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AN UNKNOWN GRAMMATICAL WORK BY ABUL-FARAJ HARUN

By Hartwig Hirschfeld, Jews' College, London

When examining a number of Genizah fragments belonging to the British Museum I came across two paper leaves, 18 cm. × 14.5 cm. with 21 lines to the page. They are written in Arabic and in Hebrew square characters. The first page bears nothing but the title "בַּתָּם אַלְעָקְם מֵהֶזְרוֹק הַמַּלּוֹל "'Pearl-Strings on the grammatical inflections of the Hebrew language—may God make it useful.'"

No work of this title has been known before, and as the name of the author is absent it must be left to conjecture.

In his opening remarks the author refers to another grammatical work of his to which he gave the title "יִסָּרְלֶבֶת מַלּוֹל "The Adequate [book] on the [Hebrew] language." A copy of a treatise so named exists in Petrograd,¹ but no details of this work are at hand, and at present not easily to be obtained. The author of the last-named work is Abul-Faraj Harun, a prominent Karaite grammarian who lived in Jerusalem in the earlier part of the eleventh century. We possess a large work of his both grammatical and lexicographical under the title "לַאֲלָבָה אַל-מְשַׁמְּחַת יִלְּאַלְפָּצָל "The Comprehensive work on the roots and sections of the Hebrew language." Considerable portions of this work have been reproduced in the Arabic original as well as in French translation by the late Prof.

¹ See Steinschneider, Die Arabische Literatur der Juden, p. 88.
Bacher. The author states in the beginning of our fragment that he produced a compendium to the "Adequate" work above mentioned under the title אָדָם הַמָּצָא the "Abridged" [work], and he also says that he wrote yet another and still more condensed compendium of which our fragment is a part. If we compare all these statements with that on the Kafi, which, he says, comprehends nearly all the sections of the Mushtamil, we come to the conclusion that these two works are identical, as both titles approximately express the same idea. Further support for the identity of the author of the fragment with that of the Mushtamil may be gained from the use of two grammatical terms common to both, viz. אָדָם (Bacher, p. 236, rem. 2) and מַדְרָא. The author states that he produced the last abstract at the request of a pupil who wished to possess a vade mecum in which the bare grammatical facts were strung together. Hence the title Strings of Pearls which describes the character of the work very neatly. Our fragment gives the first leaf and one of the later ones. This, however, creates a problem of some obscurity. The last few lines of the Arabic text which in the appended reproduction closely follow the original are in a very unsatisfactory condition. The third line from the end is disfigured by a hole in the paper with two half obliterated letters on either side of it. The missing word was possibly הָוָה, but this is not certain. The last line only shows the word אָדָם the subject of which is missing. Finally there is the word מַדְרָא written at the bottom of the page which apparently forms no part of the treatise, but states that this had been "collated" with the author's original or some authenticated copy. This is made probable by the various corrections in the MS. Diacritical points are missing, and Hebrew words

2 REJ., vol. XXX, p. 234 seq.
are vocalized according to the Palestinian system. The spelling of the Arabic text shows the same looseness which is common to Jewish-Arabic writings.

Quite in keeping with Abul-Faraj Harun’s Karaite denomination is the religious coloring of this dry grammatical treatise. This is another point in support of the assumption that Karaites were amongst the very earliest promoters of grammatical studies among Jews, since all their religious needs depended upon the correct interpretation of Holy Writ. The writer, therefore, holds that to make oneself acquainted with the rules of the language is a religious duty. We should bear in mind that the author was a contemporary of Judah Hayyuj in Cordoba, and it is truly interesting to observe that the first steps in the really scientific recognition of the phenomena of the Hebrew language approximately synchronize in the East as well in the West. “The need,” he says, “to gain an acquaintance with the Hebrew language brings with it the obligation of knowing the words of the Lawgiver in their true interpretation. No one can arrive at this whilst being ignorant of the language because he is liable to err and interpret falsely.” This the author demonstrates by several examples. First, אֲלֵל מַצְרִים (Gen. 50. 11) is not the “mourning of Egypt,” for if this were so the word should be בַּצִּי as in the preceding passage, and the meaning would be the “mourner of Egypt,” being a form like בִּצֵּי, etc. Second, דָּבָא נָעַר (Isaiah 9.4) is wrongly translated “a garment bespattered with blood.” If this were so we should expect נָעַר, like נָעַר לְמֶלֶךְ בְּדַם (Mal. 1. 7), whilst the correct translation is “rolled”, as נָעַר (Prov. 26. 27); third, בָּלַע וּרְבוּ (2 Sam. 3. 4) does not mean “without anything,” because—but here the first leaf ends.

The second leaf deals with the classification of words
which appear either as prepositions or nouns, as לְ (Levit. 1. 11; Hos. 11. 7), רְ (Levit. 23. 16; Gen. 49. 27). מְ is a proper noun in Amos 7. 16, but an imperfect in Ps. 2.4. יָ is past tense in Ps. 78, 431, but a participle in Zech. 12. 2.

The test of these instances is that the addition of the termination ב makes them nouns in plural, whilst a prefixed י yields a verbal form.

The last page contains the beginning of a chapter on the rules of various verbal and nominal formations. Unfortunately the opening word or words are missing, and it is therefore impossible to reproduce the author’s words without guessing. He apparently speaks about the formation of a word on the model of another of similar vocalization but different etymology. In some groups the first radicals belong to different classes, in others only the second radicals differ, whilst the first ones are identical. If all three radicals in two roots are identical they are congruent. Four points demand special attention: first—the number of identical radicals as in מִתְחַל and מְתָח; second—the order of the radicals in nouns with prefixed י as in מַלְאוּ and מַלְאוּ, which are not formed like דִּיוָר; third—the number of strong consonants which must not differ in two verbal roots. This yields regular forms and individually bear upon the sense of hearing as רְוֶרֶ and רְוֶרֶ; fourth—there should not be a guttural letter in either word, because...the letters...do not enter in it.
בשם וישמעו ונעלמים
כHashSet אליעזר הפ צארא
אלולנה אליעזרנותה נפש אלולנה ב

דרכ הנה איבתרה אלכפי פ יאלולנה איבתרה ישל
ואובתה אלה אלושאר הנה כיו אע עת אל היאורת
כואל סכך וא אבתיר
 yapılacak אחר עינן מ אילכפיסר אלמנבר יניק פיה
حجر אליבתריה וינכי פיה (תלאתה) כיון אף כוונאי
נזרן אלהנה חמשת פ יאלישר כון אלאرامים והא אנות
על אילכפיסר הנה ונחשפת לעל ילא בר שדעת
כתריה ותתעשת פינה לעל הנה סיאלנהוללה עדנה
אליעזרה כי אולולנה ואולנה זו פאבל דקל בשנית ו.Panel
אוכש אלהנה אילעך אלולנה עדנה
לנוך עלם חכימי עבראה אילכפיסר יהל וא צויל
אוכש דקל ואולכלכת יאדהל אלהנה לא אילאודל בהה
והנוועה כון בו וולע פ הפשיר אשלם צריריה קר צר
והנש דקל לעין אכלך פק אשפל בברר ה הפשירה
וזה מזר כלל צחק איבלтелוק דקל דכלל מון
ולווע פ הפשיר ושד Outreach תולעלהל בברים הנה צלשה
בראתו המר הנש דקל דכלל לכותה אינאלא סמל לחם
הנהווע הפשירה הנהנה בראתו הנה שｏן ז_ble בורל
דכלל מון וולע ושד Outreach תוב בברらない בהל דבכר
בונים שיחוותו בוון דקל לאותן

14ro

וטותלא דקל אילעלאות לא צלחת לא י יודע אלא
מאמדה פק כי רך אוצלтелוק דקל
ולאלהבע
יצלח או יוהו אמט ואתה מק עלויר המ البيان פאמר
ותוקלו ולא על יקרבו אמט דכלל דע פסחנה

3 On margin.
혼וס כלון אלפי ארבעים ואחתالف ארבעה עשר אפס ושניים
ולא יאזען ברזוקי אד אליזה פי ראמ אלפנטה עשל
אמטא אלך וראיאנו עד האלפנלוכ ווא לא
והוא י(vs) מדרדמא עליל האפש אלפניע מרדא והמקה
ווראבא
 البنك עוכר ואמטא אלך
ל זא לא יתן הרותת באיתנ ילאף
ךכלתא
זובלת

4 Hole in MS.
DESCRIPTIVE CATALOGUE OF GENIZAH FRAGMENTS IN PHILADELPHIA

By B. Halper, Dropsie College.

II

TALMUD, MIDRASH, AND HALAKAH
(Texts, Translations, Commentaries, and Dictionaries).

75

Part of a codex of the Mishnah. Bikkurim 3.2-4.2.

Recto column 1 begins with [ילטסאא] (3.2), and ends with [הניטו] רע (3.4); recto column 2 continues column 1, and ends with [לטסאא] (3.7); verso column 1 continues recto column 2, and ends with הר בחרי (3.10); verso column 2 continues column 1, and ends with יוצר וה animated (4.2).

The Mishnah paragraphs are numbered by the letters of the alphabet. But the division of the paragraphs does not always agree with that of the printed texts. Thus while in the printed texts chapter 3 of this tractate has 12 paragraphs, our fragment counts them as 11, the two paragraphs from והשנה וה אינמכה being regarded as one.

There are only slight variants, such as [הניטו] instead of תשרי הוולק (3.3) and [לטסאא] instead of [לטסאא] (ibid.). The orthography practically agrees with that of the printed texts, except for the frequency of ' to indicate a short i.

One parchment leaf measuring 6\frac{1}{2} \times 7\frac{1}{2} ins. (= 17.4 \times 19 \text{ cm.}). Each page has two columns, and the number of lines on each column is twenty-four. Square character. The edges are burned. [Friedenwald.]

76


Recto begins with [נדה] בר ינה (Nedarim 11.10), and ends with [ור] (Nazir 1.7). The first legible word on verso is [ר] (ibid. 2.1); it
ends with [םוי] הלכותה (ibid. 3.2). At the end of Nedarim there is פּוֹרָקָא נַךְאָה (Nedarim 11.10); while the printed editions divide this chapter into twelve paragraphs. Nazir is headed נַכְּשָׁד (ibid. 11.12); אָתָה פּוֹרָקָא נַךְאָה (ibid. 11.11); omissions before Nazir (ibid. 11.12); and אָתָה פּוֹרָקָא נַךְאָה (Nazar 1.1, 2); אָתָה פּוֹרָקָא נַךְאָה (ibid. 1.2); לְבַשָׁה (ibid. 2.7); omits נַכְּשָׁד after נַכְּשָׁד (ibid.).

One parchment leaf, badly damaged and obliterated, measuring 10½ × 5½ ins. (= 26.6 × 14.6 cm.). Twenty-eight fragmentary lines have been preserved to a page. Square character with superlinear vocalization. About one line is torn off at the top. [Sulzberger.]

77

Part of Pirke Abot. 1.6—2.3.

Recto begins with הלך מַכְּה (1.6), and ends with הלך מַכְּה (1.13); verso continues recto, and ends with הלֵךְ מַכְּה (2.3).

At the end of the chapter there is קֶסֶל פּוֹרָק (ibid.).

וּנָעֵשָׁה מַכָּה (1.13); אָתָה מַכָּה (2.1); קְנָעֵשָׁה מַכָּה (ibid.);

A piece of parchment, one side torn off, measuring, where not torn, 8½ × 7½ ins. (= 20.6 × 18.1 cm.). Recto has nineteen lines which fill the page, with uniform spaces between the lines; verso has eighteen lines which cover three-fourths of page. Square character. [U. P.]

78

Part of a codex of the Mishnah. Zebahim 5.1—5.5.

Recto begins with בָּהָה מַכָּה (5.1), and ends with הבנה (5.5); verso continues recto, and ends with the last word of 5.4. In this fragment 5.4 and 5.5 have changed places. There are some variants as well as scribal errors. אָתָה מַכָּה (5.1); אָתָה מַכָּה (ibid.); מַכָּה בָּהָה for מַכָּה מַכָּה (5.1, 2); מַכָּה מַכָּה for מַכָּה מַכָּה (ibid.); מַכָּה מַכָּה for מַכָּה מַכָּה (5.1, 2); מַכָּה מַכָּה for מַכָּה מַכָּה (5.3); דַּרְשָׁה (ibid.) is repeated twice through ditography; מַכָּה מַכָּה for מַכָּה מַכָּה (5.5).

A narrow paper leaf, measuring 9⅜ × 3¼ ins. (= 25.1 × 9.2 cm.). Recto has thirty-one lines, while verso has only six, the rest of the page being blank. Square character with a tendency to cursiveness. [Sulzberger.]
The first part of Mishnah Middot. 1.1–3.

It is headed חורמך ויצא, and the last words are נרש א're. The orthography is inaccurate, and the vocalization faulty. Thus א is sometimes used for א. The word נר (1.2) is erroneously vocalized ר. There seem to be traces of the use of distinctive accents, like מ and מ.

A piece of parchment, badly mutilated, measuring $5\frac{1}{2} \times 6\frac{1}{2}$ ins. ($=13 \times 15.9$ cm.). There are seventeen lines on recto, while verso is blank. Square character, with vowel-points. [Amram.]

Part of Mekilta Beshalalḥ.

The first legible words of recto are פ' ס' ר' ס (Mekilta, ed. Weiss, p. 59, l. 7); this page ends with the words התחנה ר' אמש (ibid., p. 59, l. 4). The first legible words of verso are 'אמש והתחנה ר' אמש (ibid., l. 5.). The fragment ends with the words הסנה התחנה ר' אמש (ibid., l. 22).

Our manuscript offers some variants. In most cases it agrees with Mekilta de-Rabbi Yishma'el; but in many paragraphs it follows Mekilta de-Rabbi Shim'on b. Yohai. It thus forms a combination of the two famous recensions of the Me'kila. The paragraph on הר והתחנה is practically the same as in Mekilta de-Rabbi Shim'on b. Yohai (ed. Hoffmann, p. 78, l. 11 seq.).

The orthography is as a rule that of our printed texts; but there is a number of scribal errors. Thus we have וב instead of וב (recto last line) and וב instead of וב (Weiss, p. 59, l. 6). ר' אמש is sometimes spelled ר' אמש. The name of ר' אמש (Weiss, p. 59, l. 2) is corrupted to ר' אמש.

The paragraphs are marked by the letters of the alphabet. But the divisions do not agree with those of Mekilta de-Rabbi Shim'on b. Yohai. Our fragment begins with the end of paragraph 'אמש והתחנה ר' אמש being marked 'א. The passage 'אמש והתחנה ר' אמש is superscribed: פ' 1 הדלתה ו. 'אמש.

One parchment leaf, measuring $8\frac{1}{2} \times 6\frac{1}{2}$ ins. ($=21.2 \times 17$ cm.). The top lines are burned, hence it cannot be ascertained how many lines there were originally on a page. Recto has now thirty-two, and
verso thirty lines. One of the lower corners is trimmed, but as no
words are missing, it is obvious that it was in that shape when the
scribe wrote on it. Square character. [Friedenwald.]

81

Part of the Sifra.
Fol. 1a begins with 'י ה' (Sifra Zaw, section 8.1), and ends with 'ל וPHAן' (chapter 13.1); fol. 1b. continues
1a, and ends with 'םלשה רכז' (13.9). Some leaves are
missing between fol. 1b and 2a. The latter begins with
(Shemini, chapter 3.6), and ends with 'הנה הלל כיתיüh' (ibid., chapter
4.5); fol. 2b continues 2a, and ends with 'הרגה יניע_equiv עדיה ורבד'
( ibid., section 3.4).

There is a number of orthographic and lexical variants, as well as
differences in the arrangement of chapters and paragraphs. Thus
what is chapter 4 in the printed edition is headed 'פרק.

Two parchment leaves, forming the outer sheet of a fascicle,
slightly damaged. Size 11\texttimes 9 ins. (\textasciitilde 28.6\texttimes 22.8 cm.). There are
thirty-one lines to a page. Bold square character. [Amram.]

82

Part of Yerushalmi Dammai.
Recto begins with 'א יד ה' (2.1, p. 22d, l. 15), and the last
legible words are 'תפ קר אל TEN ני (ibid., l. 30); verso begins with
תפ קר אל TEN ני (ibid., l. 64), and last legible words are 'ל יד ק
(23a, l. 4).

As may be seen from the omission, the greater part of the leaf is
torn off, and the number of lines may have originally been about
thirty.

There seem to be some variants.

A piece of parchment, faded and torn on all sides, measuring
5\times5\frac{1}{2} ins. (\textasciitilde 12.7\times14 cm.). Twelve lines have been preserved on
each page. Square character. [Amram.]

83

Part of the רדרא הַמְלָאָה הַמְשָׁכִי, 6–10.
Fol. 1a begins with 'ל דר שֶם לָכֵה אֵל סִֽפּ לֶין הַדָּר וָנָו' וַנֶּלֶּה מַפְסִיק (6), and 1b ends
with [גלות] (8); fol. 2a continues 1b, and 2b ends with [אול אוכליו] (Hamper 13).

There are such radical and important variants as to lead us to the conclusion that this is an entirely different version from the one printed by M. Friedmann (Vienna, 1908). The above quotations indicate some of the variants, and mention may also be made here that from [רבי אליעזר] to end of paragraph [רבי אליעזר] (Friedmann's edition, p. 49) is omitted in this parchment.

At the end of every chapter there is סלך פרך א, usually in a larger hand.

Two paper leaves, forming the inner sheet of a fascicle, badly damaged. Size 11\times74\text{ cm.}. There are twenty-seven lines to a page. Square character with a tendency to cursiveness. [Sulzberger.]

84

Part of Midrash Rabbah. Wayyikra 25.1–26.3.

Fol. 1a begins with [ frosting מיהו מים] (25.1), and 1b ends with [ frosting] (25.8). A few lines are torn off at the top of fol. 2a, where the first legible words are [ frosting] (ibid.); fol. 2b ends with [ frosting א] (26.3).

Some important variants.

Two parchment leaves, badly damaged and faded, forming the inner sheet of a fascicle. Size 11\times74\text{ cm.}. There were thirty-one lines to a page. Square character. [Amram.]

85

Fragment of a compendium of the Palestinian Talmud. It practically covers the whole of tractate Rosh ha-Shanah and the greater bulk of tractate Ta'anit.

The excerpts are very short and far between. There is hardly any system, and there seems to be no guiding principle as to what to include and what to exclude. In this respect it is inferior to Al-Fasi and 'En Ya'akov. Nevertheless this fragment is important for the text of the Yerushalmi, as it offers a considerable number of variants.

A full table of contents may not be out of place.

Fol. 1a begins with [ frosting] (Yerushalmi Rosh ha-Shanah 1.4).
Fol. 1b continues this paragraph which ends בַּא (ibid.). Then follows the story about the conception and birth of the Amora Samuel, and the reason why he became a great man. It begins as follows אָרוֹנְהַשׂ בֵּשְׁמָאָל רָבָּה חַתּוֹ בֶּשְׁמָאָל אָסָי (ibid. 2.6). The rest of the story is practically the same as Halakot Gedolot, Gitin (ed. Hildesheimer, p. 337, bottom); but our fragment has a few more details. At the end of this story our fragment remarks הרורא אָסָיָתָה וְרָפָאתָה אֵלֶּיהוּ יְדִיָא. Tosafot Kiddushin 73a under the heading יְאָא יָא יִסְתַּכִּלָה גַּלָּתָה מְתָאִית נֶפֶשׁ proximates the story short. In brackets the origin of this narrative is given as Yerushalmi, but a marginal note refers it to Halakot Gedolot.

Fol. 2a has part of this narrative. Then the words בַּא בַּא (ibid. 2.6).

Fol. 26 continues this paragraph till יְאָא יָא יִסְתַּכִּל (ibid.). Then come: יְאָא יָא יִסְתַּכִּל (ibid. 2.9); מִנָּה סֵתֵרֵי (ibid. 3.1); רֶבְּעַת עֶבֶרִים דֵּי חוֹרַּה (ibid.); דָּרוֹךְ הָאוֹת יִדְרַע (ibid.); מָלָא... מֵחָמֵס אֵד (ibid. 3.5); ר. יִתְוַסֶּרֶר בּוֹ לַיָּא יִתְבַּלְרַע (ibid. 3.8); the last line of this page is ר. לַיְיָא בּוֹ (ibid. 3.9).

Fol. 3a continues this paragraph till יְאָא יָא יִסְתַּכִּל (ibid.). Then come: יְאָא יָא יִסְתַּכִּל (Mishnah 4.9); מִנָּה סֵתֵרֵי (Gemara 4.8); this page ends with יְאָא יָא יִסְתַּכִּל (ibid. 4.9).

Fol. 36 continues this paragraph which ends with יְאָא יָא יִסְתַּכִּל (ibid.). Then comes יְאָא יָא יִסְתַּכִּל (ibid.) till the end of Rosh ha-Shanah. This is followed by tractate Ta'anit. The copyist here begins on another line, and heads it by extracts from Ta'anit. The first paragraph is אָרוֹנְהַשׂ בֵּשְׁמָאָל (Ta'anit 1.1). This page ends with ר. מִנָּה סֵתֵרֵי (ibid.; but the first part is missing in the printed texts).

Fol. 4a continues this paragraph which ends with יְאָא יָא יִסְתַּכִּל (ibid.). Then comes: יְאָא יָא יִסְתַּכִּל (ibid.)...
Fol. 4b continues this paragraph which ends with קר א"ת ע"ש מקרא א"ת (ibid.). Then comes: הזדורים מוענין אלה EAR化合ו (ibid. 1.4). This page ends with הטנה שתיבה וברכה (ibid.).

Fol. 5a continues this paragraph which ends with קר א"ת ע"ש מקרא א"ת (ibid., second anecdote). Then come: אליז Wildlife... (ibid. 1.6); מביתו (ibid.). The page ends with י"וה יבר פסלים... והורר... (ibid.).

Fol. 5b begins with קר א"ת ע"ש מקרא א"ת (ibid. 1.7). Then come: ק carte א"ת ויהי... (ibid. 1.9) till end of chapter; ד"א ר"א... (ibid. 2.1).

Fol. 6a continues this paragraph, and ends with קר א"ת ע"ש מקרא א"ת (ibid. 2.15) till end of chapter.

Fol. 6b continues this paragraph, and ends with קר א"ת ע"ש מקרא א"ת (ibid. 3.1).

Fol. 7a continues this paragraph, and ends with ב"ש ק קר א"ת ע"ש מקרא א"ת.

Fol. 7b continues this paragraph, which ends with קר א"ת ע"ש מקרא א"ת. Then come: בה"ש...

Fol. 8a begins with קר א"ת ע"ש מקרא א"ת (ibid. 2.7,8). Then come: קר א"ת ע"ש מקרא א"ת (ibid. 2.14);...

Fol. 8b continues this paragraph which ends with קר א"ת ע"ש מקרא א"ת. Then come: קר א"ת ע"ש מקרא א"ת (ibid. 3.3);...

Fol. 9a continues this paragraph which ends with קר א"ת ע"ש מקרא א"ת (ibid. 3.5). This page ends with קר א"ת ע"ש מקרא א"ת (ibid.).

Fol. 9b continues this paragraph which ends with קר א"ת ע"ש מקרא א"ת (ibid. 3.6). Then come: קר א"ת ע"ש מקרא א"ת (ibid. 3.12);...

Fol. 10a continues this paragraph till קר א"ת ע"ש מקרא א"ת. Then come:...

The entire paragraph 3.14; קר א"ת ע"ש מקרא א"ת (ibid. 4.1);...
There are a few marginal notes which relate to the text.

The orthography is practically the same as that of the printed edition. Some words are punctuated. This is usually the case when a new reading is suggested for haggadic purposes, as עַיִרְסָל (Rosh ha-Shanah 2.9).

Ten paper leaves, measuring 6\frac{1}{2} \times 4\frac{1}{2} ins. (= 15.5 \times 11.4 cm.). Number of lines on each page ranges from nineteen to twenty-two. Rabbinical cursive character.

These ten leaves form one fascicle. The string which holds them together is decayed. [Adler.]

86

Part of tractate Berakot. 7a–7b.

Recto begins with . . . הבמה עם רַגְנֶה (7a, l. 19), and ends with [כתעשת רבא] (ibid. l. 42); verso continues recto, and ends with [נִלּוּב] (which would have been 7b, l. 28, if we had the same reading). Recto has a note which begins on top and continues on left-side margin, while verso has a note on right-side margin.

Our fragment offers numerous variants, a few of which may be mentioned here:

<table>
<thead>
<tr>
<th>Fragment</th>
<th>Printed Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>הבמה עם רַגְנֶה</td>
<td>הבמה עם רַגְנֶה</td>
</tr>
<tr>
<td>רבא</td>
<td>רבא</td>
</tr>
<tr>
<td>ההוא מִיָּהוּ הדָּהֵם בָּשֵׁבֵכְתּוּהוּ דָּרָה</td>
<td>ההוא מִיָּהוּ הדָּהֵם בָּשֵׁבֵכְתּוּהוּ דָּרָה</td>
</tr>
<tr>
<td>מס مركز כֶּפֶרֶר לוֹ תְּלֵיז וּלְתֹּפְסֶרֶר</td>
<td>מס مركز כֶּפֶרֶר לוֹ תְּלֵיז וּלְתֹּפְסֶרֶר</td>
</tr>
<tr>
<td>נִקְוְתָא וְרַבְּלִיוּאֶה יִשְׂרֵאֵל לְאֶפְרִיָּה</td>
<td>נִקְוְתָא וְרַבְּלִיוּאֶה יִשְׂרֵאֵל לְאֶפְרִיָּה</td>
</tr>
<tr>
<td>זֶ ifs</td>
<td>זֶ ifs</td>
</tr>
<tr>
<td>קְשֵׁת הֵרְבּוֹת רַעְּהָא בַּחוֹר נִבְּוָתָא</td>
<td>קְשֵׁת הֵרְבּוֹת רַעְּהָא בַּחוֹר נִבְּוָתָא</td>
</tr>
<tr>
<td>אֶרֶץ גְּלָמוֹתָה וּמִתְגָּלְוָהוּ נִבְּוָתָא נִבְּיָמָה</td>
<td>אֶרֶץ גְּלָמוֹתָה וּמִתְגָּלְוָהוּ נִבְּוָתָא נִבְּיָמָה</td>
</tr>
<tr>
<td>מְעַמַּר לְּרָבַּרְבּוֹת מִמְּלָטְשָׁוּ הָאֶרֶץ</td>
<td>מְעַמַּר לְּרָבַּרְבּוֹת מִמְּלָטְשָׁוּ הָאֶרֶץ</td>
</tr>
<tr>
<td>יֹפֶה נִבְּיָמוּת וּלְיִבְּצָאֲוָה</td>
<td>יֹפֶה נִבְּיָמוּת וּלְיִבְּצָאֲוָה</td>
</tr>
<tr>
<td>אֶרֶץ</td>
<td>אֶרֶץ</td>
</tr>
<tr>
<td>נַבּוּ</td>
<td>נַבּוּ</td>
</tr>
<tr>
<td>יְנוּ</td>
<td>יְנוּ</td>
</tr>
<tr>
<td>יְנָה</td>
<td>יְנָה</td>
</tr>
</tbody>
</table>
One parchment leaf, measuring \(8\frac{1}{2}\times7\frac{1}{2}\) ins. (=21.6\times18.1 cm.). Number of lines on each page is thirty-three. The leaf is damaged, especially in the corners. Square character. [Friedenwald.]

87

Part of tractate Shabbat. 74b-75a.

Recto begins with הַעֲלוֹתוֹ לְעַיְן (74b), and verso ends with יַעֲשֶׂה אֲרוּכָּתָה (75a).

The variants are significant. Some paragraphs are arranged differently from what they are in the printed editions. The names of the authorities are usually omitted, the only exception in this fragment being אֶפֶס מִדְּרוּשָׁה (75a).

One parchment leaf, badly damaged, measuring \(7\frac{3}{4}\times5\frac{3}{4}\) ins. (=193.\times14.3 cm.). Recto has twenty-nine lines, while verso has only twenty-eight. Square character with a tendency to cursiveness. [Amram.]

88

Part of a talmudic codex. Yebramot 22b-24b.

Recto begins with הָדוֹרָה אֲלֵי נִוּרָה בַּת אֲשֶׁר אָסָר כָּא עַבר לֵיהּ (22b, towards the end), and ends with וּיהָיָה קִדְמוֹן, which is evidently some addition, as it is not found in the printed editions. Some lines are torn off. Verso begins with לֹא נִוּרָה אֲלֵי נִוּרָה שֹׁחֵד אֵין אָסָר לְאַל אָסָר דְּלֵיתָה נִוּרָה (24a), and ends with אַל אָסָר לְאַל דְּלֵיתָה נִוּרָה (24b). There are many variants, some of which are important. In last line of 23a this fragment adds נִשָּׁעַת רְבּוֹנָה. Only the words מִשֶּׁנֶּה מִשֶּׁנֶּה of the Mishnah (23b) are quoted, and the discussion of the Gemara follows immediately. This proves that in this codex the entire Mishnah of a chapter was put at the beginning, as is the case in the Yerushalmi. The Mishnah (fragment שלמה) is not marked as such (24b), while the Baraita (fragment לאשה) is headed מַה (ibid.).

A wide piece of parchment, damaged, measuring \(8\frac{1}{2}\times12\) ins. (=21.6\times30.5 cm.). There are twenty-three lines to a page, besides marginal notes. The text is in a square hand, while the notes are in small Oriental cursive character. The heading מַה is in large character. [Sulzberger.]
89

Part of a talmudic codex. Tractate Sotah 2a–4a.
Fol. 1a begins with אוק אוק (2a, l. 18), and 1b ends with אוק אוק (2b, l. 8). Some leaves are missing between 1b and 2a.

The latter begins with אוק אוק (3b, l. 39), and 2b ends with אוק אוק (4a, l. 9).

There are some insignificant variants, as 'T73 for 'T73 (2a, l. 19); mn is omitted before nns (ibid., l. 20). The spelling שומש, which is in accordance with the Bible, may also be mentioned.

Two paper leaves, slightly damaged, forming the outer sheet of a fascicle. Size 8½×5½ ins. (=20.3×14.6 cm.). Number of lines ranges from fifteen to seventeen to a page. Square character with a strong tendency to cursiveness. [Amram.]

90

Part of tractate Baba Mesi’a 86a (?)
Recto begins with קורא אהמה (86, l. 29), and verso ends with (ibid., l. 38).

Some of the Aramaic phrases have been translated into Hebrew, as, for instance,/frameworkו Comparable with Pesahim 1, 6b. But in most cases the talmudic phraseology has been retained. The narrative is rather shortened.

Is it part of a book containing talmudic narratives?

A piece of paper, badly damaged, measuring 6¼×4¼ ins. (=16×10.9 cm.). There are thirteen lines to a page. Square character with a distinct tendency to cursiveness. [Amram.]

91

Part of tractate Menahot. 12b–13b.
Recto begins with (12b), and ends with (13a). Verso begins with רדוי לאלומת (13b), and ends with (13a).

There are some variants, as the omission of ליאק (12b) and (13a). There are also some corrections by a later hand. Thus the words שומש (13b), which had been omitted, were inserted above the line.
This fragment belongs to the same codex as Nos. 92, 93, and 94.

A narrow piece of parchment, beautifully preserved, measuring $5\frac{3}{4} \times 3\frac{1}{2}$ ins. ($=14.9 \times 8.8$ cm.). Eighteen lines have been preserved to a page. Bold square character. While the lines are complete in themselves, the leaf must have been considerably longer (about thirty lines to a page), as a great number of words is missing between recto and verso. There may have been two columns to a page, one of which is cut off. [Amram.]

92

Part of tractate Menahot. 16a–16b.

Recto begins with [ם'כ] (16a, l. 37), and ends with [יוו] (16b, l. 13). About one line is missing between recto and verso; the latter begins with [הֶעֶבֶד כַּא] (ibid., l. 14), and ends with [לָהְלָךְ] (16b, l. 29).

There is a number of variants, as follows... (16a, l. 43); [כַּן] (16b, l. 1); [וֹא בֵּן] (16b, l. 1); [בַּיְהֵנִי] (ibid., ll. 5,6); [אֵין מִרְבִּיעָר] (ibid., l. 12); [לְפַלָּג] (ibid., l. 19); [רֹאֵה לָךְ לֹא כָּהָה לֹּכְחֵד רָתי] (ibid., ll. 23–29).

This fragment belongs to the same codex as Nos. 91, 93, and 94.

A narrow piece of parchment, beautifully preserved, measuring $8\frac{1}{2} \times 3\frac{1}{2}$ ins. ($=22.6 \times 8.6$ cm.). It is trimmed on all sides, but the length of the lines is intact. Twenty-nine lines have been preserved to a side; but judging from the missing words, each page seems to have had about thirty lines. There may have also been two columns to a page, one of which is cut off. Bold square character. [Lederer.]

93

Part of tractate Menahot. 17a.

Recto begins with [כָּתְנִיר] (17a, l. 10), and ends with [כְּפִּי] (ibid., l. 29). Verso begins with [מַעֲבַדְוִי הָא] (Mishnah 3 to end). This is followed by Gemara [אֶלְּאָבֵא] (17a, last line).

It is obvious that in this manuscript each chapter was preceded by the entire Mishnah appertaining to it, as in the Yerushalmi.
There are some variants, as the omission of אל before רדנ (l. 12), as (l. 19), and מ (l. 24); it has ר"א (l. 20) and א"ב for רדנ (l. 21).

This fragment belongs to the same codex as Nos. 91, 92. and 94.

A narrow piece of parchment, beautifully preserved, measuring \(7\frac{1}{2} \times 3\frac{1}{2}\) ins. \((= 19 \times 9\) cm.). Twenty-four lines have been preserved to a page. Bold square character. While the lines are complete in themselves, the leaf must have been considerably longer (about thirty lines to a page), as a great number of words is missing between recto and verso. There may have been two columns to a page, one of which is cut off. [Amram.]

94

Part of tractate Menahot. 18a–18b.

Recto begins with נון תמצית הרבך פסלי ויאסרבים (18a), and ends with ר"א (ibid.). Verso begins with ה"א (ibid.), and ends with זל אולolah ומקニー א"ב (18b). The Mishnah is not given, for in this codex, as in the Yerushalmi, each chapter was preceded by the entire Mishnah appertaining to it.

There are some variants, as ר"א instead of ר"א (18a). There are also some mistakes which have been corrected by a later hand. Thus שטנ "ל פסלו שנתת (ibid.).

This fragment belongs to the same codex as Nos. 91, 92, and 93.

A narrow piece of parchment, beautifully preserved, measuring \(7\frac{1}{2} \times 4\) ins. \((= 18.7 \times 10.4\) cm.). Twenty-four lines have been preserved to a page. Bold square character. While the lines are complete in themselves, the leaf must have been considerably longer (about thirty lines to a page), as a great number of words is missing between recto and verso. There may have been two columns to a page, one of which is cut off. [Amram.]

95

Part of the 'Aruk by Nathan b. Jehiel of Rome.

Recto begins with רדנ ר"א (s. v. א"ב), and ends with נון תמצית רבך פסלי (s. v. א"ב). Verso continues recto, though the first few words are torn off, and ends with שטנ (s. v. א"ב).
There are some interesting variants. The quotation from Bereshit Rabbah 19 (s. v. תבכ) is as follows:

This leaf belongs to the same fascicle as No. 96, which continues it. Indeed the small portion attached to this fragment is part of No. 96.

One paper leaf and a small portion of another, badly damaged and torn, measuring $8\frac{1}{2} \times 6\frac{1}{2}$ ins. ($= 21.6 \times 15.5$ cm.) There are twenty-two lines to a page. Square character with a strong tendency to cursiveness. [Amram.]

96

Part of the 'Aruk by Nathan b. Jehiel of Rome.

Recto begins with המברך אני כו(ן) (s. v. מברך אני כו(ן)) and the last legible words are 'Aruk (s. v. מברך אני כו(ן)). Some words are missing between recto and verso; the latter begins with השה פרווה וא and the last legible words are [דיב את].

This leaf contains important variants, as הנקרא בלשון השכירה אברוכו למכידה שלם נמסאת כמותה הנקרא אברוכו אלדעתו בלישנאלאלראני for the reading of this fragment is decidedly superior. There is also a number of scribal errors.

One paper leaf, badly damaged and torn, measuring $7\frac{1}{2} \times 6\frac{1}{2}$ ins. ($= 19 \times 15.5$ cm.). Recto has preserved eighteen lines, while verso still has twenty-one. Square character with a strong tendency to cursiveness.

This leaf belongs to the same fascicle as No. 95 of which it is a continuation. Indeed the small portion attached to No. 95 is part of this fragment. [Lederer.]

97

Part of the 'Aruk by Nathan b. Jehiel of Rome.

These fascicles cover the words פ—צרה. Of this section about a fourth has been preserved, as eighteen leaves are missing altogether, while more than a half of each leaf is cut off.

This fragment contains some interesting variants. There are indications that the author arranged his work into books and chapters, which were numbered. Every letter of the alphabet formed a separate
book, and there were accordingly twenty-two books, while the second letter of the word began a new chapter. Thus all words beginning with בָּא belonged to book 1, chapter 1, while words beginning with נָא were included in book 1, chapter 2, and so forth. Being an adherent of the biliteral theory, the author did not make a separate chapter for the third radical. Owing to the missing parts in this fragment, most of the chapter headings are missing, and none of the book headings is given; but the following are numbered: ח' פְּרָק before רָא (fol. 3b); ח' פְּרָק before נָכ (fol. 14a); ח' פְּרָק before בָּק (16a); ח' פְּרָק before נָכ (fol. 17a); ח' פְּרָק before נָכ (fol. 21b); ח' פְּרָק before נָכ (22a).

The first word of each paragraph is in large square character.

Twenty-two parchment leaves, made up into five fascicles. Size 4 ½ X 7 ½ ins. (= 10.4 X 20cm.). Originally each fascicle seems to have consisted of eight leaves, but only the first fascicle had been preserved in its entirety. At present fascicle 1 has eight leaves,

```
  " 2 " six "
  " 3 " four "
  " 4 " two "
  " 5 " two "
```

Only thirteen lines to a page have been preserved; but judging from the missing parts, fifteen lines or more have been cut off. Accordingly there must have been twenty-eight or thirty lines to a page. Square character with a strong tendency to cursiveness. [Amram.]

98

Part of a Hebrew-Arabic glossary to the Mishnah. Only difficult or unusual words and expressions are explained. The arrangement of the words is not alphabetic, but follows the order in which they occur in the Mishnah.

This fragment, some parts of which are entirely obliterated, covers the following tractates:

Horayot: The first expression that can readily be deciphered in line 1 is כָּתִיב יִשְׂרָאֵל יֵשׁ (2.9); Abot: The first word is מִגְּדוּ (1.10). The next word is רְא (1.13); Zebahim: The first word is מָכַמ (2.4); Menahot: The first word to the explained is בָּא מַפָּר (10.4). The fragment ends with נַדְּב' בָּא לָשְׂנֵי הָלַחְמוֹ בּוֹ (11.4).
One parchment leaf, measuring $6 \times 5\frac{1}{2}$ ins. ($=15.2 \times 14$ cm.). Number of lines on recto and verso is thirteen and fourteen, respectively. Square character. [Adler.]

99

Part of Rashi's commentary on tractate 'Erubin (without text). 88b–89b.


Two paper leaves, forming the inner sheet of a fascicle, measuring $6\frac{1}{2} \times 5\frac{1}{2}$ ins. ($=17.3 \times 13.3$ cm.). Number of lines ranges from twenty-four to twenty-five to a page. Square character with a distinct tendency to cursiveness. [Amram.]

100

Part of the Arabic original of Maimonides' commentary on the Mishnah. This fragment contains a portion of the preface explaining the reason for the arrangement of the various tractates.

Fol. 1 discusses the arrangement of the tractates from Kil'ayim to Ta'anit. Some leaves are missing between 1b and 2a. The latter begins with Horayot, and 2b ends with Kinnim.

Two paper leaves, badly damaged and faded, forming the outer sheet of a fascicle. Size $8\frac{1}{2} \times 5\frac{1}{2}$ ins. ($=21.6 \times 14.3$ cm.). Number of lines ranges from twenty-one to twenty-two to a page. Square character with a strong tendency to cursiveness. [Amram.]

101

Part of Maimonides' Arabic commentary on Mishnah Middot. Recto begins with middle of 1.8. The second chapter is headed פְּרָס: כ: in a large square hand. Verso ends with the middle of 2.4.

One paper leaf, slightly damaged and faded, measuring $9\frac{1}{2} \times 6\frac{1}{2}$ ins. ($=24.1 \times 16.4$ cm.). Number of lines ranges from twenty-three
to twenty-four. Square character with a tendency to cursiveness. [Amram.]

102

Part of the commentary of Nahmanides on Niddah (דנה ח"שוחמה). Recto begins with התו ה"שוחמה (Niddah 14b; Commentary, תשמוחמה שפתי, Sulzbach, 1752, p. 82c, l. 17), and verso ends with הבשחמה לול ה"שוחמה (Niddah 15a; Commentary, ibid., 1.58). There are some important variants.

This leaf belongs to the same codex as Nos. 103, 104, 105, and 106.

One paper leaf, measuring $7\frac{1}{8} \times 5\frac{5}{8}$ ins. ( = $20.1 \times 14.3$ cm.). There are twenty-four lines to a page. Rabbinic cursive character. [Adler.]

103

Part of the commentary of Nahmanides in Niddah (דנה ח"שוחמה). Fol. 1a begins with התו ה"שוחמה תמשחת א"כ (Commentary, p. 82c, l. 58). Afterبوت ע"פא ה"שוחמה תמשחת our manuscript inserts a few lines from a paragraph which should be placed in the next page. This paragraph is the same (op. cit., p. 82d, l. 20). It is afterwards repeated. This commentary continues till the bottom of fol. 2b which ends with והתו ה"שוחמה תמשחת רמא (op. cit., p. 83a, l. 4). Sixteen leaves are missing between fol. 2b and 3a. The sixteen leaves marked 104 are to be inserted here. Fol. 3a begins with התו ה"שוחמה תמשחת (op. cit., 85c, l. 37). This commentary continues till the bottom of fol. 4b which ends with אל תמקהל פרת שלשה (op. cit., p. 85d, l. 56).

This fragment offers a number of variants some of which involve complete sentences, while others are merely phraseological. The pages of tractate Niddah are marked on the margin by a later hand.

This fragment belongs to the same codex as Nos. 102, 104, 105, and 106.

Four paper leaves. $8\frac{1}{16} \times 5\frac{1}{16}$ ins. ( = $20.4 \times 14.4$ cm.). Number of lines on each page is twenty-four. Rabbinic cursive character.

These four leaves formed the outer sheets of a fascicle which, perhaps, consisted of twenty leaves. The inner sixteen leaves are found in the Adler collection (see No. 104). [Friedenwald.]
104

Part of the commentary of Nahmanides on Niddah (הנהיגת שלמה). This fragment begins with ססה ותאמר ויתירה (Commentary, 1762, p. 83a, l. 4), and ends with ייושאר בדעת פעמים בולו (op. cit., 85c, l. 37).

The variants are very slight in this fragment. The pages of tractate Niddah are marked on the margin by a later hand.

This fragment belongs to the same codex as Nos. 102, 103, 105, and 106.

Sixteen paper leaves, measuring $8\frac{1}{2} \times 5\frac{1}{2}$ ins. (≈ 20.4 × 14.4 cm). Number of lines on each page is twenty-four. Rabbinic cursive character. These sixteen leaves are fastened together by a string. They are continuous, and are to be inserted between fol. 2b and 3a of No. 103. [Adler.]

105

Part of the commentary of Nahmanides on Niddah (הנהיגת שלמה).

Fol. 1a begins with ויהא ותאמר ויתירה ותאמר ויתירה (Niddah 32a; Commentary, 86a, l. 8 from bottom), and fol. 16b ends with דפוא מניון שא איהי ל"ז.Management תָּלוּ (Niddah 40b).

There is a number of variants, some of which are important. This fascicle belongs to the same codex as Nos. 102, 103, 104, and 106.

Sixteen paper leaves, fastened by a string and forming one fascicle. Size $7\frac{1}{2} \times 5\frac{1}{2}$ ins. (≈ 20.1 × 14.3 cm). There are twenty-four lines to a page. Rabbinic cursive character. [Adler.]

106

Part of the commentary of Nahmanides on Niddah (הנהיגת שלמה).

Fol. 1a begins with ליף ותאמר ויתירה ובשש יבשש (Niddah 42a; Commentary, p. 89b, l. 26), and fol. 18b ends with שם ראינו ל"ז.NavItem נבשש 'י (Niddah 61b; Commentary, p. 92a, l. 59). There is a number of variants, some of which are important. This fascicle belongs to the same codex as Nos 102, 103, 104, and 105.
Eighteen paper leaves, fastened by a string and forming one fascicle. Size 7\(\frac{1}{8}\)\(\times\)5\(\frac{1}{8}\) ins. (=20.1\(\times\)14.3 cm.). There are twenty-four lines to a page. Rabbinic cursive character. [Adler.]

**107**

Part of a kabbalistic commentary on tractate Berakot. Recto of each leaf is headed סכתות ברכות, while verso has the superscription 'א פרק.

Fol. 1 has nothing but the commentary, but the lower right-hand corner of fol. 2a has ויִיהי מקרא דין ברה (Berakot 3a), which is continued on the right side of 2b, the commentary being written on the left side. The quotation from the text ends with י"נ [ săn (ibid.).

The text is shorter than that of the printed editions, and there are some lexical variants, as the words שנומ עלאך ... סכתות ברכה are omitted, and it has אוי לשים הרמתו את בית ורשמה את קר נאך [Jonah] סתם אב נב [Adler].

Two paper leaves, badly damaged and faded, forming the inner sheet of a fascicle. Size 8\(\frac{1}{8}\)\(\times\)6\(\frac{1}{8}\) ins. (=22.2\(\times\)16.4 cm.). There are twenty-eight lines to a page. The text is in bold square character, while the commentary is in a Spanish cursive hand. [Amram.]

**108**

Part of a commentary or responsum on tractate Hagigah 21b and 22a (in connection with the immersion of vessels).

The opinions of Raba and R. Ela (fragment reads אליעיא, whereas printed edition has אליא) are quoted.

A narrow piece of parchment, the greater part of which is torn off, measuring 6\(\frac{1}{2}\)\(\times\)2\(\frac{1}{2}\) ins. (=16.4\(\times\)7 cm.). Recto has nineteen lines, while verso has twenty. Square character with a tendency to cursiveness. [Amram.]

**109**

Part of a commentary on tractate Yebamot 22b–25a. This commentary is more extensive than that of Rashi.

Recto discusses סנה מнятие מפסחים (22b). The page must have been very large, as verso begins with the explanation of ניימ עמים בר ונות (24b). The last words are י"נ [םיא וחת (discussion of 25a).
A piece of parchment, faded and badly damaged, only the lower corner having been preserved. Size $5\frac{3}{4} \times 7\frac{1}{8}$ ins. ($=13.7 \times 17.9$ cm.). The number of lines cannot be ascertained. Rabbinic cursive character. [Amram]

110

Part of an Arabic commentary on tractate Baba κamma 47a–50a.

Fol. 1a has explanations of the words אֶפֶן and אֶפָם (47a). This is followed by הָכָּדְרַת שֶׁבֶטּוֹב and, and the discussion is continued on 1b; 2a begins with שֶׁהָיָה לָנוּ נָפְס (48b), and 2b ends with the discussion on R. Ishmael's supposed opinion concerning the owner of the pit (50a).

Two paper leaves, slightly damaged, measuring $6\frac{1}{4} \times 5$ ins. ($=16.4 \times 12.7$ cm.). The number of lines ranges from sixteen to nineteen to a page, except 1b which has only seven, the lower half being blank. [Amram.]

111

Part of a lengthy commentary on tractate Shebu'ot. These two leaves cover Shebu'ot 12a–14b.

No authorities are quoted; but the writer seems to belong to the school of Naḥmanides.

Two paper leaves, one of them badly damaged and torn, measuring $7\frac{1}{4} \times 5\frac{3}{4}$ ins. ($=18.1 \times 15$ cm.). The upper part is torn off, and the number of lines preserved is twenty-two to a page. Square character with a strong tendency to cursiveness. [Amram.]

112

Part of an extensive commentary (not by Naḥmanides) on 'Abodah Zarah. 37b–38b.

Recto begins with an explanation of ספָּק מְסִכָּה (37b), and verso ends with רָאָה שֶׁכָּהֵן (38b).

One paper leaf, badly damaged and torn, measuring $7\frac{1}{2} \times 5\frac{1}{2}$ ins. ($=19 \times 14.6$ cm.). Recto has twenty-two lines, while verso has twenty-three. Square character with a distinct tendency to cursiveness. [Amram.]
113

Colophon of a book entitled רדשי רבא (not Bereshit Rabbah).
Recto has the concluding formula of the book, which ends והנה רדשי רבא. While practically the entire passage, consisting chiefly of biblical verses of consolation, is in Hebrew, there are two Arabic words (זרה[col. 1] קולא: ‘may He fulfil His promise’) which would lead to the assumption that the book was written in Arabic, though not necessarily so.

Verso is blank.

One paper leaf, measuring 8 × 5\(\frac{1}{2}\) ins. (≈ 20.3 × 14.9 cm.). Oriental cursive character. [Amram.]

114

Part of a haggadic commentary on Genesis similar to Midrash Rabbah.

Fol. 1 covers the end of Wayyesheb and the beginning of Mîkhês (Genesis 40.18–41.3). Some leaves are missing between fol. 1b and 2a. Fol. 2 deals with Wayyiggash (ibid. 46.28–47.14).

This fragment contains additional matter not found in the printed text of the Midrash Rabbah.

Two paper leaves, badly damaged and faded, forming the outer sheet of a fascicle. Size 6\(\frac{3}{4}\) × 4\(\frac{1}{2}\) ins. (≈ 16.1 × 12 cm.). The upper part is torn off, but there were at least thirty lines to a page. Square character with a tendency to cursiveness. [Amram.]

115

Part of a rationalistic treatise on haggadic passages in the Midrash and Talmud.

Fol. 1b begins with אלוהים והנה which concludes the writer’s discourse on some haggadah. This is followed by ר ידוהי אומר בלון תflutter שרה פרועה נבון אגודל הרואים ויהיו חבירו (Exodus Rabbah 38.8), and by ג喷涂 אמרי אأم אמרי אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אامر אامر אאמר אאמר אאמר אאמר אامر אאמר אאמר אامر אامر אאמר אامر אאמר אامر (Berakot 32a). At the bottom of this page is the word נלאו with which the following page began. Some leaves are missing between fol. 1b and fol. 2a. The latter concludes a discourse perhaps on אמור ולאמר which is the beginning of a discourse on בתר בנייה שלמה生态ך את_inventory (Berakot 35a). This is followed by אמור בר כל ברכה שמן התרצה אתיה ברכה נני שף עפרים הספרים אתו א貓 אינן שירה (ibid. 40b) and now מאי되 או אמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אامر אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אامر אאמר אامر אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אامر אאמר אאמר אאמר א-peer (ibid. 50a). Fol. 2b concludes the
discourse on the preceding passage, and is followed by a note

above (ibid. 54b).

Maimonides is quoted: "ובבר בֹּאָר רַבּוֹ מָפַר לְרַואֶה נְאָרָה

נהנהוּת הָנֻלֶּפֶת בֵּירָה הָפֹרֵרָה מֶשָּׁה שֵׁל

The text of the Midrash and Talmud presents numerous variants.

Two paper leaves, measuring 7\(\frac{1}{2}\) \(\times\) 6\(\frac{1}{2}\) ins. (\(=\) 20 \(\times\) 15.5 cm.).

Number of lines on each page is twenty-seven. Rabbinical cursive character. Fol. 1 is pasted to a piece of cardboard which was one of the covers of this codex. Fol. 1a is thus entirely covered. Fol. 2a is marked יד פ which proves that we are in the middle of the book. [Adler.]

116

Part of a collection of homilies for various occasions and discourses on midrashic passages.

The first six leaves deal with a sermon in connection with the Book of Joshua. Fol. 6b has only six lines, the rest of the page being blank. It bears הושש בָּנָּה. Fol. 7a is headed לְפָרָהוּת רִבּוֹ, and begins the discourse with Joshua 14.6. This ends on fol. 8a. On the next page there is a sermon headed דְּרְוי לְפָרָהוּת, which ends on fol. 11b. Then follows a discourse headed מַמְעַר לְפָרָהוּת זֶה אֶדֶר, which ends on fol. 13a, l. 11. Then follows a short discourse on רְוִי בְּשָׁר הָעַמָּה בְּךָ, וַהֲזֹא מַמְעַר בֵּית אָשִי (Leviticus Rabbah 34.1). The six leaves referred to above contain four short homilies on midrashic subjects, the third of which is headed כָּמַר לְמַמְעַר מִחְדַּם. The last two leaves are in the same writing as the first fourteen. They contain two homilies for Passover. The first is headed כָּמַר לְמַמְעַר לֵינָה שֵׁנֶיהָ שֵׁל פַּסְחָה אֶדֶר, and the second כָּמַר לְמַמְעַר לֵינָה שֵׁנֶיהָ רְבֵּה שֵׁל פַּסְחָה שֵׁמֶשׁ רְבֵּה. Of the latter the first part alone has been preserved.

It belongs to the same codex as No. 117.

Twenty-two paper leaves, fastened together by a string and forming one fascicle. The leaves are numbered, and are in consecutive order from רֶבֶר to הָכָה. Size 8\(\frac{1}{2}\) \(\times\) 5\(\frac{1}{2}\) ins. (\(=\) 20.6 \(\times\) 15 cm.). With the exception of six leaves (marked from הָכָה to כָּה, which are in an entirely different hand, and may have been inserted from another codex or from another treatise), there are twenty-three lines to a full page. The other six leaves have twenty-four lines to a page. Italian rabbinic cursive character, while the headings are in a beautiful square hand. [Adler.]
Part of a collection of homilies for various occasions and discourses on midrashic passages.

Fol. 1a begins with the middle of a discourse on שמחה רביחי אלאぬ סוף מני (Exodus Rabbah 23.4). This discourse is concluded at the bottom of fol. 1b. Fol. 2a is headed "למקו תריה", and has a discourse on קריא תור (Bereishit Rabbah 1.10). Six difficulties are pointed out by the author, and he proceeds to answer them. At the end of fol. 2b we are still in the middle of the discourse.

It belongs to the same codex as No. 116.

Two paper leaves, measuring 8½ x 5½ ins. (≈20.4 x 14.9 cm.). Number of lines on each page is twenty-three. Italian rabbinical cursive character. The leaves are marked פס, פס. [Friedenwald.]

Part of a book containing stories from rabbinic literature on the merits of charity.

One parchment leaf, torn and faded, measuring 6½ x 4½ ins. (≈17.1 x 11.4 cm.). Number of lines ranges from thirty to thirty-two. Small square character with a tendency to cursiveness. [Amram.]

Part of a treatise, in Hebrew, in the form of an ethical will, on the merits of charity. It contains abundant quotations from rabbinic literature.

Two paper leaves, slightly damaged, forming the outer sheet of a fascicle. Size 8½ x 5½ ins. (≈20.4 x 14.3 cm.). Number of lines ranges from twenty-five to twenty-six to a page. Square character with a distinct tendency to cursiveness. [Adler.]

Fragment of המסרת אבריח. Recto begins with המסרת (p. 85, l. 17 of Schlossberg’s edition, 1886), and ends with the paragraph "annel malachah shemash נכשה אלסולה (ibid., p. 86, l. 4). It seems that in our fragment this paragraph was
longer. But this part is almost entirely damaged, and the nature of the additional matter cannot be ascertained.

Verso begins with חָזַ בָּהּ [מְצוֹקָה] (ibid., p. 86, l. 12), and ends with הֵל וּקַן (ibid., p. 86, l. 2 from bottom).

Our fragment offers a number of important variants. Thus the printed edition has כִּנְיָה אָרוֹר לָהְנָשָׁא יִמְנַקָה (ibid., p. 85, l. 19) while our fragment reads כִּנְיָה אָרוֹר לָהְנָשָׁא נַגְּשָׁא יִמְנַקָה.

In our fragment after the precept about nursing a baby there is a precept about the share a daughter is to have in her father’s inheritance. The case dealt with is that of a man who dies without leaving a will. This precept hardly belongs here, and is missing in the printed edition. The formula of introducing a talmudic passage in the printed edition is סָנָה בְּמַנְאָבָן but our fragment has שֶׁל סָנָה בְּמַנְאָבָן.

One parchment leaf, measuring 7½×6½ ins. (= 20×17.4 cm.). Number of lines on each page was probably twenty-nine. The lower part is badly damaged, and the writing is scarcely legible: it is therefore impossible to ascertain the exact number of lines. Square character. [Friedenwald.]

121

Six responsa in Arabic and part of Ḥefes b. Yasīlah’s Book of Precepts.

Responsum 1 (fol. 1a) is a discussion about the representative a woman appoints to receive her bill of divorce. Only the end of this responsum is preserved.

Responsum 2 (fol. 1b) deals with the question whether the prohibition against making a betrothal party on a festival refers to that which the bridegroom makes or to that which the bride’s father makes for the bridegroom. The answer is that it refers to the latter.

Responsum 3 (ibid.) deals with the question whether it is permissible to rescue a Jew who had confessed to murder and was arrested and sentenced to death by a non-Jewish court. In the reply several passages from the Talmud are cited, and the decision is that it is not only permissible, but it is the duty of every Jew to rescue that man by all possible means.

Responsum 4 (fol. 2b) deals with the question whether a Jew may have his unleavened bread baked by a non-Jew who acquired skill in kneading and baking rapidly, thereby preventing fermente-
tation of the dough. The reply is that if a Jew supervises the work, such a procedure is to be recommended. Incidentally the writer speaks of the limit of the quantity of dough that may be baked at one time.

Responsum 5 (fol. 4b) deals with the question whether a man is permitted to obstruct the prayers in order to have his grievances redressed. The answer is that it is allowed; but if after being promised redress, he persists in obstructing, he should be ejected.

Of responsum 6 (ibid.) only the beginning of the question is preserved. It deals with people who come to synagogue in the early hours of the morning during the festivals and Sabbaths to recite Psalms.

Fol. 5a–fol. 36a contain part of the Book of Precepts (הכתב אלפראני) by Hefes b. Yasliah. Our fragment begins with the middle of the eighth precept of the third section of part 3, book 3. This part deals with civil law appertaining to damages and sacrifices that are to be brought as a duty.

Part 4 (fol. 12b) is headed עלפץ אלפלך, בן אלפראני עלאך. Our manuscript breaks off, though we are in the middle of a sentence, and fol. 36b is blank. This codex, therefore, never contained the entire book.

Fol. 37a has in plain square writing

łąצקוף ברבי צמח חלוי
כלڅی هیو لانحه و یو تمایاو
امنش مسله.

Fol. 37b has, in a different writing, a list of debtors who owed money to one of the owners of this codex.

نةکودو ئوس لامپلو. ئو ئوکو. ئو کراو
نةکودو ئوس لامپلو. ئو ئوکو
نةکودو ئوس لامپلو. ئو ئوکو
نةکودو ئوس لامپلو. ئو ئوکو


This fragment was published with a Hebrew translation, notes, and an introduction by B. Halper, Philadelphia, 1915.
Thirty-six and a half paper leaves, measuring $6\frac{1}{8}\times5\frac{3}{8}$ ins. ($=17.6\times13.5$ cm.). The number of lines on a page of the first four leaves ranges from 18 to 19, while the pages of the remainder of the codex have 23, 24, and 25 lines. Oriental square character with a tendency to cursiveness. These leaves are made up into four fascicles which are fastened together by a string. The first fascicle which hangs rather loosely contains four leaves. It is no doubt incomplete. The other fascicles originally consisted of ten leaves each. As was customary among scribes, the last page of a fascicle bears at the bottom the word with which the following fascicle begins. Every fascicle is marked by a letter of the alphabet. Guided by these signs we can know with certainty that the first fascicle did not form part of the original codex, and that the fascicle which is now second was the first, for the third, fourth, and fifth fascicles are marked 2, 1, and 7, respectively. Of the second fascicle eight leaves are preserved; the first two leaves are torn off, while the last two are pasted to the following fascicle. It thus appears to have only six leaves. Fascicles 3 and 4 are complete, each having ten leaves. The last fascicle has only three and a half leaves of writing belonging to this codex, the verso of the fourth leaf being blank, while fol. 37 which is a narrow strip bears a few notes by a later hand (see above).

The first four leaves are of a lighter hue than the others, but the writing is similar, if not identical with that of the other fascicles. [Adler.]

Part of a Book of Precepts in Jewish-Arabic. The preserved fragment was part of the introduction in which the author explained his system. This work is neither by Maimonides nor by Ḥefes b. Yasliḥah, although the author followed the latter in many respects. Apparently Ḥefes may have been the author, except for the fact that in this fragment the word רשע is employed, whereas Ḥefes invariably uses רשע. Is it identical with the work a fragment of which was published by Neubauer in JQR., VI, p. 705?

Two paper leaves, forming the inner sheet of a fascicle, measuring $6\frac{1}{8}\times5\frac{3}{8}$ ins. ($=16\times13.3$ cm.). Number of lines ranges from seventeen to eighteen to a page. Oriental square character with a tendency to cursiveness. [U. P.]
Part of Al-Fasi’s compendium of Pesahim.

Fol. 1a begins with נַגְיה בָּא מְלַע לָע (chapter 10, p. 20b, l. 36, Vilna edition), and 1b ends with בָּא מְלַע לָע (21a, l. 15); fol. 2a continues 1b, and 2b ends with רְכֵּּת הַמַּע הַמַּע (ibid., l. 28). The words בָּא מְלַע לָע fell out through homoiooteleuton. Otherwise there are some insignificant variants.

These leaves are to be inserted in No. 124.

Two paper leaves, badly damaged, forming the outer sheet of a fascicle. Size $6\frac{1}{2} \times 4\frac{1}{6}$ ins. ($=15.5 \times 11.9$ cm.) There are thirteen lines to a page. Square character with a slight tendency to cursiveness. [Amram.]

Part of Al-Fasi’s compendium of Pesahim.

Fol. 1a begins with מַעְרַכֶּת בָּא מְלַע לָע (chapter 10, p. 20b, l. 10. Vilna edition), and 1b ends with מַעְרַכֶּת בָּא מְלַע לָע (ibid., l. 25). Some leaves are missing between fol. 1b and 2a (No. 123 is to be inserted here). The latter begins with לָע מַעְרָכָה לָע מַעְרָכָה (21a, l. 38), and 2b ends with לָע מַעְרָכָה לָע מַעְרָכָה (ibid., l. 48).

There are some variants, as the omission of אֶזְרַכְּא אַל at the beginning of fol. 2a. Instead of מַעְרָכָה in last line of 2b, the scribe first wrote מַעְרָכָה which he crossed out.

This fragment belongs to the same codex as No. 123.

Two paper leaves, forming the outer sheet of a fascicle. Size $6\frac{1}{2} \times 4\frac{1}{6}$ ins. ($=15.5 \times 11.9$ cm.). There are thirteen lines to a page. Square character with a slight tendency to cursiveness. [Amram.]

Al-Fasi’s compendium of Baba batra.

Recto begins with נַגְיָה בָּא מְלַע לָע (Vilna edition, 67b, last line), and verso ends with נַגְיָה בָּא מְלַע לָע (68a, end of Mishnah).

One paper leaf, badly damaged and faded, measuring $9\frac{1}{2} \times 5\frac{1}{6}$ ins. ($=23 \times 14.3$ cm.). Recto has nineteen lines, while verso has only seventeen. Square character with a strong tendency to cursiveness. [Amram.]
Part of Al-Fasi’s treatise on Tefillin, extracted mostly from tractate Menahot, chapter 3, with a commentary.

Fol. 1a begins with the commentary, which is followed by נאא (Vilna edition, 7a, bottom). Some leaves are missing between fol. 1b and 2a. The latter begins with בּּוּלֵקָה אֲחֵא מַעְבְּרָין עָלָה וֶיֶּמֶּשׁוּפִים (8b, l. 8), and fol. 2b ends with "יהו (ibid., l. 29). There are some important variants.

Two paper leaves, torn and faded, forming the outer sheet of a fascicle. Size 6\(\frac{1}{4}\) X 5\(\frac{3}{4}\) ins. (=17.1 X 13.2 cm.). There are thirteen lines to a page. Square character with a distinct tendency to cursiveness. [Amram.]

Fol. 1 is part of Al-Fasi’s compendium of tractate Hullin.

Fol. 1a begins with הנה התפה חלק אהל והדורה (al-Fasi, Hullin, p. 38, l. 13, Vilna edition), and ends with והא עלเหมาะสม לא (ibid., 38b, l. 9). fol. 1b continues 1a, and ends with של כל וindent (ibid., 39a, l. 17).

The paragraphs which are included in brackets in the printed edition are missing here. They are obviously later interpolations, as they are not found in the extensive commentary of R. Nissim. Thus the long paragraph from אפסר להמהות מהר (38a, l. 15) to נמה התפה (38a, l. 46) is missing in our fragment, and not a single note on it occurs in R. Nissim’s commentary.

Sporadic vocalization and marginal notes have been added by a later hand. The notes supply sentences which were omitted by the scribe.

Fol. 2 contains part of a treatise in Arabic on the ordinances concerning Shehitah and Tereifot. The style and orthography are rather vulgar. as a rule a short a is represented by י, but in some cases it is indicated by ו.

Is it by Samuel b. Jacob ibn Jam’?

Two parchment leaves, measuring 6\(\frac{1}{4}\) X 6\(\frac{3}{4}\) ins. (=15.5 X 15.3 cm.). Number of lines on each page of fol. 1 is fifteen, while on foll. 2a and 2b there are twenty-two and twenty-one lines, respectively. Square character with a tendency to cursiveness. These two leaves formed part of a fascicle the inner leaves of which are missing. The writing is the same on both leaves, but the characters of fol. 1 are much larger
than those on fol. 2. This is to be accounted for by the fact that dif-
ferent treatises are written on these leaves. [Adler.]

128

Part of Maimonides' *Yad ha-Hazakah*. *Hilkot Talmud Torah*. 4.7-
5.3.

Recto begins with מָהְרָה עָלָה עֲבָנִי (4.7), and verso ends with 'לַחְשָׁבָתָהוּ וְלַחֲמֵרֵיסָה (5.3).

There are marginal notes in Arabic, added by a later hand, to ex-
plain difficult words. The word commented upon usually has a circle
over it. Thus פרק the is explained by בִּטְלֵן נִא (יִּנַּה פִּי הָ).

The paragraphs are not numbered. Chapter 5 is headed פרק.

(It probably belongs to the same codex as the other *Yad ha-Haza-
kah* fragments of the Amram collection.)

One paper leaf, damaged, measuring $9\frac{1}{2} \times 6\frac{1}{2}$ ins. ($=24.8 \times 17.4$ cm.).

There are twenty-two lines to a page. Square character with a tendency
to cursiveness. [U. P.]

129


Recto begins with 'שְׁנֵי הַדִּמְיָרִים (12.20), and ends with 'נֹלַלְו מָעָה (12.24).

There are some insignificant variants, as מִצְרָא instead of מִצְרַא
(12.23). The word קרית is omitted in 12.20. The paragraphs are not
numbered. The left-hand margin has scribbling in Arabic characters,
and תָּנַם הַרְחֵם is very plain.

Verso, which was originally blank, is covered with scribbling in
Arabic characters.

One paper leaf, measuring $9\frac{1}{2} \times 5\frac{1}{2}$ ins. ($=23.6 \times 13.8$ cm.).

Recto has nineteen lines. Square character with a tendency to
cursiveness. [Amram.]

130

Part of Maimonides' *Yad ha-Hazakah*. *Hilkot Tefillah* 13.14–
Hilkot Tefillin 7.

Fol. 1a begins with the middle of הְלַכוֹת הַתּוֹפְלָה. The first line is
דְּלִיל אֲשֶׁר הוּא וּשְׁנֵתָן (chapter 13, paragraph 14; the printed
Chapter 13 of הָלָלוֹת הַפְּלָשָׁה ends on fol. 3a, l. 13. Chapter 14 extends from fol. 3a, l. 14, to fol. 6b, l. 3. Chapter 15 extends from fol. 6b, l. 4, to fol. 8b, l. 19. This chapter which is the end of הָלָלוֹת הַפְּלָשָׁה ends with (אֲגַנִים נְצָח חַלָּה) = נִצָח עֲצַרָה. Then follows the title הָלָלוֹת הַפְּלָשָׁה which ends fol. 8b, as well as the fascicle.

A leaf is missing between fascicle 1 and fascicle 2.

The first line of fascicle 2 (fol. 9a) is [inscription] (chapter 1, paragraph 6 of הָלָלוֹת הַפְּלָשָׁה). This chapter ends on fol. 12a, l. 4. Chapter 2 extends from fol. 12a, l. 5 to fol. 14, l. 16. Chapter 3 extends from fol. 14, l. 17, to fol. 19a, l. 1. Chapter 4 extends from fol. 19a, l. 2 to fol. 24, l. 5. Chapter 6 extends from fol. 24a, l. 6, to fol. 26a, l. 16. Chapter 6 extends from fol. 26a, l. 17, to the bottom of fol. 28b which is the end of our fragment. On the lower left-hand corner are the words פִּרָק שְׁבִיעִי with which the next page began.

