damages: with us it may be larceny also.

Blasphemy. Exod. xxii. 28. Thou shalt not revile *God* [*or* the judges, R.V., the gods, A.V.].

The *Law Mag. and Rev.*, Nov. 1907, writes:—"Until lately we punished offences against religion as severely as Moses did." This, perhaps, refers to the Hebrew punishment of idolatry and paganism—the prohibition of which can hardly date from the same age of thought as the toleration of "the gods," if A.V. is right above, which it probably is not. Otherwise there seems to be no formal enactment in favour of religion as *such*, except this—which, by the way, is highly inconsistent with a theocracy, as the early Hebrew State is sometimes described, for in a theocracy, blasphemy and kindred offences are inconceivable and assumed not to exist. "Nor curse the ruler of thy people." Seditious Libels are by no means extinct crimes to-day. Compare *Scandalum Magnatum*. Till 1887 an action lay for defamation or slander of a great officer, e.g. a judge: the last instance was in Queen Anne's reign.

If the translation "judges" R.V. above is correct, it is the law of England to-day, common in cases of Contempt of Court. This leads to Perversion of Justice: –

Perversion of Justice.

The constant references to this crime point to a settled judicial system, indeed, they are the best evidence of it. The three great forms of tampering with the administration of justice are partiality of the judge, perjury of the witness, and interference of a third party.

The law of this country is well provided against the peculation or favouritism of the judge, as it has had need to be. To the judge Exod. xxiii. 2, 8 are clearly addressed: the exhortation not to be swayed by popular clamour is never out of date. Perhaps "neither shalt thou speak in a cause, &c." is meant for the witness as well as the judge, especially if we read with R.V. "bear witness" for "speak." In this context we are justified in understanding "thou shalt not oppress a stranger" as a hint to the judge that justice knows no nationality.

Breach of Promise of Marriage. Exod. xxii. 16; Deut. xxii. 28–9.

In certain cases a breach of promise is *assumed*, and *specific performance* is, if possible, decreed. Thus this goes further than our law as the father's proprietary rights are *also* recognised, and damages are awarded him, just as in a somewhat similar action in our law.

This form of breach of contract is expressly recognised in the case of the female servant, Exod. xxi. 8. Probably it was inconceivable in any other case, i.e. after betrothal of a freewoman.

Theft and Burglary. Decalogue and Exod. xxii. 1.

These ordinances are surprisingly scanty, but obviously contemplate a society with few personal chattels as we should think. There is restitution as with us, but damages in lieu of imprisonment: it must be remembered that

many ancient peoples had no prisons in our sense. But note that ver. 3, "if he have nothing, &c." is literally the earliest instance of penal servitude.

Note the law of homicide of a burglar—practically ours. You may kill in self-defence, and in justifiable homicide the element of its being night—essential to burglary—is always matter of mitigation. To this day "breaking" (ver. 2, "up," A.V.: "in," R.V.) must be alleged in an indictment for burglary.

Kidnapping. Exod. xxi. 16.

This form of stealing, perhaps, arose from the slave trade, like kidnapping, to supply the American plantations with servants. 43 Eliz. c. 13 was due to the capture of many subjects in the northern border counties. East (I, 430) in 1800 expressly wishes the offence was capital in place of many others.

Debtors. Deut. xv. 1–18.

In this country it clearly corresponds to (i) the Statute of Limitations; (ii) as ver. 12 clearly shows, Imprisonment for Debt. This used to be met by periodical Insolvent Debtors' Acts which cleared the prisons. Cf. a discharge in bankruptcy to-day, which is, in effect, a starting fresh after a time.

Pledges. Deut. xxiv. 6, 10–13.

This rather recalls the law of distress than that of pawnbrokers. Both are part of the law of debt, and the finances of the proletariate have always been the subject of legislation.

Notice that some chattels are not negotiable, so to say, as in a distraint implements of trade and wearing apparel are exempt—exactly as in Exod. xxii. 26: so here, the latter can only be taken for a day.

Ver. 10 looks like the doctrine "a man's house is his castle"—to prevent inquisition.

Vers. 12–15 clearly contemplate a day labourer—even now a class paid daily. The spirit of these verses is that of the Truck Act, 1831.

Crimes of Violence. Assault, Murder, Manslaughter.

Assault. The *lex talionis* is now admitted to be a mitigation of an earlier system. It means "do not take more than one eye for one eye," and as to life, no blood-feuds. There seems to be no instance (except Adoni-bezek, Judges i. 6–7, and that not judicial) of its literal application—except for murder. Probably it was early commuted to a pecuniary tariff. This is perfectly clear from the context, Exod. xxi. 18–19, 20–1, 26–7.

The right to moderate "correction" or chastisement of servant or apprentice exists in English law.

Murder and Manslaughter. Exod. xxi. 12. The law is in some respects like ours—with regard to the evidence of motive, the weapon used, the punishment, and Coroner's inquisition (Deut. xxi. 1). Circumstantial evidence seems to have been admitted, if there was corroboration.

As to motive, see Exod. xxi. 13–14; Num. xxxv. 20–1; Deut. xix. 4–11. As to weapon, see Exod. xxi. 20; Num. xxxv. 16–18. As to the inquest, note the local responsibility (Deut. xxi. 2).

The law, too, as to justifiable homicide (Exod. xxii. 2–3) seems to be on our principle, when a man is slain in committing a felony.

Note, too, the touch, Exod. xxi. 21, "if he continue a day or two." So v. 19, "if he rise again and walk abroad." The interval makes all the difference: in our common law it is a year and a day.

Substantially there is our distinction between murder and manslaughter—a natural distinction. The "avenger of blood" (Deut. xix. 6) or "revenger" (Num. xxxv. 19) is clearly the earliest *private prosecutor*, no doubt earlier than the State. From the *vendetta*, in primitive times as now, there is only one way of escape—flight, and the farther the better—"the way is long" (Deut. xix. 6)—if possible, out of the jurisdiction, or out of the territory, as Jeroboam fled to Egypt (1 Kings xi. 40). Then after a time comes the demand for surrender or extradition, by the prosecutor,

literally, the follower-up. There is a judicial enquiry (Num. xxxv. 24), just as now, whether the offence is extraditable, which only murder is. If it is, the punishment is certain death, for by vers. 12–13 there is no commutation, and the avenger is entitled to the culprit (Num. xxxv. 19). But, on the other hand (Num. xxxv. 25), if they find manslaughter, there is still punishment—banishment in the place of refuge for an indefinite period—quite a definite punishment, for if he breaks bounds, the right of the revenger reverts. If he serves his sentence the prosecutor's right is gone, his blood has had time to cool, whereas at first his "heart" was "hot" (Deut. xix. 6)—the exact distinction of our law—and to kill him would be murder. Note that the doctrine of *sanctuary* is ecclesiastical not Hebrew: Exod. xxi. 14, the murderer is to be taken even from the altar—and to execution.

Negligence.

In the case of a bailee this ground for damages has been clearly recognised. The same principle is seen in Exod. xxi. 33—a case common in our courts which administer this very law. Note a real juridical touch in the property of the dead beast passing to the defendant who has paid damages for it. The principle of negligence is recognised both civilly and criminally (ibid., 28–36) in the instance of—

Dangerous animals. Criminally, just as our law regards the letting loose *wilfully* a vicious animal as murder, if it kills; so here death is decreed.

Civilly, not only are damages allowed, but the doctrine of the "one bite," notorious in the case of the English dog, is implied in the distinction between the known and unknown propensities of the animal.

Perjury. The Decalogue; Exod. xxiii. 1; Deut. xix. 16–20.

Law Mag. and Rev., as above: "The perjurer was to undergo the punishment which he sought to bring upon

his innocent neighbour by his perjury. This is a much more rational rule than that of the English law, under which murder by perjury—the worst kind of murder—is only punishable by . . . penal servitude."

Now, it happens that on this point—where false witnesses have sworn away the life of an innocent man—there was, in a case where men had been executed for robbery, a great legal discussion whether this amounted to murder, and the gang of miscreants were actually indicted for murder. But the prosecution on that charge was dropped and the point was never settled. I have no doubt that in Hebrew law this form of the *lex talionis* applied directly, partly because it is repeated in this passage (Deut. xix. 21) and partly because in Exod. xxiii—where, as we have seen, the administration of justice is dealt with, ver. 7 is " keep thee far from a false matter: and the innocent and righteous slay thou not."

Maintenance. Exod. xxiii. 2 may refer to testimony or to unwarrantable interference with the course of litigation. The next verse clearly refers to the latter, which is punishable by English law. So, too, Lev. xix. 15, " thou shalt not respect the person of the poor." I am not aware of any other system which formally discourages partiality even from charitable motives—the tendency is generally in favour of another class. This clearly means when the cause is unjust. It is no offence in English law to maintain a poor suitor in an honest claim, nor is it against the spirit of Hebrew legislation, but quite the reverse.

Poor Law. Deut. xiv. 28–9.

I suppose this is the first poor law. Tithe is one of the few institutions taken direct from Hebrew civilisation.

Real Property.

It has been said that the Hebrew land-system was that of " peasant proprietorship " (*Law. Mag. and Rev.* above).

Encyc. Biblica (" Law and Justice ") says that no *ger* could

hold land, owing to the operation of the year of jubilee, and cites Mic. ii. 5; Is. xxii. 16, and Ezek. xlvii. 22, "where the permission to do so is brought in as an innovation." But except the last, these passages seem to me to have little to do with the matter. He could certainly hold Hebrew slaves till the jubilee (Lev. xxv. 47). At any rate till 1870 (Naturalisation Act) an alien could not own or lease land in this country.

There is a Statute of Distributions (Num. xxvii. 7–11). The doctrine of next-of-kin is naturally recognised.

Sanitary Legislation.

Lev. xiv. 34–48 deals with insanitary dwellings: the Local Authority is the *priest*, who may order disinfection. A quite recent writer in the *Law Mag. and Rev.*, Nov. 1907, on "the Law of Moses" says: "a century since it was badly wanted in England." There is abundance of it now.

Weights and Measures.

Lev. xix. 35–6; with this 41–2 Vict. c. xlix, s. 25—Weights and Measures Act—coincides verbally to some extent.

Damages.

Various instances are Exod. xxi. 22, 30, 36, xxii. 1; Lev. vi. 5. 2 Sam. xii. 6, David gives judgment of death and of four lambs for one. Note especially Exod. xxi. 22—the judges fix the amount.

Procedure.

There was certainly a regular system, becoming more definite with time. It was based on the still prevalent system in the East of a rank of local notables—cf. our borough and county J.P.'s—but how appointed we do not know: in history they are called "elders." Two distinct accounts (Exod. xviii. 13–14 and Deut. i. 13–17) trace this system to one dictator or reformer—Moses: both profess distinct

juridical practice. Originally one judge sits "alone" (Exod. xviii. 14) like the Chancellor used to in England. Then deputies are appointed, like the vice-chancellors, and there is an appeal to the chief judge (Exod. xviii. 22, so Deut. i. 17), or later, perhaps, to the Crown. Or ver. 22 may mean a distinction according to the magnitude of the litigation—like ours between County Court and High Court. The business of the Court is distributed, Exod. xviii. 21, 22—who are the rulers of 1000, 100, 50, 10? It cannot be a gamut of appeal courts—that wealth of litigation is reserved for us. I suppose the numbers are those of population, i.e. so many justices, so to say, to every ten householders. If so, we may compare it with our existing "hundreds"—"originally so called because each consisted of a hundred families of freeholders or ten tithings. Each hundred formerly had its Court" (Sweet, *Law Lex.*). Perhaps the inferior courts stated a case for the Supreme Court: Deut. xvii. 8–11 looks like it. There is an appeal to the king in person—the woman of Tekoah (2 Sam. xiv). So the judgment of Solomon (1 Kings iii. 16), who built himself a new court-house (1 Kings vii. 7). The sovereign power will get the judicial, if it can; hence, the sacerdotal party puts the priests before the judges (Deut. xvii. 8–9).

The "Book of Judges[1]" illustrates the connexion between political power and the judicial. Samuel "judged" Israel (1 Sam. vii. 15) and actually went "circuit" (ibid., 16, 17) and sat "in all those places." So later, at the Restoration, Ezra re-organizes the judiciary (Ezra vii. 25). Otherwise, we know of no special officials: the *Shoterim* do not seem to have been specially legal, nor the "recorder" (2 Sam. xx. 24; 1 Chron. xviii. 14, 15), literally "remembrancer"—though belonging to the learned class and having a knowledge of precedents. In David's constitution (1 Chron. xxiii. 4) there were 6,000 officers and judges. These of

[1] The real translation of *Shofetim* is not *Judges* but Lat. *magistratus*. With Deborah cf. the famous Ann, Countess of Pembroke, &c., hereditary and acting Sheriff of Westmoreland (d. 1675). Hargrave on Co. Litt. 326 *a*.

course must have been distributed: and this is distinctly stated of Jehoshaphat (2 Chron. xix. 1, 5, 8–11). This is enjoined (Deut. xvi. 18): the elders in the gate are a permanent feature (Deut. xvii. 5), and (Deut. xxii. 15) they assess damages between husband and wife. The instance of Samuel, above, reads like modern. In Ezra's constitution (Ezra x. 14) elders and judges seem to be co-ordinate. Most instructive as to local tribunals is the story of Naboth (1 Kings xxi. 8), because the extortion is expressly to be committed in judicial form. The Crown commissions "the elders and . . . nobles" on the spot to try the issue. The tribunal may have been innocent.

The only known law of evidence is *Corroboration* (Num. xxxv. 30; Deut. xvii. 6, xix. 15), roughly our rule in perjury (and one or two other cases). The defendant sometimes gives evidence *on oath* (Exod. xxii. 11).

Arbitration is not unknown (Job ix. 33), "a daysman" and sureties are employed (Prov. vi. 1, xxii. 26).

There is a written deed of conveyance (Jer. xxxii. 9–10).

Punishment.

What punishment could they inflict? Ezra vii. 26 later enumerated: death, banishment, confiscation of goods, imprisonment. This was under the influence of foreign power and methods. Earlier: fines, either as compensation or penalty, flogging or death (Deut. xxv. 1–3, xxii. 18).

To sum up, in the words of a writer in the *Jewish Encyclopaedia* (Law, Civil): "After the period of the supremacy of ancient tribal customs, came the Torah, containing codes of law on various subjects. Here is the first law in the modern sense, a series of statutes and ordinances succinctly expressed and written down by the authority of a law giver. The Torah legislates for a stage of society higher than that of the nomad. It is intended for a people settled on the soil and devoted largely to agriculture. Herein will be found its limitations. It knows little of commerce or contract in the modern sense; its regulations

are comparatively primitive and are expressed in terse sentences and with little comment. The simplicity of the Biblical civil law is best illustrated by the fact that it is all contained in fifteen chapters of the Bible, and in some of these chapters occupies the space of only a few verses. The bulk of the civil law is found in two codes (Exod. xxi–xxiii and Deut. xxi–xxv) concerning slaves, land, inheritance, pledges, loans and interest, bailments, torts, marriage and divorce, and legal procedure. Exod. xviii and Deut. xvii treat of the constitution and jurisdiction of the courts: Lev. xxv and Deut. xv treat of the laws of the jubilee, of the sabbatical year, and of ransom; Lev. xix treats of the poor laws, and Num. xxvii and xxxvi of the laws of inheritance. This is substantially the entire Biblical civil law, which grew to enormous bulk in the Talmud."

"That these laws were intended for an agricultural people is obvious. The sale of land was not favoured. . . . Personal property other than that which is incident to the land, such as cattle, is hardly mentioned, and there are no regulations concerning its transfer except the general injunction to be just in weights and measures (Lev. xix. 35; Deut. xxv. 14, 15). Written contracts were unknown; all transactions were simple, and were easily made a matter of public record by being accompanied by the performance of some formal act in the presence of witnesses. Legal process was likewise simple; the judges spoke in the name of God [Exod. xxii. 28, 'Elohim' = A.V.'s 'Judges'], and it is not unlikely that the judgment of Solomon fairly represents the simple and direct method pursued by them in seeking to do justice. In doubtful cases the 'oath of the Lord' (Exod. xxii. 11) was administered to settle the matter."

Finally, I may cite Sir Robert Anderson, *Nineteenth Century* (Feb. 1908): ". . . the law of Sinai. Turning to that code, therefore, I seize upon two of its characteristic features. The one is the marked distinction it draws

between offences deliberately planned and offences due to sudden temptation or other accidental circumstances. That law had nothing but stern severity for deliberate lawbreakers, but in its treatment of the erring and the weak it was the most merciful code ever framed."

"And if effect were systematically given to that other feature of the code of the theocracy, and the interests and rights of the victims of crime were always remembered and enforced, the trade of the *professional* thief and professional receiver would be destroyed."

Those who are curious as to the direct borrowing of English law from Hebrew law may like to see the following passages:—

A.

Alfred. *D. N. B.* by E. A. F.—"What is specially characteristic of Aelfred's laws is their intensely religious character. The body of them, like other Christian Teutonic codes, is simply the old Teutonic law, with such changes—more strictly, perhaps, such additions—as the introduction of Christianity made needful. What is peculiar to Aelfred's code is the long scriptural introduction, beginning with the Ten Commandments. The Hebrew Law is here treated very much as an earlier Teutonic code might have been. The translation is far from being always literal; the language is often adapted to Teutonic institutions, while, on the other hand, some very inapplicable Hebrew phrases and usages are kept, and the immemorial Teutonic (or rather Aryan) institution of the *wergild* is said to be a merciful invention of Christian bishops."

Reference may also be made to an essay published since this article was in the printer's hands. It is on "King Alfred and Mosaic Law," by Prof. F. Liebermann. (See *Transactions of the Jewish Historical Society*, vol. VI, 1908, advance fascicule 2.)

B.

Maitland, *Mirror of Justices*, about 1300. "There is a curious trait of bibliolatry, a tendency to collect precedents out of the Old Testament and to find legal maxims in the ancient laws of the Hebrews, a tendency which the mediaeval Church very wisely repressed, for it leads to a justification of the judicial combat by the precedent of *David* v. *Goliath* and an acceptation of eye for eye and tooth for tooth."

The author (p. 109) actually says "proof in cases of felony and in other cases is made by combat," citing *David* v *Goliath.*

Plowden (1578) distinctly says that Christian kings have made their laws as near laws of God as they could, and therefore from Deut. xvii. 6 and xix. 15 there must be *two witnesses* at every trial.

HERMAN COHEN.

THE BLESSING בונה ירושלים IN THE LITURGY.

ACCORDING to the statement of R. Abun [1] the prayer for the rebuilding of Jerusalem occurs three times in the fixed portion of the Liturgy; in the Grace after Meals, in the Eighteen Benedictions, and in the Š'ma'. It is obvious that R. Abun was unacquainted with the fourth occasion on which this blessing was pronounced, namely after the reading of the Haftara, because this was of later institution. In the absence of any further information as to the wording of this constantly recurring benediction, we should naturally be entitled to assume that the wording was identical in all three cases, namely בונה ירושלים. In the case of the Grace after Meals, this is made clear by the Baraitha in *Berakh.*, 48 b [2], in which the third benediction is referred to by its concluding words, בונה ירושלים. This name was already current in 100 C. E., for R. Išmael [3], R. Eliezer and their contemporaries [4] in discussing the formula of the benedictions of the Grace after Meals quote this one as בונה ירושלים. We find the same ending prevalent in the time of the Amoraim [5]; and, with but few additions [6], it has the same form in the liturgy of to-day.

We also find the same ending in the Fourteenth Benediction of the 'Amidah. In *Toss. Berakh.*, III, 25, it is cited as ירושלים; in *Jer. Berakh.*, II, 5 a, l. 9 and in Midraš Psalm xxxi. 8 [7], Jelammdenu (Jalkut to 1 Samuel ii, section 80) [8] it is quoted as בונה ירושלים. In *Jer. Roš Hašana*, IV, 59 c, 21 and in the sentence of R. Abun which was mentioned above, also in Midraš Psalm xxix. 2, Midraš Samuel xxvi. 3, *Halakhôth Gedolôth* (ברכות, VI), on the other hand,

it is called בונה ירושלים (ו)אלהי דוד [9]. In this case it is true that the ending is the same, but we note the appearance of an additional phrase, the origin of which must undoubtedly have been due to some particular cause.

We may therefore be fairly safe in assuming that according to the formula of R. Abun, the end of the third benediction in the Evening service (which is the end of השכיבנו), must have been בונה ירושלים. It is true that our text of *Jer. Berakh.*, IV, 8 c, 10 (the statement of R. Abun) does not run thus, but פורש סוכת שלום עלינו ועל עמו ישראל ועל ירושלים, but R. Jesaia Trani [10] in quoting this passage gives the following wording for the concluding portions פורש סוכת שלום ומנחם ציון ובונה ירושלים. And Midraš Canticum iv. 4, § 6 in a parallel passage to the Jerusalem Talmud [11], gives בונה ירושלים as the ending of all three benedictions. The Gaon Sar-Šalom [12] of Sura and R. Amram [13], in the name of R. Natronai, knew and objected to the benediction in this form, which also occurs in a Geniza fragment of the Friday Evening service, recently published by Schechter [14]. All this seems to prove most convincingly that השכיבנו in the Evening service originally ended with בונה ירושלים.

On the other hand there is a tradition to the effect that the ending contained an allusion to peace. R. Levi [15] says that the word שלום forms the end of three benedictions; namely the conclusion of the Š'ma (הפורש סוכת שלום), the conclusion of the 'Amidah (עושה השלום), and the Priestly benediction וישם לך שלום. All parallel passages which without any doubt go back to one archetype, state clearly and definitely that the end of השכיבנו in the Evening service was הפורש סוכת שלום and that the last word was שלום. We are therefore bound either to overrule the opinion arrived at above, namely that the end of this prayer was בונה ירושלים, or else we must infer that the statements embody different uses or decisions of different schools in Palestine; for though we find בונה ירושלים combined with הפורש סוכת שלום, we never find שלום as the last word of the combination. It must also be borne in mind that all the

records which we have quoted show that those congregations, the liturgies of which are reproduced in the Palestinian Talmud and in the Midrašim of every description, were only acquainted with the ending הפורש, which they employed on week-days, festivals and Sabbaths, indifferently. It is nowhere hinted that the passage in *Jer. Berakh.*, IV, 8 c, 10, was intended for Friday evenings and the eves of festivals only, even though that referring to the Š'ma' in general cases has to be restricted to the Evening service only. But the 'Amidah in the same sentence is that of week-days, since this is the only one in which the ending אלהי דוד ובונה ירושלים can be found. In that case הפורש also must have been appropriated to week-days, as Landshuth and Baer have already stated, even though this contradicts the universal custom of concluding השכיבנו on week-days with the words שומר עמו ישראל לעד.

For the elucidation of this point, as also for the general questions connected with the sentence הפורש, it is important to notice Midraš Psalm vi. 1, in Buber's edition[16]. The reason is there given, why פורש is added on the eves of Sabbaths and festivals, and שומר on week-days in the Evening service as an additional benediction, in contradistinction to the Š'ma' in the morning. As Buber has already shown, *Jer. Berakh.*, I, 3 c, 6 is the foundation of this statement. In this passage R. Joshua b. Levi quotes Psalm cxix, verse 164[17], in order to explain the seven component parts of the Š'ma' and its blessings. This general statement is developed in the Midraš, but not, as one would expect, in consonance with the above-mentioned Palestinian usage (according to which the regular concluding formula for every day in the year, without exception, was הפורש), but curiously enough פורש is the ending for Sabbaths and festivals, and שומר for ordinary week-days. We will show later on that this was the Babylonian usage and it is therefore highly probable that the passage quoted from the Midraš originated from some place following the Babylonian ritual. This passage, however, shows unmistakable signs

of Palestinian influence. In Palestine the portion ויאמר was not read in the evening Š'ma' ; this is perfectly clear, not only from the statement of R. Zidkiya b. Abraham [18], but also from the much older remark in the *Halakhôth Gedolôth* [19]. Moreover, the passage in the Midraš says that this was the universal custom, and no particular place is mentioned. Is it perhaps possible that שומר was the concluding formula in Palestine also?

The oldest edition of the Midraš on the Psalms, several MSS., Jalkut Makhiri on Psalms vi. 3, and Abudraham, in quoting the passage (as already stated by Buber), simply contain the words מוסיף פורש סוכת שלום and say nothing about the ending שומר. Accordingly, the original wording of the Midraš (as Buber has also remarked) seems to have agreed with the Jerusalem Talmud and all the Midrašic literature, as regards the universal prevalence of the form הפורש. The passage was altered by later scribes in conformity with the usages of their particular countries. They simply added בשבת ויום טוב, ובחול שומר עמו ישראל [20], to the sentence. In support of this theory it should be noticed that in the Midraš the variation for Sabbaths and festivals is mentioned first, and the rubric for week-days later. As far as our information reaches, שומר seems to have been unknown in Palestine.

Among the Geonim Sar-Šalom makes the following statement about this ending of השכיבנו [21]. He says, "you ask whether שומר is to be said on the evenings of Sabbaths and festivals? This is not the custom in our Academy, but פורס is substituted, and Kaddiš is recited immediately afterwards. But in other Synagogues and Congregations they say שומר, and afterwards ושמרו, which concludes this portion of the benedictions; ברוך לעולם, however, is said neither in the other Academy nor in the whole of Babylon." We see from this statement that in the majority of the Babylonian Synagogues and Congregations השכיבנו terminated with שומר on week-days, Sabbaths, and festivals alike. It was only in the school called בית רבינו, and

in the school which was authoritative for the Gaon of Sura that פורס was said on Sabbaths and festivals. The questioner, who in my opinion knew only שומר as the end of the benediction, is assured by the Gaon that the schools of Babylon must follow the ruling of בית רבינו. He does not apparently wish to force his own use upon the questioner, he does not even go so far as to recommend it, for this usage seems to have been an exception. Other evidence also seems to point to the fact that פורס was unknown in Sura. R. Natronai, who, as we have seen (notes 12 and 13), opposed the old concluding formula of השכיבנו, recommends פורס for festivals. So also does R. Sar-Šalom; in this respect they only followed בית רבינו.

Thus we are brought face to face with two different usages in Babylon on Sabbaths and festivals, a fact which we see prevalent in Palestine also—בונה ירושלים, and פורס during the whole year. It is of special interest to note that only the two Academies which were authoritative for Sura observed the Palestinian usage, even though it be only to a partial extent. It is another indication of the approximation of the schools of Sura to those of Palestine, a tendency which can be clearly seen in other liturgical questions.

As a parallel to the two different conclusions of השכיבנו in Palestine, we may notice a similar phenomenon in the blessing of the Grace after Meals which ends with בונה ירושלים. In a Baraitha in Talmud *Berakh.*, 49 a [12], we read "how does the blessing בונה ירושלים end? R. Josê b. R. Judah says, With מושיע ישראל. But does not Rabbi teach in another Baraitha that one must not conclude with two statements? How was the question decided? R. Šešeth says, He who begins the prayer with the words רחם על עמך ישראל should end with the words מושיע ישראל; but he who begins with רחם על ירושלים should end with בונה ירושלים. R. Naḥman says, Even though a man began with רחם על ישראל, he should nevertheless end with בונה ירושלים." As has just been shown, the concluding words בונה ירושלים

were fixed long before. Therefore R. Josê b. R. Judah (according to other authorities mentioned by Rabbinowicz, R. Josê or R. Joshua) must have had a special reason for altering the wording. He seems to have proposed the words מושיע ישראל instead of and not together with בונה ירושלים. The decision of the Babylonian Amoraim which approves one formula for certain occasions and the second for others supports this [23]. The difference between the two endings is this; בונה ירושלים lays stress on the rebuilding of Jerusalem as a central point of the redemption, while מושיע ישראל singles out the national liberation of Israel. In accordance with this the prayer itself was given a different form because רחם על ישראל was introduced instead of Jerusalem, which seems to have constituted the chief object of the prayer, as we see from the corresponding clause, ולירושלים. This form of the prayer must have obtained some support, for R. Abba in *Berakh.*, 49 a says [24], "He who ends with the words מושיע ישראל is an ignorant man," and Rabh himself says [25], "that whoever does not insert the prayer for the restoration of the Davidic Monarchy in this sentence of the Grace after Meals has not acquitted himself of his obligation." He thus supported the statement of R. Eliezer [26], and it is probable that he as well as R. Eliezer had particular reasons for emphasizing the Davidic Monarchy.

In Post-Talmudic tradition we find מנחם ציון in the Grace after Meals, in addition to בונה ירושלים. R. Eliezer b. Joël Hallevi [27], and R. Jacob b. Judah of London [28], quote the form ברוך אתה יי מנחם ציון ובונה ירושלים. We also find the formula combined out of the two sentences so as to read המנחם ציון בבנין ירושלים in *Jalkut*, II, 184 where *Jer. Berakh.*, IV, 8 c, 10 is quoted [29] (see above). A comparison with the ending בונה ירושלים in the Eighteen Benedictions shows that in Palestine, already in the time of the Amoraim, אלהי דוד ובונה ירושלים (see above) existed in a more developed form, in accordance with R. Eliezer, who maintained that a reference to the Davidic Monarchy was to be included in

the parallel blessing of Grace after Meals. In this connexion it is especially important to note that the version of the Eighteen Benedictions [30] which was most probably current in Palestine, agrees entirely with the third passage of the Grace after Meals in respect of the rebuilding of Jerusalem. We may therefore assume that there were two forms also of בונה ירושלים in השכיבנו ; namely, one old ending which mentioned Jerusalem only, and a second, which added a reference either to the general redemption of Israel, מושיע ישראל, or to the Kingdom of Zion or David. In fact as we have seen (p. 799), R. Jesaia Trani quotes *Jer. Berakh.*, IV, 8c, 10 with the wording: בקריאת שמע פורס סוכת שלום ומנחם ציון ובונה ירושלים. This was the form which the benediction assumed in actual practice as we can clearly see from the Responsa of Sar-Šalom and Natronai (notes 12, 13), and from the fragment of a prayer-book [31].

The second blessing after the Haftara also points to a similar development; this blessing, in consequence of its ending בונה ירושלים, also belongs to the category which we are considering. In the Siddur of R. Amram [32], it ends with the words בונה ירושלים, so also in that of Maimuni [33]. On the other hand in *Soferim*, XIII, 12, it runs thus מנחם ציון בבניה [34]. It can be taken as certain that בונה ירושלים was the original, while the latter is the product of the same period and school which introduced the words מנחם ציון into the Grace after Meals, Evening service, and Eighteen Benedictions. The only difference is that in this case the two blessings are not parallel, but that one is a substitute for the other. Here, as in the Eighteen Benedictions there is a separate blessing for the Davidic Monarchy.

It is extremely curious that the ending בונה ירושלים in השכיבנו, which we have seen to be the old ending, is quite unsuitable to the prayer. For this prayer is cited already in *Talmud Berakh.*, 4 b, by its initial word השכיבנו, and in *Berakh.*, I, 4, it is the second of the two prescribed benedictions in the Š'ma'. It is a prayer for peaceful

repose at night and for a safe awakening on the morrow. Its keyword was apparently שלום probably based on בשלום יחדיו אשכבה ואישן (Ps. iv. 9). This implies that the clause praying for good counsel and help cannot have formed part of the original prayer either. Similarly such phrases as the prayer for protection against Satan, famine, and trouble seem rather out of place in this connexion which presupposes the completion for the work of the day when man is seeking repose. This is in spite of Ps. xci. 5[35], where the terrors of the night and the pestilence, but no other plagues are mentioned. What connexion can the words, "Guard our coming out and going in" have in the case of one who is going to sleep[36]? For these reasons it seems not altogether improbable that the prayer in its original setting contained merely these words השכיבנו יי אלהינו לשלום והעמידנו מלכנו לחיים ופרוש עלינו סוכת שלומך ברוך אתה יי הפורש סוכת שלום עלינו. A similarly abbreviated form is preserved in the curious Geniza fragment published by I. Lévi[37], and also in the Persian Rite described by Elkan Adler[38]. It should be noticed that the "spreading out of the canopy of peace" in the one version corresponds to the "keeping far the terrors of the night" in the other. Both refer to protection against Demons[39]. This scope of the prayer is quite natural. According to the opinion of R. Joshua b. Levi[40], every one ought to recite the Š'ma' upon his couch, even though he has already said it in Synagogue. The reason for this is given by R. Joseph[41], namely in order to repel evil spirits. It is therefore quite natural that private devotions at home conclude with the benediction, "May God spread the protecting canopy of peace over us."

But in the Synagogue, on the other hand, where the congregation frequently read the Š'ma' and the benedictions belonging to it before nightfall, the above ending would scarcely have been suitable. In the united prayers of the whole congregation the common weal of all Israel should form the substance of the last prayer; and as the preceding

benediction closed with the redemption of Israel, a reference to the rebuilding of Jerusalem was added as being appropriate[42]. This formed the concluding portion as in the Grace after Meals. Therefore, in both cases, as also in the Geniza fragments, quoted above, which end מנחם ציון ובונה ירושלים, the individual pronounces Amen at the conclusion of this prayer, as is done in the case of the Morning Š'ma', after the blessing of the Redemption[43]. In the cases where הפורש was also retained for the communal prayer, this benediction was understood as the protection of the nation of Israel, and על עמו ישראל was added[44]; in addition to this על ירושלים was, however, added by others as well[45]. There were some again who united the original short formula הפורש סוכת שלום with that of the communal prayer. Thus arose פורש סוכת שלום ומנחם ציון ובונה ירושלים[46], the form which is quoted by the teachers in the name of the Jerusalem Talmud, and which occurs in the Geniza fragments[47]. Since the Geonim of Sura in the ninth century opposed this composite ending, it would have originated not long before their time. However, it must have developed and been combined in Palestine, since it is repudiated by the whole of Babylon except Sura, and opposed by the teachers of Sura. It is in accordance with the Palestinian origin that the form is known to the Italian R. Jesaia Trani, and is also found in Geniza fragments.

In Babylon the simpler form שומר עמו ישראל[48], was substituted for הפורש, as the metaphor was to many unintelligible there. Is was similarly used both on week-days and festivals indifferently as the concluding word of השכיבנו. This seems to have been the general custom in Babylon (see p. 801). Elsewhere it is known but to very few communities. Although Abraham Jarḥi describes it as Spanish[49], it is quoted as characteristic only of Seville and Toledo in particular. In these towns, according to Abudraham, שומר was said both on Sabbaths and festivals[50]. In Sura, as we have seen, הפורש was the commonly ac-

cepted use, in spite of the general custom to the contrary. This became the general form of the prayer, and under its influence Midraš Psalm vi. 1, which originally only knew of הפורש, was remodelled.

NOTES

[1] *Jer. Berakh.*, IV, 8 c, line 10:—אמר רבי אבון בנוי לתלפיות תל שכל הפיות מתפללין עליו בברכה בקרית שמע ובתפלה. בברכה בונה ירושלים, בתפלה אלהי דוד ובונה ירושלים, בקרית שמע פורש סוכת שלום עלינו ועל עמו ישראל ועל ירושלים.

[2] תנו רבנן סדר ברכת המזון כך היא: ברכה ראשונה ברכת הזן, ברכה שניה ברכת הארץ, שלישית בונה ירושלים, רביעית הטוב והמטיב. ובשבת מתחיל בנחמה ומסיים בנחמה ואומר קדושת היום באמצע. רבי אליעזר אומר רצה לאומרה בנחמה אומרה, בברכת הארץ אומרה, בברכה שחקנו חכמים ביבנה אומרה. וחכמים אומרים אינו אומרה אלא בנחמה בלבר. (For the wording cf. Rabbinowicz, p. 128 b.) Notice that the clause about the rebuilding of Jerusalem is here called נחמה. Cf. Raši: בין ירושלים קרי נחמה כל היכי דמתחיל בין רחם בין נחמנ.

[3] *Jer. Berakh.*, VII, 11 a, 52 (Baraitha):—רבי ישמעאל אומר . . . ואכלת ושבעת וברכת זו ברכת הזימון, את יי אלהיך זו הזן את הכל, על הארץ זו ברכת הארץ, הטובה זו . . . ברכת בונה ירושלים, *Berakh.*, 48 b. It is true that *Mekhilta*, 19 a, *Toss. Berakh.*, VII, 1, has ירושלים only, and not בונה ירושלים. Cf. Friedmann, in loc.

[4] *Berakh.*, 48 b:—תניא רבי אליעזר אומר כל שלא אמר ארץ חמדה טובה ורחבה בברכת הארץ ומלכות בית דוד בבונה ירושלים לא יצא ידי חובתו. נחום הזקן אומר צריך שיזכור בה ברית. Cf. also the statement of R. Judah b. Bethera further on, and note Rabbinowicz. See also *Berakh.*, 16 a.

[5] *Berakh.*, 45 b, 48 b, 49 a; *Sabb.*, 24 a; *Jer. Berakh.*, I, 3 d, 73.

[6] Cf. L. Ginzberg in Nöldeke's *Orientalische Studien*, p. 624.

[7] ברוך מחה המתים . . . גואל ישראל . . . ברוך בונה ירושלים.

[8] Cf. לקח טוב on Deut. iii. 23; Buber, 6 a.

[9] See Elbogen in *Monatsschrift*, XLVI, 1902, 349 sqq.; cf. also R. Samuel b. Ḥofni in Harkavy's זכרון לראשונים, III, 34, note 89: שערים דרבי שמואל בן חפני כ"ץ, בסדר ברכות אומר בברכת ירושלים ברוך אתה יי בונה ירושלים. פירוש בי"ח ברכות. ופליגי ברוך אתה יי אלהי דוד בונה ירושלים. ולא פליגי. מי שאמר אלקי דוד בונה ירושלים אין צריך לומר את צמח דוד, ומי שמסיים בונה ירושלים צריך לומר את צמח דוד. עד כאן לשונו.

[10] ספר המכריע, end of חדושי תעניה on p. 13 a, ed. Livorno, p. 77 b, foot:—והכי גרסינן נמי בפרק תפלת השחר בירושלמי, בנוי לתלפיות תל שהכל פונים לו, תל שכל הפיות מתפללים עליו בברכה וקרית שמע ובתפלה. בברכה בונה ירושלים, בקרית שמע פורס סוכת שלום ומנחם ציון ובונה ירושלים, בתפלה אלהי דוד ובונה ירושלים. Cf. Ratner, אהבת ציון וירושלים, I, 113.

[11] בקריאת שמע הוא אומר בונה ירושלים, בתפלה הוא אומר בונה ירושלים בברכת המזון הוא אומר בונה ירושלים. See the exhaustive discussion of the question by I. Lévi (*Revue des Études Juives*, LIII, 1907, 232 ff.); *Jalkut*, II, 184, has: בקריאת שמע פורס סוכת שלום וגו'. This seems to me to indicate the process by which the present reading of the Jerus. Talmud arose. Originally the

text simply had פורש סוכת שלום and perhaps וגומר (see *infra*), in order to refer to the usual continuation of the prayer well known to all. But the copyists added the formula current in their own localities.

[12] Abraham Jarḥi in המנהיג, 23 b, § 3:—ואין לחתום ברוך אתה ׳׳ פורס סוכת שלום עלינו ועל עמו ישראל מנחם ציון ובניה ובונה ירושלים לפי שאין חותמין בשתים.

[13] *Siddur*, p. 43 a, שבועות:—כך אמר רב נטרונאי גאון ז״ל בלילי ימים טובים שחותמין ברוך אתה ׳׳ פורס סוכת שלום עלינו ועל עמו ישראל מנחם ציון ובונה ירושלים, אסור לחתום כך . . . .

[14] *J. Q. R.*, X, 654:—עלינו סוכת שלומך ברוך אתה ׳׳ הפורש סוכת שלום עלינו ועל עמו ישראל ובונה ירושלים אמן.

[15] *Lev. Rabba*, 9, 9 (end):—רבי מני דשאב ורבי יהושע דסכנין בשם רבי לוי גדול שלום שכל הברכות ושובות ונחמות שהקדוש ברוך הוא מביאן על ישראל חותמין בשלום. בקריאת שמע פורס סוכת שלום, בתפלה עושה שלום, בברכת כהנים וישם לך שלום: The statement is more carefully preserved in *Deut. Rab.* 5 (end):—אמר רבי לוי חביב הוא השלום שכל חותמיהם של ברכות אינן אלא בשלום, קריאת שמע חותמת בשלום פורס סוכת שלום, התפלה חותמת בשלום, ברכת כהנים חותמת בשלום וישם לך שלום. So also *Derekh Ereç Zuta*, XI (end); cf. also *Tanhuma* on קורח, § 1:—שמע ישראל: קריאת שמע וחותמין בשלום הפורס סוכת שלום: *Numbers Rabba*, xxi. 1: חותמין פורס סוכת שלום על עמו.

[16] שבע ביום הללתיך, אמר רבי יהושע בן לוי, אלו שבע מצות שבקריאת שמע, יוצר ואהבה רבה שמע והיה אם שמוע ויאמר אמת ויציב וגאל ישראל. ולפי שאין מצות ציצית בערבית מוסיפין פורס סוכת שלום בשבת ויום טוב ובחול שומר עמו ישראל:

[17] רבי יוסי ברבי אבין בשם רבי יהושע בן לוי על שם שבע ביום הללתיך על משפטי צדקך.

[18] שבלי הלקט, p. 21 a, § 51:—ובני מערבא לא אמרי פרשת ציצית בלילה אלא אומרין דבר אל בני ישראל ואמרת אליהם אני ׳׳ אלהיכם אמת. See רש״בא on *Berakh.*, I, end, and Responsa, No. 51.

[19] On *Berakh.*, 14 b:—כי אתא רב שמואל בר יהודה אמר אמרי במערבא ערבית דבר אל בני ישראל ואמרת אליהם אני ׳׳ אלהיכם אמת: we read in *Halakhôth Gedolôth*, ed. Hildesheimer, p. 23, line 16:—ועד השתא כמה מדינות בארץ ישראל הכין נהיגין למימר באורתא וקא סברי שמע והיה אם שמוע נהיגין ביום ובלילה ויאמר אינו נוהג אלא ביום: See Zunz, *Ritus*, p. 83.

[20] This is the reading of the MS. adopted by Buber as the basis of his edition; so also Zidkiya in שבלי הלקט, § 51. The most significant reading is that of R. Eliezer b. Joël ha-Levi (ראב״יה on ברכות, § 33, p. 3 b): לפיכך מוסיף שומר עמו ישראל. Here we see that שומר alone is the concluding formula, in accordance with general Babylonian use. But this is cited as a passage from *Jer. Berakh.*, I, with the addition: אמר רבי לוי הרא תאמר בחול אבל בשבתות וימים טובים אומר פורס סוכת שלום. The origin of this is a matter of conjecture; for Raši (פרש, 58 c) does not seem to have known it. But it is known both to R. Eliezer of Worms (רוקח, No. 49) and to the Italian R. Zidkiya. The fact that Abudraham and Jacob Ašeri (טור אורח חיים, 267) were acquainted with a similar passage in the Jerus. Talmud is no proof that it existed among the Spanish scholars, for R. Solomon b. Adrat, in quoting the entire passage from the Talmud, omits this clause (end of I, חדושי ברכות):—ובמדרש תלים מצאתי במזמור שניין לדוד . . . ולפי שאין מצות ציצית ערבית מוסיף פורש סוכת שלום: So also Jalkut

Simeoni (on Ps. cxix. 92, § 478) and Jalkut Makhiri; neither of these authorities know any additions to the usual form, they deduce all other developments from Midraš Ps. vi. 1. It therefore seems that it is some Italian school which is responsible for the spreading of the above-mentioned statement of R. Levi. The Midraš must have reached the German schools from this source.

[21] Siddur of R. Amram, p. 25 a, *Maḥzor Vitry*, 81, פרדס, 55 d:—והכי אמר שר שלום גאון בלילי שבתות ובלילי ימים טובים במעריב למימר (אומר V. P.) שומר עמו ישראל לעד (בישיבה V. P.) ובבית רבינו אין מנהג אלא תחת שומר עמו ישראל חותמין פורס סוכת שלום עלינו ועל עדת עמו (ועל עמו P.; ועל כל עמו V.) ישראל ועל ירושלים: ואין אומר אחריה כל עיקר אלא קדישא לאלתר ובשאר כנסיות ובשאר מקומות אומר שומר עמו ישראל לעד ואומר ושמרו בני ישראל וחותמין, אבל ברוך ״ לעולם אין אומרים לא בישיבה אהרת ולא בבבל כלה. In Aaron ha-Kohen's אורחות חיים, 61 c, § 2, about Friday evening:—וברכת השכיבנו חותמין ופרוס סוכת שלומך ואם חתם שומר עמו ישראל לעד אין מהוירין אותו דהכי אמר רב שלום גאון דבישיבה לא היו משנין לא בשבת ולא ביום טוב אך בבית הרב היו משנין ונותן טעם לדבריו: In שבלי הלקט, p. 25 b, § 65, the entire Responsum runs somewhat differently:—אמר רב שר שלום גאון וצ״ל בלילי שבתות ובלילי ימים טובים בערבית אין מנהג בישיבה ובבית רבינו שבבבל לומר שומר עמו ישראל לעד אלא חותמין פורש סוכת שלום ואנו דבגולה נקטינן כמנהג רבינו לפרוש על השלום משל למלך . . . The words . . . ואנו occur also in פרדס, 55 d, as a continuation of the Responsum, quoted first. Cf. also the Responsum in Mueller's תשובות גאוני מזרח ומערב, No. 120, which is identical with that of R. Natronai in פרדס, 55 d and שבלי הלקט, p. 25 b, § 65. Cf. ספר העתים, p. 173.

[22] *Berakh.*, 49 a:—תנו רבנן מהו חותם בבונה ירושלים· רבי יוסי ברבי יהודה אומר: מושיע ישראל . . . . תניא רבי אומר אין חותמין בשתים . מאי הוי עלה . אמר רב ששת פתח ברחם על עמך ישראל חותם במושיע ישראל . פתח ברחם על ירושלים חותם בבונה ירושלים . ורב נחמן אמר אפילו פתח ברחם על ישראל חותם בבונה ירושלים:

[23] This was also the sense in which it was interpreted by the questioner in the Talmud, who remarked: בונה ירושלים לא, מושיע ישראל אין. Of course the answer to this—לא אלא אימא אף מושיע ישראל:—could be taken to imply that R. Josê desired to retain both forms side by side, but see Raši's explanation—אלא אימא אף מושיע, אם בא לחתום מושיע ישראל ולא חתם בונה ירושלים יצא שתשועת ישראל היא בין ירושלים:. Raši means that . . . אף does not represent an addition, but merely a possible alternative. The ב in מהו חותם בבונה ירושלים could be adduced in support of the theory that R. Josê required both forms together; so, too, in the remark of R. Abba (*Berakh.*, 49 a): וכל החותם מנחיל ארצות בברכת הארץ ומושיע את ישראל בבונה ירושלים הרי זה בור:, the presence of ב seems to point to an addition in the prevalent ending of the prayer. But, in reality, בונה ירושלים in both cases refers to the whole prayer and not merely to the conclusion. Rabba b. R. Huna was the only one to use both endings, to the disapproval of R. Ḥisda. Nothing definite can be deduced as to R. Josê's opinion.

[24] See wording in footnote 23. R. Abba is the name of Rabh, as is well known. It is possible that since both he and R. Josê b. R. Judah, a much older contemporary, frequented the company of the Patri-

arch R. Judah, that this was the source whence Rabh learnt this greatly criticized concluding formula. But he could scarcely have dared to denounce an adherent as a בור, in Palestine. His strictures must be assigned to his Babylonian period, when he formulated the text of the prayers and found some individual who represented and propagated R. José's views.

[25] *Berakh.*, 49 a, *Jer.*, I, 3 d, 73:—אמר רב אילעא אמר רב יעקב בר אחא משום רבינו כל שלא אמר בריתּ ותורה בברכת הארץ ומלכות בית דוד בבונה ירושלים לא יצא ידי חובתו:

[26] *Berakh.*, 48 b (Baraitha, at foot):—תניא רבי אליעזר אומר כל שלא אמר ארץ חמדה טובה בברכת הארץ ומלכות בית דוד בבונה ירושלים לא יצא ידי חובתו.

[27] ראבי"ה on ברכות, p. 32 c. Cf. *Jer. Berakh.*, I, 3 d, 72.

[28] Steinschneider's *Festschrift*, Hebrew part, 189, 191.

[29] Alfassi, on *Berakh.*, 49 a; R. Nissim, on the additions for Sabbath: see also Ašeri, on *Berakh.*, 48 b, No. 22, and שבלי הלקט, § 94, p. 34 a, by R. Jesaia.

[30] *J. Q. R.*, X, 657:—רחם יי אלהינו ברחמיך על ישראל עמך ועל ירושלים עירך ועל ציון משכן כבודך ועל היכלך ועל מעונך ועל מלכות בית דוד משיח צדקך ברוך אתה יי אלהי דוד בונה ירושלים: So, too, a Geniza fragment in the *Revue des Études Juives*, LIII, 1907, 238, 4, though the end is wanting there. So also Saadyah (Landshuth, עמודי העבודה, p. 287), and, later, the Persian rite described by Adler, *J. Q. R.*, X, 610, but this contains the ending בונה את ירושלים. Samuel b. Jaḥya al-Magghrebi (c. 1200) quotes from the 'Amida, השיבה שופטינו כבראשונה ויועצינו כבתחלה ובנה ירושלים עיר קדשך בימינו ונהמנו בבנינה ברוך אתה יי בונה ירושלים. See Schreiner, *Monatsschrift*, 1898, XLII, 173, note 3. Schreiner rightly points out that this passage is quoted from memory, because Samuel was previously a Jew. Unless he confused the 'Amidah with Grace after Meals, he must have known this text for the Fourteenth Benediction.

[31] Published by I. Lévi, *Revue des Études Juives*, 1907, LIII, 235:—נשכבה בשלום ונקיצה בשלום ופחד בלילות אל ימשל בנו ברוך אתה יי הפורס סוכת שלום עלינו ועל עמו ישראל מנחם ציון ובונה ירושלים אמן:

[32] P. 29 b:—רחם על ציון כי היא בית חיינו ולעגומת נפש תנקום נקם מהרה בימינו ברוך אתה יי בונה ירושלים:

[33] ולעגומת נפש תושיע מהרה בימינו והבנה מהרה ברוך אתה יי בונה ירושלים:

[34] The editions, Abraham b. David and Maimuni (הלכות תפלה, XII, 15) have משמח ציון. See Mueller's Commentary, p. 184.