The last page of this manuscript is obliterated in many places.

Although the paragraphs are divided from one another by three dots, they are not numbered in this fragment.

Our manuscript offers a number of variants in phraseology.

Twenty-eight paper leaves, measuring 9\frac{1}{8}\times6\frac{1}{4} ins. (=23\times15.5 cm.). These leaves form three fascicles which are fastened together by a string. Originally each fascicle had ten leaves, and fascicles 2 and 3 still consist of this number. But the outer sheet, that is to say, two leaves of fascicle 1, is missing. Hence we miss one leaf at the beginning of this fascicle and one leaf at the end. Number of lines on each page ranges from twenty-two to twenty-three. Bold square character with a distinct tendency to cursive.

131

Part of Maimonides' Yad ha-Ḥazakah. Issure Bi'ah. First legible word is לָלוֹת (1.5); last legible words are לָלוֹת (1.7).

One paper leaf, slightly damaged, measuring 9\frac{1}{4}\times5\frac{1}{4} ins. (=23.1 \times14.6 cm.). There are twenty-four lines to a page. Oriental square character, with a tendency to cursive. [U. P.]
132

Part of Maimonides' *Yad ha-Ḥazakah*. *Hilkot 'Akum*, chapter 1.

Recto begins with אעה אֶל תַּפְשָׁר and ends with שָלֵל בּוּכָּה; verso continues recto, and ends with מַה אֵלֶּל בּוּכָּה (1.1).

One paper leaf, badly damaged and torn, measuring 9½ x 6½ ins. (= 24.1 x 17.1 cm.). There are twenty-two lines to a page. Square character with a distinct tendency to cursiveness. [Amram.]

133

Part of Hebrew text and Arabic translation of Maimonides' *Yad ha-Ḥazakah*. *Hilkot Shehitah* 2.7–15. The Arabic translation, which is literal, follows each paragraph. The first word or so in the Hebrew paragraphs is in red ink. Every Arabic paragraph is headed מַה, also in red ink. The paragraphs are not numbered.

Fol. 1a begins with the Arabic translation of מַה אֵלֶּל בּוּכָּה (2.7), and fol. 6b ends with מַה אֵלֶּל הַפִּקּוֹד (2.15).

This fragment contains lexical variants as well as differences in the arrangement of paragraphs. Thus מַה אֵלֶּל בּוּכָּה for מַה אֵלֶּל בּוּכָּה (2.8). Paragraph 10 begins with מַה אֵלֶּל בּוּכָּה whereas in the printed edition it begins with מַה אֵלֶּל בּוּכָּה. We also have מַה שָּׁמֵעַ לְהוֹרִים וּלְשׁוּחַ for מַה שָּׁמֵעַ לְהוֹרִים וּלְשׁוּחַ (ibid.). Paragraphs 11 and 12 are run together, whereas paragraph 13 is divided into two (בּוּכָּה כְּבֵרוֹת being a new paragraph).

The translator may be Samuel ha-Dayyan (see No. 134).

Six paper leaves, forming a small fascicle of three sheets. Size 5½ x 3½ ins. (= 14 x 9.5 cm.). Square character with a tendency to cursiveness. There are twelve lines to a page. [Amram.]

134

Probably the title page of a Jewish-Arabic book on the laws of slaughtering animals by Samuel ha-Dayyan ha-Maskil.

Recto has in bold square character: מַה שָּׁמֵעַ לְהוֹרִים וּלְשׁוּחַ. Then follow a few phrases which may have been part of the preface

אֲלֵא אִדָּה אָלָלֻאֵל פָּדָר אָלָה
לְמְאֻמע אֵלֶּה בּוּכָּה הַפִּקּוֹד
אֵלֶּה אֵלֶּה בּוּכָּה מַה אֵלֶּל.
but the first line is repeated twice, and the rest is mere scribbling. It appears as though some one utilized the blank space to test his pen. This is confirmed by verso which has several times יבּ כְּלָל יִר, and a number of letters of the alphabet.

One paper leaf, damaged and torn, measuring 6\frac{1}{2} \times 3\frac{3}{4} ins. (=15.8 \times 9.5 \text{ cm}). [Amram.]

135

Part of a collection of laws by various scholars of Rome.

Recto has the end of the laws of slaughtering by Abraham b. Elijah of Rome (גַּלְגָּל הָעִבְדֶּים עַל רוּ, אָבִיאָרְבָּרְכָּה בֵּיהוּדָא רא). This is followed by חֵלֶק תְּרֵפָּה by Judah b. Benjamin of Rome. The author's preface is first given, explaining the object of writing this book. Seeing many of his countrymen rendering decisions in a lenient way, relying in every case upon that gaonic authority who declares a thing permitted, the author 'arose to clarify matters'.

One paper leaf, slightly damaged, measuring 8\frac{1}{2} \times 5\frac{1}{2} ins. (=20.6 \times 14.1 \text{ cm}). Recto has eighteen lines, while verso has twenty. Square character with a tendency to cursiveness. [Amram.]

136

Fol. 1 contains excerpts from tannaitic literature. It might have been some sort of code similar to the Halakot Pesukot.

Fol. 1a begins with לא היה ר' פטינאָר (comp. Berakot 62a). Then follows a paragraph marked ה which deals with the laws of writing a scroll. It begins with יִרְבּ יָדְתּ לִשָּׁהְרַה לְסָפוּחַ (comp. Sukkah 133b), and is followed by רַבּ שַׁעֲנֵי בַּעַלְיָה (comp. Sifre Re'eh, section 61, p. 87b, ed. Friedmann, where this statement is ascribed to R. Ishmael). Fol. 1b continues this paragraph as far as יִרְבּ יָדְתּ לִשָּׁהְרַה (our fragment has רַבּ שַׁעֲנֵי בַּעַלְיָה). Then comes a new paragraph marked ה which begins with יִרְבּ יָדְתּ לִשָּׁהְרַה (comp. Shebu'ot 35a). This page ends with דַּלּ פַּטְנִאָר. The last four words are from Massekhet Soferim 4.9. See description of No. 137.

Some leaves are missing between fol. 1b and 2a. The two leaves of No. 137 are to be inserted here.
Fol. 2 is part of a theological treatise written in vulgar Jewish-Arabic. It divides prophets and prophecies into four categories. It begins with: 

Both the Hebrew and the Arabic are badly copied. Words and even sentences are omitted, leaving the paragraphs disconnected. The orthography of the Arabic part is vulgar and phonetic. Almost in every case ا and ا are put after a short ا and ا, respectively. A long ا is represented by ا even where Arabic has ا: as ا. No dia-
critical points are placed on any letter. ا stands for "after" in modern Arabic. The word ا in the above quotation is a kind of enclitic, and should be compared with ba'den="after" in modern Arabic. It is also possible that it merely stands for the Nunation المثليع. When the ل of the definite article is assimilated to the following letter it is entirely omitted. Thus ا = and ا =. The first ا in doubtlessly represents ا = classical ا. A curious spelling is لام = لام =

Two parchment leaves, forming the outer sheet of a fascicle. Size 5½ x 4½ ins. (=14 x 11.4 cm.). Number of lines on each page is thirteen, except fol. 2b which has twelve lines. Oriental square character with a tendency to cursiveness. [Adler.]

137

Part of a code or theological treatise in vulgar Jewish-Arabic. The first line of fol. 1a is: which is the continuation of ا. The sentence is not finished, and a new treatise in Arabic begins in the second line. The first few lines are as follows: This preface continues till the end of 1b, but is not finished, as some leaves are missing between 1b and 2a. The latter begins with the following: This fol. ends with this sentence: The words ا of fol. 2a of No. 136 complete this sentence.

For the description of the orthography see No. 136. In this fragment we see that the copyist was by no means consistent, for he
has here אולִית. A very interesting spelling is סכִינָה for סכינָה. This is the only case where א is used after a short a.

Two parchment leaves, forming the outer sheet of a fascicle. Size $5\frac{1}{2} \times 4\frac{1}{2}$ ins. (=$14 \times 11.4$ cm.). Number of lines on each page ranges from eleven to fourteen. Oriental square character with a tendency to cursiveness.

These two leaves are to be inserted between fol. 1b and fol. 2a of No. 136, as 1a of this fragment is a continuation of 1b of the other, and 2a of that fragment continues 2b of this one. [Adler.]

138

Part of a code, in Jewish-Arabic, dealing with the laws of marriage and divorce. It may belong to Hefes b. Yasiaḥ's Book of Precepts.

A piece of parchment, badly damaged, measuring $5\frac{1}{2} \times 4\frac{1}{2}$ ins. (=$13.2 \times 11.4$ cm.). There were at least eighteen lines to a page. Square character with a tendency to cursiveness. [Amram.]

139

Part of a Jewish-Arabic compendium of talmudic laws, probably by Samuel b. Ḥofni. The two leaves are not continuous.

Fol. 1 deals with the laws of inheritance, while fol. 1 treats of the laws appertaining to a hireling. The leaves that followed, as stated in the last line of fol. 2b, were devoted to the laws of buying and selling.

Two paper leaves, slightly damaged, forming the outer sheet of a fascicle. Size $8\frac{1}{4} \times 5\frac{1}{2}$ ins. (=$20.6 \times 14.4$ cm.). Number of lines ranges from fourteen to fifteen to a page. There is some writing on the margin, lengthwise. Oriental square character with a tendency to cursiveness. [U. P.]

140

Part of a compendium of the laws of Sabbath, which seems to be in the same style as the Halakot Pesuḳot. It follows the arrangement of the Talmud, but not as closely as Al-Fasi.

These two leaves cover the following parts of tractate Shabbat:
Fol. 1 = 62a (מִזְמוֹנָה) to 66b (פִּסְקָה).

Some leaves are missing between fol. 1b and 2a.
Fol. 2 = 73a (תרכז...הרות) to 74b (תרכז ובהמה). This is followed by a long explanation.

Two parchment leaves, damaged, forming the outer sheet of a fascicle. Size $7\frac{1}{2} \times 5\frac{3}{4}$ ins. (=19.7 x 14.9 cm.). Number of lines ranges from twenty-six to twenty-nine to a page. Square character with slight tendency to cursiveness. [U. P.]

141

Probably part of a treatise, in Jewish-Arabic, on the laws of Terefah.

The author explains the various accidents which render an animal unfit for consumption, and enumerates the eighteen cases mentioned in Hullin 3.1. He states that he previously explained the principle underlying the laws of that Mishnah (תרכז ובהמה תפסירה, verso 1.2).

One paper leaf measuring $4\frac{3}{16} \times 5\frac{1}{4}$ ins. (=10.6 x 14.4 cm.). There are eleven lines to a page. Square character with a slight tendency to cursiveness. [U. P.]

142

Part of a treatise, in Jewish-Arabic, on the laws of property.

The author discusses the selling of cattle, as well as the rights of a married woman to sell her property.

헤וב b. Yasliah, Samuel b. Hofni, Hai may be mentionned as the probable authors of this code.

A piece of parchment, badly damaged, measuring $5\frac{1}{2} \times 5\frac{1}{4}$ ins. (=14 x 14 cm.). About nineteen lines to a page have been preserved. Square character with a tendency to cursiveness. [Amram.]

143

Part of Tur Yoreh De'ah by Jacob b. Asher. Hilkot Keri'ah.

Recto begins with הרכז כל שליטים וו (340.5), and verso ends with הרכז כל שליטים וו (340.18).

This fragment belongs to the same codex as No. 144.

One parchment leaf, badly damaged and faded, measuring $7\frac{3}{4} \times 5\frac{1}{4}$ ins. (=19.2 x 14.6 cm.). Twenty-eight lines have been preserved to a page, but the lower part is torn off. Cursive rabbinic character. [Amram.]
144

Part of Tur Yoreh De'ah by Jacob b. Asher. Hilket Keburah. Recto begins with מעה אל שםคงרב (356), and verso ends with 361.

This fragment belongs to the same codex as No. 143.

One parchment leaf, badly damaged and faded, measuring $8 \times 5\frac{1}{2}$ ins. (=20×314.4 cm.). About twenty-eight lines have been preserved to a page. Cursive rabbinic character. [Amram.]

145

Brief extracts from Shulhan 'Aruk, Orah Hayyim, Hilket Keri'at Shema'.

It is headed נוהג למקדש על פיצים, and has דיני קרואת טعن מ and many other short sentences. The last line is הרו מחליטאלאו לאוני מות טעני בתפז.

One paper leaf, measuring $6\frac{3}{4} \times 4$ ins. (=16.8×10.1 cm). Recto has fifteen lines, while verso is blank. Modern Ashkenazic cursive character, except the heading which is in a bold square hand. [Amram.]

146

Part of a commentary on Shulhan 'Aruk, Orah Hayyim.

Fol. 1 deals with paragraphs 307, 308. Some leaves are missing between fol. 1b and 2a. Fol. 2 contains notes on paragraphs 282-284. The appearance of the fragment does not allow the changing of the order of the leaves.

Two paper leaves, badly torn and faded, forming the outer sheet of a fascicle. Size $6\frac{3}{4} \times 4\frac{3}{4}$ ins. (=16.8×11.4 cm.). There are eighteen lines to a page. Italian character. [Amram.]

147

It seems to be part of a treatise, in Jewish-Arabic, dealing with the prohibitions against robbery and oppression.

Recto and the first part of verso treat of the laws of inheritance, and it is assumed that Phinehas inherited his sepulchre from his wife. This is, however, a digression, as the author remarks: רכינ אלמאלה ל דכר אלמאלה: 'Let us return now to the treatment of wrongs.' Mention is made of מפר אלמאלה וּלְב‘.
One paper leaf, slightly damaged, measuring $8 \times 5\frac{1}{2}$ ins. ($= 20.3 \times 14.6$ cm.). There are fourteen lines to a page. Square character with a tendency to cursiveness. [Amram.]

148

Recto is part of a table of contents of an unknown code in Jewish-Arabic. This book had at least twenty-two chapters. This page begins with the mention of the seventh chapter, and the words אֱלָוָא אֱלָוֶה are legible towards the end. Chapter 7 dealt with silver...light; chapter 11 with milk and cheese; chapter 13 with a man's wife; chapter 17 with prayer; chapter 18 with writing; chapter 19 with building; chapter 20 with women...heirs.

Verso seems to be the preface of the book; it begins with a quotation from Ben Sira קֵלָו אֱבֶנָו תִּרְא. רֶז 'אֱלָוָא קֵלָו.

One paper leaf, badly damaged and torn, measuring $8\frac{1}{2} \times 4\frac{3}{4}$ ins. ($= 20.6 \times 1$ cm.). There must have been more than twenty lines to a page. Square character with a distinct tendency to cursiveness [Amram.]

149

Part of a code, in Jewish-Arabic, treating of the laws of the scriptural readings and the ritual of the festivals. This fragment deals with Tabernacles and Hanukkah.

One paper leaf, measuring $7\frac{1}{2} \times 4$ ins. ($= 18.7 \times 10.1$ in.). There are seventeen lines to a page. Square character with a strong tendency to cursiveness. [Amram.]

150

Part of a code, in Jewish-Arabic, on Jewish ritual. This seems to be the beginning of the code, as recto had been blank, but later someone wrote down in bold square character: אֵשֶׁה הַמַּחְרוֹנָה בּוֹעֲלָה. וְקָדוֹם לְלֶחֶם לְאֶפֶם, and the writer proceeds to give the laws when the Seder occurs on Friday night. The first portion of the Kiddush is quoted.

One paper leaf, measuring $6\frac{1}{4} \times 4\frac{1}{4}$ ins. ($= 17.1 \times 11.7$ cm.). Square character with a tendency to cursiveness. [Amram.]
Part of a code, in Jewish Arabic, on Jewish ritual.

Recto contains laws concerning the various prayers, some of which are quoted in full. Then follows a chapter headed אֲנָשָׁאָה לָעַמצָא (the ritual obligations in connection with food). Verso ends with the beginning of Grace after Meal, which was probably given at full length. The Hebrew quotations are vocalized, though not quite accurately. These prayers offer many important variants.

Is it part of Sa'adya's Siddur?

One parchment leaf, measuring $5\frac{1}{2} \times 4\frac{1}{4}$ ins. ($= 14 \times 10.4$ cm.). Recto has seventeen lines, while verso has eighteen. Square character. [Amram.]

Part of a treatise, in Jewish-Arabic, giving detailed directions for the performance of marriage and betrothal ceremonies. The blessings as well as the Ketubah seem to have been given in full.

Recto begins with the latter part of the Ketubah מַהְוָה אֶל מַרְכָּבָה מַעֵןָא אַלְכָּדִישָא וּמוֹרָא מַעָּלָמָא (which is followed by המְהַוָּה אָלָכְדִיָא וּמוֹרָא מַעָּלָמָא תָּרָתָה בְּרֵכָה אָדָו [מהו] מַהְוָה אֶלְכָּדִישָא מַעָּלָמָא... אֲבֵאְבָא). It is to be noted that, as is usual in this kind of literature, מַהְוָה stands for בֵּרָה.

One paper leaf, slightly torn and faded, measuring $7\frac{1}{8} \times 5\frac{1}{4}$ ins. ($= 18.7 \times 13$ cm.). Number of lines ranges from seventeen to eighteen to a page. Square character with a tendency to cursiveness. [Amram.]

Digressive discussions, in Jewish-Arabic, of talmudic subjects.

Recto deals with the apostasy of Flisha b. Abuyah, and various opinions from rabbinic literature are quoted. The author gives his sources (as מַהְוָה פַּרְשָׁתָה פֶּסֶד מַעָּלָמָא פֶּסֶד מַעָּלָמָא וּדָם). He then deviates from his subject, and explains the initials מַהְוָה מַרְפָּא.

One paper leaf, measuring $9\frac{1}{8} \times 6$ ins. ($= 23.1 \times 15.2$ cm.). Number of lines to a page is twenty-two. Oriental cursive character. [U.P.]
A lengthy discourse on the talmudic principle of *Bererah*. The writer discusses the principle from all points of view, and cites many talmudic passages, as well as *Tosefta* (verso, column 2, l. 14) and *Talmud* (ibid., l. 15).

One paper leaf, measuring $12\frac{1}{4} \times 8\frac{1}{4}$ ins. ($=31.1 \times 21.6$ cm.). There are two columns to a page, each column having thirty-three lines.

Italian cursive character. [Amram.]

Part of a gaonic responsum on calendation. It is identical with responsum 1 ascribed to R. Hai in *Tosefta ha-Avotim*, ed. Lyck, 1864.

Our fragment begins with הָלֽאָמֶרְתֶּלֶךְ מִשְׁפּוּעֵי אָמַר הָלֽאָמֶרְתֶּלֶךְ אָמַר הָלֽאָמֶרְתֶּלֶךְ (Lyck, p. 4, l. 17) and ends with אָמַר הָלֽאָמֶרְתֶּלֶךְ מִשְׁפּוּעֵי אָמַר הָלֽאָמֶרְתֶּלֶךְ (ibid., p. 6, l. 3).

On the whole our fragment agrees essentially with the printed text. There are, however, a few variants which are mostly scribal errors either in this fragment or in the manuscript used for that edition. Instead of כְּפֶרֶשׁ מֵהָלֵוֹנָה לַעֲרֹךְ (Lyck, p. 4, l. 20) this fragment has כְּפֶרֶשׁ מֵהָלֵוֹנָה לַעֲרֹךְ which is obviously a scribal error. On the other hand, our fragment offers a better reading for כְּפֶרֶשׁ מֵהָלֵוֹנָה לַעֲרֹךְ (Lyck, p. 5, l. 4), as it has כְּפֶרֶשׁ מֵהָלֵוֹנָה לַעֲרֹךְ. The spelling כְּפֶרֶשׁ מֵהָלֵוֹנָה is preferable to כְּפֶרֶשׁ מֵהָלֵוֹנָה of the printed edition, p. 5, l. 3. See also ibid., note 4, p. 5. The following variant is interesting. The printed text, p. 5, l. 16, has כְּפֶרֶשׁ מֵהָלֵוֹנָה, while our fragment adds כְּפֶרֶשׁ מֵהָלֵוֹנָה.

Some words of our fragment are provided with Tiberian vowels, but the vocalization is not always correct; thus כְּפֶרֶשׁ מֵהָלֵוֹנָה.

Eight paper leaves, measuring $7\frac{1}{2} \times 5\frac{1}{2}$ ins. ($=20 \times 14.4$ cm). Number of lines on each page ranges from fifteen to sixteen. Oriental square character with a strong tendency to cursiveness. These eight leaves form a fascicle and are fastened together by a string.

[Adler.]

Part of a collection of responsa by R. Hai Gaon.

Fol. la is almost entirely faded, but the names רבי יוחנן and רבי יוחנן are still visible. This page seems to have
had two short responsa. It has a complete responsum, dealing with
the question whether locusts belong to the class of forbidden food,
and the beginning of another. Some leaves are missing between fol.
1b and 2a. Fol. 2 contains the greater part of two responsa.

Published by L. Ginzberg, Geonica, II, pp. 43–47.

Two paper leaves, forming the outer sheet of a fascicle, badly
damaged and faded. Size 7×5½ ins. (=17.8×13.5 cm.). Number
of lines ranges from eighteen to twenty to a page. [Amram.]
I am indebted to Prof. Louis Ginzberg for drawing my attention to the printed edition.

One and a half paper leaves, badly mutilated, forming the outer sheet of a fascicle. Size $10\frac{1}{2} \times 7\frac{3}{8}$ ins. ($= 27.4 \times 20$ cm.). Number of lines to a page of fol. 1, of which only a half has been preserved, is ten, while fol. 2 has twenty-three lines to a page. Square character with a distinct tendency to cursiveness. [Adler.]

158

Part of the collection of responsa known as מִסְתַּרְתָּן נְסַת by Jacob ha-Levi of Corbeil or Marvege.

All responsa are marked by letters of the alphabet.

Recto begins with the last few lines of responsum 414 (= Leghorn edition, 62), which deals with the question whether it is necessary to take out the lungs of a slaughtered animal in order to examine them. Responsum 415 (= ibid., 60) deals with the statement of the Talmud רַבִּי נְסַת (Hullin 48a). The question is whether the perforated lung has to be grown together with the flesh or bone. The answer is indirect, but the writer concludes that if the lung is not grown together with the flesh, the meat is unfit. Responsum 416 (= ibid. 21) is about a certain mode of plucking the feathers and the salting of poultry. Responsum 417 (= ibid., 19) deals with the custom to read the Shema' of the evening prayer before the stars appear. Verso, continues this question. Responsum 418 (= ibid., 23) is about the question whether it is permitted to recite the Thirteen Attributes during the Ten Days of Penitence, if less than ten men are present. The decision is against it. Responsum 419 (= ibid., 25) deals with the question whether it is appropriate to read the Kiddush and Habadlah in synagogue, for in some places it is customary not to do so. The fragment breaks off in the middle of the answer which is in the affirmative.

This fragment, despite the different writing material, seems to belong to the same codex as No. 157. Judging from the numbers, it is evident that not many leaves are missing between Nos. 157 and 158.

One parchment leaf, badly damaged, measuring $10\frac{1}{2} \times 7\frac{3}{8}$ ins. ($= 27.4 \times 20$ cm.). Number of lines to a page is twenty-two. Square character with a distinct tendency to cursiveness. [Adler.]
Recto has an inquiry, in Jewish-Arabic, addressed to Abraham, together with his autograph responsum. He signs his name Abraham b. Moses, and he is undoubtedly Abraham the son of Maimonides, and the entire document is apparently an autograph. The inquiry consists of twenty-six lines, while the reply is written on the left-hand margin and has six lines. The inquiry is divided into three parts, the first and third of which end with ד"הו והרבינא caráך כפלו כל השモノ, while the second readsocratesבפלו אם מ. The second has the mistake דס. Reuben has a wife who owns half of a dwelling valued at six dinars; he pledged the dwelling to a creditor whom he owed eight dinars, and died. Should the widow pay the debt? If Reuben owned the other half of the same dwelling, and bequeathed it to some of his children, should the debt be paid from the half belonging to the widow, or from that belonging to the orphans? Should the laws of inheritance apply to the other children (the bequest having been made by the laws of the Gentiles)?

Verso was then used for copying down some poems. It has two columns, and number of lines to a column ranges from twenty-eight to thirty. Square character with a tendency to cursiveness.

Column 1 seems to be headed ב"ה [מש].

1 (col. 1, l. 1). A dirge, probably by Moses ibn Ezra or Ibn Gabirol, rhyming in ד"ס. The first line reads הס נב clientes המ תלמידי חכמים בהלך. The meter is Kamil.

2 (col. 2, l. 1). A short poem, rhyming in ד"ס. The first line seems to be [מר וחסניר מקס אכ רבי דע מחתת קשת [מל] (Wertheimer, ו르תיו בוגרנויוק ולוהנויו, p. 6a, where there are errors). The meter is Kamil.


One paper leaf, damaged and faded, measuring $10\frac{1}{2} \times 7\frac{1}{2}$ ins. ($=27.6 \times 20$ cm.). [Sulzberger.]
A table of contents, in Jewish-Arabic, of a volume of various responsa. The first three lines of recto read: ומ פה מסעיא תסאיא תסאיא
...ל...אלוותא סגנה מסעיא מ רכש ניסא...םשד ילחום ילחום ילחום ומספאינ... Twelve responsa by R. Nissim seem to be enumerated. Then follows יסוד איסא איסא מסאיא מ קבל...יעל מ מיש פי אלפאשקו והלאנסיאק, and five more responsa are mentioned. The writing on verso is in the opposite direction, and gives headings of twenty-three subjects treated at full length in the responsa. The sources from which the statements of the headings are excerpted are given on the right-hand margin. Thus opposite תמה תמר של עכמה...שחקפות המלהת is marked ב"כסניא (the number ב"כסניא refers to the responsum). The ends of the lines are torn off.

This fragment belongs to the same codex as No. 161.

Two pieces of paper, torn and badly damaged, belonging to one leaf. When pieced together, they measure $9 \times 5 \frac{1}{2}$ ins. ($=22.8 \times 13$ cm.). There must have been more than twenty-three lines to a page. Square character with a tendency to cursiveness. [Amram.

Part of a collection of responsa.

Recto is in Hebrew, in square character with a tendency to cursiveness. L. 13 has the superscription: אל"ב נחמה תלדה רוחיה בן ינקא
כף (?), and it deals with the laws of partnership.

On the margin are given the references to talmudic passages, and the peculiar spellingcampo and stumble may be mentioned. Verso is in a Spanish cursive hand, and is written in the opposite direction. It is in Jewish-Arabic, and contains the end of a responsum which probably dealt with the laws of buying something from a Gentile before Passover. This is followed by a responsum treating of the case of a man who sold his dwelling.

This fragment belongs to the same codex as No. 160.

A piece of paper, damaged on all sides, and it is impossible to determine its original length. Its present size is $5 \frac{1}{4} \times 5 \frac{1}{4}$ ins. ($=12.9 \times 13.2$ cm.). Fifteen lines have been reserved on each side. [Amram.]
162

A responsum by Joseph b. Moses of Trani on Jesus. It is headed הבא באבראלות והשובו כי מביתו. The responsum, which could not be traced in the printed edition of Trani's responsa, ends on fol. 2b, 1. 4 (the rest of the page being blank) with והושע בן פאתי, מת פניאל השתי נא אליסו הריעא בימי נא ידך והיו אלכסנדר. שק עס דים הלני הבת.

Four paper leaves, the last two of which are blank, forming the end of a book. Size 7½ x 5½ ins. (=18.3 x 13.4 cm.). There are about twenty-two lines to a page, apart from marginal notes. Italian cursive character. The first word in every paragraph is in square hand. [Amram.]

163

Part of a discourse or responsum, in Jewish-Arabic, concerning the laws of sacrifices and ritual cleanness.

The writer quotes, apart from talmudic authorities, the פירוטו של האוס.

One paper leaf, slightly damaged, measuring 9½ x 7½ ins. (= 23.5 x 18.1 cm.). There are twenty lines to a page. Square character with a distinct tendency to cursiveness. [Amram.]

164

Part of a responsum, in Hebrew, concerning the laws of Passover

A piece of paper, badly damaged, the upper part being entirely torn off. Size 5½ x 8½ ins. (= 13 x 22.5 cm.). On recto eleven lines have been preserved, though not all are legible. Verso is blank. Square character. [Amram.]

165

A lengthy responsum, in Hebrew, concerning the laws of usury.

Fol. 2b seems to have the writer's signature, which is, however, illegible.

Two paper leaves, measuring 8½ x 6½ ins. (= 22.2 x 16.8 cm.). There are thirty-six lines to a page, except fol. 2b which has only sixteen, the rest of the page being blank. Late cursive character. [Amram.]
Part of collection of talmudic discourses, in Hebrew, probably belonging to the end of the eighteenth or beginning of the nineteenth century. One discourse ends on middle of fol. 1b. 2a begins with a discourse on תמיין פסורה (Yoma 88a); although fol. 2b is blank, this discourse does not end on 2a.

Two paper leaves, measuring 8½ × 6½ ins. (= 20.9 × 17.4 cm.). Number of lines ranges from thirty-nine to forty-three to a page. Fol. 1b has only twenty-three lines, the lower part being blank; 2b is blank. Cursive European character. [Amram.]
A MANUSCRIPT MISCELLANY

By H. Brody, Prague

A. The Manuscript and its Contents.

About ten years ago my friend Dr. Samuel Poznanski was good enough to send me for use a manuscript which was then in the possession of the Karaite Ne'eman in Eupatoria and to whom presumably it still belongs. The manuscript contains many poems and letters in prose and rhymed prose whose authors belong to different times and countries. In the beginning my interest centered mainly in a series of partly unedited, partly altogether unknown poems by Gabirol, Moses Ibn Ezra, and Judah ha-Levi; but gradually I found that the works of the other authors also deserve attention. On the basis of notes which I jotted down during my perusal of the manuscript I was enabled to draw up the following description, which is so couched as to give the scholar sufficient information about every single piece. The description, I venture to hope, will not suffer from the historical, biographical, and bibliographical data, which I thought fit to add to it.

There is not much to be said about the outward appearance of the paper manuscript in octavo. It belongs to the first half of the seventeenth century and comprises 168 leaves. Fols. 8—v are numbered with Hebrew letters, while the following are provided with Arabic numerals: 11—21, 33—74, 74a, 74b, 75—99; the rest of the manuscript, through the fault of the binder, fell into such confusion that, for the purpose of description, I was forced
to adopt a new pagination for the leaves 100—178, and this pagination is the only one used in my notes. The materials in each of the following parts of the manuscript are closely connected: Fol. 8—21, 33—44a, 49—80, 84—99, 101—104a, 106—113, 114—119, 120—133, 134—135, 136—137, 138—139, 140a, 142—149a, 153—155, 157b—158, 162—178, To make the description more clear and distinct I have divided it, in accordance with the contents, into twenty-eight groups, which are designated I—XXVIII.

Fol. 44b—48b, 81a—83b, 141, 149b—152b, 156a—157a, 159a,—160b, have been omitted from this description. Fol. 100, 105a, and 161, contain notes by a more recent hand which are without value and difficult to read or altogether illegible. On fol. 44a is found the name of a former owner של' איה שמנן בעריה פ נאומן.

After these prefatory remarks let us proceed to indicate the contents of the manuscript.

I. Fol. 8a—10b: ספק המסה, Abraham Bedarshi’s הרב המסה with both concluding verses, which, designated as ספק, indicate the number of verses in the poem. The antecedent verses (מקומי יוש) found in the edition of G. I. Polak (appendix to ספוק המסה, Amsterdam 1865) are wanting here.

II. Fol. 10b—11a: דברי שבכר הנבון הרי, סערה להנומ עוגנ, a poem in imitation of Bedarshi’s הרב המסה, likewise consisting of 248 verses. Beginning: נרני יסר זבא כסבי; at the end two verses (not designated as ספקים דועים etc.

III. Fol. 11a—15a: correspondence between Solomon Ibn Labi and Joseph Ibn Yahya (the parts attributed to Ibn Labi have been composed by Solomon da-Piera;
comp. my *Beitraege zu Sal. da-Piera's Leben und Wirken*, Berlin 1893, p. 10, n. 1). The correspondence consists of the following parts:

a) margins shave lakhs in Maiphany voy (the superscription quoted by Steinschneider, *Hebr. Bibl.*, XV, 55, notes the following: "בב רב, 'שלמה' (למ"א, יבגנ המחבר)"; the name is da-Piera), beginning: and all seventy-three nouns, thirty verses together with the acrostic quoted by Steinschneider, l. c.

b) also Shem beholom, which consists of three verses.

c) and the following two verses:

d) "הו איה אדו ינרי רוד ('ו, ינו פקרת (עונש?) המבלטת), the superscription is in the form of a proposition, followed by a verse beginning: and she follows a poem consisting of 42 verses, beginning: and the following two verses as shown:

\[
\begin{align*}
\text{לבב} & \text{ ז"ל ישך} \\
\text{פר 'ר yeni ישך} & \text{ז"ל ישך}
\end{align*}
\]

(The last word, an allusion to the name of the addressee—Labi — yields at the same time, in its numerical value (42), the number of verses in the poem.)

e) and the following two verses:

1 MIS. ישות: comp. Gen. 45.1.

2 The manuscript is unvocalized throughout; I have added the vowels in this piece and also in the pieces that follow.
f) Without superscription: 14 verses, the following begins thus; the reply of Ibn Labi.

h) 42 verses, the following begins thus; the reply of Ibn Labi to Ibn Yahya:

IV. Fol. 15a—20a: Poems by Solomon da-Piera, as follows:

1..comp. Steinschneider, Hebr. Bibl., XVI, 86. Next a short poem of 14 verses, beginning then follow two introductory verses:

This superscription is followed by a) two introductory verses, beginning; b) a poem beginning 41 verses (one verse has thus been dropped); c) the number of verses, beg. (rhyming word—42).

5. The hundred benedictions which are to be recited daily (Menaḥot 43b).
6. Ps. 63,5; MS. הברה ב.
This would imply that the laudatory poem beginning originally numbered 100 verses, but now it contains only 96, four are wanting. The of three lines begins with the words.

2. a sharply pointed epigram of the kind often met in da-Piera’s writings (comp. my above quoted Beitraege, p. 14); it reads:

3. the same poem (up to l. 3 of the introductory verses) occurs also fol. 104a with the same superscription (for , otherwise only slight variations), in which the addressee, , is named.

4. , 33 verses without superscription and the following:

According to Steinschneider, Hebr. Bibl., XV, 78, it was probably addressed to Vidal ibn Labi.

V. Fol. 21a: the well-known prayer of R. Ephraim of Bonn
(א) שמך מיר עלמה צולה (א), breaks off fol. 22b at the words מודליר (מודליר המרהבת נרואת).

VI. Fol. 33a: 'וללה' וה' ערה'. Beginning with ללה, 29 verses. Comp. Appendix sub II, 1.

VII. Fol. 33b—36b: 'וללה' וה' ערה' וה', featuring the following poems:

1. Kay א, Diwan I, p. 1, No. 1. Variants: l. 4 קאר for הר; 1. 8 מי for מפי; 1. 10 מיא for בימות; 1. 17 כל for כל.

2. קור, Diwan I, p. 107, No. 74. Variants: l. 4 קאר for הד; l. 19 הד for פינה; l. 25 קאר for קריא; l. 26 הנח for תסס; l. 27—30 as a separate poem with the superscription הלל; l. 28 תוספת for תוספת.

3. עומר, Diwan I, p. 65, No. 49. Variants: l. 3 חסאל for הטלחה; l. 4 טלחה for הטלחה; l. 5 תק for מתי; l. 6 קר for רפא; l. 10 בור for בור; l. 11 יין for יין; l. 13 נון for נון; l. 14 אס for אס; l. 16 התאני for התאני; l. 20 יין for יין; l. 21 לא for לא; l. 26 רמא for רמא; l. 30 עם for עם; l. 31 רמא for רמא; l. 34 (marked as erroneous by a point placed above it) for מופלא ו; l. 38 ל for ל; l. 43 ע for ע; l. 50 נ for נ; l. 51 ה for ה.

4. דב בד, Diwan I, p. 3, No. 3. Variants: l. 2 קאר for קאר; l. 3 קאר for קאר; l. 5 מב for מב; l. 6 מב for מב; l. 7 מב for מב; l. 8 מב for מב.

5. לכל accommodating, Diwan II, p. 273, No. 52. Variants: l. 1 לכל accommodating for לכל accommodating; l. 3 לכל accommodating for לכל accommodating.

Where no editor is mentioned the reference is to my edition of the Diwan.
6. ד'פימ, Diwan (Luzzatto) 2b, No. 6. Variants:
   1. 5 for הגליל; 1. 6 for וּלְכָה; 1. 7 for בָּנָר; 1. 8 for מֵעֶלֶף; 1. 11 for הָשָׁב; 1. 12 for הָעַבֵּר; 1. 13 for בָּאַךְ.

7. ד'פימ, Diwan (Luzzatto) 2a, No. 5. Variants:
   1. 2 for וּלְכָה; 1. 4 for עֵר; 1. 10 for ד'פימ.

11. ד'פימ, Diwan I, p. 98, No. 69. Variants:
   1. 3–4 wanting; 1. 6 for חָזָן; 1. 9–10 wanting; 1. 12 for הָהוֹדָר (or הָהוֹדָר?); 1. 15 for בְּלַבְּמָה; 1. 16 for בְּלַבְּמָה; 1. 17 for נְמוֹנָא; 1. 20 for נְמוֹנָא; 1. 21 for נְמוֹנָא.

12. ד'פימ, Diwan, II p. 216, No. 3. Variants:
   1. 2 for יִנְהוּ; 1. 3 for יִנְהוּ.

13. ד'פימ, Diwan, I p. 164, No. 110. Variants:
   1. 2 for הָעַוְר; 1. 4 for אָרָמֶיה; 1. 8 for עָלָה; 1. 9 for יִמּוֹ; 1. 11 for הָזָּמֶך; 1. 12 for עָבְרֵי; 1. 13 for ונְבוֹעָת; 1. 21 for הָזָּמֶך; 1. 24 for הָזָּמֶך; 1. 29 for הָזָּמֶך; 1. 33 for הָזָּמֶך; 1. 34 for יִשְׁעֶשֶׁע; 1. 49 for נְמוֹנָא; 1. 50 is followed by a line wanting in the editions: נְמוֹנָא for נְמוֹנָא; 1. 52 for נְמוֹנָא; as l. 69–70 the MS. has:

   נְמוֹנָא

12. ד'פימ, Diwan, II p. 216, No. 3. Variants:
   1. 2 for יִנְהוּ; 1. 3 for יִנְהוּ.

13. ד'פימ, Diwan, I p. 164, No. 110. Variants:
   1. 2 for הָעַוְר; 1. 4 for אָרָמֶיה; 1. 8 for עָלָה; 1. 9 for יִמּוֹ; 1. 11 for הָזָּמֶך; 1. 12 for עָבְרֵי; 1. 13 for ונְבוֹעָת; 1. 21 for הָזָּמֶך; 1. 24 for הָזָּמֶך; 1. 29 for הָזָּמֶך; 1. 33 for הָזָּמֶך; 1. 34 for יִשְׁעֶשֶׁע; 1. 49 for נְמוֹנָא; 1. 50 is followed by a line wanting in the editions: נְמוֹנָא for נְמוֹנָא; 1. 52 for נְמוֹנָא; as l. 69–70 the MS. has:

   נְמוֹנָא

12. ד'פימ, Diwan, II p. 216, No. 3. Variants:
   1. 2 for יִנְהוּ; 1. 3 for יִנְהוּ.

13. ד'פימ, Diwan, I p. 164, No. 110. Variants:
   1. 2 for הָעַוְר; 1. 4 for אָרָמֶיה; 1. 8 for עָלָה; 1. 9 for יִמּוֹ; 1. 11 for הָזָּמֶ�;}
3. Dukes, *Shir Shelah*, I, p. 37, No. 24. Variants: 1. 2 אעלויי instead of אעלוויי; 4. 4 וע르 for ועְרִי; 6. 6 סトン for סטון; 9. 9 כבוד for כֶּבֶד; 10. 10 לא עלו for לא עלו; and 11. 11 ℋ for ℋו. 12. 12 נוה for נו; 13. 13 אֲבַד for אָבַד; 14. 14 רד for רד; and 15. 15 רד for רד. 16. 16 נס for נס; 17. 17 נל for נל; and 18. 18 נוס for נוס.


5. וצבתי ושבתי שלבל.

6. ל. ס. Sachs, *Shir ha-Shirim*, p. 9, No. 2. Variants: 1. 4 נא for נא; 2. 2*$^*$ for הָלְשָׁמה; 3. 3*$^*$ for הָלָּשָׁמה; 5. 5*$^*$ for הָלָּשָׁמה; 6. 6*$^*$ for הָלָּשָׁמה; 7. 7*$^*$ for הָלָּשָׁמה; 8. 8*$^*$ for הָלָּשָׁמה; 9. 9*$^*$ for הָלָּשָׁמה; 10. 10*$^*$ for הָלָּשָׁמה; 11. 11*$^*$ for הָלָּשָׁמה; 12. 12*$^*$ for הָלָּשָׁמה; 13. 13*$^*$ for הָלָּשָׁמה; 14. 14*$^*$ for הָלָּשָׁמה; 15. 15*$^*$ for הָלָּשָׁמה; 16. 16*$^*$ for הָלָּשָׁמה; 17. 17*$^*$ for הָלָּשָׁמה; 18. 18*$^*$ for הָלָּשָׁמה.

7. עוֹבֵד, comp. Appendix sub I, 5. 14

8. וייר, *Shir Shelah*, came in here by mistake; the author is Judah ha-Levi. This poem was published in Diwan (Luzzatto), p. 16a, No. 41. Variant in l. 7 שְׁכֵינָה for שָׁכִינוֹת.

9. שֶׁשֶם, Sachs in the above-mentioned work, No. b. Variants: 1. 3 הי for הי; 1. 4 הה for הה.

IX. Fol. 39a—42b: the following pieces by Moses ibn Ezra (I have not noted the superscription, perhaps through inadvertence):

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1. for שבד והמותו...לִכל
2. for בָּשַׁה...לִוכָה
3. חָמָה...לִוכָה
4. מִיְּמָה מִמְיוֹרָת
5. אָדוֹן יִשְׂעֵר
6. מְאֹר לָאָרֶנֶו
7. בְּמה לְאָרֶנֶו
8. מַעַרְצָה
9. עַיְלְבָלְנָם
10. מַזָּר
11. יִשְׁבְיִים בְּשָה
12. מֶּגָּוִל אְבָרִי
13. עַיְנָּן אֲשֶׁר מְתָשְׁקוּה דִּרְבּּאֵה בֵּי מְדַרְּי לִב דְּמַעְעָת שְׁאֵבָה: the first verse of a poem, the rest is missing.

X. Fol. 42b: לָהֶר, יאָדוֹן, חָרָיו בּשָּה הַנוֹבֵר וּעָרוֹ מְכַבַּה מְשָׁחֵיק יָוָד; comp. Appendix sub IV.

XI. Fol. 42b: לָהֶר, מִפְּרָזָו אוֹלֶי; "זֶה" לִיָּפַתָל עֶלְיוֹ מָנַה׃ מַעַרְצָה וּמְאֹר לָאָרֶנֶו.

XII. Fol. 43a—44a: לִהְרַאָבֵב עַּלְו, Abr. ibn Ezra’s well-known lament נָרָוָאֵב אָוִי.

XIII. Fol. 44a: וּמַאֲרוֹן נֵרְבָל לֵאָרוֹס אָמֶר. נַהֲרֵיה.

XIV. Fol. 49a—52a: Letters in rhymed prose by Solomon da-Piera16:
1. בְּרָבַח דּוֹדָה, consolatory epistle to one afflicted with sickness, signed סָאָוָר פְּלוֹט.
2. עַיְנָּן סְפַר אָצוּ בֵּי לְמוֹתו, consolatory epistle of a father to his son (was it composed in the name of a client?),

16 Edited by Deutsch in his description of MS. Vienna CVIII (then still in the possession of Hakam Reuben Baruk). Literaturblatt des Orients 1846, col. 565; for בַּאֲרוֹן in verse 2 read מְדַרְּי.

16 Deutsch, loc. cit., quotes the superscriptions to Nos. 3, 4, 8, 10, 21, 22, 23, and 31, as well as the verses registered under Nos. 21 and 22. I cannot discuss here the very essential variants.
end: אלפים יתכן כי זה שלום שלום ויהי עליך מאמר עליה
מכונהشبهכנשהברך.

3. על ארון כל הארץ, exhortation to a husband who
neglects his wife, end: נפשך ופש בבארך שמר אמונך.

4. thư רוחב הלהב הכרוב, letter, end: ...כפשך.

5. ודרים אדרים משיבים, to a community (?) in
which disputes prevail, end:כרומנס והצט איהנס.

6. ברך, br. ידן, congratulations to a newly chosen
rabbi, end: כ_PRESENT\n
[xv. fol. 52b—80b: Various pieces by and to Ab-
rahm Bedarshi.

1. [a word wanting] הברך אלוהים, also בקשת הלפתיו, beg.: בקשת הלפתיו, böl
בזה אל מיי בולז, with the concluding verses

2. [a word wanting] ברוך הבא רבי אדריא
which begins בברא שלמה בברא שלמה, מוע anzeigen מחומש, end: 무료
בברא שלמה

3. [a word wanting]ブラך בין הנפשות
והנשלות הרן הגרונן משוננים

17 The superscription, according to the Catalogue of Manuscripts in the British
Museum, 111, 247, reads as follows: [ו. 247. b.] מנהר...תחתון...עליה. היגל
ץ[. היגל...תחתון; the beginning of the elegy is: וַיֶּהָרֶהָ בְּשָׁאוֹרָה אֵלֶּהֶּ שָׁבָּה

אבירוֹ זָבֶּהָ הָאָרֶץ נַר יִשְׂרָאֶל אַלֹהָ וְאֵלֶּה שָׁבָּה.
The poem consists of the following pieces: 

a) the poem consists of the following pieces: a) (50 verses); b) (rhymed prose); c) (3 verses, published in Orient 1851, p. 281 and 369; Appendix p. 24); d) (rhymed prose); e) (5 verses); f) (rhymed prose); g) (2 verses); h) (rhymed prose); i) (2 verses); j) (3 verses); k) (rhymed prose; done by an unknown author); l) (rhymed prose; done by an unknown author). 

Thereupon follow these concluding verses.

Thereupon follow these concluding verses.

Comp. H. Gross, Gallia Jud., p. 103 f., No. 12—14.

4. In a poem not contained in our manuscript.
5. A very comprehensive epistle consisting of the following 23 parts: 
   a) a very comprehensive epistle consisting of the following 23 parts: 
      a) ייון יוהי חל vå (11 verses); b) יייו יוהי חל vå (rhymed prose); c) יייו יוהי חל vå (rhymed prose); d) יייו יוהי חל vå (3 verses); e) יייו יוהי חל vå (2 verses); f) יייו יוהי חל vå (rhymed prose); g) יייו יוהי חל vå (4 verses); h) יייו יוהי חל vå (rhymed prose); i) יייו יוהי חל vå (2 verses); j) יייו יוהי חל vå (rhymed prose); k) יייו יוהי חל vå (2 verses); l—n) יייו יוהי חל vå (2 verses); o) יייו יוהי חל vå (rhymed prose); p) יייו יוהי חל vå (2 verses); q) יייו יוהי חל vå (rhymed prose); r) יייו יוהי חל vå (rhymed prose); s) יייו יוהי חל vå (2 verses); t) יייו יוהי חל vå (rhymed prose); u) יייו יוהי חל vå (rhymed prose); v) יייו יוהי חל vå (rhymed prose); w) יייו יוהי חל vå (rhymed prose).  


7. יייו יוהי חל vå (i.e. to the same, namely Eleazar Ezobi), a comprehensive epistle consisting of the following parts: 
   a) יייו יוהי חל vå (6 verses); b) יייו יוהי חל vå (rhymed prose); c) יייו יוהי חל vå (2 verses); d) יייו יוהי חל vå (rhymed prose); e) יייו יוהי חל vå (2 verses); f) יייו יוהי חל vå (rhymed prose); g) יייו יוהי חל vå (2 verses); h) יייו יוהי חל vå (2 verses); i) יייו יוהי חל vå (2 verses); j) יייו יוהי חל vå (rhymed prose); k) יייו יוהי חל vå (2 verses); l) יייו יוהי חל vå (2 verses); m) יייו יוהי חל vå (2 verses); n) יייו יוהי חל vå (2 verses); o) יייו יוהי חל vå (rhymed prose); p) יייו יוהי חל vå (2 verses); q) יייו יוהי חל vå (rhymed prose).
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A manuscript poem, done by an unknown author (rhymed prose). The address follows (null adlocutum); r) to an unknown person at any place (rhymed prose); s) to an unknown person (2 verses).

8. 22 Each of the verses is followed by the name of the poem (rhymed prose, done by an unknown person) and the place of publication. The address follows (null adlocutum); a) to an unknown person, (verses 1-2); b) to an unknown person, (verses 1-2).

9. In the manuscripts, the poem is by Todros ha-Levi; compiled by Mordecai Tamah, (Amsterdam 1765) p. 44a, where the verses are printed. According to our manuscript there is a lacuna between this and the preceding piece.

10. The poem is by Mordecai Tamah (Todros to Bedarshi, so also according to the superscription in both versions; Bedarshi to Todros), (Appendix p. 26, where the verses are printed). Todros is the versifier and Bedarshi the recipient.

11. The poem is by Todros to Bedarshi, so also according to the superscription as quoted above; according to Gavison, (Amsterdam, 1765) p. 44b, Bedarshi to Todros; (Appendix p. 26, where the verses are printed).

12. The poem is by Todros to Bedarshi, (verses 1-2), beg.:

13. The poem is by Todros to Bedarshi, (verses 1-2), beg.

22 Deutsch, *Literaturblatt des Orients* for 1846, col. 564, reads: 3nn (*inK); I fail to understand both these readings.

23 For the edition has תִּפְלַח, which is found in both versions; read לְעַל.
14. ידיע וימרות ברורות, 2 verses, beg.: יהושע וויאנות אדני.
15. ידיע, 3 verses, beg.: היד יברון את חלון.
16. שב אדני לשובך הטלשל ויה בחרות בלוחם כי ישבו השם אר ד"ו ששותלח לבר (thus again Bedarshi—a master in such artificialities—to Todros), 2 verses, beg.:تور다고 (בתרות) ברודר [באיור] שדאיוים ירדר.
17. ידיע להזוריע להם בר ח"ש. ש"ה.
18. יעור הבר באית ההיא זמר (Todros to Bedarshi, in keeping with the conclusion: הרימית ברר אבי רביד; according to התוספות התוספות as quoted above, Bedarshi to Todros).
19. וענתו אנדה באית למד זמר, Bedarshi to Todros also according to התוספות התוספות quoted above, where the superscription (ויוסף הרבר באית ל"ע וווסף הרבר באית ל"ע) is intended to save us from the difficulty in which we are placed through the words והם רכינו, which cannot refer to Bedarshi. The text והם רכינו והם רכינו in כי לכלב הם יהוה אורים儀 is wrong, since every word is supposed to contain the letter ל.
20. וענתו הבר באית היה אמרים על שמע, 2 verses, beg.: כל ברורלא בתפיותملחת לנוית.
21. וענתו שברוח לפני הבר על שר ציבור, אמרו ו(pack) אמרו שר ציבור. אמרו ו(pack) אמרו שר ציבור, 2 verses beg.:דרק ששרש נזר וששלח לבר
 NIRVOT.
23. ויוה כי הקיפו עם השמה ומעון ישובсуд עשר חפשות שלחאני אל הבר יבר נמר ולקנה התוספות התוספות鹪鹩 ברבר החנה יולק בו הכל; followed by a parody printed in תוספות נאה, p.ד''ב (comp. I. Davidson, Parody in Jewish Literature, p. 17, note 9). The succession of the constituent parts in our manu-
script is as follows:  
a) [בר] (לבר);  
b) (al pimp) (לבר (לבר);  
c) (31 מיר;  
d) (ולא נעש כלשהי לה;  
e) (וכל המראות והדשה; the pieces עלאתו הטמה and  
�כדר I have not noted.  

c) ליצאת פותחה in the superscription means “rhymed prose”, which is correct and not  
moآה as in editions.

24. [I] אוון הוהי חלך בתיבה הרב איש נבכר אוכר מחוקلغש  
nposה נפש ארנין בנפש התשאול וסегодняו בשתי חות מתקד.Popen  
וה אреш שלח איזに入  
printed in p. "ל". Saul is probably the same  
whom Bedarshi says in  
מספכית.  

25. יעורז=עורז ההוד כוכב שבתיה  
in הסע להט הכנין in הסע השתי  
Appendix, p., 27.  

26. יעורז, 2 verses, beg.: העורז  
.instant ל צופים ונוגנה,  
printed in הסע הכנין, ibid.  

27. יעורז שלח אל ארוני על שיר אחר אשר יקרêt ההר  
קריא=קרן: שיר בלזר אטלש,  
בנחת קנאית והyla ממ  
in הסע הכנין בכראותי כיר  

28. זה אפר שלח אל הירב הנבכר אחריו הפרudence מי ערי  
אמר בְּעֵין אֵין בִּעֵין נורשים.  
after a Vienna manuscript communicated by J. Bergmann in  
statement as to whom it was addressed.

29. זה אפר שלח אל יורי התיו, הבפרודים 믿ונא לא הזריקים  
לכל, 3 verses, beg.:麦מר mound אל蟋ים... (a word is missing, which is indicated in the manuscript by two  
points). The He  

30. הבפרודים זה היה אפר שלח אל קורום לכלعالمו  
ודר motherboard, probably to Todros, but according to
This piece is followed by the note: 'V0n l 1
1
Bnnn3B>
nr^'nnn
mnsrai
Dnn
nnarun
ay, comp., however, below sub 32 ff.
31. Neither Pollak nor Gavison offer a correct text, also the manuscript exhibits false readings, and so in deference to lovers of poetry and its forms, I make use of this opportunity to offer a corrected and revised text of this poem—a worthy specimen of its kind (P = Pollak; G = Gavison; MS. = our manuscript; errors in vocalization, numerous in P, are not recorded):

32. "In the shadow of thy clear words": P and G have in the first half of the verse 'In the first two verses, in the second 'The great ones' (Ez. 28.14); the suffix is due to the play upon words.

The above section was taken from pp. 67-68 of the January 1925 issue of *The Jewish Quarterly Review*. The note at the beginning of the text indicates that this is a review of a piece in *Monatsschr., ibid.*, without the addressee (in both ed. שפה and Gabriel).
33. If so (to al-Meridi or—more likely—to Todros) 2 verses, beg.: ມ璟.

34. The term here refers to Todros.

35. Here Todros is called the first time.

36. There follows a parody edited by Tamah, p. 38, and others. The introductory verses in the manuscript more correctly: דוד; the pieces לְפַסְפִּין אֵאָמִּין have not been entered in my notes.

37. The piyyut is missing, the letter which closes with אֵבָּרָה begins: אֵבָּרָה בְּרָדָה from the contents I quote the following: לאֵלָא...
Concerning David Caslari see Gross, Gallia, p. 425; about Samuel of Salon above XV, 4 and 5.

XVI. Fol. 84a—94b: Poetical correspondence between Solomon b. Mubchar and Isaac Uziel, superscribed 'In the name of the name of the name of Solomon the elder, the... Concerning David Caslari see Gross, Gallia, p. 425; about Samuel of Salon above XV, 4 and 5.

The correspondence contains the following items:

1. Solomon to Isaac: a) letter to his father (4 verses, rhyming word ו)?; b) letter to his son (3 verses, rhyming word מ); c) letter to his brother (rhymed prose); d) Address (על החבח: Solomon to Isaac).

2. Isaac to Solomon: a) letter to his father (4 verses, rhyming word ש); b) letter to his father (3 verses, rhyming word ק); c) letter to his father (5 verses, rhyming word י; ש); d) Address: Solomon to Isaac.

3. Solomon to Isaac: a) letter to his father (5 verses, rhyming word נ; ס); b) letter to his son (4 verses, rhyming word ש; ע); c) letter to his brother (4 verses, rhyming word ה; ע); d) Address: Solomon to Isaac.

4. Isaac to Solomon: a) letter to his father (4 verses, rhyming word ו; ס); b) letter to his son (solution of the pen riddle, 10 verses); c) letter to his brother (4 verses, rhym-
ing word מה (rhymed prose); d)_Address: של אוסכן (rhymed prose).

5. תורשה עטויי תואמות לחרות במדבה התושבה:
a) התעך ראומת ביו השבעה שירך (4 verses, rhyming word מה); b) אני חתים כשוף וחתור עתך (3 verses, rhyming word מבול); c) על אצלאה מUIView שלוב בינה (riddle on the reed from which the pen is cut, 2 verses with the rhyming word 바ראיה); d) אם אני שופר חבר (rhymed prose); e)_Address: והס עמי המרabo (rhymed prose).

6. עניכם: a) זה עני מלאכי אמורי לעונה סדרת החווית (3 verses, rhyming word מבול); b) ביו (solution of the reed riddle, 2 verses with the rhyming word 바ראיה); c) ילדי מני חוריוני (7 verses, rhyming word-earth); d) על עלי' שוחר ונרבח רוחך (3 verses, rhyming word הרора); e) בראויה בוזות ספרת מי הורי (הרora; f)_Address: יאל מים מי ים (rhymed prose).

7. רוזח העץ בור: a) כן ושר בור (3 verses, rhyming word הדור); b) מימיו חנותך שלך (2 strophes of 3 lines each); c) לאのではないでしょうか ci י_dwroibo (3 verses, rhyming word ויסמר); d) לא נחר קשם בראשיامة מפקך (rhymed prose: contains: 'ี้ רש א"ש על מכונית' הנעלה הצה),(Address: 'ואה שומז' הנרו' (rhymed prose).

8. למה דמה ערץ ומייר למלעינו:
a) [לדוי? ] [כ] מיש (3 verses, rhyming word מיש); b) לא ישראל (2 strophes 4 lines each); c) הביל קים מיש (2 strophes 3 lines each); d) עז והוג רוס (2 verses consisting of monosyllables, rhyming word נין); e) מסבך קשיים שמשים (2 verses, rhyming word מיש); f) עץ ברכת זמני (3 verses, rhyming word מיש); g) כמה השחת נומץ בעל של הריך (rhymed prose); h)_Address: על את התפלל כל איש (rhymed prose).
9. ואֶלָּנוּ עַלָּנוּ (2 verses consisting of monosyllables, rhyming words וּ; b) בִּכְלָל שֶׁשֶׁלָּלָה (2 verses, rhyming word סְרָבָּה; c) רָכָּל עַפְּרוֹ קְהָמָה בֵּיתָל (3 verses, rhyming word וּ; d) לַאֵישׁ סְפִּיקָה דַּוָּרָה (2 verses, rhyming word וּ; e) אֵמֵר דַּוָּרָה וְהָאֵשׁ יִשְׁכָּב (3 verses, rhyming word וּ; f) אָסֶר הָמָשְׁלָה עַלָּנוּ עַלָּנוּ (rhymed prose); g) Address: מִי מֵאֲנָשָׁה הָחֳפִּים מֻכֶּם (rhymed prose).

10. וְהָשָּׁבֵחַ מִיּוֹן עַצָּמָנוּ נְרָג' (2 verses, rhyming word וּ; b) בּוֹמָדָה יְהִי הַשַּׁחַק אֵל פִּי הֲבָל (2 verses, rhyming word וּ; c) הַרְּכָּה מְנָנָהּ הַכָּבָּד וּכְרִיתָה (3 verses, rhyming word וּ; d) יְהִי קָלָל אַלָּה (6 verses, rhyming word וּ; e) מִי וּלְשֵׁנָּהוֹת מֻלְּשֵׁנָה (rhymed prose); f) Address: מִי מֵאֲנָשָׁה הָחֳפִּים מֻכֶּם (rhymed prose).

11. סְרָרָהּ רוֹפָה בְּנֵי שִׁירֵי הָבָאוֹת לַהַשָּׁמִים לִבְּרִי (6 verses, rhyming word וּ; b) שִׁירֵי אוֹרָה (2 verses, rhyming word וּ; c) עַפּוֹרָה הַכַּפָּלִוני הַעֲבָדָה (2 verses, rhyming word וּ; d) שִׁלְוֵה אָמְנָה (2 verses, rhyming word וּ; e) עוֹדֵק הֵרֵי הָרִים וְעַזַּחַת (rhymed prose); f) Address: מִי מֵאֲנָשָׁה הָחֳפִּים מֻכֶּם (rhymed prose).

12. אֶזָּה עַל זה הָפַךְ עֵינוֹת לְגַלְגָּלָת שִׁלְשָׁת בַּרְבּוֹר וּזיוּן וּאָמָר: (2 verses, rhyming word וּ; b) סַפֶּר בִּזְהֵרוֹד וּנְכָשְׁרוֹל (2 verses, rhyming word וּ; c) עַפּוֹרָה (3 verses, rhyming word וּ; d) אַתָּה מִלְּכָּה לָאָלָה (4 verses, rhyming word וּ; e) אַבָּא הַזֶּרֶךְ מִדֶּרֶךְ מִלְּכָּה (rhymed prose); f) Address: מִי מֵאֲנָשָׁה הָחֳפִּים מֻכֶּם (rhymed prose).

13. לֹא אַחֲרֵּי שֶׁהַר (2 verses, rhyming word וּ; b) אַךְ כְּשָׁפָרָה בּוֹם (4 verses, rhyming word וּ; c) הַנְּהוּרֵתָה נַכְּהָר מַלְכָּר (4 verses, rhyming word וּ; d) נַכְּהָר (riddle on the pen, 2 verses with the rhyming word וּ; e) נַכְּהָר (2 verses, rhyming word וּ; f)
c) Address: יקר גויול עשה (rhymed prose); f) Address: ישע עוהרי ועמעי (rhymed prose).

14. קנב הבורך ברורול לועה: a)解决方案 (solution of the pen riddle, 2 verses with the rhyming word הלוח); b) הלוח פרפר בשור צרי פרפר (2 verses, rhyming word הלוח); c) הלוח ישתק, subpoena את יצק (7 verses, rhyming word הלוח); d) בפיים הגדולים (rhymed prose); e) Address: יאמר יאמר (rhymed prose).

15. אמם ויר בוליצי בוליצי: a)解决方案 (6 verses, rhyming word הלוח); b) сфיר 초ון יוני (10 verses); c) אתה והאמה (rhymed prose); d) Address: יאמר (rhymed prose).

16. מהפרת שפתי: a)解决方案 (10 verses); b) כ살 (3 verses, rhyming word הלוח); c)解决方案 (3 verses, rhyming word הלוח); d)解决方案 (3 verses, rhyming word likewise כ살); e) Address: יאמר (rhymed prose).

17. האזר והאזר לדורם בדיגזה ופנקס ווט שפתי רשע ועשתו והעשתו: a)解决方案 (8 verses, rhyming word הלוח); b)解决方案 (8 verses, rhyming word הלוח).

Of the 17 pieces, Nos. 1, 3, 5, 7, 9, 11, 13, 15 are signed by שבלה נתי קובחר, Nos. 2, 4, 6, 8, 10, 12, 14, 16, and 17 by תשק טאוויל.

XVII. Fol. 94b—98a: Various poems by and to R. Eli, superscription: הלוחות הנעות וה, עלי נתי. 1. accompanying letter to the following poem, rhymed prose, finished: זᾧז אלפים ושפים נפש יקים יכלו נפשם בולז לוחות הלוחות והזוזים
22 verses, in alphabetic order, arranged so that at the beginning of every verse the corresponding letter is employed in its verbal meaning. Verse 17 reads: וְתָּמָלֵל לְהַלֵּל עַל רֹאשׁ הָדוּר שִׁבְּתָהּ, probably in allusion to the one praised, in which connection 1 Sam. 18.8 is employed ingeniously.

3. כֹּהוּר לָא אֲבָהָה עֲבֹדָה אוֹסָמִים מַן הָאָדָם, a similar poem, 11 verses, at the beginning of each verse two letters of the alphabet; as an example I submit the first two verses:

אֲבָּב לְתַעֲוָדוּ יֵכְרָאָב בֵּשַׁמְּוֶה הֵכִי מַעֲרֹתָו מָשְׂפָּהָו נַעֲפָהוּ
גָּדְלוּ וְעַמָּכֶה עַל מִאָר הָרֹד מָעָשִׁי וּבִנְיָהָו הַלָּלוֹת אֲלֵמֹרֶהוּ שָׁפָהוּ

4. אֲבָּב אֵלָה הָעָרָה עַל פָּרָדוּ "א" אָבָּב אֵלָה הָעָרָה עַל פָּרָדוּ "ב", likewise 11 verses, example:

מָעָשִׁי וּבִנְיָהוּ הַלָּלוֹת מִבְּשַׁבָּהוּ מִבָּשַׁבָּהוּ
רַקָּמֶה יְבְלוּ לְפָנֵי מַלֹּלֶהָו לְרַקָּמֶה יְבְלוּ לְפָנֵי מַלֹּלֶהָו

5. אֲבָּב אֵלָה הָעָרָה עַל פָּרָדוּ "א" אָבָּב אֵלָה הָעָרָה עַל פָּרָדוּ "ב", likewise 11 verses, example:

אֲלָאָה אֶפְּדָּר וּמִי וְגֹזָר שִׁרוּי
וֹדֵר גָּאָרֶה בִּמְשַׁכִּית נְסָפֶה
לְרַק שָׁר אָקִדָּם בְּשַׁרְיָה יְרַשָּׁי
בֵּשַׁל מַלֹּלֶה יְבָלוּ פָּנֵי

6. בֶּקֶנֶע אֶדְרָה אֵת שְׁמוֹ לַבּוֹר, 4 verses, every one of which begins with the letters ב ו ו ו and ends with the letters ב ו ו ו, wherefore the poem is designated as "עִנְוֹל". The last verse reads: ובַּכְּתָב הָלָה יִשְׁמָא אֲלֵי אֲבֵי יִשְׁמָא יִשְׁמָא; should this be the one praised? Or should R. Eli also have been named Jacob? Or was the poem attributed to him wrongly?

7. לָאָה הָרָה אוֹלֶּי זוֹרָה בַּהַשֵּׁבֵי לֵי הָדוּר הָקַרְאוֹן כֹּהוּר לָא אֲבָּב שִׁבְּתָהּ "א" אֲבָּב שִׁבְּתָהּ, 5 verses, likewise an "עִנְוֹל"; every verse opens with "ב ו ו ו" and closes with "ב ו ו ו"; beginning: המָלָהָו נַעֲפָהוּ אֲבָּב שִׁבְּתָהּ; should this be praised? Or should R. Eli also have been named Jacob? Or was the poem attributed to him wrongly?
8. יאכ בושש הרב, 2 verses, beginning: בתקדם פסוק.
9. יעוד, 2 verses, beginning: המ נשלמה ארבנה הלל.
10. נה לה, (i.e. by Eli, but, as seen from verse 3, addressed to Meshon) 3 verses, beginning: בשמה ושמ יEar חרב.
11. כיורו וריבה: a) הלל' והם שלחנוהו להלכים ערים. מיורו נתנו frenzy (10 verses); b) Address: יא יראUh ו בעוד יא, (rhymed prose).
12. והחשיב (Meir to Eli): a) בְּכָה אלים אפרים ספרי (rhymed prose); b) הכינוש (Lyric) (3 verses).
13. שלש מדורים (Eli to Meir?): a) עביד שמו ושמו של פָּרוּב, 39 verses, whereupon b) בלעמאן (8 verses), 3 verses, as כִּי미 for the number of verses.

XVIII. Fol. 98a—99a: Two poems without superinscription, the one by, the other to Meshullam da-Piera.
1. דנלי אשר מ gjתל ונסת אפרים הלומד או לחתקע, 41 verses; in verse 37 the poet mentions his name, according to verse 39 the poem is addressed to יאכור הנביא.
2. עליה תקנו אפרים הרב עקיקר, the well-known poem, edited for the first time by Dukes in Blumenfeld's עזר נזכר, II, p. 84.

XIX. Fol. 101a—104a: Various items by Solomon da-Piera, without superinscription.
1. אלצלאל תורעתך ידני ל🌧מט טחלך בעני, four verses, according to Steinschneider, Hebr. Bibl., XV, 81, addressed to Vidal [ibn Labi].
2. ענוי הברה בהכובד זָרִי,על אפרים הלומד לשלחנוהו, בלשון אלו חכמי החילון, לברך לא שברק החילון; כיון כי עני הלברך ווהו, 살아 כלל וחביב וכפי עזר חיבי והארה לי; עוצמתי אנני והבוק תרוני והשמיע התליאי עוצמתי, אליך ישמשא.
thereupon follows the poem: there are 49 verses, and as many as three verses with the rhyming word שְׂדֵה, beginning: (according to the reading the poem should contain 50 verses, one verse therefore wanting); comp. Hebr. Bibl. XV, 79 (where the reading is תַּלְתַּתי). and 81.