[35] לא תירא מפחד לילה מחץ יעוף יומם מדבר באפל יהלך.

[36] Existed already in the times of the Geonim: שערי תשובה, 349:—ושאלתם בלילי יום טוב אם אומרים ושמור צאתנו ובאנו.

[37] *Revue des Études Juives*, 1907, LIII, 235:—נשכבה בשלום ונקיצה בשלום ופחד בלילות אל ימשל בנו ברוך אתה יי הפורס סוכת שלום עלינו ועל עמו ישראל מנחם ציון ובונה ירושלים אמן.

[38] *J. Q. R.*, X, 605 (for Sabbath):—השכיבנו יי אלהינו לשלום והעמידנו מלכנו לחיים ולשלום ופרוס עלינו סכת שלום כדבר שנאמר וישב עמי בנוה שלום ונומר ברוך הפורס סוכת שלום עלינו על ישראל עמו ועל ירושלים עיר הקודש: The form was longer on week-days (p. 609). Cf. קובץ תשובות הרמ"בם, 52 d.

[39] I can find no other trace of the metaphor of the "Canopy of peace." פרש is used in the Bible of the spreading of the roof of a tent, which was rolled or folded, or of a dress; it is also employed in the case of wings. The outspread roof of a tent is a סוכה, and the verb סכך is used in the same meaning. The commentators compare Ps. cv. 39, פרש ענן למסך as a parallel. In the *Pesikta* (Jellinek, בית המדרש, VI, 52) סוכה is used with reference to the protection against Demons, and R. Levi (comparing Isa. iv. 6 וסוכה תהיה לצל יומם, Ps. xci. 4 באברתו יסך לך) says:—כל מי שמקיים מצות סוכה הקדוש ברוך הוא מסיך עליו מן המזיקין: Cf. *Pesikta R. Kahana*, p. 187 a, and רוקח in Buber's note. Can ויפרוש שלמיה ביני ובינך, which is the Targum Jonathan version of ישכון יי ביני ובינך (Gen. xvi. 5), have some connexion with the reference in the prayer? Cf. *Amram*, 43 b, Isa. lxvi. 12.

[40] *Berakh.*, 4 b, foot:—אמר רבי יהושע בן לוי אף על פי שקרא אדם קריאת שמע בבית הכנסת מצוה לקרותו על משתו:

[41] *Jer. Berakh.*, I, 2 d, 50:—רבי הונא בשם רב יוסף מה מעם אמרו אדם צריך לקרות שמע בביתו בערב, בשביל להבריח את המזיקין:

[42] *Berakh.*, 4 b describes השכיבנו as a גאולה אריכתא, which precludes any supposition of its having been a prayer against demons.

[43] Midraš Psalm xix. 7, states, with reference to Moses on Sinai:—כשהיה שומע קריית שמע קודם לתפלה היה יודע שהוא יום, וכשהיה התפלה קודמת לקריית שמע היה יודע שהוא לילה: It must therefore have been a local custom, in the district where this Midraš was composed, to say in the evening the 'Amidah before the Š'ma' and its benedictions. See Buber's note.

[44] So the Geniza fragment published by Schechter in *J. Q. R.*, X, 654:—הפורש סוכת שלום עלינו ועל עמו ישראל ובונה ירושלים אמן, and the Geonim of Sura (see footnote 21), and Saadyah (see Bondi, *Der Siddur des R. Saadia Gaon*, p. 27) all agree on this point.

[45] *Jer. Berakh.*, IV, 8 c, 13:—פורש סוכת שלום עלינו ועל עמו ישראל ועל ירושלים.

[46] See above, p. 799.

[47] When once the ending was adopted for the communal prayer, other petitions were introduced, and thus the whole increased in length.

[48] עמו points to the fact that the sentence was introduced at a time when הפורש no longer referred to protection against demons on the part of the individual, but, by the addition of ועל עמו, to the protection of the whole community against harm in general.

[49] על מנהג ספרד שהוחמין שומר המנהיג, p. 23 b, § 3, about Friday evenings: עמו ישראל ואומרים ושמרו בני ישראל וכו' ברוך אתה יי המולך וכו'. Neither Judah Barceloni in ספר העתים, 172, nor Isaac Giat in שערי שמחה, I, 61 a, knew of this.

[50] טור, § 267, only mentions Toledo.

A. BÜCHLER.

NOTES ON JAVAN.

II.

Jemen. Until comparatively recently our main sources of information on Southern Arabia were the O. T. and the Greek geographers. The earliest cuneiform records in which mention is made of Aribi (about the ninth century B. C.), refer to N. or NE. Arabia. But now, thanks to explorers such as Halévy and Glaser, historians have been put in possession of a vast number of inscriptions, mostly from Jemen, which have thrown new light on the history of the country. The inscriptions, mainly dedicatory, have been found for the most part midst the ruins of temples, on stone blocks, pillars, &c. Their language is a form of Arabic. Four dialects have been distinguished: Minaean, Sabaean, Hadhramautan, and Katabanian. In the last two dialects, which have a close affinity with the Minaean, only a very few inscriptions have, as yet, been found. The Sabaean differs from the others not only in vocabulary, but also in grammar.

In the minds of most people Arabia is associated with the desert. But Southern Arabia contains many fertile districts. On account of its fertility Jemen, or Arabia Felix, had in very early times a settled population, and a highly developed civilization [cf. Caetoni, *Annali dell' Islâm*, II (1907), p. 1093]. We have no chronicles dealing directly with the early history of Jemen. Its history has to be inferred, but the inferences now drawn are more far-reaching than could have been deemed possible when the old sources of information alone were at command. About 2000 B.C., it is conjectured[1], there was an immigration of

[1] Cf. Weber, *Arabien vor dem Islam*, A. O. III, 1[2] (1904), pp. 22 ff.

Minaeans (the Hadhramautans and Katabanians reaching their later settlements as part of the same migration) from the north. From the fifteenth century B. C., or thereabout, there was an independent Minaean empire. This was overthrown about the eighth century B. C. by the Sabaeans, a people who, like the Minaeans, came from Northern Arabia. The Sabaeans in turn fell before the Himyarites about the first or second century before our era.

Of the people who preceded the Minaeans in Jemen nothing is as yet definitely known. That the Minaeans owed their culture to them seems evident. In the earliest Minaean inscriptions, for instance, the alphabet is already completely developed, and nomad invaders could scarcely have been possessed of this mark of high culture.

Jemen was never an isolated land. It was the centre of the incense trade, and the heart of the world's commerce, when such commerce was still in its infancy [Sprenger, *Alte Geographie Arabiens* (1875), pp. 289, 297]. South Arabia, and Jemen in particular, was traditionally wealthy[1]. The treasures possessed by its peoples were a source of wonder to the Greek geographers[2]. The fanaticism of Islam gave the death-blow to Jemen's prosperity[3]. It is fanatical Islam that still guards the secrets of the past and prevents us forming an adequate estimate of the civilizations that here rose and fell.

The name Jemen (Arab. اَلْيَمَن) is old. Its derivation

[1] Cf. e. g. Plinius, *Hist. Nat.*, vi. 163 'Arabes . . . in universum gentes ditissimae.'

[2] Cf. Agatharchides (*Geogr. Graec. Min.*, ed. Müller, p. 190) *ἔστι δὲ πολυτέλεια παρ' αὐτοῖς* (sc. Sabaeans and Gerrhaeans) *οὐ μόνον ἐν τορεύμασι θαυμαστοῖς καὶ ποτηρίων ποικιλίαις, ἔτι δὲ κλινῶν καὶ τριπόδων μεγέθεσι,* [*ἀλλὰ*] *καὶ τῶν ἄλλων τῶν κατ' οἰκίαν παρ' ἡμῖν ἐκτεινομένων λαμβάνει τὴν ὑπερβολὴν πολλῶν, ὡς ἔοικε, κεκτημένων χορηγίαν βασιλικήν. Κίονάς τε πολλοὺς αὐτοῖς φησὶ κατεσκευάσθαι ἐπιχρύσους τε καὶ ἀργυροῦς, πρὸς δὲ καὶ τὰς ὀροφὰς καὶ θύρας φιάλαις λιθοκολλήτοις ἐξειλῆφθαι πυκναῖς, ὡσαύτως καὶ τὰ μεσοστύλια θέαν ἔχειν εὐπρεπῆ, καὶ καθόλου τοὺς παρὰ τῶν ἄλλων πλούτους ἐκκεῖσθαι τὴν διαφορὰν μεγάλην.* Cf. also Diod. iii. 46.

[3] *Vide* Koran, xxvi. 128 f.

is unknown, and none of the suggested derivations[1] can be considered quite satisfactory. From Glaser, however, comes an interesting suggestion. He thinks that the *Yauna takabarâ* of the Darius inscriptions might very possibly refer to the Jemenites [*Skizze*, II, pp. 431 f.]. The Arabic word is the exact equivalent of Ja-ma-nu, which corresponds to Yauna in the Assyrian rendering. Is Javan then associated with Jemen? Are our Javanites Jemenites? Lassen, it will be remembered, expressed the conviction that the Javana of the earlier Indian literature were an Arabian people. He supported his argument by quoting the word *jâvana*, the Indian word for incense [cf. *Ind. Altertumsk.*[2], I, 2, p. 724]. Other forms of the word *javana* applied to peculiarly Arabian products, such as bdellium, styrax, olibanum[2], &c., greatly strengthen the argument. One recalls, too, in this connexion the Ezekiel mention of Javan (xxvii. 19), which, in the opinion of many commentators, must be sought in Arabia. Further, it would appear that the South Semitic, the so-called Joktanite, alphabet is the parent of the Indian [Taylor, *Alphabet*[2], 1899, II, pp. 314 ff.].

Navigation must have been in progress on the South Arabian coast in remote antiquity[3]. We have good cause to believe that there was regular communication in prehistoric days between the Arabian coast and the opposite coast of Somali in Africa. At the time of Gudea large ships circumnavigated the Arabian peninsula to procure

[1] Jemen, so called (*a*) after a ruler of that name; (*b*) from its position on the right (facing eastward) of the Caabah; (*c*) from the word يُمْن meaning "prosperity, good fortune." The last derivation, the one most favoured (cf. Glaser, *Skizze*, II, p. 170), suggests rather popular etymology. See Johannsen, *Historia Jemanae*, &c. (1828), p. 26.

[2] *Vide* S. Lévi, *Quid de Graecis monumenta Indorum tradiderint* (1890), p. 25—*Yavanaka*, olibanum: *Yavanadeçaja* (in Yavanorum regione natum), styrax: *Yavanadviṣṭa* (Yavanis inimicum), bdellium: also *Yavanaprija* was used for pepper: *°ṭâ* for the palm tree (*palma fera*).

[3] Cf. Sigismund, *Aromata*, 1884, pp. 94 ff.; Sprenger, *Alte Geographie Arabiens*, 1875, pp. 289 ff.

building materials for Babylonian temples [cf. *Keil. Bib.*, III, pp. 52 ff.]. The bulk of the South Arabian trade must have been carried on by a people settled on the sea-coast in that quarter. The peoples to whom incense was exported had little love of the sea. Amongst the Indians trading itself was regarded as an unworthy occupation and, according to the laws of Manu, the "sailor on the sea" was held to be unclean. The Persians' aversion to the sea was well known. Babylonia proper, except in the earliest historical times, was separated from the sea by the marsh lands at the mouth of the river. When Sinaherib, in later times, was preparing to invade Elam, he brought Hittite craftsmen from Syria to build vessels for him, just as, still later, Alexander employed Phoenicians for the same purpose. To the Egyptians the "Great Green," as they called the ocean, was an abomination, and not till the Ptolemaic period was sea-trade established with India. Whether, on the other hand, the maritime races of the Aegean penetrated so far south in pre-Homeric days, cannot as yet be determined. Glaser is evidently convinced that they did so [*Skizze*, II, p. 435]. It is well known that there were waterways constructed linking the Red Sea and the Nile, and it is difficult to see what purpose they could have served other than that of commerce. The earliest canal of which we have knowledge was that ascribed to Sesostris [1] (perhaps Usertesen III) [Pliny, vi. 165]. It is of course possible that if, as seems to have been the case, there was a regular trade between the Mediterranean and the South, the races of the Aegean took part as well as the peoples of Southern Arabia. Words used by Pliny [2] could be taken as implying that a tradition existed connecting the peoples of Crete and of Jemen.

[1] Often identified with Ramses II. The reading Sen-usert for Usertesen connects this name with Sesostris [Hall, *Oldest Civilisation of Greece*, 1901, p. 320].

[2] Ac Minaei a rege Cretae Minoe, ut existimant, originem trahentes . . . Rhadamaei (et horum origo Rhadamanthus putatur, frater Minois) (VI, 157).

Of what race were the peoples who inhabited Southern Arabia in the remote past? Did they speak a Semitic language, or did the Semitic take the place of an earlier non-Semitic speech? History has recorded the triumph of the Semitic idiom in Babylonia, Assyria, Syria, and later in Egypt and North Africa. Had it a similar conquest in Southern Arabia?

It is a fact of more than ordinary interest that, according to early Egyptian monuments, the inhabitants of Punt (i.e. Jemen, including perhaps also a part of the African coast) belonged to the white race [Maspero, *L'Orient Classique*, II (1897), p. 248]. In many ways they, as depicted, show a resemblance to the Egyptians themselves. In one or two cases the natives of Punt are represented as dark, with a negro-type of feature. There is no indication, on the earlier monuments at least, that a Semitic race inhabited Punt. Further, it has been pointed out by Renan [*Hist. des Langues Sémit.* (1855), pp. 298 ff.] that the early civilization of Jemen was essentially non-Semitic, and the ancient customs of Jemen had nothing in common with the Semitic. As a consequence of successive Semitic immigrations the Semitic language took the place of the indigenous, undergoing, however, several alterations in the process [1].

There seems every reason to believe, then, that in Southern Arabia (and notably in Jemen or South-west Arabia) there dwelt a non-Semitic people possessed of a high degree of civilization, who carried on an extensive trade with all parts of the then known world. The time has not yet come for excavation in Southern Arabia, but, if surface remains are any indication, when that time does come we may look for fruitful results. If we are right in our belief that at one time the Javanites had a home there we must needs inquire as to the relationship, if any, between them and the pre-Semitic population of Babylonia.

[1] Hommel, *Abriss*, &c. (1889), p. 48, thinks there can be no doubt that the Phoenicians, as also the earliest inhabitants of South Arabia, were not Semites originally, but were Semitized in course of time.

It will be remembered that their astronomical knowledge, so much lauded by Indian astronomers, led us to believe that they were in some way connected with the "Sumerians." As Sigismund [*Aromata*, p. 216 f.] rightly remarks, the people who first promoted navigation must have been the people who began to make a study of the stars. For them the close observation of the heavens became a necessity. The religion of South Arabia was, moreover, astral, as was that of Babylonia. Which pantheon borrowed from the other—the two had much in common—cannot of course be determined. Then, again, the ocean served as a medium for the acquisition and transmission of culture. Races engaged in a sea-trade with distant lands have unique opportunities for the development of their civilization. The significance of the sea in promoting civilization was early recognized. Ea, the god of the ocean in the Babylonian pantheon, was the "lord of wisdom." The ocean, his dwelling-place, was the "house of wisdom." All the arts were under his special protection. He was the guardian deity of the mariner, the potter, the workers in gold, silver, and precious stones [cf. Rawlinson, *W. A. T.*, II, 58]. Furthermore, the only tradition we possess respecting the origin of Babylonian civilization—if the myth of Oannes [1] as preserved by Berosus [*vide Frag. Hist. Graec.*, ed. Müller, II, p. 496 f.] can be regarded in the light of a tradition [2]—indicates that Chaldaea owed its earliest civilization to a people who came in from the sea. It is not unnatural to infer that these highly-civilized immigrants had found their way thither from Southern Arabia. Whence else they could have come it is difficult to see.

[1] According to the narrative a curious creature, half man, half fish, appeared from the Erythraean Sea, and taught the earliest inhabitants of Babylonia all they knew. It taught them the use of the letters, and the various arts, how to people cities, erect temples, frame laws, measure land, sow seed, and reap the harvest—in fact everything that tended to promote comfort in daily life.

[2] Cf. Jeremias, *Theol. Litt.-Zeit.*, 1898, No. 19, p. 507.

If attention has been directed above to migrations southward from North Arabia, it should not be forgotten that in much earlier times there were, so far as can be ascertained, migrations from Southern Arabia northwards. Many scholars believe that Egypt derived its early civilization from South Arabia. Punt or Pūn (thought by many to be connected with Poeni) was to the Egyptian the "land of the gods," and Petrie, for instance, holds that the Egyptians were a branch of the Pūnite race [*History of Egypt*, I (1895), pp. 12 f.][1]. Then, too, according to the well-known tradition, the Phoenicians left their ancient settlements on the Erythraean Sea (here thought to mean the Persian Gulf), and sought new homes on the Syrian coast. These Phoenicians were doubtless a branch of the Jemenite race. There was, in any case, much in common between the two peoples[2].

The appearance of the Semites on the scene must have disturbed the existing civilizations of both Babylonia and Southern Arabia, and there must have ensued considerable emigration of the original inhabitants. The "Sumerian" population of Babylonia seems to have come under Semitic influence and Semitic rule earlier than their kindred in Jemen. Although to all appearance the Semites settled down alongside the Sumerians, there can be no reason to doubt that large numbers of the latter would have been forced to seek new homes. It is with this migration that we might

[1] According to Diod. iii. 3 it was a report amongst the Ethiopians that Egypt was a colony of Ethiopia.

[2] In religion; cf. J. Dérenbourg, *Études s. l'Épigraphie du Yemen*, 1884, p. 17; Halévy, *Z. D. M. G.*, XXXII, p. 174; Hommel, *Gestirndienst der alten Araber* (1901), p. 10. Renan [*Hist. des Langues Sémit.*, pp. 298 ff.] thinks of "ethnographic, historic, and linguistic" connexions between Jemen and Phoenicia. Circumcision was practised in Jemen [cf. Sigismund, *Aromata*, p. 102], and from Herod. ii. 104 it appears that the same custom was in vogue amongst the Phoenicians. Petrie [*Hist. Egypt*, p. 15] thinks that the Phoenicians left their first home on the Persian Gulf, and re-settled in South Arabia, whence they passed up the Red Sea and crossed into Egypt, ere they went still further north.

connect the traditional migration of the Phoenicians. The migration was in all probability gradual, embracing a considerable period. Settlements were made in Syria by numbers of these Javanites. Others migrated further north and entered the Aegean over Asia Minor. In all probability the Delta (since the wanderers would naturally follow the path of the Red Sea) furnished a convenient refuge, and perhaps, too, they spread along the Libyan coast.

Early Aegean Civilization. The civilization of Greece during the bronze age, or roughly the second Millenium B.C., has come to be known as the "Mycenaean." Excavations in various parts of the Aegean furnished results which led scholars to believe they were dealing with a distinctive civilization, and to impose the limits to its duration indicated. The situation has been somewhat altered by the discoveries made in Crete within the last few years[1]. Vast palaces and royal villas have been brought to light. Much that is suggestive of modern civilization has been found. The splendid architecture, the highly artistic frescoes, the beautiful work of the goldsmith, the bronzesmith, the potter, have revealed to us early Aegean civilization in a new and surprising light. Evans has shown by his excavations at Knossos that civilization there had developed more or less continuously from about 4000 B.C. This civilization, common to Crete, has been called by him Minoan. In it he distinguishes three main periods—Early, Middle, and Late. Each of these main periods he subdivides into three minor periods. It appears to be only the Late Minoan period with which the term Mycenaean can be properly associated. In view of the Cretan results, it remains to be seen whether further excavations in various parts of the Aegean will not furnish results showing a development of civilization in the entire Aegean parallel to the Cretan.

[1] A good account of the Cretan excavations is given by Burrows, *Discoveries in Crete*, 1907.

That the early civilization of Greece was deeply influenced by the great civilizations of Egypt and Babylonia is now generally recognized. Its connexion with Egypt, especially, seems to have been of a very close nature[1]. This seems all the more surprising if one remembers the characteristic exclusiveness of the Egyptians.

As to the "Mycenaeans" themselves, the view mostly favoured at the present time is that they were Achaeans[2]. Attempts have been made to show that they were Phoenicians[3], or that the Phoenicians in their rôle of intermediaries were at least responsible for the spread and development of the culture; but consequent on the Cretan discoveries has come the clearer recognition of the lateness of the influence of Tyre and Sidon on the Aegean[4].

Greek scholars have been accustomed to look to the north as the direction from which came the migrations which had so much influence on the population of the Aegean and its culture. But what we have learned of the Javanites makes us inquire if there is no evidence for an immigration

[1] The points of connexion with Egypt are too numerous to mention here. A few of the points of agreement with the civilization of Babylonia may be given: altar, garments of priestesses, gold-work, possibly gesture of adoration [*v.* Fritze, *Strena Helbigiana*, 1900, pp. 78 ff.]; the clay-tablets, art of burning enamelled ware, coloured tile-work, signalling by beacon, eleven-stringed lyre, art in general [Lehmann, *Babyloniens Kulturmission*, 1903: see also Delitzsch, *Mehr Licht*, 1907, especially pp. 37 ff.]; in astronomy, astrology, philosophy [Winckler, *Die Babylonische Kultur in Beziehung zur Unsrigen*, 1902]; on the connexion between their early literatures, cf. Jensen, *Z. A.*, 1902, pp. 125 ff., also Fries, *Klio*, III, pp. 371 ff.

[2] There has been considerable variety of opinion on the subject. They have been identified with Pelasgians, Carians, Aeolians, Trojan-Phrygians, aborigines of Asia Minor, Hellenes from the north, combinations of Phrygians and Cretans, and of Phoenicians and Asia Minor Greeks [cf. Walters, *History of Ancient Pottery*, I, 1905, p. 275; Pöhlmann, *Griechische Geschichte*, 1906, pp. 15 ff., &c.].

[3] The hypothesis that they were Phoenicians has found notable advocates in Helbig, *Homer. Epos*, 1887, and Bérard, *Phéniciens et l'Odyssée*, 1901.

[4] *Vide* Evans, *Corolla Numismatica*, 1906, p. 336, and Burrows, *Discoveries in Crete*, 1907, pp. 143 f.

from the south. We have already drawn attention to the early construction of waterways joining the Red Sea and the Mediterranean, and the tradition given by Pliny connecting Crete and South Arabia. Still more important evidence is now forthcoming. The Cretan excavations have shown that the garb of the early Cretans was the loin-cloth. The later costumes exhibit a development from this garment. The whole subject has been carefully investigated by Mackenzie [*B. S. A.*, XII, pp. 234 ff.], who convincingly shows that we have here proof of the southern origin of the early Cretans. He would connect them with the predynastic population of the Nile valley. He might well go a step further and connect them with the natives of Punt. The loin-cloth was the garb worn by that race [Maspero, *L'Orient Classique*, II, pp. 248 f.]. In the pictorial representation of Queen Hatshopsewet's expedition to Punt, for instance, the prince of this land is depicted wearing just such a loin-cloth as the Cretan. Further, Zeus[1], like the Egyptian Osiris, was connected with the Ethiopians [cf. *Il.* i. 423; *Od.* i. 23; also Diod. ii. 97].

[1] Is it not possible that the name Ζεύς may be a form of the South Arabian Shems (even although Shems is feminine) or Babylonian Shamash, the sun-god, having regard to the passing over of *m* into *v*? The *v* of Ζεύς was no doubt originally consonantal, as it still is in modern Greek. The Doric Σδεύς would almost seem to be an attempt to reproduce the Semitic *sh*. In the cosmogony of Sanchunjathon (as preserved by Philo of Byblos and reproduced in Eusebius, *Praeparat. Evangel.*, X) Zeus is identified with the sun. "These [sc. Genos and Genea] had inhabited Phoenicia, and as it was very hot, they had stretched forth their hands heavenwards to the sun. Him they took for the only lord of the heaven, and named him Baalsamen, which is amongst the Phoenicians 'lord of the heavens,' amongst the Greeks Zeus" [Jeremias, *A. T. A. O.*^{2}, p. 143]. In several early Greek inscriptions Zeus is called Helios [cf. Preller-Roberts, *Griech. Myth.*, 1894, p. 136, note 1; Gruppe, *Gr. Myth.*, 1906, pp. 1095 ff.]. Further, in Susa in Elam, de Morgan discovered in 1902 a diorite block with a representation thereon of Hammurabi receiving his code of laws (which are inscribed on the stele) from Shamash [Winckler, *A. O.*, IV, 4^4, 1906]. Corresponding to this we have the legend of Minos of Crete receiving his laws from Zeus. To complete the resemblance we have the discovery by the Italian expedition of the early code of Greek laws

Conclusion. In the first part of the article an attempt was made to identify the Javanites and the traditional Phoenicians. The references to Javan gathered from all quarters seemed to show us that the Javanites occupied in early history the place that later traditions have assigned to the Phoenicians. Phoenicia, it was argued, was not the home of a Semitic-speaking race, nor did it make its influence felt in the Mediterranean until comparatively late. The deduction, further, was made that either Babylonia or South Arabia was the early home of the Javanites. In the second part, in the notes on Jemen, a short sketch has been given of the history of Southern Arabia so far as, in the absence of direct historical evidence, such history can be inferred. The possibility of regarding South Arabia as a centre of culture in antiquity has been briefly considered, and an identification of the names Jemen and Javan suggested. Special attention was directed to the view, widely held, that the early inhabitants of South Arabia were of a non-Semitic race. The connexions which apparently existed between South Arabia and Babylonia, Phoenicia, and Egypt have been briefly alluded to. The probable connexion of Jemen with the Aegean in pre-Homeric times has been referred to in the notes on Aegean civilization.

Taking into account all our evidence, we prefer to think of South Arabia as the earliest home of the Javanites. There seems to be every reason to believe that it was an early centre of culture. The incense trade, which had there its head quarters, was the means of promoting intercourse between the inhabitants of South Arabia and lands far distant, and hence was a potent factor in the rise and development of civilization in that quarter. It seems quite possible that South Babylonia derived the beginnings of its earliest (Sumerian) civilization from South Arabia.

inscribed on the circular wall of the *agora* at Gortyna [cf. Maraghiannis; *Antiquités Crétoises*, 1907, pl. XLVIII], which would appear to closely resemble that of Hammurabi [Drerup, *Homer*, 1903, pp. 134, 145; Burrows, *Crete*, p. 139].

Synchronous with the Semitization of Southern Babylonia there could well have been an emigration, no doubt gradual, of Javanites to the Mediterranean. The Mediterranean was possibly already well known to the southern traders. In many of the places where they settled there would be intermarriage with the natives. The characteristics of race, more especially the language [cf. Herod. i. 57, 142], would in course of time become modified and altered. The effect of their culture on that of the people amongst whom they settled would depend on their numbers, for one thing, and the conditions of their settlement. In Phoenicia, for instance, two Hittite migrations of which we now have knowledge [cf. Winckler, *Mittheil. d. deutsch. Or. Gesellsch.*, 35 (Dec. 1907), p. 48], must have considerably altered the character of the people.

The influence of the South seems to have been most marked in the case of Crete. The squatting posture of the early Cretans, their loin-cloth garments, the gold-woven apparel, their fashion of house-building, &c., all indicate their southern origin. The alphabetic signs, also, discovered during the recent excavations, show a marked affinity to the Libyan, and hence to the South Semitic alphabet. It is possible that immediately prior to, and during the "Hyksos" domination of Egypt there was a considerable commercial intercourse between the Mediterranean and the South, in which the Delta played an important part. The "Hyksos" invaders, who entered Egypt during the political chaos that followed the overthrow of the XIIth Dynasty, seem to have been traders, and possessed of considerable culture[1]. It is thus quite probable that at a time when

[1] In the quotation from Manetho (our only historical source of information on the subject) given by Josephus [*c. Apionem*, I. xiv] the Hyksos are said to be Arabs. It is very doubtful, however, if the words τινὲς δὲ λέγουσιν αὐτοὺς Ἄραβας εἶναι [*c. Ap.* I. xiv. 9] can be attributed to Manetho. In the versions of Manetho's narrative given by Africanus [cf. Syncellus 61 A: vide *Frag. Hist. Graec.*, ed. Müller, II, p. 568] and Eusebius [cf. Syncellus 61 D: *vide* l. c., p. 570] they are said to have been

Semitic tribes were pressing down towards Southern Arabia many of those in the South sought a new home in the Delta. The expulsion of the "Hyksos" caused several important changes. The Delta ceased to be the halfway house between the Aegean and South Arabia. Trade was diverted to the cities of Philistia and Syria, and the Mycenaean civilization now began to make its presence felt there. As in South Arabia, so in Phoenicia, the Semitic language conquered, and in course of time, under the hegemonies of Sidon and Tyre, Phoenicia entered on her period of greatest prosperity.

E. ROBERTSON.

Phoenicians. The nationality of these invaders has, however, given rise to considerable diversity of opinion amongst modern scholars. Identifications have been suggested with Canaanites, Elamites, Hittites, Sumerians [for references see Maspero, *L'Orient Classique*, II, 1897, p. 55, note], Philistines [Lepsius, *Aegypt. Chron.*, I, p. 341], Libyans [Caetoni, *Annali dell' Islâm*, II, 1907, p. 847], Minaeans allied with other tribes from Elam and East Arabia [Glaser, *Skizze*, II, 1890, p. 328]. The Hyksos domination probably commenced about the beginning of the seventeenth century B. C., and lasted from 100 to 200 years—but all is at present subject of controversy. The Hyksos invasion may have been the natural outcome of great commercial activity in the Delta, carried on by people who were of foreign race. During the XIIth Dynasty there were already signs of increased prosperity [cf. Breasted, *Hist. Egypt*, 1906, p. 16]. With the advent of the New Empire we have a marked advance [cf. Erman, *Aegypten*, 1885, pp. 70, 155]. It is scarcely correct then to regard the Hyksos period as an age for Egypt of devastation and depression. The Hyksos had their head quarters in the Eastern Delta. As we have seen, they were Phoenicians according to Manetho. From his account of their doings, they seem in any case to have been traders [*vide* Josephus, *c. Ap.*, I. xiv. 4, 8]. Keeping in mind the Egyptian contempt of the trader [cf. Herod. ii. 167], we can perhaps better understand the significance of the opprobrious epithets the Egyptians heaped on the Hyksos, whom they forebore to mention by name. Manetho describes them as *ἄνθρωποι τὸ γένος ἄσημοι* [Josephus, *c. Ap.* I. xiv. 3]. The discovery of an alabaster vase lid at Knossos bearing the name of Khyan, one of the Hyksos kings [*Brit. Sch. Athens.* VII, p. 65, fig. 21] suggests that there was intercourse between the Delta and Crete at that time. Steindorff, indeed, contends that much that appears as new in the art of the New Empire may have been due to Mycenaean influence [*Arch. Anzeiger* (*Arch. Jahrb.*), 1892, pp. 11 ff.].

THE DOCTRINE OF THE ETHER IN THE KABBALAH.

A. General View of the Subject.

Another appropriate title that might have been placed at the head of this paper would be "The *Shéḳel-haḳ-Ḳōdesh* of Moses de Leon," for the specimens of this work to be given in the second part of the article are intended to give the reader a fairly comprehensive idea of the contents of the entire treatise, and embody a wider range of Kabbalistic ideas than are comprised in the title selected. But as the doctrine of the ether is the main subject round which everything else will here be grouped, and as, furthermore, the passages from the *Shékel-hak-Ḳōdesh* itself, like the extracts from other works, were primarily selected with a view to illustrating the position which this doctrine occupies in thirteenth-century Jewish mysticism, the title chosen for the paper is on the whole the more fitting of the two.

On Moses de Leon's life nothing fresh will be said here. Nor will an attempt be made to refer to the question of the authorship or compilation of the *Zohar* from any point of view except those suggested by the main subject of the article, and some few other points incidentally referred to later on. A comparison between the excerpts here given from the *Shéḳel-haḳ-Ḳōdesh* and a number of passages in the *Zohar* appears, indeed, to point emphatically to Moses de Leon as the author or compiler of that mysterious book. Particularly striking is the similarity, not only in ideas but also in language, between the extracts from *Zohar*, I, fol. 16 b (see p. 837) and the passage from the *Shéḳel-haḳ-Ḳōdesh* printed before it. A close comparison between the two will accompany the translation of the first-named

extract, so that the main point only need be mentioned here. *Ōr* (primal light) is in both works conceived as having been originally one with (or, at any rate, bound up in) the primal ether, and its separate existence dates from the moment when the ether entered on its career of condensation which finally resulted in the formation of the cosmos as we know it; for, as is clearly stated in both passages, *ōr* (primal light) is that which remained of the *awwīr* (primal ether) after the transition of the latter into the primary mode of condensation which is represented by the *neḳuddah* (point). It cannot, however, be maintained that a similarity like this, close as it can be shown to be, is quite conclusive. For there can be no doubt that several other Kabbalists of the same period held the same doctrine in a more or less definite form. The same may be said of some other doctrines common to the *Zohar* and the *Shéḳel-haḳ-Ḳōdesh*. A close study of the Kabbalistic literature of the thirteenth century will, I believe, disclose the fact that writers like Moses de Leon, Abraham 'Abu'l-'Afia, Menaḥem Recanati, and others, differing though they did from each other in method and special line of development, yet moved one and all in the same general atmosphere of thought (and partly also of diction) out of which the finely fantastic theosophy of the *Zohar* sprang. In reading certain parts of that work, more particularly the "Idra Rabba" ("Great Assembly") and "Idra Sutta" ("Small Assembly"), one almost becomes inclined to vote in favour of a certain company of Kabbalists meeting in conclave having produced the book rather than a single individual. But be that as it may, no sufficiently conclusive evidence bearing on the origin of the *Zohar* can (as appears to me) be drawn from the special points on which the present paper is designed to treat. All one can say is that Moses de Leon's connexion with it appears rather strengthened by a comparison of a number of passages in that work with the *Shéḳel-haḳ-Ḳōdesh*.

Before proceeding further, something not very complimentary must be said of the style of the *Shéḳel-haḳ-Ḳōdesh*[1]. It is not too much to say that in form of expression Moses de Leon is here seen at his worst, though in intellectual daring and flight of fantasy he is probably in the same work at his highest. He was evidently one of those restless thinkers who, partly through a defect of temperament and partly in consequence of troubled circumstances, find it very difficult to make their words keep pace with their thoughts. The mind rushes exultingly and violently on, while the poor, stumbling pen can only confusedly try to jot down what it is bidden to write. The result is made up of constant repetitions of the same words and phrases, of obscure and doubtful modes of expression, and of halting and ill-constructed sentences. It is for this reason that a literal translation of Moses de Leon's exposition could not with advantage be offered[2]. Such a rendering would merely add to the injustice which he himself inflicted on his ideas by his manner of expression. The only satisfactory plan that could be, as a rule, adopted was to write down the general sense of a passage, omitting repetitions, and setting out its main idea in as clear a light as possible.

Turning now more decidedly to the doctrine of the ether, it must be remarked first of all that the Jewish Kabbalah has by a series of centuries anticipated[3] one of the most

[1] Composed at Gaudalaxara in 1292. The Brit. Mus. copy (16th cent. or earlier) bears the number Add. 27,044. The Bodleian copy is described in Neub. Cat., No. 1606, I. The work is also called מערכת אלהות; see Steinschneider, Bodl. Cat., col. 1850.

[2] A certain amount of freedom had also to be employed in the translation of the extracts from other works given in this article; but whilst in most other instances well-written Hebrew and Aramaic passages had merely to be occasionally paraphrased into a modern way of putting things, the *Shéḳel-haḳ-Ḳōdesh* required, as it were, to be re-written before it could be translated.

[3] On the ideas of some of the ancient Greek philosophers on this subject (or rather something near it) see Eduard Zeller, *Outlines of the History of Greek Philosophy* (second edition, 1892); or, for fuller information, the same author's larger work on the same subject

essential ideas embodied in the latest scientific theory regarding the constitution of matter, namely, the idea that material substances as we know them, or imagine to know them, take their rise in the imponderable[1] and impalpable ether, and are, in fact, a modification of the same. The electrical part of the theory was, of course, entirely absent from the minds of Moses de Leon and the other Kabbalists concerned. Such a prescience in advance of their age could hardly be expected even in the most daring thinkers of mediaeval times; for it would have involved not only a knowledge—however mystical—of the supposed interaction of several still obscure natural forces, but also a wonderful anticipation of the science of electricity itself. But it is remarkable that the pyknotic theory of substance which, in the words of Haeckel (*Riddle of the Universe*, ch. xii), declares "the primitive force of the world . . . to be . . . the condensation of a simple primitive substance, which fills the infinity of space in an unbroken continuity" is, in germ at

(4th edition, Leipzig, 1877-81). Anaximander (early 6th cent. B. C.), for instance, taught that the beginning (ἀρχή) of all things was the ἄπειρον (= אין סוף) which was apparently conceived by him "neither as composed of the later four elements, nor as a substance intermediate between air and fire, or air and water, nor lastly as a mixture of particular substances in which these were contained as definite and qualitatively distinct kinds of matter." This looks very much like the ether as conceived by Kabbalists and modern science, though Zeller suggests the alternative explanation that Anaximander meant by it "matter in general, as distinct from particular kinds of matter."

[1] The epithet "imponderable," however, though still pretty generally used, will apparently have to be given up. In a lecture delivered at the Royal Institution in February this year, Sir Oliver Lodge declared that the ether belonged to the material or physical world, in accordance with the conception originated a few years ago by Mendeléeff (see R. K. Duncan, *The New Knowledge*, p. 250). By accepting this view of the ether one escapes the extreme difficulty, or rather impossibility, of realizing how material things can be evolved out of an absolutely non-material substance. It is quite likely that, if the Kabbalist were pressed for a logical answer, he would be forced to admit that the unfathomable substance called by him *awwīr zakh* had originally some affinity to matter.

any rate, contained in the Kabbalistic doctrine of the נקדה [1], or point of condensation, which is taken to be the first step in the transition of ether into matter; for it is quite legitimate to compare the Kabbalistic נקדה with the "minute parts of the universal substance, the centres of condensation, which . . . correspond in general to the ultimate separate atoms of the kinetic theory," that regards the vibration of particles in empty space as the primal force of substance, or—to bring the comparison nearer to the development of scientific thought as elaborated by Prof. J. J. Thomson, Sir Oliver Lodge, and others—the Kabbalistic point of condensation may be declared not unlike (barring the idea of electricity) the primordial form of "mass" which is defined as "a unit of negative electricity in motion" carrying along with it "a portion of the surrounding ether" (R. K. Duncan, *The New Knowledge*, p. 247).

From the science point of view the Kabbalistic form of the theory is, of course, merely a crude anticipation of the "new knowledge" (or "new hypothesis"?) referred to. But in one respect Moses de Leon and Kabbalists of kindred modes of thought may—from their point of view at any rate—claim superiority over recent theory. For the Kabbalistic doctrine of the ether does not limit itself to matter, but includes the "Intelligence [2]" of the universe as an essential, or rather *the* essential, force to reckon with. The teaching of the Kabbalists regarding the ether is, as will be seen farther on, bound up with the doctrine of the "Sephiroth" or "Emanations," which after the כתר or Crown (identified by Moses de Leon and others with the ether), embrace Wisdom (חכמה), Understanding (בינה), and

[1] The doctrine of צמצום (condensation) so fully developed by later Kabbalists may be understood to start from the doctrine of the נקדה.

[2] It is true that several scientists also teach that the germs of intelligence are to be found in the ether and also in what we call matter (see e. g. Haeckel, *Riddle of the Universe*, 1904, p. 78); but in the mind of the Kabbalist the idea of the Divine Intelligence "dominates" the entire theory of the ether in all its parts.

spiritual forces of an allied nature. The Kabbalists thus deal with a wider and greater universe than present-day science in its careful self-limitation to the palpable and knowable, dares to contemplate. To the Kabbalist science —whatever he may happen to know of it—is intimately bound up with religion, or rather theosophy [1]. His doctrine of the ether is therefore necessarily a much grander conception than that of science in the usual modern sense of the word, and his נקדה, or point of condensation, means much more than is expressed by the terms *mass*, *corpuscle*, *atom*, &c. The Kabbalah is, in fact, a system of thought which aims at nothing less than the explanation of the entire universe, both of the visible and the invisible, both of matter and of mind.

Another important fact which, though already briefly indicated, must now be treated more fully, is that, although the doctrine of the ether here spoken of does not seem to lie on the surface of Kabbalistic teaching, a closer acquaintance with the literature discloses a considerable agreement with regard to the main proposition.

The earliest form in which the doctrine appears in Jewish mysticism is probably that found in the ספר יצירה, ch. ii, 5. The Mishnah in question appears briefest in the recension of the tractate attributed to Sa'adyah Gaon, first printed at the end of the Mantua edition of 1562 :—

יצר מתהו ממש ועשה את שאינו ישנו וחצב אבנים גדולות מאויר שאינו נתפש

The recension printed in the main part of the Mantua edition referred to is as follows :—

יצר מתהו ממש ועשה אינו ישנו וחצב עמודים גדולים מאויר שאינו

[1] It has often been discussed whether the ס' יצירה is to be regarded as a work on mysticism or natural philosophy. The fact is that it is both in one. It treats largely on nature, but it is throughout penetrated by the spirit of mysticism. It is representative of a phase of human thought in which no distinction between the two is made. Nature is in such a condition of thought never thought of apart from the mysterious intelligence behind it and above it.

נתפס וזה סימן · צופה ומימר עושה כל היצור ואת כל הדברים שם אחד וסימן לדבר עשרים ושתים מניינם בגוף אחד

A still more amplified form of the text is given in the edition of Lazarus Goldschmidt (Frankfurt a. M., 1894):—

יצר מתהו ממש ועשה את אינו ישנו וחצב עמודים גדולים מאויר שאינו נתפש [וזה סימן (א' עם כלן וכלן עם אחד) צופה ומימר ועשה (את) כל היצור ואת כל הדברים שם אחד וסימן לדבר עשרים ושנים חפצים בגוף אחד

It will for our present purpose suffice to translate the longer form of the text as given in the Mantua edition; but it seems best first of all to justify the rendering of אויר שאינו נתפס by "the impalpable ether." If atmospheric air, which may, of course, ordinarily also be spoken of as eluding the grasp of a man's hand, were here meant, it would fit in ill with the statement that a "something" (ממש) was created out of *Tohu*, and that "the existent" (ישנו) was produced out of the "non-existent" (אינו)[1]. The "great pillars" or "great rocks" which were produced out of the אויר שאינו נתפס, are clearly parallel to "the existent," and אויר שאינו נתפס itself to the "non-existent[1]." The view[2] that the term in question is to be understood as representing something that is devoid of the nature of matter was, in fact, taken by several of the most important commentators of the ס' יצירה. In the commentary attributed to Abraham b. David (ראבד), מרוח אלהים חיים ("out of the breath of the living God") is given as the equivalent of אויר שאינו נתפס. In the Hebrew Commentary attributed to Sa'adyah Gaon the term is connected with תולה ארץ על בלימה ("he suspends the earth upon *nothing*" = אינו) in Job xxvi. 7; and the great and clear-sighted Elijah Gaon, of Wilna, refers it to the mystery of כתר ("Crown," the highest *Sephirah*).

[1] Concerning the exact force of the term אינו compare Moses de Leon, first extract from שקל הקדש given in Part ii of this article.

[2] Goldschmidt's rendering, "aus unabfassbarer Luft," is clearly a mistaken one.

Accepting, then, this view as to the meaning of אויר שאינו נתפס, a translation of the longer form of the paragraph in the ס' יצירה, as printed in the main part of the Mantua edition, may now be given:—

"He created a something out of *Tohu*, and produced the existent out of the non-existent, and hewed great pillars [1] out of the impalpable ether. And this is the sign: He looketh, and the Word [2] produces every created object and all things by [the power] of one Name, the sign being: twenty-two [3] is their number, like one body."

This passage of the ס' יצירה is the principal, if not the only text on which later mystics based their more elaborate doctrine of the ether. Passing over a number of passages noted during my reading of various Kabbalistic works, I will here confine myself to quotations from (*a*) the Prayer ascribed to R. Neḥunyah b. haḳ-Ḳaneh; (*b*) an early Kabbalistical Commentary on the Prayer-book, contained in the British Museum Additional MS. 27,009; (*c*) Isaac ibn Laṭif's צורת העולם; (*d*) the *Shéḳel-haḳ-Ḳōdesh*; (*e*) the זהר.

With regard to the excerpt from Isaac ibn Laṭif, it must be remarked, however, that it is here only tentatively given; for its relation to the doctrine of the ether is by no means certain. It will on the one hand be noticed that his description of the *ōr* (primal light) reads very much like that of the *awwīr kadmōn* (primal ether) or the impalpable *awwīr zakh* (pure ether) as found in the *Shéḳel-haḳ-Ḳōdesh* and elsewhere. A second point in favour of the identity of the two is that both in the *Zohar* and the *Shéḳel-haḳ-Ḳōdesh* [4] the primal light is the designation of that part of the ether which did not undergo the process of condensation. But it must, on the

[1] Variant, "great rocks."

[2] מימר = מימרא, ὁ λόγος; comp. Goldschmidt *in loco*.

[3] i.e. the twenty-two letters of the alphabet, as representing all speech, and, therefore, all thought.

[4] It is for this reason that a passage from the שקל הקדש treating on אור and אויר is inserted after the excerpt from צורת העולם.

other hand, be allowed that Isaac ibn Laṭif, who was philosopher first and mild Kabbalist only secondarily, moves in a different cycle of ideas in the passage taken from צורת עולם. His "primal light" stands in a similar relation to the "supreme intelligence" as חמר (ὕλη "matter") to צורה (εἶδος or μορφή "form"). Even so, however, the far-off comparison of the primal light with the finest form of חמר itself suggests something akin to the ether; and it should also be admitted that, though Isaac ibn Laṭif has here a different train of thought in his mind, the two ways of regarding the primal *ōr* might after all not be incompatible with each other. Rather, therefore, than excluding the passage in question, it has seemed best to give it a place among the other excerpts, even if only tentatively.

(*a*) תפלת הייחוד דר׳ נחוניא בן הקנה ז״ל (from B.M. Add. 27,009, fol. 57 b).

באֵ׳ שדי טהור בטוהר המציאות ואדיר באחדות השוה המתעלה המתרומם באויר הקדמון המתמצע לז׳ לז׳ קדיש נאדר טעם טובך אהיה אשר אהיה אשאלך למען נצחך בתמידותך בתחלת עשר ספירותיך שהם השלמת הכל במדה נכונה ובשיעור מתוקן וגם הם מתכונת מהותך[1] אהדרך בספירה הראשונה שהיא כתר עליון הודך והדר כבודך אחד יתיד מיוחד בנראה ובנסתר בסוד נעלם

Translation.

The Prayer of Unity composed by R. Neḥunya b. haḳ-Ḳānēh.

Blessed art thou, *Yahweh Shaddai*, serene in the serenity of [primal] being, mighty in illimitable[2] unity, raised on high and exalted in the primal ether . . .[3] I address my petition to thee, in reliance on thy constant strength, by the first of thy tenfold emanations which in their entirety

[1] Written over: ס״א מדותיך.

[2] MS. השוה, equal, or even.

[3] The part omitted is to me obscure.

are the completeness of all things in right measure and due proportion, being at the same time the totality of thy being. I glorify thee in the first *Sephirah* which is the exalted Crown, thy majesty, and the glory of thy dignity; one, single, and unique in the concealed mystery, both in that which is seen and that which is hidden.

(*b*) From פירוש התפלות, Add. 27,009, fol. 5 a.

אמר המחבר אעפ"י שרצוני לדבר בענין התפלה בלבד לא יתכן עזבי ענין גדול כמו זה לכן אדבר בענין הצירוף מעט מזער. אלף תו"ו הוא הצירוף הראשון וביארנו שמאות אלף מציאות ידיעת האחדות והאור הקדמון ונאמר עליו בספר יצירה רוח אלהים חיים והוא מורה אדון האדונים ואלהי האלהים והוא מקבל השפע הראשון וממנו ימצא שפע לכל הספירות האחרות ומהם לכל הנמצאים נמצא עיקר דברינו שמקבל השפע הראשון והוא רוח אלהים חיים וחיי העולמים והנמצא הראשון והשם הגדול ושמו כשם רבו נקרא אחד כמוהו והוא האויר הקדמון אשר ממנו יהיה כל נמצא שנ' בראשית ברא אלהים ומן התו"ו תמצא תרומה והדברים האחרים אשר זכרנו בלוח נמצא מן הצירוף הראשון ימצא ידיעת האחדות והיא תרומת כל וכן אורים ותומים ואהל מועד ותורה וכבר אתה יודע שהתורה קדמה לעולם אלפים שנה ובשבילה נברא העולם

Translation.

Says the author: Although my object is to speak about prayer only, I cannot entirely omit so great a matter. I will therefore make some few remarks on the combination of letters. The first combination is א"ת[1], and we have already explained that "existence," the knowledge of the divine unity, and the primal light proceed from the letter א[2]. In the *Séfer Yeṣīrah* the appellation "Breath of the living God" is applied to it. It points to the Lord of Lords and God of Gods. It receives the first divine effluence, and from it proceeds the effluence of all the other *Sephirōth* from which it is then imparted to all existing things. The

[1] Dealing, therefore with the well-known צירוף known as א"ת ב"ש.

[2] Compare Moses de Leon, p. 842.

substance of what we are saying, then, is that that which receives the first effluence, and is identical with the "Breath of the living God," being the life-giving principle of the world, the primal existence, and the great Name (which is the same as that of his Lord[1]), is like the Supreme Lord himself called One. It is the same as the primal ether from which all things proceed; for it is written, "In the beginning Elohim created[2]." And from the letter ת proceeds תרומה ("Terūmah", something lifted out, as expressive of the production of things by means of emanation, and of the chief objects and faculties thus produced), as well as the other things which we have mentioned in the list. It is thus shown that from the first combination proceeds the knowledge of the divine Unity, which is the *Terūmah* of all things, as well as the *Urim we-Thummim*, the Tent of Meeting, and the *Torah*. The latter, as thou already knowest, existed for two thousand years before the world, which was created on its (the *Torah's*) account.