3. Very short poems with Tegnis rhymes: a) שִׁמְאָה יָדְתוּ, פְּלַעְּתָה תְּמוּחָה (2 verses, rhyming word פְּלַעְּתָה); b) פְּלַעְּתָה נַעֲרוֹת שִׁמְאָה (3 verses, rhyming word פְּלַעְּתָה); c) עַלָּתָה מִלְכָּה וְדוֹרָה (4 verses, rhyming word מִלְכָּה וְדוֹרָה); d) מֶלֶךְ מֵאָמָר וְדוֹרָה (8 verses, 1—4 with rhyming word מֶלֶךְ מֵאָמָר, 5—8 with rhyming word מֶלֶךְ מֵאָמָר); e) מִלְכָּה וְדוֹרָה (2 verses, rhyming word מֶלֶךְ מֵאָמָר).


5. לִכְלוֹל וּכְרְדָר בְּנָבֹנֵלֶגֶא שְׁמַואל אָחָר יָאָו, 2 verses, beginning: לָא יָאָוֶן לִבּ אָשֶׁר יָכוֹל; according to Steinschneider, Hebr. Bibl., XV, 107, addressed to Vidal Bonafoux.

7. In this manuscript miscellany, there are four short poems:
   a) A short poem in rhymed prose (3 verses);
   b) A short poem in rhymed verse (6 verses);
   c) A short poem in rhymed verse (5 verses);
   d) A short poem in rhymed verse (22 verses).

8. An additional short poem that was added to the manuscript by the copyist:
   a) A short poem in rhymed prose (4 verses).

XX. Fol. 106a—114a: Various items by known and anonymous authors:

1. Joseph b. Jaish, letter in rhymed prose against a certain Judah b. Gamla, beginning:
   יכ.State. ג'南部, therein: (4 verses, rhyming word נמלו)(c) Article: עליים אחר המשורר דרימ ראי ונכד etc. (Immanuel, ch. 20);
   2. By the same, a letter to Eleazar ha-Kohen: a) Title: אל現代, therein: (rhymed prose); b) A short poem in rhymed prose (2 verses);
   3. A short poem in rhymed prose (2 verses);
   4. A short poem in rhymed prose (2 verses);
   5. A short poem in rhymed prose (2 verses);
(rhymed prose, signed: "Sheshir")

7. לamburg (probably a younger name-sake of the great poet, perhaps the author of שלום הנשים), 2 verses (comp. another version in the introduction to הבולר והObservers):

8. (probably by the father of the deceased):

10. (3 verses, rhyming word דדרדר)

11. (2 verses, rhyming word את)

12. (published in "כרך ה-

47 Published in the Jewish Quarterly Review which is part of the Hebrew University, Jerusalem, 1543, fol. 7a.
48 Gen. 49.9. 49 = תִּמִּלֶה. 50 Job 5.26. 51 Hos. 10.8. 52 Comp. Baba Batra 75a. 53 Cant. 5.12.
13. the well-known epigram beginning "לֹּא נָשָׂאָה לְרֹאשׁ שׁוֹשָׁה וְלַבִּי צֹלֶלֶת", (אָבִי אָסָא הַבָּרָכָה, עִקּוּר הַנַּעַר, II, 194, and elsewhere), which Steinschneider, Hebr. Bibl., XIV, 97, would like to ascribe to Bonfid without adequate reason.

14. על נצפתה קוביה רבויה המלדה

15. Without superscription: 2 verses, beginning: "יְהֵן חֵי נִלֵּי צְאוֹר

16. Without superscription: 2 verses, beginning: "יְהֵן כָּל אֶנֶו

17.WITHOUT SUPERSCRIPTION: 2 Verses, Beginning: "לֵךְ נָא אָנָה, לֵךְ, 2 Verses, Beg.:" מֵהלְמָקֵר חַעַר

18. בָּאוּ נְרִי, עָדְה לַשָּׁמֶי

19. לֵךְ, 2 Verses:

20. ולְדָרְךָ, 2 Verses, Beg.:" יָאִי על פָּרָסָא

21. עָדְה לַשָּׁמֶי, 2 Verses, Beg.:" בָּנָשׁ חַעַר לְדָרְךָ. From Tahkemoni, Ibd.

22. Without superscription: 2 Verses, Beg.: "יְהֵן קָו בַּלּי רוּחַ אֲנוֹמָבִי, בְּנֵי אֲוֹבִיב מְעֻת אֵנָה אֵזְיַהוּ

23. לע היה מי, 2 Verses:

55 Published by A. Schulman in Measeph, St. Peterburg 1902, p. 275.
56 Hab. 2:11.
57 Ps. 135:4.
58 Published by A. Schulman, Ibd., p. 274, and also in Literaturblatt des Orients, IV. 729, with the reading ואַתָּה אַתָּה לָכָה, כַּאֲחָרִים.
59 Ex. 23:5.
24. A 3 verses, beg.: [rhymes with וְעַיְשֵׁה] (ymph
4


27. "עַל הַרְגֹּזְזָה", the verses are registered here as supplement to Steinschneider's collection (Zeitschr. f. Hebr. Bibl., VIII, 189 and IX, 25):

28. "עַל מְצַבְּתָה שְׁמוֹרָה" רְבִּיתֶה, 2 verses:

29. "עַל מְצַבְּתָה שְׁמוֹרָה" רְבִּיתֶה, 2 verses:


60 הב is wanting in the manuscript; comp. Gen. 36.39; I Chr. 1.50.
61 MS. 78.
62 He sees a ransom in the honorarium.
63 Comp. Ps. 139.8; 55.7; 68. 14.
64 Comp. Mishnah Gitin, IV, 6.
65 He would be better.
66 Comp. Gen. 37.15.
31. A manuscript: מַלְוָה הַרְלָא מַרְפָּאָיָה: "לָלִי עַל אֲשֶׁר חָזָה כְּמוֹ בִּדְרֵי, 3 verses, beg.: מַרְפָּאָיָה מַלְוָה הַרְלָא מַרְפָּאָיָה. 32. 31. מַלְוָה הַרְלָא מַרְפָּאָיָה: "לָלִי עַל אֲשֶׁר חָזָה כְּמוֹ בִּדְרֵי, 3 verses, beg.: מַרְפָּאָיָה מַלְוָה הַרְלָא מַרְפָּאָיָה.

[33. אָמָר לוֹ אֶל בֶּן חֲלָמִים. 34. אָמָר לוֹ אֶל בֶּן חֲלָמִים, 4 verses, beg. אָמָר לוֹ אֶל בֶּן חֲלָמִים.

35. Without superscription, 2 verses, beg. אָמָר דוֹרֵים מַלְוָה הַרְלָא מַרְפָּאָיָה.

36. Без подписи, 2 стиха, beg. אָמָר דוֹרֵים מַלְוָה הַרְלָא מַרְפָּאָיָה.

37. Without superscription the short poems אָמָר דוֹרֵים מַלְוָה הַרְלָא מַרְפָּאָיָה.

38. בּוֹמְקָה יִמְצוּן יִדְעָתָּן: מַלְוָה, 2 verses, beg. מַלְוָה, 2 verses, beg.

39. מַלְוָה, 3 verses, beg. מַלְוָה, 3 verses, beg.

40. רַשָּׁתָּלָה הָרְפָּאָיָה, מַלְוָה, 2 verses, beg. מַלְוָה, 2 verses, beg.

41. נְפֶשׁ טַפִּירִים וּבָאֵבָעַ עַשָּׁרֵי בִנְיָמִין (4 verses, the third reads: נְפֶשׁ טַפִּירִים וּבָאֵבָעַ עַשָּׁרֵי בִנְיָמִין). 41. נְפֶשׁ טַפִּירִים וּבָאֵבָעַ עַשָּׁרֵי בִנְיָמִין (4 verses, the third reads: נְפֶשׁ טַפִּירִים וּבָאֵבָעַ עַשָּׁרֵי בִנְיָמִין).

42. רַבָּה מָצֶא מַעֲרוֹ: מַלְוָה, 3 verses, beg. רַבָּה מָצֶא מַעֲרוֹ: מַלְוָה, 3 verses, beg.

43. Without superscription: רַבָּה מָצֶא מַעֲרוֹ: מַלְוָה, 3 verses, beg. רַבָּה מָצֶא מַעֲרוֹ: מַלְוָה, 3 verses, beg.

Comp. Ps. 72.7. From הָלָל; comp. Is. 51.6. MS, פִּישָׁא. 69 70 71
verses), transmitted in the name of Abraham Bedarshi and communicated by Carmoly in *Literaturbl. d. Orient*, 1850, col. 271 and by Dukes in *Orient*, 1851, col. 369.\(^2\)

44. \(\text{מ"א ל"ש, 5 verses, beg. מ"א ל"ש, from תחכורה, ch. 17.}\)

45. \(\text{לֵבַּי בֵּיתוּר קְרִית בָּבַל מֵי־אוֹרָה} \) (2 verses); \(\text{b) לָטַּלְדַּי מֵי־אוֹרָה} \) (2 verses, superscription: מ"א ל"ש, Eylül: 2 verses, rhyming word יָ飾, superscription מ"א ל"ש); \(\text{c) רְאוֹת בֶּנָּה יָנָא} \) (2 verses, superscription מ"א ל"ש); \(\text{d) תַּשְׁלוּתָו מֵי־אוֹרָה} \) (2 verses, superscription מ"א ל"ש); \(\text{e) מֵי־אוֹרָה} \) (2 verses, superscription מ"א ל"ש).

46. Without superscription: מ"א ל"ש (9 verses).

47. Without superscription: מ"א ל"ש three of the eight verses of Charisi (Tahkemoni, ch. 46).

48. Without superscription: מ"א ל"ש two of the four verses of Charisi (Tahkemoni, ch. 17).

49. \(\text{לְפִּי מ"א ל"ש על מ"א ל"ש תַּפּוּרָה רְאוֹת בֶּנָּה} \) מ"א (2 verses).

50. Without superscription: מ"א ל"ש (2 verses); \(\text{b) מ"א ל"ש מֵי־אוֹרָה} \) (2 verses, superscription מ"א ל"ש).

51. \(\text{לְפִּי מ"א ל"ש תַּפּוּרָה רְאוֹת בֶּנָּה} \) מ"א ל"ש 2 verses, beg. מ"א ל"ש, 2 verses, beg. מ"א ל"ש.

52. Without superscription: מ"א ל"ש (2 verses).

\(^2\) Published also in ס"א ל"ש, Ferrara 1551, at the end, and in ס"א ל"ש, XVI, 335

\(^3\) MS. ס"א ל"ש.

\(^4\) MS. ס"א ל"ש.

\(^5\) Published in ס"א ל"ש, II, 367.

Comp. Job 29:4; Jer. 16:5; 51:34; Josh. 5:11,12.

Comp. Gen. 3:17; I cannot vocalize the first word of the verse, and so the sense of the whole remains obscure to me.

\(^7\) A needed correction; the MS. has ס"א ל"ש.
53. Without superscription: 2 verses, beg. הַלֶּכֶת הַנַּחֲנָךְ, from ch. 1 (where: מִבְּגָדוּת אִלָּאָלְךָ; for later MS. has חֲמוֹר).

54. לְמַהוֹד הֲדַר’ יָכֶּשׁ אוּשׁ וֹיָיָו, 2 verses rhyming with word בּוֹזֶל, beg.

55. Without superscription: a) הַלֶּכֶת הַנַּחֲנָךְ (2 verses of a composition which is completely presented in MS. Prague fol. 77b ff.); b) חַקָּה שִׁיחַת לְרָחְצַה (2 verses); c) מִסְכָּה עַרְבָּה אוֹנְוֶה אָהֹר נוֹב (2 verses, also MS. Prague fol. 117b), transmitted in the name of Solomon Bonfid and communicated by Dukes, Literaturbl. d. Orients, 1850, col. 571.79

56. Two letters of introduction: a) מִפְּמֶשׁ בִּמְפַסְרוּ וּמִפְּסַר מְפָאֹב (superscription מִלָּצַה; the periods rhyme in בּוֹזֶל); b) מִסְכָּה אֵמְרֵי נַפִּינְו אַדוֹנִי (superscription מִלָּצַה; addressed to a certain Samuel, ends: עִלָּב כְּכָנ רִי ל רי缝隙 עַל רוֹ יָו; the periods rhyme in מָדוֹחַ).

57. עַל חוֹדֶשׁ אֲמִין לְלֵשׁ = Judah ha-Levi: מִסְכָּה הַפָּאָב (Diwan II, p. 300, No. 706).  

58. עַל רוֹי, 3 verses, beg. כּל חוֹדֶשׁ בֵּאָמַשׁ בַּאֲמִין חוֹדֶשׁ.

59. עַל הָנְבִית (Address), beg. מִשְׁנֵי נִשְׁיָה נְהָר (rhymed prose), the letter itself is wanting, accordingly there is a lacuna between fol. 113 and 114.

60. Without superscription: a) יִשְׂרָאֵל צַהְרֵי רוֹחֶנְי, מִבְּגָדוּת אִלָּאָלְךָ (5 verses); b) הָאָרֹנֶה לֹעֲלוּת נַחֲנָךְ יִשְׂרָאֵל (4 verses); c) מִסְכָּה נַחֲנָךְ אֲמִין רוֹחֶנְי (2 verses); d) מִסְכָּה הַפָּאָב אָמַשׁ רוֹחֶנְי (3 verses).

XXI. Fol. 114a—128a: Letters by Benveniste and Vidal b. Labi:

79 First published in אִשָּׁרָה דִּשְׁמַעְתִּי of Joseph ben Shem Tob, Saloniki 1568, at the end.
1. In this interesting letter mention is made of the Ḥebber Ṿon Shimao and Meir Alguadez (תרניר and שלמה נר) is spoken of with great admiration. The passage quoted by Graetz VIII, Note 2 (3 ed., p. 402, note 1) concerning Judaisma-Levi reads as follows: he wrote):

It is signed: 'ןבישה ורואל' (rhymed prose); signed: 'לאב'. Comp. Hebr. Bibl., VI, 14 note 3.


30 MS. רוחא.
4. Without superscription, presumably by the same, beginning רַבְרָ' דָּוִד יַעֲשֶׂה צְרֵדְה (letter of introduction in rhymed prose; the periods rhyme in פֶּלֶך); comp. *Hebr. Bibl.*, *ibid*.

5. lettre non signée "רַבְרָ' דָּוִד יַעֲשֶׂה צְרֵדְה"; comp. *Hebr. Bibl.*, *ibid*.


8. עַתָּה הָעָמִית מָצֵאת, יַעֲשֶׂה צְרֵדְה רַבְרָ' דָּוִד יַעֲשֶׂה צְרֵדְה; in MS Prague the superscription reads: יַעֲשֶׂה צְרֵדְה רַבְרָ' דָּוִד יַעֲשֶׂה צְרֵדְה, *i. e.*, Vidal b. Labi. The following passage is cited from the contents: וַהֲרָדֵגְתֵּן הֹוֵסְפֵּט לַבֵּרַךְ אֲדֻמָּה הָעָמִית, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, וְאֵין נַכְזֹר, וְאֵין נַכְזֹר, וְאֵין נַכְזֹר. The following passage is cited from the contents: וַהֲרָדֵגְתֵּן הֹוֵסְפֵּט לַבֵּרַךְ אֲדֻמָּה הָעָמִית, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹר, והָעָמִית מָצֵאת, וְאֵין נַכְזֹр.


I intend to publish this letter elsewhere.
11. a) One letter of the mikvaḥ (rhymed prose, the periods rhyme in עם)
   (signed: א"ז לאדלא) b) Address: נא שיבר עמסו (rhymed prose). In MS. Prague fol. 60b
   the superscription reads also: אנודת שלחהיה.

12. Without superscription, consolatory letter to an unknown person, beg. 
   (rhymed prose, the periods rhyme in עם)
   (signed: א"ז לאדלא הליבא)
   Address: נא שיבר עמסו (rhymed prose).
   In MS. Prague fol. 60b the superscription reads also: אנודת שלחהיה.

13. "לבר אוד מספר לבלת הקה לה א"ז לאדלייה הליבא, נא שיבר עמסו,maktadır, נא שיבר עמסו,.getLocalDate().getMonth() < 0 ? new Date(2023, GetLocalDate().getMonth(), 0) : new Date(2023, GetLocalDate().getMonth() - 1, 0)
   Address: נא שיבר עמסו (rhymed prose).
   In MS. Prague fol. 57a without superscription and without signature. The בר ר had agreed with 
   והמע腸 טרה שפוטא (MS. Prague more correctly: והמע腸 טרה קרבקשא), who entrusted him with the instruction 
   of his children, not to instruct more than four pupils, now this reproach is made to him: 
   further: נא שיבר עמסו. [ה]olib אהודיה והם יהופי פוחד אחר התרח הרחמה עליהם.
   עוני לבר ר."

14. תבחת לבול tung רמה והמהירה את התשא א"ז מובר. נא שיבר עמסו, (rhymed prose, beg. עליב א"ז לבר ר."
   (signed: א"ז לאדלייה הליבא).

15. לבר ר.ולא לאבלו הנור אולאואר שעיפל התנה
   (rhymed prose, beg. עליב א"ז לאדלייה הליבא)
   Address: אנודת השלמה ז"א הליבא (rhymed prose, the periods rhyme in עם)
   the recommended are Jona de Maestre and his son Solomon.

81 Also here ל"ע was added by the copyist; MS.Prague fol.57b has ל"ע (= possibly א"א)
82 MS. תביה.
Comp. *Hebr. Bibl.*, XV, 56; here the signature reads 'ליאל' (not 'יהודה').

16. A manuscript folio bears the name of the scribe: thereupon follows a letter of friendship, beg. 'ליאל א' (Hebr. *Bibl.*, XV, 59, without name signature); there is therefore a lacuna between the superscription and the letter.

17. ' допינונופ נופכיע לא פ"נופ נופכיע נופכיע, thereupon follows a letter of friendship, beg. ' допינונופ נופכיע (rhymed prose, the periods begin with ' dopinon and rhyme in ' dopinon—), without superscription; in MS. Prague fol. 42b under the superscription: ' допינונופ נופכיע נופכיע ' допינונופ נופכיע.

18. סופט ל"ו מ"ו א' (rhymed prose, signed: ' ליל"ו'); *Hebr. Bibl.*, XV, 58.


XXIII. Fol. 131b—133b: התנה על חותם אלו שבלדה, the following is cited from the contents: א"נ נ"ע נ"כ נ"ע נ"כ נ"ע נ"כ נ"ע נ"כ נ"ע נ"כ נ"ע נ"כ נ"ע נ"כ נ"ע נ"c

(9 verses); c) אלה וסרים עלי אשפה (rhymed prose); d) מימי כ觀 for Purim, the last lines of the strophes, taken from the Bible, end inINI; 25 strophes, the first 11 with the acrostic SHLOIM; to be added to Davidson, Parody in Jewish Lit.); e) הנין (rhymed prose; end is wanting). Comp. Graetz, VIII, p. 83; according to our superscription Solomon wrote the satire when he was still a Jew, the phrase כֶּסֶרַת התִּשְׁעָה אָסִית proves nothing, since the author was indeed away from home.83

XXIV. Fol. 134a—136b: Hebrew names of fruits (but also etc.) in five groups, whereupon, with the superscription אלול השירים, follow 30 couplets in which the registered terms reappear. It is a trifle about which I can say nothing more definite, since the beginning and end are wanting.

XXV. Fol. 136a—b: Three short poems having the same metre and the same rhyme and belonging together, though there is no inner connection between them: a) וחין מְלַאכְתֵּי בָּרָךְ אָשִּׁרָי (16 verses, designated as מְלַאכְתֵּי בָּרָךְ אָשִּׁרָי, though this designation—in its customary sense—is not justified); b) פֶּלְגַּל מִי מִבְּעָה שָׂרָב וְעָמָד (4 verses, superscription הייח); c) על הָרְכִּי נִפְשׁ בָּשָׂרוֹדַר (4 verses, named מְסִבּוֹ בַּשָּׂרוֹדַר); in a) every two verses have a rhyming word, with the exception of verses 3–6 which have one rhyming word; b) has throughout the rhyming word נהרי נִזְּרוּ (verse 3: נהרי נִזְּרוּ); in c) again every two verses have a rhyming word.

XXVI. Fol. 136b—139b: A number of short poems

83 Published in Letterbode, X, 79—84; JQR., XII, 259—263. The poem סְמָה מַעֲשֶׂה יִדְּשַׁע הָלָלִי כְּקַדְּשֶׁה, Antwerp 1906, p. 22.
partly by known and partly by unknown authors, partly with and partly without superscription:

1) "בַּכּוֹתָם" אַשּׁר צָלְאָה כָּל הַמִּסְטָר (2 verses); 2) "כְּלָלָה תֶּעֶל בְּכָל מִתְחָדְשָׁר (2 verses); 3) "בִּנְיָמִין הַגָּמָר וְהָמָר וְהָמָר וְהָמָר וְהָמָר (2 verses); 4) מְשַׁלְּלוּ מַשָּׁלֶת הַתּוּנָה (2 verses); 5) "עַל עֵלֶל וְיָרְדִּית (2 verses); 6) "רָאָה כְּלָל רָאָה עֻלָּה וּיְבָרָה (2 verses); 7) "לֹּעַ עֵלֶל לֹּעַ עַל עֵלֶל (2 verses); 8) "רָאָה ע֦לֶל וְיָרְדִּית (2 verses); 9) "לָעַל עַל עֵלֶל (2 verses); 10) מְשַׁלְּלוּ מַשָּׁלֶת הַתּוּנָה (2 verses, end: התה יָרְדִּית (3 verse); 11) אֶזְרָא עֵלֶל שִׁיאָה (3 verse); 12) אַשּׁר יֵרָדִית (2 verses, end: התה יָרְדִּית (3 verse); 13) אֶזְרָא עֵלֶל שִׁיאָה (3 verse); 14) יָרָדִית (2 verses); 15) אֶזְרָא עֵלֶל שִׁיאָה (3 verse); 16) רָאָה עֹלָה (2 verses); 17) אַשּׁר יֵרָדִית (2 verses, in verse 2: בעֵרָה שִׁיאָה (2 verses); 18) מְשַׁלְּלוּ מַשָּׁלֶת הַתּוּנָה (9 verses, superscription 2); 19) עַל אָפָר וְיִדְּיָה (2 verses); 20) אַשּׁר יֵרָדִית (2 verses, end: התה יָרְדִּית (3 verse); 21) אַשּׁר יֵרָדִית (2 verses, superscription 3); 22) כְָּה נַוְּעָר (2 verses, superscription 4); 23) supscription (2 verses, superscription 5); 24) supscription (the one mentioned above, XX,7):

"יִלְּכָה בִּסְתָּר בְּגָן שְׁכָנָא (verse)
כִּי שִׁמְחָה קֶרֶב אֲלֵבָהוֹ (verse)
אַבֵּא המַעְבָּד לַדְעָתָו (verse)
רְזֵי אָוֶר הַלָּהִי אֲכַר לֹּעַ עֵלֶל (verse)"

84 Of the poems registered herewith some are known and published, but I lack the means to indicate all the sources, and therefore confine myself to a few data only. To Nos. 2 and 30 comp. Appendix sub I; to No. 15 see the references in Steinschneider, Hebr. Uebers., p. 878, n. 175 (for CB. 1304 r. CB. 2304) and Katul. Muenchen, sec. ed. (1895), p. 89. As to Nos. 26—29 and 32, which are derived from Moses ibn Ezra's שיריה, and No. 31 which—according to the superscription—likewise belongs to the same poet, comp. Appendix sub II; to Nos. 36 see ibid., sub III.

85 Published in יִפְּלָה מִיָּהוּ דְּנוּר בְּדֹרָה, Frankfurt a.O. 1770, fol. 6b. In this connection it may be of interest to know that Margoliot incorporated in his book many epigrams of R. Isaac ibn Allardab without mentioning his name (See Carmo in יִפְּלָה מִיָּהוּ דְּנוּר בְּדֹרָה, VI, 85).

86 Gen. 25,10.
תוכל לְלִיהוּת בְּכוּרָיוֹת הַכְּדוּרִים.
כי זוּכְרָיהָ לְאָנָשׁ בְּוֶשֶׁה.

25)achs [8 verses, superscription לַהֲבוֹת (8 verses, superscription לַהֲבוֹת); 26) אָסָם הבְּרֵיי לְיִלָּם יוֹשִׁבוֹת (2 verses); 27) יִשָּׁר אָנָשׁ נַעֲדוּתָה (2 verses); 28) נָפַש בְּיוֹלָדָה נַפַּשׁ (2 verses); 29) וְלִיוֹת (2 verses); 30) וְאֵין נְדָרָיוֹת לְלָבָּדָר (3 verses, superscription ל"ז); 31) סְחוּב הָעַמֶּר (2 verses, superscription ל"ז); 32) שָׁמְרָה לֹא מְכָלִים בְּיוֹלָדָה בְּיוֹלָדָה בְּיוֹלָדָה (2 verses); 33) בְּרוּחַ בָּמָא הָעַמֶּר (2 verses); 34) אוֹמְרָה נַעֲדוּתָה הלֵח (4 verses, rhyming word קְבָּרוֹ); 35) יִפְּהֵא (2 verses); 36) יִשָּׁר אָנָשׁ נַעֲדוּתָה (2 verses); 37) אֵל הָפְקָדָה הָזָה הָבָאת הָבָאת הָבָאת הָבָאת הָבָאת הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָאות הָבָא...
41) superscription: הַדּוֹרָה הַבָּהֵרִית, וְמְפַלֵּגְהֵהּ לְפַלּוֹת, לְדֹרָה הַוָּלָה, וְנָטָם בְּרֵי הַוָּלָהָ.

עד השם אלוהים אל הַדּוֹרָה הַבָּהֵרִית, וְמְפַלֵּגְהֵהּ לְפַלּוֹת, לְדֹרָה הַוָּלָה, וְנָטָם בְּרֵי הַוָּלָהָ.

42) (5 verses, superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה); 6 (או: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה): 5 (שַׁמְשַׁר תֵּמַנְתּוֹת, מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה); 5 (שַׁמְשַׁר תֵּמַנְתּוֹת, מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

43) (5 quatrains, superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

44) (4 quatrains, superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

45) (3 quatrains, superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה). 46) (8 verses, superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

47) superscription: מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, תֵּמַנְתּוֹת רַבּוֹת וְשֵׂעָרָה יְרוּדָה.

and catch-word: המ; here also the manuscript has a lacuna.

XXVII. Fol. 140a—154b: By Solomon da-Piera and Vidal b. Labi:

1. Letter in rhymed prose, beg. בַּרְנוּן קְפָּוָן עִבְרֵי, signed: וּלְאָדָר מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, לָא שֵׂעָרָה קְפָּוָן מַלְאָה יְרָודָה.

2. מַרְאוּן מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, שְׁמַהְתּוֹת בְּאָדוֹת הַיְּרוּדָה (rhymed prose, signed: וּלְאָדָר מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

3. מַרְאוּן מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, שְׁמַהְתּוֹת בְּאָדוֹת הַיְּרוּדָה (rhymed prose, signed: וּלְאָדָר מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה). 4. (2 verses; in MS. Prague fol. 65a anonymously and the superscription before b).

3. מַרְאוּן מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, שְׁמַהְתּוֹת בְּאָדוֹת הַיְּרוּדָה (rhymed prose, signed: וּלְאָדָר מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).

4. מַרְאוּן מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה, שְׁמַהְתּוֹת בְּאָדוֹת הַיְּרוּדָה (rhymed prose, signed: וּלְאָדָר מַלְאֹךְ וְשֵׂעָרָה יְרוּדָה).


Comp. Gen. 15.1.

6. סנהבת, אל היקר, דַּיָּוָה, פרשו עוזר, בובות לארשים,-ipu, על יד שלוחה, על ר. א. -a) סנהבת: ... להב, על החבל סמוע וגייו (רומני תכנית); b) כתובת: 'לצבוי, ולבבך, כחלק כל, ...锂电池 (רומני תכנית).

7. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,一样的, פאפוריאגי) (ם'.

8. חצי, נשת, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

9. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

10. חצי, נשת, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

11. חצי, נשת, נ推動,בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

12. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

13. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

14. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים 됐 ביצה; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

15. חצי, נשת ארב, נ推動, בסומא זים (רומני תכנית, הימים成为一名; המלוע הוא, שהמלוע הוא,样的, פאפוריאגי) (ם'.

beg. בלב עלית כי קרבה ימי נקך (47 verses, the rest is wanting).

16. the remainder of a poem (61 verses), whose beginning is missing: end: אמרה בַּּכּוּר, לא יאָבָא אֶל כּי מָאָר שָׁמֵשׁ בּעַדוּר, ייִמוּת בַּל בּלוּדוּר. According to the following expression, beg. אַהוֹקָךְ רָם מְנָאָה (3 verses), the number of verses should amount to: בס„ (91 or 93). Concerning the author of this poem I am not able to make any definite statement.

XXVIII. Fol. 161a—167a: After various unessential notices by a more recent hand there follow letters exchanged between Abraham Shalom, Joseph di Trani, the brothers Joseph and Yomtob ibn Jaish and a number of their contemporaries:


2. The reply of Joseph Trani, superscription: מַלָּט שְׁלֵומָה הֵרַב כַּמַּה רַו ייטַקְנְר מִטְרוּּנְאָי נָאָל הָאָחוּזְהוּ הֶנָּהִיבְּסִנְיְמָא וָיֵיעֶשֶׁל ייִשְׁטְרֵי הָאָחוּזְהוּ הֶנָּהִיבְּסִנְיְמָא וָיֵיעֶשֶׁל בְּכָשָׁר אָרֱיְמ ייִסְּרִי זְרַהְו ייִסְּרִי זְרַהְו מוהֵמָה בְּכָמָר רַו ייטַקְנְר אַבְּרָמהוּ שָׁלְמוּת נָאָל וָיֵיעֶשֶׁל שָׁמְשׁ. Date: בֵּאָשׁר פָּנִי מֵהוּ.

3. The reply of Yomtob; beg.: יומתוב בן יアイש, date: בְּכָשָׁר ייִסְּרִי זְרַהְו, מוהֵמָה בְּכָמָר רַו ייטַקְנְר וָיֵיעֶשֶׁל שָׁמְשׁ.}

4. date: בֵּאָשׁר פָּנִי מֵהוּ.
5. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry;

6. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry; the

7. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry;

8. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry; the

9. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry; the

10. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry; the

11. The reply of Joseph, address: "The Jewish Quarterly Review," beg. (rhymed prose, signed: (!)n°n^Vn B)ry; the
11. the text is uncorrected, beg. without superscription.

12. the text is uncorrected, with superscription, Aramaic, signed: ✡️ resume, יוח
din.

13. על החר, מרדכי, בכמה אבדות אסכנא על חבות הכספים, beg. rhymed prose, rhymes throughout in YO-

14. Without superscription: a) Title: נר אלדיס; b) letter, mantir הלחנה, rhymed prose, without superscription.

15. Without superscription: a) Title: נר אלדיס; b) letter, beg. כל חומת האומות (from the contents: מנה זו, ממנה ששמצום... כר לו יואל יזח ויו יורין למשה)... או成绩单 ואשת מיחסי רב חינה ורביה ורביה, אשר הופך פולוש ו

16. התיה אלדיס על עלי החושה, the letter is wanting, שמעה השמעה בתמה עפרות למען החושה משי, ד"א

17. לולא בעד ישש (rhymed prose); b) letter beg. אשר חזרה אל משל חרב בشراء
ה ULONG nieu וה.tileו הדמים שליה רהזה נמל עמר הקדשitos וא
הahas מוסמ עלע יחיש את בחתים עמי כם עמי עמי
השמים השמים כה"ר משח קמשל וירוחלים י gratuites עלון והנה
דרבני 들ות מתה הד"ג הנעלא השיא עידלי, והיה הנעלא בנ"ה
ייחס בה! (ד)鞍山 요ו without superscription. This letter forms an interesting contribution to the history of money collections for Palestine and also to the knowledge of conditions in the Holy Land at the beginning of the 17th century.
18. Superscription, without signature, a letter to the two communities of Amsterdam concerning a heretic who is not to be identified with Uriel Acosta. I have noted the following: with superscription 313, without signature, a letter to the two communities of Amsterdam concerning a heretic who is not to be identified with Uriel Acosta. I have noted the following:

19. Without superscription, and signature, letter of admonition from a father to his son, beg. אשר על התורה, (rhymed prose, the periods rhymes in מַשָּׁל).

21. the writer of the letter defends the accused and mentions:

22. Without superscription and signature, a) title:

22. Without superscription, beg. joined

23. Without superscription and signature, a) title:

23. Without superscription, a) title:

24. Without superscription, a) title:

25. Without superscription. a) title:

25. Without superscription. a) title:

26. The following I consider as postscript:

26. The following I consider as postscript:

27. Title: the letter pertaining thereto is wanting.

27. Title: the letter pertaining thereto is wanting.

29. "עֵשֶׁר יָסָף תֶּלֶל יַגַּל לְאָל הָאָלוֹן רָ', מְרַדֵּכִי מֹסָף". This is a letter in rhymed prose, beg. noted: תֵּן בַּיְאָרָה עֹזִית יוֹנָה חֲלַשֵּׁי סֵפֶר. Noted is: יִּאֶשְׁת אִסְּרֵי הָעֵד פִּי הָחִלְוַה חֲמַת אִנָּה כְּסַת מַעַזֶּה חֲמַת מַעַזֶּה מַעַזֶּה מַעַזֶּה מַעַזֶּה מַעַזֶּה. Is the allusion to Tobiah b. Abraham’s יָשֶׁנְה? 30. Without superscription, a) title: וְרֵאשׁ אֶל הָה הַסֵּפֶר בָּאַרְבָּא יַהֲעֶר אֶל נֵר; שֵׁמֶר; b) letter, beg. וְרֵאשׁ אֶל הָה הַסֵּפֶר בָּאַרְבָּא יַהֲעֶר אֶל נֵר; signed: תֵּן בַּיְאָרָה עֹזִית יוֹנָה. c) postscript: אֶל הָה הַסֵּפֶר בָּאַרְבָּא יַהֲעֶר אֶל נֵר. 31. Without superscription, a) title: וְרֵאשׁ לְלָךְ בָּר נַחֲמַת עָבַר בַּיְאָרָה יַהֲעֶר אֶל נֵר; b) letter, beg. וְרֵאשׁ לְלָךְ בָּר נַחֲמַת עָבַר בַּיְאָרָה יַהֲעֶר אֶל נֵר. breaks off after the first five lines.100

100 Notes 14, 17, 47, 55, 58, 82, 75, 79, 73, and 85 were added by Dr. Israel Davidson, who read the proofs at the request of the author.
A POSTHUMOUS CHANGE OF NAME

(BIRKENTHAL not BOLECHOWER)

In No. 1, vol. XII, of this Review Dr. Vishnitzer published some details concerning a diary of a Polish Jew who lived and wrought during the second half of the eighteenth century. Since I have previously edited a great part of another work by the same author, I feel myself obliged to object to a posthumous change of the name of the author.

This is how the matter stands:

In the early part of 1911 I found in the library of the well-known leader of the Haskalah movement in Galicia, Joseph Perl, a manuscript entitled *Dibre Binah*. The work, composing 329 pages small octavo, deals with the history of pseudo-Messiahs in Israel. Excepting the story of the Frankists, which the author knew partly from his own observation, and other interspersed personal experiences, it does not call for publication. The author of the work, as appears from the title-page, from passages in the book itself, and from attached letters, is Reb Dob Ber Brezower properly Birkenthal, who lived in Bolechow in Galicia and died there in 1805 at an advanced age. In order to get exact data concerning the two names I instituted an inquiry in Bolechow and I found out that as late as 1850 a family by the name of Birkenthal was still domiciled there, called commonly "Brezower". Moreover, Reb Dob Ber is entered in the book of the Hebra Kadisha under the name Birkenthal. Birkenthal is a Germanization of Brezower (Birke = bereza in Ukrainian) and goes back to the regulation of Jewish family names under Joseph II. There is therefore no doubt concerning the name: until the middle of the eighties of the eighteenth century exclusively Brezower, later officially Birkenthal.

Unfortunately the family name does not occur in the diary which found its way to London. Dr. Marmorstein, who in 1913 first published a bibliographical notice about it, therefore called the author "Bolechower" after his native place. When Dr. Vishnitzer in 1918 or 1919 undertook the elaboration of this diary and drew the public attention to its
importance, my biography of Birkenthal and part of the *Dibre Binah* had already been printed in *Hashiloah*. Nevertheless he preferred to continue Marmorstein's error and furnish the author with a posthumous name. He did the same in an article in *Der Jude*, although he should have been aware that the author was never known by this name to his contemporaries.

Why should Dr. Vishnitzer state that the diarist was named "Bolechower or Birkenthal" and then call him Bolechower throughout the article? Where is the evidence for the name Bolechower? To be sure, names are unessential, but one must not deal arbitrarily with the name of a deserving man, even if that man has been dead 120 years. Dr. Vishnitzer will cause confusion if he does not edit the diary under the name Birkenthal. For in such case two works by the same author will be known under two different names. Surely the author has a right to have his name on the title-page.

Jerusalem.  

A. J. Brawer.
NOTE ON SOME NAMES IN A MS. IN THE BRITISH MUSEUM.

In describing the (probably) unique treatise on the quadrature of the circle by Alfonso (No. 1002, VI in Vol. III. of the Catalogue: Add. 26984) Margoliouth says: "Besides references to such well-known authorities as Archimedes, Aristotle, Plato, Euclid, Ibn Rushd, Ali b. Ridwan, &c, a number out of the way authorities are mentioned." Margoliouth then proceeds to quote these authorities in the form they appear in the MS. without giving their equivalents. As these forms of the names may puzzle readers (as they have apparently puzzled Margoliouth) I here attempt their solution:

פִּית is Bryso of Heraclea, a mathematician of the 5th. cent. B. C.
אָנָטיפוֹ is Antipho (circ. 420 B. C.). Both Bryso and Antipho are known to have grappled with the problem of squaring the circle.
דַּמְּכִרִית is Democritus of Abdera who succeeded Leucippus as the head of the Atomistic school in Thrace.
לַכִּית is (probably) Leucippus¹ mentioned above.
אֶלְנִי is Fadl ibn Ḥatim al-Nairizi, the famous commentator of Euclid. (For help in reference to this name I am indebted to my friend and colleague Mr. A. S. Fulton, of the Oriental Department in the British Museum.)
סִמְפּוֹלי is Simplicius of Cilicia, one of the last of the Neo-Platonists.
גַּוָּמֵנָ is of course Giovanni Campano (Campanus) of Paris, who flourished in the thirteenth century.

London

J. LEVEEN.

¹From the fact that בִּלְכָּי is coupled with בְּלַסְטָה it seems probable that Leucippus is referred to.
THE GAONIC COMMENTARY TO TEHAROT

In 1856 there appeared for the first time a so-called Commentary on the sixth Order of the Mishnah, i.e., the section Teharot (תְּחָרָות). The term "commentary" is not to be taken literally, as the work does not in any way comment upon the contents of the Mishnah, but merely intends to serve as a dictionary for the foreign words (Arabic, Syriac, Persian, Greek), which are particularly numerous in all the tractates of this Mishnic section. The work, though small in size, covering only 45 pages in the printed edition, is of very great philological importance. Its author shows a marvelous familiarity with the aforementioned languages and their different dialects as they were used in his time in various provinces of the Orient. The editor, J. Rosenberg, unfamiliar with any of these languages, made no attempt to identify and to explain the many hundreds of words quoted and discussed by the author. He merely published a copy of a manuscript with all the mistakes and peculiarities of spelling, which present great difficulties even to the most learned Orientalists. This text was reprinted with many additional mistakes in the Wilna edition of the Talmud and later also at the end of the Mishnayot published by the famous printing establishment of Romm (Wilna 1908).

The oldest German and French commentators of the Talmud, as R. Gershom of Mayence, Rashi, his grandson Samuel B. Meir, and others attribute the Commentary explicitly to Hai, the last Gaon of Pumbedita (died 1038). Modern scholars, with a few exceptions, follow this view. Of late, however, the ascription to Hai Gaon has been subjected to serious doubts. Dr. J. N. Epstein, who during recent years has done valuable research work in the literature of the Geonim, now submits this Commentary to a very minute investigation, examining its content and composition from every possible point of view. The first chapter (pp. 1-36) is devoted to the much mooted question of authorship. Adducing numerous quotations of the Commentary as they appear in the works

of later authors, especially in the 'Usul of Jonah Ibn Janah (992-1052) and the Aruk of Nathan B. Jehiel of Rome (concluded in 1101), he proves conclusively that the Commentary cannot possibly be the work of Hai Gaon and expresses the opinion that its author is none other than Saadia, the famous Gaon of Sura. The reasons against the ascription to Hai are: explanations of words given by Hai in his Responsa and elsewhere or quoted in works of later authors contradict those found in the Commentary or are missing therein entirely; Hai had no knowledge of Greek and, as he himself states, never saw the Palestinian Targum, both of which are often quoted in the Commentary; the author of the latter shows the most intimate acquaintance with the life, conditions, and customs of the population of Palestine, which is inexplicable in the Babylonian Hai, who, as some of his statements suggest, never was in Palestine; and, finally, the author repeatedly quotes as sources the earlier Geonim of Sura, but never those of Pumbedita, the seat of Hai Gaon. Now these very reasons that speak against the attribution of the Commentary to Hai strongly recommend Saadia's authorship. By a correct restoration of a marginal gloss which crept into the text Dr. Epstein (p. 30) is in a position to prove that the early redactor of the Commentary likewise names Saadia explicitly as the author of the work. Moreover, there is sufficient evidence throughout the Commentary for Saadia's authorship.

Having thus disposed of the question of authorship, Dr. Epstein gives a general characterization of the work (pp. 36-74), showing the author's method and procedure in treating his subject, his mastery of numerous Oriental dialects from which he derives his lexical explanations, and the wide range of his knowledge of the literature of his time. Here I should like to remark that in pointing out the characteristic features of the Commentary, Dr. Epstein does not sufficiently emphasize the fact, though he mentions it occasionally, that these same features are commonly recognized as peculiar characteristics of Saadia's numerous writings and hence greatly strengthen the view that he is the author also of the Commentary in question. Thus for instance the author's rationalistic explanations of Mishnic passages in opposition to explanations of the Talmud, his repeated efforts to find parallels for difficult words in the Bible and the Targumim, his habit of explaining Hebrew or Aramaic words by Arabic words of similar sounds, his fondness for alliterations, often taking flights into the realm of poetry, as well as some other pecu-
liarities of style—have long been recognized as outstanding features in the works of Saadia. Dr. Epstein might therefore have stressed these points in favor of Saadia's authorship. It should further be observed that in view of these facts the objection to the attribution of the Commentary to Saadia on the ground that the Gaon wrote nearly all his works in Arabic, while this Commentary seems to have been written by him originally in Hebrew, is of little weight. We do not know the circumstances that may have induced him to deviate in this instance from his usual habit of writing his books in the vernacular.

It would require too much space to give an adequate account of Dr. Epstein's admirable industry and profound learning, as displayed throughout the pages of this book, but special mention must be made of chapter III (pp. 74–98), containing a detailed examination of the sources used by the author of the Commentary, and chapter IV (pp. 98–112) in which Dr. Epstein gives a minute critical analysis of the entire text, showing the extent to which a later redactor changed and amplified the original work.

Of great importance is chapter V (pp. 112–130), wherein Dr. Epstein traces with great accuracy and thoroughness all the direct or indirect citations from the Commentary in the works of later authors, as Nissim and Hananel of Kairwan, Nathan b. Jehiel of Rome, in whose Aruk he points out over 550 passages taken from the Commentary, Maimonides and others down to the 14th century, when all traces of the Commentary disappeared to be brought to light again in recent times. In chapter VI (pp. 130–131) it is briefly proved that the author of the Commentary had composed a similar Commentary on the first Order of the Mishnah (Zeraim), which, however, is no longer in existence. Passages therefrom are quoted in the Commentary before us and in the Aruk. Dr. Epstein then devotes a whole chapter (pp. 131–148) to a minute description of the numerous manuscripts of the Commentary as well as of the Aruk upon which he has based his study. Of real philological importance is also chapter VIII (pp. 148–151), in which all the orthographic peculiarities in the transliteration of foreign words into Hebrew are pointed out. Two appendices (on the original title of the Commentary and on a commentary on the Mishnah by Hai Gaon, now lost) and some additions and corrections conclude Dr. Epstein's work, which, it may unhesitatingly be said, is the most learned publication within recent years in the field of Gaonic literature. All the more regrettable it is that a work like
this should have been so carelessly edited. On nearly every page of the book one finds the phrases "siehe oben" and "siehe unten", intended to serve as cross-references. I have counted 133 of such references and some may have escaped my notice. Very often such an "oben" or "unten" means from 50 to 100 pages above or below (e.g., p. 48, note, "unten" refers to p. 128; p. 70 to 130; 96 to 142, while "oben" on pp. 141, 153, 154 alludes to pp. 30, 19, 30, respectively). As the book is composed of many thousands of philological details and has no index, it follows that the reader, in order to get the full benefit of the work, has to learn its contents by heart. Names of authors and titles of books are likewise quoted in a haphazard way, as Bernstein (pp. 27, 32, twice, 49) for Bornstein (well-known Hebrew writer on calendar and chronology), Schor (4, 26) for Schorr, S. Frankel (125, 130) for Z. Frankel, Eknin (55) for 'Aknin, Jahuda (67, 68) for Yahuda. Ginzberg's Geonica is quoted as "The Geonim" (p. 3), Saadia's Oeuvres is "ouvres" (p. 10), Saadyana (Schechter) is Saadiana (32), and so forth. Misprints are too numerous to be pointed out, especially in references to sources, so that it is not always possible to verify them. "Ausbesserung" (p. 131) means mending (clothes), read "Yerbesserung" (correction of mistakes); for Homoteleuton (p. 134) read Homoioteleuton. \( \text{ס"כ"נ} \) (p. 31) occurs also in Saadia's Amanat, p. 28, 1.14; p. 30, 11.7, 13, read 'Ukṣin, I, 5.

Dropsie College.  

Henry Malter.
SANITATION IN PALESTINE

The Committee appointed by the Zionist Organization to study the subject has submitted a series of comprehensive and detailed reports upon the present and future needs of the Public Health Service of Palestine, with special reference to the conditions to be anticipated in view of the prospective influx of immigrants of various social conditions and from various lands.

The preface states that "the recommendations submitted lie in the line betwixt 'needful' and 'possible'. The authors know the Orient. They have gained their experience thereof in practical work." Upon this experience, fused with knowledge of scientific principles and methods, and with special consideration of the new problems raised by the results of the war, such as the Jewish migrations and the actual conditions in Palestine, their reports are based.

This is not the place for technical comment. It is quite possible that some of the suggestions made are open to modification from a theoretical viewpoint, and it is almost certain—more's the pity—that practical obstacles will prevent many of them from being carried out. It may be said, however, that every one of the reports exhibits first hand acquaintance with the situation; wide knowledge of the fundamentals of modern sanitary practice; full sympathy with the peculiar needs of all strata of the population, present and anticipated; recognition of the magnitude and complexity of the problems involved; insistence upon certain stern necessities that, for the sake of the general welfare, may require the suppression of pity for individual unfortunates—yet even in this, a humane appreciation of the human elements involved, that is too often absent from the administration of immigration laws. With proper regard for authority and discipline there is conjoined a wholesome impatience with bureaucratic complexities and futilities.

We can most heartily commend the study as a whole, and in its particulars, to the very serious consideration of the Palestinian government, and of all persons and associations concerned for the upbuilding of the Holy Land. It not only presents a clear view of present failings and future dangers—both those peculiar to the land and its peoples, and those common to human settlements everywhere—but its plans for the correction of existing evils, for the organization of a ministry of public health, and for the establishment and development of hospitals and allied institutions, are well thought out. It notes also the economic, agricultural, industrial, and educational factors of the health-problem.

Dr. Zlocisti's report deals with Immigration-hygiene, and has an appendix, with plans for quarantine stations, by Sanitary Engineer Michel. Dr. Brunn considers measures for the control of infectious diseases, and the best form of organization for the Palestinian Public Health Service. Dr. Standler treats of Sanatoria and Health-resorts. Dr. Auerbach's study of general hospitals has an illustrated appendix by State Architect Baerwald upon the architectural problems of hospitals and health stations in the coast and interior cities, and in the villages and colonies of Palestine.

Arabian investigators and scholars kept alight the torch of medical science amid "the darkness of the Gothic mediaeval night"; and from them Jews, as well as Christians, learned much. But the Arabs have not held their place as world-teachers. Through their centuries of neglect, Palestine has become a horror of insanitation. Modern medicine, however, is deeply in debt to Jewish research-workers and authors. Hygiene is peculiarly a field in which, since the day of Moses, if not earlier, "the children of Israel" have excelled. Great Britain, for example, owes much of its sanitary progress to two moderns of Jewish blood—Benjamin Disraeli, whose constant iteration and reiteration of "sanitas, sanitas, omnia sanitas," was neither a mere witticism nor empty lip service, but found concrete expression in laws and institutions; and Benjamin Ward Richardson, a genius in public health propaganda and organization. It would be worse than a tragedy, it would be an ineffaceable shame, if Palestine under a British mandate and Jewish aid in its administration, should not be restored to the domain of advanced sanitation through an adequate and progressive health service, clothed with ample authority and provided with abundant means.
All the reports before us lay stress upon the need for money—indeed they go into quite detailed calculations on the subject. The total sum required is, however, by no means unattainable, and if the Palestinian government cannot furnish it, the Jews of the world can and should. Moreover Jewry can and will, if given opportunity, provide men able to carry out the work, and zealous to accomplish it—witness this well-grounded, thorough, far-seeing and practical report of the Zionist Committee.

Philadelphia

Solomon Solis Cohen.
In 1879 Pope Leo XIII issued an Encyclical entitled from its initial words, "Aeterni Patris." It is an extremely important document. There he points out that it is the proper function of the Roman Pontiff to see to it that the Catholic faith is kept free from error. And inasmuch as men's minds are often led astray by false philosophy, the highest shepherds of the Christian flock have always taken care to see that all human disciplines should be taught to the faithful in accord with the norm of the Catholic faith, especially so philosophy upon which depends to a great extent the correct interpretation of the other sciences. The present time, he continues, demands a new reminder and a renewed consideration of the matter of philosophical studies.

If one examines carefully two evils, public and private, of the present age, Pope Leo tells us, he will find that a fruitful cause is an erroneous philosophy concerning things human and divine, which has found its way into all ranks of society. And as man is by nature prone to follow in his conduct the guidance of reason, it follows that if his understanding is in error his will will follow suit. To be sure philosophy is not everything. It is not all-powerful for good any more than it is irresistible for evil. The help of God must be sought above all. Nevertheless human and rational means must not be neglected. And among these human aids is a true philosophy.

Philosophy if properly used paves the way for the true faith and prepares the mind of the pupil to receive the words of revelation. For many of the teachings of revelation were discovered also by the ancient philosophers by the sole aid of the reason, hence reason testifies to the truths of revelation. This is the symbolical meaning of the command that was given to the Israelites in Egypt on the eve of their departure from that land that they should borrow vessels of silver and of gold and raiments from the Egyptians. This symbolizes the use that should be


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made of philosophy for the benefit of the true faith. This is nothing new; the Fathers of the Church followed the practice.

More specifically philosophy demonstrates the existence of God. It also shows that God is wisdom, justice and truth. Philosophy must be cultivated diligently in order that by its help sacred theology may assume the character of a science. Philosophy lends clearness to some extent even to the mysteries of the faith which cannot be strictly demonstrated. It helps also in resisting the attacks on religion on the part of unbelievers. In order, however, to be able to accomplish all these things and be of service to religion, philosophy must be humble and confine itself to its proper sphere and in the manner of a handmaiden attend upon the revealed doctrines and confirm them by reason. All that has been said so far is confirmed by a study of the history of philosophy. The greatest of the ancient philosophers erred in their opinions because they had not the benefit of revealed religion. But the Fathers of the Church combined the philosophical method with Christian revelation to the great benefit of the latter. The same was done by the Doctors of the Middle Ages who are called Scholastics. And among them the greatest is Thomas Aquinas, who summed up in his inimitable writings all that had been done before. There is not a part of philosophy which he has not treated with acumen and solidity—the laws of ratiocination, God and the incorporeal substances, man and the other sensible things, human acts and their principles—all these things he discusses, with a fulness, order, conclusive force and perspicuity which cannot be equalled. Moreover, his arguments are based upon broad principles which carry within them the seed of an infinite number of truths to be opened in the course of time as opportunity offers by subsequent teachers with great benefit. His refutation of the errors of his predecessors can very readily be applied to the errors of the present and the future. This is the reason why in past times the most distinguished theologians and philosophers hung upon his words and regarded it almost a sin to depart from his teachings. Not merely his fellow members of the Dominican Order, but the Benedictines, the Carmelites, the Augustinians, the Jesuits and the other sacred orders followed St. Thomas. The Popes, too, lavished praise upon the doctrine of St. Thomas—Clement VI, Nicholas V, Benedict XIII, Pius V, Clement XII, Urban V, Innocent XII, Benedict XIV, Innocent VI. And what is more, Thomas is quoted as an authority on various things at the Oecumenical Councils, and the Fathers of the Tri-
dentine Council place Aquinas's *Summa* on the same plane with the
codices of the divine Scriptures and the decrees of the greatest Pontiffs,
as a source of truth. The opponents even of the Catholic doctrine sing
the praises of the Angelic doctor.

Since the sixteenth century, however, a new order in philosophy
has taken the place of Scholasticism. Everybody claims the freedom to
philosophize without restraint. Many and various philosophies have
arisen as a result, more than is right. The variety of opinions on the
most important matters led to doubt and scepticism and thus easily to
error. This contagion has spread among Catholics also who are led by
the instinct of imitation and the allurement of novelty to the detriment
of true science.

For all these reasons it is the desire of the Pope that efforts should
be made by the Church to restore Aquinas to the place of honor which
he formerly occupied and which is his due. This may be accomplished
in the following way. Since the Christian faith is being attacked in our
day in the name of a fallacious science, it is necessary that all young men
and especially those who have hopes of serving the Church should be
nurtured in the true doctrine of St. Thomas so that they may be armed
to defend their religion and answer all questions. Those who, pretend-
ing to be guided by reason alone, have abandoned the Catholic Church
and have become its opponents, can best be brought back, if at all, by
the arguments of the Scholastic philosophy. The ills of society, civil
and political, can best be cured if people can be made to lend an ear to
the ideas of Thomas Aquinas concerning the true nature of liberty, the
origin of authority, the force of laws, the authority of government, and
so on. All human knowledge will be the beneficiary if we have a true
philosophy that is generally cultivated. This does not mean that every
statement of Thomas Aquinas shall be regarded as gospel truth even
though it has been proved untrue by modern science. The motto should
rather be "vetera novis augere," to add the new to the old, to adopt as
much of the old as is compatible with what is indubitably true in the
new.

In 1914, Pope Pius X, the successor of Leo, re-affirmed the advice
of his predecessor.

The book under review is one of the very many evidences of the
effect of the Papal Encyclical on the Catholic priesthood and scholar-
ship. It would not serve any purpose to summarize here the comprehen-
sive contents of the two volumes before us. It would require a considerably lengthy review, and a technical one to boot. For the work of Uccello is no less than a presentation for school use of the entire philosophy of Thomas Aquinas. It goes even beyond the explicit teachings of St. Thomas, when it is necessary to take an attitude towards the various modern philosophies of Kant or Comte or Bergson. The development of the Thomistic philosophy in the hands of such men as Suarez is taken account of when it is necessary to expound in the spirit of Thomas Aquinas matters which the latter passed over in silence or very briefly. The author rejects Darwin's theory of evolution, and most of the modern social and political and legal theories. He is in complete accord with the ideas of the Papal Encyclical and the book is intended to be covered in a three-year course, thus giving the Catholic student a complete philosophy from the orthodox Catholic point of view.

Whatever one may think of the value of the philosophy presented in this book one must admire the courage of the Catholic Church. It has the courage of its convictions and goes about planfully and systematically in realizing the Catholic mind not merely by means of a catechism for the very young but by a systematic philosophy for the mature. Judaism has not attempted any such thing. The Synagogue and the Sunday School inculcate certain principles and feelings in the young. The schools and the seminaries impart a certain amount of information. But a systematic Jewish philosophy does not exist. We have no Thomas Aquinas. Maimonides does not occupy that place, and no one dreams of giving him such a place. All the scholarly work that has been done by Jews in connection with Jewish philosophy of the Middle Ages has been in the nature of antiquarian research, and as such it has been received by the public. Many leading Jews seem to avoid deliberately a philosophic examination of the roots of Judaism and a relating of them to modern intellectual and social movements. The Jews have no Pope. But even a Pope is powerless if not supported by an intelligent and learned laity. The dearth below is even greater than that above.

Isaac Husik.

University of Pennsylvania.
KRAUSS’ WIENER GESERAH

This volume will be welcomed as another notable contribution to Jewish history from the pen of Samuel Krauss. Though narrower in scope than his recent Byzantian-Jewish historical studies, this book, like the former, is noted for the manner in which the rabbinic erudition of the author is applied to historical investigation, and particularly for its complete utilization of the rabbinic responsa.

The motive of the book is noteworthy. For the volume was conceived and written by the author as a semi-millennial memorial to the Jewish martyrs of Vienna, who five hundred years ago, in 1420-21, suffered expulsion and were burned at the stake by the decree, or Gese rah, of Duke Albert of Austria. This tragic theme is rendered doubly sad as the author is visibly weighed down by the contemporary sufferings of his people in the same territory during the present world distress which is felt so acutely in the one-time gay capital of Austria. Even the exterior of the work, its wretched paper, the want of illustrations in a subject that should properly be replete with illustrations, and its generally unattractive outer form betray the want and poverty of the conditions under which the author labored, as he frankly states in his melancholy preface.

These external wants are felt the less, however, as the book, despite its memorial character, was not intended to suit the popular taste. The serious historical student is more than compensated by the wide range of the book, and by the abundance of detailed facts which render it a mine of information relating to the men of letters and the social and intellectual life of Austrian Jewish communities in the fourteenth and fifteenth centuries. And though the matter is at times diffuse, and some of the facts are not always relevant to the main theme, they will also be gratefully received by the investigator if only as gratuitous gifts.

For the contents of the book are not narrowly limited to the Gese rah, or edict of expulsion, as the title would seem to indicate. The vol-

ume may be aptly described as a study of the political life, the social conditions, and the literary figures of Austrian Jewry in the first quarter of the fifteenth century. The technical aspects of the communal organization of the Jews in Vienna and the surrounding cities, the economic hardships and restrictions under which Jewish artisans and merchants were compelled to labor, the arbitrary tyranny of the outer government, which was combined with a measure of real inner autonomy, the staggering burden of taxes, levies, and imposts of every description, and the problems related to their collection and administration, all these subjects are comprehended, and treated unevenly, it must be confessed, with numerous digressions on incidental themes.

The latter indeed are striking in their variety. They cover, for instance, minor biographical notes about the leading rabbis of the times or topographical details about Vienna and the neighboring cities, or curious oddities concerning Jewish names. Sometimes, however, as under the subject of conflagrations, they bring to light vital facts, which lay bare the tragedy of mediaeval Jewry, reproducing the cloud of suspicion, and the vindictive hatred of the populace, which reduced the Jews to a state of helplessness, bordering on fatalism.

It would indeed appear as if all the sinister forces of mediaevalism conspired in the early fifteenth century to bring about the final catastrophe; and to the chief of these elements Krauss devotes a learned chapter. Thus the author is led to treat of the Hussite wars in their relation to the Jews, who were wantonly accused of complicity with the Hussite enemy at whose very hands the Jews were suffering torture. The chapters on the desecration of the host and the blood accusation, which also are treated in relation to the Geserah, form interesting contributions to the study of these mental aberrations of Mediaeval Christendom.

Dr. Krauss has therefore added to his works an important historical monograph of varied interest. The wide compass of the book, however, is also its essential weakness; for the treatment becomes inevitably diffuse. There is a lack of definiteness felt throughout the work, and strange to say, it is most pronounced in the treatment of the rabbis and the rabbinate. One looks in vain for a serious, well-balanced appreciation of either the learning, the works, or the personalities, of the great rabbis of the time. As to the institution of the Bet-Din, which was of
focal importance in mediaeval Jewry, it is almost entirely overlooked. These shortcomings, however, while serious, cannot blur the positive merits of the book, which is an important contribution to Jewish, as well as general Mediaeval history. It is fair to state that the work is not only worthy of the great scholarship of the author; it is, above all, a beautifully pious tribute to the memory of Jewish martyrdom.

Dropsie College.

ABRAHAM A. NEUMAN.
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INTRODUCTION

The Jewish people have been credited by the world with having contributed more than any other people in the domain of Religion and Religious Morality. Even the most stubborn of our opponents admit that Religion would not have been the force and the power in civilization that it is were it not for the Jew. Few, however, know how much the Jew has contributed to other fields in the realm of human progress. To Rome is given unstinted praise for her legal system and for her influence upon juristic development. No text-book on any legal topic fails to pay homage to Rome for her contribution in the field of law. That she deserves most of this praise, no one will doubt. But that the Jew is deserving of more credit than he receives for his contribution in the field of law, is realized by only a few.

When one delves in the pages of the Talmud and glimpses in the works of the later rabbis, he marvels at the fine legal insight possessed by these ancient sages; and at times he would almost be led to believe that he is studying the laws of some modern and highly developed code. Nay, more, he would begin to ask himself: Is it possible that this ancient collection of laws, that are so in consonance with the modern juristic spirit, should have had no influence upon the systems of law that rule the peoples of to-day? He would then, undoubtedly, come to the conclusion reached by President Woodrow Wilson when he said, in his treatise on the State: "It would be a mistake, however,
to ascribe to Roman legal conceptions an undivided sway over the development of law and institutions during the Middle Ages. The Teuton came under the influence, not of Rome only, but also of Christianity; and through the Church there entered into Europe a potent leaven of Judaic thought. The laws of Moses as well as the laws of Rome contributed suggestion and impulse to the men and institutions which were to prepare the modern world; and if we could but have the eyes to see the subtle elements of thought which constitute the gross substance of our present habit, both as regards the sphere of private life, and as regards the action of the state, we should easily discover how much besides religion we owe to the Jew".1

It is true that all ancient peoples have developed certain systems of law, and in fact many are the laws that are found to be similar among them. The eminent scholar and father of the study of Comparative Law, Josef Kohler, has even gone so far as to say: "The more we proceed in our study of humanity the clearer and the more evident it becomes to us that the whole human family, despite national peculiarities, are actuated not only by similar instincts and desires, but especially in law and in the development of public institutions, they show the influence of similar cultural forces."2 But the more we study ancient law, the more we come to the conclusion that in no other system has law so much in common with the modern development, and nowhere are the true grounds and reasons of law so well declared as in the jurisprudence of the Jew.

The study of Jewish law is important not only because of its essentially modern conception of human relationship, but also because by means of this study we get the clearest insight into the unconquerable spirit of the

1 Section 220.
Jewish people. He who would endeavor to comprehend and to appreciate the national life of the Jew, he who wants to understand the spirit which helped to create his divine literature, must first become acquainted with the foundation, the groundwork upon which such a life was reared. This foundation and ground-work is not, as in the case of other peoples, to be found in their land, but in the law of Israel.  

**The Distinctiveness of Jewish Law**

What impresses the student of Jewish law, even more than its similarity to the latest modern systems, is the humane spirit that permeates the entire body of the law. To do justice is the very purpose of all law, but justice itself, if carried to extremes, may sometimes result in injustice. Jewish law endeavors to be humane as well as just, and, therefore, takes cognizance of the human element in all human relationship. And it is this humane element that strikes a distinctive note and makes its strongest appeal even to the non-Jewish student. Perhaps this is due to the fact that among the Jews the distinction between religious and secular law was not known. The division by scholars of the Mosaic and rabbinic legislation into moral, ritual, and legal laws is wholly arbitrary. In fact the religious element plays a very important rôle in all ancient nature peoples and permeates every phase of their life. "Law and religion are to them one and the same thing. Indeed law is but one of the many forms by means of which their religious ideas are put into effect."  

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2. Cf. Dr. Josef Kohler’s Introduction to *Der Talmud und sein Recht*, by Dr. Mordeche W. Rapaport, Berlin, 1912, p. 4: "Besonders wohltuend aber wirkt die Humanität des jüdischen Rechts.”
case of the Jew, however, his religion not only influenced his law, but permeated its very structure. His law was to him part and parcel of his religion, and Kohler grasped the force of this truth when, eulogizing Jewish law, he exclaims: "Das Recht des alten Israel...es war ein Sakralrecht im höchsten Sinne".

THE BASIS AND DEVELOPMENT OF JEWISH LAW

At the outset, we must endeavor to understand the basis and the development of all Jewish law. Each and every law must be based upon, and find its source in, Holy Writ or at least in an oral tradition bearing upon an interpretation of the biblical word or phrase. In the discussion of every law, you will always find the expression: "Upon what Scriptural verse is it based?". The Talmud is not a code formulated by a legislative body, nor does it, of its own volition, decree the law. It derives its authority solely from the Scriptures, and the interpretation of the biblical words is its principal function.

That does not mean that all Jewish laws are to be found in the Bible. Post-biblical Jewish law most certainly went beyond Scripture. New provisions had to be created to meet new conditions which could not have been foreseen. The scribes, and later, the rabbis, for political, national, and natural reasons, endeavored to create, by legal fictions, by equity and by legislation, a hedge around the Torah", a "chain of tradition". Though in theory the legal canon was closed forever, it did not in fact prevent the Jews from interpreting and developing their laws and precepts with life-giving freedom. But this interpretation and development was always centered about the Bible.

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8 J. Kohler, ibid. ch. on "Israelitisches Recht," p. 71.
9 Cf. Der Talmud und sein Recht, by Dr. M. W. Rapaport, p. 4.
10 N. Israe, ibid, p. 4; cf. Sir Henry Maine, Ancient Law, ch. 2, for a discussion of the agencies by which law in general is brought into harmony with the progress of society. The same instrumentalities operated in the development of Jewish law.
Especially is this true in the case of the Civil Law. The development here presents a remarkable contrast to that of the Criminal Law. While the latter retained all through the course of existence its Mosaic character, the former was practically a talmudic edifice reared on Mosaic principles. But this contrast is explained easily enough. Criminal and capital laws are closely connected with the existence of an independent state; civil laws enjoy a certain independence of political conditions; autonomy itself offers an ample field for the growth of the latter. And as the Jews continued to enjoy their autonomy for a long time in Palestine, and especially in Babylon, after their right to practise their criminal law was taken from them, their civil system continued to develop after the destruction of the state, with ever increasing vigor. In fact it reached its culmination in Babylon.\footnote{It is for the same reason that one may note that Philo in his discussion of Jewish law is more in conformity with the rabbis in civil law than in criminal law. The latter was not permitted to be practised by the Jews in his day, and so he was dealing with theory alone, and there he was often the preacher or philosopher instead of the legalist. In his discussion of the civil law, he was in agreement with the rabbis, because that was actually practised, and he could not therefore interpret it differently.}

The Bible itself contains comparatively very few civil laws, and even those mentioned are not stated explicitly but casually. Contracts and obligations are hardly touched upon. The only laws sufficiently expounded are those of damages, guardians, and inheritance. It is evident that the civil laws mentioned in the Pentateuch were adjusted to an agricultural community, living in the small circle of its family possessions, without practising much commerce or industry. As soon as the family circles were broken and intercourse and commerce spread, the few prescribed laws proved insufficient and a system of civil laws had to be constructed. It is possible that under these conditions, Jewish civil law was somewhat influenced by the system of more commercial nations, such as the Baby-
lonians, with whom they came in contact. During the second Temple the civil law kept on developing according to the life, conditions, usages, and rules of conduct of the age, adapting and modifying usages of other legal systems, most likely the Roman. As already stated, the Jews practised their own civil law even after the loss of their sovereignty, and it continued its development, reaching the height of its glory in the Babylonian period.

In later years attempts were made to collect in systematic fashion the manifold legal decisions scattered throughout the pages of the Talmud. One of the first and foremost of these codes or digests of the law was the Mishneh Torah, or the Yad ha-Ḥazaḵah, of Maimonides, in which the author strives to state the law as the Talmud has it and in which he also mentions certain cases which show the later development of the law. The next great work of systematizing talmudic law is the Ṭur, a code of law, written about 1340 by Jacob ben Asher. Finally must be mentioned the Shulḥan Aruk of Joseph Caro, which again endeavors to give a clear and concise statement of Jewish law. The law in these codes, however, must be studied carefully in order to know which may be traced to talmudic sources, as in the interim between the Talmud and the Shulḥan Aruk, Jewish law continued to grow and to develop.