(*c*) From Isaac ibn Laṭif's צורת העולם, printed text, pp. 10–11.

ואשוב לכוונת הפרק ואומר כי זה השכל העליון הנשגב שרמזנו עליו מתפלש באור בהיר כמראה זוהר פשוט בתכלית הפשיטות וזך בתכלית הזכות הולך ואור עד אין חקר ונגה לו עד לאין תכלית לא נתנה רשות לעין לראותו ולא בכח העיון לבא עד תכונתו הוא שאליו רמז דניאל ונהורא עמיה שרי ' וזה הסוד[3] הקדמוני הנרמז אליו הוא דרך משל כדמות חומר פשוט בתכלית הפשיטות והטוהר[4] וזך בתכלית הזוהר והזכות והוא המתואר באור פני מלך וזה האור הרוחני מתאחד ומתעצם בזה השכל העליון הקדמוני הנרמז אליו עד שנמצא זה השכל דרך משל ג"כ כדמות צורה לו מתפלשת ומתאחדת בזה האור הרוחני וכו'

[1] The primal ether is here identified with Metatron, who plays quite a number of rôles in mediaeval Jewish mysticism; see Oesterley and Box, *The Religion and Worship of the Synagogue*, pp. 176–8 sqq.

[2] Compare Moses de Leon, p. 842.

[3] B.M. Or. 1084 better, האור.

[4] B.M. Or. 1084 wrongly, ובמוהר.

Translation.

I now return to the inner meaning of the subject[1], and say that the mighty supreme intelligence to which we have alluded lies expanded in brilliant light, full of splendour, absolutely simple and fine, continually shining in endless and unsearchable brightness. To no eye is it permitted to see it, and no understanding can comprehend its nature. It is that to which Daniel alludes when he says: "And light dwelleth with him[2]." This is the primal mystery referred to, which may—by way of a simile—be likened to absolutely pure and fine matter[3], rarefied to the utmost degree of pureness and splendour. It is also described as "the light of the King's face[4]." And this spiritual light is most closely united with the primal supreme intelligence referred to, so that—to use another simile—this intelligence is like the "form" thereunto (i.e. to the primal light, which has been compared to exceedingly fine חמר), extending and uniting itself with this spiritual light.

(*d*) From שקל הקדש (B.M. MS. Add. 27,044, fol. 25).

אוֹר הקדמון הוא כלל כל המציאות וכל ההויות למיניהם · אמנם כי
הוא ראש עליון על הכל וסוד המציאות הוא הוא · והבן כי התחלת הכל |
Fol. 25 b. המציא סוד נקדה התעלומה שהיא י׳ שהוציא מזוהר אצילות מציאותו
והוא הוא ענין אחד במציאות אותה הנקדה · ומשם והלאה מה שנשתאר
מסוד אֲוִיר הוא אוֹר · וזהו שכבר היה · חתום וחקוק היה מקודם זה
בסוד ענין אויר · והתבונן כי ראש ענין המציאות אשר הוא מן העולם
ועד העולם זהו והוא קצה השמים ·

[1] Text, *chapter*.

[2] Dan. ii. 22.

[3] The meaning is that, though this primal light is something quite different from matter (חמר = ὕλη), yet it may to some extent be brought near to our comprehension by a comparison with it in its most rarefied form. The primal intelligence is farther on similarly compared with צורה = εἶδος or μορφή.

[4] Prov. xvi. 15.

Translation.

The primal light is the sum-total of all being and of all existing things. It is the supreme head over all, and it is itself the mystery of existence. And understand that from the beginning of all things proceeded the mystery of the hidden point, namely the letter י, which was produced out of the splendour emanating from its being. This letter is therefore one and the same with the hidden "point." And that which after the formation of this "point" remained of the mystery of the *awwīr* (ether) is *ōr* (light), the latter having been before included in the mystery of *awwīr*. And understand that this is the supreme head of existence from eternity to eternity, and it is the uttermost part of the heavens.

(*e*) *Zohar*, I, fol. 16 b.

ויאמר אלהים יהי אור ויהי אור · מהכא איהו שירותא לאשכח׳ גניזין היך אתברי עלמא בפרט · דעד הכא הוה בכלל ובתר אתהדר כלל למהוי כלל ופרט וכלל · עד הכא הוה כלא תליא באוירא מרזא דאין סוף · כיון דאתפשט חילא בהיכלא עלאה רזא דאלהים כתיב ביה אמירא ויאמר אלהים · דהא לעילא לא כתיב ביה אמירה בפרט · ואע״ג דבראשית מאמר הוא אבל לא כתיב ביה ויאמר · דא ויאמר איהו קיימ׳ למשאל ולמנדע · ויאמר חילא דאתרם ארמות׳ בחשאי מרז׳ דאין סוף ברז׳ דמחשבה · ויאמר אלהים · השת׳ אוליד ההוא היכל׳ ממה דאתעדיאת מזרע׳ רקדש׳ . . . . ויהי אור · אור דכבר הוה · אור דא רזא סתימ׳ אתפשטותא דאתפשט ואתבקע מרזא דסתר׳ דאויר עלאה סתימ׳ בקע בקדמית׳ ואפיק חד נקודה סתימ׳ מרז׳ דיליה · דהא אין סוף בקע מאוירא דיליה וגלי האי נקודה · י · כיון דהאי י אתפשט מה דאשתאר אשתכח אור מההא רזא דההו׳ אויר סתימא וכו׳

Translation.

"And God said, Let there be light: and there was light" (Gen. i. 3). Here a beginning is made to lay bare hidden things relating to the creation of the world

in its particular manifestations. For hitherto they were all enfolded in the one universal substance, but henceforth the universal began to be distinguished as universal, particular, and universal[1]. Up to that moment the "all" was suspended in the *awwīr* (ether) in the mystery of the *Ēn-Sōf* ("the endless"). But when power began to spread forth in the supernal *Haikal*[2], which is the mystery of Elohim, the term *amīrā* ("speech") is used: "Elohim *said*." Before that moment no particular *amīrā* is used. For although *Berēshīth* is also an utterance[3], the phrase *way-yōmer* ("and he said") is not written in connexion with it. This *way-yōmer* incites us to investigate and to seek knowledge. *Way-yōmer* is the power whereby a *Terūmah*[4] was made in silence from the mystery of *Ēn-Sōf* by the mystery of "thought[5]." "And Elohim said." It was then that that *Haikal*[2] brought forth that which it had conceived of the holy seed.... "And there was light"; namely, the light that had been before, the light being that hidden mystery which spread forth and broke out from the deeply concealed mystery of the supernal *awwīr*. It broke forth at the beginning and produced out of its mystery the one hidden "point[6]," the *Ēn-Sōf* having broken forth out of its *awwīr* and manifested that "point," namely the letter י; and when that *yōd* had been produced, that which was left of that mystery of the hidden *awwīr* was *ōr* ("light")[7].

[1] The phrase כלל ופרט וכלל is borrowed from the שלש עשרה מדות of R. Yishamael. The meaning here is that as all particular things proceed from the universal substance and in their combination are equivalent to it, the particular is found to lie between two forms of the universal substance, the first being primal and undivided, and the second the sum-total of all particular things.

[2] Compare Moses de Leon, p. 840. The identification of the היכל הקדש with בינה there adopted agrees with this passage of the *Zohar*, the stage at which existence becomes knowable being not inaptly compared to parturition.

[3] Compare Moses de Leon, p. 839.

[4] Compare פירוש התפלות, p. 834.

[5] Compare Moses de Leon, p. 840.

[6] Compare Moses de Leon, p. 839, *passim*.

[7] Compare Moses de Leon, pp. 863-7.

B. Specimens from Moses de Leon's שקל הקדש.

I. (B.M. MS. Add. 27,044, fol. 3 b sqq.)

Fol. 3 b, l. 4 from bottom. החלק הראשון[1] הוא לדעת ולהשכיל על אשר אמרנו בתחלה כי הוא יתׄ אין מי שיוכל להשיג ולדעת ולהרהר ולחקור ולחשוב מחשבות · אמנם נוכל להשיג קצת מסוד דרכיו הנוראים והם המדות הנוראים באשר הוא יתׄ ברא בהם את העולמות · | כי הוא עדות ברורה בתורה בפסוק ראשון Fol. 4 a. של תורה · בראשית · כי על כל פנים בכל התורה כלה תמצא כפי סוד העניינים האלה · והנני מגלה לך הסוד בהיות התורה עדות בסוד בראשית · כבר הורונו על סוד הסתום במעלה העליונה האויר הזך שאינו נתפש כי היא מעלה נעלה ונסתרת מכל שאר המעלות אשר תחתיו · ואמנם כי סוד המעלה הזאת אינה מעלה נשגת בשום צד בעולם והיא כלל כל האספקלריאות האחרות · משם יצאו בסוד הנקדה היוצאת אשר היא מעלה נסתרת והיא מקבלת מסוד האויר הזך הנסתרת · ממנה יצאו ואליה ישובו · ועל כל פנים בהיות זו המעלה עיקר נסתר ונעלם אינו נתפס בשום צד · וגם כי סוד הנקדה העליונה היוצאת ממנה היא עלומה ונסתרת נתפסת היא בסוד ההיכל הפנימי כאשר נפרש בעזה · ואמנם כי סוד הכתר העליון אשר אמרנו שהוא סוד האויר הזך הנתפס הוא נקרא סבת כל שאר הסבות ועלה לכל העלות . ואמנם כי על כן אמרו ז״ל כי הסבות והמאמרות אשר הם כתובים על ספר הראשון מחמשה חומשי תורה הם עשרה מאמרות שבהם נברא העולם כאמרם | ז״ל בעשרה מאמרות נברא העולם והא Fol. 4 b. תשעה הוו · בראשית נמי מאמר הוא בהיות זה העלה עקר כלם · ואמנם כי יש מפרשים במורד המדרגה התחתונה אבל על כל פנים כפי דעת היודעים חן היא סבה העליונה סבת הסבות ועלת העלות · וגם כי היא מעלה מיוחדת על כל פנים מאמר הוא · ולפי זה הדרך תוכל להבין הענין הנכון על אשר אמרנו בהיות הוא יתׄ מיוחד במעלתו ואין לחקור ולהרהר בשום צד במה שאינו מורשה כפי אשר אמרנו · ואמנם כי סוד ענין זה סבה העליונה שהיא העלה הנסתרת מהכל מציאות הראשון היוצא ממנו בראשונה היא סוד הנקדה הראשונה · ומשם משתלשל סוד המציאות · כי סוד נקדה אחת היא התחלה לכל ההתחלות וראשית לכל ההויות · ועל כן אמר בעל ספר יצירה ולפני אחד מה אתה סופר כלומׄ ולפני נקדה אחת מה יוכל החושב לספור ולחשוב · כי לפני נקדה אחת אינו זולתי

[1] Words written in large characters in the MS. are here overlined. In the latter parts prominent words are marked with three dots (⁘).

אין׳ סוד האויר הזך שאינו נתפס אשר אמרנו׳ ועל כן נקרא אין כלומ׳ אין מי שיוכל לעמוד עליו׳ ואם ישאל השואל ויאמר היש פה יש שיוכל אדם | לחשוב בו ואמר אין׳ כי על כל פנים אין הוא דבר הנסתר שאין Fol. 5 a. מי שיוכל לעמוד בו׳ ועל ענין זה תוכל לדעת כי סודו ועניינו אין הוא׳ התחלת המציאות׳ בהיותו[1] הוא ית׳ נעלה ונשגב במעלתו ולהיותו נמצא בסוד מציאותו׳ היא סוד הנקדה העליונה הרמה על כל רמים ומשם מתפשטים כל ההויות וכל הסבות הנמצאים בסוד מציאותו ית׳׳ כי תדע לך כל ההויות אינן נמצאות מעלה ומטה זולתי מסוד נקדה אחת׳ ומסוד נקדה אחת ימשכו כל ההויות בסודותן׳ ועל כן היא התחלת כל הדברים כי על כל פנים האספקלריאות הן[2] נמשכות מסוד ההתחלה הראשונה.

ואמנם בהיות זו הנקדה התחלת כל העניינים נקראת מחשבה׳ כי אין מחשבה תלויה זולתי על דבר נסתר ונעלם והיא נקראת נקדה מחשבית׳ ואמנם כי כל העניינים מעלה ומטה אינם מתהוים זולתי מתוך מחשבה כי המחשבה סתומה והמחשבה אינה נקראת מחשבה זולתי כפי הענין אשר | אמרנו׳ והנה יש לך לדעת סוד המחשבה הזאת שהיא סוד נקדה Fol. 5 b. נעלמה התחלת כל העניינים כפי הסוד הנכון אשר אמרנו׳ וגם אמנם כי ענין שמות הסודות האלה נפרש בעזה׳ ועדיין נחזור העניינים כלם כל אחד ואחד בסודו ועניינו׳ סוד הענין הנכון בזו הנקדה הנעלמה הוא הנתפס בהיכל הפנימי כי האויר הזך הפנימי אינו נתפס לעולם׳ וזו הנקדה המחשבית היא אויר הנתפס על כי הוא נתפס בסוד ההיכל הפנימי קדש הקדשים והיה כל מבקש יי׳ יקרב אל פתח ההיכל ואזי יקנה בינה׳ ואמנם כי כל הדברים עלו במחשבה ומשם נבראו ונתהוו בסודותם ועניינם וכבר עלה הכל במחשבה׳ ואל[3] יאמר האומר ראה זה דבר חדש בעולם אומ׳[3] לו ישתוק׳ כבר עלה במחשבה כי כל העניינים וכל הדברים מה שהיו מקודם זה ומה שעתידין להיות הכל עלה במחשבה

מתוך נקדה זו התעלומה מתפשט ויוצא היכל הקדש הפנימי ונתהווה ונברא מתוכו ונקרא קדש הקדשים שנת החמשים והוא הנקרא קול | הדק Fol. 6 a. הפנימי היוצא מתוך המחשבה׳ וכל ההויות וכל הסבות משם יוצאים בכח הנקדה העליונה׳ ועדיין נפרש העניינים בסודותם ועניינם בענין החלק השני בעזה׳ עד כאן סוד השלש הספירות העליונות הנסתרות הנעלמות הנטמנות בסודותן ועניינן׳ ומכאן והלאה סוד העניינים בסוד המציאות וכו׳

[1] MS. בהיועד. [2] MS. כן.

[3] The construction requires אמור . . . ואם.

II. (B.M. MS. Add. 27,044, foll. 15 b–16 a.)

עשר ספירות בלימה הם · והם בלימה על שם בלום פיך מלדבר ורעיוניך מלהרהר · כי הם דברים עתיקים · סתומים · ותוכם סוד המרכבה העליונה · כי הענין סתום וחתום הוא למוצאי דעת · כתר עליון · סוד המעלה העליונה סתומה וחתומה · חקוקה בסוד האמונה · והיא הנקראת אויר זך שאינו נתפס כפי אשר התעוררנו בתחלה · והיא כלל כל המציאות · והכל נלאו בחקירתו . ואין להרהר ולחשוב במקום הזה · והענין נקרא בסוד אין סוף · כי זה הענין גורם כלל הכל · אמנם בו ניתק אזור כל החכמים כי הוא סוד עלת העלות כאשר התעוררנו · והוא הממציא את כלם · ויש להעיר ולהתבונן ולבונן הרעיון והמחשבה כי הוא ית׳ שמו אפיסת כל המחשבות ואין רעין יכילהו · ואמנם כי כאשר שאין מי שיכילהו שום דבר בעולם נקרא אין · וזהו הסוד שאמר[1] הכתוב והחכמה מאין תמצא · וכל דבר הסתום והנעלם שאין מי שיודע בו כלום · | נקרא אין . כלומר אין מי Fol. 16 a.
שיודע בדבר זה כלום · ואמנם כי נפש האדם היא אותה הנקראת נפש השכלית · אין מי שיודע להכיר בה שום דבר בעולם · והיא עומדת בחזקת אין כאמרו ומותר האדם מן הבהמה אין · כי בזו הנפש יש לו לאדם מעלה על כל שאר הנבראים · והשבח שבו אותו הענין הנקרא אין · וגם אמנם כי אם על הנפש הזאת כאשר התעוררנו אין מי שיודע בה כל זה על העניינים הסתומים הנעלמים[2] כל שכן וכל שכן על עוצם העלמת המקום הזה אשר עליונים ותחתונים לא ישיגו בחקירתו כלום · והבן כי יש אדם שעובר על ראשו אויר המשמח הלב והרעיונים ואינו יודע מהו ועל מה · זהו שאינו נתפס · כן בהתעורר המעלה הזאת לבלם נותן זוהר והתנוצצות ואינן נתפס בשום צד בהם ואינם יודעים בו · ולפי גודל מעלתו אין לו שם שיכיל בו · אבל מתוך שאר הכתרים הסתומים שאינם נשגים יתפרש האדם השכלי מרעיון וממחשבה להרהר בענייננו וכו׳

III. (B.M. MS. Add. 27,044, foll. 74 a–75 b.)

מתוך דברי התורה הקדושה ומה שהורונו הקדמונים ז״ל הם הקדושים | אשר בארץ ומשרתי עליון · מתוך דבריהם יוכל האדם להשיג ולדעת Fol. 74 b.
ולחקור עד המקום אשר הכינו למושב לו: סוד סתרי הנעלם והפנימי

[1] MS. שנאמר.

[2] In the margin אשר בה is here added.

אשר לא נתפס הוא האויר הזך הקדמון אשר הזכרנו בתחלה אין לו ערך ודמיון ואין שום רעיון ומחשבה שתופס בו כלל כאשר הודענו בתחלה בסוד השערים הראשונים · אמנם כי משם והלאה הוא התחלת כל ההויות מסוד הנקדה הנעלמה האויר הנתפס והוא התחלת המשכת ענין סוד שם המיוחד הנעלה ומרומם על כל ברכה ותהלה · והוא סוד אות י · ושהוא אויר סוד הנקדה הנעלמה התחלת כל ההתחלות · וגם אשר אמרו כי בראשית נמי מאמר הוא על כל פנים הוא סוד הכוונה אשר התעוררנו בהיות למעלה מן האויר סוד נעלם ונסתר אשר התעוררנו בתחלה · אמנם כי סוד הנסתר הזה הוא · אם אין להרהר בסוד הנעלם האויר הזך שאינו נתפס כל שכן וכל שכן בדבר אחר שהוא נעלם ונסתר יותר · ואמנם
Fol. 75 a. כי מסוד ההתחלה הקדומה סוד הנקדה אשר הזכרנו | שהוא התחלת כל ההתחלות להמשך מסודו כל ההויות וכל המשכות למטה בסוד המציאות על כל פנים נמשך בסוד זה המשכה האמתית היוצאת מאֵין והוא אות י · סוד נקדה אחת כי סוד כל החתחלות אינו אלא נקדה אחת · ועל כן אות י סוד נקדה אחת כאשר התעוררנו בתחלה · ואמנם כי סוד ענין[1] זה הוא סוד ההמשכה האמתית אשר התעוררנו בהיות אות י נקדה נעלמה · סוד המחשבה הנסתרת · אמנם כי ענין סוד זו הנקדה המחשבית היא כלל כל המציאות מעלה ומטה · ומה נחמד הענין להשכל[2] בסוד אות י התחלת כל הדברים · ואין התחלה זולתי נקדה אחת׳ כאשר התעוררנו · כי אין שום בנין זולתי מתוך נקדה אחת וזהו אות י · ועל כן תוכל להבין כי אין י נמצאת בסוד האותיות זולתי לסוף תשע אותיות · והוא העשירית קדש כלל כלם · וגם כי יש מפרשים האומרים ומתעוררים בסוד א שהיא מורה על סוד האֵין הנסתר והנעלם · יש לומ׳ כי כבר ידענו ומסורת היא
Fol. 75 b. בידינו שבסוד האֵין | האויר הזך והנעלם אין שום רעיון ומחשבה שיכיל בו ויהרהר בחקירתו ואין בו שום רושם כלל · ואיך יוכלו לומ׳ כי רבוי רושם האות הזה ישנו בו להיות בסוד המעלה הזאת · כי האויר הנתפס כבר ידענו כי אינו זולתי נקדה אחת ואין פחות שום דבר מנקדה אחת · כי סוד נקדה אחת היא האות שהיא הקטנה בכל האותיות · אמנם כי אות א הוא רושם גדול עד מאד ואינו נכון להיות בסוד האֵין · וכבר ראינו כי סוד התחלת כל ההתחלות אינו אלא אותה הנקדה · על כן אינו נכון להיות האֶלף סוד האויר הזך וכו׳

[1] MS. ענין.

[2] Read להשכיל.

IV. (B.M. MS. Add. 27,044, foll. 79 b–81 a.)

סוד הייחוד בסתרי הגנזים

כבר התעוררנו בענין סוד סתרי הייחוד בפרשיות קרית שמע · וגם אשר התעוררנו ואמרנו בתחלה בסוד הייחוד · אבל בענין הידיעה לדעת כי סוד המדרגות כלן · וזו המדרגה נראית שאינה כמדרגה הזאת · על כל פנים יש לדעת היאך כל המדרגות ענין אחד וסבה אחת · ואעפ שיש לדעת אם הספירות הן נבראות ואם לאו · כי אם תאמר שהן נבראות היאך יש להאמין קיום אמונתנו בדבר נברא · ואם תאמר שאינן נבראות היאך אתה אומ׳ שנדע או נשיג ונחקור אחר דבר שאינו נברא · והיאך נוכל לדעת שום ידיעה או שום השגה בעולם בדבר שאינו נברא · יש לדעת ולחקור כי הוא ית׳ שמו אין בו שום צד מכל הדברים שיוכל הפה להשיב והמחשבה להשיג · ומפני כי אין בו שום צד מכל זה אין מי שיוכל להשיג בו או לדעת שום ידיעה בעולם · אבל מתוך הידיעה | הנכונה ניבר Fol. 80 a.
סוד מעלתו ית׳ שמו מתוך מדותיו · כי ידענו על כל פנים כי מרוב העלמתו בלא שום חקירה כלל המציא סוד מציאותו ממנו והמציא סוד אור זוהר אמתי ממנו כפי סוד נקדה אחת והיא עלומה ונסתרת · אמנם כי אותה הנקדה נתפשטה ונמשכה ומאותו ההתפשטות נתהווה אור זוהר אספקלריא אחרת · ואותו פשיטות המשכה וההויה המתפשט נקרא בריאה · וזהו במעשה בראשית יהי · כלומ׳ יתפשט ההויה הראשונה · וחס ושלום שתהא בריאה חדשה כשאר הנבראים אלא אותו התפשטות והמשכת ההויה מהסבה הראשונה היא הבריאה ממש ולא בענין אחר · ומתוך כך יש לנו חלק באלהי ישראל וידענו והכרנו קצת אמתת ייחודו[1] הנאה והעליון ית׳ שמו · ועל כן תוכל לדעת כי בכל מעשה בראשית בכל יום ויום לא תמצא סוד ההויה אשר בו אלא בלשון יהי · יהי · וכבר רמזנו כי סודו התפשטות[2] הצורה מסוד המחשבה העליונה אשר היא הסבה הראשונה · ועל כן סוד ההויות[3] כלן בין במעשה בראשית בין במעשה מרכבה הכל הוא סוד ענין התפשטות המציאות · ודיי לך ברמז דבר במה שרמזנו בזה · ונחזור למה שהיינו | בביאורו בענין סוד הייחוד לדעת כי הכל Fol. 80 b.
אחד · וגם מזה הדרך תוכל להבין העיקר ·

ועתה התבונן והבן העיקר האמתי כי סוד הייחוד הזה יש לדעת ולחקור · ועתה שמע ודע לך: המחשבה היא עלומה ונסתרת ומרוב העלמתה אין

[1] MS. ייחדו. [2] MS. תהפשט. [3] MS. ההיות.

מי שיוכל להשיג בה שום השגה בעולם ולא לדעת ממנה שום ידיעה · נתפשטה המחשבה ובאה עד המקום אשר הרוח יוצא ממנו ונתקשרה שם · ובהיותה מתפשטת עד המקום ההוא אזי האדם בא להתבונן שום הבנה לא שידע ידיעה ברורה אלא יבוא האדם להתבונן שום רמז או שמץ קצת הבנה · ועל כן נקראת אותו ההתפשטות בינה ·

עוד נמשך המעין ונתפשטה אותה המחשבה להגלות מתוך אותו המקום שנקרא בו בינה והוצרכה להוציא קול כלול בשלשה דברים מאש ומים ורוח ונעשה ממנו הקול הנשמע לחוץ כבר בה [1] האדם לדעת ולהשגיח ולהתעורר | במחשבתו על אותו הקול · ואעפ שאין הדבר ידוע כי הקול כלל · Fol. 81 a.