**Difficulty in Studying Talmudic Law**

When we compare the Jewish law of the Talmud with the Roman law, one thing must be said to the advantage of the latter. Roman law is a model of system and arrange-

12 Cf. M. Waxman, “Civil and Criminal Procedure of Jewish Courts,” *Seminary Annual*, 1914, p. 263. For arguments endeavoring to prove that the rabbis did not consult, and were not influenced by, the Roman law, see Hirsch B. Fassel, *Das Mosaïsch Rabbinisches Civirecht*, Vol. 1, p. 64.

13 Rabbi Moses ben Maimon, Arabic name Abu Imran Musa ben Maimon ibn Abi Allah, b. 1135 in Cordova, d. 1204 in Cairo; cf. J. Encycl., IX, p. 73.

14 1280-1340; cf. J. Encycl., VII, 27.

ment. It was a guide for the actual life of its citizens. General principles of law, only, are given, and it was the function of the judge to decide the detailed case before him upon these stated principles. In the Talmud, however, the reverse is the truth. System and arrangement are lacking. The Talmud is not a code of general legal principles, but rather a compilation of discussions of detailed and specific cases of law. Furthermore it must be remembered that the Talmud is not a legal work alone, but comprises many other subjects. The legal subjects treated therein are, therefore, not systematized and arranged in certain parts, but scattered throughout the many volumes and their pages. The same subject may often be discussed in various sections and under different headings. It is because of this difficulty that so few attempts have been made to treat the legal topics of the Talmud, and that many of those which have been made contain conclusions and deductions that are erroneous and fallacious. It must, furthermore, be remembered that most of those who hitherto wrote on the law of the Talmud were theologians rather than jurists, and theologians not altogether free from prejudice and bias. The day has come when this interesting branch of study should engross the attention not only of theologians but of lawyers and jurists as well, especially those students who realize the importance of the study of Comparative Jurisprudence. They will then find that what was said by Hale, the distinguished English jurist, with reference to Roman law might equally well be said of Jewish law: "He set himself much", says Bishop Burnet, his biographer, "to the study of the Roman law, and though he liked the

16 For a study of the contents and system of the Talmud, cf. H. Strack Einleitung in den Talmud; M. Mielziner, Introduction to the Talmud.
17 For an exhaustive analysis of works by Christian authors treating erroneously Jewish law, see Die Rechte der Israeliten, Athener und Römer, by Dr. Samuel Mayer (Leipzig, 1862), p. 3 ff.
way of judicature in England.... yet he often said that the true grounds and reasons of law were so well delivered in the Digests, that a man could never understand law as a science so well as by seeking it there, and lamented much that it was so little studied in England".18

THE LAW OF AGENCY

MEANING AND SCOPE OF SUBJECT

Agency in its broader sense includes every relation in which one person acts for or represents another by his authority. This is not the sense in which it is endeavored in this paper to study the Jewish law of Agency. Such an inquiry would be too broad in its scope and would include studies in guardianship, bailments, letting and hiring, trust and partnership, wherever one may act in the interest of another without being technically his agent.19 Here we shall limit ourselves to the more restricted sense in which the term is used in the Anglo-American law, and shall deal with the relations established when a person known as the agent is authorized to represent and act for another, known as the principal, and does so represent and act for him, thereby legally binding the principal in his connection with a third person; and also with the relations established when a representative is vested with authority to perform operative or mechanical duties for his principal, not intending to create any new legal relations between him and third persons, but simply acting for his benefit or interests alone.20 In other words, we shall deal with the subject as understood in the modern law under the headings of principal and agent and master and servant.

19 Though the Tur and Shulhan 'Aruk (Hoshen Misphaṭ, 186, 1.2) include conditional sales in their chapters on Agency.
The person who serves a principal in this relation is his agent, known in Jewish law as שליחὴ שליח (Shaluaḥ or שליח Shaliah) "one who is sent"; the person who sends or who authorizes the Shaliah to represent him is usually termed מתא שליח (Meshalleah or מתא שליח Sholeah) "one who causes to be sent or one who sends"; the relation created between the two is known as שליחות Shelihut or "agency".

DISTINCTION BETWEEN AGENCY AND OTHER LEGAL RELATIONS.

It is sometimes quite difficult to determine whether a certain contract creates the ordinary relation of principal and agent or a special relation covered by some of the other branches of the law, as, for instance, the relation of partnership. A partner is also an agent, but his agency is of a special and peculiar character. Maimonides, for instance, felt the closeness of the legal relationship to such an extent that he joins the laws of both of these subjects under one heading—Hilkot Sheluḥin we-shutafin. As in the English law, so also in the Jewish, it is safe to say that it becomes a question of construction upon the whole agreement, and the intention of the parties will be the controlling consi-

21 I am indebted to Prof. Louis Ginzberg for the suggestion that these two terms are not altogether synonymous, but that originally there was a distinction between them. The term שליח (shaluaḥ) is the participle of שלח and denotes "one who is sent," and would refer to anyone sent or appointed to do a certain act. The term שליח (shaliah), on the other hand, would be the technical designation of Agent, of one who was recognized to hold that position regularly for a principal; cf. Baba Kamma 99. 5 for an excellent example, where the Mishnah is careful in noting this distinction אל שליח אל שליח אשמה יושב וחוזל שליח (n.) שליח. The Mishnah here uses שליח when it refers to the man's representative, appointed by him simply to receive for him the stolen property; it uses שליח when it refers to the Court's representative, to the one holding the office of agent for the Bet Din. So, too, it is worth noting that the expression שליח תיבת שליח referring to the technical Court agent, never occurs. Cf. also Yoma 1.4 for another example showing this distinction.

22 Ci. Kiddushin 41a, where the Talmud already noticed the nearness of the relationship between partnership and agency, and where it, in fact, hints that partnership is a special form of agency.

deration, as to whether an agency or some other special relation is created.

**Agency Belongs to Commercial Age.**

Accepting our definition of agency, it will at once be seen that it belongs to a condition of society in which commercial transactions are highly developed. A non-commercial society, while it might have much use for servants, would have little need of agents, empowered to represent the principal in business dealings with third persons. It is for that reason that in the English Common Law, Agency, as a separate subject, is a matter of late development. In fact the very title "Agency" is of modern origin. Blackstone scarcely refers to it. "The Law of principal and agent", says one of Blackstone's most learned editors, Prof. Hammond, "is derived from the canon law, and has only been introduced in the common law in recent times. Principal and Agent does not occur in Viner's Abridgement or those preceding it, and it is only at the end of the 18th century that we find it beginning to appear as a separate title as yet of very limited applications". The index of Reeve's History of English Law contains no reference either to Agency or to Principal and Agent. So, too, Sir Henry Maine has no reference to this subject in his "Ancient Law". That the early Roman Law was destitute of the modern notion of Agency, is admitted by Mr. Hunter, who attempts to explain it with the statement: "It must be remembered that the absence of Agency characterizes every department of the ancient law."

14 Mechem, § 10.
16 Hunter's Roman Law, 4th ed., p. 609. "Roman law was very slow to recognize the idea of representation, and the sphere within which it was applied remained throughout a restrictive one." Cf. The Institutes, by Rudolph Sohn, 1907, p. 220; also Mitteis, Die Lehre von der Stellvertretung nach römischem Recht, 1885, p. 9 ff.
But Mr. Hunter, in this sweeping assertion, fails to note the one important exception, the Jewish Law. Not only does Maimonides know and deal with the specific term of "Shelihut", Agency, but even the rabbis of the Talmud frequently speak of the "Shaliaḥ", the agent, and the Meshalleah or Sholeah, the principal, and show their complete understanding of the importance of this legal relationship.

**Classification of Agents**

Some modern jurists make a distinction between the relation of principal and agent and that of master and servant.27 It is often said that the distinction lies in the fact that an agent is vested with discretion, while a servant is not.28 According to Huffcutt,29 the difference between the agent and the servant is not that one has discretion and the other has not, but depends upon whether his authority is to do an act which results in a contractual obligation with a third party or not. In the first instance he is an agent; in the second he is the servant.30

If we would apply Huffcutt's theory to Jewish law, a man sent by the principal to deliver to his wife a "get" (a bill of divorce), would be an agent; if, however, the man was vested with authority to drive a horse to a designated place, he would be a servant. But it must be noted that Jewish law makes no such distinction. In both of the above instances, Jewish law would designate the party

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27 So the Roman law speaks of procurator, representative and nuntius, messenger.
28 XXVIII Am. Law Rev. 9, 22. Sohm, in his Institutes, puts the distinction thus: "A messenger is merely a conduit pipe for conveying my will, a representative is a person who wills instead of me."
29 Agency, p. 18.
30 He gives the following illustration as proof of his theory: A railroad conductor is not an agent merely because he is vested with a wide discretion as to the management of his train. He is a servant as long as his authority is to do an act not resulting in contractual obligation; if vested with authority to engage employees, then he is an agent. So a representative authorized to sell a horse at a specified price to a specified person for cash is not a servant merely because he has no discretion as to the terms of the sale; his act results in a contractual obligation, and he is therefore an agent.
vested with authority as the *Shalialh*, agent. And it is interesting to note that while modern text-books do speak of agent and servant, legal writers of renown minimize the distinction, and evidently agree with the Jewish law that in legal essence there is no difference between the relation of master and servant and that of principal and agent. The terms, they say, are fundamentally interchangeable and the distinction between them evidential only.

Modern writers, in treating the theme of Agency, also make a distinction between general agents and special agents, the first applying when the agent has authority to act for his principal in all matters, the second applying when the agent is authorized to act for his principal only in a single, specific transaction. Jewish law makes no such distinction, and again it is worth noting that the more advanced authorities are in agreement with the Jewish view.

Jewish law makes only the following distinctions, or rather classifications, in the field of agency. It speaks of the רסוס *Sarsor*, literally, a broker or middle-man, but which is defined by Maimonides and the later codes as a *Shalialh* or agent, who receives pay for his labors in the principal’s behalf. The Bah makes a very striking distinction between the word *Sarsor* as used by Maimonides in connection with agency and the word רסוס *Sarser*, also

31 Many cases discussed in the modern text-books under the heading of Master and Servant would, in Jewish law, find their place under the specified subject of "Laws of Hiring."  
33 "The distinction given by writers (referring to terms general and special in agency) is a vague one, and often leads to more confusion than it cures. Writers do not agree as to the distinction itself, much less as to its legal effects." Huffcut, ibid., p. 19.
34 Maimonides, Sheluhim 11.6; Tur and Shulhan 'Aruk, Hoshen Mishpat, 185, 1.
used by him in his discussion of Sales. The former, he suggests, means agent; the latter means a broker, a middleman or commissioner, called in the Talmud ἀναμίστημι Safsira, broker. The Sarser is subject to the same laws as an ordinary purchaser, and not as the Sarsor, or agent. Hence, if a principal said to his Sarsor or agent: "Sell for me my pin for $100", and he sold it for $200, the extra money received would belong to the principal; but if a Sarser were told to sell for $100, and the article brought more, the surplus would belong to the broker.

From the definition of Sarsor, as given by Maimonides, that he is the paid agent, we would infer that the general term Shaliah agent, as used in the Jewish law, refers to a gratuitous agent alone. While there is this distinction between the Sarsor and the Shaliah, viz. that the former is a paid agent and the latter is a gratuitous agent, the legal consequence of their relation to the principal and to the third party is the same, with the one exception, the question of the agent’s liability to the principal for loss or damages suffered by him. I believe that it would be more correct to say that the term Shaliah is the general or inclusive term of agency, and is used when we speak of rules applying both to the paid and to the gratuitous ones, while the term Sarser is used when we speak of the rules applying to the

35 Maim. Hilḳot Mekirah, ch. 7.
36 Jastrow’s Talmudic Dictionary translates ᾿αναμίστημι broker, middleman, agent—thus making no distinction between them; ῾πεξηγεῖ he translates agent—the reverse of the Baḥ’s suggestion. While the Baḥ’s suggestion has force in connection with Maimonides’ use of the terms and also in connection with the use by later rabbis, Jastrow seems to be correct in his interpretation as used in the Talmud. Cf. Jerusalem Talmud ‘Aboda Zarah 1, 39c; ῾Ιοκανάν ἵλε τὸν ἀναμιστήρα . . . καὶ ὀφείλετο . . . ᾿οὐκ ἔπεσεν ἐν τῷ πολλῷ δανείῳ τῷ ἀναμιστήρι ἐπεξηγεῖς . . . and they called him a man that serves as a Roman agent.”
38 See below, p. 135.
39 Cf. B. Mesi’a 42b.
40 According to Roman law, agency must be gratuitous, otherwise it would be Locatio et Conducatio (letting to hire), Digest XVII, 1, 6; cf. S. F. Harris, Elements of Roman Law, 1875, P. 145.
41 See below, p. 176.
paid agent alone. In their legal effect, there is absolutely no difference, with the exception just noted.\footnote{Rabbenu Jeroham distinctly said that the laws of Sarsor and Shallah in business transactions are exactly the same. Quoted by Bet Yosef (commentary by Joseph Caro) to \textit{Tur}, 185, 1.}

There is a third type of agency spoken of in Jewish law: לשתישא \textit{harsha'ah},\footnote{Ketub. 95a; Shebu. 31a.} literally, an authorization, authority or power of attorney, and refers mostly to cases where the agent has a written power of attorney לשתישא to represent his principal in court, bringing an action in his behalf to recover money, land or goods that belong to him.\footnote{The term \textit{harsha'ah} is derived from the Hiphil form of the verb לשתיא "to have power," which originally was used in connection with the power to claim a debt (\textit{cf. Tarqum Onkelos to Deut. 24, 10, where the words לשתיא לשתיא לשתיא are translated לשתיא לשתיא לשתיא לשתיא \textit{Marsheh}; the agent, to whom it is given, is known as the לשתיא לשתיא \textit{Marsheh}, sometimes also as the לשתיא לשתיא לשתיא "he who comes with a \textit{harsha'ah}'"}. While \textit{harsha'ah} is used mostly in connection with court action, it does not limit itself to that, and may be used as written authority in ordinary agency to collect from the third party an article belonging to, or a debt due to the principal.\footnote{\textit{Cf. Sh. Ar. Hosh. Mish.,} 122, 1.3. According to the Roman civil law, the creditor in an obligation cannot transfer or assign his rights to another. But he may by a "\textit{Mandatum Actionis}" constitute the other his procurator, or "processual agent," for purposes of the action, i.e., he may commission the other to sue as his agent for the amount due under the obligation, and may further agree by what is called a "\textit{Mandatum In Rem Suam}" to let the agent retain the sum recovered in the action. \textit{Cf. R. Sohm, L. c.,} p. 221. The "\textit{Mandatum Actionis}" would be similar to the \textit{harsha'ah}.} The main difference between \textit{harsha'ah} and \textit{shelihut}, then, is this, that the latter would refer to all contracts of agency, while the former would be used only to collect a debt or in an action to secure a certain article from a bailee or trustee, belonging to the principal. There is also a practical difference between ordinary \textit{shelihut} and \textit{harsha'ah}. It will be shown later that the death of the principal revokes at once all agency.\footnote{\textit{See below,} p. 170.} Now suppose Reuben sends Simeon to collect from Levi a debt due him or
to take from him an article of his held by Levi; suppose, further, that before Simeon performs his mission, Reuben dies. Levi, not knowing of Reuben's death, pays the money to Simeon. If Simeon would then lose the money, Levi would be responsible to Reuben's heirs for the amount. If, however, Reuben, in the same case, gives Simeon a harsha'ah, Levi could pay him the money, even after Reuben's death, and Simeon would assume all responsibility. The harsha'ah, in legal effect, transfers or assigns the claim itself to the agent, and hence the death of the principal has no effect. Hence, the third party, if he so desired, has a right to refuse to acknowledge an ordinary agent, sent to collect from him a debt, while he must recognize the Mursheh.

It is interesting to review, briefly, the historical development of harsha'ah. From the Talmud and Maimonides it can be seen that its use was greatly restricted. Originally it was not to be used in the case of a debt or in the case where an article was sought from a bailee, the possession or title of which was denied by him. It was not given in the case of a debt, even where there was documentary evidence of the loan, on the principle that the identical money loaned could not be traced, and אֲנִי אֵרֶם מַכְּהוּ בַּרְשָׁא אֶל לַעֲלוֹת, "a man cannot give possession (transfer) to his neighbor of that which does not exist".

16 Ibid.
17 For an ingenious explanation of the origin of the institution of harsha'ah see Das Judische Obligationes-Recht, by Dr. Leopold Auerbach, Berlin, 1871, p. 365.
18 Baba Kamma 70a; Maim. Sheluhin, III, 6. It must be noted that the Talmud, ibid., discusses only the question of harsha'ah in relation to Personal Property, as in the case of Real Property there is no doubt that harsha'ah could be given. In the case of Real Property ownership was the all-important matter and implied the notion of possession, even though possession was temporarily denied him.
19 Maim. III, 7, cf. Baba Batra 157a. The distinction must be noted between the documentary evidence of an oral debt, which was simply an I. O. U., paper, not sealed nor attested by witnesses, and a בִּשׁ הַדָּבָר "writing of debt," a sealed bond, i.e., an acknowledgment of debt attested by two or more witnesses. The latter operates in Jewish
The Geonim, however, saw the hardships caused by this rule in that it discouraged loans, and ruled that in the case of loans, where there was written evidence of the debt, *harsha'ah* could be given, even where the debt was denied;\(^5\) but it was still not allowed in the case of debts arising by parol. It was only later, with the development of trade and business that the rabbis allowed *harsha'ah* to be used in all cases, in debts arising from verbal as well as written contracts and in disputed cases of bailment as well as where possession was admitted.\(^5\)

It is interesting to note that the rabbis limit the *Mursheh* to represent the plaintiff only.\(^5\) The principal reason for compelling the defendant to appear in person seems to have been the feeling that if he were obliged to face the plaintiff in open court, there would be slighter probability of false plea or concealment of the truth on his part.\(^5\) Besides, the plaintiff is supposed to have positive right to tangible things, whether property or money, and such rights can be transferred to an agent by the normal act of *kinyan*, while the defendant has only verbal answers, which cannot be transferred, so that his representative is only a lawyer, and such an office did not find favor in

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\(^5\) Tosafot, Bab. Kam. 70a, quoting R. Hananel and R. Tam; cf. also Maim. *ibid*; Kesef Mishneh (commentary to Maim. by Joseph Caro), *ibid*.

\(^5\) Hosh. Mish. 124, 1. The earlier authorities did not favor the institution of *harsha'ah*, as may be seen from the statement of the Talmud: "יִשְׁלָח הָא בָּשְׂרֵי הָא דָּרְשָׁה רַבִּי יַעֲקֹב מְבִלְּלָה וּמְבִלְּלָה מֵאָסָר לָא נַקְשָׁךְ קָשָׁךְ לָא נַקְשָׁךְ שָׁמִיָּה," *Ezek*. 18, 18; cf. Shebu. 31a; Maim. 111, 5.

\(^5\) Hosh. Mish., 124, 1.

\(^5\) Ber' ha-Golah (commentarial glosses to Shulhan 'Aruk by R. Moses Ribkes, d. Vilna, 1671) to Hosh. Mish., *ibid*.
Jewish law. The only case, it appears, known to the Talmudists in which it was assumed that an attorney might be permitted to appear for the defendant, was one in which the high priest was sued. There, however, he was not called the Mursheh, but ḥalif Entlar (ἡντολάριος).

**Principle upon which Agency is Founded**

The theory of Agency is founded upon the oft-declared principle שַׁלְוָהוּ שֶׁאַחֲרֵיהּ כְּמַהוּ a man's agent is like himself, which means that one who acts through an agent is in law regarded as if he does the act himself, and also that what a man may do in person he may also, in most instances do through a representative.

Jewish law carries this principle to its logical conclusion, and shows how far more advanced and more modern it is than the law of Rome. While the latter declares that no acquisition of property could be made by a free person for the benefit of another, the following passages cited from

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57 The Rosh (R. Asher ben Jehiel, b. Germany, 1250; d. Toledo, 1328, wrote an abstract of all Talmudic laws; cf. J. Enc., II, p. 183), Shebu. 4a.


The reference here quoted in T. J. Sanh. ch. II offers some difficulty. From the wording there it would seem that the reverse was the truth, and that the statement, "Let the priest be represented by an entlar," was merely an hypothetical suggestion offered, which was quickly answered by the remark that he cannot because an oath may have to be administered. On the other hand, the Rashba, quoted in the נוֹבֵל יביס ibid., interprets the passage to the effect that while no express נביסה rule can be stated that the priest must be represented by an Entlar, yet if he desires to be so represented in a matter where no oath will be administered, he may do so. The Be'er ha-Golah seems to be of the like opinion. In either case, it may be noted that the institution of entlar is of a later development, as its Greek origin signifies (cf. Aruch Complectum). It was probably borrowed from Greek or Roman law, and never received any wide-spread sanction in Babylonia, since we have no mention of it in the Babylonian Talmud nor an equivalent Hebrew or Aramaic name. The Rosh, in Shebu. ch 4, mentions the fact that it was a disputed point among the earlier authorities whether the Entlar came under the rules of agency or under special laws applying to him alone.

59 Kiddushin 41b, Nazir 12b, Nedarim 72b. That this is a very old established legal maxim can be seen from the fact that it is already used as a legal term in the Mishnah. Cf. Berakot 34b, though there used in connection with a discussion of a question of ritual. The Common Law also rests upon the like principle—Qui facit per alium facit per se (Coke Littleton, 1258a).

60 Sheldon Amos, The History and Principles of the Civil Law of Rome, 1883, p. 137. To the early Roman law (as to the early German law) it seemed inconceivable that a
the Tur will show to what length the principle was followed by the former: If Reuben says to Simeon: "Buy something for me", and Simeon buys מנההמ מכס, without stating whether he purchases it for himself or for someone else, then, in that case, Reuben acquires possession היה וראב from the very moment of delivery. And even if Simeon purchases the article with his own money, he cannot, once the article has been delivered to him, claim that he meant to purchase it for himself. It is Reuben who acquires possession and the article belongs to him; it is he who can sue and be sued on the transaction and not the agent.

person should acquire rights or liabilities by means of a form to which he had not been a party. As regards slaves and filli familias, it is true that whatever they acquired they acquired by the necessary operation of law, by virtue of the potestas, for their superior. But the civil law steadily refused to admit that rights could be acquired through a free representative. "Per liberam personam nobis acquiri nihil potest." Later, during the Empire, acquisition by a procurator, i.e., a freely chosen representative, in the name of the principal, was allowed. As regards contracts, however, the rule remained unaltered; that is to say, it continued to be held that contractual rights and liabilities could only accrue to the contracting party himself, and that contracts could not be validly concluded in the name of the third party. Cf. R. Sohm, l. c., p. 220f.

61. From Bab. Kam. 102b bot., we would infer that the Palestinian view was that the third party must know that the agent acts in behalf of a principal, thus agreeing with the Roman view; while the Babylonian opinion holds that the agent may also act in behalf of an undisclosed principal. Upon closer examination, however, it appears that the Palestinian view also permits acts in behalf of an undisclosed principal; the only case in which their claim is that the principal must be known is where there is a נין של ניס in the performance, where the agency is broken off by a non-compliance of principal’s request. For instance, where principal asks agent to purchase wheat and instead he purchases barley, the Palestinian view is that the principal must be disclosed to allow the latter to take advantage of the bargain. Cf. Rosh, Ibid.

62. Hosh. Mish., 183, 4. Moyle (Institutes of Justinian) gives this as the text of true agency: To what extent is it possible for B to make a contract with C for A, so that assuming, of course, that B discloses the fact of his agency, and his principal’s name and does not exceed his instruction, A alone acquires rights against and can sue C; C acquires rights against and can sue A, and B neither acquires rights nor incurs liabilities under the contract. The above case is in conformity with this test. The Roman method of procedure in such a case is very clumsy. Moyle puts the matter thus: If A being at Rome wishes to buy a house belonging to C at Naples, he would give B at Naples a mandate to buy it for him. B does so, and then assigns his rights against C to A. C’s rights against B, e.g., his claim for the purchase money, can be made available against A only by a novation (that is to say, a distinct stipulation from A that he will pay C for B); if this is not done, C, if necessary, must recover from B by actio venditi, and B from A by actio mandati contraria, an action to recover the money which B has laid out for him. Here, then, none of the conditions above specified are realized, and it should be noted that B is in fact the principal and the true vendor throughout, and the only person who is entitled and bound in that capacity. According to later Roman law it was different when res corporeales were actually
Another, and a still more striking case will prove how logically they clung to the legal fiction that a person's agent is, in legal effect, the person himself. If Reuben says to Simeon: Sell for me this article for $4.00; Simeon succeeds in getting $6.00 for the article; to whom does this extra profit belong? Unhesitatingly the rabbis decide that it belongs to Reuben, because as soon as Simeon received the money in payment it were as if Reuben himself had received it with his own hand, for שומרי עומר איהוosalmo osalmo רימונים "the agent stands but in the place of the principal".63

**Whence the Doctrine is Derived**

As was said above,64 rabbinic law was based upon the Scriptures. Talmudical law hardly knew the meaning of direct legislation, but concerned itself with the development of the law of the Torah. Agency had become a necessity in the developed life of the community. It was important therefore to find the doctrine of agency in the Pentateuch. And so the rabbis seriously discussed the question: ש_dl, whence is the doctrine of agency derived?65 upon what Scriptural word or phrase is it based? And it is worth while to record here, in brief, their ingenious, but always logical, interpretation. We must derive it, says the Talmud, from the word יוחה, "and he sendeth her out",66 used in connection with the husband's giving his wife a bill of divorce. Scripture might have said ויהש "and he giveth her a divorce", but expressly used the word יוחה (the same root as in the term יוחה), to teach us that the husband can appoint an agent to deliver the bill delivered. Then the agent could take possession for his principal. But according to the older Roman law even this was not possible, for the maxim held good "per extra-neam personam acquiri non potest."

63 Tur, ibid. 185, 1-3. This refers to the case where the article has no fixed market value. For further discussion of this case, see below, p. 181.
64 Above, p. 120.
65 Kidd. 41a and b.
66 Deut. 24.1.
of divorce unto his wife, and hence, that a man may appoint an agent to act in his behalf. The rabbis then ask: Scripture could have said נַעֲלוּ, why does it say נַעֲלוּת?—to teach us that the wife, though she is only a passive character in the matter—the husband alone being the active party in divorce proceedings—can likewise appoint an agent to receive her bill of divorce. From the fact that the Bible in the same context ⁶⁷ repeats the word נַעֲלוּת we may deduce the rule that an agent may appoint a sub-agent. ⁶⁸ The Rabbis then want to know whence agency may be derived in the case of marriage, for according to Jewish law a man may marry, i. e., become betrothed נַעֲלוּתָא, through an agent. ⁶⁹ We cannot make an analogy from the case of divorce, because the latter suggests a distinct difference, inasmuch as it is a case of בְּעָלָה נַעֲלוּת, compulsion. The wife’s consent is not necessary in the matter of divorce; we would therefore say that here agency applies, but in the case of marriage it does not. In answer to this, the rabbis refer to the two words in the same verse ⁷⁰ נַעֲלוּתָה and נַעֲלוּת נַעֲלוּת “she departeth” and “she becometh” (another man’s wife), and make a comparison between the two. Just as in the case of her “departing” (i. e. divorce) an agent may be created to represent the principal, so also in the case when “she becometh” the man’s wife (i. e. marriage) an agent also may be appointed to represent him. The rabbis then ask: We learned that in the case of נַעֲלוּת the gift offerings that were to be set aside for the priest, an agent may set aside the gift for his principal. Whence do we

⁶⁷ Deut. 24.3.
⁶⁸ Below, p. 157. In rabbinic times there were two distinct stages in the marriage ceremony: (1) the Betrothal, 'erusin, or acquisition, and (2) the marriage proper, nissu'in, the latter consisting in conducting the bride to the groom’s permanent or improvised home. The betrothal carries with it almost all the legal consequences of marriage. It is the act of betrothal which might also be performed by proxies appointed by either the bride or by the groom, or by both.
⁷⁰ Deut. 24.2.
derive that agency is to be allowed here? We cannot infer this from the case of divorce, because the latter is an instance of לדו a secular matter; here, we would say agency is permissible, but in the case of Terumah which is a sacred matter we would say that agency cannot apply. We derive the law, answers the Talmud, from the seemingly superfluous word דוד “also” in the verse: "Thus ye also shall set apart"71, and from this דוד “also” we infer that agency applies here too. The rabbis then produce another instance, where agency is recognized, viz. the case of הרבח פנים the offering of the Paschal lamb. Again, they note that we cannot infer it from divorce, because that is a secular matter and here is הרבח פנים, matter belonging to the realm of sanctity. It is deduced, they tell us, from the Scriptural verse referring to the slaying of the Paschal lamb "and the whole congregation of Israel shall kill it."72 This verse does not mean, says R. Joshua b. Korḥah, that the entire congregation had to kill it, one only did the slaying; but the Bible regards the act as done by, and in behalf of, the entire congregation, and thus we learn from Scripture that the act of the agent is the act of his principal. The Talmud proceeds in this manner, endeavoring to infer one case from the other, but comes to the conclusion that each case possesses some distinctive feature and must therefore find its own source in the Bible.73

Formation of the Relation of Principal and Agent

There are various ways in which the legal relation of

71 Numb. 18.28. For another inference from this word see below, note 123.
72 Exodus 12.6. The three instances of divorce, marriage, and sacrifices form a combination from which all other cases of agency may in fact be derived. We have there the ordinary case of agency and the exceptional cases where no consent is necessary and where it pertains to sacred matters. The case of Terumah may be dispensed with, for while it is a sacred matter compared to divorce, it is secular in comparison to sacrifices.
73 For an elaborate account of biblical proofs that לדו see compare Sifre Zuṭṭa Ed. S. Horovitz, 1910, p. 87, 88.
principal and agent may be created: (1) by mutual agreement; (2) by estoppel, and (3) by subsequent ratification.\(^{74}\)

1. **By mutual agreement**

The relation of agency in Jewish law, as in modern law, is created immediately upon the authorization of the agent by the principal to do for him a certain act, and the acceptance of this authorization or appointment by the agent, either by express words or by proceeding upon the performance of the act so authorized.\(^{75}\)

2. **By estoppel**

The modern doctrine of estoppel may also be noted in the Jewish law of agency. The principal has the power to revoke his agent’s authority to act in his behalf at any time he may so deem fit.\(^{76}\) But suppose A held out B to be his agent to collect a certain debt due him from C, and before B collected the debt, A revoked his agency; suppose, furthermore, C not knowing of the revocation, paid the debt to B, then A has no further claim upon C.\(^{77}\) His revocation, in so far as it related to C, can have no effect, and A is estopped from proving it because C can claim that, not having knowledge to the contrary, he had the right to rely upon the presumption that the principal had not revoked his authority.\(^{78}\) The theory of estoppel is based upon the desire to do justice, so that where one of two parties must suffer, he who at first held out the agent as his and thus led others to believe that he was acting, with full authority, in his principal’s behalf should be the

\(^{74}\) So also in the English-American law; cf. Huffcut, p. 23. Agency by necessity or by operation of law (the gesetzlicher Vertreter of the German Civil Code) would come under the heading of "agent appointed by court," not discussed here, as it comes under the law of דומע ודומע guardianship.

\(^{75}\) Maim, ibid., 1, 1; Tur, ibid., 182, 4; Sh. Ar. ibid., 182, 1.

\(^{76}\) Below, p. 168.

\(^{77}\) Hosh. Mish., 122, 2.

\(^{78}\) Cf. הרלוד ורלוד. Hosh. Mish., ibid.; cf. also below, p. 190.
one to suffer rather than the party who was absolutely innocent. It is no surprise, then, that the same theory should be applied in Jewish law. And so we note the case that where Reuben gives Simeon a power of attorney to sue Levi for a debt due him, and Levi goes to court with Simeon, but judgment is given in Levi's favor, Reuben cannot now come and claim that he had revoked Simeon's power to represent him before the suit began, and that, therefore, the judgment should be set aside.79 As another example of agency by estoppel may be noted the הָנָכַת decree of R. Gamaliel the Elder, that a husband who sends a bill of divorce by an agent should not revoke it, unless knowledge of revocation is given either to wife or to agent, the reason for such decree being מַחֲנֵי הָדַע public policy.80 The clearest case of the formation of the relation by estoppel is the following: When A, in the presence of B, says to C: "I am B's agent", and B remains silent, B will afterwards be estopped from denying A's agency.81

3. BY RATIFICATION

The English Common Law has recognized the theory of "agency by ratification". Briefly the rule may be stated thus: Where one person, whether no agent at all or an agent exceeding his authority, does an act as agent in the name of or on behalf of another, the person in whose name or on whose behalf the act was done may ratify the act and thereby give to it the same legal effect as if the one doing it had been in fact an agent, or, being an agent for some purposes, had been in fact authorized to do the act in question.82 Does the Jewish law of agency recognize

79 Hosh. Mish., 122, 3.
80 Gitin, 32a, 33a.
81 Gloss (הנה) to Rosh, Kidd., 45b.
82 Dempsey vs. Chambers 154 Mass. 330. The theory is based upon the maxim: Omnis ratihabitio retrotrahitur et mandato priori aequiparatur. Every ratification relates back and is equivalent to prior authority.
this rule. While the rabbis do not give concrete cases bearing upon this phase of the subject, it can be shown that the principle was not foreign to them. In fact there is a doctrine frequently stated in rabbinic law which recognizes the fundamental principle upon which the theory of ratification is based: you may obtain a privilege or benefit in behalf of a person in his absence. Accepting this principle, it would appear that where A purchased a piece of land in behalf of and in the name of B, B not having appointed A as his agent at all, yet when B learns of the purchase he may ratify the act, that this ratification will relate back and will be equivalent to a prior authority. B will be able to sue and be sued upon the transaction. The important element in the principle of ratification is that the would-be agent must do the act in the name of and in behalf of the person he desires to represent. If, however, he makes the contract or deal in his own name, not purporting to act on behalf of a principal, but having a secret intention to act, though without authority, for a principal, the contract so made cannot be ratified by the undisclosed principal. It is this element especially that the rabbis recognize and discuss. The Ṭur gives the following case, which may be in point: Desiring to prove that by the agent’s acquisition of property in behalf of the principal (when he was told by the principal to purchase it for him), the property already belongs to the principal, and the agent cannot afterwards claim that he made a mistake and had meant to purchase it for himself, the Ṭur makes this additional significant assertion: “If the agent purchases the article in the name of Reuben,

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53 C. M. Simmons, in his article on “Talmudic Law of Agency,” J. Quart. Rev., VIII, p. 621, merely puts the question and answers that it is not definitely decided, without giving any proof one way or the other.
54 Ṭur, 81b, a.dfr.
56 Ibid., 193, 4.
57 Cf. above, p. 134.
then, even if he gives his own money for the purchase price, he cannot later claim that he purchased the article for himself, once the act of transference had taken place, and he accepted the article in the name of Reuben”. It is true that the Tur, in making this statement, meant it to apply to the former case where the agent was appointed by his principal. Nevertheless, I believe, that from the wording of this statement of the law, especially the emphasis upon the condition that “even if he used his own private money as the purchase price”, the rabbis would follow the theory of ratification.

A still clearer case in point is the following, which even goes beyond the modern accepted theory of ratification, where the notion is that the third party does not know that the agent has no authority to act: “If A comes to sue C for a debt the latter owes to B, without having the harsha’ah or power of attorney, the proof of his agency, without which he cannot force C to go to court, then even though he is at present not B’s agent at all, nevertheless if he offers to guarantee that he will later get the harsha’ah or authorization from B, C must recognize him and answer him in court, for we accept the principle נכין לאלים אלא בפיו ‘we may obtain a benefit in behalf of a person in his absence’. The following case must also be mentioned, for here the principle seems to be accepted to the fullest extent: “If Reuben purchases a piece of land from Simeon in behalf of Levi, whose agent he claims to be, and the deed is written in Levi’s name, Reuben cannot afterward say: I purchased it for myself and want you to write another deed in my name. The rabbis, it is true, base their ruling upon the theory that the seller ought not to be troubled to write an extra deed, but I believe that the

88 Cf. Ibid.
89 Isserles to Hosh. Mish., 122, 1.
90 Maim. l. c., II, 5; Tur and Sh. ‘Ar. ibid., 184, 3.
underlying principle is after all the desire to benefit a person, in whose behalf another undertook to act. And Isserles, in his gloss to this passage, expressly says: “Even though Levi never authorized or appointed Reuben to purchase the land for him, if Reuben did purchase the land in Levi’s name, and paid for it with money that belonged to Levi, then the sale cannot be rescinded”.91 Were it not for this extra stipulation which the glossator required—viz. that the money should belong to the principal in whose behalf the act was done—this statement would coincide in every particular with the modern doctrine. That the rabbis accepted the principle of Ratification can be seen also from their statement of the reason for the law that if one finds an article in the street and takes possession of it in the name of another, it immediately belongs to the one in whose name and in whose behalf possession was taken. There the rabbis give as their reason that נוויה מטעמו שלוחה, when he takes possession in behalf of the other he makes himself an agent for him, and the law of possession that is applied here is the law that applies to agency.92 A case where the principle of ratification is fully recognized is the following: Where B, who is not appointed agent, learns from a hint that A would like to marry C and B performs the Kiddushin in behalf of A, C then becomes lawfully the wife of A.93 The theory of ratification is also recognized by the Talmud in the case when one voluntarily takes possession of goods from a debtor in behalf of a creditor, though he was not requested by the creditor to do so (הממס עלין והזוב). The rabbis allow such action where there is only one creditor, but refuse to sanction it where there are a number of creditors, not because they dispute the principle of ratification, but because of public policy, the injury

91 Ibid.
92 Cf. Tosfot, B. Mesia`a 10b.
93 Sh. 'Aruk Eben ha-Ezer, 35, 4; cf. above, note 69.
that will thus accrue to the others.\(^{94}\) The clearest case and the most direct reference for Ratification is the following cited in the Shulḥan ʿAruk: “Where A sells real or personal property and B purchases and takes possession of the property or the article in behalf of C—C being ignorant of the transaction—it is in C’s power to ratify the sale or not. If he ratifies it, the article belongs to him, if not the sale is nullified and the article belongs once more to A.”\(^{95}\)

There is, however, one important distinction between the theory of ratification as understood by the rabbis and as understood in the law to-day. The latter applies the rule not only where it works to the benefit of the principal but also to his injury or disadvantage and thus permits him even to ratify the tort of an agent; Jewish law clearly limits the theory to cases where it works to the principal’s benefit only, the principle being

\[ \text{נין לאמוס עלא ומני ואין רובין לאמוס עלא بمני} \]

“we may benefit a person in his absence, but cannot add a burden upon him”.\(^{96}\) Says the Be’er ha-Golah, in commenting upon the above rule of law enunciated by R. Isserles,\(^{97}\) that if the court sees that the agency will not benefit the party in behalf of whom he acts, then the agent will not be permitted to act for him. Even in agency by appointment, the principal can always say to his agent:

\[ \text{הלוקין שדריך ולא עונו} \]

“I have appointed you to benefit me, not to injure me”; in this case, where he has not even appointed him, he could surely make this claim. The Nimuke Yosef\(^{98}\) expressly states, in speaking of a woman who desires to ratify the act of a man who, without her authority, accepted in her behalf a bill of divorce

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91 Gitin 11b.
92 Ḥosh. Mish., 235, 23, cf. Ḥosh. hal. ibid. The source of this law is in Maimonides, Mekirah, ch. 30. The reading in the text, ibid, is evidently incorrect cf. Tur, Ḥosh. Mish., 235.25: הַכְּפַרְמַסְיָּהֶנָּא לִי מִדְרֶשׁ שְׁלָמְתָא קְרֵם אַל קְרֵמָא אֲחֶנָא. In Maim. Ḥosh. ibid. 4.2, the same statement of the law is given with reference to gifts.
94 To Ḥosh. Mish., 122, 1.
95 To Yebamot, end ch. 15.
from her husband, that she cannot do so, even though she wishes it, because a divorce, generally speaking, does not come under the category of benefits to the principal.

**Can the Third Person Recede before Ratification?**

Can the third person recede from the transaction after he finds out that the agent had no actual authority to act for his principal and the latter had not yet ratified the act? This is a disputed point in modern law. According to Jewish law, it is clear that he could not, for applying the rule of acquiring possession in behalf of another, in which it was said that the finder is regarded as an agent, we know that the article belongs immediately to the party in whose behalf it was taken, and not to the agent. Hence by analogy, if the agent does an act in behalf of another, without being appointed by him, immediately upon the performance of the act, we apply the rule "we benefit a person in his absence," and it is the same as if the principal had done it himself. The above quoted case in the Talmud, where one acts in behalf of a creditor, also gives evidence of the fact that the third party deals not with the agent but with the principal—even before the ratification—and, therefore, cannot recede from the transaction. But we need not come to this conclusion by analogy alone. The above quoted reference affirming the theory of ratification expressly states that the man for whom the purchase was made, i. e. the principal, has the upper hand. If he wants to ratify the act, the seller cannot recede from the transaction; if he does not want to ratify the act, he cannot be forced, and the article goes back to the third party.

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99 In the United States, the third person may recede before the ratification; comp. Tounsend v. Corning 23 Wend (N. Y.) 435. See also 9 Harv. Law Rev. 60. In England the rule is that he cannot recede. Cf. Bolton Partners v. Lambert L. R., 41 Ch. D. 295.

100 Josh. Mish., 235. 23; cf. note 95.
Form of Appointment

(a) In Shelihut.

A Shalihah or Sarsor, a gratutious or paid agent, may be appointed by oral communication alone. The appointment does not need קנה Kinyan (the special symbolical form of making an agreement binding), nor does it have to be in writing or in the presence of witnesses. As Maimonides puts it, witnesses can serve only where there is a conflict in testimony, to enable us to know who speaks the truth; or as the Talmud says, quoting Rab Ashi, "witnesses are created only for liars," i.e. witnesses are not necessary to legalize the appointment of the agent, but only as a guard against faithless persons who might deny the transaction.

(b) In Harsha'ah.

The harsha'ah, or power of attorney, is always in writing, and is given in a particular way. It is accompanied by קנה Kinyan, the special symbolical act of seizure, by means of which the Murshah becomes invested with all the power specifically defined in the instrument. The השטר harsha'ah, or the written document, must

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102 Kidd. 65b.
103 So also in Roman law, no fixed form is necessary to constitute a mandatum and verbal appointment is sufficient. D. XVII, 1, 1, 2; cf. G. Leapingwell, Manual of the Roman Civil Law, 1859, p. 212. In the modern English-American law, too, oral authority is sufficient.
104 Maim. III, 1; Hosh. Mish., 172, 4.
105 In case the claim, for which the harsha'ah was given, was for money, kept by the third party, there was a peculiar form of kinyan, to mark the transfer of the claim. As the law does not allow money to be transferred by the symbolical act, the principal would hand over to the attorney a little earth, and upon that the transfer of the claim was made. (Cf. Maim. III, 7; B. M. 45b, 46a; B. K. 104b.) The Geonim, however, saw the hardships of this, especially in the case where the principal possessed no land of his own. They, therefore, ruled that in such a case, the principal may transfer the claim without using the earth, applying the legal fiction, that he conveys it upon four ells of the portion of earth that every Jew is supposed to possess in the Holy Land. Maimonides was of the opinion that this legal fiction was resorted to so as more emphatically to impress the defendant; but where the third party refuses to recognize the Murshah even where the קנה of קנה was made, he cannot be compelled to do so, and the plaintiff must make the demand himself (Maim. III, 7). The Haggahot Maimuniyyot (ibid.), quoting R. Tam, say that the party's mere declaration that he has קנה is sufficient.
contain this formula: “proceed, litigate, acquire, and possess for thyself”, or words to that effect. If such words were not used, the defendant was not obliged to answer the attorney or to recognize him, and he could plead “I have nothing to do with thee”. It must also conclude with the formula: “I am responsible for that which thou wilt expend for me in this suit”. This latter provision, however, is for the benefit of the principal, or Marsheh, as between him and the agent, to show that the latter, despite the formula (litigate and possess for thyself) cannot lay claim to what he acquires, but remains an agent and must hand over the article to the principal. If, therefore, this latter formula, with reference to the expense, is omitted from the document, it remains valid, and the third party can have no objection to it.

We see, then, that the formula, “go to law, win and get for thyself”, does not actually transfer or assign the claim to the Marsheh, but it is only a legal fiction, used to give him the right to sue, just as if the claim had actually been assigned. An interesting case must here be noted. A has a jewel in the possession of B and comes to B to claim it. The latter answers that C came to him with a harsha’ah written by A, making claim for it, and he returned it to C; but C later loaned it back to him and that therefore he is responsible to C alone, and is no longer responsible to A. The law decided that B must return the jewel to A, the rightful owner, for C, though he came with a harsha’ah, was no more than A’s agent, and had no legal right to loan it to anyone. The rabbis, however, cling

106 B. K. 70a; Maim. Hosh. Mish., ibid.
107 Maim., and Hosh. Mish., ibid. The Hosh. Mish., 122, 7, rules that even if the word מַעֲשֶׂה “litigate” is omitted it is valid, as long as it contains the concluding phrase to be noted later.
108 Hosh. Mish., 122, 6. Maim., ibid., words the formula as follows: כִּלֶּכֶל הַמַּעֲשֶׂה לְמַעֲשֶׂה יִלְוַי לְהֵמָּה.
109 Hosh. Mish., 122, 6, 7; Maim. III, 1.
110 Isserles to Hosh. Mish., 122, 6, quoting Glosses of R. Mordecai.
to this legal fiction to the fullest extent. The document must show that the Mursheh will acquire for himself some part of the actual claim itself. And so they decree that if the harsha’ah states that the Mursheh acquires a third or a fourth part of the claim for himself (and not the entire claim), even then the third party cannot say: “I have nothing to do with thee”, for a claim on a part gives you a right to make a claim on the whole. But that is sufficient as long as the Mursheh has a right to acquire for himself an actual part of the claim. If, however, instead of a part in the claim, the harsha’ah gives to the Mursheh a definite sum, e. g. one hundred denars, for his services, even if this money is to be taken out of the money that is claimed, it will not be a valid harsha’ah. There must be an assigned legal claim to a definite part of the article claimed.

PARTIES TO THE RELATION

Any person, man or woman, may be a principal or agent, and even a married woman may be an agent. The rule includes also the Canaanite bondman or bondwoman of a Jew, for they are not regarded as Gentiles, but come under the category of Bene berit. There are, however, two important exceptions to this rule: (a) One who is

111 Maim. III, 2.
112 If the party himself has an actual claim in the article, he naturally does not need a harsha’ah in order to bring suit. So a partner, or one of the heirs of an estate of which no partition has been made, could sue without a harsha’ah; their interests being joined, each is authorized to act for the others. (Cf. Maim. III, 3; note the difference, however, where one of the co-heirs or co-partners was absent from the city.) So also a husband cannot sue for property belonging to his wife alone, without a harsha’ah from her. If the controversy concerns those portions of his wife’s property in which he has usufructuary rights, he can sue without a harsha’ah (Maim. III, 4; cf. Gitin 48b).
113 They are bound, like women, by all the negative commandments, and by affirmative commandments not applying to stated times only. While with reference to marriage they occupy a wholly different position from Israelites proper, yet they are regarded as a subordinate part of the Jewish community. They cannot, however, act as agents in marriage or divorce because the law of marriage and divorce does not apply to them.
deaf and dumb, insane or a minor,114 cannot be either a principal or an agent.115 (b) Neither can the ש"ע, one who is an idol worshipper serve in either capacity.116

The exceptions to the rule:117

(a) A minor can under no circumstances act as a principal, nor can he appoint an agent even for those acts which he would be competent to do himself. Thus a wife who is a minor cannot depute one to receive her bill of divorce though she may receive it herself.118

On the other hand, it must be remembered that while a minor or one non compos mentis is barred from being an agent, yet for certain acts, such as those that are purely ministerial or mechanical in their nature, he may so act, if both parties have previously agreed that he should. Thus a minor may act as a messenger to carry money or goods for his principal to a third party, or vice versa, if the third party had previously given his consent.119 In discussing the capacity of the minor to act as agent, the following interesting case is worth recording: A father sends his minor son with a bottle and a coin, of the value of a florin, to buy a shilling's worth of oil, and also to bring back the change. The shop-keeper gives the boy

114 The minor in Jewish law refers to a boy under 13, or a girl under 12 years of age.
115 Maim. II, 1; Tur and Sh. ‘Ar. 188, 1.
116 Ibid.
117 In the modern law the question raised in this exception is a disputed one. Whether an infant may be a principal, earlier cases hold that action done by infant's agent are void (Tucker v. Moreland 1 Am. Lead Cas 247 note). Later cases deny, preferring the view of Chancellor Kent (2 Kent, comm. 235) that "the tendency of the modern decisions is in favor of the reasonableness and policy of a very liberal extension of the rule, that the acts and contracts of infants shall be deemed voidable only, and subject to their election when they become of age, either to affirm or to disavow them." As to the principal who is non compos mentis, there is also conflicting opinion. All modern cases seem to agree that any person may, as to the third person, act as an agent (Cook on Littleton 52a; cf. Huxford, p. 34), unless, perhaps, one who is too young or too imbecile to perform at all the act in question (cf. Lyon v. Kenl 45 Ala. 656). So infants and even lunatics and other incompetents may be the channel of communication between a principal and one with whom he deals. He himself, however, will incur none of the contractual liability attaching to an adult agent either to his principal or to the third person. Jewish law certainly appears to be more logical in dealing with these cases.
118 Gitin VI, 3; Eben ha-'Ezer 141, 2, 3.
119 Maim. II, 1-3; Hosh. Mish., 121, 1.
the oil and also the change from the florin. On his way home the boy breaks the bottle and loses the change. The rabbis decide that the shop-keeper is responsible for the loss of the oil and also for the change lost, because he should have understood that the father sent the child only to notify the shop-keeper as to what he wants, and it was the duty of the shop-keeper to have sent the oil with a responsible person. In other words, the rabbis would deduce from this that a minor cannot act as an agent, even for a purely ministerial act, without having the express consent of the third party. Here he did have the father's implied consent, but that was not sufficient.

(b) As to the second exception, viz. the idol worshipper, the rule must be studied a little more closely, in order to understand what the rabbis meant to decide. First of all, the above rule applying to the minor, appointed to perform a ministerial act with the consent of the third party, applies also to the 'Akum.

Secondly, it is significant to note that the Talmud, in laying down the qualifications for the parties to the relation of agency, uses the expression, that the party must be a Ben berit, a son of the covenant, and not the term ישראל Israelite. In fact, an attempt was made to word the rule: המ אדח ישראל או שלחהו ישראל “just as you are Israelites so your agents must be Israelites”, but it did not succeed, and the wording Bene berit remained.

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120 B. B. 87b; Maim. II, 2.
121 R. Judah (ibid.) disagrees with this decision, and holds that the father's act in sending the boy with the bottle was a sufficient consent on his part. The dispute is as to question of fact, not of law. As to the loss of the bottle itself, both are agreed that the father is responsible, because in giving the bottle to the child he wilfully ran the risk of its breaking. In rabbinic language the bottle was אֵינָי מְדִיע—out of his mind at the very moment he gave it to the child.
122 Maim. and Hosh. Mish., ibid.
123 Kidd. 41b. R. Yannai, commenting upon the seemingly superfluous word נֶאֶר "also" (in Num. 17, 28; cf. above, p. 137), says that from this word we derive the law that just as the principal must be a Ben berit, so also must the agent be a Ben berit.
124 Cf. Git'tin 23b.
have also noticed that the Canaanite bondman was allowed to act as an agent even though he was not an Israelite, because he came under the classification of Bene berit.\textsuperscript{125}

We may deduce from this, that the exclusion of the אֲכֻלְיָם or heathen did not have the unanimous consent of the rabbis. In fact we have the clearest proof that there was a very strong effort made to include the 'Akum among the eligibles for the agency relation. It was reported, in behalf of Rab Ashi, that he limited the exclusion of the 'Akum from the rôle of agent only in the case of הרוחמה, perhaps because of its religious nature. In all other cases, the tradition has it, he allowed the use of an 'Akum as agent. Another tradition was reported to the effect that Rab Ashi prohibited them to act as agents for Israelites, but did allow Israelites to act as agents for them. The prevailing opinion, however, did not favor these traditions, and curtly declared בראשית יא "the tradition is not a truthful one."\textsuperscript{126}

The rabbis, whose opinion in this matter prevailed, are not to be censured for their apparent exclusiveness. There was a valid reason—a religious reason, it is true—that prompted them to take this step. The agent, in Jewish law, frequently is compelled to take an oath.\textsuperscript{127} The oath played a most sacred rôle in the life of the people, and there was no desire to force a non-Jew to comply with the strictness of that act. That this was the principal factor in swaying the rabbis in their decision barring the 'Akum from the rôle of agent, I believe, may be seen from the rabbis' wording of the law prohibiting an Israelite from entering into a partnership relation with an 'Akum, אָסְרָה לַאֲוָדָה שָׁעַשָּׁה שָׁמֶחֶת עָמְיוֹ כְּכֹבֶּד שֶׁאָמְרוּ יִתְוַיָּבִיב לְשֵׁבֵר הָעֲשָׂרָה כְּבָדָה שֶׁאָמְרוּ, "It is prohibited to join in part-

\textsuperscript{125} Above, p. 147.

\textsuperscript{126} B. M. 71b.

\textsuperscript{127} See below, p. 176.
nership with an 'Akum, for the occasion may arise when an oath will have to be administered.'

In the case of harsha'ah, the law in this matter was relaxed, permission being given to confer the power of attorney also upon the 'Akum. There is, in fact, a distinct historical reference to a harsha'ah that was given to a non-Jew by Rabbenu Tam and which was accompanied by the symbolical act of kinyan.

AN ASSUMPTION WORTH NOTING!

A fact that well illustrates how far ethical and religious principles were interwoven with purely legal discussion, is the statement made by the Talmud that we assume that a son will not delegate his father to serve him in a ministerial or operative act, the feeling prompting this assumption being that such a request would be disrespectful to parents. This rule, however, would not apply to his appointment as agent in business transactions.

ELIGIBILITY OF AGENT DETERMINED AT TIME OF APPOINTMENT

A person may not be appointed as agent, if he is not eligible at the time of the appointment, even though he would become eligible at the time the act of agency was to be executed. Thus, if a man appointed a minor or one non compos mentis to deliver a bill of divorce to his wife,

128 Sanhedrin 63b; cf. Tur, Hosh. Mish., 181, 1. We must also bear in mind that the status of agency undoubtedly had its origin in religious, at least in sacred relationship, as may be seen from the talmudic interpretation of the biblical authority for the agency relation (cf. above, p. 135). We can therefore understand that the non-Jew could not possibly be included. Indeed, for the same reason, the Jew could not serve as an agent for an 'Akum principal.

129 Hosh. Mish., 123, 14. A slight changing in the wording of the document was, however, necessary. Instead of the phrase הַקֵּה הַמַּקַּנֵּא מַעַי only לְקַנַּא מַעַי was to be written.

130 Tosafot, Kidd. 3a; Tur, ibid., 123, 15.

131 Cf. Kidd. 45b נַמֵּה לְלַכַּנוּ לְקַנַּא מַעַי, the aversion was more to asking the father to act than in having him act. The reference quoted shows that a son may hint to his father that he would like to have a certain act performed. Cf. also the striking citation by R. Jacob Emden of Judges 14.3 (Emden to Kidd., ibid.).
then, even though at the time the divorce was delivered the minor became of age or the imbecile became of sound mind, the delivery was invalid and the divorce could not take effect.\textsuperscript{132} If, however, the agent was qualified at the time of appointment, but afterward became incapacitated, and at the time of the performance of the act again became qualified, the appointment was valid. Thus, if, in the above case, the bill of divorce was delivered to the agent when he was of sound mind and later he became non compos mentis, if at the time he delivered the divorce to his principal’s wife, he was again sound, then the appointment and the delivery are both valid, because, as the rabbis point out, הלצה והסופ הכשרת “the beginning (i. e. the appointment) and the conclusion (i. e. the performance) were in time of eligibility.”\textsuperscript{133}

**Joint Principals**

As in the modern law,\textsuperscript{134} so also in the Jewish law, two or more persons may jointly be the principals of an agent. Maimonides gives us the following illustration: Three men appointed Reuben as agent, and each gave him money, to purchase a certain article. Reuben spent only a part of the money given to him. The article will nevertheless belong jointly to the three who appointed him, even though it was Reuben’s intention to purchase the article for only one of the principals.\textsuperscript{135} This decision is based upon the principle that the money that was given to him was given jointly and was mixed together; it was therefore impossible

\textsuperscript{132} Sh. ‘Ar. Eben ha-‘Ezer, 141, 32.

\textsuperscript{133} \textit{Ibid.}

\textsuperscript{134} Cf. Perminter v. Kelley 18 Ala. 716.

\textsuperscript{135} Maim. Hilklot Mekirah VII, 13, 14. Cf. B. Mes’ira, 74a. The RaMA adds that this decision will be the same even if the agent had expressly said to the seller that he was purchasing the article for only one of the principals (cf. \textit{Tur. ibid.}, 184, 1). R. Isaiah (quoted by the \textit{Tur. ibid.}), however, carrying the doctrine of renunciation to an extreme, says that if the agent, before the purchase, expressly says that he is going to purchase the article for one of the parties alone, the purchase will belong to him, because this statement implies that he renounces his agency for the others. R. Isaiah’s view, however, is an isolated one, and is not accepted as the general law.
for the agent to take part of this mixed sum and with it to serve only one of his principals. If, however, each of the principals gave him his money separately, the money being separately wrapped or sealed and distinctly marked, in that case, if he purchased the article using only part of the money, the article will belong to the party whose money was used as the purchase price, even though he had intended that the article should belong to all. The difference in the two cases is a difference in fact—in the first the principals were joined, and therefore he could not serve one at the expense of the others; in the second case, the appointment was joint and several, and he therefore could serve only one of the parties. The pupils of the Rashba (R. Solomon ben Abraham ibn Adret), discussing the rule as laid down by Maimonides, give us this clearer illustration of joint principalship. If the three principals gave the money in the presence of each other, then it is as if the moneys were mixed together, and the agent must serve all of them or none. They are then like partners, and the agent cannot renounce part of his agency. If, however, each of the principals gave the money separately, not in each other’s presence, then it is a joint and several agency, and he is at liberty to serve one and renounce the agency of the others.

Joint Agents

Just as there may be joint principals so, too, there may be joint agents, i.e. two or more persons may be appointed by the principal to perform the same act. When the agents are joint, the execution of the agency must be joint. Whether in a particular case the agency is joint or several is a question of fact, and will depend upon the

136 Ibid.
137 Cf. Bet Yosef to Tur, 184, 1.
circumstances surrounding the appointment. Thus, if a man, while in a dangerous condition, says to a group of men standing by: "Take for me a bill of divorce to my wife", then anyone of the men may act as agent for him.\(^{139}\) If, however, he said to the group: כלכם זוליכם "All of you take for me the divorce to my wife", then the act must be done jointly by all the people in that group.\(^{140}\) The former is a case where the agency is several; the latter an example of joint agency alone.

**Delegation of Authority**

Can the agent appoint a sub-agent to perform the act for which he was originally appointed, and thus make the principal responsible for the sub-agent's action? There is some confusion in the rabbinic decisions as to the answer, but on closer examination we shall see that they agree with the view accepted by the English Common Law.\(^{141}\) We noted above\(^ {142} \) that from the double use of the word נהלין,\(^ {143} \) the rabbis deduce the law that an agent may appoint a sub-agent. But this inference must not be understood to apply in all cases. What the rabbis there meant to imply was that this law may be deduced to apply in some special cases, in other words that this was to be the exception to the general rule, viz.: that, unless the principal gave his sanction, an agent may not entrust the performance of his duties to another. The very case that the rabbis were there considering was exceptional; it was the case of divorce, and there, they say, a man's agent

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\(^{139}\) Shul. 'Ar. Eben ha-'Ezer, 141, 21.

\(^{140}\) Ibid., 141, 23.

\(^{141}\) The general rule is: Delegatus non potest delegare. Exceptions to this rule are to be found when the principal grants the power, or where there is an implied power to delegate the authority. Also, where the acts are merely mechanical, clerical or ministerial, involving no judgment or discretion. Cullinan v. Bowker, 180 N. Y 93; 72 N. E. 911; Lyon v. Jerome, 26 Wend 485, 37 Am. Dec. 271.

\(^{142}\) Above, p. 136; cf. Kidd., 41a.

\(^{143}\) In Deul, 24, 3.
could appoint a sub-agent, because it is a case of נ alan חرحא where the wife's consent is not required. She is in fact not a third party to deal with at all, as she is not asked whether she desires to receive it or not. In other words, the act on behalf of the agent is purely ministerial, and, as in modern law, where the act to be performed is only ministerial, the authority to execute it may be delegated. Even where the act is purely ministerial, where the principal expressly states that the agent himself is to perform the action, the power cannot be delegated. Thus, where the husband says to the agent: ר חרכה "You deliver it", he must do the act himself, unless an accident overtakes him on the way, or he becomes seriously ill, when the authority may be delegated. If, however, he expressly commands him not to permit any one else to do the act, he cannot delegate, even in the case of accident or sickness.

Where the agent, on the other hand, is required to exercise discretion, judgment or skill, or where it may be seen that the agent's appointment is due to the confidence that the principal reposes in him, he cannot delegate the performance of his duties, without the consent of the principal. Thus it is the prevailing opinion that an agent appointed to give Kiddushin to a certain woman, in behalf of his principal, cannot appoint a sub-agent to do it for him. So, also, where the principal has appointed one to hold an article for him, the agent cannot appoint a sub-agent without the principal's permission, because of the confidential character of the relation. The principal may say: "I trusted you, but I

According to some authorities, even if he said: ר חרכה "Deliver," he must do it himself.

Cf. Isserles, ibid.

Cf. note 69.

Tur, Hilket Pi'gadon, 291, 24.
would not trust another”. It is for the same reason that the law holds that a Mursheh cannot delegate his power of attorney to another.\(^4\) As the harsha‘ah is almost always given to sue for a definite article, the principal can say, also here: “It was my desire that you take it, but I did not want anyone else to lay hands upon it”.

The rabbis give us the explanation of this divergence in ruling because מִילֵי נֵינהוּ צְאָזָא "they are words"\(^5\), and there is an express ruling in the Talmud: מִילֵי אֵל מְסָרָה לַשָּׁלָלָה "an agent may delegate an act to a sub-agent but he may not delegate words that are to be spoken or consent that is to be given or asked’’\(^6\)—which is but another form of the way modern law makes the distinction. Thus B, appointed by A to give Kiddushin to C, cannot delegate his authority to D, because his act depends upon the consent of the third party. If, on the other hand, B is appointed to give a get (bill of divorce) to C in behalf of A, he may delegate this act to D, because the act which is purely ministerial, consists in transmitting through another a tangible object, and does not require any words to be spoken nor consent to be asked. So, too, the wife’s agent, appointed to receive the get, cannot appoint a sub-agent, because the action depends first of all upon the consent or will of the husband,\(^7\) and secondly because that which he imparted to the agent was only words.

The sub-agent, where the authority to appoint one is given, is in the same legal status as the first agent, and can, of course, not appoint a second sub-agent, without the consent of the principal.\(^8\)

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\(^4\) Maim. *ibid.*, II, 8; Hosh. Mish., 123, 4. He can, of course, if he gets the express consent of the Mursheh.

\(^5\) Cf. Sh. *‘Ar. Eben ha-‘Ezer*, 36, 5.

\(^6\) *Gittin* 29a.

\(^7\) Cf. Bet Shemuel to Eben ha-‘Ezer 35, 6, for a difference in interpreting the word מִילֵי by the רָבִּי מִרְדְּבי מָרְדְּכי and "Glosses of Mordecai" in the name of מִילֵי מִרְדְּכי מָרְדְּכי, the "Saint of Dreux:"

\(^8\) Eben ha-‘Ezer, 141, 39.
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Purpose of the Relation

The general rule deduced from the principle "A man’s agent is like unto himself", may be thus stated—that an agent may be appointed to do everything that a principal could do himself. 154

This rule goes further in its application than does the modern English law. The latter does not apply the rule to certain acts, which because of their nature or because of a matter of policy, are required to be performed by the person himself. Thus, for instance, the law does not tolerate the substitution of an agent or representative to perform the rite of marriage. 155 In the Jewish law, agency does apply to marriage, and in fact it is safe to presume that the whole law of agency developed from the law of marriage and divorce. 156 Not only could the man marry by proxy, but the woman, too, could appoint an agent to represent her in the marriage ceremony. 157 While this practice of marrying by proxy was quite common to the whole of medieval Europe, 158 it is very seldom practised to-day. There is, however, an interesting American record of such a marriage, worth relating. The Rev. Joseph Jessurun Pinto, who was Minister of the Congregation Shearith Israel of New York in the Revolutionary Days, fell in love with Rebekah, the daughter of Moses de la Torre, of London. Before she came to New York he sent a commission to Dayyan de Crasto, of London, to give Kiddushin to Miss de la Torre for him. She was thus married to him in London, while he remained in New

154 See above, p. 148, where a minor cannot appoint an agent even for that which the minor can do himself.

155 Cf. Mechem’s Agency, par. 126. Exception was at times made in the case of princes, ibid.

156 Kidd., 41a; cf. above, p. 135 f., and note 69.

157 Eben ha-’Ezer, 35, 1; 36, 1. Every condition that the principal made in the appointment must be fulfilled to the very letter, ibid., 35, 7.

158 Cf. I. Abrahams, Jewish Life in the Middle Ages, p. 176.
York. Whether both could marry by proxy at the same time is a disputed question. The prevailing opinion does not permit it.

Just as in the marriage rite, so, too, does agency apply in divorce. A man may appoint an agent to deliver the get to his wife, and the wife may appoint an agent to accept the get in her behalf. All the laws that apply to the principals in the case of divorce apply with equal force to the agents. The prevailing opinion here, too, is that the wife cannot appoint an agent to receive the get from an agent of the husband.

Limitation to General Rule

The general rule stated above calls for one limitation and one important exception.

The limitation to the rule is as follows: Whether a certain act can be performed by an agent will depend upon the validity of the act at the time of appointment and not at the time of performance. A man cannot appoint an agent to do that which he could not do himself at the time of the appointment of the agent, although he might have been able to do it afterwards. Thus A appoints B as agent to marry for him C, whom he believes to be divorced. C, however, is not divorced at the time of B's appointment, but is divorced at the time when B reaches her. B cannot

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160 Eben ha-'Ezer, 36, 12.

161 Ibid., 140, 1; 140, 3.

162 Ibid., 140, 2 and 3.

163 Ibid., 141, 1, end, and הֵלֶּכֶת הָרָא ibid., but cf. Gitin 63b and the Rosh, ibid., who, in name of Hai Gaon, gives contrary opinion. It was not the intention of the writer to elaborate on these laws, as they are already discussed by those who wrote on the Jewish law of marriage and divorce. Cf. D. W. Amram, Jewish Law of Divorce M. Milziner, Jewish Law of Marriage and Divorce.
marry C for A. The fact that C was a married woman at the time of B's appointment invalidates his agency. The general maxim on this point is thus expressed in the Talmud: "A man can only be appointed to do an act, which may be performed at the time of appointment." 164

Exception to General Rule—
Illegality of Act

The one important exception to the above rule is that the appointment of agency must not contemplate an illegal object. Accordingly, an act, which, if done by the principal, would be illegal, cannot be done through the agency of another, and such appointment is consequently void. Modern law, too, recognizes this principle. "There can be no such thing as agency in the perpetration of a crime, but all persons actively participating are principals," 165 The Talmud expresses it: "There can be no agency for wrongful acts," i.e. he who commits a wrongful act, under the direction of his principal, is himself responsible for it. The reason for this rule is that the authority of the principal cannot justify an act prohibited by the divine authority of the law, or, as the rabbis expressed it: "If the Master's (God's) words conflict with the pupil's (the principal's) words, to whom should you give heed?" 166

Thus, in all cases where the act done is illegal, the doer of the act is alone responsible, and the man who ap-

164 Nazir 12b. Tur, ibid., 182. 165 Pierce v. Toote, 113 Ill. 228; Leonard v. Poole, 114 N. Y. 371. He who executes the criminal act is party thereto with the principal who directs it; cf. Mechem's Agency, § 121. So also in Roman law. Rei turpis nullum est mandatum, D XVII, 1, 6, 3; Inst. III, 26, par. 7, 13.
166 Kidd. 42b. The Talmud also builds up this rule by emphasizing the demonstrative pronoun "that," in Leviticus 17.4, "it shall be reckoned sin to that man only."
pointed him or authorized him to do it bears no responsibility. While this is the accepted law, the Talmud shows that there was a strong opposing view held by Shammai the Elder, who did not admit this exception to the general rule, but held that when a man directed a crime, the principal should bear the responsibility for his agent's act, quoting as support for his contention the words spoken by the Prophet Nathan to King David אָֽהַ֣מָּה ההָרְתָּא בְּנֵי עִמּוֹ "Him hast thou slain with the sword of the children of Ammon", although it was not David himself who killed Uriah, but his representative Joab, who carried out David's instruction. But even Shammai adds a limitation to his view, viz. he would hold the principal liable only in the case where the agent derives no personal enjoyment from the act. Shammai, too, holds that a sinful act, the nature of which consists in the enjoyment derived therefrom, cannot be imputed to the principal and the doer of the act himself must bear the responsibility. Thus, an example of a purely religious act is given: If A said to B: Go and eat forbidden food, A is not held responsible—the principle being לא פְּצִית בְּכֵלָל הַתּוֹרָה כְּלָה נְגַה הַחַמָּה בֵּית המָחָהו "we do not find in the Torah any case where one can enjoy the fruits of the act and the other is to bear the responsibility". 16

We must note here the very inclusive nature of the word עִבְרָא "transgression" or wrongful act. It includes all acts that are sinful, i.e. opposed to the laws of the Jewish religion, and also all acts that are criminal in their nature. Whether the act done by the agent was to marry a divorced woman for the principal who happened to be a priest, or whether the act done was to kill a human being at the

167 II Sam. 12, 9, cf. Kidd. 43a. See S. Zeitlin, "The Semicha Controversy Between the Zugoth," Jer. Quart. Rev., New Series, VII, p. 510, for an ingenious suggestion that this statement must be attributed to שֵׁמָּהוּ Shemayah instead of to Shammai. Cf. also I. H. Weiss, Dor Dor we 'Dorshau, I, 142, for an interesting historical interpretation of Shammai's view.