עוד נמשך המעין ונעשה אצל הקול דבור שהוא מתנועע באותו הקול להשלים הענין · וכאשר תסתכל בחכמה תמצא מראש המחשבה הקדומה עד סוף המחשבה שהוא הדבור כי הכל אחד ואין שם שום פירוד בעולם כי היא היא המחשבה אשר התעוררנו והיא היא ואין תמצא דבר אחר זולתי בהתפשטה והמשכה עד סוף המחשבה והכל אחד · ודיי לך ברמז זה לדעת כי הוא אחד בייחודו [2] בלא שום פירוד כלל בעולם · והכל נכון למבין ויי׳ ירצנו ויורנו דרכיו הישרים ·

V. (B.M. MS. Add. 27,044, fol. 87 b sqq.)

שער עשרה שמות שאינם נמחקין · והם יסודי העלמות במחלקותם וסודותם כפי סוד הדרך האמתי · ואמנם כי דרך המעלות כבר התעוררנו בהם להורות כי המדרגות הללו הן הן סודו שלהבה והמה כלולות בו והוא בהם ואין שם שום פירוד לעולם כשלהבת הקשורה בגחלת · וכבר התעוררנו בסוד ענין זה במחלקות המעלות ועכשיו הנני נכנס בביאורם בעזה :

השם הראשון אהיה · הוא סוד השם המיוחד והוא השם האחדות המיוחד בכלל שמותיו · אמנם כי סוד האויר הזך שאינו נתפס כבר התעוררנו כי אין לו שם ידוע ולא גבול מוגבל ולא | שום דבר שיוכל האדם לתפוס בו · Fol. 88 a.
ואמנם כי ההויה הראשונה הנתהווה מסודו הוא כלל כל האחדות בסוד הנקדה המחשבית אשר אין מי שיודע שום דבר בסודה עד שנתמשך המעין להבנות · ובבן סוד השם המיוחד שלו הוא אהיה · כלומ׳ עדיין אהיה ואמשיך סוד ההויה בסוד מציאותי · כלומר אהיה ואבנה מציאותי ואמשיך

[1] Read בא. [2] MS. בייחדו.

המשכת ההויה להמצא · ואמנם כי זהו סוד השֵׁם הראשון שנאמ׳ לו למשה בסנה בסוד התחלת נבואתו של משה עה · ואמנם כי לפי׳ נתהווה ההמשכה הראשונה בסוד שם זה · ומיד מפני כי משה עדיין לא חלה עליו המשכת הנבואה לא נחה דעתו עד שנתגלה אליו סוד ההויה וסוד השם המיוחד יהוה · ואמנם כי זהו ששאל ואמ׳ והן לא יאמינו לי השם המיוחד בהויותיו עד שמשך דבריו והודיעוהו סוד | יהוה · ונחזור למה שהיינו בביאורו · Fol. 88 b.
יש אומ׳ כי סוד שם זה נאמ׳ בדבר הסתום והנעלם ומורה על דבר שאינו נגלה בשום צד וזהו אהיה · ואמנם כי סוד השם הזה הוא השם הראשון בסוד שמותיו שלהבה · וגם אמנם כי סוד שמותיו של מקום בה אותם המיוחדים הם עשרה שמות · והם עשרה שאינם נמחקין · ואעפ כי הרבה שמות יש לו להבה · ואמנם כי סוד שמותיו אמרו זל שבעים שמות יש לו להבה · ושבעים שמות יש לה לכנסת ישראל · וכלם ידועים בדברי ר׳ז׳ל׳ ומפוזרים בתורה בנביאים ובכתובים · ועכשיו העשרה שמות המיוחדים בסוד מעלתם והם הם שמותיו המיוחדים בסוד מעלתם יותר משאר כל השמות שנקרא בהם הבה · ועל כן אלו הם השמות שאינם נמחקין ואעפ ששאר השמות כלם כנויים · ואמנם כי סוד השם הראשון נסתר ונעלה בלי שום נגלה · ועל כן הוא סוד אהיה · הוא שם עומד בהויתו[1] בסוד עומק נסתר עד בוא סוד החכמה אשר משם התפשטות | הכל · ועל כן אמר לאחר כן אשר Fol. 89 a.
אהיה · המזומן להגלות כאשר פירשנו ·

סוד השם השני והוא יה · זהו עיקר גדול בהיות החכמה התחלת השֵׁם היוצא מסוד האויר הזך והוא הוא המזומן להגלות בסוד אשר אהיה · ואמרו אהיה הוא שם שלא נודע ולא נגלה · אשר אהיה · ואמנם כי סוד החכמה היא הכוללת שתי האותיות יוד הא · ועל כל פנים כי זהו התפשטות השם המיוחד והוא סוד השֵׁם · התחלת המציאות · כי על כל פנים סוד יה הוא חצי השֵׁם · ועם כל זה הוא שלימות הכל בהיותו כלל כל המציאות · כלל כל ההויות · | כי לעולם תוספת האותיות האחרות מן השֵׁם[2] הוא הכלל Fol. 89 b.
הגדול האמתי בסוד השֵׁם המיוחד · כי בהתפשט המשכת שם זה אז נתוספו אותיות אחרות ונתהוים בסוד אלו כפי עיקר המציאות ·

סוד השם השלישי הנקרא אלוה · יש לך לדעת כי בהיות השם המיוחד יה שהוא הכלול באויר הנתפס בסוד החכמה בהיותו נתפס בבינה על כל פנים הבינה כוללת שם אחד והוא שמו ית׳ ובו נכללות שתי אותיות היוצאת משם שהן וה ונכללות שתי אותיות לו בסוד אל ונעשה מהכל שם אלוה ·

[1] MS. בהויתי.

[2] השם is repeated in the MS.

Fol. 90 a. ועל כל פנים כי סוד הנשמה נתכנית | בשם זה כאמרו מנשמת אלוה · כי כח סוד הנשמה · אעפ שהנהר היוצא מעדן משם פורחות הנשמות על כל פנים אין העיקר והשורש אלא (MS. אל) מלמעלה · ואמנם כי השם המיוחד בבינה הוא אלהים חיים כי הוא אלהים חיים ומלך עולם · כי הוא המלך העליון · רם על כל רמים · וזהו אלהים חיים כאש׳ אמרנו ·

סוד השם הרביעי הוא סוד השם המיוחד בסוד ארבע האותיות · שהוא

Fol. 90 b. התפשטות השלם | בסוד השם המיוחד הנגלה מתוך הנסתר והוא סוד יהוה שהוא השם המיוחד · יתד שהכל תלוי בו והוא כלל הכל כי הוא אוחז מעלה ומטה · ובו סוד כל ההוית בסוד מציאותו ית׳ שמו · והוא תשלום כל ההויות בסודו ועניינו · והוא השם המורה בייחודו ית׳ שמו יותר מכל שאר השמות כפי אשר אמרנו בסוד אותיותיו ·

סוד השם החמישי הוא השם הנקרא אל · וגם כי שם זה הוא נקרא בכל מדה ומדה ובכל מדרגה ומדרגה · ואמנם כי בכל מקום סוד שם אל נכלל בין לימין בין לשמאל · ואמנם כי אפי׳ לשמאל כאמרו אל זועם בכל יום · וכן לימין כאשר תמצא האל הגדול והוא סוד הימין כאשר הודענו בתחלה · ושם זה לצדיקים ולרשעים כאמרו ארך אפים ואפי׳ לרשעים ·

Fol. 91 a. סוד השם הששי הוא נקרא אלהים והוא סוד מדת הדין בכל מקום וכבר רמזנו בסודו[1] ועניינו כי הוא מדת הדין בכל מקום והוא צד שמאל גבורת יי׳ הוא · וכבר רמזנו בו · ודיי

סוד השם השביעי הוא הנקרא אלהי ישראל · והוא שם מיוחד מעוטר ומוכתר בשם זה בסוד ענין גדול נכון המובן בסוד ימין ושמאל · ואמנם כי אעפ שהנביאים נבאו יש מפרשים ואומ׳ בסוד זה שם אחר · אבל אמרו בסוד אמרו אשר נקרא שם · שם יי׳ צבאות אלהי ישראל · יי׳ צבאות מאן איהו צדיקו של עולם שכל צבאות קדש משם יוצאים · אלהי ישראל תרין סמכין דביתא קיימא עלייהו · וזהו נכון למוצאי דעת · וגם אשר ראיתי מפרשים האומרים בסוד זה שמות אחרים מוכנים במדרגות · אבל

Fol. 91 b. זה הענין הוא סוד ר׳ז׳ל׳ · ודיי בזה | הרמז למבין ·

סוד השם השמיני הוא הנקרא צבאות · על כי הוא כולל כל צבאות מעלה ומטה בסוד השם כי הוא אות בצבא שלו · כי תמצא השמש הוא כולל כל הככבים חמאירים ושאינם מאירים · כי כל צבאות הככבים כלם נכללים בסוד השמש · והוא אות בכל צבא שלו · והשם הוא צבא · אות[2]

[1] MS. בסוד.

[2] אות is repeated in the MS.

הוא בצבא שלו בסוד ברית הקדש · ושם זה מיוחד הוא אצלו · וזה שדרש ר׳ עקיבא יי׳ צבאות שמו אות הוא בצבא שלו · והוא עיקר גדול · וסוד יתד התקועה בכל צבאות מעלה ומטה · ועל כן הכל צריך לרומהו[1] · כי יי׳ צבאות שמו ·

Fol. 92 a. סוד השם התשיעי אדני · על כי הוא אדון כל הארץ וכל האדנות שלו הוא · וזהו סוד אמרו הנה ארון הברית אדון כל הארץ · ואמנם כי כבר התעוררנו על שם זה בהיות סוד העולם של מטה אדון כל הארץ · וכבר אמרו ז״ל בענין אמרו ועתה אלהינו שמע אל תפלת עבדך ואל תחנוניו והאר פניך על מקדשך השמם למען אדני · והם ז״ל התעוררו בגמ׳ ברכות ואמרו למען אברהם שקראך אדני · וכבר ידעת ענין אברהם וסוד האדון · ואמרו במדרש משל במלך[2] שהיה לו מטרוניתא ופלטרין שלה נפלו · לימים בא שושבינה דמטרוניתא אמר למלך אדוני בנה פלטרין אל[3] שנפלו בשביל מטרוניתא שלא תשב לחוץ · תגלה חוץ ממקומה · וזהו והאר פניך על מקדשך השמם למען אדני · וזהו וישב משה אל אדני ויאמר
Fol. 92 b. אדני | למה הרעות · ואמרו בו משה דאיהו מארי דביתא אמר כן מה דאי איפשר לאחדא · ועל כן שם זה עלה בשם אדנות ·

סוד השם העשירי והוא שם שדי · ואמנם כי תשעה שמותיהם בהיות התשעה עיקר · וגם אמנם כי סוד האויר הזך שאינו נתפס הוא אינו נכלל בהם ואעפ שאמרו הוא · והתבונן כי שם זה שדי יש מפרשים שהם אומ׳ על שהוא שודד והוא סוד מדת הדין · על כל פנים כבר אמרו שדי שאמר לעולם דיי · והוא סוד אמרו ואל שדי יתן לכם רחמים · וכן אני אל שדי פרה ורבה · אמנם כי קרוב אליך הדבר בהיות הענין בסוד מדת הדין של מטה והוא הקשור באות ברית קדש · ואמנם כי בזה הוא תלוי הפריה ורביה כאמרו אני אל שדי פרה ורבה · ולא נאמ׳ דבר זה לאברהם זולתי בהמלו בשר ערלתו · ובכן בא אליו המאמר ההוא ואמ׳ לו אני אל
Fol. 93 a. שדי | פרה ורבה · והנה על כל פנים אין פרי זולתי הברית · ואין פרי זולתי בנקבה והכל נקשר זה בזה ואין ביניהם פירוד לעולם · ועל כן אין להפרידם · והנה יש לך לדעת ולהתבונן על השם אשר אמרנו צבאות כי הוא האות והברית · אות בכל צבא שלו · ומשם יוצאים כל צבא רום מעלה ומטה בענין השמש שהוא אות בכל צבא הכוכבים האחרים · על כי אין ככב מאיר ככוכב השמש · והוא דגול מכל הרבבות שלו · על כן אל שדי בחבור היח בשמש לעשות פרי למינו · והוא סוד אמרו אני

[1] Read לרוממהו. [2] For למלך. [3] So MS.

אל שדי פרה ורבה · ואל שדי יתן לכם רחמים · כי אוי כל טוב נמצא בעולם · והחסד והרחמים נמשכים מעם מעלה · והעולמות כלם מתברכים · והברכות משפיעים לכל · עד כאן סוד עשרה שמות המיוחדים בסודותם ·

Fol. 93 b. שאל השואל · כבר התעוררת ואמרת בסוד הייחוד ואמרת בסוד **יי׳ אלהינו יי׳** והתעוררת סוד ייחודו ית׳ שמו בענין שלשה שמות הללו · וכן סוד קדושתו בסוד שלש קדושות: קדוש קדוש קדוש · אם כן טוב ונאה היתה ראויה סוד המעלה וסוד הידיעה להיות מורה ייחודו בדבר נשלל יחידי ולומ׳ יי׳ אחד לבד כענין סוד אמרו יהי יי׳ אחד׳ וזה טוב ונאה · וכן קדוש יי׳ צבאות ולמה כל זה הדבר שלשה פעמים · הלא זה דבר שהדעות נבוכות · וגם כי האמת אינה נעדרת מהדברים אשר התעוררת עדיין הלב אינו מתישב ואינו יכול להשתכח · והאדם המבין ירא ווחל פן יחטא בלשונו · ועל כן ישמור לפיו מחסום · ועוד כמו שאתה אומ׳ · אם תברר דבריך לומ׳ שהוא כן · למה הספירות עשרה ואינם שלשה

Fol. 94 a. כפי סוד הייחוד שהוא בשלשה · | על כל הדברים האלה הרעיונים נבוכים והלבבות אינם ביישובן · וצריך עיון ותשובה על כל פנים · כי הספירות ראוי להן להיות שלש למה עשר ולא תשע ולא אחת עשרה ולא שלש · עד כאן שאלת השואל ·

תשובה: השם עמך גבור החיל בהיותך שואל תוקף השאלה הזאת ועוצם ענין אשר הוא נכון למשכיל · וגם אמנם כי הנני עוזר אותך בסוד הענין הזה · כי גם אמנם איש אין בארץ ששאל שאלה הזאת · וגם הוא לא הגיד וגם אנכי לא שמעתי בלתי היום · כי כאשר אמרת שצריך האדם לשמור פיו ולשונו ורעיוניו מלהרהר פן יהרוס בניינו וענין רעיוניו יבהלוהו · ועל כן אמר חכם הרזים עה אל תתן את פיך לחטיא את בשרך · ועתה הנני משיבך אמרים והבן לך: תדע לך כי סוד העניינים האלה אשר שאלת הם דברים עמוקים כאשר אמרנו והודענו · אמנם כי יש לחזור על קצת העניינים אשר התעוררנו בתחלה:

Fol. 94 b. סוד הייחוד אשר אמרנו · בהיות סוד המציאות אחד והמשכת אמתתו ית׳ שמו הוא אחד בלי שום דבר דברים · וכבר אמרנו [כי] מהתחלת סוד הנקדה העליונה המחשבית עד סוף המחשבה שהוא אחד והיא היא המחשבה הקדומה · אמנם כי בסוד עומק השאלה הזאת אשר שאלת יש לדעת כי **יי׳ אלהינו יי׳** סוד שלשה דברים והיאך הם אחד · כבר אמרנו בסוד קול היוצא מן השופר הכלול מסוד שלשה דברים אש ורוח ומים ומתחברים כאחד ונעשה מהם קול · וזהו ראיה בהיות השלשה

דברים סוד אחד · אמנם כי שאלתך מפני מה צורך שלשה דברים ולא אחד להיות הוא יתׁ שמו אחד בלא שום רבוי · יש לך לדעת כי סוד השלשה דברים שאתה שואלׁ ואמרנוׁ התעוררנו בסודו הוא אחד ואינו שלשה עניינים זולתי מצד עצמינו · כי תמצא שהוא יתׁ שמו ברא שלוֹשה עולמות שעלו במחשבה · ואעׁפ כי הרבה עולמות הם שברא והם אחרים גנוזים · אבל אלו השלשה הם | עוֹלם העליון ועוֹלם האמצעי ועוֹלם התחתון · Fol. 95 a.
אמנם כי העולמות מתקשרים זה בזה וזה בזה והוא יתׁ שמו המשיך אמתת מציאותו בהם · וסוד המחשבה ההיא מציאות אחד והיה אחת · וכפי ירידת העולמות וגרעון מעלתם זה מזה הכי מתפשט אור זוהר אמתת מציאותו · ואעׁפ שהוא אור אחד בכל העולמות וסוד מציאות אחד . אמנם בהעדר מעלת בנין זה העולם מעולם שלמעלה ממנו הכי נעדר האור הבהיר המתפשט מהמשכת אמתת המחשבה העליונה · והראיה בזה כי תמצא אור הנר בהיות בו תקון הפתילה גסה · ונתקנת · האור הוא גדול ורב ומאיר עד מאד בהדלקת אור מתנוצץ · וכשתעביר זאׁ הפתילה ותשים פתילה קטנה ודקה אחרת במקומה הרי כי האור ההוא מועט ואין מאיר כאור הראשון וגם כי הוא האור הראשון · זולתי במצוא האור ההוא עולם קטן כלומׂ פתילה קטנה ודקה יותר מן הראשונה ואין שם עולם להתפשט ולהמשיך ועל כן נראה שיש בו שנוי בשום שנוי כלל בעולם מהאור הראשון · זולתי לפי מציאות הוית העולם ההוא ובגרם מעלות ירידת העולמות תמצא | גרעון האור ההוא · ועם כל זה הוא האור הראשון המתפשט בכלם · Fol. 95 b.
ולפי יש שמות באור משונים זו מזו · והכל אחד · ואין לך בכאן שום חשד כי הכל אחד · ועל כן תמצא בסוד קדוֹש קדוֹש קדוֹש שאמׁ יונתן בן עוזיאל ותרגם הכי

קָדִּישׁ בשמי מרומא בית שבינתיה
קָדִּישׁ על ארעא עובד גבורתיה
קָדִּישׁ לעלם ולעלמי עלמיא

כי המשכת הקדושה הוא בכל העולמות לפי ירידתם ומעלתם · ואמנם כי הקדושה אחת · ועל דרך זה אין לתמוה ואין הרעיונים לבובים בכך ·

ועל אשר אמרת שהספירות למה הן עשר ולא שלש ולא יותר כפי אשר התעוררת · כבר הודענו בעניינם · אמנם כי כלן נכללות בסוד שלש להיות הייחוד מיוחד · ועל כן אמרו זׁל בעשרה מאמרות נברא העולם ובשלשה כללן · והן חכׂמה ובינה ודעׂת · | להיות סוד המציאות Fol. 96 a.
אחד · חכׂמה בשלש · בינה בשלש · דעׂת בשלש · הרי לך תשע · ואחד

המתפשט בכלם הרי עשרה · כי סוד האחד עליון על כלם והמאיר בכלם · ועל כן כל אחת מאלו שלש כלולה בשלש להיות הכל בסוד אחד · והבן · ואין להאריך בזה כי הדבר מתוקן ונכון למוצאי דעת · ואמנם כי סוד חכמה ובינה ודעת הם כלל כל הספירות · כלל כל הייחוד בסוד אמתתו · והם סוד השם יהו שם המיוחד שהוא אחד · ואמנם כי חכמה ותבונה ודעת הוא כמו כן סוד האלהות וסוד המציאות · וכבר אמרו בספרא דרב המנונא סבא: | יי׳ אלהינו יי׳ סוד השלש מדרגות הללו שהן סוד Fol. 96 b. חכמה ובינה ודעת · כי השם הראשון הוא בחכמה שהוא התחלת כל המציאות מתחלה ועד סוף והוא סוד השם הראשון · אלהינו בבינה · כי שם סוד אלהותו ית׳ כליל ומעוטר ומוכתר ומשם יוצאות כל ההויות למיניהם · ועל כן המדרגה הזאת סוד אלהינו · יהוה סוד הדעת כלל סוד ההתפשטות וההמשכה האמתית בסודו להתישב המציאות בסוד המדרגות הללו · כי הדעת כלל כל שבע קצוות למטה · ועל כן ועל כן[1] השם האחרון הוא סבת הדעת בכל המדרגות של מטה · ואמנם כי סוד האחדות וסוד ההויה האמתית בשלש מדרגות הללו נמצאת · ועל כן הספירות הן עשר בסוד מציאותו ית׳ · ואמנם עשר הן שש קצוות המתיחדים באחדותם[2] בסוד תקון | אדם · והשלש מדרגות העליונות הן סוד החכמה והבינה Fol. 97 a. המתהוים על הראש בסוד תקונו · וסוד הנעלם והנסתר ברוב העלמתו הוא המקיים הכל והמעמיד אותו · והוא כלל הכל והבן · ואין להאריך יותר: ברוך יי׳ לעולם אמן ואמן ·

Translations[3].

I.

The first part of this work aims at imparting knowledge and understanding regarding the matter spoken of at the beginning of this treatise. For him, blessed be he, no one can comprehend, or know, or meditate upon, or make an object of thought. All that is possible to us is to comprehend something of the modes in which he manifests himself, that is to say, some of the attributes by means of which he

[1] Thus repeated in the MS.

[2] MS. originally באחודתם.

[3] As has already been mentioned (see p. 827), the renderings here given are very free, and often amount to a paraphrase rather than a translation.

created the worlds. Let us commence with the clear testimony contained in the first verse of the *Torah*, namely, the word בראשית ("In the beginning"). Former teachers[1] have instructed us concerning the mystery that is hidden in the highest attribute, namely, the pure and impalpable ether, this being an attribute that is more exalted and more deeply hidden than all the other attributes below it. This attribute is also the sum-total of all manifestations[2]. From it they proceeded by the mystery of the "point[3]," which is itself a hidden attribute, taking its rise from the mystery of the pure and hidden ether. And as from it they proceed, so also to it they return. The primal attribute being absolutely hidden, it cannot be apprehended in any manner whatsoever. But as for the mystery of the exalted "point," although it also is deeply hidden, it can be apprehended in the mystery of the "inner sanctuary," as we shall, with the help of God, explain.

And verily, the mystery of the highest Crown[4], which is identical with the mystery of the pure and impalpable ether, is the cause of all the other causes and the origin of all origins. It is for this reason that our teachers, blessed be their memory, have said regarding the "ten

[1] Moses de Leon's authorities need not, of course, be any other than the ס' יצירה referred to farther on and the various Kabbalists who had based their teaching on that work.

[2] The term אספקלריא, derived as it is from *specularis*, scil. *lapis* (transparent kind of stone) lends itself well to the idea of "manifestations" or "phenomena," although this is not its usual sense. These אספקלריאות are here identical with the *Sephirōth* or "Emanations," which take their rise in the כתר or ether.

[3] See what is said in Part i on the likeness of the doctrine of the "point" to the pyknotic theory of matter.

[4] It should here be explained that Moses de Leon identifies the ether with the first *Sephirah* (כתר), the "point" (or first concentration of substance) being according to this system the second *Sephirah* (חכמה, "wisdom" = מחשבה "thought") and the third *Sephirah* (בינה "understanding") is styled "the mystery of the inner sanctuary" by means of which the second *Sephirah* can be comprehended. The first *Sephirah* itself remains absolutely hidden from the understanding.

utterances" by which the world was created, that the word בראשית ("In the beginning") was the first of these utterances, namely, the one which lies at the base of them all; otherwise the number of utterances recorded would only be nine[1]. There are, indeed, those who explain the difficulty by going down to the lowest step[2]. But they who have been initiated in the "hidden wisdom[3]" know that the true explanation lies in בראשית, namely, the highest cause, the cause of causes, and the origin of origins. It is in this mystery, the unseen origin of all things, that the hidden "point" takes its rise, from which all existence proceeds. For this reason was it said by the author of the *Sepher Yeṣīrah*: "And before *one* what dost thou count[4]?" that is to say, before the one "point" what is there to count or comprehend? Prior to this "point" there is nought except *aïn* (אין), namely the mystery of the pure and impalpable ether. It is called *aïn* because no one can apprehend it. If any one were to ask, "Is there ought present that is thinkable?" the answer would be *aïn* ("there is nought").

He himself, blessed be he, being so exalted as only to exist in the mystery of his existence, the beginning of palpable existence is to be found in the mystery of the highest "point." From it do all existing things proceed, together with all the causes that are *implicite* contained in the mystery of his being, blessed be he. There is no palpable existence whatsoever, either above or below, that does not proceed from the mystery of the one "point." And verily, because this "point" is the beginning of all things is it called "thought" (מחשבה). For thought is based on something hidden. It is by means of thought

[1] See אביה, V, 1; ראש השנה, fol. 32 a; מגלה, fol. 21 b.

[2] In פרקי דרבי אליעזר, III, the tenth utterance or מאמר is explained to have been Gen. ii. 18 (ויאמר אלהים לא טוב היות האדם לבדו). This explanation Moses de Leon styles מורד המדרגה התחתונה ("going down to the lowest step," i. e. to a much later act of creation).

[3] In the text חן = חכמה נסתרה, a favourite designation of the Kabbalah.

[4] יצירה ס', I, 7 (ed. Mantua, 1562).

that all things, above and below, come into existence, the mystery of the creative thought being identical with that of the hidden "point."

It is in the "inner sanctuary" (i. e. the *Sephirah* בינה "understanding") that the mystery connected with the hidden "point" can be apprehended, for the pure and impalpable ether itself can never be apprehended. And this "point" or creative thought is the ether made palpable in the mystery of the "inner sanctuary," the "Holy of Holies." Every one that seeketh the Lord shall draw near to the door of the sanctuary, and he shall then acquire understanding (בינה). All things, without exception, were first conceived in thought (מחשבה). And if any one should say, "Behold, there is something new in the world," tell him to be silent; for it had previously been conceived in thought.