168 Kidd., ibid.
request of another, makes no difference in the application of the law. Both come under the category of wrongful or illegal acts, and there is no responsibility on the part of the principal.

The rule goes even further than that. It applies also to torts or civil wrongs, which arise from negligence or carelessness of an agent or servant in the performance of his duty. While this is contrary to our modern English practice, and may seem somewhat harsh in its rulings, it must be said, in its favor, that it is logical and carries out the purposes for which agency has been established. It must here be noted that many modern jurists of note admit that the English rule "respondeat superior" is illogical and contrary to reason. Thus Sir William Anson, in his work on Contracts, says: "It would be interesting to inquire how far the doctrine of representation in such cases is of modern origin. It may be that the extreme form which Employer's Liability has assumed in English law is an application to modern society of rules which are properly applicable when the master is served by slaves and is liable for injuries done by them, as being part of his property." So also do others, while attempting to find out the basis of the principal's liability in all such actions, admit that the ruling is altogether opposed to reason, and as one writer says,

170 Cf. ibid., 42b.
171 Cf. ibid., 43a.
172 So when one injures or kills another in compliance with the latter's own request or command, the criminal will be found guilty even without malicious premeditation. Cf. B. K. 92a.
173 Cf. Tur, Hosh. Mish., 396, 7. This is contrary to the later Roman and to the modern English law. The Roman law in later stages holds the principal responsible with respect to carelessness or negligence of agent or servant in the course of his duty, applying the maxim: "Respondeat superior," let the principal be held responsible (4 Inst. 114), cf. Pollock on Torts, 5th ed., p. 72ff.; Bigelow on Torts, 7th ed., p. 79, 82.
174 The Sadducees held to the Roman view of Respondeat superior, cf. Mishnah Yadayim IV, 7. Cf. also I. H. Weiss, Dor Dor we'Dorshu, 1, 111.
shows "a conflict between law and common sense." The doctrine of to day", he continues, "took shape under Lord Holt in a conscious effort to adjust the rule of law to the expediency of mercantile affairs.... His reasons are in substance covered by his brief sentence in Wayland’s Case, 'It is more reasonable that he should suffer for the cheats of his servants than strangers and tradesmen'". The Jewish law clings tenaciously to the logical outcome of its rulings and refuses to yield to expediency. For that reason even in the extreme case where A appoints B to dig a pit in a public path, and C is thereby injured, the principle מיה א is applied, and B primarily is held responsible.

In discussing the legality of the act in agency, it is also interesting to note, in passing, a difference of opinion between the Jewish and the modern law with reference to the Shadkan or marriage broker. The English law regards such marriage brokerage as opposed to public policy and therefore the appointment of one is held to be void, even though in the given case no fraud was practised on either party. The Jewish law included the Shadkan in the class of lawful agents, and, indeed, he played a most important rôle in the life of the people, especially in the middle ages, down to almost recent times.

Exceptions to the Exception

There are, however, certain cases where the rule מיה א does not apply. Thus Rabina limits

175 Wayland’s case, 3 Salk. 234, quoted by Wigmore, ibid. The Jewish law was evidently also swayed by public policy, as can be seen from the law that where, in such cases, the agent cannot pay, the principal is then made to pay; Cf. R. Falk Cohen, Hosh. Mish., 292, 9, quoted by Isserles, A. כהנוגיא, evidently agreeing with Lord Holt’s contention, that in such case, where the agent could not make good, it is more reasonable that the principal should suffer than the innocent stranger.
176 Cf. B. K. Sta; Hosh. Mish., 410, 8. See also ibid., 348, 8, note of Isserles.
177 Crawford v. Russel, 62 Barb (N. Y.) 92.
178 Cf. Isserles, to Hosh. Mish., 185, 10; also p. ad loc.
179 Cf. Abrahams, Jewish Life in Middle Ages, p. 173.
the application of this rule only where the representative is a רבע, a responsible party. Rab Sama, on the other hand, limits the rule to cases של לָא עָבְר, where the agent can use his free will either to do or not to do the act. Where the agent is compelled to do the act, even against his will, the rule will not apply and the principal instead of the agent will be held liable. Examining both of these theories we must come to the conclusion that Rab Sama’s is far more logical and is by far the better statement of the law. Indeed, the Rosh, quoting R. Meir ha-Levi, says that the statement of the law which we accept is the one given by R. Sama, and gives as proof a corrected reading of the text, to wit: that Rab Sama presented his view in the presence of Rabina, in the name of R. Iwya, and we have no record of a denial of this statement by Rabina. The silence on the part of Rabina is regarded by the commentator as an admission that Rab Sama’s is a true statement of the law. Rabina’s view could apply only in the performance of religious acts; Sama’s

181 B. M. 10b. It is quite difficult to give a proper English equivalent to this Hebrew expression as used in this connection. In applying it to religious acts, it would mean one who is obligated either to perform, or to abstain from these acts. Applying it to civil or criminal acts, the meaning is not clear at all. It cannot refer to one who is not responsible legally, e.g., a minor or non compos mentis, as the rules of agency do not apply there. The only example—other than those of a purely religious significance—given by Rabina is the case where the stolen article is found in the court-yard belonging to the thief, and it is regarded as if found in the hands of the thief because the court is viewed as the thief’s agent. The court is, of course, not responsible for acts done therein.

182 Ibid. In both these views, the underlying thought is that it cannot here be said כִּהֵן רֶעֶב רֹאשׁ וֹדֶהוּ רֹאשׁוֹ מֵאָשֶׁר, that he was to obey the Master’s words and not the words of his principal—in the former, the master’s words did not apply to him; in the latter, he was not at liberty to make his choice.

183 Cf. Rosh, ibid. See also בַּל עָבְרֵיהוּ. B. M. 10b.

184 The Talmud indeed attempts to offer cases of civil and criminal nature to illustrate instances of לָא עָבְר, non-responsibility, but without success. Cf. B. Mesi’a 10b; 'לָא עָבְרוֹת לְאֵ 若要 עָבְדוּת אֵ 若要 עָבְרוֹת לְאֵ 若要 עָבְרוֹת, but where the answer is given that legally speaking the עָבְרֵיהוּ and עָבְרוֹת, though in their present status unable to pay damages, are nevertheless regarded as עָבְרוֹת לְאֵ 若要 עָבְדוּת responsible with payment deferred until slave is emancipated or woman freed of marital tie. R. Akiba Eger, commenting upon this suggested case of the Talmud, offers a better and more striking answer, viz.: that the reason we say one is not a עָבְרֵיהוּ לְאֵ 若要 עָבְדוּת is because the principle עָבְרֵיהוּ לְאֵ 若要 עָבְדוּת does not apply to him. But here, the עָבְרֵיהוּ and עָבְדוּת must also pay heed to “the words of the Master,” for they, too, are prohibited to steal; hence they are עָבְרוֹת לְאֵ 若要 עָבְדוּת responsible. But this
interpretation applies to all cases of the law. 185

A logical corollary to be deduced from the above statement of the law is the further exception to the general rule that where the Shaliaḥ did not know the act was an עביר or wrongful—where, for example, the undertaking was lawful on its face, and the agent was ignorant of the facts or the purpose which alone rendered it unlawful—the act does not become affected by its illegality and the status of agency remains established.186 Thus, suppose a thief came to an innocent party and asked him as a favor to remove an ox from a certain barn, which he claimed belonged to him, and to watch it for him. The ox was, in fact, not his but belonged to another. The man complied with the thief’s request, and after he removed the ox, it died. The Talmud rules that from the moment the agent removed the ox, it was the act of the principal and the thief alone was therefore responsible.187 The agent, believing that the ox belonged to his principal, and therefore that he had a legal right to remove him, is not affected by the actual illegality of the act, because the principle of the master’s command conflicting with his principal’s does not apply.

close the Talmud's effort to prove that there is a practical difference in the application of these two rules (B. Mesil'a 10b) seems to me to be far-fetched. As to the question of the in both rules would equally apply—the that there is not a but it is also not able to express its own will, hence it is not in the category of a . Even in the cases given—of a religious nature, where the Talmud makes out a case of difference in application—it can be seen that the Talmud stretches the terms used to an unwarranted degree. Thus, where the Kohen asks an Israelite to marry for him a divorced woman, the Talmud says that the agent here is , but does possess freedom to choose whether to do the act or not. Hence says the Talmud, according to Rabina, the Kohen or principal would be responsible. According to Rab Sama the agent alone would be responsible. But to say that the agent is not a simply because the particular law of marriage does not apply to him personally but only to the priest, is begging the question. It would be far more logical to say that he, being the Kohen's representative, acting for the priest, is legally a , and hence he should be responsible. Perhaps this is what the Rosh (ibid.) meant when he said, in conclusion: . Cf. also Tosafot B. Kam. 79a h.t., for a similar forced interpretation.

185 Hosh. Mish., 182, 1; הלוי והנה אד לוכ. So also in modern law; Cf. Roys v. Johnson 7 Gray (Mass.) 162.

187 Cf. Tosafot to B. Mesil'a, 10b; cf. also ראהذهب to Hosh. Mish., 348, 10.
FURTHER EXCEPTIONS—PARTICULAR CASES

In addition to the general rules enunciated by Rabina and Rab Sama, limiting the application of the law with reference to the illegality of the action, the Talmud also enumerates a few special cases, not at all in the class of Rabina's and Rab Sama's exceptions, which are, nevertheless, not affected by the rule. There is first the case of "דנה על הבר" or the inadvertent conversion of Temple property to profane use. There, if an agent committed the act in behalf of his principal, the latter is held responsible, despite the fact that the act was illegal. The Talmud there points out that this exception is based upon the use of "הנרה" a similarity of phrase in two verses of the Bible. The fact of the matter is that the case of Me'ilah presents no further exception, but is another example of the case just discussed where the agent does not know that the act is prohibited. The very act of Me'ilah implies not knowing that it is sacred.

Another exception to the rule is the case, where an animal that was stolen was sold or slaughtered by the thief's representative. There the rabbis decide that the thief must pay the penalty of four or five times its value, and not the agent, despite the fact that the act of the agent was illegal. But here again the rabbis do not rest their case upon legal principle, but upon an analogy between the two cases, embodied in the words "and he kills it or sells it". Just as in selling, two parties are necessarily implied, the seller and the purchaser, so, too, say the rabbis, in the case of slaughtering, two

185 Kidd., 42b. The reference is to the similar use of הינא in Lev. 5. 15, and Num. 17, 32.
186 Cf. Tosafot Kidd. 42b, bot.
187 Simmons (cf. note 83) mentions only the מיעיל case, and says that is the one exception. He evidently overlooked this and the following case.
188 B. Kam. 79a; cf. ibid., 71a. Ṭur, Ṭosh. Mish., 350, 4.
189 Exod. 21, 37.
parties (the principal and his representative) may be implied.

Mention must also be made of the case taught by the school of Hillel, that where a man was entrusted with the keeping of an article and he authorized another to convert it or to misappropriate it, the principal would be held liable, though the illegal act was actually committed by the agent. But here again they make use of a special verse in the Scriptures to permit this exception.

Lastly must be mentioned the very interesting case cited by Isserles in his glossatory comments to the Shulhan 'Aruk that where a man delegates another to act as informer against a certain person, if the man thus delegated had the reputation of being an informer, then the principal in this case, i. e. the man who thus instigated the informer to do his work, will be held guilty. But here again, the exception is not really an exception to the general rule. For as one of the rabbis well notes, as soon as the principal gave the information to the professional informer, he already was guilty of a crime, because, having told it to a reputed informer, he should have foreseen the consequence of his act.

TERMINATION OF THE RELATION

When Purpose of Agency is Accomplished

The relation of agency is terminated as soon as the act, for which the agent has been appointed, has been performed. As to what constitutes performance will, of course, be a question of fact, and will depend upon the nature of the transaction, usage and custom. Thus, the

193 B. Mesi'a 44a; Kidd. 42b; Tur, Hosh. Mish., 292, 7.
194 Exod. 22, 8, the words הוהי נמל תומך. It is interesting to note that the הוהי נמל תומך (commentary to the Tur by R. Joshua Falk Koben, ibid., 297, 7) does not accept this ruling, and says that Beth Hillel must have meant it to apply only in a case where the agent did not know that the article did not belong to the principal.
case of the Shadkan presents an interesting illustration. Whether he will be entitled to his fee or brokerage as soon as the parties agreed to marry or only when the marriage actually takes place, will depend upon the custom in vogue in the particular locality. Where there is no particular custom, the time when the marriage takes place is when the relationship is terminated. Where the custom is to wait until the wedding day, or where no custom at all prevails, the Shadkan has no claim where the parties afterward receded from their compact.

The case of divorce gives us another good illustration. If the principal appoints an agent to deliver a bill of divorce to his wife, she is not divorced, until the agent actually delivered it to her. Until then, the principal may revoke and the agent may renounce his power. In the case where the wife appoints the agent to receive the get, just as soon as the agent receives it in his hands, the divorce takes effect, and the relationship terminates then. She can no longer revoke and he can no longer renounce his authority. Where, however, she appoints the agent to accept the get and to deliver it to her, the divorce becomes effective, only when it is delivered to her, and the relationship is not terminated before. Until she receives it herself, she may revoke the power of the agent.

**Revocation by Principal**

The principal has the power to revoke his agent's authority at any time, with or without a good excuse, and

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196 Isserles to I.Josh. Mish., 185, 10.
197 Idem.—unless previously agreed otherwise. As was stated above, custom differed in this matter. Thus, Isserlein (�ב תובּוּחַ וְלֹא וְלֹא 85) says: "When the match is made the Shadkan's work is done and his wages earned. But in our place, we are not wont to pay the Shadkan's fee till the marriage is celebrated. Elsewhere they pay immediately the contract is drawn up בּוּחַ וְלֹא וְלֹא ."
199 Ibid., 140, 3.
200 Ibid., 140, 5.
whatever the agent does after revocation is not binding upon the principal. This applies to the case where a power of attorney has been conferred as well as in ordinary agency. While he has the power to revoke, he must see to it that the revocation is brought home either to the agent, or to the person with whom he deals, otherwise he will be responsible for his representative's dealings. It follows, then, that where the principal appoints a second agent to do the act for which the first agent was appointed, he thereby revokes the authority of the first. Thus, where A gave to B a power of attorney and later gave another harsha'ah to C; both B and C appear before D with the claim. The law says that D must recognize C, the second appointee, because the latter appointment implies the revocation of the first.

This power of revocation is given to the principal on the theory that inasmuch as the relationship is of a confidential nature, he has the power to select whomsoever he pleases and to terminate his authority whenever he so pleases. Where the agent is a gratuitous one, and therefore suffers no loss because of the revocation, the principle holds good. But what of the Sarsor? Suppose he has already undertaken the performance of the transaction, can his authority to continue in that case also be revoked? The law does not gives us an answer to this question. It seems to me, however, that we may infer what the rulings of the rabbis would be from the very similar case of פועלים day laborers. Either party there has a right to withdraw from the transaction. But it is clear from the statement of the law, that they have this right only before the laborer com-


menced his work, because neither would then suffer any loss. If he already commenced his labors, then the master cannot discharge him unless he pays him as in the case of an idle laborer אפעיל בנים. Applying the same rule we would say that the principal can revoke at all times, even in the case of the Sarsor. But where the Sarsor would, by the revocation, suffer a loss, the principal would be made to pay him the amount of his loss.

Exceptions to the Rule of Revocation

An important exception to the general rule, permitting the principal to revoke the authority of his agent, must here be noted. When the principal hands to his agent a deed of gift, as, for instance, a deed of manumission for delivery to his bondman, the principal cannot revoke his representative's authority and the deed cannot be recalled. The exception here is based solely upon the passion for justice which is noticeable in all the rabbinical decisions. The sages base their ruling upon the principles previously discussed, that we benefit a person also in his absence. Once the master delivered the deed, granting liberty to his bondman, the latter is entitled to the benefit he had intended to confer upon him.

There is a further exception to the general rule, based upon the principle above quoted, that we benefit a person in his absence. If Reuben owed Simeon money, or held in his possession a treasure belonging to Simeon, and, delivering this money or article to Levi, his representative

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205 Tur, Hosh. Mish., 333, 1. 2. Cf. B. Mesi'a 31b, for explanation of term אפעיל בנים: the pay which a laborer would ask for stopping work for which he was engaged (which would be less than he would earn by working). Another opinion explains it: as much as a laborer out of work would take rather than be idle.

206 So, too, in modern law. "While the principal has the power, he has not always the right to revoke, and agent has action against the principal for any damages caused thereby." Brush-Swan Electric Light Co. v. Brush Electric Co., 41 Fed., 163. While he can sue for damages, the courts will not specifically enforce the contract against the principal. Elwell v. Coon, 46 Atl., 580.

207 Gittin 1, 5.
said: "Take this to Simeon to whom it belongs", he can no longer revoke Levi's authority nor recall the delivered article. Once it came to Levi's hands, it was accepted in behalf of Simeon. The peculiarity of this decision is further complicated by the ruling that despite the fact that the principal can no longer recall his agent's power, he nevertheless, remains responsible for its safe delivery into the hands of Simeon. This ruling, presented by Rab, was accepted as law, but Samuel disputes it and holds that the principal remains responsible and may also recall the power of the agent until the article is actually delivered to the third party. Samuel's view certainly is more logical and it is evident that the later authorities, while accepting Rab's decision, did not favor it, and limited its application only to the case when the principal was not an honorable person, the suspicion being entertained that his attempt to recall the agent was prompted

RENUNCIATION BY AGENT

Just like the principal, the agent, too, has the power to renounce his agency at any time, and the principal can have no legal claim against him.

BY CHANGE IN CONDITION OF PARTIES

Agency is likewise terminated if there is a change in the condition of the parties. Death of either party puts an end immediately to the relation. No act of the agent, after the principal dies, can bind the heirs of the principal, nor can the heirs benefit by his acts, unless they adopt him as their agent. Although, as we have seen before,

108 Gitin 14a: Hosh. Mish., 125, 1. This applies only to cases of debt or bailment, not in the case of gifts. Hosh. Mish., 125, 5.
109 Hosh. Mish., 125, 1.
110 Gitin 14a; Hosh. Mish., 125, 2.
111 Tur, Hosh. Mish., 183, 1. Cf. Barrow v. Cushway, 37 Mich., 481, for similar ruling, where the agency is for an indefinite period or is an agency at will.
112 Eben ha-Ezer, 141, 41. Git., 1, 6; ibid., 13a, f.
113 Above, p. 168 and p. 138.
by his desire to defraud the rightful owner of the article.
notice of the revocation of an agency is generally necessary,
yet when it is revoked by death, the revocation takes effect
at once, even as to persons ignorant of the principal’s
death.\textsuperscript{215} It is for that reason that the codifiers advise a
third party, in dealing with an agent, not to give up an
article belonging to the principal unless the agent bears a
\textit{harsah'ah}. Without this power of attorney, if, when he
gave up the article to the agent, the principal was dead,
and the agent lost it or met an accident on the way that
prevented his returning it, the third party would be liable
to the principal’s heirs, for the reason that the moment the
principal died, the agency terminated, and the third party
gave up the article at his own risk.\textsuperscript{216} Where the agent, on
the other hand, bears an \textit{harsha'ah}, his power does not lapse by the death of the principal, as he is, in legal effect
at least, an assignee of the claim and acts in his own right.
It is for that reason, too, that the third party must always
recognize the \textit{Mursheh}, and cannot say to him: I fear to
recognize you lest your authority has been revoked.\textsuperscript{217}
Once he displays the \textit{harsha'ah}, he has a legal claim, and
unless the third party has absolute knowledge of his re-
vocation, he must deal with him.\textsuperscript{218}

The subsequent occurrence of imbecility or deafness
and dullness of the agent or principal will also terminate

\textsuperscript{215} For a similar ruling in English Common Law cf. Farmers’ L. & T. Co. v.
Wilson 139 N. Y., 284. In the Roman law, if the mandatory while ignorant of the death
of the principal does act \textit{bona fide} within his authority, the heirs of the principal are
to be bound by what is so done. Inst. III, 26, 9, 11; Dig. XVII. So also, while death
of either party ordinarily revokes, where it appears that the transaction at the time
of the death was in such a state that there could not be a revocation, the liabilities
will devolve upon the heirs. D XVII, 1, 2, 6; idem XXVII, 3.

\textsuperscript{216} Hosh. Mish., 122, 1.

\textsuperscript{217} While death does not automatically revoke in the case where one has a \textit{har-
sha'ah}, it is nevertheless possible for the heirs of the dead principal to revoke the agency.
Hence, where the third party is apprised of the death of the principal, he is advised
not to recognize the \textit{Mursheh}, for he can fear that the heirs have revoked the agency;
\textit{cf. דועת the \textit{ibid.}, quoting the ה"ש and the הל"כ}. 

\textsuperscript{218} Maim. III, 10; Hosh. Mish., 122, 3.
the relation. The same reason that operates to suspend an agency during ineligibility affects its revival upon the restoration to eligibility.

Where the Parties are Joint

We have already seen that where the principals are joint, the agent, while he can renounce his agency with respect to all, cannot renounce with respect to part of his principals. So, too, where the agents are joint, it is to be presumed that the principal desires their joint action and judgment. And indeed, there is a view expressed to the effect that the revocation or the renunciation of part of their number or the death of one of their number, would terminate the agency of all. The law, however, is not so, and decides that even where part of the number renounce or have their agency revoked, the status of the remainder is unaffected.

Where there are Sub-Agents

Where authority is given to the agent to appoint a sub-agent, it is presumed that the power of the latter proceeds from the principal, and is therefore not affected by the death of the agent who appointed him. If the principal, on the other hand, dies, the authority of the sub-agent as well as of the first agent is revoked.

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219 This may be inferred from Eben ha-'Ezer, 141, 32. This would be a case of terminating agency. So, too, in modern law after occurring insanity terminates agency. Story's "Agency," § 487.

220 Eben ha-'Ezer, ibid., see above, p. 152. Cf. also for a similar modern decision, Harris v. Lane, 10 N. H., 156.

221 Cf. above, p. 153.


223 Cf. Eben ha-'Ezer, 141, 39; cf. above, p. 155.

224 Eben ha-'Ezer, 141, 39; cf. above, p. 155.

225 Eben ha-'Ezer, 141, 41.

sub-agent, unlike the death of the first agent, does not terminate the relation, and the first agent can either proceed with the work himself or appoint another sub-agent to continue the transaction.  

LEGAL EFFECT OF THE RELATION

Obligations of Principal to Agent

If an agent is appointed to perform a certain act for his principal, he is entitled to be reimbursed for all sums which he has paid out in the course of his agency for his principal’s benefit. The outlays, however, must be only for the ordinary, regular or customary expenses that were reasonably necessary. The principal is not responsible for expenses unreasonable in amount or unnecessary for the performance of the agency.

Where the agent, in the pursuit of his mission, suffered a personal loss, either monetary or physical, he cannot claim indemnity therefor from the principal. Even where, because of his undertaking the act of agency, he would become a captive or a prisoner, he cannot demand that his principal shall redeem him.  

The Anglo-American law discusses at length the question whether or not an agent may claim indemnity for the consequence of his act, if the act was illegal, but the agent was ignorant of its illegality, and comes to the conclusion that the agent has this right. Thus, an auctioneer who innocently sells for his principal goods belonging to a third person is entitled to indemnity in case he is obliged to

227 Eben ha-'Ezer, 141, 42.

228 Isserles, Hosh. Mish., 182, 3. Cf. for a similar ruling Maitland v. Martin 86 Pa. St., 120; Goodman v. Meisel 65 Ind., 32. Roman law also held that mandator was bound to recoup the mandatory for expenses incurred.

229 Isserles to Hosh. Mish., 176, 48. Where, however, he is a gratuitous agent, the prevailing opinion is that he can demand of his principal to liberate him (ibid.)  

In modern law the agent is entitled to indemnity against the consequences of all acts performed in the due execution of his authority, which are not illegal or due to his own default, Cf. D’Arcy v. Lyle 5 Binney (Pa.). 441; Saveland v. Green 36 Wis. 612.
respond to the true owner for conversion. In Jewish law this problem could not arise, because the agent cannot be sued, once he acted on good faith, not knowing that the act was illegal. The principal alone, in a such a case, would be responsible, and he alone could be sued by the injured party.

**OBLIGATIONS OF AGENT TO PRINCIPAL**

**Must Obey Principal's Instructions**

If the principal in appointing the agent specified certain conditions which he desires the agent to perform in connection with the act of agency, these conditions must be fulfilled by the agent. If he goes beyond his power he "does not effect anything", that is, his acts are void. Thus if A authorizes B to sell his house to one man and B sells it to two, the sale is invalid. Or, if A sends B to pay a debt which he owes to C with the instruction to take back from C the note which he holds as proof of the debt, and if B returns the money without asking for the note, B, the agent, will be responsible for any loss that A may suffer thereby. The principle underlying these and similar rules of the law is expressed in the words that the principal may always say to his agent: "You are to benefit me by your service and not to injure me".

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232 See above, p. 164.
233 Cf. also מָמֵי הַמְּשָׁקָה to Hosh. Mish., 182, 3, beginning מָמֵי הַמְּשָׁקָה where a somewhat similar case of indemnity is discussed.
234 Maim. I, 4.
236 If, however, the principal, when authorizing the agent, did not mention the note, the principal cannot hold the agent, if the latter returned the money without asking for the note, *ibid*.
237 Ketub. 99b; B. Bat. 169b; Kidd. 42b.
Good Faith

Thus anything done by the agent that tends to work harm to the principal, invalidates the act and cannot affect the principal. Thus, if the Mursheh violates his trust by selling his power of attorney to the debtor or by canceling the debt, the act, as affecting the principal, will be of no value, unless, of course, the authority was granted with the accompanying condition that whatever the agent will do shall bind his principal.238

Negligence of Agent

The agent, whether paid or gratuitous, is obligated to use reasonable care in whatever he undertakes to do, else the principal may hold him liable for any loss sustained.239 Thus, if A gave money to B wherewith to purchase wheat, and B did so, but placed the wheat in a house where the rain was likely to injure it, the agent will be held responsible for the damage occasioned thereby.240

As to Honesty of Agent

If the agent pleads that he met an accident and thereby sustained a loss in the article belonging to the principal, then, if the agent can bring witnesses to prove his claim, he is relieved from all liability for his loss. If he cannot bring any witnesses, then, if the accident occurred at a time and place, at which it was not likely that others should witness it, the agent must take the oath that is usually administered in such cases to bailees, and he will not be held further responsible. But where the accident happened in a public place, where witnesses were undoubtedly present,

238 Maim. III, 9: בָּלָּל דָּאָא נְסָסַטָא קַיֵי.
239 So, too, in Charlesworth v. Whitlaw, 74 Ark., 277, 85 S. W. 423; Preston v. Prather, 137 U. S. 604. In Roman law, however, an agent, though gratuitous, must show omnis diligentia, failing which he must pay damages.
or where it is claimed that the accident was seen by other people, the agent, in order to be relieved from liability must produce witnesses to prove his claim, else the principal may hold him liable for his loss.241

In fact, if the principal has a suspicion as to the honesty of the agent who represented him in a transaction, if he has reason to believe that he did not turn over to him all the money that he made or all the goods that he purchased, he has a right to demand that the agent take an oath that he did not act dishonestly. This he may do even though the agent was a gratuitous one and derived absolutely no benefit from his agency.242

Agent’s Liability for Loss

We noted above that in their legal effect there is no difference between the Sarsor and the gratuitous Shaliaḥ.243 There is, however, a difference in the cases where the agent bears a liability to his principal for money or articles belonging to the latter. The Sarsor, receiving pay for his services, is regarded like a וֹסֶר שֶמוֹר “paid bailee” and is therefore held responsible also in the case where the article is lost or stolen.244 The Shaliaḥ, who serves gratuitously, is regarded as the וֹסֶר חַפֶּשׁ “gratuitous bailee”, and is held liable only in the case of gross negligence,245 and is free from liability in all other cases.

Agent Who Fails to Perform

An agent, whether paid or gratuitous, cannot be held liable for a mere non-feasance, where he has never entered upon the undertaking. Thus if A says to B: Here is money, purchase therewith some fruit for me, and B fails to pur-

241 Maim. II, 9; Ḥosh. Mish., 187, 1, 2.
242 Maim. IX, 5.
243 See above, p. 130.
244 Ḥosh. Mish., 185, 7. He is held liable even if he lost it while on the way to return it; ibid.
245 Cf. for a similar ruling in case of gross negligence in gratuitous agency, Whitehead v. Greitham, 2 Bing, 464.
chase, A has no legal redress. While the rabbis do not allow him any legal claim, they imply that the agent, in not fulfilling this agency, did not act in a fitting manner, and the principal has cause for moral grievance and complaint.

**Where Agent Buys for Himself Instead of for the Principal**

We have just seen that an agent is not held legally liable when he fails to perform an act of agency which he has undertaken to perform. We have also learned that an agent may renounce his agency at all times. An interesting question now arises: Suppose A appointed B to purchase for him certain goods. B does not purchase it for A, but does purchase it for himself. Has A any claim against B? Logically, following out the above rules, it would seem that he has not. He can claim that he renounced his agency in behalf of A. So, too, he can say to A: If I had not purchased it at all, you would have had no legal redress. Why should you be able to hold me liable if I bought it for myself? This argument is a logical and a valid one, on one condition however, and that is if the agent made no use of the principal’s money in conducting the transaction for himself. This is, evidently, the view of the Talmud. While it does not countenance his act, though he used his own money in the transaction, and even terms him a ‘cheat’ for acting in such fashion, it nevertheless rules that the principal has no legal claim against him. The Talmud derives its ruling from the following interesting case: If A commissions B to marry for him C, and B marries her himself, she remains the wife of

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247 Above, p. 170.
B, though B’s action is not to be regarded as honorable. But it is to be remembered that the case applies only where the agent used his own money in marrying C; where, however, he used the money of his principal, it is held that the marriage to B is not valid.

And so, too, Maimonides states the law that where the agent put aside the purchase money that he took from the principal in order to return it to him, and used his own money in purchasing the articles for himself, the principal has no legal redress, though it is the action of a cheat. But, on the other hand, where the agent used the money of the principal, the latter may compel him to turn the goods thus purchased over to him, and if the agent, instead of keeping the goods for himself, resold it to another and made profit out of the transaction, he may be compelled to give up to the principal all that he thus earned. Even if the agent, in using that money declared himself a borrower of his principal, he cannot keep the article for himself, as long as the money used was that entrusted to him by the principal.

A compromise view is suggested by the Maggid Mishneh that if the agent, before purchasing the goods for himself, renounces his agency before witnesses, in such a case he may declare himself a borrower of his former principal

248 Kidd. 58b, 59a. Cf. Eben ha’Ezer, 35, 9. Where, however, the woman expressly stated that she does not want to marry his principal but is willing to marry him (the agent), he may do so, and his action will not be regarded as the act of a cheat. Cf. Tosefta, Yeumot, ch. 4. Additional halachot are found in voluminous halachic works. For a discussion of the matter, see ibid.

According to the Gaon, the agent is a cheat only in the case where the principal designated the third party from whom he was to purchase the article; otherwise, principal would have cause for grievance only. Where, however, the article purchased was something of unusual value—as an antique or costly jewelry—there, even according to the Gaon, the agent would be a cheat if he purchased it for himself, even though the principal did not specify the party from whom the purchase was to be made.

249 Cf. Shabbat 21b and Eruvin 22b to Tur, Eben ha’Ezer, 35, 9, both quoting the Mordecai, who states that the Talmud must be understood in this fashion.

250 Maim. Mekirah VII, 10.


252 Hosh. Mish., 183, 3; cf. Maim., ibid.
and purchase for himself. There is, however, very little warrant for this view in the Talmud, and Maimonides and Al-Fasi expressly state that even where he can prove that he renounced his agency before witnesses, he cannot purchase for himself, but must deliver the goods to his principal.

Where the agent can prove that the third party did not care to deal with the principal but was willing to deal with him, in that case the agent is permitted to purchase the goods for himself, but he must, of course, use his own purchase money. Even here, however, he is in duty bound to first make the fact known to his principal. Where there is a possibility that while he will take the time to notify his principal, the goods will be sold to another, he may purchase it immediately and inform his principal of the fact, after the transaction.

Can an Agent Sell to Himself?

In the case where an agent, authorized to sell something for his principal, purchases the article for himself, we see a striking similarity in the decisions of the Jewish law and the modern cases. The general rule is that an agent cannot purchase such goods for himself, even at the stipulated price that the agent was authorized to sell, unless he has the express consent of his principal. Where the agent paid him the money he asked as its purchase price, and the principal accepted it, agreeing to the sale, the sale is, of course, valid and the principal cannot afterwards cancel it. Where the price was not specified by the principal,

253 Maggid Mishneh, to Maim. Mekirah VII, 12.
255 Maim. Mekirah VII, 11; Hosh. Mish., p. 183, 2. This was the case of Rab who was given money by Rabba bar Bar Hana, Kidd. 59a. Cf. also Storey v. Eaton 50 Me. 219.
257 Hosh. Mish., 185, 3.
there is no doubt that, under no circumstances, can the agent sell to himself. If the agent did sell to himself, and afterward resold it to another at a profit, the principal can demand the sum thus realized plus the profit. This rule, prohibiting the agent to sell to himself, was so strictly followed, that even in the case where a principal appointed an agent to sell his field, the latter could not purchase it for himself, even though he was a neighbor—the right of preemption. Not only that, but by acting as agent the law assumes that he has given up the rights that he had before; and thus, if he sold the field to a third party, and he is himself a neighbor, he is afterwards denied the right to pay off the purchaser and to take the land for himself.

The Roman and the English law base their decisions on the ground that the relationship is founded on the confidence that the principal reposes in the agent, and therefore that the agent dare not do anything that may tend to violate this faith of the principal. Jewish law bases its decisions, in these cases, also upon the element of confidence, and says that by selling to himself the agent is tempted to show lack of that good faith that he must always display. The rabbis, however, have another reason to justify their strictness. Carrying the principle א""""A man's agent is like himself"" to a logical conclusion, they say that even where there is no doubt as to the good faith of the agent, as where he was told to sell at a specified price, he is not permitted because the principal can say to his agent: "Who sold it to you? I appointed you to sell, and selling comprises the transfer.

258 Responsa of ר""""A man's agent is like himself"" quoted by ibid., 185. Cf. Motley v. Motley 42 N. C. 211 for a similar ruling.
259 Cf. B. M. 108b; Ḥosh. Mish., 175, 16.
260 ibid.
261 Cf. באה ומאש to 175, 16.
of a thing from the ownership of one person to that of another. You are my alter ego. The article, therefore, did not leave my ownership. It is as if I sold to myself, which is, of course, impossible."

Can an Agent Represent Both Parties?

Whether an agent may represent the third party as well as his own principal in the same transaction is not definitely decided. In the matter of divorce, the law remains undecided whether the wife can appoint as her agent to receive the get the party who is also serving as her husband's agent to deliver it to her. An agent who is appointed to collect a debt or to pay a debt can act in behalf of the third party. But this is an exceptional case as we can see from the rulings above mentioned, because of the principle of benefiting a person in his absence. In fact, the moment the money is placed in his hands to deliver to the third party, he automatically becomes, in legal effect, the representative of the third party, though his principal remains responsible for its safe delivery.

In the ordinary cases of selling or other business transactions, the matter remains undecided, though it seems to me that he should not be able to represent both. All such cases require transfer of property from one possession to another. By his acting for both such a transfer would be impossible.

As to Extra Profits

When the agent, engaged in a certain transaction in

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262 Cf. Tur, 185, 3, in the name of Rashba. But compare to Tur, 185, 2, bot.
263 cf. Gittin 63b; ת"ש א"ד, מ"ת, ס"ד, ibid.; Eben ha-Ezer, 141, 1.
264 Cf. above, p. 170.
265 cf. above, in name of ת"ט.
266 Cf. above, note 262. Modern law does not permit it, when the two parties have opposing interests, and each requires discretion and judgment. McDonald v. Maltz 94 Mich. 172. When, however, he merely serves as middleman, not in a capacity which implies trust or confidence, he may. Montross v. Eddy 94 Mich. 100.
behalf of his principal, succeeds in getting a bargain, i. e. he secures the article at a lower price than that specified by his principal, or sells it at a higher price than that mentioned by him, the extra profit belongs to the principal.\textsuperscript{267} Thus if A commissioned B to purchase for him wheat at a certain price, and B succeeded in getting it at a lower price, the amount thus saved is for the benefit of the principal.\textsuperscript{268} So, too, if the agent is given an extra measure or larger weight by the third party, the extras also belong to the principal. We noted previously the case where a principal tells his agent to sell the article for four dollars and the agent is successful in getting six. Here, too, the decision is that the surplus profit belongs to the principal.\textsuperscript{269} The rabbis, however, limit the application of this general rule only to those cases where the article sold or bought has no market value. The agent is in duty bound to do his best to serve his principal. Where there is no market value, we assume that the agent did thus serve faithfully and tried to get as much as possible for him in whose behalf he served. When, however, the article had a definite market value, the rabbis decree that the surplus gain is to be divided equally between the agent and the principal.\textsuperscript{270} For both have equally just claims; the agent can claim: The gain is mine, as it was meant for me, inasmuch as the price paid was more than its market value. The principal, again, can say: You made the gain in my transaction and through the use of my money or goods. The profit is therefore divided between them, giving satisfaction to both.\textsuperscript{271}

\textsuperscript{267} Maim. I, 5; Tur, 185, 1. 3. Cf. Ketub. 98b.

\textsuperscript{268} Maim. \textit{ibid.}

\textsuperscript{269} Above, p. 135; Tur, \textit{ibid.}

\textsuperscript{270} Maim., \textit{ibid.}; Hosh. Mish., 183. 6. When the third party states expressly that he gave the extra measure to the agent himself, the principal cannot claim it. Cf. Isseries, \textit{ibid.}, quoting RaN and a response of RaMBaN.

\textsuperscript{271} Both the Roman and the English law sternly prohibit the agent from keeping unto himself profit or gain accrued, but must in all cases turn it over to principal.
Where the Agent Went Beyond the Powers Conferred Upon Him

We have already mentioned the principle underlying the whole relationship between the agent and his principal, namely, that the principal can always say to him לָהֶם מֵעַליָּיְהוּתךָ וְלֹא אֵלֶּה מִבְנֶתי "you have been appointed to benefit me and not to cause me loss." This principle is scrupulously followed by the rabbis. There is only one exception to it, viz. where the principal, in appointing him, conferred upon him unlimited authority in that he expressly agreed to whatever his agent will do, whether it will be to his benefit or hurt, otherwise the rule holds that the principal is not to suffer because of an act done for him by his representative. Thus, a transaction negotiated by an agent may be set aside if the other party to it was guilty of "over-reaching", or if it was a mistaken transaction, even though the amount concerned was less than one sixth of the value, though, if the transaction was negotiated by the principal himself, it would not be set aside, because one-sixth is the limit allowed between parties dealing with each other in person. It would be set aside, too, though the purchase or sale was of land or of a bond, to which the law of over-reaching does not apply.

Where the agent deviates from his principal’s instructions, the transaction may be set aside. But where, because of the transaction, the principal is made to suffer loss, the agent will be held liable to him for the full amount of his loss. If, in the same transaction, there was a profit or gain, the gain, on the other hand, will belong to the principal. This applies with equal force to the gratuitous

274 Hosh. Mish., 188, 5. So, too, in Roman law if the mandatory exceeds the powers conferred on him by the mandator, the latter was not bound by his acts, D. XVII, 1, 5.
as well as to the paid agent. Thus if A commissioned B to purchase wheat, and B purchased barley instead, the agent will be held responsible for any loss suffered by the principal in the transaction, while if there is a profit, the profit will belong to the principal. We must not confuse the various rulings in these cases when the agent deviates or transgresses from his principal’s orders. The principal may refuse to accept the results of the transaction. In that case, the transaction is of no value, and the principal cannot be held liable either by the agent or by the third party. If he wants to avoid the transaction, he has a right to do so even if the agent offers to make good any loss sustained. What we mean when we say that if there is loss in the transaction it must be borne by the agent, or if there is a gain it goes to the principal, refers to those cases where the principal desires to ratify the transaction in question. Here we say that he may do so, and, in addition, he may hold the agent for any loss suffered or for any extra profit made in the transaction. In other words, a transaction in which the agent did contrary to his principal’s instructions, is not void but voidable only at the discretion of the principal. We shall now be able to better understand a decision as given by Maimonides, and stated by the later codes, which, upon its face, seems to be unreasonable, but as interpreted by the commentators, follows the rule I have just formulated: A authorizes B to purchase for him a plot of land from C. B buys the land but without taking

273 Maim. II, 6, 1, 5; Ḥosh. Mish., 183, 185, 1. In Roman law if agent deviates from instructions, principal also had right to all advantages, but was not responsible for disadvantage; Gaius Bk. III, 161, Inst. III, 26, 8.

274 ibid., 183, 6. The Talmud presents the divergent views of R. Meir and R. Judah as to this ruling: the former regards the very deviation as termination of agency and therefore the agent takes possession for himself. According to him, the profits as well as the losses will be his. R. Judah holds that the deviation does not terminate the relation. Therefore the profits belong to the principal. Where there is a loss the principal may say to him: You were to benefit me and not to injure me, you must therefore, stand the loss. Cf. B. K. 102b.

275 Tur. 188, 5; cf. 72a comment to the words 72a 72b, ibid.
a guarantee of title. B must take the land for himself, without the guarantee as purchased, and A can force B to give him his own personal guarantee. This decision, as it stands, seems to be opposed to the general rule that when, by the agent's carelessness or deviation, the principal would suffer, the principal could not be held liable in the transaction. And so RABeD rightly asks: Why should it be so? If there was a mistake in the purchase, the principal should have the right to annul the entire transaction. And he gives us as answer the statement that this is a case where the principal wanted the land and was willing to ratify the sale, even without the third party's guarantee. The act was therefore voidable and he had the legal right either to refuse or to accept the land. The agent, however, was careless and did not serve his principal with that spirit of faithfulness and devotion that is required of him. He must therefore give to his principal his personal guarantee, if the latter desires to ratify his act. This interpretation could also be inferred from the wording of the law as stated by Maimonides: "The agent takes the land unto himself without the guarantee and reconveys it to his principal with his own guarantee since he purchased it with his principal's money". The latter phrase has no meaning, unless we take it to mean that the principal cannot be forced to purchase the land, but if he desires the land, he may have it and force his agent to give his own guarantee, since he purchased it with his principal's money.

The Talmud, in discussing the legal consequences of an agent's act, if he went beyond that which he was authorized to do, makes a fine distinction between the agent who

278 Maim. I, 3; IJosh. Mish., 182, 6. In this case it is presumed that the third party expressly told the agent that he will not give a guarantee, otherwise the omission of guarantee would be regarded as a scribe's error and the guarantee would be inferred. Maim. Mekirah, XIX, 3; B. B. 169b. Cf. Kesef Mishneh, ibid.

279 Cf. also Kesef Mishneh, ibid., quoting RaN to the same effect.
totally disregards and violates his principal's commission מעבר על דברי, and the one who does perform but who, of his own accord, adds to the errand of agency something that he was not authorized to do. The former is a case of חזיון injury, and the principal has a right to regard the act as invalid; in the latter instance, the act authorized is valid and binds the principal, but the additional act done unauthorized is invalid and is voidable at the will of the principal. An example of the latter case follows: If A engages B to sell one acre of his land, and B sold two acres, the sale of the one acre authorized is regarded as valid, while the sale of the additional acre is cancelled.

Where A engages B to sell two acres and B sells only one, there doubt was expressed as to whether this was a case of violation or of simple overstepping his order. The law decides that this is a case of violation and the sale of the one acre is therefore held invalid. The reason for this ruling seems to be the aversion to troubling the principal to write out several deeds of sale or to making him deal with more than one party.

Obligations between Principal and Agent and the Third Party

Among the later authorities the opinion gained ground that in a case where the principal desires to have the transaction regarded as invalid because his agent went beyond the powers conferred upon him, the third party may, in such a dispute with the principal, claim that the

280 Ketubot 98b; Maim. I, 4; Itosh. Mish., 182, 8.
281 ibid.
282 The same ruling applies where the principal ordered him to sell to one party and he sold to two; cf. ibid. Nahmanides, quoted in Kesef Mishneh, even goes so far in his decision, that where the agent sold to two parties on one bill of sale, even then it is a case of חזיון and the principal can cancel it. He can claim that he does not want to bother with several parties. It is this reason, too, that is given for the rule that where an agent says: I am purchasing this land for my principal, and the deed is written in his principal's name, he cannot afterwards say: I purchased it for myself, write me another deed in my name. Maim. II, 5.
principal has given to the agent this wider authority, and the principal will have to bring witnesses to the contrary, if he wishes to be relieved of the agent’s bad bargain.\(^{283}\)

In all the cases where the principal is given a right to avoid the transaction because of the agent’s acting beyond his authority, it must be noted that this right is conferred upon the principal alone. Where the principal is willing to stand by his agent’s act, the third party cannot avoid it, on the ground that the agent went beyond his powers.\(^{284}\)

The rules of law stated in the above chapters with reference to the principal’s right to disregard all unauthorized acts of his agent, applies only in the case when the third party knew that he was dealing with an agent.\(^{285}\) If the third party, however, did not know that he was dealing with an agent but thought that the agent was dealing for himself, the transaction will be regarded as valid between him and the agent, and the principal has no legal redress against the third party, but must sue the agent for any loss sustained.\(^{286}\) Thus, the case noted above,\(^{287}\) where an agent purchased land without a guarantee, and was compelled to take for himself and to re-convey it with his own guarantee to the principal, was explained by Rabbenu Nissim to refer to a transaction in which the principal was not disclosed. The agent, dealing in his own name, therefore had to stand by the purchase, while the principal, if he desired the land, could compel the agent to re-convey it to him with his personal guarantee.\(^{288}\)

We note from this that Jewish law did not adopt the

\(^{283}\) Tur., 182, 8, quoting RaMA.

\(^{284}\) Cf. ת"ע רמב"ד , 185, 6.

\(^{285}\) Jewish law does not hold that it is the duty of the agent to disclose his agency, cf. Rosh to B. Ḳ. 102b. Unless the seller, at time of sale, expressly states that he would sell only to him and not to anyone else; in that case he must specify the third party of his appointment, or acquire it for himself, and the principal will have to acquire it from agent. Cf. also above, note 61.

\(^{286}\) Maim. II, 4; Hosh. Mish., 182, 2.

\(^{287}\) Above, p. 185.

ruling of the modern law with reference to the undisclosed principal. Where the agent deals in his own name, and does not disclose the fact that he is dealing in behalf of a principal, the latter will have no claim upon the third party, and the third party will be able to say to him "you are not my adversary", I have no dealings with you. The third party, upon discovering that the transaction was not in the agent's own behalf, will also not be able to sue the principal for the same reason. Whether the principal could be sued by the third party if he makes use of the article purchased by his agent, and the agent refuses to pay, is a different question, and the decision will rest not upon the rules of agency, but upon the ordinary rules of quasi-contract.

Even when there is a dispute between the principal and his agent as to whether the agent fulfilled his commission or not, e.g., if the principal claims: I told you to sell the article for $100, and the agent says: You told me to sell it for $50, and I sold it for that sum, if the third party knew that he was dealing with an agent, he will have to return the article or money secured to the principal. This decision suffices to prove to what extent the rabbis went to protect the principal, and also to show how careful a third party had to be when he knew that he dealt with an agent.

Where an agent disposes of his principal's property beyond the scope of his authority, as, for instance, where an agent sold an article which he held in his possession that belonged to his principal, without being author-

289 The Common Law as well as the Roman clung to the doctrine of Privity of Contract. Contrary to this doctrine, modern law established the sweeping rule that an undiscovered principal may both sue and be sued upon a contract made in his behalf or to his secret use by his agent, to the same extent as a disclosed principal, although the third party gave exclusive credit to the agent supposing him to be the principal. Cothay v. Fennel 10 R&c. 671; Kayton v. Barnett 116 N. Y. 625.

290 Maim. II, 6. RABE D (ibid.) disagrees with the decision of Maimonides and rightly says that it opens the way for the principal and the agent to conspire in order to get the article back, if they regret the transaction.
ized to sell it at any specified price, the third party will be in duty bound to return it to the principal.291

Where the agent has been appointed to deliver a debt due a third party and the third party happens to be indebted to the agent himself for a previous debt, the agent can set off or deduct from the money that he collected the amount due him, and the third party will have no further claim against the principal. This, however, applies only in the case where this party admits the debt, admits that it is now due, and also makes claim that he has no other possessions from which the debt can be paid. But if he denies the debt, or if he has other possessions, the agent cannot keep for himself any of the moneys he collected. Furthermore, if the agent refuses to give up the money, the principal can be sued by the third party for the amount.292

We have learned above293 that when the agent was deceived in the transaction by the third party, even when the amount was a mere trifle (less than \( \frac{1}{6} \) its value), the transaction would be set aside. When, however, the third party had been deceived by the agent, the same rule does not apply and he is governed by the one-sixth limit allowed between parties dealing with each other in person.294 While this view, given in the name of R. Jonah, is the accepted one, there is also a strong opposing view. Hai Gaon held that just as the agent so also the third party could set aside the transaction if the amount concerned by the agent’s overreaching was even less than one-sixth. He compares this case to the one where the Bet Din, the Court, sells goods in behalf of orphans. There, the rule of overreaching is used for the benefit of the purchaser as well as for

291 Maim. II, 7; Hoeh. Mish., 185, 6; but see Isserles, ibid. So also in modern law; cf. Thompson v. Barnum 49 Iowa 392.

292 Hoeh. Mish., 125, 3. The modern law does not permit the agent to deduct or to set off a debt due to himself in a matter not arising out of the agency. Melvin v. Aldridge 81 Md. 650.

293 Above, p. 183.

294 Tur, 182, 9.
the orphans. R. Jonah, however, points out a distinct difference between the two cases, when the Bet Din sells for the orphan, it is at the same time the agent of both the orphan and the third party, hence the law of overreaching applies to both. Here, however, the agent does not represent the third party, and hence, the latter cannot invoke the benefit of this rule.

**Presumptions of Law**

Until there is definite notice of the principal's revocation of his agent's power, there is a presumption that the agent is authorized to carry out his commission, and the third party has the right to rely upon this presumption.

There is also a presumption of law to the effect that an agent has done his duty and has fulfilled his commission, until the contrary appears. This presumption has led the rabbis into a discussion of a very complicated nature. What would happen if A sent B to marry for him a woman whom he considered suitable, and B dies without A knowing with whom he entered into the marriage contract in his behalf? The presumption of law being that B fulfilled his commission, A would be prohibited thereafter from marrying any woman who had relatives living, lest his marriage would be one in violation of the laws of consanguinity. His only remedy would be to marry a woman whose immediate prohibited family relations were all dead or one who never had any.

**Conclusion**

The subject of agency is closely allied with other subjects where certain topics play a most important rôle.

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293 The Rosh agrees with the latter view, which is accepted as the rule of law; cf. * Ketubot XI. 17; Bet Yosef to Ṭur, ibid.
294 Hosh. Mish., 122, 2; cf. above, p. 138.
296 *Giṭṭin* and *Eben ha-‘Ezer*, ibid.
The writer has, therefore, limited himself to a discussion of those rules of law that belong to Agency in particular, and has omitted all discussions of those rules which, while applicable to Agency, form subjects in themselves. Thus he did not discuss the law pertaining to Oaths, though Oaths play a prominent part in the relationship of Agency, where there is a dispute between the parties with reference to the acts of the agent. He has omitted also the law dealing with the eligibility of an agent to give evidence in a dispute in which he is an interested party, a subject well treated by all writers on Evidence in Jewish Law.

The writer has also deliberately omitted discussions of those laws that deal with agency in religious matters, e.g. the question of the priest, whether, when he performed the rites of sacrifice, he was to be regarded as the representative of the Almighty or the agent of the Israelite who brought the sacrifice; or the laws relating to the נוֹבֵר representative of the Jewish community in their religious service.

The writer believes, however, that a sufficient presentation has been made to prove how far advanced, nay, how almost modern, the Jewish rabbis were in their treatment of this complex relationship between a principal and his representative.

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299 For a discussion of this subject cf. Z. Frankel, *Die Eidesleistung der Juden*; J. E. Tyler, *Oaths*.
ILLUMINATED HAGGADAHS*

By Rachel Vishnitzer, Berlin.

A Spanish miniature of the first half of the 15th century represents the Grand Master of the Order of Calatrava, Don Luis de Guzman, sitting upon a golden throne, holding in his right hand his sword, and above his head an angel waving a banner with a red cross on it. By his side at the steps of the throne are a Dominican and Franciscan monk. Vassals and knights wearing the red cross of the Order are standing in long files. Lower down, before the basement of the marvellous architectural composition in which we admire the round Moorish dome, the slender horse-shoe arches and the Gothic pinnacles, there is a brilliant gathering of knights. The eye of the spectator is delighted with the rich variety of colors in the fur-trimmed tunics, shoes, girdles, swords, and the triumphant red of the innumerable crosses.

But there is someone amidst this distinguished company, a man in a long, greyish mantle, falling down in heavy deep folds, a man wearing a big badge on his right shoulder. This man is Moses Arragel, the Rabbi of Guadalajara, a Castilian Jew. The Grand Master of the Order of Calatrava asked the learned Rabbi, who by the way was a vassal of the Order, to furnish a commented and illustrated Bible, "una biblia en romance, glosada e ystoriada".

* The article is based chiefly on a comparative study of the Haggadahs Or. 2737 Or. 2884, Or. 1404, Add. 14761, and Add. 27210 in the British Museum, MS. 126 of the Frederick David Mocatta Library in London (Catalogue, 1904, p. 424), and the Spanish Haggadahs described in H. Mueller, J. Schlosser and D. Kaufmann, Die Haggadah von Sarajero, Wien 1898.

1 Casa de Alba, Madrid, reproduced in Duke of Bervick and Alba, Noticia histories y genealogicas de los estados de Montijo y Teba, segun los documentos de sus archivos, Madrid 1915, pl. A opp. p. 18.

Moses Arragel undertook the task of revising the Castilian Bible translation according to the Hebrew tradition and completed his work about 1430. The miniature on the title page of the Bible shows the ceremony of the presentation.

Rabbi Arragel looks very dignified in the picture, and an innocent observer would surely take the brown badge on his shoulder for a decoration. But unfortunately the Jewish badge was not an honorable distinction. Quite the contrary.

The Jews made innumerable efforts to be freed of the badge, whole communities pleaded before the authorities for the abolition of the badge or at least for a reduction of its size. The Jews of Catalonia, for instance, had secured the privilege to hide the degrading mark, when wearing the long hooded cloak. It seems, however, that Moses Arragel, a Castilian, did not enjoy even this modest privilege. The miniature in the Olivares Bible, as the Castilian Bible is called, is an eloquent illustration to the paradoxes of Jewish realities. There we have a Jew enjoying the highest marks of esteem and the centre of a solemn performance at which the highest dignitaries of the Catholic Church took part, while other Jews represented on the same frontispiece are being succored, fed and clad by the misericordious friars. On the right side below there is a Jew discussing with a knight, who is piously listening to the eagerly gesticulating speaker. There is, as may be noticed, give and take, and exchange of services, an atmosphere of genuine humanity. The defamatory mark on the shoulder of the Rabbi, the large badge on his long robe, strikes us as an entirely unexpected feature.

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in that bright picture. But then we have to recollect that only some 60 years after Rabbi Arragel completed his marvellous work the Jews were altogether expelled from Spain, and that when in 1422 Friar Arias de Encinas, the guardian of the Franciscan Monastery at Toledo, addressed him as "Raby Mose amigo" only 31 years had elapsed since the great catastrophe—the massacres of the Jews all over Spain in 1391, during which many perished, others became homeless and deprived of means of existence.

The situation of the Jews indeed was a peculiar one. They were honored and they were despised, they were exalted and they were abased. In this atmosphere they had to live, to work, in this atmosphere they carried on scientific and artistic activities. History shows even two periods of upward development in Jewish intellectual culture in Spain. For the student of the artistic production of the Jews it is particularly noticeable that the Spanish Jews played a considerable part in literary work closely connected with the graphic arts. They wrote and translated treatises on astronomy, medicine, geology, geography, and the occult sciences, all of which required explanatory illustrations.

Writers like Ibn Sid, the Hazan of Toledo, who edited the famous astronomical tables, Judah ben Mosca, Abraham and Samuel Levi, who translated Arabic astrological writings, Judah Cresques, who compiled the Catalan Map, all of them were connected with calligraphists and illuminators, who copied their writings, decorated and illustrated them, even as Moses Arragel was necessarily connected with the artists of Toledo who illuminated his work. However, as Arragel's Bible was to be devoted to

the use of Catholics, he seems to have had scruples and hesitated to supervise the illustration. He pointed to the interdiction of images according to the Decalogue. But the Friar Arias de Encinas who was to collaborate with the Rabbi obviated the difficulty by offering to lend to the illuminators a beautifully illuminated manuscript belonging to the Cathedral of Toledo as a model.

The Catalan Map, compiled in 1375 by Judah Cresques, a Jew of the Isle of Majorca, was an artistic work of lavish splendor and cultivated taste, painted in bright, resonant colors, embellished with gold and silver, ornamented with elaborate pen-work in various inks, with allegorical figures, symbolical signs, armorial bearings, and architectural accessories. The writing was executed in beautiful characters, with illuminated initials. The astronomical tables, the Signs of the Zodiac, the four seasons, appealed strongly to the imagination of the illuminator who treated the geographical map as wonderful fairy-tales.

Another scientific work, the treatise on precious stones, the "Lapidario" of 1279, was adorned with hunting scenes, with chimeric beasts, with ships and castles, with masks, musical instruments, arabesques, acanthus, and other scroll ornaments. It is a very significant fact that in the 13th and 14th century the graphic arts were no longer confined exclusively to religion; as may be ascertained from even the few quoted examples, they had been secularized.

1 S. Berger, op. cit., p. 523.
3 Lapidario del Rey D. Alfonso X, Codice original. Published by Don A. Sella and Don H. Rodriguez y Sagasta, with preface by Con J. Fernandez Montana, Madrid, 1881.
Book illumination began now to spread through the medium of literary works of general use. In consequence of it the Jews accepted more willingly features of Christian illumination. They borrowed them more light-heartedly from secular books. That we are aware of the religious origin of this book illustration does not prove at all that they noticed it as well. They very likely did not.

Jewish illuminated books are to be found in all the great collections of Europe. The British Museum, the Mocatta Library, the Jews' College in London, the Bibliothèque Nationale in Paris, the Asiatic Museum in Petrograd, the Berson Museum in Warsaw, the Bodleian, Cambridge, Manchester, Nuremberg, Frankfurt (on the Main), Darmstadt, Munich libraries etc., private collections like that of Mr. Elkan N. Adler, Dr. Gaster, D. Guenzburg, M. Kirschstein, D. Sassoon, and many others possess precious specimens of Jewish illumination and penmanship. Among these illuminated MSS. are to be found Bible codices, prayer books (mahzorim and siddurim), theological, philosophical, and medical treatises, law books, ketubot or marriage certificates, Purim rolls, Haggadahs, and various other documents.

As an illustrated book the Book of the Passover Service occupies a prominent place among them. The Haggadah was not intended for the Synagogue Service; written for laymen, for the use of the family and especially for children, the Haggadah was the most popular book. In Christian book illumination we realize a similar development. The Books of Hours, the Psalters, the Breviaries, since they were copied for laymen, presented in fact a far larger field for the fancy of the miniaturist than the MSS. strictly for the service in the Church. In the present state of
investigation of the illumination of Hebrew MSS. it is premature to try to assign to the Haggadah a definite place. We may feel inclined to represent the Book devoted to the Passover Service as something very exceptional compared with other kinds of devotional writings. But putting aside the Bible Scrolls, which were never illuminated, we find that various Hebrew MSS., and among them also Bible Codices, have been ornamented and illustrated as well. The MSS. Add. 11639, Or. 54.b in the British Museum (examples of illustration in Margoliou, Hebrew and Samaritan MSS. in the British Museum, III, pl. IX and X), written in 1278, of French provenience, is an encyclopedia not only with regard to its contents—it includes the Pentateuch, the Targum, rules for the Seder, the marriage ceremony, poetical pieces, and so on—but particularly as an illustrated book. It is true, however, that in Bibles of Spanish origin more reserve is to be noticed. In the incomparable Kennicott Old Testament (Boldeian, 2322), copied and illuminated in 1476 in La Corona by Joseph ibn Ḥayyim, there are only a few illustrations, the whole illumination being of a merely ornamental character.

The text of the Haggadah presents a continuous narrative, which is plain and clear, being thus adapted to the mind of the child. It is an educational book and that accounts for the character of its illustrations. The text of the Passover Service as constituted in the thirteenth century consists primarily of an exposition of some verses from the 5th book of the Torah, beginning with: “A wandering Aramean was my father, and he went down into Egypt, and sojourned there, few in number, and he became there a

nation, great, mighty, and populous." There were added to these verses a reflection on the Paschal symbols by Rabban Gamaliel and several Psalms. The subject of the Haggadah is thus built up upon two fundamental facts of the ancient Jewish history: the migration of the Israelites into Egypt and the Exodus. The "stuff" of the narration had to be grouped round these chief events. The illustrator handled these events in their historical developments. For the sake of clearness he even enlarged the frontiers of the tale and particularly indulged in his naive descriptonal way in the retrospective direction. In two Haggadahs of the British Museum, in Or. 2884 and Add. 27210, he simply begins ab ovo, with Adam and Eve. In the Haggadah of Sarajevo he does not hesitate to start with the beginning of the beginnings—the Creation of the World. In the Crawford Haggadah, and in another version of it, the Or. 1404 as well as in Or. 2737 of the British Museum, we are introduced in medias res, to the story of Moses and his divine mission. The three latter Haggadahs mark the transition towards a stronger systematizing of the subject treated and a more intimate adaptation to the Haggadah as such.

In the historical series of pictures beginning with the life of the first family there is a long way to pass till the Pass-over event. We notice there Noah enjoying the wine of his vineyard and being somewhat annoyed with the consequences of his too abundant libations; we watch the building of the fatal tower of Babel; we admire the peaceful idyllic scene of Abraham entertaining the angels, and of course we would not miss the sceptical smile of the incredulous Sarah. The wife of Lot was petrified, but Isaac

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9 E. Baneth, Der Sederabend, Berlin 1904.
10 Now in the Ryland Library, Manchester.
has just escaped his horrible fate. He will afterwards have much trouble on account of his camouflaged son Jacob. And then there will be plenty of dreams, dreams of anxiety and dreams giving expression to the desire of fulfilment, Jacob beholding the ladder leading direct to heaven, Joseph with his ambitious visions, Pharaoh with his nightmares. Now we have reached at last the genuine soil of the Haggadah. Pharaoh will be a constant witness of the further rather turbulent events. He will have to be pleased with the ward of his eccentric daughter, the wonder child Moses, and he will have to engage in tedious pourparlers with those revolutionaries, the ungrateful foster-child and his verbose brother, Aaron. Pharaoh will make promises like a diplomat of the old school, and like him he will not keep them; pressure will be exercised and promises will again be given; new intrigues and plagues will follow, and, finally, Pharaoh will have to give way. The Jewish people are leaving Egypt; Miriam is dancing and singing with her companions. The Miriam picture, the scene of glory, completes the graphic narration.

In this rather schematical exposition the various versions of pictorial interpretation could not be considered, each one requiring a separate study. We have not mentioned in the series of pictures those devoted to the liturgy of Passover. In the treatment of these scenes there are to be found many divergencies in the various Haggadahs. The Sarajevo Haggadah, for instance, the oldest illustrated one known to us, shows only a few pictures of a liturgical character. There we have on Fol. 33\textsuperscript{11} the distribution of Mazzoth treated in the same monumental style as the whole historical series, on Fol. 26\textsuperscript{12} a text illustration rep-

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\textsuperscript{11} Die Haggadah von Sarajev, pl. 33.
\textsuperscript{12} Ib. p. 45.
resenting already the characteristic ornamented shield with the saying "This Mazzah", on Fol. 27 another text illustration with two figures carrying the bitter herbs, and on Fol. 31 the Seder as an unconventional text illustration again.

In Or. 2723 we have after the Miriam picture 10 scenes dealing with the Seder and the preparation of the Service. They form a continuation of the historical scenes and are treated, like the latter, as full page miniatures. One of these liturgical scenes may be seen in "Die Haggadah von Sarajevo", pl. V. In Add. 27210 the Miriam picture is grouped with three "preparation" scenes on one page, in Or. 2884 where the set of pictures shows striking similarity, from the iconographic point of view, with Add. 27210, there is only a slight divergency in the grouping of the pictures; thus the Miriam picture is on one page together with the Exodus (fol. 16b); the distribution of Mazzoth is as in Add. 27210 on the upper part and the cleaning of the house below (fol. 17a). There are, however, in Or. 2884 two more pictures: "The Synagogue" and the "Seder" (reproduced in "Die Haggadah von Sarajevo", pl. VI). In Or. 1404 (and in the similar Crawford Haggadah) the liturgical scenes are grouped together on one page (fol. 17b), the upper part of the page includes a miniature representing the preparation of the lamb, and below there are two Seder scenes each with one couple". Another Seder is represented on a border illumination (fol. 8). In the Haggadah Add. 14761 there are more liturgical scenes than in all the other Haggadahs, and there are no historical miniatures at all. We notice in the Spanish Haggadahs of the British Museum on the whole a develop-

18 *Ib. p. 3.*
ment of the liturgical subjects in comparison with the earlier Haggadah of Sarajevo. This development does not, however, always mean the degeneration of the historical subjects; at any rate during the period of the 13th and 14th century there is no evidence of a supplanting of historical miniatures, and the absence of historical illustrations in Add. 14761 may be as well attributed to a loss of the set, the more so as in the similar Haggadah designated in "Die Haggadah von Sarajevo" as the second of those belonging to the Library of Prof. Kaufmann, historical subjects are also treated.

The treatment of the liturgical scenes shows a great intimacy of the painter with the Passover rite and the customs of the Jews. In detailed pictures we see how the house is being cleaned, swept, and washed. We watch the subsequent manipulations of the baking of the Mazzoth and the roasting of the lamb on the high-roofed fire-place. The table is laid with a beautiful white cloth interwoven with blue arabesques, sometimes with hexagrams; the maid is carrying on her head a basket with the Paschal dishes; the family is seated round the table, the father in his armchair at the head of the table, the mother and the children on the longer side, facing the spectator, and a guest at the other end, opposite the father, seated like the host comfortably in an armchair. Everybody has his cup of wine, and the largest cup, a huge one in the middle of the table, is the cup for the prophet Elijah. In the Haggadah Add. 14761 in one of the Seder scenes (fol. 19b) every member of the family is resting his elbow on the table, a reminder of the ancient custom of eating in a recumbent position, a custom which the Jews observe to this day at the Seder. In Or. 2884 in the scene re-
produced in "Die Haggadah von Sarajevo", pl. VI. 2, the child is putting questions to the father pointing with his left hand to a copy of the Haggadah on the table and raising his right hand as children usually do at school. The guest is also discussing some points with a member of the family. The mother is listening to the recital of her son. The room in which the Seder is performed is mostly vaulted and sometimes magnificently draped with curtains; in the Sarajevo Haggadah it is still plain, and the whole scene is treated in a free way, as a realistic picture taken directly from life. In the other Haggadahs, with the growing importance of the Liturgy, the desire is manifested to give an adequate expression of the dignity and solemnity of the Seder performance. The illuminator who worked at the Haggadah Add. 14761 achieved the most marvellous effects in his Seder scenes which represent the different stages of the Passover Service. One of these scenes (fol. 28 b.) he enclosed most beautifully in a framing consisting of variegated shafts, pomegranates, arabesques and heraldic devices, rosettes, buds, and acanthus leaves, lions, dogs, peacocks, and chimeric beasts, and musical instruments. At the top of the miniature there is a compartment reserved for the saying: "This is the bread of affliction", which saying has been interpreted in the picture below. On another folio enclosing the Seder scene (fol. 17b.) there are amoretti, butterflies, a hunting scene, and so on.