From this hidden "point" proceeds the inner sacred *Haikal* (=the "inner sanctuary" = בינה "understanding"). This is the "Holy of Holies," the fiftieth year[1]. It is also called the innermost thin voice which proceeds from the thought. All existences and all causes proceed thence by the power of the highest "point." Thus much concerning the mystery of the three most exalted upper Sephirōth (i. e. כתר, Crown = the ether; the "point" = חכמה, wisdom = מחשבה, thought; בינה, understanding = the inner sanctuary).

II.

The ten Sephirōth are *bĕlī-mah*. They are styled *bĕlī-mah* on account of the injunction: "Close thy mouth so as not to speak, and thy thoughts so as not to ponder[2]." For

[1] The idea of the jubilee year is here brought in as signifying a period or stage in the process of development of the cosmos out of the *Ēn-Sōf*. The term שמטה is thus also often met with in the Kabbalah.

[2] Moses de Leon thus accepted the unsound explanation of בלימה, as against the correct etymology of בלי and מה, i. e. without anything, something that to us, at any rate, is non-existent.

they are matters ancient and hidden, and within them is the mystery of the supernal chariot which even they who have found knowledge cannot comprehend.

The supernal Crown (כתר עליון) is the mystery of the highest and most hidden attribute, and it is engraved on the mystery of the true faith. It is the same as the pure and impalpable ether, as we have explained; and it is also the sum-total of all existence. All thinkers have wearied themselves out in its investigation, and there is no intention to ponder on it in this place. It is also called the mystery of the *Ēn-Sōf* (the "Endless One"), for it is the primal cause of the sum of all things. On it has been broken the girdle of all the wise (i.e. the philosophers). It is necessary to realize and understand that he, blessed be he, escapes all thought[1], for no mind can comprehend him. And verily, it is because of this that he is called *aïn* (אַיִן). This is the mystery of the Scriptural saying: "And out of *aïn* is wisdom found." Everything that is entirely hidden, so that no one may know ought concerning it, is called *aïn*, that is to say, there is no one who has any knowledge of it[2]. Let the soul serve as an illustration. The intelligent soul of man, which partakes of the nature of *aïn* (as it is written: "And the advantage of man over the beast is *aïn*[3]"), cannot be seen or apprehended by any one. This is just because that by which man rises above all other created things is possessed of the wonderful nature of *aïn*. Now if the soul on this account eludes being apprehended, how much more the great *aïn* itself, the potent and most hidden source thereof? And understand, that a breath may pass over the head of man which causes a flutter of joy to his heart and mind; and yet he may not know what it is, nor why it has come. This is an instance

[1] אפיסת כל המחשבות might be translated by "the negation of all thought." Compare the explanation of אין given in the first extract. There the term was applied to the object (the ether), but here to the subject (the contemplating mind).

This is clearly an instance of handling the Scriptures artfully.

of that which is impalpable. Thus also, when this attribute (namely the Crown=the ether) is stirred, sparkling brightness[1] is imparted to all things; but it is itself unapprehended by them in any manner, nor can knowledge be obtained concerning it. It is on account of its wonderful excellence that no name can express it; but it is by means of the other hidden Crowns, though themselves not completely comprehensible, that the intelligent mind is enabled to approach the thought of it.

III.

By means of the words of the holy *Torah* and the teaching of our holy teachers of early times can man comprehend and investigate even as far as the place which is prepared as a seat for him[2].

The hidden and inner mystery which cannot be comprehended is the pure and primal ether[3], as already explained . . .[4] It (i. e. the "primal point") is also the beginning of the unique divine name, which is raised and exalted over all blessing and praise. This is the mystery of the letter י, which is the same as the mystery of the "hidden point," the beginning of all beginnings. And as it has been shown[5] that *bĕrēshīth* is to be regarded as the first of the ten creative utterances, it follows that there is a still higher hidden mystery above the ether[6]. Now if there is no possibility of meditating on the hidden mystery of the

[1] זוהר והתנוצצות, lit. "brightness and sparklings." These terms might have been used, as they stood, if the author had been aware of the electric theory.

[2] i. e. as far as the כתר=the ether, but this primal substance itself remains—as is stated immediately after in the text—incomprehensible.

[3] Here אויר קדמון is used for אויר זך שאינו נתפס.

[4] Omitted, because fully given elsewhere; similar omissions farther on.

[5] See p. 852.

[6] For if *bĕrēshīth*, pointing to the ether, was the first creative utterance, there must have been a higher mystery from which this utterance proceeded. Moses de Leon writes, however, often elsewhere in this treatise as if there were nothing higher than the primal ether. The fact is that he was a fanciful rather than a systematic thinker.

ether, how much less can this be the case with regard to that greater mystery which is higher than even the ether? . . . The true immediate procession from the *aïn*, then, is the letter י. . . . There are, indeed, those who say that the א points to the mystery of the hidden *aïn*. In answer to this one is able to point to the tradition that the mystery of the *aïn*, namely, the pure and hidden ether, no mind or thought can comprehend or meditate upon, and there is, moreover, no distinctive mark in it at all. How, therefore, can it be maintained that this letter (the א) with its strongly marked features, has any connexion with the mystery of this attribute? For even the ether made palpable consists, as we know, of but one "point"; and it is clear that nothing less than one point can be imagined. Now this one "point" is signified by the smallest letter of all, namely, the י; and as the א has very strongly marked features, it cannot possibly be connected with the mystery of the *aïn*. In other words: As we have seen that the mystery of the beginning of all beginnings is this "point," and nothing else, it follows that the א cannot signify the mystery of the pure and impalpable ether.

IV.

The mystery of the Unity in its deeply hidden secret.

We have already spoken[1] of the great mystery of the Unity in connexion with the *Kĕriyat Shĕm'a*[2]. We have also spoken of it in the opening part of the section treating on the mystery of the Unity. All the spheres of emanation are one; for although one sphere of being may look

[1] The form התצור which is here, as elsewhere in the *Shĕḳel haḳ-Kōdesh*, used in the original, is one of Moses de Leon's peculiar forms of expression, though it is also occasionally found in works of other writers. From its literal meaning ("to be roused from sleep") the idea of becoming inspired with a train of thought of high import seems to be derived.

[2] Refers to a part not printed in these extracts.

different from another, yet are they all one in substance and causation. It has also been discussed whether the *Sephirōth* were created or not; and there is a difficulty either way. For if one were to regard them as created, how could one base one's religious faith on them? And if one were to affirm that they were uncreated, how could one know anything about them or investigate their properties? The right way, however, of thinking of the matter is as follows:—He, blessed be his name, has no quality which the mouth can utter or the mind conceive. Yet can some knowledge about him be obtained through that which proceeds from him. For we at any rate know that he has out of the hidden depths of his being produced the mystery of the true, brightly beaming light in the form of one "point" which, though being itself deeply hidden, produces another brightly shining light. It is this latter which is called "creation" (בריאה)[1], being indicated in the account of the creation (בראשית) by the verb *Yĕhī* (יהי), that is to say: Let there be an extension of the originally existing substance. It must, however, by no means be imagined that the creation of something new is meant here. All that is implied in it is the extension of existence from out the first cause. We thus have literally a share in the God of Israel[2], and know and recognize something of his great and exalted reality. . . .[3]

But let us now return to a consideration of the mystery of Unity. . . .[3] The creative thought (=the *Sephirah* חכמה) is so deeply hidden that no one can form any idea of it. But the thought becomes extended and reaches the place

[1] The term בריאה used here must not be confused with that included in the Kabbalistic abbreviation אבי"ע (i.e. אצילות, בריאה, יצירה, עשיה); see L. Ginsberg, *Jewish Encyclopaedia*, III, p. 475. Here בריאה is applied to the third ספירה, namely בינה, the "point" being חכמה, as is explained farther on.

[2] This is only one of the distinctly pantheistic features of the work. Moses de Leon's system, like that of most other Kabbalists, may, in fact, be summed up as "All is One and One is All."

[3] Some omission, as mainly repetition.

whence the wind (or spirit, or breath) proceeds, and it stays there. This is the stage which man can to some extent comprehend, though his knowledge of it is but very slight; and it is on account of this understanding on the part of man that this *Sephirah* (text, extension) is called *Bīnah*.

The stream then spread further still, "thought" being extended so as to reveal itself from out of *Bīnah* (understanding). The result was the utterance of "sound," which consists of three elements, namely, fire, water, and breath. . . . But the stream spread further still, and sound became speech, which consists of modifications of sounds. Now if thou contemplate "wisdom" (the second *Sephirah*, חכמה) thou wilt find that the entire process, beginning with primal thought and ending with speech, is a complete unity, and that there is no break in it at all, all being one. . . . Everything is clear to the understanding mind, and may the Lord be favourable to us and point out to us his straight ways (i. e. the right way of understanding his mysteries).

V. Fol. 87 b sqq.[1]

The present chapter treats on the Names which may not be erased, these Names being the foundations of the worlds in all their varieties and all their mysteries. And verily we have already explained that all the successive spheres are the mystery of himself, blessed be he, they being contained in him and he in them, their relation to one another resembling that between the flame and the coal from which it issues.

The first Name, which is *Ehyeh* (אהיה), is the name of unity. As we have already explained, the mystery of the pure and impalpable ether has neither a name that is known, nor limiting boundaries, nor anything that man

[1] Of this long section, interesting as it is in various ways, only a translation of the parts relating to the first four and the tenth divine Name besides the introductory paragraph will be given, the remaining parts being less closely connected with the doctrine of the ether.

can take hold of. But the first existence which came forth out of this mystery is the all-embracing unity contained in the mystery of the "thought-point," which remains itself unknowable until its extension into that which comes after it. This is the reason why the mystery of this name of unity is *Ehyeh*, that is to say: "I am yet to be when the mystery of my existence becomes extended (or developed). . . ." This is, indeed, the mystery of the first name that was communicated to Moses at the bush at the commencement of his prophetic office. . . . And it was because Moses was not satisfied until the full mystery of existence was revealed to him that later on the mystery of the name *Yahweh* was communicated to him. . . . And verily the mystery of this name (namely, *Ehyeh*) is the first of the divine mysteries. For although there are ten special names of the Deity, none of which may be erased, and although, indeed, the total number of divine names is—as our teachers have said—seventy, to which correspond the seventy names of the congregation of Israel . . . yet is the mystery of this first name particularly unknowable and exalted above all else. And it remains thus hidden until there proceeds from it the mystery of "wisdom" whence all things are produced. This is the meaning of the phrase *Asher Ehyeh* which follows *Ehyeh*, that is to say, "which is yet destined to be revealed," as we have explained.

The mystery of the second name, namely *Yah*, involves a great principle, "wisdom" being the beginning[1] of the name which proceeds out of the mystery of the pure ether. It is that which in accordance with the mystery of *Asher Ehyeh* was destined to be revealed. And verily the mystery of "wisdom" comprises the two letters *yod* and *hē*. For although *Yah* is but half the name (*Yahweh*), yet does it comprise all existence, the addition of the two other letters of the name indicating the mystery of further extension in accordance with the principle of existence.

[1] i. e. part of the full name, which is *Yahweh*, as is explained soon after.

Concerning the mystery of the third name, namely *Eloha*, it is necessary to know that just as the name *Yah* is expressive of the ether made palpable in the mystery of "wisdom" (the second *Sephirah*, חכמה), so also "understanding" (the third *Sephirah*, בינה), which is expressive of a further stage of the ether made palpable, corresponds to a special divine name the composition of which is as follows: The two remaining letters of the Tetragrammaton after *Yah* are *waw* and *hē*. To these are prefixed two other letters forming the mystery of *El*. The whole name therefore is *Eloha*. This name is also connected with the mystery of the soul, as it is written; for although it is from Eden that the souls proceed, yet is their ultimate origin from above. And verily, the name connected with "understanding" (the *Sephirah* בינה) is the living *Elohim*, for he is the most exalted King, high above all else.

The fourth name is the mystery of the name of Unity expressed by the Tetragrammaton, which denotes the complete extension of existence. . . . It is the peg, as it were, from which all things are suspended; and it is the sum-total of all things, for it comprises all that is above and below. In it is the mystery of all being proceeding from the mystery of his existence, blessed be his name. It is also the name which more especially points to his unity, blessed be he, in accordance with what we have said regarding the mystery of its letters.

. . . . . .

The tenth name contains the mystery of *Shaddai*. In one sense there are only nine names, for that of the pure and impalpable ether (viz. the name *Ehyeh*) stands outside the number (being entirely and absolutely unknowable). But however this be, it is to be remarked that some connect the name *Shaddai* with the word *Shōdēd* (destroyer), expressing, as the name does, the quality of justice. There is also the other explanation that *Shaddai* means "He who said to the world, It is enough" (שַׁדַּי = שֶׁדַּי). This

would seem to fit in with phrases like: "And El-Shaddai shall give you grace," and "I am El-Shaddai, be thou fruitful and multiply." Yet it may be reasonably held that the name is connected with the mystery of the quality of justice as revealed here below, standing in close relation to the holy sign of the covenant from which the renewal of the race proceeds, as it is written: "I am El-Shaddai; be fruitful and multiply," this promise not having been made to Abraham before he had undergone circumcision. . . . As the renewal of the race cannot take place without either the "covenant" or the female, the two must be regarded as indissolubly united with each other. This is also connected with what has been said under the name *Ṣebā'ōth* (the eighth name), for it also points to the sign and the covenant in the midst of all his host. From it proceed all the exalted hosts both above and below. The sun is thus a sign among the hosts of other stars, none of the latter shining as brightly as the sun. . . . *El-Shaddai* thus points to the union of the moon with the sun [1] in order to produce offspring after their kind. This is the mystery of the saying, "I am El-Shaddai, be thou fruitful and multiply," and "And El-Shaddai shall give you grace." For thus (namely by this mystic union of *El-Shaddai*) are all good things bestowed on the world, grace and mercy being drawn down from on high, and all the worlds being blessed. . . . Thus far concerning the mystery of the ten names, all pointing to the mystery of divine unity.

GEORGE MARGOLIOUTH.

[1] There is here a curious reminiscence of some parts of Babylonian and general Semitic mythology.

CRITICAL NOTICES.

McNEILE'S "EXODUS."

Westminster Commentaries. The Book of Exodus, with Introduction and Notes. By A. H. McNeile, B.D. (Methuen, 1908. 10*s.* 6*d.*)

Reference was made to the primary objects of this series in a notice of Professor Driver's *Genesis* (*J. Q. R.*, XVII, 184 sqq.). The present volume by the Rev. A. H. McNeile, B.D., is of the same general character, that is to say, it is mainly exegetical, all textual and philological details being subordinated but not ignored. The text of the Revised Version is reproduced, and every care is taken to render it intelligible to modern readers by brief explanatory notes on the meaning or the subject-matter. Several useful longer and detached notes are interspersed; they handle special questions, e.g. the Divine names, various institutions (circumcision, passover, sabbath, covenant), chap. xv, &c. A careful introduction of 136 pages deals with the bearing of modern criticism and research upon the book, "drawing out," in accordance with the plan of the series, "the contribution which the book as a whole makes to the body of religious truth." Here are eight sections on the literary analysis, the laws (in relation to Ḥammurabi's code), the priesthood and tabernacle, the geography and history, and the historical and religious value of Exodus. The interests of Exodus are so varied and the problems so profound that a modern and independent English commentary from the capable hands of Mr. McNeile cannot fail to be welcome. In Exodus, if anywhere, the intricate questions of geography, history, and religion, and the very unequal studies of modern writers need a firm and discriminating judgment, an adequate grasp of the many aspects of the book, and a conciliatory pen, having regard to the class of readers to whom the series appeals. And in general Mr. McNeile has used his authorities skilfully, he has adopted sound opinions which, where they conflict with cherished traditional views, are put clearly and tactfully, and has furnished his own contribution to some of the more intricate technical problems.

Any criticisms that suggest themselves must in fairness make every allowance for the object of the series, which precludes lengthy detailed discussion. The brevity and conciseness thus forced upon

the commentator cause a certain inequality of treatment—unavoidable, since every one has his own ideas as to what readers ought to know, and what is most informing and helpful. It is right that readers should know that there is little in Exodus which can safely be called Mosaic, but one misses an attentive notice of the recent studies by Ed. Meyer and B. Luther (*Die Israeliten und ihre Nachbarstämme*, 1906), one of the most important books of its kind. The short sketch of Egyptian history is useful (pp. 12–14), but it should have referred to the strong Semitic influence in Egypt at the (traditional) period of the Exodus[1]. The excursus on the name Yahweh ought at least to have mentioned the external evidence adduced for Yahweh (viz. the forms *Ya*, *Yawi*) in contemporary Palestine. I do not perceive on what grounds the Hebrew alphabet is said to date "from a period long before the Exodus" (p. 103); the Phoenician evidence to which he refers belongs not to the tenth but rather to the eighth century (Landau, E. Meyer, G. A. Cooke). In the note on the high-priest's precious stones (p. 179) the allusion to Ezek. xxviii. 13 would have gained in force had it been pointed out that there the stones are worn by a traditional semi-divine being in the "garden of the gods." The form Ašratu quoted in the note on the Asherim (p. 218 sq.) is the plural of Ashirta, and the denial of the existence of this goddess belongs to the past, though her relation to the *ashērah* is still disputed. For the Phoenician evidence reference should have been made to some modern source, e.g. G. A. Cooke, *North-Semitic Inscriptions*, p. 50 sq., or Père Lagrange, *Études sur les Religions Sémitiques* (2nd ed., 1905). The latter is indispensable for the study of the old oriental religions; Mr. McNeile, so far as I have observed, does not include it in his Bibliography.

I must confess that I am inclined to question whether it is legitimate method to rationalize each and every event which appears to *us* to partake of the miraculous. Thus, the plagues have a natural foundation (pp. cx, 43–46), the crossing of the Red Sea is due to a verifiable phenomenon, the pillar of cloud may have been a burning brazier at the head of an army, and so on. I have even read somewhere an ingenious attempt to identify manna with snow! There will be little need to talk of the extremeness of advanced critics if their more moderate brethren hold that the great epic of Israel arose from natural phenomena of the above character. There

[1] On p. cix Ashalni for Askalni is one of the rare misprints. The suggestion (in the footnote) that Merenptah's inscription refers to Jezreel and not Israel is not allowed by Egyptologists, who point out that "[his, their] seed is not" was a current conventional phrase.

is undoubtedly a dilemma, but I conceive that it is caused by the immediate anxiety to recover the historical stratum, or to adapt oriental writings to modern theology without sufficient preliminary attention to the surviving historical traditions, and to the religious environment which produced them[1]. In scholarship the pursuit of truth is often not so important as the uprooting of error; the weeds are growing while the garden is deserted by those who search vainly for the underlying basis of fact.

Mr. McNeile, like every other scholar, has formulated his conceptions of early Israelite history and religion, but in agreement with the rest they have no cohesion. The ancestors of the Israelites were roving, pastoral nomads (p. 141), and possibly only "part of the Israelite clan" (p. cix) were in Egypt. There they were "an insignificant tribe," nomads occupying pastoral land, pressed into compulsory labour (cix sq.). Under certain circumstances—which later tradition has obviously idealized—they escaped and reached Sinai, "in close proximity to Kadesh and Edom," or Horeb, "east of the gulf of Akabah" (civ). Moses, by his teaching, induced the Israelites to feel that henceforth they "in all their tribal branches" were one body (cxiii), and so this "confederation of tribes, which also included a 'mixed multitude'" (cxiv), entered upon the march. In the desert they would have no fruits or corn to offer (cxv); it is also doubtful whether they possessed cattle: "the need for manna and quails implies a lack of flocks and herds" (p. 204). On entering Canaan they were greatly in the minority as regards numbers, they were divided geographically, but were knit by a strong national bond (cvii). "But they gradually won their way to a national and political unity" (ibid.); and, incidentally, they acquired some skill in handicraft (cxiv). Yet "minuteness of personal detail, the vivid picturesqueness of the scenes described, the true touches of character," &c., are elsewhere regarded as indications of historical fact (cxii). Of course, Mr. McNeile is not writing a history, but he must fit his critical views of Exodus into an historical frame, and this frame, like

[1] Incidentally I would raise a mild protest against the reference to divination by an image cited from Sierra Leone (*Addenda*, p. xiv). It is very interesting, very instructive, but why ignore *contemporary* records which tell us of the "nodding" of the Egyptian idols, or the oracle given by the "finger" of the goddess Ashirat at Taanach? This is not to decry anthropological study, but to express the hope that *biblical* students may follow upon the lines laid down by the great masters in this department, and turn to and classify the store of material from the oriental world. There is a great mass of illuminating information hidden away in accessible works.

that of (I believe) every other scholar, does not do justice to the biblical evidence, to historical criticism, or to external evidence[1]. Experience is constantly showing that where the historical element in a tradition becomes doubtful, only contemporary or external evidence can supply the test. The biblical traditions are absolutely conflicting, but no preconceptions as to the historical kernel or religious conditions of pre-Mosaic religion can serve for a starting-point.

Mr. McNeile utters a timely warning against a modern extreme school (p. xcii), but he does not discriminate between the evidence which its adherents adduce and the peculiar theories they build upon it. It is futile to proceed from the unknown to the known. Surely the *initial* problem is not to determine what the Israelites brought, but what the Canaanites had to give. The scattered results of Palestinian excavation were presented synthetically and fairly by the learned Father Hugues Vincent more than a year ago, in a work which no biblical student can afford to ignore (*Canaan d'après l'exploration récente*). Here and elsewhere those who wish to reconstruct history and religion may read of the Semitic cults in the Sinaitic peninsula, and especially in Egypt itself, of the established pantheon on Palestinian soil (no crass nature-worship), of the temples and sacred places in Palestine and Syria devoted to Egyptian and Semitic cults. These conditions belong to the age of Moses and the conquest, and though we know that there was some development in Israelite history, this development must be viewed in the light which modern research has been bringing to bear.

The recognition that the old writers were the children of their age, and that there were certain profound developments in religion and morals has manifested the permanent value of the Old Testament. The difficulties which attended its use for religious exposition and study have been removed by modern criticism. But for biblical history, archaeology, anthropology, &c.—for all subjects which at the present day must be handled in the light of all available knowledge, we at once enter upon specialist or technical work; the Old Testament in fact becomes part of the growing literature of the ancient oriental world, and more methodical and thorough principles of research are required.

These remarks are not directed against a writer, a book, or a series, but against an attitude or perspective which Mr. McNeile shares with many other biblical scholars. They do not detract

[1] Of all the histories and hypotheses (up to and including that of Dr. Burney in the *Journal of Theological Studies*, April, 1908) the fairest is that of H. P. Smith in his *Old Testament History*. But he does *not* venture upon a reconstruction.

from the real value of a book which will hold an honourable position among the *Westminster Commentaries*, and will worthily stand next to Professor Driver's *Genesis*. My remarks would merely urge that there comes a stage where exegesis is influenced by one's formulated views of the course of Israelite history, and that the prevailing views cannot stand against external evidence. In this I may claim the support of those who have attempted independent reconstructions of their own, and I would emphasize the fact that their disagreement among themselves as to the particular form which the reconstruction must take is not so significant as their recognition that a new one is necessary.

STANLEY A. COOK.

DR. PHILIPSON'S HISTORY OF REFORM JUDAISM.

The Reform Movement in Judaism. By David Philipson, D.D. New York: the Macmillan Co., 1907. Pp. viii, 581.

CONSIDERABLY over a century has elapsed since German Jewry first felt the pangs of the new birth now known as Reform Judaism. Young hopefuls hailed the birth of another deliverer destined, as they thought, to lead them from bondage to freedom, from darkness to light. Wary, inert old age shook its disapproving head, preferring the then familiar bondage to a long-forgotten freedom, and fearing to expose its dark-adapted eyes to the glare of an unknown light. Thus, at once hailed and dreaded, blessed and cursed, the young offspring of Judaism started on its difficult path amid the loud clamour of contending parties—only to belie the prophecies of both, turning out to be neither such a blessing nor such a curse as had been foretold. True, a hundred years are but as a day in the history of a movement such as the reform movement. If the period is long enough to enable one to judge, and even to find fault, still it is at all events not long enough to justify despair. But it is time, high time indeed, to take a survey of the movement from its beginnings till the present day. This task Dr. David Philipson, of Cincinnati, has accomplished in a highly satisfactory manner. *The Reform Movement in Judaism* is a capital book, and every liberal Jew should read it. It is a thoroughly reliable history based on the original sources, to which copious references are given. Some of the chapters of this book have been separately published before, in this *Review*. But even these chapters are well worth re-reading in their fuller context.

Dr. Philipson divides his historical survey into thirteen chapters, treating of the following themes: the beginning of the reform move-

ment in Judaism; the second generation of reformers; the Geiger-Titkin affair; the Hamburg Temple prayer-book controversy; reform in England; the Frankfurt society of "Friends of Reform"; the Rabbinical Conferences, 1844-6; reform in Hungary; the Leipzig and Augsburg synods; reform in the United States; recent developments in Europe.