The liturgical part of the Haggadah is often completed by portraits of famous teachers, who have commented on, or developed during the ages, the Passover rite, men like R. Eliezer, R. Joshua, R. Eleazar ben Azariah, R. Akiba, and R. Tarfon. R. Akiba and Rabban Gamaliel are the most familiar heroes of the Haggadah illustration.
These portraits are generally treated as border illuminations. Many other liturgical pictures faithfully follow the text, so that in Add. 14671 almost every page includes an illustration, which either precedes the text as an upper border or covers the fore-edge or the lower margins. In addition there is frequently an illustration in a square framing interrupting the text somewhere in the middle of the page. This sort of composition we find also in the extremely fine miniatures of the "Second" Kaufmann Haggadah, which shows many other common features with Add. 14671 of the British Museum, a fact not noticed by the authors of "Die Haggadah von Sarajevo". Another fact ignored by them is the striking similarity, almost identity, of the Crawford Haggadah and the Or. 1404 of the British Museum, a fact already referred to in Mr. Margoliouth's Catalogue. The publication of H. Mueller, J. Schlosser, and D. Kaufmann is not exhaustive with regard to the Haggadahs of the British Museum. Mueller and Schlosser did not know them from personal observation, but were bound to form their opinion from a few photographs of these MSS. That may explain their error in assigning the Haggadah Or. 1404 to the first half of the 15th century\(^4\), whereas they date the Crawford Haggadah at the end of the 13th century\(^5\). In my opinion Or. 1404 is a more or less faithful copy of the Crawford Haggadah made rather early in the 14th century. The date of sale found in it (1402) speaks against Mueller and Schlosser's conjecture. The elaborate, dark shadowing of the faces, which we find sometimes also in Flemish paintings of the Renaissance, and the grey beards must have been added

\(^4\) The corresponding leaf of the Crawford Haggadah is reproduced in "Die Haggadah von Sarajevo", plate 11.

\(^5\) Die Haggadah von Sarajevo, pp. 95-111.
much later—that may account for the thickness of the paints in these particular places. On the whole the Crawford Haggadah and Or. 1404 belong to the early type of Haggadahs. A characteristic pointing to this is the meander and the folded tape motives in the framings of the miniatures, which generally begin to disappear at the end of 13th century. We have them also in the MS. of the Mocatta Library including, besides Canticles, the book of Ruth etc., also "A lesson for the first day of Passover". This MS. is remarkable, for it shows motives of ornamentation which occur as early as in the 9th and 10th century in Hebrew Bibles, of which Dr. Gaster possesses some specimens, reproduced in his "Hebrew Illuminated Bibles of the IXth and Xth Century", 1900. These motives are small gilded rosettes and concentrical circles of bright coloring. They are a feature of Oriental illumination as well as the motive in the shape of a cucumber (Gurkenmotiv) which we also have in the elaborate interlacings formed with minuscular writings on the margins of the Mocatta MS. It is very likely that in the Mocatta MS, which has no illuminations we have even an earlier specimen than the Haggadah of Sarajevo.

Some anachronism may be found also in the Haggadah Or. 2737, where we see the wave motive with acanthus leaves treated in the plain geometrical way, a feature of Moorish ornamentation, and architectural façades with horse-shoe arches and colored tiles in bright yellows, reds, and greens. Similar architectural compositions executed in the same scheme of coloring are to be found in the

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16 The type of the faces of the grotesques in the Haggadah text, which seem not to have been retouched, is very similar to that of the chimeric beasts in the "Lapidario", op. cit., p. 68.
"Codice Albeldense o Vigilano" preserved in the Library of the Escorial (10th century). The full page illustrations are enclosed in Moorish arcatures, a motive which was repeated later in our ketubot, particularly in those of Oriental origin. In our Haggadah Or. 2723 which with regard to the Gothic character of the figures cannot be of earlier date than the 13th century (Schlosser assigns it even to the beginning of the 14th) the architectural framing of the miniatures may be a copy of earlier specimens going back to the 10th century.

Now we have to deal with two Haggadahs which present some very interesting points. These are Or. 2884 and Add. 27210. Schlosser places the former in the 14th century and the latter at the beginning of the 14th. I quite agree with him with regard to Add. 27210, and would like only to add some information on this Haggadah. It may be instructive to compare it with another Hebrew MS. of the British Museum, Add. 11639 (Or. 54 b) already mentioned, which has the advantage to be dated (it includes a calendar opening with the year 1278). The style of the miniature is the same—it is the style of French Gothic—with the only difference that in Add. 27210 the architecture is a little more advanced, and that the figures have that exaggerated bending attitude which is a characteristic of later Gothic. The treatment of the faces which are only drawn with a pen with a bit of pink on the cheeks is very much the same in both MSS. It should be mentioned in addition that in Add. 11639, fol. 333 b, there is an escutcheon with an eagle in gold on a blue background;

18 Die Haggadah von Sarajevo, pp. 95-111.
19 Another eagle of the same design but on a red background is to be found on fol. 347 b, reproduced in Margoliouth, Hebrew and Samaritan MSS. in the British Museum, vol. III.
the same may be distinguished on the shields of the Egyptians in Add. 27210, fol. 14 b.

There is no doubt that the miniatures in the Haggadah Add. 27210 are of the French Gothic style, and it is only surprising to notice that the illustrations in the Haggadah Or. 2884, though they are very similar to them from the iconographic point of view, that is with regard to the handling of the subjects, are quite different with regard to style. There we have that admixture of Moorish and Gothic features which points rather to Spain, but at any rate not to France. The difference of technique and style is so considerable that we cannot speak of direct influence; there is nevertheless an incontestable relationship between the two MSS.; they may have been derived from the same source, but had undergone very different influences; one became a rather conventional but technically irreproachable French "Bible historiée", the other a more provincial, spontaneous and personal, technically inferior, but invaluable attempt at Jewish illustration.

The dating of the Haggadah Add. 14761 we have reserved to the end; it is chronologically perhaps the latest of our Haggadahs. We have alluded above in connection with the contents of its illumination to the advance of historical pictures and the lavishness of decoration. Schlosser is right in adding a question mark to his rather doubtful date. He speaks of the beginning of the 14th century. Very fortunately we have in the Bodleian Library a Commentary of Rashi on the Pentateuch, written by Meir ben Samuel in 1396. This MS., executed in square Spanish writing, exhibits much affinity with our Haggadah Add. 14761 with regard to its decoration. There

20 Die Haggadah von Sarajevo, pp. 95-111.
we have the same peculiar ornament of scrolls and heavy broad leaves, gold dots, acorns or buds, the graceful flamings, griffins, with their fine long legs. Even the small square framings with semi-circular segments on the sides occur in both MSS. On page 96 of the dated MS. there is to be found a composition which recalls the marvellous leaves of the Haggadah Add. 14761 with their gorgeous ornamentation. In both MSS. the marginal decoration takes an unusual width. There is only one Haggadah which, as mentioned above, shows similarity with Add. 14761, that is the "Second" Kaufmann Haggadah. Now we may group the dated MS. of the Bodleian Library (of 1396), the Haggadah of the British Museum, Add. 14761, and Kaufmann's Haggadah together. In the "Second" Kaufmann Haggadah we have (reproduced on pl. XXXIII and XXXIV in "Die Haggadah von Sarajevo") the same scrolls with trifolium leaves, some round, others pointed, and the broad, heavy leaves as on fol. 51 in Add. 14761. Great similarity is shown in fol. 71, in Kaufmann's Haggadah (pl. XXXIV in "Die Haggadah von Sarajevo") with fol. 64 b in Add. 14761. In both we see a man sitting and raising his arm with a cup of wine. The same initial word is on the head of the miniature. In Kaufmann's specimen there are two other figures in addition, small boys, which are missing in Add. 14761. In the Exodus scene in Add. 14761, fol. 66 b, Moses wears a high hat with a long feather; this is also his head dress in the scene of the Exodus in the Kaufmann Haggadah (pl. XXXV in "Die Haggadah von Sarajevo"). Another illumination of the Kaufmann Haggadah—an arabesque in the middle of the folio and four figures in the corners blowing long trumpets (pl. XXXIII in "Die Hag-
gadah von Sarajevo”)—shows a certain similarity with the miniature on fol. 61 in Add. 14761 (pl. V. 1 in “Die Haggadah von Sarajevo”). We recognize also in both Haggadahs the dark-faced warriors riding on cocks (in Add. 14761 one of them is riding on a lion). The description of fol. 78 of the Kaufmann Haggadah, as given on p. 197 in “Die Haggadah von Sarajevo”, corresponds perfectly also to the Seder picture on fol. 19 b in Add. 14761: There is even the same initial word in both pictures.

There are on the whole many common features of composition, design, and initial illumination in these MSS. A striking characteristic of both Haggadahs is, in spite of the Gothic architecture, the scarcity of Gothic ornamentation. The broad, heavy leaves have nothing in common with pointed, sharp, hard leaves used in Gothic decoration. Those gorgeous smooth leaves begin to appear in the 14th century in Italy and later on in other countries as well. The influence of French Gothic never was very strong in Italian ornamentation, nor was it ever very accentuated in Spain, where Moorish and Italian elements counteracted French ideas of decoration. Italian influences may have obtained a stronger hold in Spain since the Spanish dynasty was connected with Naples and Sicily (James II, 1327–36, succeeded to Sicily; Alphons V, 1416–58, was king of Naples and Sicily; Ferdinand II, 1474–1516, united the Spanish crown with Naples and Sicily). It should not be a matter of surprise to see the Italian decoration appear in Spain beginning with the middle of the 14th century. There is one feature in the Haggadah Add. 14761 which points at least to 134022—the party-colored dresses of the merry musicians on the marvellous apotheosis of Mazz-
zoth (fol. 61, reproduced on pl. V. 1. in "Die Haggadah von Sarajevo"). In the Kaufmann Haggadah the costumes also betray the trecento, the sleeves have become wider, the dresses more ample. The faces and figures, though of the same type as those in Add. 14761, in the Sarajevo Haggadah, and in the "Second" Kaufmann Haggadah, are more expressive, the movements less conventional, the nude is of a better design (compare the maids of the Daughter of Pharaoh as represented in the different Haggadahs). There is to be noticed also, for the first time in our study, an attempt at perspective drawing in Kaufmann's Haggadah. Besides the armchairs with little scrolls, which are a familiar feature of all the three Haggadahs, there occurs a chair designed not as usual en face or en profile, but already with an attempt at foreshortening, en trois quarts (pl. XXXIV in "Die Haggadah von Sarajevo").

Is there any direct relationship to be seen between the Kaufmann Haggadah and that of the British Museum? Besides the many features of similarity, there are some which are even perfectly identical, as, for example, the ornamentation in the framing of the pictures. It is of course impossible to say anything on the coloring of the illumination of the Kaufmann Haggadah without seeing the original, but the few words of M. Mueller on the "coloristic gift" of the illuminator, on "the variety of shades, held together with the deep purple of the backgrounds", 23 suggest precisely the color scheme of the Haggadah of the British Museum—of our Add. 14761, and also of the Bodleian MS. of 1396.

M. Mueller thinks that that "Second" Kaufmann Haggadah was illuminated in Italy, perhaps in Genoa,

23 Die Haggadah von Sarajevo, p. 188.
on the frontier of French and Italian influences. He points to the Messale detto dell’ incoronazione di G. Galeazzo Visconti, illuminated in 1395, which, although it exhibits many common features of style (particularly the broad, heavy leaves of the ornamentation), shows no closer affinity with the Kaufmann Haggadah. It should also be noticed that the Kaufmann Hagadah is written in square Spanish characters, identical with those of Add. 14761. In addition we have in the Kaufmann Haggadah (fol. 66, reproduced on pl. XXXIII in "Die Haggadah von Sarajevo") the escutcheon of a red castle on a gold background and (on fol. 84.) the Aragonian red and gold stripes. The castle belongs, however, to the armorial bearings of Castile. Castile and Aragon were united in 1479, but the heraldic devices of both kingdoms often occur simultaneously in the same books at an earlier date, for instance, in the Cantigas de Santa Maria de D. Alfonso el Sabio, in the illustrations of which MS. the king of united Castile and Leon appears with "castles and lions" on his escutcheons and the king of Aragon with his red and gold stripes. Shields with vertical stripes occur also in the Haggadah Add. 14761, although they are in gold and blue. The Haggadah of Sarajevo also contains the Aragonian stripes and in addition a wing (red on gold), which I was fortunate enough to find (there in gold on red, with a hand carrying a sword) on the armorial bearings of Enrique II of Castile and Leon, in the 14th century. The gold wing may have been used in Spanish heraldry earlier of course. There is another heraldic sign which is a constant feature

24 Reproduced in Luca Beltrami, L’arte negli arredi sacri della Lombardia, Milano, 1897, pl. VIII.
in Jewish illumination—the fleur-de-lys. The French lilies occur very early in Spain and in other countries, so that their presence in a MS. does not help very much to fix its origin. The sponsor of Enrique II, Dona Juana Manuel, is represented on a round seal with a fleur-de-lys in her right hand. Don Jose Fernandez Montana points in addition to the great importance of the family Lison in Spain (which carried, as the name suggests, the lilies in their escutcheons) since 1380.

R. Todros ha-Levi, a Jew from Toledo, carried a fleur-de-lys on his seal in the 14th century (now in the British Museum). The Moorish crescent and the star are also a feature of Hebrew illumination; we find them already in the Mocatta MS. combined there with the hexagram, or the two superimposed triangles. The hegaram is met with in ancient times on Jewish tombs and Synagogues. We find it also in Mohammedan sepulchral art, as, for instance, on the Tomb of the Great Mahmud (A. D. 997–1030) in the plain of Ghazni. In the Middle Ages the hexagram is already a feature of Moorish ornamentation and is found also in Christian art. In the famous Arundel Psalter of 1380 it is used as a filling-in for two initials in white on blue background. It appears there also once combined with the fleur-de-lys. In our Haggadahs the hexagram—or should we call it the Magen David?—is very often represented. It is interwoven in the table cloth in the Haggadah Add. 14761, we have it in the Mocatta MS., and in the Haggadah Add. 27210 there is a hexagram in

27 Codice Hebreo de la Biblia en el Monasterio del Escorial in Musco Espanol de Antiquedades, vol. VIII, p. 85.
29 Dr. Alfred Grotte, "Die Bedeutung der Galiläischen Synagogenausgrabungen fuer die Wissenschaft", in Monatsschrift fuer Geschichte und Wissenschaft des Judentums, 1921, LXV, pp. 16–31.
gold with blue green fillings. The motive of the hexagram has been used for many elaborate patterns, sometimes it was combined with scrolls, or inscribed in a circle and in a square or encircled with segments of a circle etc. Arabesques of various other designs generally occur on the same pages in the Haggadahs with the hexagrams, so that it is difficult to say whether the illuminator assigned to the hexagram a particular meaning. The arabesque of superimposed squares appears, for example, mostly as a pattern on the Mazzoth in the scene of the preparation of the Mazzoth and in the Seder scene. It seems that, owing to this custom of embellishing the Mazzoth with geometrical patterns, the arabesque had an emotional significance, and that explains why the saying “This Mazzah…” in the Haggadah is very often interpreted with a beautiful arabesque of intricate design and bright coloring, glowing with scarlet, gold, green, and blue.

The hexagram was an occult sign, occurring in writings on magic, in the Cabala, and even in modern times in theosophic literature. The hexagram belonged to the common symbolic language. It may be that the Portuguese Jews played a particular rôle in the spreading of it, and in the first place among their bretheren all over Europe. Through the Spanish emigrés the hexagram may have been introduced to the Jews of Eastern Europe; so we find a hexagram on a Jewish seal in Shavorka, a Ukrainian township, in 1544 (the Moorish crescent and the star on the seal of a Jew in Medjibodj in Podolia from 1543 must have similarly made its way from Spain), then in 1627 on a Jewish seal in Prague and in Kremsier (Moravia). The hexagram, after having been an individual mark, became the sign of the whole community. Later on we see it in
Dresden, Kriegshaber, Beuthen, and so on\textsuperscript{20}. Another pattern of Oriental origin we meet with in the Spanish Haggadahs is a shield, sometimes in the shape of the cucumber (Persian motive) filled with flourishes, which later on acquire a Gothic outline. The regular appearance of this motive should be mentioned as it may have had some significance, and it points in any case to Oriental influences which very strongly affected Hebrew illumination in the Middle Ages.

The more we examine blazons, geographical maps, astrological writings, and other secular MSS. in Spain, the more we feel convinced that there has been a close relation between these productions and the Jewish illuminated MSS. Most of the features we have examined are to be found in those documents too. We have there stars in the shapes of the hexagram in the "Lapidario", the book on precious stones compiled with the help of Jewish scholars, we have the fleur-de-lys, the heraldic lion, stars and stripes, the crescent and the hexagram on the famous map, compiled by Judah Cresques, the Jew. The crescent and also the hexagram are drawn there on the flags of Turkish provinces. The Catalan map gives plenty of motives for the Haggadah; there are camels, goats, even the dapple-gray horses of the Haggadah Add. 14761 are to be found there and the bundle of rods in the hand of the camel driver on the map looks exactly like the bundle of rods with which the Egyptian task-master is striking Hebrew slaves in the Haggadah.

Christian iconography has of course also exercised a considerable influence on the Haggadah illumination. The wife of Moses going with the children to join her father

\textsuperscript{20} See in the Jewish Encyclopedia, in Russian, "Seals" vol. XII, reproduced on columns 489-492.
looks very much like Mary on her flight into Egypt, Miriam and her dancing companions remind us of the virgins of the Zodiac in Christian MSS., the architectural framing of the Seder scenes is composed quite similarly to the arcatures enclosing the scene of the last Supper. But these are only superficial features of similarity; there is no real affinity between the Haggadahs and Christian religious illumination. The Jewish family participating in the Passover service is very strongly characterized in the attitude of the performers of the rite—the father, the child, and the guest; and also in the attributes of the performance: the copies of the Haggadah on the table, the cushion on which the father is resting, etc. It may happen to the thoughtless illuminator that in copying a divine figure from a model book, he reproduces also the halo round its head, but these are rare exceptions (once in the Haggadah Add. 27210 where the miniatures exhibit a very strong French influence, and in Kaufmann’s “Second” Hagadah, pl. 103, mentioned in “Die Haggadah von Sarajevo”, p. 198).

The Hebrew writing of the Spanish MSS. of the 13th and 14th century is exceedingly plain, bold, and legible. All the Haggadahs we have examined are written in those square “Spanish” characters. The lettering is executed in black ink, the initial words are generally of burnished gold or silver, outlined with red ink. The writing is of a considerable size and rather massive in execution. We can easily distinguish it from the Hebrew Franco-German handwriting, which is of a more flexible articulation and undulating outline. The Hispano-Hebrew writing being more

31 I am very much indebted to Dr. H. Hirschfeld of the Jews' College (London) who kindly helped me in verifying the calligraphic features of the writing of the Haggadahs in question.
rude shows more character and strength. It is particularly well adapted to the rather heavy and rich ornamentation, which never attempts to achieve the slender elegance of Northern Gothic.

The Hebrew alphabet ignores in general the capitals—we know only of a few instances of initial ornamentation as used in Christian illumination. Generally we have to understand by initial illumination in Hebrew MSS. the illumination of whole words and sayings. This custom of illuminating had been preserved later on in printed books and, as it would have been extravagant to make woodcuts of whole sayings and headings for every occasion, the Jews used to put together ornamented single initials so that the effect was very similar to that of hand-written initial words. Characteristic specimens of the illumination of initial words may be found in “Die Haggadah von Sarajevo”, plate IV. 2 (reproduced from the Haggadah Add. 27210) and in G. Margoliouth, Catalogue of the Hebrew and Samaritan MSS. in the British Museum, 1905, vol. II, plate VIII (reproduced from Add. 19,944.). The former is an example of medieval illumination, in the latter the framing of the initial word has already taken on the less intricate form announcing the transition to the Renaissance. Good examples of this later period are to be found in Mahzor No. 736 of the 15th century, belonging to the collection of Dr. M. Gaster, in London.

The initial illumination of our Haggadahs consists in putting the words executed in gold, silver or bright colors on a diapered background and in ornamented framings. The technique is gouache painting, generally very thick and viscid with profuse gilding. On the whole the color-

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22 Printed Haggadah, Prague, 1526, reproduced in the Jewish Encyclopedia, vol X., p. 166.
ing of our Haggadahs is very bright. There is a great variety of colors, a brilliant cinnabar, a deep purple yellow, bright and dull greens, various shades of brown and grey, and black. The blues are not as predominant as they are in French illumination. The authors of "Die Haggadah von Sarajevo" attribute the coloring to Spanish influences, but it is interesting to note that in Spanish MSS. of the 13th and 14th century the coloring does not differ so very much from that of the French MSS., whereas in older paintings in Spain, for example in frescoes and in the illumination of the 10th century, we have that particular, shall we say, Oriental color scheme, with a profusion of reds and yellows and not much of dark blue. It may be that the Jewish illuminators in their conservatism preserved till later times a predilection for this particular color scheme. The characteristic coloring is a strong feature of Hebrew illumination in Spain, and helps as much as the calligraphy to ascertain the provenience of the MSS.

Not one of our Haggadahs is dated or signed. Most of them are very much worn and it is no matter of surprise that the colophons are missing. We possess fortunately a great number of contemporary MSS. which are dated by the Jewish copyists, who sometimes do not omit to mention that they also illuminated the MSS. There we have Joshua b. Abraham Ibn Gaon who states in his Bible codex (2323 Bodleian) that he copied and illuminated the MS. in 1306(?) at Soria (in old Castile), having learned his craft from his tutor Isaac, son of Gershom, for "the venerable and beloved" Moses Ibn Ḥabib. Joseph Ibn Ḥayyim represents himself as the creator of the unparalleled illumination of the Bible codex, executed in 1476 at La Corona (2322, Bodleian). Abraham b. Judah Ibn Ḥayyim
wrote in 1252 a "Treatise on the preparation of colors and gold for illuminating books". This treatise has been preserved in the Codex de Rossi, 945, in Parma. There are to be found special hints as to Hebrew lettering. This man certainly was an artist himself, human activities in those days being not yet as differentiated as they are now. He was an artist and an author like the learned Hayyim b. Israel of Toledo, who, in 1377, copied the Bible Codex, preserved in the Derossiana in Parma, and beautifully illustrated it. The technical terms of illumination passed very early into the Hebrew language. Thus Rashi (11th century) used the technical term "auripigmentum" for the medium with which the painters used to mix their colors to fix them to the vellum.

33 Die Haggadah von Sarajero, p. 299
34 Ib., p. 260.
THE DERIVATION OF "DAVEN-EN"

By A. Mishcon, London.

Few words are so explicit in their meaning and yet so obscure as to their origin as the Yiddish word Daven-en, which is so widely used to denote the reading of the statutory—morning, afternoon, and evening—services.

Arabic and Aramaic, English and French were each of them suggested to have given birth to it. But the evidence so far adduced seems unconvincing enough to justify yet another attempt, which is here made, to decide its derivation.

J. Bernstein, in his Jüdische Sprüchwörter und Redensarten (German section, p. 16), suggests an English origin. Daven, he thinks, may have been derived from dawn, the English for daybreak, the time from which the reading of the morning service may begin.

But his own remark that “the etymology of the word is unknown” is indeed the best proof that he regarded his theory as no more than a conjecture.

According to Dr. H. Hirschfeld (Curiosities of Jewish Literature, London, 1913, p. 17), the origin is traceable to the Arabic Diwan, a collection or compilation (of prayers). Daven-en would therefore mean to read out of a Diwan.

It must, however, be admitted that while the derivation from “dawn” suggested by Bernstein would narrow down the application of our word to the morning service only, Dr. Hirschfeld’s interpretation would make it far too wide.

More loose still is the meaning assigned to it by the suggestion that it is derived from the French Devoner, implying devotion, or dedication.
A typically talmudistic theory ascribes to our word an Aramaic origin. It is said to be "of our fathers," and to have originated from the rabbinic statement (Berakhot 26b) חלולת אביו teamed, The set services were instituted by the Patriarchs. Nor is this the only rabbinic derivation. Another suggested by Rabbi Avigdor Chaikin, Dayan in London, associates the word with כה לאומדה of Shabbat 35a (see also Jastrow, s. v.), and gives it the meaning of "gazing wistfully towards the east."

The suggestion which I venture to make is that the origin of our word is to be traced to Latin rather than any of the languages mentioned before. Daven is, in my opinion, a variant of the Latin Divin from which we get our term Divine Service. In support I would cite the following analogies:

1. Another Yiddish word which, according to Bernstein (op. cit.), is used by Jews in Germany in exactly the same sense as Daven-en is Oren; this, of course, is formed from the Latin ora—pray—with the addition of the German infinitive ending en.

2. The Yiddish word Benschen, which means to pronounce a liturgical benediction and is so closely akin to daven-en, is likewise derived from the Latin benedice (evidently through the Italian) with the addition of the same suffix en.

It therefore seems quite feasible that, like its two allies, our word, too, has a Latin origin. Thus,

Ora + en = Oren.
Benedice + en = Benschen.
Divin + en = Daven-en.
THE ORIGIN OF THE ASHMEDEAI LEGEND IN THE BABYLONIAN TALMUD

By Armand Kaminka, Vienna.

A well-known passage in Gittin 68a tells of King Solomon that he ruled not only over men but also over demons. He was desirous of obtaining the mythical shamir, that by its aid the stones for the building of the Temple might be cut without the employment of iron. So he ordered Ashmedai, the king of the demons, to be brought before him. In connection with this story many anecdotes are told concerning the intellectual superiority and the dangerous power of the demon. The characteristics of Ashmedai as pictured in the Talmud moved S. J. Rapoport ('Erek Millin, s. v.) to declare him a kind of Mephistopheles or Solomon's evil spirit who took possession of the king in his old age, after he had shaken off discipline and had become steeped in sin. Israel Lévi (REJ., VIII, 64–73) has established that certain details in the conversation between this remarkable demon and Benaiah son of Jehoiada recall a narrative about “the angel and the hermit” which occurs in various versions of the Vitae Patrum (before the eighth century) and in the Koran (XVIII, 64–81). I might add that several witty sayings and apophthegms concerning the blindness of men, which are ascribed to Ashmedai, are found, at least as far as the sense goes, in works of much greater antiquity. Thus Ashmedai is asked: “Why didst thou laugh when thou hearest that a man ordered shoes for himself for seven years?” And he answers: “This man has hardly seven days more to live, and yet he orders shoes for himself for seven
years”. In the dialogue between Hermes and Charon, in Lucian, Charon says: “You asked me why I laughed? I had heard something which amused me vastly”. Hermes: “What was it?” Charon: “A man who had been invited by one of his friends to dinner for the next day, replied: ‘Certainly I shall come’, and even as he spoke a tile from the roof fell on him and killed him”.¹

The name Ashmedai, which in the Talmud is given to the mysterious demon, has remained without explanation up to the present time. Kohut has attempted to derive it from the Zendavesta. It is true, a demon with the name of Aeshma does occur there; but James Darmesteter, who is quite trustworthy in this matter, has maintained in opposition to Kohut that compositions of this name with a syllable similar to the second part of our word never occur. Lacking any plausible explanation an attempt has been made (with reference to “Shamdon” in Midrash Genesis rabba, ch. 36) to derive the word from דנה, but this attempt cannot be taken seriously, since there is nothing in the nature of the demon endowed with supernatural power, as he appears to us in the Talmud, to justify such an etymology.

However, I believe I have found elsewhere the origin of the name and the nucleus of the entire legend.

Herodotus tells in the third book of his history how, in the absence of Cambyses, Smerdis took possession of the throne of Persia. The people as a whole considered him as the lawful ruler on account of his likeness to the murdered brother of the king, the son of Cyrus. As Cambyses died far away from his native land, Smerdis remained for seven months in possession of the throne, until a prominent

¹ Luciani Samosatensis opera, Xάρων ἦ Εἰρηνοπούτες. In the Talmud we find another incident besides the one mentioned above; Ashmedai passes a wedding and cries; he sees that the bridegroom will soon die.
Persian, Otanes, grew suspicious that the regent "who never quitted the citadel nor invited any of the noble Persians to his presence" was not the son of Cyrus. Since his daughter Phaedyma was one of the wives of Cambyses, he sent to ask her "whether it was the true Smerdis who visited her as king". To her answer that she had never seen Smerdis the son of Cyrus and therefore could not tell whether the ruler who had also become her husband was identical with him, he replied that she might examine, in his sleep, whether he had any ears. If he has no ears then he is not the royal prince but the magician Smerdis (whom Cyrus had in his life-time deprived of his ears for some atrocious crime). Now let us compare with this what is told in the talmudic legend about Ashmedai. Through his supernatural power he seized possession of Solomon's throne and sovereign authority. When (in the Synedrion) they hit on the idea to investigate whether the true ruler rules, they addressed a query to Benaiah son of Jehoiada, the foremost counsellor, whether the king allowed him to come to his presence. "No", was the answer. Thereupon they questioned the women of the palace whether the king visited them. The women were then ordered to look upon his legs (the legs of a demon are supposed to be similar to the legs of a hen). In this wise the imposture was exposed, and Ashmedai was removed from the throne.

The striking similarity in the appearance and unmasking of the two usurpers makes it almost certain to me

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2 Herodotus, III, 68: ὅτι οὖν ἐκάλεσε ἐσ δύνω ἐνωτῷ οὐδένα τῶν λόγιμων Περσῶν.

3 πέμπων δὴ ὃν ὅ 'Οτάνης . . . παρ' ὁτερ ἀνθρώπων κομφότο εἶ τε μετὰ Σμέρδους τοῦ Κύρου εἶ τε μετὰ ἄλλου τευ.

The motive of ears that had been cut off has given place to that of hen's legs.
that the Ashmedai of the talmudic legend was originally, and also in the version that came down to the amoraic period in Gittin 68, none else than (with the omission of r) the magician Smerdis, who, as may be seen from Herodotus, exercised the imagination of the people all over the Persian empire through the manner in which he took possession of the throne. In later times the mythical necromancer Smerdai became the king of the demons, and in view of הָרַז הָרַפ mentioned in Eccles. 2.8 as being subject to Solomon he was drawn in for the purpose of obtaining the shamir. It is nor surprising that in Tobit (3.8), which assumedly had been composed in the second or first pre-Christian century, hence more than three hundred years after the events narrated in Herodotus, Ashmedai had become simply the evil spirit. And since here he brings misfortune on the young bride Sarah by repeatedly killing her husbands, he appears also in the Testament of Solomon as causing evil to brides and destroying conjugal life, though this function is not at all in the spirit of the old Ashmedai legend. In other later accounts from the amoraic period, such as in Pesahim 110, he is also brought in connection with various other superstitious notions.

5 JOR., XI, 20; Jewish Encyclopedia, II, 217–220. I cannot agree with L. G., the author of the article, that the legend about Ashmedai's co-operation in the building of the Temple and the holy ring is based on the Testament of Solomon, since the Talmud ignores the other characteristics of the demon occurring in the above source.
RECENT BOOKS ON PALESTINE AND ZIONISM

Mr. Sokolow did not follow the beaten path. Leo Pinsker and the Lovers of Zion for once failed to find their place in the opening chapters of Zionism. In a book of fifty-eight chapters they had to wait for the thirty-ninth and forty-first respectively before they could tread the boards. The opening pages in this book were devoted to the establishment of the closeness of the relation between England and the Jews, since England it was that had been destined to play the leading role in the realization—let us hope—of the noblest aspirations of Zionism. Mr. Sokolow went even further. Before pointing out the interest of England in the Jews, he introduced the reader to the influence of the Jewish Bible on England, and of the Jewish holy language on English literature. He then proceeded to recount the interesting episode of Menasheh ben Israel and his English contemporaries. This led him to a discussion of the Puritan friends of the Jews, with some of the Restoration schemes that were afloat in those days. Napoleon and his proclamations occupied his attention. Lord Byron, Palmerston and his associates, Sir Moses Montefiore, the Earl of Shaftesbury, the Earl of Beaconsfield were some of the outstanding names in the warp and woof of Mr. Sokolow’s story of England and the Jews and Palestine. Interspersed through the chapters on these personalities, the author devoted a few to such suggestive topics as the Syrian problem, Britain’s mission in the East, British interest and work in Palestine, and the Lebanon question. As might be expected, France came in for a share in the discussion as to her relation to Zionism. But only for a share. A chapter on Jewish colonization was followed by one on Zionism vs. Assimilation—a very vigorous discussion, a perusal of which leaves the reader wondering whether the exponents of political Zionism have not been shamefully maligned as to their lack of the religious sentiment.

Not until the author had disposed of these subjects did he approach the Russian pogroms of 1881-2 and the consequent active movement

of the Lovers of Zion with its ramifications in France, England and America. It goes without saying that Baron De Hirsch and his attempts to solve the Jewish problem could not have been neglected by the author. This was closely followed by the discussion of the rise of modern Zionism and the first Zionist Congress.

Without forgetting to place in proper perspective the renaissance of Hebrew and the influence of the Hebrew writers on the reassertion of Jewish national consciousness, Mr. Sokolow then dwelt on the more recent manifestations of the movement, winding up with a detailed account of Zionism during the War, a period which the author’s personality seemed largely to have dominated, if he has not given it its particular direction.

Long before the reader is prepared to form a judgment of the book as a history of Zionism, he is impressed by the easy flow of language, the beauty of diction and the lucidity of style. That this should come from the pen of one whose mother-tongue is not English, is in itself matter of wonderment, sufficient to cause us to expect much in the way of subject matter. For surely, a man who could submerge his individuality in an acquired language to the extent of obliterating all traces of his true vernacular, may well be able so thoroughly to identify himself with the various stages of the movement he depicts as to make the whole book a living experience.

Nor are we doomed to disappointment in this respect. Only it is just possible that this very quality of the author lies at the root of the outstanding stricture we have to make on the work as a history of Zionism.

In his introduction to the second volume Mr. Sokolow apologizes for the encyclopedic character of his history, and lays the blame at the door of the facts of the history. One feels tempted to question, however, whether the author ever meant the book to be a history of Zionism or a history of the ideas of Zionism. With material for such histories, indeed, both volumes are replete. Even the scientific spirit which should pervade such work is not lacking. Nay, at times this spirit asserts itself to the surprising degree of compelling the author to state the exact date of every personage mentioned in his work—from Arthur James Balfour back to Abraham. Another characteristic which differentiates history writing from other fact recording work, the author likewise exhibits with telling effect. The book abounds in innumerable passages of the most vivid description of things or ideas visualized, bringing home in lucid
style, with rarely an opportunity for the flagging of interest, the theme promulgated by the author.

Nevertheless the book is not a history. The execution of the work is not history-like in character. For a history, there is not enough objectivity in the point of view, not enough tolerance for the opinions of those in the Jewish fold who are on principle opposed to the idea and ideals of political Zionism. Those that differ with Mr. Sokolow are branded either as benightedly ignorant or as superficially enlightened, in craven fear of their cherished emancipation.

True, a historian is not a mere chronicler. We must allow a certain leeway not only to the author’s personal equation, but also to his actual point of view. Nevertheless, although the extent of this leeway are undefined, the limits are there. And no author can drive the force of his individuality beyond these limits without losing for his work the name of history.

Mr. Sokolow’s History of Zionism is patently a book with a purpose; a Tendenzschrift; an apologetic propaganda. By this characterization it is by no means meant to detract from the value of the work as such. As an appeal to the British public for the high ideal championed by the author, the book is one great powerful, persuasive, convincing argument, gaining momentum as it proceeds, with here and there bursts of eloquence that are irresistible. The reader makes the acquaintance of a formidable array of English dignitaries, divines, men of letters, and statesmen. He listens to their testimony. They speak in terms unmistakable. The Land and the People. The two must be linked together again. Prophecy foretells it. Religion and justice demand it. British interests dictate it. International jealousies necessitate it. The sentiment is contagious. The reader cannot help being impressed by the genuineness of the pleading as to the urgency of the situation. It is borne in upon him with the force of truth that eventually the one successful mode of righting the most ancient wrong, of offering to Eastern Europe a solution of a vexing problem, and to persecuted Israel salvation, is the one presented by the author—political Zionism.

The British reader finds in the book a special appeal applicable, if not directed, to himself. The position of England is proved ever so conclusively to be that of champion of right and justice, even for the weakest and most oppressed of peoples. It would be against human nature not to feel a just pride in this high tribute. It would hardly be
part of good breeding to discontinue playing the role after so open an avowal of deep-felt gratitude by a popular representative of that oppressed people.

With this purpose of the author in view, we can understand the significance of the insertion in the second volume of a chapter entitled "A Tribute". Without it, we must be at a loss to gauge the standard of valuation employed by the author, seeing full twenty pages devoted to an earnest, knighted English gentleman, but looking in vain for a less ambitious chapter on the father of modern Zionism in its conscious, articulate form, Dr. Theodore Herzl. To turn the tables on Mr. Sokolow and attribute this disproportionate treatment of his characters to the very spirit of the Galuth which he ascribes to the Jews of Hull, would be ungracious on our part. His fiery pride in his people's past, and his intense hope for a corresponding greatness in its future, leave no room in his make-up for even a subconscious sense of self-deprecation implied in the Galuth-spirit. What Mr. Sokolow did, we believe he did consciously, thoroughly, and well. We are all the more ready to overlook the shortcomings in his book when we realize that his plea for Zionism is intimately and inextricably bound up with a plea for the great mass of suffering Eastern Jewry. At the present day, no less than in the time of Josephus, Jewry stands in dire need of powerful apologists to do battle for its cause.

Judged from this point of view there is only one regret Mr. Sokolow's History leaves with us—albeit a serious regret—its prohibitive wartime price.

Dr. Finley's book is truly a description of the experiences of a pilgrim in the Holy Land. We can see him fairly tremble with the ecstasy of the devotee as he strides at a swinging gait, hour after hour, in the scorching heat of the day, overtaking Arab wayfarers who marvel at the energy of the tall soldier, and in the stillness of the night, hearing in the wail of the jackals the fulfilment of a threatening prophecy of yore. A rock forms his pillow for a few hours of rest. A tree shelters him in Jericho. In Hebron he accepts the hospitality of an Arab sheikh. He needs must cover the length and breadth of the Holy Land on foot. He lives over again his early youth and the stories which he learned on his father's knees. Not a stretch of road but has its hero to keep the pil-

grim company. Not a village, or a hamlet, or a hillock, but yields its host of phantom spirits to beguile the wanderer, and to lead him away from the present desolation, back to a throbbing past. In the boom of the British guns he hears the thundering voice of Armageddon. Little wonder, that in his spirit of exaltation, his high tribute to General Allenby turns into a hymn. And if the Arabs, while joining the choir, hail the Deliverer in magnificently un-Semitic Arabic (Allah-Nebi being a highly Anglicized rendering of God-Prophet), the book does not suffer from that single discord.

In true consonance with the general tone of the book, is the author's attitude to the future of Palestine. Palestine is to become the ideal of civilization's dreams actualized: a practicable internationalism visualized. And the best medium through which this object lesson can be transmitted to the world, the author believes, is the Jew. "I have long believed, and often said, that the Jew, by reason of this very penetration and permeation of his genius and the universality of his experience, was fitted above others to help the nations reach that internationalism, of practice as well as of spirit, through nationality. Perhaps in this their ancient homeland they will have a greater opportunity to promote this desired and much-sought end" (p. 239).

The man who answers the query 'Quelle croix?' directed to him as regards his church affiliations, by the words 'La croix rouge', can hardly be expected to harbor any but the most broad-minded views on the question of the Holy Land and its problems.

To read London Men in Palestine is to delve into Mr. Coldicott's memory as he goes over the ground, in charge of his Infantry company from Sheria in southern Palestine to Jerusalem. Like the Infantry captain, we are not initiated in the workings of the large plan of things. With our eyes riveted on the heels of the man in front of us, we only wait for the order to 'fall out.' We are fortunate enough to have a captain with unusually keen eyes for scenery, or we should have passed most of our time merely in suffering the hardships of a march with just a taste of a few nights' heavy rain. The small talk of the men which the captain let us overhear is typical enough. Nothing can be more truly descriptive of the soldier's nature than the extreme resentment at the Arabs' cheating finding expression by full repayment in similar coin. The author

being given to introspection, leads us into many a reflection on the lot of men and things. Towards the end of the book we share with the author and his men the deep perplexity of a unit the first night on a new front, with orders and counter-orders to change positions the next night, with no guides stationed at the cross-roads. The little skirmish toward evening in the closing chapter, with the final dash across the Mount of Olives, is picturesque, graphic and quite exciting. The masterly diction sustained from beginning to end adds not inconsiderably to the genuine enjoyment of the reader. But when we are through and done we are conscious of a sense of incompleteness. We are left in mid-air. We miss our relation to the world about. We wonder as to the meaning of our experience. Exactly the feeling of Captain Coldicott himself, we have no doubt.

Most people will enjoy the reading of this book much more deeply, if they reserve it as a dessert to Antony Bluett's "With our Army in Palestine". One need not be a soldier to follow Mr. Bluett in all his campaigns in Egypt and in Palestine, intelligently. Nor need one be in one's teens to read his book at one sitting, though the closing chapter see the dawn of the morrow. Without a map by our side we trek the desert sands, with the next spring as our objective, wind our way in the wadis of the Holy Land following the guns of "A" Battery, taking our chance with them when an abrupt turn in the cliffside path drags horses, guns and men over the edge. Unarmed as we are, we find ourselves in the thick of the fight around Gaza. We even share with the troops their bitter disappointment at their repulse and forced withdrawal after all the exertions, and wounds, and mourned comrades. Every now and then we join the Australian light horse in their headlong onrush over plain and hill. We attach ourselves to the London Men when they take Jerusalem. Without much of a rest, we steal our way in the night across the Jordan in a daring, disastrous raid. Now we have our choice—stay around the Jordan encampment and flaunt our presence to the Turk, or cast in our lot with one of the many divisions in the vicinity of Jaffa, and let the orchards keep every trace of our movement under cover. We do not particularly enjoy the carnage wrought by our air forces on the fleeing enemy in the deep gorge of Wadi Farah. But we feel exhilarated none

the less. We recall those terrible days in the first two years of our campaigning in Palestine when the Turkish aeroplanes bombarded our watering places so religiously. In retribution, vengeance and justice are so easily interchanged. By this time we feel we are nearing the beginning of the end, with old Blighty looming on the horizon. Like all our British comrades who have seen service in the Great War, we are fain to leave the Holy Land to pilgrims, or to give it away for the mere asking, for just one bunk on deck an old tub of a transport homeward-bound.

The larger questions involved in the taking of the Holy Land, not falling within the purview of the book, occupy the author's attention only rarely, and in a cursory manner. On the last pages of the book, he expresses his belief that "the French, who have large interests in Beyrout and Lebanon, will be the paramount influence there. — And from fifteen miles north of Acre down to the Suez Canal the country will probably be under the protection of the British."

He brings the book to a close with the following remarks: "Whether the Jews as a nation will ever settle in Palestine is a question the future alone will solve; certainly the wise policy of the British and French governments offers them every inducement, if they really wish to become a nation again in their own ancient land." Then, irreverently, (or is it irreverently?) "If the prophets are to be believed Jerusalem will one day be the capital of the world—but it will not be in our day."

The pamphlet bearing the title Zionism is classified as number 162 of the Handbooks prepared under the direction of the historical section of the Foreign Office. We have therefore no means of knowing the name of its author. But whoever he be, he possesses a clear analytical mind, a thorough comprehension of the subject and a deep, genuine sympathy for it. In forty-seven pages, a brief of the underlying, deep-rooted causes of Zionism, of its history in various lands, of its growth and development, of its claims and possibilities, is presented in such a manner that the uninitiated reader may acquire a full grasp of the facts, and all but the hopelessly prejudiced may gain a finer appreciation of the Zionists' aspirations. The flaws in some phases of the movement in its present-day form are neither overlooked, nor even glossed over. Neither are the shortcomings of some of its leaders entirely ignored.

But altogether, the pamphlet is an excellent presentation of Zionism, clear rather than bold, persuasive without being insistent.

Mr. Mathews’ book “The Riddle of Nearer Asia” is the work of a dual personality—a scholar and a zealot.

In the sketch of the historical background which occupies the first half of the book, the scholar led the pen. The result is very gratifying. From page to page we watch the vivid, colorful reconstruction of past empires taking place before our very eyes, through the bold, masterful strokes of the scholar-artist. It is with a feeling of intense regret that we pass to the second part of the book, where the zealot’s hand gained the ascendancy. Blatant spiritual arrogance sounds its discordant note, marring the eloquence of the style.

When we read that “Goodness, purity, humility, joy, confidence, love, trust, truth, honour, honesty, loyalty, and fearlessness are qualities that belong to the Christian Kingdom” and that “Islam—leads up a blind alley beyond which progress is only possible by breaking down the very wall of ‘suras’ that make it Islam,” and see Mr. Mathews quote the statement “Reformed Islam is Islam no longer,” accepting it as a truism with authoritative finality, we cannot posibly imagine that the scholar sanctioned any of these utterances.

Surely, no scholar would have the temerity to claim the cardinal human virtues to be the monopoly of the Christian Kingdom or to deny to a great religion like Islam the capacity for inner growth and development.

With the same naively presumptuous sense of superiority Mr. Mathews solves the riddle of the Jewish question.

The growing tolerance of the nations of the world to the Jews living in their midst would prove the most disintegrating factor for Jewish separateness and Jewish individuality. Zionism is concededly the only way out. But shall Jewish growth be dwarfed by the cramping influence of Rabbinic legalism? No. He sees a vision. A vision of Israel come to its own. A vision of Israel liberated from the rabbinical leadership that had hounded Paul for the only ‘crime that he had accepted the fact of the Incarnation of God in Christ.’

To be sure, Mr. Mathews, in his exalted mood, fails to note that the martyrdom of Israel compared to which Paul’s martyrdom pales into

infinitesimal insignificance, was imposed on him during many centuries for the sole crime that he failed to accept the miracle of the Incarnation as a fact.

"The Jewish people" Mr. Mathews prophesies, "like Paul, will reach their full place in the world when they stand where he stood and kneel where he knelt at the feet of the risen Christ." And in a more sombre strain, "They will miss their high destiny and lose their very existence as a people if they permanently deny Him."

It is indeed a pity that of the virtues claimed by Mr. Mathews as especially belonging to his Church, Confidence should play the leading role, with Humility scarcely appearing on the stage.

In the portion of the pamphlet devoted to a discussion of the geography of Palestine, Sir George Adam Smith carries in his words that authority and convincingness which come from an accurate, detailed knowledge of the subject treated. When, however, he enters the field of the ethnologist and the historian, he sounds less convincing, if not less authoritative. To claim for the Palestinian Arab direct descent from the ancient Canaanite and Amorite for the purpose of solidifying his right to the soil, may well serve a definite purpose in view, but can hardly be established scientifically, not to mention the fact that the fellahaen themselves would emphatically repudiate that claim. Where is the Fellah who would not answer quite affirmatively "Na'am," or "Aiwa," to the question whether he was "Arabiy?"

And indeed, the worthy divine need not have gone to such lengths to prove there were great difficulties in the way of the realization of the Zionist aspirations. Had he charitably confined himself to the actual difficulties without invoking a host of imaginary ones such as relate to the Haram and other holy places, his essay would have gained in force what it would have lost in bulk.

In writing the little volume in the course of his desert campaigns, without the aid of reference-books, Colonel Bentwich showed a memory for facts, names and dates in Jewish history worthy of a scholar. The clear analysis which he presents to the reader of the prevailing conditions in the existing Jewish colonies, stamps him unmistakably as the


possessor of judicial insight and discriminatory powers. The stoutness of heart with which, while championing the cause of Palestine and the Jews, he looks forward toward a triumphant future, goes well with the traditions of the uniform he wore. Thus it is that the author symbolizes in his personality the three divisions of the book which, in his characteristic, humble manner, he presents to the public.

The book is worth reading. Not that there is anything particularly original in the thesis, or that the reader may expect a novel presentation of a philosophy of Jewish history. The book claims no such pretensions. But it possesses the merit of readableness of style, fairness of treatment, saneness of judgement, and brightness of spirit. In addition the book forms a handy review of the subject treated. Were a course on Palestine and its place in Jewish history given in our schools, the student would find Colonel Bentwich's little volume an invaluable aid the night before the examination.

If we were asked to characterize by a single epithet the impression Dr. Salaman's little volume of letters made on us we should unhesitatingly choose the term refreshing. The spontaneity of the author's reactions to his daily shifting surroundings, the genuineness of the emotions of the man, tempered, if not guided, by the mental balance of the scientist, the simplicity of style, the easy grace of expression—all contribute their share towards making the reading so enjoyable. Our personal experiences may cause us to shake our head at some of the author's flights of enthusiasm. Or we may at times differ with some of his strictures on men and things. But that is all in the point of view. For one thing, we may be lacking his lively imagination, and the power to see transcendent beauty where only promise is on the surface. For another, our life may not have touched the life of the Palestinians at so many different points, or at such intimate proximity, as did the author's. His delights and his grievances both ring true enough, as far as he was affected by them.

Many readers will find in this book a valued attraction in the gallery of familiar personages, individuals and groups, which the author holds up to our view. The side-light he throws on them makes the familiar interestingly novel. The passing remarks add to the descriptions the

palatable zest of a whiff of gossip. Nor will those who look for the more serious side of things be disappointed in Dr. Salaman's letters. His deep faith in the healthy rejuvenation of Israel on his ancient soil is reflected on many a page. We should not be overstating the matter if we asserted that now and anon Dr. Salaman's faith in his people rises to the heights of religion. The reader cannot but be delighted with the kinematic view of the movements of the Judean Battalion, as the Jewish Legionnaires operating in Palestine were called.

In the introductory chapter outlining the military geography of the ancient Jewish State, Mr. Sidebotham postulates the theory that the true cause for the political failure of the ancient Hebrews is to be sought neither in the religion of Israel as some would have it, nor as Sir George Adam Smith would fain make us believe, in the geographical disunion of Palestine, but in the failure of the attempts of the ancient Hebrews to gain for their country its natural frontiers, the mountains on the north, the edge of the desert on the east, and the sea frontier on the west. The political vicissitudes of Palestine under the Greeks, under the Romans and under Islam are traced in the next three chapters, followed by one devoted to Napoleon's campaign in Syria.

The succeeding four chapters introduce the reader to modern European politics in the Near East, and England's role therein. A very interesting picture indeed of the fears, jealousies, intrigues and counter-plots of the several European Powers, with the inevitable clash of the conflicting wills to possess—now known as the Great War—as the crowning glory.

However, Mr. Sidebotham does not moralize or preach—except in a politico-military sense. With refreshing clarity of style and argument, he points out the preponderating importance of the Eastern strategy as the decisive factor in winning the war but for the unfortunate defection of Russia. The political moral for England is obvious. England must have the controlling power in Mesopotamia and Palestine; the latter as the gateway to Egypt, the former as the entrance and the bulwark to India.

In order to obviate the possibility of Palestine becoming a mere Protectorate of England, with the consequent heavy burden of a per-

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manent British garrison, the large scheme is evolved of setting up in
the country a community capable of developing rapidly into a strong
self-supporting body, that would shortly attain a stage of political
civilization akin to that of England. Thus one could look forward to
Palestine becoming a Dominion, a country that would not be long in
garrisoning itself by its own patriotism.

Without the use of oratorical embellishments, Mr. Sidebotham
succeeded by dint of analysis and bare statements of facts in presenting
to the reader—from the non-Jewish Englishman’s point of view—the
most cogent politico-economic argument for the actualization of the
Zionists’ dreams that has ever been put in print.

The reviewer did not have to read through the full five hundred and
ten pages of Dr. Mattson’s book11 to gain an appreciation either of the au-
thor’s misgivings regarding its deficiencies, or of his abounding faith in the
reader’s forbearance. Had he been the author of this volume, his faith,
it may be feared, would never have persuaded him to override his
misgivings.

The excuse that the author offers for adding one more book to the
voluminous library of Travel in the Bible Lands is that “we find that
one has observed something that another has entirely passed by.”
Granted. But we look long and diligently for that one redeeming,
original observation. Our only recompense is the incredible naïveté
of the author’s remarks indicative of his mental reaction to the wond-
rous sights on this his life-dream journey.

His intention “to look over the largest city in the world”—mean-
ing New York!—was frustrated by rain and gloomy weather setting in.
Whereupon he satisfies his conscience and his readers with the illumina-
ting observation that “our large cities have grown very fast.”

While in Constantinople he “wanted to see the bazaars and study
the folk-life in them.” But, says our worthy investigator, “having
gone a few blocks along a certain street, I could not go further, because
my organ of smell rebelled and compelled me to return.” His way of
summing up his impressions of Turkey is characteristic. “Remember,”
he says, “that Turkey is half-civilized, and, perhaps, not even that.
Only a few days’ visit will convince anyone that there is a great difference
between a Christian and a heathen city.” It is true. “You can never

11 Through the Land of Promise. Reminiscences of a Journey in Bible Lands
pp. viii+510.
induce a Mohammedan to drink strong drinks. That is against his religion, and he is true to his principles.” Whereas he saw “the so-called Christians were drinking whiskey, wine and beer very freely.” Nevertheless, “there is only one thing that will save Turkey. It is the Gospel of the Living Savior, and nothing else.”

In his endeavors to localize the holy places he has met with the success of the average writer on the subject. He is honest enough to let the uninitiated reader into the differences of opinion that exist with regard to the identification of some of the holy places. Others he accepts with equanimity; on the whole the average treatment of a hackneyed subject. He has read his Bible and has collated his history reading on what he saw and gave us the result in his own words. It is only in his excursions into the realm of the present that he becomes, in a sense, interesting. In every Bedouin beggar he sees a dangerous robber. But for his constant prayers one wonders how he could come through unscathed in all his encounters with that brood.

Even the poor Fellaheen came in for their share of inherent brigandage. “On the plains of Sharon there are only Bedouins and Fellaheen. In the dark night they had all kinds of chances to do us harm if they wished to do so. I had no idea how we were to get through, but I left all in the hands of the Lord and thought, He will protect me as He has done up to this time.—It would certainly be a daring feat to travel alone on this plain without proper protection.”

Equally amusing is his account of Zichron Jacob—which he knows only by the Arabic name of the railroad station a few miles distant.

“In this Colony there are two synagogues. The one is Reformed, the other Orthodox. Evening prayer is held in both of these synagogues. Together with the student from Beirut I went into the Orthodox to see how they conducted their religious exercises, and I found it very interesting. The prayer had already begun when we entered. The synagogue was full of people. Before an altar a Rabbi stood with his back turned towards the people, and sang the evening prayer in the Hebrew Bible.”

If all his descriptions and estimates of the customs and institutions of the Holy Land of the present day are as accurate as this particular one, they are not a distinct contribution to our knowledge and understanding of the ancient Land of Promise.

Harry S. Davidowitz.

Philadelphia.
"Is there a God?" There were times when to ask this question was a sign of heterodoxy; to-day the fact that the problem is of interest brands one as a member of the small, diminishing, tolerantly-ignored group of theologians. Like fossils of a past generation those who still ponder over the deepest realities of the universe are treasured and kept in schools of learning. Their beliefs are the subjects of jibes and jests, the main use of which seems to be to supply material for the wit of able writers. The masses of the people pay lip-service to the belief in God. As a result politicians find it useful to be regular church-goers, and state papers and addresses of government officials teem with religious references, but these are not more meaningful than the references to the Greek gods that fill the pages of Milton. It is by poetic license that the name of the Lord is used, but with little conviction. This is, let us face the facts frankly, an age of materialism, a mechanistic epoch in human life. If the name of God did possess the mystical powers, attributed to it by medieval enthusiasts, of making chariots fly, of drying oceans, of building bridges across streams, or digging tunnels under them, it would be diligently studied, every fact concerning it would be known. But as the existence of God is a matter of interest merely to man's moral and intellectual nature, the deepest reality that the human mind has conceived, the finest thought that has ever entered the human intellect, the idea that has been a source of ethical power for man from the days when first he began to understand the world, will be left for examination by such as can live on crusts of bread and endure the derision and mockery of a world.

It requires some courage, therefore, for men to insist in these days on repeating the ancient formula, "Hear, O Israel, the Lord is our God, the Lord is One." It is not difficult to say the words when one is not listening to the words one is pronouncing, but to affirm with conviction that God exists, is nothing less than to throw down a gauntlet before the eyes of some of the dominant philosophies of the day. It is to declare some of the most famous sages deluded; it is to enlist for service in a great war.
Those who go forth to wage this war of the Lord will find themselves seriously handicapped by lack of modern ammunition. Their guns and powder as well as the rest of their ordnance is of the sixteenth century type. They are ill-supplied with twentieth century inventions like the submarine, wireless, airplanes, and tanks. The attempt that is constantly being made to win the naval battles of this great war with Greek triremes will never succeed. The Mayflower carried a few sturdy pilgrims; it would ill have endured the mass movements across the Atlantic that are characteristic of our own day. The attempt to carry on a modern theological discussion with arguments from Anselm, who died in the twelfth century, or with "proofs" which were shot to pieces by Hume and Kant, in more modern times, is worse than futile. In the face of attacks of the power of Bertrand Russell's Free Man's Worship we must have better arms than those which proved vulnerable before less formidable foes.

For this reason all those who aspire to a clearer understanding of the deeper truths of the universe will greet with pleasure the appearance of Sorley's Moral Values and the Idea of God. The author calmly reviews the various proofs for the existence of God that have thus far been advanced, the Ontological, the Cosmological, the Teleological, and the others, and fearlessly faces the objections which have been raised against them and which account for their failure to convince the world. In marshalling these proofs and refutations the author often adds very interesting and stimulating thoughts of his own. The chapter containing these discussions, called "The Theistic Arguments," is one of the finest in the book.

It is not easy to do justice to the author's argument in the confines of a short review. He bases his assertion of the existence of God on the existence of Values in the world, which he considers as real and integral a part of the universe as the Relations which hold between its various parts. The author of course wrestles with the problem of evil, and comes to the conclusion that the universe is purposive rather than statically perfect; he asserts the truth of freedom of the will. There are a few flaws in the argument, which do not, however, completely invalidate it. It still remains to be conclusively proved that Relations

are real in the sense in which material is real, and what is even more
doubtful is that Values are an integral part of the universe and not a
figment of the human imagination. An even more serious stricture
against the book will be raised by those who deny the truth of the
Oneness of the world, and who accept James' doctrine of the Pluralistic
Universe.

It is the last criticism that makes the book of very little use in
America where students generally have come under the influence of the
modern "Anti-Absolutist" schools of thought. William James has
dealt a blow to Hegelian Idealism from which, in this country, it has
thus far failed to recover. It is true that Royce, the colleague of
James, was an able champion of this very philosophy, but whether it
be, as Bertrand Russell claims, because of our concentration on the
practically useful, or for some other reason, the influence of William
James on the rising generation of the country has been vastly greater
than that of Royce. Perhaps Idealism is too profound for us, but we,
Americans, generally find ourselves either enmeshed in the web of
Pragmatism, or irresistibly drawn by Henry Bergson's *esprit vital*, or
followers of the rising neo-Realist group. There are very few to-day
who will openly declare their adherence to the philosophy of Berkeley,
either in the Germanized form given it by Hegel and his followers, or
in the re-naturalized English form given it by Bradley.

Unlike Sorley, Professor Macintosh does not try to prove the
existence of God, in his *Theology as an Empirical Science*. The author
states that as every science must begin with an assumption of the
existence of the material with which it is concerned, just as chemistry
assumes the existence of matter "and its accessibility to human ex-
perience; and biology assumes the same with reference to life, and
psychology with reference to consciousness, and sociology with reference
to society" even so "theology as an empirical science presupposes the
existence of the Divine objects and its sufficient accessibility to ex-
perience for the possibility of knowledge of at least some of its qualities
and relations" (p. 90). Although the book is full of Christological
references, a Jewish reader will find many chapters very interesting
and important. The chapter on *The Problem of Evil* deals with that

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2 *Theology as an Empirical Science*. By DOUGLASS CLYCE MACINTOSH, Ph.D.,
Dwight Professor of Theology in Yale University. New York: THE MACMILLAN CO.,
1919. pp. xvi + 274.
difficult matter in a popular and novel way. The book is full of inspiring thoughts for the theologian, whose problem is the clarification of the meaning of the Divine rather than the proof of his existence.

Of a somewhat similar character is the Reverend W. Powell's *The Infinite Attributes of God.* This little book, with a name that sounds so medieval, is yet quite modern in many of its parts. The introduction, with its elaboration and attempt to modernize Anselm's Ontological proof of the existence of God, can hardly be said to interest the reader, but he who breaks through the cold name and the uninviting introduction will find himself in a most interesting discussion of some of the serious problems facing the theologian. The book is very well written, and contains many references to the classical philosophers and theologians which the reader will appreciate.

Like the two books just discussed, Clement C. J. Webb's *God and Personality* undertakes to describe the character of the Divine rather than to prove his existence. The author gives a lengthy discussion of the character of personality, and then devotes a chapter to the discussion of the meaning of personality as applied to God. He assumes the existence of an *inner consciousness* of God in the mind of his readers, and therefore finds no need of doing more than cope with some of the problems that present themselves before one who is philosophically convinced of the existence of the Absolute, and religiously convinced of the existence of God. Even to those who are not adherents of the Absolutist philosophies, the religious paradox of the transcendence and the immanence of God forms a real problem.

The reviewer, being a Jew, cannot but call attention to Mr. Webb's exaltation of the Christian religions at the expense of all others. His test of the greatness of a religion is: first, its ability "to encourage, and be encouraged itself by, moral and intellectual progress among its votaries"; second, the greater or less extent "to which it exhibits the specific nature of religion, and not that of Science or of Morality as distinguished from Religion." With the first criterion no one can quarrel. But it is far from certain that "if we compare the religions of the world

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on some such principle as I have just indicated, we shall, I think, have no difficulty in acknowledging that there is none that has shown more capacity for maintaining or even developing itself in the atmosphere of what would generally be admitted to be the highest moral and intellectual culture to be found at present in the world” than Christianity (p. 247). It is true that just at present Christianity is outwardly professed by many of the highest intellectually developed men and women of the world, but how many of them are its true adherents? Moreover, why should we neglect to take account of the centuries when Europe was steeped in the gloom of the Dark Ages, while Mohammedanism was professed by those who “had the highest moral and intellectual culture”. Statistics are lacking, but it may be ventured that in proportion to its small numbers Judaism contains as many cultured and intellectually developed votaries as any other religion.

The second test, in spite of the author’s devotion of two pages to its clarification, remains obscure. The distinction between Religion as Religion or as Morality or Science must always remain arbitrary. This is indeed hardly the time for theologians to engage in polemics with one another, or to measure their various religions by weight or length. It is high time that all who feel that the idea of God is an important factor in human morality, that its disappearance from the world would be an unequalled catastrophe, that its presence in the minds and hearts of men is a sign of hope of better days—it is time for all of those who cherish these beliefs to come together and save the belief in God. It is a heavy task that is laid upon the believers; it is a great battle that they must win. It were fool-hardly to divide their efforts now. It is no longer a question between Christian or Mohammedan or Jew; it is the question of winning the intellectual world to an acceptance of faith in God, and of winning the masses who profess the faith to carry out the ethical principles that follow from it in their daily life. To do this is a task that is well worth the life of the noblest of us. To succeed in that should be the aim of everyone to whom has been granted the vision of the power and truth of the Righteous God.

Louis Finkelstein

Jewish Theological Seminary of America.
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PREFACE

The conclusions reached in the following four lectures will scarcely meet with ready acquiescence, since they depart from notions very generally entertained.

Their form too is not according to the conventional standard. There has been no attempt at dogmatism and no effort to achieve literary grace.

Their object was to attract the attention and arouse the efforts of the students of the "Dropsie College for Hebrew and Cognate Learning," to follow the author's procedure in investigating the subject without preconceived opinions, and to stimulate research in similar directions.

To accomplish this purpose, the author deemed it best to cite at length the data on which he worked and to show the process whereby he reached his conclusions.

Needless to say, the texts from which he worked, nowhere state, in so many words, the conclusions arrived at by him. Half a century's acquaintance with witnesses and their testimony has convinced him that no narrative, however sincere, ever tells the whole story. There appears to be a feature of the human mind which is averse to stating facts that are so familiar to the narrator, that he subconsciously assumes that everybody knows them as well as himself, and that to repeat them would be absurd. Hence the true meaning of a witness' narrative is to be found not only in what he expressly says, but also in what
he does not say, but which may be fairly implied from the words used.

On this principle, the author has, on occasion, acted, and hence are derived some conclusions which may, at first sight, seem bizarre.

This method also involves the necessity, or at least the desirability, of setting out texts in full wherever they are made use of. It follows that some of them are stated more than once, and that ungainliness in the presentation results.

The desire to make the lectures educative is the only excuse for such defects.

The author hopes, however, that he has made at least a beginning toward a better comprehension of the labor question in ancient Israel.

I

The reader of the English versions of the Hebrew Scriptures must have been struck by the frequency with which he finds "the stranger, the fatherless and the widow" mentioned together. The coupling of the rank outsider, with those who apparently belong to the most intimate circle of the insiders, arouses attention.

An easy explanation of the phenomenon is that these classes are dependent upon the gracious kindness of the community and that, in this respect, they stand on common ground. This answer leaves us uninformed.

Why should every stranger, every fatherless child, every widow be thrown on public charity?

No intelligent government would tolerate the influx of large masses of aliens who could do nothing for the community but would be a mere burden.

Moreover, most fatherless children and most widows would have family connections who would provide for them.
and many must have had shares in estates which precluded the necessity of public charity.

It is true that the common translation of these words, ger, yatom and almanah by stranger, fatherless and widow has much justification. Undoubtedly they all, on some occasions, have these meanings.

We must, however, keep in mind, that in the Hebrew as in all other languages, ancient and modern, there are many words which have more than one meaning and that these various meanings are sometimes conspicuously far apart and often seem unrelated to each other.

Take as an example, this very word stranger in our own language. Murray's Dictionary (volume 9, pp. 1079-1081) lists twenty-five meanings for it, covering as might be expected, a wide range of thought. That it stands for "one who belongs to another country", everybody knows, but that on certain occasions it means the British coin called "the guinea", few would guess, though, on reflection, many of us will realize that here at home, five-dollar gold pieces may fairly be called "strangers" by the most of us.

The moral is that times, circumstances, even caprices cause the attribution of new meanings to well-known words, and that such new meanings become at times general and at times merely narrow and technical.

If we then find that the general meanings of ger, yatom and almanah in the Biblical versions leave us puzzled in the endeavor to discover why this stranger should be thrust into the very heart of the national household, and why orphanage and widowhood should be constantly subject to attacks which must be fended off, it will be reasonable to seek for an explanation in any direction which may give us light.

Acting on this hint we may fairly inquire whether the
words in question have not other meanings than those accepted by the versions.

As the word ger starts the puzzle, we may begin with it. That it means stranger by the rules of etymology is true. Etymology is, however, not the sole or final determining cause of all the meanings of words as historically developed.

There are other Hebrew words that are also translated "stranger": nokri (ben nekar), zar, toshab, sakir. An analysis of the passages in which these words are used, shows that at a stage of Hebrew history, as early at least as the reign of David, and probably earlier, the Hebrews had divided these foreigners into two great classes, the one characterized by unmitigated foreignness, while the foreignness of the other class was modified by closer social relations. The first class—the absolute foreigners—were the zar and the nokri. The second class—relative foreigners—were the ger, the toshab and the sakir.

It may be noted that in the progress of time, some of these words underwent startling changes of meaning.

Zar, for instance, from being practically synonymous with nokri,¹ came in time to include a non-member of any particular body, in which sense it is found applied even to Hebrews standing outside of an intimate circle.²

Nokri, is applied in general to the unmitigated, the hostile alien. But in his case there is one important exception, to wit, the nokri slave, the 'ebed.

While it is true that the word that interests us particularly is ger, it is necessary in order to understand it fully that we should comprehend what the nokri was and ascertain whether the ger was like him, or if he was not,

¹Deut. 32.16; Isa. 1.7; 43.12; 61.5; Jcr. 5.19; 51.2; Ezck. 11.9; 28.7, 10; 30.120 31.12; Hosea 7.9; 8.7, 12; Psalm 44.21; 81.10; Job 19.15.
²Exod. 29.33; 30.33; Lev. 22.10, 12, 13; Num. 1.51; 3.10, 38; 17.5; 18.4, 7; Deut. 25.5.
we should determine in what respect they differed.

Initially, it is well to dispose of the slaves.

Among the ancient nations in general slavery was an important institution. It represented the great labor force. While the masters were continually ready for war or actually waging it, the slaves did the bulk of the peaceful work necessary for the community.

With the Hebrews it was otherwise.

Their position in Egypt was not such as enabled them to acquire or to hold others in slavery. When, soon after the Exodus, the invasion of Canaan was begun, the tribes Reuben and Gad (later joined by the half-tribe of Manasseh) elected to remain in the land East of Jordan and the Dead Sea, because they judged it to be a good place for cattle-raising. Being a pastoral people, by inheritance, the sight of the goodly land took away their ambition to become agriculturists in the Westland. Moses acquiesced in their decision, stipulating however that their soldiers should accompany the other tribes in the war against Canaan. They were to leave "their wives, their little ones and their cattle" in the land beyond Jordan to await the return of the menfolk from the war. If there had been any considerable number of slaves, there would, in that connection, have been some mention of them. At most there could have been but few and in this respect the other tribes were, without doubt, in like condition.

The slave was called 'ebed. If he was bought, this term was supplemented by the words miknat kese (bought for money). If he was born of slave parentage in the household, he was called ben-bayit (son of the house), or yelid bayit (born in the house), or ben-amah (son of the hand-maid), these three terms being nearly or quite synonymous.

Something, by the way, should be said concerning

*Num. 32.1-42.
the mode in which these words have been rendered by the translators. They are all compound nouns, and should be so treated. The versions, however, analyze the expressions and translate the component elements separately. For instance, in Genesis 15.3 Abraham complains to God: "I am childless and my ben-bayit will be my heir." This, in effect, characterizes the relation as being a kind of qualified adoption. The versions render "one born in my house is to be mine heir," ignoring the fact that a man's own son is usually born in his house. The rendering should have been: "I am childless and my house-born slave will be my heir." The word is used in this sense in Ecclesiastes 2.7.

And so with yelid-bayit.

In Genesis 14.14 when Abram enters into a campaign to release Lot who had been captured, he armed his trained home-born slaves (hanikaw yelide beto), pursued and defeated the ravishers. The versions again seem to miss the point, though A. V. senses it.

So too in the 17th chapter of Genesis where the covenant of Abraham is established. The 12th and 13th verses are careful to enforce the obligation to perform the rite on slaves, whether miknat kesef or yelid bayit. The words are used in the same sense in Leviticus 22.11 and in Jeremiah 2.14.

In considering the position of the slave we must always keep in mind that the Hebrews had a rooted aversion to the system. To them it seemed an institution "accursed" and this attitude made the lot of their slave essentially different from his condition among other nations and from forms of slavery persisting to our own time.

The conspicuous feature that contributed to his betterment was his admission to participation in the family worship.

*Gen. 9.25; Josh. 9.23.*
Tradition refers this custom to the most ancient times. The covenant of Abraham was to be entered into not only by every male of the immediate family, but the master's obligation was to enter every male slave.5

The female slave (the amah) was even in more intimate relationship. She was often the daughter of Hebrew parents. Occasionally the master bought her either to make her his own wife6 or the wife of his son.7 The position of the Hebrew slave was not one of misery or degradation. Eliezer, the 'ebed of Abraham, is called the ruler (moshel) of Abraham's possessions.8 He it is who is entrusted by his master with the all-important mission of selecting and procuring a fitting wife for Isaac, and when he has found her, he presents her with rare jewels and raiment which he had brought.9 He is treated with the consideration of an equal not only by Abraham but by Laban.

Eliezer was one of Abraham's home-born slaves, a ben-bayit.10

An example equally striking is found in 1 Chronicles 2.34, 35. Sheshan, a Judean magnate, gives his daughter in marriage to his Egyptian 'ebed Yarha. Of course, as an 'ebed, he had been naturalized, but he was an 'ebed none the less.

The Book of Proverbs (17.2) lays it down that a wise slave ('ebed maskil) shall not only be preferred to a profligate son (ben mebish), but shall take the latter's share in the father's estate with the upright brothers. These are not mere instances of individual kindliness. They are the expression of rooted national convictions.

Among the Hebrews the slave was not obliged to struggle for recognition as a human being. They held in abhorrence the views of other nations, like the Babylonian,
as expressed or implied in the Hammurabi code, under which the slave was a mere chattel, whose owner could kill him without responsibility because he was merely destroying a piece of his property, the loss of which was his own and concerned no one else.

Far other views were reflected in the Hebrew laws.

Personal injuries to a slave were crimes punishable by the State. If a master maim his slave so that he or she loses a tooth or an eye, the slave goes free.11

On the subject of the slave’s status in the Hebrew household, it may not be amiss to quote a few passages from the admirable Hebräische Archäologie of Professor Benzinger.12 The translation is ours:

"The slaves were also part of the family. In passing judgment on Israelitish slavery, one may not start with the prepossessions derived from contemplating modern slavery among Christian peoples. . . . There is practically not enough difference between the position of the slaves and that of the other members of the household to warrant us in expending compassion upon them as if they were miserable and unfortunate. . . . In the cultural state of the times, Hebrew slavery was a blessing for both master and servant."

"We learn that the slaves were uniformly treated as members of the family, for whose well-being the master cared as for that of his children. They were not mere dumb slaves, but were often asked for their opinion and advice (1 Sam. 9.6ff; 25.14ff)."

"As member of the family, the slave was admitted to the family worship, wherefore he had to be circumcised. Thereby, too, he became competent to carry on and to inherit the family worship. By reason of this religious

11 Exod. 21.26, 27.
12 Hebräische Archäologie von Dr. J. Benzinger (Freiburg i. B. und Leipzig, 1894) pp. 159-162.
association, he received kindly and fatherly treatment just as do to-day the slaves in Islam. The 'brotherly feeling' among members of the religion has never been whittled down to a mere phrase, as in the Christian world, but is a very real power." Thus far Benzinger.

This favorable view of the condition of the Hebrew slave is, however, not universal. The dissenting opinion seems to be based on one striking text, which has in it a phrase singularly like the Babylonian principle. It is Exodus 21.20, 21 and reads: "If a man smite his bondman ('ebed) or his bondwoman (amah) with a rod and he die under his hand, he shall surely be punished (nakom yinnakem). Notwithstanding, if he continue a day or two, he shall not be punished (lo yukkam); for he is his money."

From this last phrase, some have drawn the conclusion that a slave was looked upon as a mere piece of property and not as a fellow-being. Such a view totally ignores the legal provisions above cited and counts them as naught. The cruel words "he is his money" are accepted as overriding the whole course of the legislation.

These critics have overlooked the well-known fact that speech and writing exhibit an extraordinary servility to familiar words and phrases. Laws and customs of pre-historic ages were contemporaneously summarized in pithy sayings and though such laws and customs were from time to time changed and ultimately discarded, the popular phrase enjoyed and enjoys a stupid immortality.

"He is his money," when it was first uttered at a primitive period anterior to the Pentateuchal legislation, was, probably, a fairly correct statement of this particular social relation. In the lapse of time, the relation underwent a profound change, but the phrase lived on and even now survives in the text, as a pregnant reminder of archaic history.
This is, by no means, the only instance in the Pentateuch of adherence to dead words and sayings. The legal conception that a man violating the law should be adequately punished, was, in pre-historic times, when the law of retaliation represented the stage of development which had then been reached, formulated in the maxim: “Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” This became a current phrase and was transmitted from age to age. Needless to say, it is not a statement of Pentateuchal law, and yet, in one form or another, it occurs three times in the Pentateuch. In each of the cases where it is used, punishment of offences is provided for, but not the punishment that would be required by the maxim.

This maxim was, among the Hebrews of three thousand years ago, a mere phrase and yet it is to-day frequently quoted as a summary of Hebrew criminal law.

There is, of course, a real difficulty in understanding the text, a difficulty which no translation that I know of has overcome.

The words *nakom yinnakem* are generally translated “shall surely be punished.” Such an expression would be without any definite or practical meaning. It specifies neither the kind nor the quantum of punishment and gives no clue as to who is to administer it. The probability is that the words constitute a technical law-term. Rashi understands it to mean “he shall die by the sword,” relying on the law of Num. 35.18: “If he smote him with a hand-weapon of wood whereby a man may die, and he died, he is a murderer; the murderer shall surely be put to death.” He opines, however, that when death is thus instantaneously produced by the master’s chastisement of

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13The expression *chech nokemet* (the avenging sword) is found in Lev. 26.25.
the slave, there must have been something more than the customary rod wherewith masters were entitled to punish slaves, something answering to the expression in the Numbers text, something which added a deadly quality to the rod. The fair inference from the text is that when death resulted immediately, the law presumed that this deadly quality was present and this presumption was not to be contradicted. If, however, the slave did not die on the same day, the presumption did not hold and therefore the master was not guilty of murder, he having exercised the ordinary right of corporeally chastising his slave, and the fact that by the slave's death the master lost a valuable piece of property, heightened the presumption of his innocence of murder when death did not immediately follow.

Under all the circumstances we need not hesitate to accept Professor Benzinger's view, which is strikingly fortified by Kent and Bailey in their excellent one-volume "History of the Hebrew Commonwealth." These are their words: "The chief claim of the Hebrew world to our regard lies in the fact that the ideals of democracy which to-day are winning acceptance among all civilized races first developed within this area..." "It was in the soil of the barren steppe lands that encircle Palestine and among the nomadic tribes of the wilderness that the seeds of democracy first took root". "Their ideas regarding the fundamental rights of man and his duties to his fellow were expressed in definite laws, and all later democratic legislation is largely an unfolding of what is there set forth in principle."\(^{16}\)

"From Israel has come a moral code based on the Ten Commandments, which expresses, as well as mere laws can, the fundamental duties of man to God and to

his fellow-man. It sprang from an instinct for freedom and brotherhood, perhaps the earliest and certainly the most persistent manifestation of that instinct among the ancient peoples of the world. It is this code that is the basis not only of the constitutions but also of the everyday life of all the great democracies of the present day."

The most persuasive evidence of the Hebrews' aversion to slavery is that there is no mention anywhere that in the course of the conquest of Canaan, they reduced or endeavored to reduce any of the native peoples to slavery. It is true their lands were taken from them by the conquerors, but they were neither exterminated nor driven out nor enslaved.

To understand the situation it is necessary to get a correct view of the Hebrew invasion of Canaan. We have already mentioned that the movement began not by marching in a direct line for the coveted land, but to take as the proper starting-point, the land east of the Dead Sea and Jordan. The inhabitants of that section were overcome and the Hebrews had thus acquired their base of operations. In consequence of the action of the tribes of Reuben and Gad (later joined by the half-tribe of Manasseh) in waiving all claim to a share of Canaan, that coveted area was to be divided among a smaller number of tribes than had been originally intended. The two tribes Simeon and Levi were also excluded, and had no part, as tribes, in the war against Canaan or in the division of the conquered land.

The ancient poem called "the Blessing of Jacob" seems to point to the exclusion of these two tribes from the fellowship of the others, by reason of reprehensible conduct. Their doom is pronounced in these words: "I will divide them in Jacob and scatter them in Israel."18

While we have no authentic details of the fate of the

17Ibid., p. 355. 18Gen. 49.7.
Simeon tribe, the great probability is that it was disintegrated and that its members attached themselves to any of the other tribes that they preferred or that were willing to receive them.

Levi too ceased to exist as a tribe, though it finally achieved a re-integration of a kind. It had not a tribal territory of its own, but its members obtained slices in sections of the other tribes. It regained too a tribal consciousness and reached a position of dignity as guardian of the law and of the sanctuary.

In the narratives of the war neither Simeon nor Levi is mentioned. Levi, however, obtains a favorable notice, in accordance with events that happened long after. The reason for its non-participation is stated to be that it was "to bear the ark of the covenant" and that "the Lord is his inheritance." 19

There were thus left but nine tribes that were to share the land of Canaan among them. The military authorities evidently made a theoretical plan of the country, dividing it into nine districts, to the conquest of each one of which a particular tribe was assigned. Naturally the conquering tribe was to be settled on the territory it had acquired.

For the great enterprise which they were about to undertake, the Hebrews had certain qualifications and perhaps greater disadvantages. Their experience in agriculture was in effect characterized as inadequate. "The land whither thou goest in to possess it, is not as the land of Egypt, from whence ye came out, where thou didst sow thy seed, and didst water it with thy foot, as a garden of herbs; but the land whither ye go to possess it, is a land of hills and valleys, and drinketh water as the rain of heaven cometh down." 20

19 Deut. 10.8, 9. 20 Deut. 11.10, 11.
And the contingency is foreshadowed "that there shall be no rain, and the ground shall not yield her fruit; and ye perish." Moreover in the many arts and industries of Egypt they had not had a large share. They had, naturally viewed and admired the great works scattered through that country, but their part in adding to them, was, according to our accounts, humble. "They (the Egyptians) did set over them (the Hebrews) taskmasters to afflict them with their burdens. And they built for Pharaoh store-cities, Pithom and Raamses." "And they (the Egyptians) made their (the Hebrews') lives bitter with hard service, in mortar and in brick, and in all manner of service in the field." Nevertheless, the prospect was one of great hopeful-ness. Canaan loomed before them as a land containing "great and goodly cities which thou didst not build and houses full of all good things which thou didst not fill, and cisterns hewn out which thou didst not hew, vineyards and olive-trees which thou didst not plant." "A good land, a land of brooks of water, of fountains and depths springing forth in valleys and hills; a land of wheat and barley and vines and fig-trees and pomegranates; a land of olive-trees and honey; a land wherein thou shalt eat bread (lehem) without scarceness, thou shalt not lack anything in it; a land whose stones are iron and out of whose hills thou mayest dig brass." And they were to be the owners of this land wherein they would prosper not only in agriculture but in the arts and in commerce. Visions of imitating the glories of Memphis and Thebes in a capital city of their own also floated before their minds.

Confident of easy victory they gave little thought to the natives whose lands they were to take. They would
straightway destroy "the Hittite, the Amorite, the Canaanite, the Perizzite, the Hivite and the Jebusite." 25

There were, however, voices counselling prudence and caution. A large settled population, they were warned, could not be disposed of suddenly: "The Lord thy God will cast out these nations before thee by little and little; thou mayest not consume them quickly, lest the beasts of the field increase upon thee." 26

Moses did not live to cross Jordan and the leadership devolved on Joshua, whom the people, in eager anticipation, willingly followed. In this mood, caution was thrown to the winds. The cry was: "Clear the land of its inhabitants and we will go in and enjoy it." The course of events soon removed their illusions.

Joshua began by taking Jericho and destroying it with all its inhabitants, saving only Rahab and her kinsfolk. 27 The city of 'Ai he treated with the same severity. 28

Thereupon the campaign took another turn. A small section of the natives began to be intimidated. The Gibeonites, despairing of resistance by force, resorted to cunning and deception. They sent a deputation to the leaders of Israel and by false representations induced the latter to agree to a treaty of peace. 29

This treaty was concluded under the belief that the deputation represented a territory beyond that which Israel had planned to conquer, "a very far country," to use their own words.

A few days later the fraud was discovered and a great popular clamor was raised that the treaty should be disregarded. The council, however, rejected these demands to revoke a word solemnly given, saying: "We have sworn unto them by the Lord, the God of Israel; now, therefore, we may not touch them." 30
At this point their Egyptian experience suggested the remedy. They had been gerim in Egypt 31 and as such had been not only incapable of owning land, but had been subject to feudal servitude, an incident of which was, what in our modern states, is called the corvée,—the liability to be called for a certain time in each year to labor on public works. In Egypt it was doubtless called the mas, the superintendents of the laborers on public works being known as sare missim. The latter word was apparently a plural form for a singular mas not used in the narrative. The labors which these feudatories had to perform were called siblot,32 the plural form of sebel, which word in another form is, in at least one other instance, used to describe mas-labor.33

The result of the treaty with Gibeon, as modified, was that the Gibeonites lost their lands to the Israelites and were moreover reduced to a condition not unlike the peasants of the Middle Ages, that is to become laborers on the land, subject however in addition to being called upon to work for the state during a certain portion of the year.

"This we will do to them (the Gibeonites) and let them live; . . . So they became hewers of wood and drawers of water to kol ha-'edah." (Meaning: public service.)34 And Joshua's speech to the deputation is " . . . There shall never fail to be of you bondmen, both hewers of wood and drawers of water for the house of my God."35 And they acquiesced.36

This treaty with Gibeon became the key-note of the new policy. The sanguinary project of exterminating the natives and the more moderate purpose of driving them out were both abandoned. It was now resolved that the natives should be reduced to the condition which the

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31 Exod. 22.20; 23.9; Lev. 19.34; Deut. 10.19; 23.8. 32 Gen. 49.15. 33 Josh. 9.20, 21. 34 Josh. 9.23. 35 Josh. 9.25-27.
Gibeonites had submitted to. They were to become *gerim* (landless) and subject to the *mas*.

The tribes were now ready to go on with the tasks severally assigned to them. Their successes were at first not complete nor even very important. Not until the Northern tribes had formed a union and acted together did they succeed in subduing the natives and relegating them to the position of *gerim* subject to the *mas*. The account is set forth in the Book of Judges. While eight of the tribes, namely Manasseh, Ephraim, Zebulun, Asher, Naphtali, Dan, Judah and Benjamin had at least won some triumphs before the union of the tribes, Issachar had totally failed. The record in Judges is silent on this humiliating event. Our information, on the subject, is obtained from the ancient poem called the Blessing of Jacob, which contains this remarkable passage:

"Issachar is a large-boned ass,  
Couching down between the sheepfolds.  
For he saw a rest-place that it was good,  
And the land that it was pleasant,  
And he bowed his shoulder to bear (*lisbol*),  
And became for *mas-' obed.*)  

We have here the story of the only complete failure among the invading forces. Instead of subjecting the natives to the *mas ' obed* as did four of the tribes, or making treaties of amity with them, as did four other tribes, Issachar was itself overcome and made subject to the *mas-' obed* by the natives of the district. The prosperity and comfort enjoyed by the tribe in its new home is described in a tone of lofty contempt for a spirit so mean as to be satisfied with subjection however profitable.

It is only just to the memory of the Issachar tribe, to remember that in the decisive battle with Sisera it showed

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that it had redeemed itself. In the great ancient poem of Deborah its achievements are lauded: "And the princes of Issachar, were with Deborah; As was Issachar, so was Barak; Into the valley they rushed forth at his feet." The accepted opinion seems to be that Barak, the general of the Hebrew army, and the victor in that glorious combat, was of Issachar, and it has even been suggested by respectable authority that Deborah herself was of that tribe. The fact that Tola of Issachar was one of the shofetim of Israel attests the regard in which the tribe came to be held.

The poem further shows that the isolation of these northern tribes had gradually yielded to a desire for a more or less intimate unity, and that this confederacy was known as Israel or Beth Joseph.

It was doubtless after this had been accomplished, that the conquest of the north country was completed and the mas 'obed was imposed on all the indigenous inhabitants who remained in the land. That some of them emigrated to the Judaic or southern territory would appear from a casual statement in Chronicles, in the account of Hezekiah's Passover. Enumerating the classes of participants in that high festival, it mentions "the gerim that came out of the land of Israel and dwelt in Judah." The attraction, probably, was that in Judah, they were not subject to the mas-'obed.

Whether some emigrated to other countries our records do not inform us. No conjecture on this point should omit to consider the scanty means of transportation at the time and the improbability of a great mass of people find-
ing employment or sustenance in strange places within their reach.

The situation, however, presented another aspect far more important than mere passion or sentiment.

The Hebrews had suddenly come into control of a country whose land they divided among themselves and this land had to be cultivated. A relatively small number were capable farmers. Moreover the natives were practising all sorts of industries which the Hebrews had not mastered.

The statesmanlike genius evident in the whole movement did not, at this crisis, fail.

The solution proposed, adopted and carried into effect was that the native population, as a whole, should remain where they were. True, they lost their land-holdings to the Hebrews. They did not however lose their skill or industry, and these qualities were absolutely needed to maintain and develop the country. The precise terms of the understanding are of course inaccessible to us, but we have enough information to obtain a general idea of them.

That the relations of Hebrews with the ger were quite friendly, perhaps too friendly, appears sufficiently from the traditions.

We are told that "the children of Israel dwelt among the Canaanites, the Hittites, and the Amorites, and the Perizzites, and the Hivites and the Jebusites; and they took their daughters to be their wives, and gave their own daughters to their sons, and served their gods."  

Ezekiel, perhaps in a mood of irritation, quotes the tradition thus: "Thine origin and thy nativity is of the land of the Canaanite; the Amorite was thy father, and thy mother was a Hittite."  

44Jud. 3.5.  45Ezek. 16.3.
And Ezra speaks as if the events of his time bore out the tradition.\textsuperscript{46}

Let us, however, first ascertain by what name this non-Hebrew population was called. As they had become an element of the whole Hebrew social structure, the multifarious names of the relatively small groups into which they were divided would soon be abandoned. A new name would be applied to them to designate their whole body as against the body of Hebrews.

That name was \textit{ger}, used sometimes in the singular and sometimes as a collective noun, though its plural form \textit{gerim} was also used. A little reflection will supply the reason. Those natives were strangers in blood to the Israelites and there had been no acquaintance or intercourse with them. In those early ages, when consciousness of blood-relationship produced tribal bodies, all outside the ranks were strangers indeed. When the body of Israelites was brought in intimate contact with the body of natives, both of them felt that they were strangers to each other. The fact that the natives would soon become an integral body in close relationship to the activities of the new Hebrew nation could not at first mitigate the strangeness in blood, in experience, in activities and in religious practices. Moreover their national experience supplied a precedent. Though they had been settled in Egypt for centuries in relations somewhat similar to those which they now imposed on the Canaanites, they always viewed themselves as having been \textit{gerim} in Egypt.\textsuperscript{47}

It behooves us now to return to the other classes called \textit{strangers} by the versions. First among these was the \textit{nokri}. Him, the Hebrews looked upon as the hostile, the unmitigated alien.

Here are instances:

\textsuperscript{46}Ezra 9.1, 2. \textsuperscript{47}Exod. 22.20; 23.9; Lev. 19.34; Deut. 10.19.
1st. There were two kinds of flesh abhorred by the Hebrews, that which dieth of itself (nebelah) and that which is torn of beasts (terefah).

The nebelah, odious as it was, might be sold to the nokri. The terefah was still more objectionable than the nebelah. The antique law was that it should be cast to the dogs. There is ground for the assumption that the rigidity of this rule was, in the course of time, relaxed, since an express ordinance forbade the eating of the terefah by Hebrew or by ger. It is not hazardous to conjecture that it might be given or sold to the nokri, no allusion to him being made in this prohibitive ordinance.

2d. No ben-nekar could eat of the Passover.

3d. An Israelite was not allowed to offer for sacrifice an animal procured from a ben-nekar.

4th. The taking of interest or increase for money or goods loaned to another is a highly objectionable act, but it is nevertheless allowed in the case of a nokri.

5th. No ben-nekar should be allowed in the Temple.

6th. Perhaps the most emphatic example is presented by the spontaneous exclamation of the Levite while on his journey. When night fell and it was necessary to find shelter, his companion pointed out a city that lay before them as a convenient stopping-place for the night. The Levite, horrified, replied: “We will not turn aside into a nokri city!”

7th. Isaiah reproaches Judah and Jerusalem that they please themselves in the brood of nokri.

8th. Zephaniah denounces those who wear clothes in nokri style.

9th. Obadiah looks upon nokrim as mere pillagers.

10th. Lamentations does the like.

6Deut. 14.21. 7Exod. 22.30. 8Lev. 17.15. 9Exod. 12.43. 10Lev. 22.25. 11Deut. 23.21. 12Ezek. 44.7, 9. 13Jud. 19.12. 14Isa. 2.6. 15Zeph. 1.8. 16Obad. 1.11. 17Lam. 5.2.
11th. The 114th Psalm says of the *bene nekar* that their "mouth speaketh falsehood, and their right hand is a right hand of lying."\(^6^0\)

The Book of Proverbs looks upon them as degraded and degenerate. The depth of infamy is reached by the *nokriyah*.\(^6^1\)

The worst fate that can befall a Hebrew is that the *nokri* or *zar* shall enjoy his substance, that "*zarim* be filled with thy strength and thy labors be in the *nokri's* house."\(^6^2\)

And a Hebrew has sunk low indeed when he has become *muzar* unto his brethren and *nokri* unto his mother's children;\(^6^3\) when the *garim* of his house and his *amahot* look upon him as a *zar* and a *nokri*.\(^6^4\)

While common opinion was hostile to the *nokri*, and the law, in a measure, reflected it, since the education of a whole people in new ideas is a slow process, there were loftier spirits whose souls were unhampered by prejudice. These had that wider vision which looks without fear into a distant future nobler and freer than the present. They foresaw a time when the hated *nokri* should become a brother. In the prayer of Solomon at the dedication of the Temple he speaks of "the *nokri* that is not of thy people Israel, when he shall come out of a far country for Thy name's sake . . . when he shall come and pray toward this house" and his supplication is: "Hear Thou in heaven, Thy dwelling-place and do according to all that the *nokri* called to Thee for; that all the peoples of the earth may know Thy name to reverence Thee as doth Thy people Israel . . ."\(^6^5\)

In the magnificent vision of Isaiah, he sees *kol ha-goyim* (all the foreign nations) "at the end of days" flock

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\(^*\)Psalm 144.8, 11.  \(^6^0\)Prov. 2.16; 6.24; 7.5; 20.16; 27.13.
\(^6^1\)Prov. 5.10; Eccles. 6.2.  \(^6^2\)Psalm 69.9.  \(^6^3\)Job 19.15.
\(^6^4\)1 Kings 8.41; 2 Chron. 6.32.
to the Temple and pledge allegiance to the God of Jacob and "they shall beat their swords into plowshares, and their spears into pruning-hooks; nation shall not lift up sword against nation, neither shall they learn war any more." And Micah foresees the same happy result in the end of days, meaning, according to Margolis, the Messianic era.

When we reflect that these messages were delivered twenty-five centuries ago and view conditions as they are to-day, the long postponement of the happy time is fully vindicated.

The broad views above cited concerning the nokri may be supplemented by an incident of the most interesting character.

It will be remembered that Israel determined not to make its attack on Canaan from the south, but to establish its base of operations east of Jordan. The direct route to the desired point lay through the territory of Edom.

At this point Moses exhibited a regard for international law based on ethical principles, which is amazing for that early time. The narrative is related in the twentieth Chapter of Numbers:

"Moses sent messengers from Kadesh unto the King of Edom. Thus saith thy brother Israel. . . . We are in Kadesh, a city in the uttermost of thy border. Let us pass, I pray thee, through thy land; we will not pass through field or through vineyard, neither will we drink of the water of the wells; we will go along the king's highway, we will not turn aside to the right hand nor to the left, until we have passed thy border."

And Edom said unto him:

"Thou shalt not pass through me, lest I come out

66 Isa. 2.2-4.  
67 Micah 4.1-4.  
68 Margolis' Commentary on Micah, pp. 42, 43 (J.P.S., Philadelphia, 1908).
with the sword against thee." And the children of Israel said unto him:

"We will go up by the highway, and if we drink of thy water, I and my cattle, then will I give the price thereof; let me only pass through on my feet; there is no hurt."

"And he said, Thou shalt not pass through. And Edom came out against him with much people and with a strong hand. Thus Edom refused to give Israel passage through his border; wherefore Israel turned away from him."69

The object to be attained was practicable by a march through the territory of the Amorites whose King was Sihon.

Moses then sent to Sihon, a message substantially similar to that which had been sent to Edom, omitting of course to call Israel brother to the Amorite because they viewed each other as strangers whereas the Edomite was looked upon as descended from the brother of Israel's ancestor Jacob.

Sihon, however, not only refused to grant the request but gathered his army and attacked Israel at Jahaz.

"And Israel smote him with the edge of the sword and possessed his land from the Arnon unto the Yabbok even unto the children of Ammon; for the border of the children of Ammon was strong. And Israel took all these cities and Israel dwelt in all the cities of the Amorites, in Heshbon, and in all the towns thereof. For Heshbon was the city of Sihon the King of the Amorites, who had fought against the former King of Moab and taken all his land out of his hand even unto the Arnon."

"Thus Israel dwelt in the land of the Amorites."70

The aloofness of the great mass of Hebrews from the nokri, is in striking contrast to their position towards the ger.

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We have already advanced the hypothesis that the bulk of the native population remained in the land and became feudatories of the conquering Hebrews, subject likewise to the mas or corvée, which is the liability to be called on to labor on public works for a limited period.

That the ger was an important factor in the labor-force of the Hebrew commonwealth is amply attested by the records.

We have, for instance, this narrative:

Moses is represented, as having, near the close of his career, addressed all Israel, reciting at the same time the several classes composing the nation, to wit: "All the men of Israel, your little ones, your wives, and thy ger that is in the midst of thy camp, from the hewer of thy wood unto the drawer of thy water."

If the ger here referred to had been merely alien outsiders visiting the country or temporarily sojourning in it, there would have been little reason to include them as an important element of the people on this solemn occasion. There would have been even less ground for using the possessive pronoun and calling them thy ger. This possessive expression implies not only close relationship, but also superiority, a power of command, which would be inappropriate to express the condition of friendly visitors, but would aptly characterize the relation between employers and employees. We are not however compelled to rely on inference alone. The phrase added defines their condition, they are the "hewers of wood and drawers of water," a popular expression describing any kind of common labor.

There are other instances of a similar use of the word. The Sabbath commandments in Exodus and Deuteronomy direct the master to prohibit work on the Sabbath not only by his family and his slaves but "by thy ger that

\textsuperscript{a}Deut. 20.1, 9, 10. \textsuperscript{b}Exod. 20.10; 23.12; Deut. 5.14.
is within thy gates." Such a command is, of necessity, addressed to an employer who might otherwise exact Sabbath service from an alien employee who was not a worshipper of the God of Israel.

A similar prohibition is contained in the ordinance commanding the observance of the tenth day of the seventh month (Atonement Day). 73

More striking still is the language attributed to Moses in charging the judges: "Hear the causes between your brethren and judge righteously between a man and his brother and (between a man) and his ger." 74 It is difficult to imagine causes of contention with mere strangers, whereas differences between employer and employee have always arisen. And here again it is necessary to note the possessive pronoun (his ger).

The unsophisticated historical evidence seems conclusive of the matter. Solomon, intent on increasing the splendor of his reign, entertained magnificent building schemes. He built not only the Temple but constructed the fortifications of Jerusalem, the royal palace and other notable structures. He also built Gezer, Beth-Horon the nether, Baalath, Tadmor in the wilderness and other cities. 75 In carrying on these projects he was doing what his father, King David, had dreamed of and projected.

Needless to say, the work required a large force of laborers, and the only practicable mode of obtaining them was by the enforcement of the mas, the corvée to which the conquered Palestinian natives had been subjected. David had seen this clearly and had begun by systematizing the institution putting at its head a man of extraordinary ability, Adoniram, whose office is described as being "over the mas," 76 what in modern parlance we would call a "Minister of Labor" in the King's Cabinet, which position

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73 Lev. 16.29. 74 Deut. 1.16. 75 Kings 9.15-19; 2 Chron. 8.1-6. 76 2 Sam. 20.24.
he continued to hold under Solomon\textsuperscript{77} and under the latter's successor Rehoboam,\textsuperscript{78} a period of remarkable length, seeing that the duration of Solomon's reign was about forty years\textsuperscript{79} to which must be added the time he held office under David and under Rehoboam.

David's first step was to take a census of all the gerim men in the land of Israel.\textsuperscript{80} There were, however, circumstances which hindered him from realizing his projects. Under Solomon everything was ready. Adoniram took a new census of these gerim men, and their number was found to be 153,600, from which figure it is fair to infer that the whole ger population of Israel (women and children included) was perhaps three-quarters of a million.

We are not left in doubt as to who these gerim were. The account is explicit: "All the people that were left of the Amorites, the Hittites, the Perizzites, the Hivites and the Jebusites, who were not of the children of Israel; even their children that were left after them in the land..."\textsuperscript{81}

The census being completed the next step was to levy the mas. The architects needed 10,000 men to work steadily, and these were to be taken from among the gerim. As has already been said, these gerim were employed by the Israelites, the men of the northern section, in agricultural and other labors, though their largest and most important industry was agriculture.

The mode in which the mas was levied, was somewhat complicated and that for good and sufficient reasons. The Israelite farmers needed the gerim and deprivation of their service entailed loss and hardship. To reduce these disadvantages as much as possible, Adoniram devised this scheme:

The 150,000 gerim men were divided into five sections

\textsuperscript{77} Kings 4.6; 5.28. \textsuperscript{78} Kings 12.18; 2 Chron. 10.18. \textsuperscript{79} Solomon's reign is given as forty years in 1 Kings 12.42. \textsuperscript{80} 2 Chron. 2.16 \textsuperscript{81} 1 Kings 9.20, 21; 2 Chron. 8.7, 8.
of 30,000 each. The first year one of these sections was drafted; another section was drafted for the second year, and so on, one section for the third, another for the fourth and another for the fifth year. It followed that the members of any one of these sections were not subject to be called for a second term of service until the fifth year after the expiration of their first term.

These sections of 30,000 men were thrice the number required by the architects. Each section was therefore subdivided into three sub-sections of 10,000 each, the latter being the number required. It followed that each of these sub-sections was held to the work for only four months in each year. To deprive the Israelite employer of a considerable number of his workmen for four successive months in the year would have been a serious hardship. The matter was therefore so arranged that each sub-section of 10,000 men should do its work not by continuously working for four months, but by working one month out of every three in the year of their service, so that each individual worked in the public service a total of four months in five years, that is one-fifteenth or six and two-thirds per cent of his time.

The outstanding feature of this mas levy was that it did not include the southland, the territory of Judah and Benjamin, while most of the magnificent structures to be built were to be located in the latter. Solomon appointed as Adoniram's chief deputy in Israel, a northerner of the northerners, Jeroboam ben Nebat, an Ephraimite. He is described as a gibbor hayil (a mighty man of valor) and of untiring industry, and he was given charge “over all the labor of beth-Joseph” (the northland). Instead of faithfully performing the duties of his office, he did his best to rouse opposition to the enforcement of the mas. His

81 Kings 11.26; George Adam Smith's *Historical Geography of the Holy Land*, p. 319, note.
treachery being disclosed, he fled to Egypt where he re-
mained till Solomon's death.83

Though the discontent of Northern Israel was not
relieved, Solomon's reign was so imposing that no out-
break resulted. The work went on without disturbance, and the results were, as regards the reputation of the
Kingdom, of the most flattering character.

At Solomon's death, however, the rebel—Jeroboam—
returned to Palestine and resumed his activity. Solomon's
son and successor, Rehoboam, was of a type far inferior
to his celebrated father. From the very beginning of his
career he blundered. The discontented northerners at
once approached him and demanded relief from the mas.84
Jeroboam was their spokesman. Rehoboam haughtily
refused, whereupon the northerners raised their old war-
cry "To your tents, O Israel,"85 and openly rebelled. Reho-
boam, unable to grasp the situation, sent poor old Adoniram
to the north with orders to enforce the mas relentlessly.
He was killed in the attempt, the Northland seceded, Jero-
boam became its first king, Jerusalem was repudiated as
the capital and Beth-el was set up in its place.86

Thus the kingdom was finally divided in the year 933
B.C., for a grievance which the Northerners had endured
for decades. The mas which took from the employer six
and two-thirds per cent of his ger's working-time was
scarcely sufficient of itself to warrant the drastic step of
secession. There was undoubtedly a feeling that the South
was getting an unfair advantage of the North not only in
monopolizing the results of this labor, but in not contribut-
ing its proportionate share thereof. Added the tactlessness
of Rehoboam and the audacious ambition of Jeroboam,
and there were ample materials to produce a cataclysm.

81 Kings 11.10. 84 Kings 12.3, 4. 85 Kings 12.14, 16.
82 Kings 12.29-33; Amos 7.13.
One curious feature in connection with this subject is that many scholars understand the texts to mean that the Israelites themselves were drafted for public work and that this was the cause of the revolt. For this opinion there is no semblance of authority. There is not the slightest hint that they were ever made subject to the corvée, whereas all the texts concur in stating that the gerim were so subject. When the text tells us that Solomon levied a mas on kol-yisrael, it plainly means that he drafted their employees and thus imposed a tax on the employers.87 We may assume that people three thousand years ago were not more eager to pay taxes than are our contemporaries, and that, then as now, they bandied charges that the taxes were unfairly levied, that they were excessive and that the products were unevenly distributed.

This aspect of the case many commentators and critics have overlooked and have in consequence invented the imposition of the corvée on the Israelites themselves, in the belief that nothing less than a severe personal grievance could have produced the great rebellion.

In the next lecture we will further consider the ger.

87 Kings 9.20-22; 2 Chron. 8.7-9.
II

In the previous lecture the gerim were depicted as a great, perhaps the great labor force of the Hebrew commonwealth. Though described by all the Bible translators as strangers, the difference between them and the zarim and the nokrim, who are also called strangers was dwelt upon. In addition to these classes there were two other classes of so-called strangers mentioned, namely the Toshab and the Sakir, to investigate whom is our next problem.

About them there is no mystery. They are mere subdivisions of the ger.

When the natives were reduced to feudatories they had to face abnormal conditions. The majority of them were farmers but an important minority carried on other trades. The Hebrew vocabulary is rich in the names of such occupations.¹

The conquest had deprived the natives of their landholdings. Most of them had families to support. The

¹The following list, which is far from complete, will show how varied were the occupations of the inhabitants:
The Omman (Cant 7.2) is a master-workman, an artist.
The Ofeh (Hosea 7.6) is a baker.
The Oreg (Isa. 19.9) is a weaver.
The Boneh (2 Kings 22.6) is a builder.
The Mekareh (Psalm 104.3) " "
The Gallab (Exek. 5.1) is a barber.
The Dayyag (Isai. 19.8) is a fisherman.

or
The Dawwag (Ezek. 47.10) " "
The Hobel (Ezek. 27.9) is a sailor.
The Mallah (Ezek. 27.29) " "
The Hobesh (Isai. 3.7) is a surgeon.
The Rofe (2 Kings 20.5) is a physician.
The Harash (1 Sam. 13.19) is a metal-worker.
(2 Sam. 5.11) is a wood-worker.
(2 Sam. 5.11) is a worker in stone.
obvious resource was to utilize their knowledge by working for the victors. The latter were not in the best condition. They had not the requisite number of skilled farmers and artisans to carry on the variegated business of the country. They needed the labor of the dispossessed natives. The result was an arrangement whereby the bulk of the native population remained where they were. They became settled as employees on the land of which they had been the owners. And these settled *gerim* were called *toshabim* (settled, a word related to *yashab*, to sit, just as in English, *sit* and *settled* are related). They were not employed for a season or for a limited period, but they and their progeny after them were to be on the land indefinitely—a settled peasant population.

That a minority of the natives, especially the artisans and the unmarried men, were reluctant to enter into such a service was only natural. They preferred to work for a period expressly limited and to be paid daily wages. These

(Exod. 28.11) is a gem-engraver.
The *Hosheb* (Amos 6.5) invents musical instruments.
(Exod. 31.4) devises artistic constructions.
(Exod. 26.1) develops artistry in weaving.
(2 Chron. 26.15) invents engines of war.
The *Tabbah* (1 Sam. 8.13) is a cook.
The *Token* (Jud. 16.21) is a miller.
The *Yoster* (Isai. 41.25) is a potter.
The *Kena‘ani* (Isai. 23.8) is a trader.
The *Moker* (Isai. 24.2) invents engines of war.
The *Sofer* (Gen. 23.16) is a scribe.
The *Kokel* (1 Kings 10.15) is a scribe.
The *Kobes* (Isai. 7.3) is a fuller, a washer.
The *Masger* (2 Kings 24.14) is a locksmith.
(1 Chron. 24.1) a smith.
The *Malbish* (2 Sam. 1.24) is a clothier.
The *Sofer* (1 Kings 4.3) is a writer.
The *‘Amel* (Jud. 5.26) works with a hammer; the laborer in general (Prov. 16.26).
The *Sayyad* (Jer. 16.16) is a hunter.
The *Safel* (Jud. 17.4; Jer. 10.9, 14; Is. 40.19; Neh. 3.8, 32) is a smelter, a refiner, a goldsmith.
The *Rokeb* (Jer. 51.21) is a chariot driver.
The *Rakhab* (1 Kings 22.34) drives a chariot.
The *Rokeah* (Exod. 30.25) is a perfumer.
constituted the sakir class of the ger. The term of a sakir's work-contract was called yeme sakir or shene sakir. While ordinarily yeme sakir would mean sakir's days, yet the word yom besides its usual meaning of day, also signifies time, instances of which meaning are given in Brown-Driver's Hebrew Lexicon. It is in this sense that it is used here, and it indicates that the sakir was hired, not from day to day, but for a fixed period. And this fixed period was, in the beginning, more than one year, as the expression shenē sakir (literally sakir's years) shows. The probability is that the term of his employment was for three years. So may fairly be understood the injunction to a master releasing his Hebrew slave at the end of six years (which was the limit of a Hebrew slave's service) on the expiration of which he was to go out free. These are the words: (A.V.)

"It shall not seem hard unto thee, when thou sendest him away free from thee; for he hath been worth a double hired servant (sakir) to thee in serving thee six years."5

It is true that many modern scholars haughtily reject this view, but it is that of Ibn Ezra, who fortifies it by Isaiah's words in foretelling the doom of Moab, and it may well be accepted:

"Within three years, as the years of a sakir (shene sakir) and the glory of Moab shall wax contemptible."6

The probability is that in the course of time, as circumstances changed, the three-year term of the sakir's

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5Lev. 25.50; Job 7.1; 14.6. 6Isa. 16.14. 7P. 209 - 6. 8Deut. 15.18.

Notwithstanding my repugnance to entering upon the slippery path of textual criticism, I venture in this connection to make the suggestion that the text originally read, not mishneh sehar sakir, but mishneh shene sakir. That an ancient scribe, who has since been uniformly followed, might easily have made this blunder, plainly appears when we reflect that he had three words to copy, that he kept these in mind, and that the middle word was closely related to the first. While writing he made it closely related to the third instead of the first, a mistake the like of which many of us have made since his day. Had he acted otherwise than mechanically, he could not have escaped the reflection that the wage of the sakir was paid every evening, while the reward of the 'ebad was principally, if not altogether, in kind, and could bear no analogy to the sakir's daily wage payment.

9Isa. 16.14.
contract was reduced to one year. This may fairly be inferred from the expression used concerning the term of a Hebrew who has sold himself as a slave to a *ger we-toshab*. Instead of being doomed to perpetual servitude he must be viewed as a *sakir shanah be-shanah* (a *sakir* from year to year).\(^7\)

Our thesis that the *ger* were composed of the two classes *toshab* and *sakir* seems provable from the records.

They are grouped together in several instances in a way that shows their close connection in *status*.

A striking example of this is to be found in the important *Pesah* statute,\(^8\) which commands a ceremony sacrosanct, in commemoration of the Exodus from Egypt. It is therefore of special concernment to Israelites and participation in it by non-Israelites is eschewed. As there are many of the latter connected with Israel, the relations of the several groups are carefully defined. The groups spoken of are the following:

a) The whole congregation of Israel\(^9\)

b) The *ben-nekar* (the unmitigated alien)\(^10\)

c) The *miknat kesef* (purchased *nokri* slave)\(^11\)

d) The *toshab* and *sakir*\(^12\)

e) The *ezrah ha-ares*\(^13\)

f) The *'arel* (uncircumcised)\(^14\)

g) The *ger*\(^15\)

Superficially read, there would appear to be six groups of outsiders. Careful examination shows that there is not so great a number. The ultimate test is, that one who has not been initiated into the covenant of Abraham (the *'arel*), may not eat of the Paschal lamb. This condition of inadmissibility was, of course, normal in the case of the *ben-nekar*, the man who was and would remain a complete

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\(^7\)Lev. 25.53.  \(^8\)Exod. ch. 12 and the Supplement thereto Num. 9.1-14.  
\(^9\)Exod. 12.47.  \(^10\)Exod. 12.44.  
\(^11\)Ibid. 12.44.  \(^12\)Ibid. 12.45.  
\(^13\)Ibid. 12.48, 49.  \(^14\)Ibid. 12.48.  
\(^15\)Ibid. 12.48.
outsider. The *miknat kesef* was a *ben-nekar* by origin, but according to the traditional custom, it was the duty of the master to initiate his slave whether house-born or purchased\(^{16}\) and hence the ordinance admits him to participate after such initiation.\(^{17}\)

The *toshab* and *sakir* are here named together, and their participation in the Paschal ceremony is forbidden. Respecting them there would appear to be no alleviation. And yet such a state of affairs seems highly improbable. The purchased *nokri* slave, may, after complying with the condition, join in the festival. Respecting the house-born slave not a word is said because his initiation into the Covenant is assumed as a matter unquestionable.

The *toshab* and *sakir* work by their side for the same master. Keeping in mind the imitative and assimilative qualities of humankind, it is incredible that they would not want to do what not only the master did, but what the slave, whom they looked down upon, had the privilege of doing. It is equally improbable that the ordinance would sternly exclude the *toshab* and the *sakir* if they were willing to leave the *arel* class. Nor did the ordinance do so. When it permitted the *ger*, after the admission of himself and his males into the Abrahamic covenant, to partake of the Paschal lamb, it was merely substituting the term *ger* for its species, *toshab* and *sakir*. Bertholet, who has studied the subject more closely perhaps, than any other commentator, is of this opinion. These are his words: "Vielmehr ist *ger* der Allgemeinbegriff, unter den sich *toshab* subsumiert."\(^{18}\)

If these views are correct it would follow that the only class absolutely inadmissible to participate was the *nokri*, the *ben-nekar*, the hostility to whom was dwelt upon in

\(^{16}\)Gen. 17.13.\(^{17}\)Exod. 12.44.\(^{18}\)Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden*, p. 159.
the preceding lecture. Though the gerim, whether toshab or sakir could join in the festival, they were perfectly free to refrain from so doing. While their gradual assimilation was likely to occur, no pressure was to be brought to hasten the process. The words are: "If the ger . . will keep the passover. . ." leaving the matter to their option and initiative.

The groups mentioned have now been considered excepting only the ezrah ha-areas. The versions present various translations but with vexatious unanimity understand this term to mean invariably the Israelite himself.

To this rendering there are serious objections. To consider it now would be a hindrance to the elucidation of the main questions and it must therefore be deferred till later.

This much may, however, be said at this point. In our view the ezrah ha-areas or as it is alternatively written, the ezrah are terms that in the majority of instances mean Israel but in the rest have another meaning, the phenomenon being due to changes arising in the course of Hebrew history.

We will now return to our toshab and sakir. They are mentioned together in the regulations concerning the priesthood. The latter are allowed the kodashim (holy things) for their sustenance, but outsiders are excluded. Among these outsiders are the priest's toshab and sakir. They may not eat of it, though his slaves purchased and home-born are allowed to eat of it.\textsuperscript{20} The difference between these two kinds of laborers is that the slave, as was explained in the previous lecture, has virtually become a member of the family, and as such joins in the family worship, whereas the toshab and sakir contemplated by the ordinance are freemen who are not to be persuaded to

\textsuperscript{19}Exod. 12.48. \textsuperscript{20}Lev. 22.10,11.
become proselytes. And even if they left the ‘arel class they would still be excluded from the kodashim, because the ordinary Hebrew layman (here called zar) is equally barred.\(^2\)

The next instance relates to the produce of the seventh (the sabbatical) year when there must be neither sowing nor reaping. What the land spontaneously produces may be used for food

\[
\begin{align*}
&\text{by } \textit{thee} \text{ (the owner)} \\
&\text{by } \textit{thy} \textit{‘ebed} \text{ (slave)} \\
&\text{by } \textit{thy} \textit{amah} \text{ (female slave)} \\
&\text{by } \textit{thy} \textit{sakir} \\
&\text{by } \textit{thy} \textit{toshab}
\end{align*}
\]

Here the sakir and the toshab are placed in the same category with the slave and are in like manner spoken of possessively, indicating that there is the relation of master and servant. There is no mention of \textit{thy ger} as in other analogous instances, for the obvious reason that the classes mentioned are the two species of the genus ger.

In the preceding lecture the same use of the possessive pronoun in connection with the \textit{ger} was shown and dwelt upon.

And, last but not least, the position of the sakir and toshab as employees is emphatically illustrated in the case of a Hebrew who has become impoverished and has sold himself to a prosperous man of his own nation. Though the greed of the buyer and the desperate straits of the seller may have co-operated to make a contract whereby the poor wretch was to become an ‘ebed (slave), the law steps in and annuls it as contrary to the public policy of the state. The poor man’s status is to be that of \textit{ger} we-toshab or alternatively of sakir or of toshab,\(^3\) the various names being practically equivalent to \textit{ger}.

\(^1\text{Lev. 22.10.}\) \(^2\text{Ibid. 25.4–6.}\) \(^3\text{Lev. 25.34, 40.}\)
In this connection it is well to consider the case of the Hebrew who has become impoverished and has sold himself to a prosperous ger we-toshab or to one of the latter's kin. However stringent the contract, the law reads into it a provision that the Hebrew may at any time be redeemed on fair terms, either by himself if he become able, or otherwise, by any of his kin. In no event can he be held beyond the jubilee year. In arranging the terms of redemption the time already served is to be used in the computation as if the poor man had been serving sakir's time (yemé sakir). Indeed he is to be considered and treated as a sakir shanah be-shanah (a sakir from year to year).²⁴

A comparison of the two cases invites attention to facts that are noteworthy. The outstanding feature is that the ger we-toshab is in a position to employ a Hebrew to work for him. The desire on the ger we-toshab's part to call for such help is based on his prosperity and on a form of it which is nowhere expressly mentioned but seems necessarily implied. He is a peasant living with his family on a Hebrew's land, deriving his and their sustenance from it, with perquisites perhaps in the form of wages, which are unascertainable from the records. A Hebrew landowner alongside of him is too impoverished to continue on his land any longer and must seek a means of earning a livelihood for himself and family. He makes an arrangement with the ger we-toshab whereby the latter will employ him, perhaps leasing to such employer for a limited term the land which he himself can no longer manage. While the ger we-toshab may not own land there is no authority for believing that he might not lease it for a limited term. If he does so, he may not employ the unfortunate owner as a peasant (toshab) but must hire him as a sakir, a laborer, whose wage must be paid daily.

²⁴Lev. 25.47-54.
In this connection it may not be amiss to remember that the *sakir* is also capable of attaining a certain prosperity. Probably such an achievement was rarer in the case of a *sakir* than in that of a *toshab*, but it was practicable.

The only recorded instance is that of a *sakir* who owns an animal and hires himself out to work with it, naturally for a wage much greater than he would earn for his own work without such aid. The text has given endless trouble to the translators. The King James version renders it thus:

"And if a man borrow aught of his neighbor (reta'), and it be hurt, or die, the owner thereof being not with it ('immo), he shall surely make it good. But if the owner thereof be with it (immo), he shall not make it good; if (im) it be an hired thing (text: sakir) it came for his hire."

The English Revision makes it:

"And if a man borrow aught of his neighbor and it be hurt or die, the owner thereof not being with it, he shall surely make restitution. If the owner thereof be with it he shall not make it good; if it be a hired thing (sakir) it came for its hire."

The J.P.S. version is like the English Revision except that it renders the last clause thus: "if it be a hireling (sakir) he loseth his hire."

The King James version and the English Revision make of the *sakir*, a hired thing. The J.P.S. version on the other hand appears to make the *sakir*, a person (as he really is), but what the meaning of its whole phrase is passes my understanding.

There appears to have been a general obsession that a *sakir* could never be rich enough to own an ox or a cow, and therefore to conceive him as hiring himself out to work with his animal did not occur to them.

\(^{23}\)Exod. 22.13, 14.
Kautzsch in his German version of the Scriptures is unable to give a satisfactory translation and therefore leaves the last clause untranslated, giving his reasons in a note, of which the following is a translation:

"The last phrase is of quite uncertain meaning. It is usually translated thus: 'If it (the animal) was hired, the loss is on the hire', i.e. the loss is to be reckoned and covered by the hire. But, in the first place, the word sakir always means a day-laborer, and in any event, it would be monstrous to consider the value of the animal as being covered by the hire, which, after all, is but a small fraction of its value. On the whole, therefore, it would seem that this additional phrase has no bearing on the subject of hiring an animal and refers only to the negligence of a hired man in failing to care for the loaned animal. In that view, the phrase would mean: 'If it be a hired man who is responsible for the loss, it falls on his wages, i.e. he must work till he earns enough to pay for the loss.' "

Kautzsch was on the right track, though he wandered from the path and failed to reach the goal.

The difficulty is caused by the failure to grasp the special meaning of the word rea' and the particular intimation conveyed by the word 'immo (beginning with an 'ayin) and by the word im (beginning with an alef).

It is however the word rea' which is most important in this connection. The versions agree in rendering it "neighbor" which is its usual signification. Here, however, it has another and a special meaning, though at bottom, this special meaning has the same ethical implications as the general meaning. This question, "who is my neighbor," is the text of a fine piece of Midrash in Luke. We cannot however ascertain exact legal definitions by hortatory exposition, however beautiful.

It will be remembered that the great body of native workmen were called ger (stranger). As the new lords of the land developed its industries, there inevitably arose considerable classes of Hebrew laborers, men, who, either had lost the land originally assigned them or some perhaps who had never received any. These Hebrews came by degrees to practise the various trades at which the ger worked. With agriculture they were more or less familiar and doubtless the majority of these workmen chose farming. Thus they worked alongside of the ger. The national pride forbade the calling of these brethren ger, though this word had practically come to mean "laborer." In contrast to the ger (stranger) they called their Hebrew workman, rea' (neighbor, friend). It is to be noted that though the Hebrews balked at calling their laboring tribesman ger, they did in time call such of them as worked for daily wage, sakir, though the latter were originally one section of the ger.

The following ordinance shows this use of the word:

"Thou shalt not oppress a sakir 'ani we-ebyon (the versions render: a hired servant that is poor and needy) whether he be of thy brethren or of thy ger that are in thy land within thy gates. In the same day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor ('ani) and setteth his heart upon it. . . ."

28 Num. 1:2, 3 tells us that prior to the invasion of Canaan, a census was taken of all the males "from twenty years old and upward, all that were able to go forth to war in Israel." Upon the basis of the registry so made the conquered land was to be divided. The question arises whether "and upward" was intended to include men of senile age or whether there was a maximum age for military service. That there was some limit seems intrinsically probable, and this probability is enhanced by the narrative which makes Caleb, in his eighty-fifth year declare himself as still fit for war (Josh. 14:11). Had he been on the registry, such a remark would have had no reason. It is still further strengthened by the statement of Josephus (Antiq. Book III, ch. 12, 4) that the limit was fifty years. Though he is not always to be relied on, he is in this instance probably right, especially in view of the current opinion that man's normal span of life is seventy years (Psalm 90:10). If this hypothesis be correct it would follow that some were landless from the very beginning. Add to this the inevitable differences in the fertility of soil and in the ability and efficiency of the owners, and causes for distress and impoverishment will not be wanting.

29 Deut. 24:14, 15.
Returning now to our *rea‘* we find in the prophetic writings satisfactory evidence of its use to mean workman. Jeremiah in his great sermon on morality delivered at the gate of the Lord’s house, exhorts his hearers as follows:

“Thoroughly amend your ways and your doings; thoroughly execute justice between a man and his *rea‘*, oppress not the *ger*, *yatom* or *almanah*.”

Note the parallelism between the *rea‘* and the *ger.* More explicit still is his cry against the King Jehoiakim:

“Woe unto him that buildeth his house by unrighteousness,

And his chambers by injustice,

That useth his *rea‘*‘s service for nothing

And giveth him not his hire (*po‘alo*).”

And comparing the King unfavorably with his father, he dwells on the latter’s justice and righteousness in that he judged the cause of the ‘*ani* and the *ebyon*, whereas the son is a covetous oppressor.

Again in Zedekiah’s time he reproaches all the powers of the state, namely, the princes of Jerusalem, the *sarism* and the priests and the whole ‘*am ha-ares* with dereliction in not securing liberty for all including every man’s *rea‘*. Ezekiel is equally bitter. His reproaches directed to the princes of Israel enumerate among their other delinquencies that they have dealt by oppression with the *ger*, the *yatom*, the *almanah* and the *rea‘*.

Proverbs has this significant passage: He that despiseth his *rea‘* sinneth, but he that is gracious to the ‘*aniyyim* happy is he.

There are passages in the Pentateuch on similar lines:

“A *ger* thou shalt not wrong, neither shalt thou oppress him; for ye were *gerim* in the land of Egypt. Ye shall...
not afflict any *almanah* or *yatom*. . . . If thou lend money to any of my people, even to the *ani 'immak* (versions: the poor with thee) thou shalt not be to him as a creditor, neither shall ye lay upon him interest. If thou at all take thy *rea*’s garment to pledge, thou shalt restore it to him by that the sun goeth down; for that is his only covering, it is his garment for his skin; wherein shall he sleep? . . .”

Note here the classification: *ger, almanah, yatom, ani 'immak, rea*. Again: “Thou shalt not oppress thy *rea*, nor rob him; the wages of a *sakir* shall not abide with thee all night until the morning.”

Here *rea* and *sakir* are in juxtaposition, if indeed they are not alternative expressions meaning the day-laborer.

And now as to the word *immo*.

This word *im*, among its numerous meanings, has one which expresses the idea of employment. The versions simply translate “with” apparently ignoring the special meaning here present.

Instances of the use of the word with this special meaning are not wanting. We have an interesting series of passages relating to an important event in the life of the patriarch Jacob.

When he had roused his brother Esau’s enmity, his mother feared for his life and begged him to go to Haran to her brother Laban “and tarry with him a few days,” until Esau’s fury should abate. Though mother and son knew that it was not a trifling journey to Paddan-aram, and that Esau’s wrath was not so short-lived, that a few days or a short time would see matters adjusted, yet need we not quarrel with the mother’s loving belittlement of the difficulty. She did not intend to be understood literally and Jacob easily divined her intention. Indeed the same

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expression occurs in the narrative of Jacob’s love for Rachel which was so great that his service of seven years for her seemed to him but “a few days.”

Rebecca did not expect her son to pay a visit to her brother in order to enjoy a genteel vacation. She knew that when there, he would be expected to earn his living by working for it. And so indeed it happened. We are told what he did:

“And he (Jacob) abode ‘immo (with him, Laban) for the space of a month.” This is the way the versions put it, the real meaning being that he served him (worked for him) for that time. The next verse proves this. Laban says to Jacob: “Because thou art my nephew (ah) shouldst thou therefore serve me for naught? Tell me, what shall thy wages be?”

And when Jacob departed and there was bad blood and chiding between him and Laban, the former remarked: “These twenty years have I been with thee,” plainly meaning “These twenty years have I worked for thee.”

The twenty-fifth chapter of Leviticus, which treats of the sabbatical year and the year of jubilee uses this preposition ‘im freely.

We may quote in this connection the already cited sixth verse, which the translators have found troublesome.

The J.P.S. version renders: “And the sabbath-produce of the land shall be food for you: for thee, and for thy servant (‘ebed), and for thy maid (amah), and for thy hired servant (sakir), and for ‘the settler by thy side’ (toshabeka), that ‘sojourn with thee’ (haggarm ‘IMMAK).”

According to our hypothesis the latter part of the sentence really means: “And for thy sakir and for thy toshab that are in thy employ.”

Another instance is the provision regarding the fugitive

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41 Gen. 29.20. 42 Gen. 29.14. 43 Ibid. 29.15. 44 Ibid. 31.38.
slave. The J.P.S. version is: "Thou shalt not deliver unto his master a bondman (‘ebed) that is escaped from his master unto thee. He shall dwell with thee (‘immeka) in the midst of thee, in the place which he shall choose within one of thy gates, where it liketh him best; thou shalt not wrong him (lo tonennu)," the meaning of which is:

Thou shalt not deliver unto his master a bondman (‘ebed) that is escaped from his master's service (me'im adonaw) unto thee. He shall settle in thy employment (‘immeka) in thy midst, in the place which he shall choose within one of thy gates which it liketh him best; thou shalt not wrong him."

Here we see that the slave has escaped from "with his master." That relation is not one of friendly intimacy or of equality. It is the relation of servitude. Nor is the new relation which is to be established for the fugitive any other than one of employment. It also is described by the same preposition ‘im.

Moreover there is the significant prohibition lo tonennu, thou shalt not maltreat him, a verb habitually used to describe the ill-treatment of the workman, the ger, which goes far to indicate that the employment of the fugitive slave is contemplated.

Other instances of the use of this preposition ‘im in the sense of being in another's employment are numerous.

There is the story of Micah a rich Ephraimite who had a little temple of his own in which he set up ephod and teraphim and consecrated one of his sons to be the priest (Kohen).

And there came along a Levite, seeking employment. In those early days, there must have been a class of trained

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45 Deut. 23.16, 17.
46 Instances of the use of this verb in connection with the oppression of the ger or other employees are Exod. 22.20; Lev. 19.33; Je. 22.3; Ezek. 18.12; 22.7, 29.
47 Lev. 25.50, 53; Deut. 15.16; Jud. 17.10; 1 Sam. 2.21.
priests called Levites, who sought employment in their capacity in every one of the tribes.

Micah said to him: "Dwell with me (immadi) . . . and I will give thee ten pieces of silver by the year, and a suit of apparel and thy victuals." (J.P.S. version.) The Levite cheerfully accepted, whereupon Micah installed him and he became Micah's priest, at which Micah greatly rejoiced, believing that the Levite had much more influence with the Lord than his own son would have had, who was after all but an amateur and not a professional priest.48

The last example we shall cite of this use of the word 'im is perhaps the most interesting. It is part of the history of the prophet Samuel.49 The versions agree that the lad "grew before the Lord," the text using the word 'im. The true meaning must be that the acolyte Samuel was reared in the service of the Lord.

When we remember that his mother devoted him to the Lord's service when he was a mere babe50 and that the child ministered unto the Lord before the priest Eli,51 we must conclude that the narrative records the lad's progress in the service.

This use in Hebrew of the word 'im (with) to denote employment, has its analogue in our ordinary English. We have all heard men say, sometimes with evident self-sufficiency, that they are with a great corporation, or a leading mercantile or banking establishment. They do not mean to assert that they are chief or part owners of the business. All they wish us to understand is that they are of its employees.

The third word that contributes to the difficulty is im, the general meaning of which is "if." It may however, on occasion, mean "when."52
Having digressed long enough from the main subject in order to elucidate these three words, we may now, in the light of the suggestions put forward, return to our text and seek to make it clearer than the versions have succeeded in doing.

This is the way in which we would explain it:53 "And if a man borrow aught of his rea' (Hebrew employee) and it be hurt or die, the owner thereof not being employed with it, the borrower must make restitution. If the owner thereof be employed with it, the borrower need not make it good. When the man is sakir (that is, hired with his animal to work for a stipulated daily wage), this wage covers everything, the labor of the man, the labor of the animal and the risk of the animal's injury or death while employed in the work under its owner."

The legal reason for the rule if thus established is impeccable. Under the circumstances, when the owner of the animal is himself using it, an injury suffered by it could not with any show of justice be charged to the employer of the man and the beast. It was the duty of the owner to care for his beast. It was under his control and if it was negligently used, the fault is the owner's and not the employer's.

The Mishna seems to understand the law in the same way. In discussing our text it lays down these principles: "If a man borrow a cow and, at the same time or before, hire its owner, and the cow is hurt or dies, the borrower is not liable to pay for the cow, because the Bible says (Exod. 22.14): 'If the owner thereof be with it, he need not make it good.' "54 It evidently identifies the owner of the cow with the sakir who has been hired with it or before it, and who works with it.

We have, however, not yet finished with the Toshab.

53Exod. 22.13, 14. 54Mishnah, Baba Mesi'a, 8.1.
He also appears in the expression *ger we-toshab* and once as *ger toshab*.

Considerable learning has been expended on the difference between these two forms. As they obviously have the same meaning, the variation need not further concern us.

When Abraham, after the death of his wife Sarah, felt reluctant to bury her in a cemetery over which he would have no control, he applied to the *bene-Heth*, the natives of the land, and began by saying: I am *ger we-toshab* with you, meaning that though he considered himself a resident, he recognized the law that, as a *ger*, he could not be the absolute owner of land. He therefore appealed to them to make an exception under the sad circumstances. Their replies were courteous. They offered him the use of any of their own sepulchres, which would require no infringement of the settled law. He, however, persisted in his request for a sepulchre which would be his absolute property (*ahuzzah*), and they graciously complied with his request. Needless to say, the lord of the land accepted full payment in silver for the field of Machpelah and the cave that is therein.

That the inability of the *ger we-toshab* to own land in perpetuity was an accepted doctrine among the Hebrews, appears plainly from the terms of the jubilee law, which required the return in that year, of all purchased land, to its original owner, the reason stated being that the land itself is God's, and that the human beings who claim its ownership are, as regards Him, merely *gerim we-toshabim*, who, of course, could not be absolute owners.

When the Hebrews are forbidden to hold fellow-Hebrews as slaves, there is leave granted them to acquire *'ebed* or *amah* from the surrounding nations, and also

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44Gen. 23.4. 45Gen. 23.5–20. 46Lev. 25.10. 47Lev. 25.23. 48Ibid. 25.44.
from the *toshabim* in their employ.60 Mention has already been made of the fact that these *toshabim* may reach a certain degree of prosperity. An interesting linguistic circumstance in that regard is the fact that such a prosperous *toshab* is spoken of in the same verse as *ger we-toshab* and as *ger toshab*.61

It is time now to return to our simple *ger* uncomplicated with *toshab* or *sakir*.

The presence of a large population in an inferior position but in close relations with Israel would naturally result in a gradual abandonment by them of many prior practices and in a progressive assimilation with the practices of their employers. The absorption of the slave population in the religious community of Israel would be an element tending to hasten such a process.

To determine the course it actually took may be difficult but not quite impossible. The records give us evidence which may be arrayed under the following heads:

A. The gradual admission of the *ger* to participation in the national religious festivals.

B. Their gradual subjection to laws imposed primarily on Israelites alone.

C. Their presence on occasions of extraordinary solemnity as if they were an integral portion of Israel.

D. The careful provisions made for their gaining and maintaining material advancement.

A. Their position in regard to the festivals:

In the Paschal lamb celebration, the *ger* were not expected to participate. They were supposed, in general, to maintain their own religious rites and peculiarities, but provision was made that if any one of them desired to join the Israelites in this solemn ceremony, he was at liberty to do so, if he complied with the one condition

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60Ibid. 25.45. The words are: "mi-bene ha-toshabim ha-garim immakem."
61Ibid. 25.47.
imposed, namely that he and the male members of his family should leave the class of 'arelim and become initiated into the covenant of Abraham.\textsuperscript{62}

This was evidently at an early period when it was considered unwise to permit the employer to persuade his ger to adopt Hebrew customs, but the latter was left free to act according to his own desire, without interference of any kind.

And the supplemental ordinance which established for certain emergencies, a passover of the second month for those who could not lawfully celebrate it in the first month, has the same provision for the ger who wishes to avail himself of it, reference being made to the original Pesah ordinance as the norm.\textsuperscript{63}

The festival closely related to that of the Paschal lamb is the Maṣṣah festival, (the festival of unleavened bread).\textsuperscript{64} The ordinance establishing it provides that Israelites must eat unleavened bread during seven days and that leaven must be put away out of the houses and "whosoever eateth leavened bread from the first day until the seventh day, that soul shall be cut off from Israel."\textsuperscript{65} As this like the Paschal lamb celebration commemorated Israel's Exodus from Egypt, it was but natural that the command should be limited to Israel alone. Later on, however, in the same chapter, the ordinance is repeated, but this time three words are added ba-ger u-be-ezrah ha-ares, which the versions render "whether he be a sojourner or one born in the land."\textsuperscript{66} Without stopping to analyze the meaning of this addition, it may be remarked, that in view of the fact that the punishment was excision from Israel, its denunciation against a non-Israelite like the ger would seem strange. The explanation of the apparent inconsistency is to be found in the additional prohibition

\textsuperscript{62}Exod. 12.49. \textsuperscript{63}Num. 9.14. \textsuperscript{64}Exod. 12.15. \textsuperscript{65}Exod. 12.18; Deut. 16.3. \textsuperscript{66}Exod. 12.19.
that "seven days there shall be no leaven found in your houses." This could not be enforced, if there were a group of inhabitants who were at liberty to eat leaven. The ger were not directed or compelled to assume a religious duty of Israel, but they were prevented from interfering with the religious practices of Israel. The Maṣṣaḥ ordinance therefore viewed the ger, just as did the Passover ordinance, that is, neither considered him as being religiously affiliated with Israel.

Other texts on the subject are to the same effect: "There shall no leavened bread be seen with thee, neither shall there be leaven seen with thee in all thy borders." Affirmation of this view of the ger's position is found in the fact that there was to be a holy convocation and a cessation of servile labor in Israel on the first and the last days of the seven, but there is no word respecting the ger in this connection. He is not expected to assist in the celebration of the festival. His sole part is to avoid interference with the enforcement of the leaven prohibition.

The ger's religious aloofness is maintained in regard to the Day of Atonement. The ordinance is directed to Israel alone and no one else is included. It is to be a fast day and a rest day; and whosoever breaks the rule against certain forbidden indulgence "shall be cut off from his people," and whosoever works on that day will be destroyed "from among his people."