Dr. Philipson takes account only of the "corporate activities" which translated the theories of the reformers into practice. "Many statements of individual scholars and writers, however interesting as contributions to the store of liberal Jewish thought, could not be included, since this is not a history of the literary output, but of the practical achievements of reform. This point can be well illustrated by adverting to the case in Russia. There a number of prominent writers have pleaded strongly for reform in religious practice and belief, but no public official steps have been taken towards carrying out these reforms. The reform movement has found no lodgement in the corporate and congregational life of Russia, hence no chapter is devoted to Russia in this work, however illuminating might be the statements that can be culled from the writings of Russian Jewish authors." This limitation is regrettable, but, of course, every author has a right to fix the scope of his book.

The forces which started the reform movement are to be sought in the new intellectual, social and political aspirations of the Jews in the closing decades of the eighteenth century. Jewry was growing weary of being intellectual casuists, social pariahs, political non-entities. There was a craving for other than Talmudic knowledge, for other than Ghetto society, and for a higher destiny than that of a passive victim at the mercy of every capricious polity. All these tendencies were most clearly exemplified in Moses Mendelssohn and his circle. Hence, although there is much in the reform movement that Mendelssohn would have disapproved, and although much of its blundering and groping in the dark is not to be laid at his door, still the reform movement may and must trace its origin to the Mendelssohnian circle. As a matter of fact the early reformers did claim intellectual descent from Moses Mendelssohn; and their opponents charged him with the responsibility for the new heresy and all its supposed pernicious consequences. It is also noteworthy that Heine, who was certainly in touch with those early reformers, unhesitatingly described Mendelssohn as the Jewish Luther. It was only when living tradition was supplanted by reference to the dead letter, that Mendelssohn's share came to be minimized. His view of Judaism as a divine legislation, apparently favouring the retention of all Jewish practices intact, seemed and still seems to compel reformers to relinquish their claims on Mendelssohn, and to hand him over meekly as one of the

pillars of orthodoxy. But such an attitude, which Dr. Philipson seems too prone to adopt, only betrays a somewhat inadequate grasp of Mendelssohn's real thought and of the beginnings of most reforms. Even the world's greatest thinkers, however much they may have outgrown their age in some ways, yet remained in other ways the children of their time, retaining much of the mode of thought and expression characteristic of their social environment. And Mendelssohn was no exception. To the average Jew of the eighteenth century, Judaism without a thunder and lightning revelation on cloud-capped Sinai would have appeared the maddest and profanest of vagaries. Mendelssohn went so far as to vindicate human reason, to free human thought from the swaddling clothes of the miraculous. The fundamental truths of Judaism could be reached by the normal human understanding, without the aid of any special revelation. True, such knowledge was not yet universal, and it was the mission of Judaism to make it so.

For this purpose, however, the Socratic dialectic was competent. Once this was admitted, and even emphasized, the rest was a matter of time—the remaining positions of Reform Judaism were implicitly granted. Mendelssohn might honestly enough insist sometimes that the Jewish code of laws was of divine origin. But as soon as the sufficiency of human reason was acknowledged in the sphere of religious *truths*, it could not for long be denied in the sphere of religious *practice*, which is after all but the embodiment and outward expression of religious truths. Possibly, too, the conception of Judaism as a divine legislation may not represent the last phase of Mendelssohn's religious philosophy. There are passages in his writings in which he defends Jewish ceremonial, not on the ground of divine legislation, but simply as the last bond of union among Jews. In any case, Mendelssohn, if not a reformer himself, may well be claimed as the godfather and inspirer of the reform movement, not simply as the father of modern Jewish culture, but in a more direct way as one who anticipated much of the philosophy of the movement and indicated its true line of advance.

When the reform movement at last entered the arena of practical politics, there was an unfortunate dearth of men of Mendelssohn's calibre to preside over its destinies. Germany, the country which gave birth to the movement, has fared much better than any of the countries to which the movement has spread. If its Rabbis have not all been of the stature of Dr. Geiger, and its lay supporters, of the eminence of Professor Lazarus, still there has never been a dearth of dignified Rabbis and learned laymen. In Germany, accordingly, the reform movement has shown greatest vitality, so that its history there, constitutes the most interesting portion, and indeed the major portion of its entire history. Dr. Philipson not unreasonably devotes

something like four-fifths of his book to Germany. Of the countries to which the movement has extended—England, Hungary, and the United States—it is only in the United States that Reform Judaism shows real life. The success of American reform must be largely due to the fact that the leaders of the movement there, were men of the same type as those who conducted the German movement. "It was, in most instances, German preachers and thinkers who, in the early days, shaped the course of the American congregations in their adoption of the principles of reform." Add to this the more favourable external conditions that prevail in the United States, and it seems but natural that the hegemony of the reform movement should have devolved on American Jewry. "Although," writes Dr. Philipson, "the Jewish reform movement had its inception in Germany, and that country will always be looked upon as its birthplace, yet has this movement found its full, free, and logical development in the United States."

In England the internal conditions were essentially different. Here also the reform movement was started in imitation of the German movement; but it was a bad imitation from the first. It never had the guidance of real Jewish scholars. Its lay leaders were often money-bags; its clerics were not Rabbis but ministers, and never allowed to be anything but ministers. Stagnation was inevitable. Dr. Philipson need scarcely be surprised to find that the Reform Synagogue here "has become quite as wedded to its traditions as are the orthodox congregations to theirs." Naturally enough our author finds some cause for amusement in the coalition formed by the United Synagogue and the West London Synagogue against their common foe—Progress. Referring to the chief Rabbi's sermon on the proposal to hold supplementary Sunday services (1899), Dr. Philipson remarks: "Notable in the chief Rabbi's sermon was, not the position he took in unalterable opposition to a service on Sunday (this was natural and to be expected), but his appeal to the authorities of the West London Synagogue . . . not to countenance the movement. Truly, the whirlgig of time brings its revenges. In 1842 the West London Synagogue was anathematized by the rabbis and the lay authorities of the official synagogue; in 1899 it was appealed to by a successor of the chief rabbi who had pronounced the *Cherem* upon it to join hands with him in suppressing a forward movement." And, "strange to say, the reform congregation in 1903 was almost as decided as the United Synagogue in its opposition to the Jewish Religious Union, the latest attempt at reform among English Jews."

On the whole the story of the reform movement scarcely makes cheerful reading, for it lays bare the weaknesses of modern Jewry, which the movement sought and seeks to remedy. Where there is no

freedom and no modernity there, of course, is no problem—conditions remaining essentially mediaeval. But freedom and secular education seem to act as irresistible solvents on Judaism. Some Jews manage somehow to put on blinkers, and thus retain much of their mediaeval dark-adapted outlook. Some substitute a form of ancestor-worship for the worship of God ; these are the vicariously orthodox, who think orthodox, feel orthodox, and fight orthodox, though they never dream of *living* orthodox. Then there are the many who simply drift away from Judaism, and, whether they join the Church or not, are at any rate lost to Judaism. Lastly there are the few who sympathize with all sides, and see the shortcomings of all sides, better than they can see any promising remedy, and whose every effort to check the constant leakage is thwarted not only by the growing apathy of the waverers, but also by the dog-in-the-manger policy of the militant orthodox, genuine and vicarious. Dr. Philipson seems sanguine about the future. Would one could share his confidence ! For my part I cannot think that the reform movement in England has been or is likely to be a success. This is no compliment to orthodoxy. If conservative Judaism had been successful the reform movement would never have been called into being. And if the latest attempts at reform are a failure they fail simply because the existing synagogues have so thoroughly estranged those whom it is sought to reclaim that they cannot be easily reclaimed now. Let it be frankly admitted that the reform movement in England has not been a success, still its failure also measures the failure of orthodoxy, and in any case it seems obvious that the hope of Anglo-Judaism lies either in further efforts at reform, or nowhere. It is to be hoped that Dr. Philipson was in prophetic mood when he wrote : " the cloud of benumbing conservatism shall lift, even in England, and from the four winds will come the spirit and breathe upon the dry bones of the house of Israel, and they shall live."

The reform movement in America must be very much alive if it can inspire Dr. Philipson with such evident satisfaction. Standing on hopeful ground lends enchantment also to distant vistas. And something like a spirit of exaltation fills our author as he pens the following noteworthy conclusion of his admirable book. " It is almost one hundred years since the first public demonstration in the cause of Jewish reform was made in the dedication of the synagogue in Westphalia by Israel Jacobson. During this century, the most significant in the history of Jewish thought since the dispersion from Palestine, values have been readjusted, and Judaism has adapted itself to new environments in the various free countries of the world. The story of the reform movement is the record of this readjustment and this adaptation. The essentials as they appear in prophetic thought

remain unchanged, it is only the interpretation and expression of these essentials as demanded by the changed conceptions of modern life that are different from past interpretation and expression. The work of the reform movement has been, in a word, to substitute for the nationalistic, legalistic, and ceremonial form of Judaism—the product of the ages of exclusion, repression, and the ghetto—the universal and spiritual teachings that accentuate Judaism's message of ethical monotheism. The modern spirit has touched Judaism, and the reform movement sprang forth. Reform Judaism bridges antiquity and modernity, garbing the eternal verities that root in the origins of the faith in the raiment of these latter days. It proclaims the great truths that God's revelation is progressive, and that Judaism has within itself the power of adaptation to bring this revelation to successive ages. The reform movement in Judaism is part and parcel of that great change of front in the religious thought of mankind that modernity symbolizes; part, too, of the broader and freer outlook that came with the passing of mediaevalism; and as these broader and freer forces move majestically forward, there will keep pace therewith the liberal religious spirit leading men at last to God's holy hill and His tabernacle."

A. WOLF.

DR. LÉVY'S "UNE RELIGION RATIONNELLE."

Une Religion Rationnelle et Laïque: La Religion du XX^e^ Siècle, par LOUIS-GERMAIN LÉVY, Dr. ès lettres, Rabbin de l'Union Libérale Israélite. Troisième édition corrigée et augmentée. Paris (Librairie Critique), 1908, pp. 116.

THIS is a spirited little book, written with such verve that one is almost apt to overlook the amount of learning which it embodies. It is one of those rare books which make one feel the pulse of a living religion, so unlike the lifeless skeletons dismembered in the usual religious manuals. Dr. Lévy has a message to tell, and he knows how to tell it with effect. If the bones of French Judaism are dry, he is one of those who will help to breathe the breath of life into them so that they may live. One may not agree with all he says, but one feels the better for hearing what he has to say.

The first part of the book (*La Religion devant la Science*) is devoted to a careful consideration of the relationship between religion and science and morality. As regards religion and science, there ought to be no conflict between them so long as each confines itself to its

proper sphere. Science is concerned with phenomena, their conditions, and their mutual relations. On all such matters the established teachings of science must be accepted without demur. The teacher of religion may, rightly enough, insist on the wonderfulness of nature in all its manifestations, but he has no right to interpolate in the cosmic process any miraculous violations of the laws of nature discovered by science. On the other hand, the scientist should remember that the phenomenal world does not exhaust the whole of reality, and that the answers of science do not satisfy all the problems of human reason, or all the cravings of the human heart. When science has said all it has to say, all it attempts to say, all it can hope to say, it is just then that the larger problems begin to stare us in the face. Science does not deal with the whole of reality; it does not inquire into the ultimate origin of things; it does not speculate about their final purpose. It investigates "objects," not "subjects"; and the questions which it sets itself to answer are those of "How?" not "Why?". But it is just the "wherefore" of the world in general, and of the human soul (or "subject") in particular, that haunts the human mind with irresistible importunity. It is useless to urge that science has no answer to such questions, and that they are consequently idle questions. They may be idle for the scientist as such, but not for man, even if he is a scientist. That is why, whether good, bad, or indifferent, everybody is a philosopher after his own fashion. A scientist may sometimes speak glibly of man with his fears and hopes, his joys and sorrows, as the unaccountable product of the sport of atoms dancing to the tune of blind forces. Even so he has already exceeded the strict limits of science, though he gets no thanks for his pains. Whom can it satisfy, this story of an atom-revelry? If driven to it, who would not prefer the story of a six-days' creation to such a Witches' Sabbath?

Again, to turn to the moral aspect of the problem. Are all our ideals of conduct and of art mere delusions, mere affections of the nerves, and no more? What man of culture would not feel ashamed to disown these ideals? Must they be regarded as idle dreams merely because science has nothing to say about them? Has not the heart its own claims, and have not these claims their own validity without any need for external support? Life, our author maintains, is the criterion both of the true and the good. The full life must allow for all the claims of the spirit in all its many-sidedness: no part of the soul should be sacrificed to any other; the understanding, the will, the emotions, and the imagination must all receive due recognition and fair play. To ignore any of these claims is to live a one-sided, fragmentary life, a life of privation.

To fail in any of them, that is, to fall into intellectual or moral error, is to live a mutilated life.

Now, religion is concerned with just these larger questions as to the origin and purpose of the world in its totality, and the destiny of human life with all its manifold interests. The essence of religion is the belief in God, that is, the belief in a Supreme Spirit who has created the world and directs it to some supreme end. This belief cannot be proved; neither can it be disproved. But though it cannot be proved, there is much in what we observe and know to make its truth probable. And if one takes also into consideration the claims of the human heart, the strength and inspiration which it derives from this belief, the peace and solace with which it rests in this belief, then, indeed, the belief becomes something more than a mere belief. To dispense with it is to deprive oneself of that fullness of life which religion alone can give, it is to commit suicide, partial suicide.

As to the nature of God, to know that completely one would have to be God. As it is, we must be content with partial, fragmentary glimpses and broken lights of him. He is a Spirit, for none but a Spirit could account for the existence of human spirits or souls. What, however, concerns man chiefly is the moral character of God. Man in his twofold nature of body and soul would like to see in God at once the omnipotent Creator of nature and the supreme fountain of all goodness. But unfortunately history and nature, red in tooth and claw, thrust us on the horns of a dilemma: we must choose between a God who is omnipotent, but of limited goodness, and a God who is all good, but of limited power. Dr. Lévy inclines to the latter alternative; he prefers to sacrifice God's omnipotence rather than his goodness. The divine spirit, so thinks our author, realizes itself by submitting to an infinity of limitations, and "informing" nature in the guise of an infinity of finite modes. These limitations conditioning God's self-realization in the world of finite beings account for all that seems to impeach the moral character of God. Also, man's communion and co-operation with God is but another aspect of God's self-realization through a world of finite beings. That constitutes the essence of religion, which Dr. Lévy accordingly defines as follows: "Elle est la croyance en une puissance supérieure de caractère essentiellement éthique avec qui l'homme entre en communion et en coopération par l'activité morale (la recherche du vrai étant naturellement comprise dans cette activité)."

In the second part of the book (*Le Judaïsme devant les affirmations de la Conscience moderne*) we pass from the consideration of religion in general to Judaism in particular. "Le judaïsme (we are told)

n'est pas *une* religion parmi tant d'autres, mais *la* religion." A bold assertion, to be sure. Why, there are Jews not a few who can never apologize sufficiently to themselves and their neighbours for being Jews, yet here we find Dr. Lévy making this extraordinary claim for Judaism. Of course he does not mean rabbinic Judaism. He means Liberal Judaism, combining the moral fervour of our prophets with the best thought of all the ages. Judaism thus conceived is, he thinks, the religion most in accord with the spirit of the twentieth century. The author's own summary of his view of Judaism is worth reproducing. " Le judaïsme, tel que nous juifs français du XX^{e} siècle nous le concevons, non seulement ne contrarie aucune des exigences légitimes de la conscience moderne, mais y répond de la manière la plus satisfaisante. . . . Religion sans mystères, sans dogme révélé, sans théologie officielle, sans prêtres, ennemie de toutes superstitions, assoiffée de connaissance claire, n'admettant d'autre critère de la vérité que la lumière propre de la vérité, le judaïsme applaudit à l'effort scientifique et en accepte pleinement les résultats avérés; donc religion de libre examen et de spéculation libre, *recommandant* sans doute plus particulièrement telles ou telles croyances, mais ne les *imposant* point dictatorialement; les proposant à l'adhésion consentie de l'effort personnel, donc aussi religion d'initiative et de responsabilité individuelles, religion matrice de caractères. Religion essentiellement morale, prêchant le bien pour la beauté de l'idée, sans élément de crainte ni de calcul, n'encourageant point la piété oisive, contemplative, ascétique, poursuivant l'intime fusion de l'individuel et du social, s'appliquant à la réalisation des idées de justice et de paix universelle. Religion indéfiniment perfectible, puisqu'elle reçoit les acquisitions progressivement accumulées des penseurs et des savants, puisqu'elle laisse à la raison le dernier mot et donc admet la critique de ses traditions et de ses institutions, et, par voie de conséquence, doit consentir à se dépouiller de pratiques périmées et à revêtir de nouvelles formes adaptées aux conditions nouvelles."

One of the striking features of the book is the abundance of happy quotations from both Jewish and non-Jewish authorities in illustration or in support of the views presented[1]. Dr. Lévy is obviously an eclectic. But it is very difficult to be anything but an eclectic at this stage in the history of thought. In relation to Jewish tradition it is well nigh impossible to be anything else. Unless one is willing to maintain the most incompatible views side by side, or have recourse to the methods of the *Pilpul*, one is com-

[1] The force of one of the quotations from J. S. Mill is spoiled by a slight omission on p. 34, line 7; the original is, "even *painful* things."

pelled to pick and choose one's authorities. And the conservative is not the less eclectic for selecting views out of harmony with modern modes of thought. Fortunately for Jews and Judaism the liberal Jew can always find some traditional view or other with which to connect his own trend of ideas, while the religion of the Prophets furnishes him with the main substance of his faith. In matters of religion, not to be one of the multitude, to belong to a small minority, nay, even to stand alone is, after all, no ground for reproach, seeing that religions have generally been made by individuals, and only marred by the multitude.

On the purely philosophic side, Dr. Lévy's book is in some ways open to criticism. The marked pragmatic standpoint, the tendency towards subjective idealism, the transcendental application of the category of causality in the cosmological argument, the Cartesian use of the conception of "eminent cause," the description of Spinoza's "Substance" as a mere "abstraction"—all these are questionable. Nevertheless, the book may well be recommended to the attention of all who are interested in Judaism and its future.

Our author is well aware, painfully aware, of the present sorry plight of religion in general and of Judaism in particular. But he has faith in his religion. And his faith suffers neither from that longsightedness which overlooks the immediate present, nor from that shortsightedness which cannot penetrate into the future. He sees the present gloom, and has visions of the coming dawn. "Israël," he writes, "qui jadis a niché parmi les aigles semble avoir désappris les routes du ciel. Il serait temps qu'il sortît d'un sommeil qui, s'il devait se prolonger, s'achèverait dans la mort. Il serait temps qu'agité à nouveau du frémissement prophétique il secouât de ses ailes la poussière des siècles, et que, reprenant son essor vers les espaces de pure clarté, il rapportât aux hommes le message de lumière et de salut."

A. WOLF.

THE ANNALS OF ISLAM.

Annali dell' Islām compilati da Leone Caetani, Principe de Teano, vol. II, dall' anno 7 al 12. With maps and photogravures, fol., 1567 pp. Milan, Hoepli, 1907.[1]

THE second instalment of Prince Teano's work now lies before me in two magnificent tomes, comprising the events of the years 7 to

[1] As to vol. I see this Journal, July, 1905.

12 H. The annals begin with the expedition of the Moslim forces against Kheibar, the last refuge of the Jews in Northern Arabia. The author is undoubtedly right in saying that the reasons given for this attack by Moslim traditionists are worthless, as Mohammed's real motive was a purely political one, an additional motive being the opportunity which it gave of employing a number of followers unskilled in work but eager for spoil.

The author's statement that the number of Jewish warriors given in Moslim sources is greatly exaggerated is also correct. The whole expedition was probably a small affair, similar to the earlier raids against the Jewish tribes around Medina. The danger for Islām was the existence of Jews in its centre, but not their number. The expedition against Kheibar was a distinct breach of faith, as two years previously Mohammed had given the Jews of Kheibar and Maqnā a charter of liberty which has fortunately been preserved[1], and traces of which are also to be found in the works of Al Wāqidi and Al Belāḏori. Prince Teano, who does not seem to know of the existence of the original, gives a translation of the document from the version of Ibn Sa'd, who dates it A. 9 H. The real date, however, is A. 5, i. e. three years before the conquest of Mecca, when Mohammed's worldly power was by no means assured. Ibn Sa'd's version is interesting not only on account of what it inserts, but on account of what it omits. It is not difficult to see that a sentence like *e l'Inviato di Dio* (*rasūl Allāh*) *vi perdona le vostre malvagie azioni e tutte le vostre colpe* cannot have had a place in a document issued at so early an epoch. Also the imposition of a tax of one-fourth of the harvest of the palm-groves and the sea was at that period out of the question, whilst on the other hand, Ibn Sa'd's attestation of the remission of the *jizya* (poll-tax) which Prince Teano justly considers strange, is literally to be found in the original document.

In Prince Teano's gigantic work special interest attaches to those chapters in which the author summarizes his sources and gives the reader his own deductions. In these are comprised his review of the last five years of Mohammed's life. It is difficult to understand why the author should state that Mohammed was born in the desert and grew up away from any centre of culture. Mohammed was born in Mecca. Tradition has it that he was reared in the desert, but should this even be historical, it only relates to his early childhood. At all events he appears to have lived during his teens in his native town which was far from being devoid of culture. The picture which Prince Teano gives of his character is, however, true to life. His craftiness as a politician is beyond doubt, only I do not believe that

[1] See this Journal, Jan. 1903.

it developed with his growing worldly power, but that it manifested itself in the earliest stages of his ministry. The story underlying the revelation of Surā 80 is evidence of a shrewd policy. Elsewhere I have endeavoured to show[1] that even his first public utterance was as nicely calculated as that of any public orator. One cannot but agree with Prince Teano's ingenious theory of Mohammed's secret machinations with the Qoreish after the defeat at Uḥud, one of the consequences of which was the half-hearted, and therefore unsuccessful, siege of Medina. Was the conquest of Mecca anything but a magnificent piece of bluff? The Qoreish were simply tricked out of the possession of their capital, which was taken without bloodshed.

Less convincing I consider the author's reasonings (p. 466) concerning Mohammed's belief that he was inspired by a being higher than the jinn in which his countrymen believed. No one denies his enthusiasm, without which he would not have achieved anything, but this is identical with inspiration. But was he conscious of it? If Mohammed at the beginning of his career considered himself inspired at all, it was by Allāh direct. His real strength lay, in my opinion, in his higher intelligence, supported by positive knowledge. This knowledge was just extensive enough to convince him of the fallacy of the old idolatry and the supremacy of monotheism, and he had the strength of character to express this conviction in words. Without giving any reason for so doing, Prince Teano omits the factor of his superior knowledge in his otherwise admirable discourse on this subject.

The scanty space allotted to this review only allows me to touch upon a few out of the mass of highly interesting topics in the book. Among these is the chapter which deals with the compilation of the Qorān in connexion with the first stages of Arab writing. Both topics belong to the most obscure in the history of Arabic literature. This question is closely connected with another, viz. whether Mohammed was able to write. Prince Teano is right in stating that although Mohammed's knowledge of Judaism and Christianity was probably gained by oral communications, it in no way proves that he was illiterate. He himself inclines towards the belief that Mohammed *could* write, but that he endeavoured to hide this fact. The question is not, however, so idle an one as the author assumes, as the circumstance that he possessed secret, although clumsily written notes, assists us in explaining several important, but obscure words in the Qorān. The very word *sūra* (סורה) owes its existence, as I believe, to a misreading of *sidra* (סדרה). Besides this, we are not at all sure whether there did not exist among the Jews of the Ḥijāz Arabic

[1] *Researches*, p. 21 sqq.

translations of the more popular portions of the Old Testament. Some evidence of this might be gathered from the Qorān itself. The art of writing was without any doubt practised among the Jews. Several traditions show that the use of the square alphabet had also spread among Arabs, a fact which is not astonishing, considering its close resemblance to the Nabataean letters. The history of Arabic writing has lately assumed a different character, but the latest researches were probably not yet available when Prince Teano wrote this chapter of his book. One can no longer ascribe to the so-called "Cufic" writing the place it has hitherto occupied. The close relation of the "Naskhi," which existed as early as the first century of the Hijra, to the Nabataean-Hebrew square is quite unmistakable. The question is whether this "Naskhi" was known prior to Islām, but this does not seem to have been the case.

There is another great chapter in the book which touches upon one of the most interesting questions in Semitic study, viz. the original home of the Semitic race. The author treats on it in an extensive survey of the general aspect of Moslim conquests. After reviewing the most important opinions on the matter he decides in favour of Arabia, a view already held by Sprenger and Schrader. In order, however, to remove the difficulties of this view, Prince Teano advances a new theory. He maintains that the climate in Arabia was colder in prehistoric times, and that it gradually changed into the hot one at present characteristic of the country, and that this fact disposes of the opinion that the nature of the Arabian soil prevented the development of a large population.

This brief sketch of the book scarcely gives an idea of its comprehensiveness and originality. It forms the most important source of the history of early Islām for general historians, whilst the Arabist himself finds ample material for enlarging and modifying his knowledge, and stimulating further study. The book is anything but dry reading, and is illustrated by beautiful maps, photogravures, and facsimiles of ancient Arabic writing. It fully deserves the place which it aspires to occupy.

H. HIRSCHFELD.