Another version of the ordinance presents a variation in that it brings in the ger. After directing like the other, that ye shall afflict your souls and shall do no manner of work, it like the Maṣṣaḥ ordinance has the words: ha-ezrah we-ha-ger ha-gar betokekem which the versions similarly render 'whether it be one of your own country or a

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67Exod. 12.19. 68Exod. 13.7; Deut. 16.4.
69Exod. 12.16; Lev. 23.7, 8; Num. 28.18, 25; Deut. 16.8.
70Lev. 23.27-32; Num. 29.7. 71Ibid. 16.29.
stranger that sojourneth among you' (King James); 'the home-born or the stranger that sojourneth among you' (J.P.S.). The true bearing and meaning of the added clause will be discussed hereafter. For the present, it is enough to note that the ger must abstain from work not because of any religious obligation resting on him, but rather in order that this day of solemn rest might not be marred by anybody's working.

The New Year's day (Rosh ha-Shanah) ordinance has no reference whatever to the ger. It is to be a solemn rest, a memorial, a holy convocation. No servile work may be done thereon, but it is for Israel alone and the ger is not called upon to do, or to refrain from doing, anything.

Even the ordinance establishing the weekly Sabbath with all its anxious care that the ger shall not work on that day, gives no inkling of an approach to a religious fellowship with Israel. It is a day of rest and work therein is forbidden, but the grounds of the prohibition are addressed to Israel alone. They are based on Israel's relation to God and have no hint concerning those who worship other gods. These grounds are: the Lord's resting on the seventh day after the six days of creation and His leading Israel out of Egyptian bondage.

The ger is exempted from labor just as are the beasts used in agricultural work: "that thine ox and thine ass may have rest, and thy ben-amah and the ger may be refreshed." The ultimate aim of such a policy was to enforce Sabbath rest on Israelites themselves, which would have been impossible had their heathen workmen been allowed to cultivate their fields and perform other labors. That such enforcement was no easy matter, we learn from the earnest protests of the prophets:

"If thou turn away thy foot because of the Sabbath,
From pursuing thy business on My holy day;
And call the Sabbath a delight,
And the holy of the Lord honorable,
And shalt honor it, not doing thy wonted ways,
Nor pursuing thy business, nor speaking thereof;
Then shalt thou delight thyself in the Lord."77
Thus far Isaiah; Jeremiah is equally emphatic.78

Indeed, the country people who were pious, construed
the Sabbath ordinances in a comfortable way. They
evidently believed that their animals though not to be
used for agricultural work on the Sabbath, might well
carry them on a journey. When the Shunnamite's beloved
son died, and she wished to consult Elisha in order that
the child might be revived, she called to her husband, who
was not informed of the calamity: "Send me, I pray thee,
one of the servants and one of the asses, that I may run
to the man of God and come back." And he answered:
"Wherefore wilt thou go to him to-day? it is neither New
Moon nor Sabbath."79 Had it been such, he would have
deemed her request quite proper. Needless to say, she
did as she wished.

The command to observe the Feast of Weeks (Shabu-
'ol) is:

"Seven weeks shalt thou number unto thee; from the
time the sickle is first put to the standing corn shalt thou
begin to number seven weeks. And thou shalt keep the
feast of weeks unto the Lord thy God, after the measure
of the free-will offering of thy hand, which thou shalt give,
according as the Lord thy God blesseth thee. And thou
shalt rejoice before the Lord thy God, thou and thy son
and thy daughter and thy man-servant ('ebed) and thy
maid-servant (amah) and the Levite that is within thy
gates, and the ger and the yatom and the almanah that

77Isa. 58.13, 14. 78Jer. 17.21-27. 792 Kings 4.23.
are in the midst of thee, in the place which the Lord thy God shall choose to cause His name to dwell there."80

There is also the provision: "There shall be a holy convocation unto you; ye shall do no manner of servile work."81

This injunction to refrain from labor does not mention the ger. When, however, the ger is directed "to rejoice before the Lord" in the religious capital of the nation, it is clear that it becomes the employer's duty to travel from his dwelling-place to Jerusalem and to bring with him to this rejoicing before the Lord, not only his own family, but the Levite, the ger, the yatom and the almanah that dwell with him.

This classification of the Levite with a working peasant, which seems strange at first, attests the fact, that at an early time, Levites wandered about the country and obtained employment as paid priests to private persons, as was the case with Micah referred to in the previous lecture.82

All of an Israelite's employees are to participate in the ceremonies at Jerusalem, and we have here an advance in the ger's religious position. He is no longer a mere instrument to assist in enforcing certain religious duties on his employer, but has acquired a distinct status of his own. From a merely negative assistant, he has become a principal.

This advance is maintained in the Sukkot ordinance.83 The classes commanded to rejoice at Shabu'ot are likewise to do so in this festival. There is also to be a holy convocation on the first day and a solemn assembly on the eighth.84 "Ye shall do no manner of servile work, and ye shall keep a feast unto the Lord seven days."85

That this advance was but a step forward in the
process of the ger's religious assimilation appears from another version of the ordinance which after providing as did those already cited adds the following:

"Ye shall take you on the first day the fruit of goodly trees, branches of palm-trees and boughs of thick trees, and willows of the brook, and ye shall rejoice before the Lord your God, seven days. . . Ye shall dwell in booths seven days; every ezraḥ in Israel shall dwell in booths; that your generations may know that I made the children of Israel dwell in booths, when I brought them out of the land of Egypt. . ."

These special commemorative ceremonies do not include the ger. Another class however, the ezraḥ in Israel must, like the Israelites themselves, dwell in booths; the ger may not do so. Here, as elsewhere, the versions understand the ezraḥ to mean the Israelite himself, and the commentators have been much troubled about him. The consideration of his real position must be deferred with the caution, however, that we regard him as being by origin a non-Israelite, though rapidly approaching complete assimilation.

The conclusion is that as regards national religious festivals the ger had advanced towards assimilation but had not gone more than halfway in the process.

B. Besides the ger's part in festivals, his obligation to obey certain laws binding Israelites primarily, was another forward step in his assimilation. There are several instances of this kind.

It was the duty of the Israelite to present his offering at the door of the tent of meeting (ohel mo'ed), failure to do which was punishable by the offender's being "cut off from among his people."  

This duty was extended to the ger under like penalty

86Lev. 23.40, 42, 43.  87Lev. 17.3, 4, 8, 9.
of being "cut off from his people" meaning Israel.  

So likewise was the eating of blood by Israelite or by ger similarly penalized. The summing up was: "No person (nefesh) among you shall eat blood, neither shall any ger among you eat blood." 

The bene-Israel were forbidden to give any of their children to make them pass through the fire to Molech. As this was an odious pagan custom the penalty of being cut off from among their people was none too severe. This prohibition was extended to the ger under like penalty. Some of them had probably practised this cruel rite. Including them in the prohibition was a measure designed to wean them from odious features of their previous religion and thus constituted a sort of negative proselytism. And this policy was insisted on and emphasized by the additional provision: "Whosoever he be of the children of Israel, or of the ger that live in Israel, that giveth of his seed to Molech must be put to death; the 'am ha-ares shall stone him." 

The penalty first denounced, namely, being "cut off from among their people" has been construed by many as a punishment not to be inflicted by man but by Divine action. Such a penalty would scarcely deter those of the ger who worshipped Molech and looked upon Israel's God as an intruder upon their god's territory, from continuing their cruel rites. The penalty of death to be executed by human hands was likely to be a more powerful motive for abstention. That the practice was not rare even among Israelites is shown by the hint conveyed in the text, that the tribunal (the 'am ha-ares) would be likely to acquit the offender, just as in our modern experience, jurors who are opposed

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88《Ibid. 17.9.》 89《Ibid. 17.10.》 90《Ibid. 18.27.》 91《Ibid. 18.26.》 92《Ibid. 18.21.》 93《Ibid. 18.27.》 94《Ibid. 18.21.》
to capital punishment refuse to join in verdicts of murder of the first degree punishable by death.95

Blaspheming the Name (šem) was a crime almost too horrible to contemplate. The presumption apparently was that God Himself would visit condign punishment on the Israelite guilty of such offence. The code, it is true, has an express prohibition of it to the Israelite but it provides no punishment therefor.96

In the course of time the question had to be met.

On a certain occasion the son of an Israelite mother and an Egyptian father blasphemed (wa-yikkob) the Name.97 Divine vengenace did not pursue him and the natural inference was that his exemption was due to the fact that he was not an Israelite. He had however committed a fearful offence for the punishment of which there was no law.

The case was therefore referred to Moses who consulted the Oracle. Whereupon the narrative proceeds:

"And the Lord spoke unto Moses, saying:

"Bring forth him that hath cursed (ha-mekallel) without the camp; and let all that heard him lay their hands upon his head, and let all the Congregation (kol ha-'edah) stone him.98 And thou shalt speak unto the children of Israel, saying, whosoever curseth (yekallel) his God shall bear his sin (we-nasa hef'o). And he that blasphemeth (nokeb) the Name of the Lord must be put to death; kol ha-'edah shall stone him; as well the ger as the ezrah when he blasphemeth the Name, must be put to death."

We have here a specific case for which the authorities could find no established law. Consequently, the supreme judicial authority was invoked with the result that the offender was sentenced to death. This tribunal went a

95Lev. 20.4, 5. 96Exod. 22.27. Elohim lo tehallel. 97Lev. 24.10–16.
98On the meaning and function of ha-'Edah see my Am ha-Arets, Philadelphia, 1910
step further, and on the basis of this decision as a precedent, laid down a general law applicable to future cases just as precedents in English and American law become in effect statutes for the future.

If, as is not impossible, the Egyptian father in this case belonged to the ‘ereb rab, it would indicate that notwithstanding his close association with Israel, and although he had married an Israelite woman, he was still looked upon as in some degree, an outsider. The decision of the tribunal that the ger as well as the ezrah must suffer death for the crime would indicate a marked advance in the ezrah’s status, because in this instance, the word doubtless comprehends all Israel.

Whereas, earlier, an Israelite blasphemer of the shem was not subject to human punishment, because it was believed that Heaven itself would punish him, this case established the rule that he was to suffer death on the finding of the proper Court.

Notwithstanding this development, the old popular conception persisted. When Job’s wife, exasperated by his tame submission to misfortune, hysterically urged him ‘to blaspheme God and die’ she naively uttered the common belief that Divine vengeance would promptly follow the offence.

I had hoped to treat in this lecture of all the instances showing the gradual subjection of the ger to laws imposed primarily on Israel, but the time is too short for the purpose and in order not to weary you, we must postpone the rest for the next lecture.

99Job 2.9.
BEN SIRA'S CONCEPTION OF SIN AND ATONEMENT

By A. Büchler, Jews' College, London.

For the reconstruction of the religious life and thought of the Jews of Judea before the time of Hillel only three books, which were undoubtedly composed in Jerusalem, offer fuller information: the first book of Maccabees, the Psalms of Solomon of Pompey's days, and a century earlier, before the Maccabean rising, the Wisdom of Ben Sira. The first book is, however, purely the history of the military achievements of the Hasmonean priestly family for the defence of the Temple and of Judea; and its sober author found little time and attention for even occasional remarks about the religious life of the teachers and the people, unless it was directly connected with the military events. With the rich and fruitful information yielded by the Psalms of Solomon a special chapter of my essay on the ancient Pious Men has dealt fully. The present inquiry will be devoted to Ben Sira. In his voluminous book he continuously evinces his strong interest in most phases and manifestations of human life and its various temptations, in the divers errors and sins of the several sections of the Jerusalem Jewish community, and in the different forms of sacrificial and spiritual atonement. His instruction consistently aims at the practical realization of a high standard of private and public morality and of true, inward and genuine piety and a religious life. But with all the many warnings, admonitions and practical counsels it is difficult to define and to formulate Ben-Sira's ideas of sin and atonement. In addition to the full com-
mentaries, especially those of Fritzsche, Edersheim and Oesterley, several special essays deal with some aspects of the important problem of the Jewish religion as reflected and expressed in Ben Sira. So the objective and fair investigation of V. Merguet, Die Glaubens-und Sittenlehre des Buches Jesus Sirach; J. Koeberle, Suende und Gnade im religioesen Leben des Volkes Israel, 1905; and O. Schmitz, Opferanschauung des spateren Judentums, 1910. Koeberle, on the one hand, tried hard to do justice to the high ethical standard of Ben Sira; on the other hand, he applied his firmly established prejudice against the value of the Jewish religion in general specially to Ben Sira's religious motives, and his religious inwardness, and consistently ignored the most characteristic statements breathing strong religious principles and sentiments, and the religious force of "the fear of God" pervading the whole book, and of the religious "work" produced by a pure, religious motive. The picture, produced by methods of research, in themselves totally unhistorical and incorrect, is naturally distorted, and reflects more exactly Koeberle's religion than that of Ben Sira. The present analysis of the not numerous, but important passages in Ben Sira which refer to the transgressions of the habitual sinner and to the occasional lapses of the average, observant Jew, or contain the criticism of wrong actions and the practical advice of our author, will endeavor to arrive at a due appreciation of the religious ideal of Ben Sira, and his conception of sin and atonement.

I. THE SINNERS AND THEIR ACTIONS.

Sirach addresses himself several times to the pious man, εὐσεβής, and once advises his readers or hearers to do good, to give alms to the godly man only (12. 4–7). (4)
Give to the godly (ἐὖσεβής), and help not the sinner. (5) Do good to one that is lowly, and give not to an ungodly (ἀσεβής). (6) For the Most High also hateth sinners, and will repay vengeance unto the ungodly. (7) Give to the good man, and help not the sinner (ἀμορτωλός). 3 Here the good, lowly, godly man is contrasted with the ungodly, the sinner4, who appears to have been also proud. Their attitudes in requiting a kind act are also different: while a good man thanks for, and repays himself, or God for him, a kindness, the sinner tries to overmaster the giver by the bread given to him, and pays back by a double measure of evil.5 Without the necessary consideration of the conditions of the time that suggested such discrimination, Edersheim and others6 declare the particularistic charity commended here by Sirach a sad contrast to the words in Mat. 5. 42-45 but in full agreement with rabbinic views. The unscientific way of adducing a proof for the latter statement from the first Alphabet of Ben Sira, belonging to the 8th or the 9th century, or from the Midrash without even a reference to the teacher who quoted the Aramaic statement, is not uncommon. The least that could be expected was a reference to earlier rabbinic authorities, and to the way in which the Church realized that academic injunction of Jesus. Dr. Briggs' learned notes on the Didache7 will here be of interest, and supply the information required. In Didache 1. 5-6 the duty of the relief of the fellow-man’s physical need by one’s own goods is inculcated, and two warnings are added, one to the recipient as to his responsibility to God, should he take help when not in

1 See the various designations for the good and the sinner in Edersheim, 17a, note 1
2 The same contrast in 13.17: What fellowship shall the wolf have with the lamb? So is the sinner unto the godly.
3 See also Tobit 4.17 with the commentaries.
want of it; the other to the giver to make sure that he finds a fit recipient. The first warning was elaborated by Hermas; the duty of almsgiving is to him absolute, the giver is to ask no questions, the responsibility lies entirely upon the recipient. The same we find in the Didascalia and the Apostolic Constitutions. But Clement of Alexandria adds: Charity must be practised, but with judgment and towards the worthy persons, in order that we may find a reward from the Most High. The same statement is cited and elaborated by Anastasius, Quaest. 14, who after his illustration from a farmer who sows his seed not into a plain, but into a good soil, quotes as a proof for it our passage in Sira 12.2. There may be added Pseudo-Phokylides, line 152: "Do not good to the bad, it is as though thou wishest to sow into the sea"; and the parallel from Theognis adduced and discussed by Bernays. Sirach's principle seems to have been: to those whom God hates and punishes (39. 25–30; 40. 8, 9; 41. 11), man need not show special kindness. In addition his discrimination was based on the political, social and religious antagonism of the parties in Jerusalem; and in his opinion a man has a right to expect for his kindness thanks and reciprocation, whereas the sinner here not only does not act accordingly, but uses the gift against its giver. So self-protection demands not to offer him assistance. While Sirach's warning then was dictated by a consideration of existing conditions, it, at the same time, shows that the men to whom he addressed it did support the sinners, and had to be restrained from continuing it. Consequently, the character of the Jew concerned was at least satisfactory.

Sirach is addressing a man of means, while the sinners were not all wealthy, but some found themselves either temporarily or permanently in so bad material circum-

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1 "Ueber das Phokylideische Gedicht", XIII, Gesamm. Abhandlungen, 1, 213.
stances as to require the help of neighbors from whom their religious attitude separated them. God's hatred and His punishment suggest very grave sins in the ungodly; but no definite action of a distinctive, punishable character is stated to indicate the nature of their transgression and its grade. The number of sinners seems to have been considerable (7. 16): "Number not thyself among the multitude of sinners: remember that wrath will not tarry. (17) Humble thy soul greatly; for the punishment of the ungodly man is fire and worm". This warning could have hardly been addressed to the godly, as he would not have thought of joining the ranks of sinners; nor was there a need for his humbling himself, as Sirach termed him the lowly, 12. 5. Already here it becomes evident that Sirach addressed some of his admonitions to men of an indifferent religious attitude who were in need of instruction and continuous guidance. And it does not seem to be quite correct that Sirach tended more and more to divide society into two great classes, the godly and the sinner. Against associations with sinners he warned several times, as (12. 14): "Even so (who will pity) him that goeth to a sinner, and is mingled with him in his sins". Evidently some of Sirach's followers to whom those words are addressed were associating with such as he declared to be sinners. The object of his recurring and emphatic reference to the impending visitation by God of the sinners was the separation of the better elements of the population from the company of the ungodly, as otherwise the obedi-

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9 1.25: But godliness is an abomination to the sinner; cf. 33=36.14.
10 And the sinner shall heap sin upon sins, 3.27.
11 The meaning of the last words is rather difficult, as worms after fire give no sense; though, as already Smend noted, it has a parallel in Is. 66.24 where, however, the two words stand in a reverse order. It is true, the Hebrew version has a different wording: דע הנקת אדם אוooled but all the learned operations of Smend and Peters and their suggestions cannot make that wording even approximately account for the Greek and Syriac versions.
12 Koeberle, 452, Oesterley, Ecclesiastius, in the Cambridge Bible for Schools, XX. XXVI.
ent man will watch and adopt their sinful ways of life. As some or many of the sinners were wealthy, Sirach's exhortation to his followers sometimes assumes a different form (9. 11): "Envy not the glory of a sinner; for thou knowest not what shall be his overthrow. (12) Delight not in the delights of the ungodly: remember, they shall not go unpunished unto the grave. (11. 21) Marvel not at the works of a sinner, but trust the Lord, and abide in thy labor; for it is an easy thing in the sight of the Lord, swiftly on the sudden to make a poor man rich." As in Ps. 37. 1 ff, Prov. 24. 1; 23. 17, the sinners here were rich, successful and honored, while the godly was often poor and in a humble position. The thought that God is almighty, and may by a sudden change reverse the material circumstances of both parties, should keep down in the mind of the good man marvelling at, and envy of, the rapid success of the rich. He should not think of changing his occupation, farming, against that of the sinner, probably trade, that brought him wealth. And again Sirach warns (10.23): "And it is not fitting to glorify a man that is a sinner." And to the successful man he refers again (41.1), where he states that the thought of death is bitter to one who is enjoying undisturbed his possessions; while it is welcome to the old and needy man, and to one who has lost patience. Sirach reproaches the former for his fear, and reminds him that it is God that decrees his death, therefore he should not refuse to die: years of life matter nothing in the grave. As after this there follows immediately a statement about the destruction of the sinners, their children and their inheritance (41. 5 ff), it seems that also in v. 1 in the first instance wealthy sinners were meant: and this connection suggests itself naturally, though such juxtaposition often proves nothing in Sirach's book. As in Ps. 26. 5 the assembly of evil-doers, and in 22. 17 the congregation of evil-doers, the
sinners here formed, for some definite common object, a similar body (21.9): "The congregation of the wicked men is as tow wrapped together; and the end of them is a flame of fire. (10) The way of sinners is made smooth with stones; and at the last end thereof is the pit of Hades. (16, 6) In the congregation of sinners shall a fire be kindled, and in a disobedient nation wrath is kindled." The religious attitude common to them, and the common outlook on life drew them together (41.5): "The children of sinners are abominable children, and they frequent the dwellings of the ungodly. (8) Woe unto you, ungodly men, which have forsaken the law of the Most High God! (9) If ye be born, ye shall be born to a curse; if ye die, a curse shall be your portion... (10) So the ungodly shall go from a curse to perdition. (11)... but the name of sinners being evil shall be blotted out." Smend\(^{13}\) refers v. 8 to apostates, *abtruennige*; but the continuation clearly shows that the same sinners were meant as were termed ungodly and, as in other passages to be quoted presently, did not keep the commandments. Their sinful lives continue in those of their children; and God brings it about that the father's unrightful possessions are lost in the next generation. The unexpected change in their material circumstances set the sinful children thinking, especially as they, even when they turn out God-fearing, have in addition to bear the reproaches of their fellowmen for the sins of their father. The punishment of such sinners themselves is God's curse that pursues them throughout life; and, as in the Psalms and the book of Job, after death their memory will perish from among men.

Which of the important laws of the Torah they failed to observe is not even indicated. Once we find them judging together (11.9): "Strive not in a matter that

\(^{13}\) *Die Weisheit des Jesus Sirach*, 1906, n. 382.
concerneth thee not; and where sinners judge, sit not thou with them". This does not seem to refer to an established court of law with judges acting regularly, as Sirach's follower who is admonished here may or may not, according to his liking, join the court. With the dispute itself he has no concern, it appears to have been submitted for decision to a number of citizens, as in Ruth 4. 1 ff, who sat down and formed a court to hear the case. When invited to be one of them, the righteous man should not join sinners, in order to avoid their company and their unjust judging. The same advice is again stressed by Sirach in a passage where he strongly contrasts the qualities and virtues characteristic of pious men (37.11): "Give not heed to these in a matter of counsel. (12) But rather be continually with a godly man, whom thou shalt have known to be a keeper of the commandments, who in his soul is as thine own soul, and who will grieve with thee, if thou shalt miscarry". Not only do the pious observe the law, but they have understanding and sympathy for each other's disappointments. On the other hand, the sinner is said to hate the law (33 = 36.2): "A wise man will not hate the law; but he that is a hypocrite therein is as a ship in a storm. (3) A man of understanding will put his trust in the law; and the law is faithful unto him, as when one asketh at the oracle!" Those who do not keep the commandments are the ungodly, as also the contrast in 21. 10,11 clearly shows; with them the observant man should not consult. On the other hand, those who keep the commandments not only associate with one another, but when in some contingencies of life they are uncertain and hesitating, they consult the Torah and find in it advice for the right action. From the sinner some definite danger is stated to proceed for the good man (11. 33): "Take heed of an evil-doer, πονηρός, for he contriveth wicked things; lest haply he bring upon
thee blame for ever". It was scheming of some kind which the unsafe political conditions of the time were apt to produce (28,9): “And a man that is a sinner will trouble friends, and will make debate among them that be at peace. (2.12) Woe unto the sinner that goeth two ways. (5,9) Thus doeth the sinner that hath a double tongue. (6.1) Even so shall the sinner (inherit shame and reproach) that hath a double tongue. (23.8) The sinner shall be overtaken in his lips; and the reviler and the proud man shall stumble therein. (11.32) And a sinful man lieth in wait for blood". All these accusations suggest that the sinner was deliberately stirring up strife between neighbors and friends, or his political denunciations and slanders endangered the lives of men who unlike him observed the law.

The difficulty of defining the extent of the failure of the sinners to carry out the commandments is due to Sirach's attitude towards them throughout his book. Though he frequently blames the ungodly for their sinful actions and their disobedience to God, he, apart from 41.8,9; 5.4ff, nowhere addresses them directly, nor devotes a separate paragraph of any importance to them. The simple reason is that his numerous exhortations, warnings and counsels were either orally or in writing exclusively addressed to his followers and disciples. It is true, these were standing and walking in the way of the commandments of the Torah; but as they were in various respects not perfect, and did not come up to Sirach's high moral standard, they were in need of instruction and guidance. The section of Jerusalem's population with whom he continually contrasts the sinners was neither pious nor even observing the law strictly. As Sirach's references to them indicate, they believed in God as the creator of the universe and its ruler, and in His pro-

14 Cf. Prov. 28.6, 18. 15 Cf. Ps. 10.8; 17.8ff.
vidence as extending not only to nations, but to every individual being. They regarded the Torah to be the expression of His will, and, on the whole, followed its commandments and its prohibitions. It should in this connection be carefully noted that throughout his extensive instruction Sirach exclusively deals with the part of the law that regulates the relations in their daily intercourse between man and his fellow, and not one single statement in the whole book even touches on the observance of the Sabbath and the festivals, of clean and unclean foods, of levitical purity and impurity, of marriage and divorce, of idolatry and superstition, nor on non-Jews or heathen customs, on the conduct in the Temple and the handling of holy things, on the sanctity of the priests and their holiness, etc. Conduct and practice in all their aspects in health and illness, in the home towards all its members, in the association with friends, strangers and enemies, towards the poor and the priest, in business and at social functions formed his subjects. And as daily life compasses the cultured and the uncultured, and is not always particular in producing situations delicate and indelicate, the laying bare of the realities of life is in Sirach sometimes crude, the description rough and rude, and the remedial advice occasionally lacking delicacy. As in all places and all ages, some of Sirach's followers took liberties in their practice of the Torah by extending for themselves the boundaries within which they were prepared to keep the ethical and social commandments; and they allowed themselves some latitude in their business dealing, in their private morality, and in their treatment of the poor and the weak. In addition, the section of the population, which was materially successful, but morally unscrupulous either partly or totally, as that described in the Psalms and in the book of Jeremiah, by its wealth, position and influence shook, the
belief of some men who were not firmly and inwardly religious. Again, the light talk of some Jews who had heard of Greek philosophy as the most perfect wisdom and the most trustworthy guide to a blameless and good life, and the gradual infiltration of a loose Greek morality and its attractive features began to undermine the foundations of Jewish family life and of the Jewish social virtues. All that necessitated an emphatic restatement of the teachings of the Torah as the highest wisdom revealed by God Himself, of the high standard of Jewish morality and purity and of truthfulness and an energetic and detailed reproof of the violation of the honor due to father and mother; and a stressed inculcation of the importance of submission to God in calamity, and of other essential religious and moral truths to be realized in daily life.

Sirach's instruction is not religious in the ordinary sense, nor does he inculcate purely religious sentiment; but he teaches practical wisdom and the moral duties imposed by it. These he set forth in words seemingly dry and cold and addressed in the first instance to the law-abiding citizens of Jerusalem. He reminded them of their higher obligations to support the poor in a truly charitable manner, to help the needy, the weak and the priest, to defend the helpless in the assembly of the people, to work, to deal honestly, to forgive wrongs, to remember man's dependence on God for his life and His forgiveness, to pray and to repent. Only rarely does Sirach turn to poor followers of his; and even these, like some of the sinners, seem to have lost their possessions suddenly. To the sinners of the wealthy class he refers only in order to instruct his law-abiding adherents, and to deter the latter from following their example by his holding up to them the fate of the unrepentant offenders. It is therefore unfounded, when
Dr. Bernard says: "Turning from sin (8.5) is only the repentance of the righteous, and with the exception of 17.25 ff., the attitude of Sirach prefigures the attitude towards sinners which it was the great work of Jesus to challenge and set aside by his example Lk. 15.2. Yet Sirach denies the sinners the excuse that they cannot help themselves. It is not God who causes man to sin." Certainly the first sweeping statement is most strongly contradicted by Sirach himself (5.7): "Make no tarrying to turn to the Lord; and put not off from day to day: for suddenly shall the wrath of the Lord come forth; and thou shalt perish in the time of vengeance." The whole paragraph deals with the habitual sinner who may any day be overtaken by condign punishment; there is only one thing that can save him: repentance, and to that effective remedy, open to him and to all, Sirach emphatically urges him on. Similar is the context in the passage wrongly termed by Dr. Bernard an exception (17.23): "Afterwards He will rise up and recompense them, and render their recompense upon their head. (24) Howbeit unto them that repent He granteth a return; and He comforteth them that are losing patience." Here the sinner's repentance not only wards off the punishment impending and fully deserved, but even obtains for him God's favor, and he is received back; deterrent suffering on the one hand, the inviting hope of a God-granted return on the other are held up by Sirach to urge the sinner to repentance. Such were the two forceful warnings to the habitual offender to whom otherwise only incidental references are assigned, a fact not realized by Dr. Bernard.

As has been recognized by the commentators, Sirach was a genuinely religious man, and his meditations and his instruction were undoubtedly religious. Through

16 Hastings, Dictionary of the Bible, IV, 531.
17 Cf. 18.13: But the mercy of the Lord is upon all flesh; reproving and chastening and teaching, and bringing again, as a shepherd doth his flock.
all of them he continually reminded his disciples of God's omnipotence and man's insignificance; He created the universe and man, and His great works cannot even be enumerated by him 18.5–7; He gave him understanding and the law, 17.1 ff; 39.6, also grace and wisdom 37.21, and some men He exalted above the rest 33 = 36 11,12. He is father and God of man's life 23.1,4, protects him from danger 34 = 31.14–17, from Him comes healing 38.2, He creates the physician and the medicines 38.1,4 He humbles and exalts 7.11, and directs man's ways in truth 37.15; He is eternal, while man's life is short 18.1,9,10, therefore He is long-suffering and merciful, and forgives 18.11–13, His forgiveness is great 17.24; 16.11, as also His mercy 18.13; 16.14. Good and evil, life and death, poverty and wealth, and even some dreams come from Him 11.14; 34 = 31.6; mercy and wrath are with Him, He is mighty to forgive, and He poureth out wrath 16.11. He sees all doings of man 39.19 ff; 23.19; 16.14, He corrects 16.12, reproves and chastens, and brings the sinner back 18.13; and all that He expects is that man accept His chastening and study His judgments 18.14, submit to His discipline, and seek the law 32 = 35.14. The God-fearing man justifies His punishment, the sinner interprets it according to his will 32, 16.17. God judges man according to his deeds, and requires of him the observance of His commandments, the fear and love of Him, and trust in Him, and that he shall in all emergencies of life seek His guidance;13 not to do His will is folly and wickedness, and pride is hateful to Him 10.7.

Sirach had an optimistic view of the world and of its management by God; and he stated this his conviction in a meditation rich in religious thought (39.16):14 All the works of the Lord are exceeding good, and every command shall be (accomplished) in His season. (17) None can say, What

is this? wherefore is that? For in His season they shall all be sought out. At His word the waters stood as a heap, and the receptacles of waters are the word of His mouth. (18) At His command is all His good pleasure (done); and there is none that shall hinder His salvation. (19) The works of all flesh are before Him; and it is not possible to be hid from His eyes. (20) He beholdeth from everlasting to everlasting; and there is none that shall hinder His salvation. (21) None can say, What is this? wherefore is that? For all things are created for their uses." The first line states that all that God created is not only good, but exceedingly good. But the wording of the second line of the same verse which seems to be parallel in thought with the first suggests that the perfectness of the world means the usefulness of every part of it in God's hand. For the world presents to the watching, and even more to the critical mind, many a riddle; and as there is to be noticed much that is harmful on earth, we often question the purpose of this or that thing created by God. Sirach's answer is that even such things as appear to be useless and even noxious have a definite object that is manifested in its appointed time. For God has the power to do great things in nature, like the standing up of the waters of the Red Sea as a help to Israel, or, according to some commentators, at the creation, before, or when, the waters were separated. And thus some good things, like food and drinks, exist to serve as rewards for the righteous, while the evil things are used by God as means for the punishment of the wicked. God employs the forces of all parts of nature all of which obey his orders in both directions according to the deeds of man which are fully known to Him. These ways of God are understood by the righteous, while they remain a confusing riddle to the sinner.19

19 39.22-41, cf. 42.15. 2Mk.
Sirach continues (39.33): "All the works of the Lord are good: and He will supply every need in its season. (34) And none can say, This is worse than that: for they shall all be well approved in their season. (35) And now with all your heart and mouth sing ye praises, and bless the name of the Lord." At the conclusion of his argument Sirach re-states his conviction that everything is good and useful in its season; therefore every man should praise God from a full heart. It seems that Sirach had to meet a pessimistic view of the world and a criticism of God’s work that emanated from some Jews; but his general statement does not enable us to establish as to whether they were due to Hellenistic influence or not. Of man’s life, on the other hand, Sirach held a rather pessimistic view (40.1): "Great travail is created for every man, and a heavy yoke is upon the sons of Adam, from the day of their coming forth from their mother’s womb, until the day for their burial in the mother of all things. (2) The expectation of things to come, and the day of death (trouble) their thoughts, and (cause) fear of heart; (3) from him that sitteth on a throne of glory, even unto him that is humbled in earth and ashes; (4) from him that weareth purple and a crown, even unto him that is clothed with a hempen flock. (5)Wrath, and jealousy, and trouble, and disquiet, and fear of death, and anger, and strife; and in the time of rest upon his bed his night sleep doth change his knowledge... (8) It is thus with all flesh, from man to beast, and upon sinners sevenfold more." This austere meditation continues to v. 11 where a fitting general observation constitutes a suitable conclusion. Sirach’s object, as the unexpected reference to the sinners in v. 8 suggests, seems to have been to account for the suffering of the righteous: it comes upon everybody without exception; but, with all that, there is a very marked difference between the visitations of the
righteous and those of the sinner, inasmuch as the latter are sevenfold. Sirach found the idea in the Psalms and in the book of Job; it is forcible in itself, but hardly sufficient to allay the mental pains of the righteous.

II. SIN AND GOD'S RESPONSIBILITY.

While offending against God's will, the sinner believed that He did not see him; and as on account of that no thought of Him was present in the mind of the transgressor to make him even for one moment hesitate in his action, he felt no restraint of any kind (23.18): "A man that goeth astray from his own bed, saying in his heart, Who seeth me? Darkness is round about me, and the walls hide me, and no man seeth me; of whom am I afraid? The Most High will not remember my sins; (19) and the eyes of men are his terror, and he knoweth not that the eyes of the Lord are ten thousand times brighter than the sun, beholding all the ways of men, and looking into secret places." This man is conscious that his action constitutes a sin against man and God, and that he deserves to be punished for it; but he is confident that he can escape the revenging arms of both. It is strange that Sirach stressed so much the conviction that God sees even the most secret deed, while in the thought of the sinner there is no reference to the subject at all, and God is perhaps only implied in his question: Of whom am I afraid? On the other hand, the offender said that God will not remember his sins, meaning thereby that He will not punish him; this, however, implies that he admitted to himself that God did see the grave offence committed by Him. Unless the Hebrew used here a word that in addition to remembering implied "taking notice of", or a whole line of the original text was lost in the translation, the difficulty just stated remains. Now Sirach dealt with the same problem again (16.17):
"Say not thou, I shall be hidden from the Lord; and who shall remember me from on high? I shall not be known among so many people; for what is my soul in a boundless creation?" It seems, Sirach was referring to God's attention not at the moment, when the sin was committed, but later, when He remembered it in order to call the sinner to account. But to fix the exact point of time in the life of the sinner, when that will take place, is not at all easy or certain. If Sirach's own words did mention the offender's soul,\(^20\) this might suggest that the reckoning was to be held after the offender's death, when, along with his, a thousand other souls are to be judged, and when he hopes to escape in the multitude the attention of the judge. If this is the correct interpretation, the sinner believed firstly in the survival of his soul, at least till the time of its trial and punishment,\(^21\) and secondly, in the future call to account of his soul for his actions on earth; only of God's memory he had a rather low opinion, dictated partly by his too sure hope of escape. Sirach's argument against such erroneous security refers only to the second statement of the offender (18): "Behold, the heaven and the heaven of heavens, the deep and the earth shall be moved, when He shall visit. (19) The mountains and the foundations of the earth together are shaken with trembling, when He looketh upon them. (20) And no heart shall think upon these things: and who shall conceive His ways? (21) And there is a tempest which no man shall see; yea, the more part of his works are hid." God does punish; but, as all His ways are unfathomable for the human mind, because most of His doings are hidden from man, His punishments cannot be grasped. But it is foolish to think that God does not punish every sinner.

\(^{20}\) See Ebersheim's note.

\(^{21}\) See Merguet, 1.17.
The uncertainty of the details of the very interesting passage is due to the difficult and uncertain wording of the Greek translation.\textsuperscript{22} The Hebrew is here of little help; it takes v. 20–22 as spoken by the sinner:\textsuperscript{23}  

\begin{align*}
\text{The Hebrew is here of little help; it takes v. 20–22 as spoken by the sinner:} & \textsuperscript{22} \text{The Hebrew is here of little help; it takes v. 20–22 as spoken by the sinner:} & \text{The Hebrew is here of little help; it takes v. 20–22 as spoken by the sinner:} \\
\end{align*}

\textit{\small It is true, this reads more plain than the Greek, though it is not altogether intelligible; but it is difficult to see, how the Greek translator could have to such an extent misunderstood the fairly plain words. For he read or actually had in v. 20 \textit{עליהו} for \textit{ברכיהו}, which could be somehow explained; but in v. 21, apart from the unsuitability of \textit{אוכם} in the context which demands deeds and not words, even the mere words which might cover even partly the Greek cannot be distinguished. Nor does \textit{בלכלהיהר} yield any sense, while the Greek presupposes \textit{ורב משש הסתר} of which only the last word appears in the Hebrew. And how could \textit{סנה} \textit{אל הראני עין} possibly account for \textit{καὶ καταργεῖς ἵνα οὐκ ὑπεται ἀλθρωπός}? With creditable ingenuity Dr. Peters\textsuperscript{24} comes to the rescue of the Hebrew by suggesting for \textit{נמהחא} as the verb in the original which the translator misread as \textit{שעשעיה!} And \textit{כך אציק חוט} in the manuscript, which is admitted to be unintelligible is emended, according to the Greek and Micah 7.11, to \textit{כון חותי}! All these impossible Hebrew phrases and the strange divergences from the Greek combine to suggest that not only was the Greek translation not based on the existing Hebrew text, but that the latter represents a translation into biblical phrases of some translation of the original.  

Not contented with his self-assurance that God does not see his sinful deed, the sinner exonerates himself from his

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\textsuperscript{22} See the commentaries.  
\textsuperscript{23} See Box-Oosterley.  
\textsuperscript{24} \textit{Das Buch Jesus Sirach}, 1913, 139.
responsibility altogether (15, 11): "Say not thou, It is through the Lord that I fell away; for thou shalt not do the things that He hateth.\textsuperscript{26} (12) Say not thou, It is He that caused me to err; for He hath no need of a sinful man. (13) The Lord hateth every abomination; and they that fear Him love it not. (14) He Himself made man from the beginning, and left him in the hand of his own counsel. (15) If thou wilt, thou shalt keep the commandments; and to perform faithfulness is of (thine own) good pleasure... (20) He hath not commanded any man to be ungodly; and He hath not given any man license to sin." When made conscious of his misdeed the offender did not deny it nor, as it seems, did he express regret or repentance, as he firmly believed that his wrong action was due not to his own moral lapse or weakness, but to God Himself. When he offended against God’s law, it was not the dictate of his own free will, but it arose through God. The contrast in v. 11 moreover suggests as the further view of the sinner that God for some unnamed purpose \textit{likes} man to sin and even makes the necessary arrangement to lead man to sin. But, as he does not appear to see the contradiction between God’s prohibition of an action and His advancement of its transgression, Sinach points out that, as God hates the sinful deed itself, He does not want it to happen, nor does He want sinful men; evidence of it is the fact that those who fear God and obey His will also hate sin, consequently it cannot be for God a desirable thing. And if v. 20 directly combats the view of the arguing offender, he asserted that God even commanded man to sin; while in truth He not only did not order it, but did not even permit it. What theory of sin those strange views represented is very dif-

\textsuperscript{26} Hebrew has: "For that which He hateth made He not;" according to the commentators it was misunderstood by the Greek translator, see Box-Oesterley.
difficult to say. It is true, II Sam. 24, 1; I Chron. 21,1 ascribe David's sin to the causation of God Himself; and, in spite of the punishment immediately decreed and also inflicted by Him for that offence, scholars are inclined to infer from the account that its writer regarded God as the instigator of sin. Graetz remarks on the passage in Sirach: "These sentences constitute a strong protest of Judaism against the false wisdom, or, as we are now justified in describing it, against Greek philosophy. Epicurism that yielded most to the human inclinations, and undermining scepticism had penetrated from the central seat of Greek philosophy to Alexandria, and there caused in the tired minds great mischief. From Alexandria this so-called world wisdom was brought also to Jerusalem; here it proceeded to dissolve the law, and formulated itself in the teaching: God implanted in the human heart tendencies and inclinations. If these incite man to sin or transgression, it is in reality God who instigated him to it. This is the language of crude Epicurean Eudaemonism which, at the same time, denies the moral determination of man, and makes of him a slave of his inclinations. It is the language of the corrupt Hellenists who used Greek wisdom as a screen of their looseness and of their sinful lusts." This explanation of Graetz may be correct; but even Epicurism, or the implantation of the evil bent in man by God, does not account for the teaching,

24 Experiencing all things, that is committing all kinds of shameful deeds without scruple. See Pfleiderer, Primitive Christianity, III, 1901, 135ff.
25 Clem. Lehre von der Suende 123ff., Hastings, DB, IV, 530b. Prof. C. Taylor in Journal of Theolog. Studies, VII, 1906, 558 on Log. 42. 'To those who thought that God tempts, as the Scriptures say, quoth He, the evil one is the Tempter'.
26 MGWJ. 21, 1872, 105.
27 The same we find in the commentaries, see Bousset, Religion, 2nd edition, 463; similarly with the later libertine Gnostics who taught that evil was not a free act of man, but was due to the influence of his inborn nature, and that there was no other way to salvation but that of experiencing all things, that is committing all kinds of shameful deeds without scruple. See Pfleiderer, Primitive Christianity, III, 1910, 135ff.
28 Philo, De profugis 16, M. 1. 558, says that those who blaspheme against the Divine, and ascribe to God rather than to themselves the origin of their evil can obtain no pardon. See Abrahams, Studies in Pharisaism, 1, 1917, 142.
combated by Sirach, that God ordered man to sin, and likes him to sin. That presupposes some other school of thought about the origin of sin.

On the other hand, Sirach emphasized that, when God made man from the beginning, He left him in the hand of his own counsel, διαβολον. As Dr. Charles points out,\(^31\) that Greek word is used among others in the Testaments as the rendering of the biblical ἃξων, inclination. Consequently God does not influence man, nor had He anything to do with the sin even of the first man, as He had left him to his own way of thinking. As Sirach did not avail himself of this most appropriate occasion to state definitely that God did not create man's inclination, it cannot be admitted without further evidence that his opponents held that God created the evil bent and implanted it in man, and thereby not only permitted, but even ordered him to sin. As, on the other hand, Sirach in v. 15-17 most strongly emphasizes the free will of man, the view opposed by him seems to have been a determinism of a very marked degree. The same opinion is combated in Enoch 98, 4: "I have sworn unto you, ye sinners,... even so sin has not been sent upon the earth, but man of himself has created it;" and 69, 11: "For man was created exactly like the angels to the intent that he should continue righteous and pure, and death which destroys everything could not have taken hold of him."\(^32\) The author of that part of the book of Enoch opposed a Hellenistic doctrine similar to that fought by Sirach that sin was sent by God in the way of man, and that he was created with the evil inclination; while Sirach also insists that there is nothing in man to prevent him from keeping God's commandments. It is true, Sirach has (21. 27): "When the ungodly curseth Satan, he curseth his own soul. (28) A whisperer defileth

\(^1\) Testaments of the XII Patriarchs, 162. \(^2\) Oesterley, LXIII.
his own soul, and shall be hated wheresoever he sojourned," and apparently presupposes Satan in man. Judging by the Jewish-Palestinian literature of the first and second centuries, we may take it for granted that, in spite of I Chron. 21. 1, neither Sirach nor his contemporaries believed in Satan as a seducer to sin. As Dr. Ryssel remarks, it was the view of the Greek translator, though even that is doubtful, but not Sirach's. Now the root נָשׁ never means: seduce, but is everywhere synonymous with הָטָה, hate, Ps. 38. 21; 71. 13; 109. 20, exactly the same as נָשׁ, Gen. 27. 41 and elsewhere. Accordingly, if the original read מַכְלָל נָשׁ, it meant: he who curses his enemy openly, curses his own life; but he who whispers evil about his neighbour defiles himself, and is hated.\(^{31}\)

In this connection yet another passage has to be considered, as according to Dr. Oesterley\(^ {35}\) Sirach here came perilously near to an acknowledgment of the very doctrine which he combats in 15. 11-20. It reads (33 = 36. 10-20):

"And all men are from the ground, and Adam was created of earth. (11) In the abundance of His knowledge the Lord distinguished them, and made their ways various: (12) Some of them He blessed and exalted, and some of them He hallowed and brought nigh to Himself: some of them He cursed and brought low, and overthrew them from their place. (13) As the clay of the potter in his hand, all his ways are according to his good pleasure; so men are in the hand of Him that made them, to render unto them according to His judgement. (14) Good is set over against evil, and life over against death: so is the sinner over against the godly. (15) And thus look upon all the works of the Most High; two and two, one against another." In the world we see godly men and sinners,

\(^{31}\) In Kautzsch, Apokryphen und Pseudepigraphen, I, 340.

\(^{35}\) Consequently there is no foundation for Oesterley's theories, p. LXII.

\(^{38}\) p. LX.
the first are blessed with a long life, while the days of the latter are cut short; how shall we account for the two groups of facts? There are several more such pairs noticeable in daily life that puzzle the mind, and the strange fact in all of them is unreservedly admitted by Sirach in v. 14. It is all due to God's judgment who renders to men, as He sees fit, and Sirach illustrates it by several instances of the overthrow of some individuals and peoples in biblical history. V.12cd suggests that he is referring to the Canaanites who were driven out from Palestine, and to their ancestor Canaan who was cursed by Noah and declared a slave by him, which was approved and realized by God. It is true that such degradation was entirely due to Canaan's deed and his general character, and not to God's choice; Sirach, however, did not consider that in his argument, but only God's apparently arbitrary humiliation. At what stage of their existence God dealt with the peoples and the individuals in the way stated, is clear from the statement (12d): "And overthrew them from their place"; they had been living in their respective positions for some time, before He removed them. And so also the words (12c): "some of them He cursed and brought low," clearly state that those whom He cursed and reduced had before held their high station undisturbed. The contrast (12): "some of them He blessed and exalted, and some of them He hallowed, and brought nigh to Himself," fully bears out that interpretation. It seems that Sirach is not referring here to Aaron's choice as priest, but compares on the basis of Ex. 19. 4-6 the respective relations of Israel and the Canaanites with God: though all human beings are descended from Adam, God in His wisdom and knowledge distinguished Israel among the nations Ex.19.5, and made, in His choice and judgment, its ways different from those of all other peoples, Lev. 20.26. There is no
trace here of the assumed idea that God moulds the character of all or some individuals from their beginning, so that He would be responsible for their actions. Even the comparison with the potter and his clay which is taken from Jer. 18.6ff has nothing to do with the faculties of man and his inclinations, but refers, as in the original place, to God's retribution for sins according to His own judgment. And in the same sense also v. 14 has to be understood as a generalization of the principle enunciated in the preceding instances of God's ways or works towards mankind: Israel obeys the will of God, his neighbors, especially Syria, practise evil; Israel is rewarded by life, the sinful peoples are punished by death. And as those nations represent the two opposite attitudes towards God, so do within Israel the Hellenists and the godly men whose respective fortunes correspond by God's judgment with their respective actions: (15) "And thus look upon all the works of the Most High; two and two, one against another". It appears that some Jews in Jerusalem, influenced by the teachings of the Stoics, pleaded for the equality of all nations and all individuals in the sight of God; Sirach's answer was that He in His judgment distinguished Israel among all nations, not arbitrarily, but in the abundance of His knowledge that enabled Him to weigh the merits of all justly, and to set back the people that inclined towards sin.

Difficult, however, is another statement which deals with the various degrees of wisdom granted by God to different men (1.9): "He created her (wisdom), and saw, and numbered her, and poured her out upon all His works. (10) She is with all flesh according to His gift; and He gave her freely to them that love Him". And again (43,33): "For the Lord made all things; and to the godly gave He wisdom". In comparing the two passages we recognize
that those who love God are identical with the godly who receive from God wisdom, while other, average Jews who do not merit it by their conduct are not distinguished by that gift of wisdom; and it is evident that there is not the slightest foundation for the assumption that v. 10a refers to the Gentiles and 10b to the Jews. The identity of those who love God is also proved by another passage (2.15): “They that fear the Lord will not disobey His words; and they that love Him will keep His ways.” The parallelism establishes the identity of those who love Him with those who fear Him; but it is at first sight not certain whether the attachment of the former to God is not thought to be stronger than that of those who fear Him. The passage continues (2.16); “They that fear the Lord will seek His good pleasure; and they that love Him shall be filled with the law.” It seems again that the latter possess a higher degree of perfection than the former.

The same seems also to follow from 34. 15 (= 31. 17): “Blessed is the soul of him that feareth the Lord: to whom doth he give heed? and who is his stay? (16) The eyes of the Lord are upon them that love Him, a mighty protection and a strong stay, a cover from the hot blast, and a cover from the noontday, a guard from stumbling, and a succour from falling. (17) He raiseth up the soul, and enlighteneth the eyes: He giveth healing, life, and blessing.” In Job 28.28 the fear of the Lord which, as will be seen presently, Sirach took over completely, is parallel with departing from evil, and means the abstention from a transgression of some prohibitions of definite contents. On that connotation of the fear of God is based 1.28:

— 35 In 47.22: “But the Lord will never forsake His mercy: and He will not destroy any of His works, nor blot out the posterity of His elect; and the seed of him that loved Him He will not take away; and He gave a remnant unto Jacob, and unto David a root out of Him,” the elect is David, and he who loved Him is Abraham. Is. 41.8.

— 36 יראת ה' ויאוהב מהרשמהapolis יאתי.
“Disobey not the fear of the Lord”, for it is presupposed to be identical with certain commandments to be obeyed, as it is synonymous with the Torah in Ps. 19. 10. In the contrast in 19. 24: “Better is one that hath small understanding, and feareth, than one that hath prudence, and transgresseth the law”, it is expressly stated that the fear of God meant refraining from transgressing the law. Again in 1.30: “Because thou (hypocrite) camest not unto the fear of the Lord, and thy heart was full of deceit,” it prohibits dishonesty of the mind. And in the context of 27.3: “Unless a man hold on diligently in the fear of the Lord, his house shall soon be overthrown,” it forbids dishonest dealing.

In the lesson derived from the end of an adulteress who is stated to have been disobedient in the law of God (23.23), that is, she transgressed the prohibition in the Decalogue, Sirach says (23.27): “And they that are left behind shall know that there is nothing better than the fear of the Lord, and nothing sweeter than to take heed unto the commandments of the Lord”. In the first part he points to obedience to the prohibition mentioned, and in the second probably to the relevant positive commandments. And in the passage (2.15) from which this examination issued: “They that fear the Lord will not disobey His words; and they that love Him will keep His ways,” the first line suggests obedience to the prohibitions of God, while in the second His positive ways clearly point to actions ordered, to positive commandments; and at the same time we learn that the love of God is superior to the fear of Him.

As the fear of God constitutes such a great treasure,

38 Cf. Ps. 31.12; ... נזר לאונין כץ השפעה מזר ברבר פורה (in the fear of the Lord) here the fear of the Lord keeps man away from evil deeds and the false tongue, and characteristically דר צרא בבר is used as in Job 28.28.

39 Cf. Ps. 112.1: Happy is the man that feareth the Lord, that delighteth greatly in His commandments.
it is obvious that its acquisition is a personal merit of its possessor which accounts for the rewards granted for it by God. They are described in vivid colors (1.13): 

"Whoso feareth the Lord, it shall go well with Him at the last, and in the day of his death he shall be blessed." (40.26) Riches and strength will lift up the heart; and the fear of the Lord is above both: there is nothing wanting in the fear of the Lord, and there is no need to seek help therein. (27) The fear of the Lord is as a garden of blessing, and covereth a man above all glory. (25,11) The fear of the Lord passeth all things: and he that holdeth it, to whom shall he be likened? (6) Much experience is the crown of old men; and their glorying is the fear of the Lord. (34,13 = 31.14) The spirit of those that fear the Lord shall live; for their hope is upon Him that saith them.

(14) Whoso feareth the Lord shall not be afraid, and shall not play the coward; for He is his hope. (15) Blessed is the soul of him that feareth the Lord: to whom doth he give heed? and who is his stay? (26,3) A good wife is a good portion: she shall be given in the portion of such as fear the Lord.

(32 = 35,14) He that feareth the Lord will receive His discipline; and they that seek Him early shall find favour. (15) He that seeketh the law shall be filled therewith: but the hypocrite shall stumble thereat. (16) They that fear the Lord shall find judgement, and shall kindle righteous acts as a light." It is the same thought as is expressed more fully in 2, 7–11 as a warning to the God-fearing to trust in God, while suffering, and to submit in humility to His trials (2. 17,18). The original perhaps read ראת ני קתMos or משחריר מצה ות, while the Hebrew text has בוחש אל יקה Mos והשרת הianne מענה. The commentators

40 Substance.
41 Substance.
of the latter suggest that the Greek translator mistook for a derivative of . The Syriac has: “He that seeketh the service of God will receive instruction, and when he prayeth before Him, He will answer him”; it evidently presupposes as the original Hebrew wording. It is difficult to see, how the Greek and the Syriac could be the renderings of the Hebrew text preserved. As in addition is not Hebrew, it seems to me fairly obvious that the Hebrew is the translation of some earlier translation. Again, Hebrew presents the curious fact that it has been preserved in three different versions, or, if we count the marginal variants, even in four or five wordings. One reads , another , and both are evidently the several translations of one and the same translation; and all that would be necessary is to trace the latter source. How should have meant in Hebrew a hypocrite, is certainly a riddle; but if we remember that in Gen. rab. 53. 11 R. Levi applies Prov. 26. 18, containing that rare word, to Ishmael who is alleged to have shot arrows at Isaac, and pretended to play, we shall understand, how the rabbinic retranslator hit on that word in that meaning. In v. 16c Syriac has: “shall produce much wisdom from their heart”; while Hebrew reads , where, as the commentators already noted, the last two words should read , Greek presupposes , and there is no occasion for the various artificial suggestions advanced. Sirach taught in those verses that only, if he is able to resolve to fear God either by arousing, maintaining and developing through will and determination that moral force, or by training his mind in that attitude by resolutely refraining from transgressing the law, will

a man obtain God's blessing and His protection.

After this digression let us revert to 1. 10: "She (wisdom) is with all flesh according to His gift; and He gave her freely to them that love Him", where it is difficult to understand moral responsibility in man. And it is even more so in another statement of Sirach (1.14): "To fear the Lord is the beginning of wisdom; and it was created together with the faithful in the womb. (15) With men she nested an eternal foundation; and with their seed shall she be had in trust." As to the last verse Edersheim already suggested that it refers to the Mosaic law which, as the highest wisdom, after its revelation built an everlasting home in Israel; and since then that nation has been holding that wisdom in trust. The same idea is stated again (24,7): "With all these I (wisdom) sought rest; and in whose inheritance shall I lodge? (8) Then the Creator of all things gave me a commandment; and He that created me made my tabernacle to rest, and said, Let thy tabernacle be in Jacob, and thine inheritance in Israel... (10) In the holy tabernacle I ministered before Him; and so was I established in Zion. (11) In the beloved city likewise He gave me rest; and in Jerusalem was my authority. (12) And I took root in a people that was glorified, even in the portion of the Lord's own inheritance." According to this theory, before the revelation on Sinai the seat of wisdom was in heaven; and there is no foundation here for the assumption, derived by some scholars from 1.14a, that wisdom was created already with the patriarchs in the womb; for that verse refers to Sirach's own time, and the faithful are not, as in II Macc. 1. 2, the patriarchs. As far as I remember, that adjective is in the Palestinian-Jewish literature nowhere applied to the patriarchs, except to Moses in Num. 12. 7; and the context

4 Cf. Ps. 101.6.
in Sirach shows that the faithful are parallel with those that fear and love God. And as in 1. 10 the mere absence of any further explanation indicates, Sirach who is never sparing in words referred to the same godly men. But as the fear of God was created by God with the faithful in the womb, and their moral and religious conduct throughout their life was determined for them in advance, in what does their merit consist for which God rewards them? It seems that Sirach merely shared the biblical view of the problem that God gives man wisdom and other capacities; so king Solomon was distinguished, I Reg. 3.12, and Jeremiah was designated by God a prophet, before he was formed in the womb, and was, no doubt, endowed with all the qualifications required for his calling. Why God puts the fear of Him into one man and not also into another, is beyond our understanding; but it is clear that, in His judgment and pleasure, He thereby destines one to walk before Him in the fear of God, and the other to be less good or even sinful. And why men who differ as to their determining endowments should equally be held responsible for their deeds is a riddle. On the other hand we find (1.10) that even a good man may not abide in the fear of God, and is liable to sin (2.7): "Ye that fear the Lord, wait for His mercy; and turn not aside, lest ye fall"; and it does not seem to follow from the presence of innate fear of God that its possessor is spared the struggle for the preservation of the grade of piety implanted in him in all trials and temptations. In addition, His gift imposes on him a far greater responsibility for his conduct and his actions. Again, as the faithful were not men of an average character, that acquired for them or roused in them, by a determined self-control and by sustained obedience to the commandments, the fear of God, and who could by the sudden onrush of

44 Cf. Oesterley and Box-Oesterley.
45 Jer. 1.5, cf. Sir. 49.7: And yet he was sanctified in the womb to be a prophet.
trials and temptations be shaken in their faith, but were men of tried and confirmed piety, the difficulty of the problem appears insurmountable. But, it appears to me, a satisfactory answer to it is given in Sirach's declaration (15. 14): "He Himself made man from the beginning, and left him in the hand of his own counsel. (15) If thou wilt, thou shalt keep the commandments; and to perform faithfulness is of (thine own) good pleasure." All equipment bestowed by God on man, even wisdom and the fear of God, do not secure man's right conduct, and were not intended by Him to do so; they certainly afford guidance, and with it greater responsibility, but it is left to the choice of every individual to use them properly in fullfilling the will of God, His commandments.

As a preliminary to wisdom man has to acquire the fear of God, and Sirach declares him blessed that pursues and endeavors to obtain wisdom (14. 20–27), and concludes (15.1): "He that feareth the Lord will do this; and he that hath possession of the law shall obtain her. (19. 20) All wisdom is the fear of the Lord; and in all wisdom is the doing of the law. (21. 11) He that keepeth the law becometh master of his inclination; and the end of the fear of the Lord is wisdom. (1.26) If thou desire wisdom, keep the commandments, and the Lord shall give her unto thee freely. (1.27) For the fear of the Lord is wisdom and instruction." First we see that to love God meant the keeping of His commandments, as in Deut. 11: 1. Secondly we see from 15.1 that wisdom and the possession of the law are not identical, as the acquisition of the law has to precede that of wisdom. As on the other hand, wisdom is identified with the book of the covenant, the law of Moses, as the embodiment of God's wisdom (24. 23ff.), it is clear that by its study and its observance

46 Note the parallel in 1.10: And He gave her (wisdom) freely to them that love Him.
man has to acquire gradually the highest degree of wisdom attainable for him. It can be won by instruction (6. 18): "My son, gather instruction from thy youth up; and even unto hoar hairs thou shalt find wisdom. . . (20) How exceeding harsh is she to the unlearned! and he that is without understanding will not abide in her." Even he who is not blessed with mental gifts undertakes to follow wisdom, though, deterred by its onerous demands, he may soon drop her; for she is a chain (6. 24,25), a burden (ibid.), and imposes very hard trials (4. 17), until she reveals to him her secrets (18).\(^\text{47}\) Again (6. 32): "My son, if thou wilt, thou shalt be instructed; and if thou wilt yield thy soul, thou shalt be prudent. . . by attending the discourses of the elders. . . (37) Let thy mind dwell upon the ordinances of the Lord, and meditate continually in His commandments: He shall establish thine heart, and thy desire of wisdom shall be given unto thee." Here also it is stated clearly and definitely that wisdom is something more than the law of the Torah and its fulfilment: it is the guidance derived from the meditation in, and the study of, the law, and from the practical instruction of scholars and teachers. (9. 14): "As well as thou canst, guess\(^\text{48}\) at thy neighbours, and take counsel with the wise. (15) Let thy converse be with men of understanding; and let thy discourse be in the law of the Most High. (16) Let righteous men be the companions of thy board; and let thy glorying be in the fear of the Lord."

\(^\text{47}\) The crooked ways of wisdom (4.17) are referred by the commentators to the impression made upon the student by the requirements of wisdom. But the wording seems to suggest that the method employed by the teachers of wisdom appeared crooked, as e.g. Aristotle's method of training for the middle way by the extreme opposite.

\(^\text{48}\) The Greek στοχασμα is incorrectly translated 'guessing'; better is Edersheim's: seek the man out, search him. The original probably had נַפֵל; Syriac has נַפֵל which is the root of the noun נַפֵל, consider, watch. It is most remarkable and very characteristic that also the Hebrew text has the unknown Hebrew root נַפֵל; is there the slightest doubt that Hebrew simply took over the verb from the Syriac, without considering its special meaning?
It seems from all these passages that Sirach distinguished three stages in the training for wisdom: 1. the acquisition of the fear of God, meaning, as was shown, obedience to the prohibitions in the Torah; 2. that of the love of God, denoting the practice of the positive duties towards the fellow-man; and 3. that of wisdom, comprising the observance of the extension of the moral law laid down and expounded in the discourses of the elders and their instruction (6.35). And there seems to have yet been another form of teaching by proverbs of understanding (6.35) the contents of which it would be of great interest to ascertain. They are mentioned again (8.8): "Neglect not the discourse of the wise, and be conversant in their proverbs; for of them thou shalt learn instruction, and how to minister to great men. (9) Miss not the discourse of the aged; for they also learned of their fathers: because from them thou shalt learn understanding, and to give answer in time of need. (18.28) Every man of understanding knoweth wisdom; and he will give thanks unto Him that found her. (29) They that were of understanding in sayings became also wise themselves, and poured forth apt proverbs". But the most instructive statement on that point is 39.1: "Not so he that hath applied his soul, and meditateth in the law of the Most High; he will seek out the wisdom of all the ancients, and will be occupied in prophecies. (2) He will keep the discourse of the men of renown, and will enter in amidst the subtleties of parables. (3) He will seek out the hidden meaning of proverbs, and be coversant in the dark sayings of parables." If the Book of Proverbs and Sirach's Proverbs may be taken as illustrations of such proverbs, they contain in the first instance the finer and deeper ethics as applied to the fellow-man in all aspects and all emergencies of life.

(To be continued)

Syriac has: Not so he that hath applied his soul to the fear of God.
WAS THERE A FORM \textit{יְפָעַת} IN EARLY HEBREW?

In his article "Light on the History of the Hebrew Verb" (JQR., N. S., XII, 25ff.) Israel Eitan reaches the conclusion that in ancient Hebrew the two reflexive forms of the basic conjugation, the \textit{Ka}, one with Nun (Niph'al) and the other with Taw (יִנָּחַה, יִנָּחַנִי Judges 20.15), were matched by two reflexive forms of the Pi'el and Po'el, one familiar to us with Taw ((Hithpa'el and Nithpa'el) and another with Nun of which only spare remnants are left in the Scriptures.

How is it, contends Mr. Eitan, that in all the Semitic languages only the \textit{Kal} exhibits a reflexive with Nun? It stands to reason that just as the reflexive with Taw is found in all the conjugations, so also the reflexive with Nun should be found to a larger extent and not be confined to the \textit{Kal} only. And he did not rest until he found strange forms in the Bible which he could incorporate into the paradigms as the remains of the desired conjugations, as follows:

- **Po'el**
  - יִנָּחַת Isa. 33.10.
  - יִנָּחַנִי Eccles. 7.16.
  - Po'el Num. 21.27.
  - בָּחַת Isa. 54.14.
  - בָּחַנִי Ps. 59.5.
  - יִנָּחַת Num. 24.7.
  - יִנָּחַנִי 2 Chron. 32.23.
  - יִנָּחַת Lev. 13.55 56.

- **Pi'el**
  - יִנָּחַנִי Deut. 21.8.
  - יִנָּחַת Ezek. 23.48.

All these examples, except the last three, have been considered up to date as forms of the Hithpa'el and Hithpo'el, in which the Taw is assimilated to the first radical, and it was evident to grammarians, from Hayyuj to the latest of Christian grammarians, that although generally the Taw is assimilated only before \( \text{י} \), \( \text{ע} \), \( \text{ה} \), nevertheless such

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1 Mr. Eitan failed to include in his list: יִנָּחַת (Jer.22.13) יִנָּחַנִי (Ez.5.13) יִנָּחַת (Is.52.5) יִנָּחַנִי (Ez.37.10)

assimilation might take place also before other letters, especially before כ and ק, as will be explained further on.

Mr. Eitan endeavors to belittle this theory and prove it erroneous on the basis that no evidence is furnished elsewhere for such a process of assimilation and that the Taw does not disappear before any other letters except ר, י, and ח. Consequently he insists that all the examples cited above are remnants of the reflexive with Nun for Pi’el and Po’el, and that the Dagesh in the first radical, which all of them exhibit, does not represent an assimilated Taw but an assimilated Nun: דגש נא stands for דגש נא and not for דגש נא stands for דגש נא etc. He finds further support for his theory in the fact that most of these examples are furnished in the Scriptures with a regular Hithpa’el with Taw, as, e.g., דגש נא. Dan. 11.36; דגש נא Ps. 143.3; דגש נא. Prov. 24.3; דגש נא Gen. 24.65. Why have two forms of the Hithpa’el for one and the same verb? The conclusion therefore is that the full form with Taw is Hithpa’el, while the form with Dagesh in the first radical belongs to a conjugation הפשד.

If we examine carefully his proofs we find that they are not convincing.

Whence does he obtain the assurance that a Taw cannot be assimilated except before ר, י, ח? The fact that such a process does not occur in the Scriptures is not sufficient proof. Also, in respect to assimilation of consonants, Hebrew is subject to general Semitic laws, and this strange phenomenon, which cannot be explained from Hebrew itself, may have an analogy in other Semitic languages. Now we know that in the Aramaic of the Palestinian Talmud and of the Midrashim the Taw is assimilated also before the letters כ, כ, י, ג, כ: דגש נא = דגש נא (Shab. 14d); דגש נא = דגש נא (Baba Batra 13b); דגש נא = דגש נא (Sheklim 48d); דגש נא = דגש נא (Kil’aim 31c).

In the Babylonian Talmud the conjugation Ithpe’el and Ithpa’el drop the Taw in most cases, as, for instance, דגש נא (Ta’anit 25a); דגש נא = דגש נא (Soṭah 32b); דגש נא = דגש נא (Baba Batra 111a); דגש נא = דגש נא (Mak. 11a); דגש נא = דגש נא (Besah 15a).

And not only in the verbs is the Taw assimilated even before כ and ק, but also in words like the following: דגש נא = דגש נא (I Chron. 12.6), the rendering of וינש.

1 Dalman, Grammatik des jüd.-paläst. Aramaisch, par. 59.5.
2 In Targum Jonathan: דגש נא (I Chron. 12.6), the rendering of וינש.
and in the Palestinian Talmud and in the Midrashim we find  של instead of המשנה של, instead of ימי של.

It is also interesting to note that in the Targum Jonathan and Targum Yerushalmi, where the assimilation of Taw is not so frequent, it nevertheless takes place sometimes before the letters ב, ג, and כ, as, for example, כבּּכּ = כּכּ (Jon. to Lev. 9.23); כּ = כּ (Gen. 20.3); כּ = כּ (Deut. 14.21); כּ = כּ (Lev. 21.14).

And as to the elimination of Taw before a guttural as exemplified in י"ע (Yer. Shab. 8c), it is a serious-minded scholar as exemplified in י"ע (Yer. Ber. 5c).

Similar to Taw is Lamed, whose nature is not to be assimilated, and yet no serious-minded scholar of today will go back to the opinion of Abul-Walid Ibn Hisdai that מ = מ is derived from מ and not from מ, since we do not find that the Lamed is assimilated. Sound philological sense tends to the belief that although we do not find a specimen of an assimilated Lamed, yet "this is not beyond analogy and not far from the usage of the language" (Sefer Harikmah, p. 86). And so we find in the Aramaic of the Talmud מ = מ, מ = מ, etc. Likewise in Arabic the Lamed of the definite article מ is eliminated before sibilants, dentals, and liquids.

Also the second proof is uncertain. From the fact that most of the examples, on which the writer bases his theory, are found also with a Taw:, the opposite conclusion might be deduced, namely that the forms with an assimilated letter belong likewise to the Hithpa'el. For so we find in both Talmuds that in one and the same verb sometimes the Taw is extant and sometimes it disappears. In the Palestinian Talmud: לְלָבּ (Git. 18) = לְלָבּ (Sanh. 23b); in the Babylonian Talmud: לְלָבּ (Baba Batra 10b) = לְלָבּ (Ps. 50a); מְלָבּ = מְלָבּ (Ber. 58b). In these examples the Dagesh undoubtedly stands for Taw and not for Nun, since in Aramaic there is no reflexive with Nun. And it stands to reason that what holds good in Aramaic holds good also in Hebrew.

The two forms לְלָבּ and מְלָבּ, mentioned above, have been considered as belonging to a conjugation Nithpa'el, which is quite current in post-Biblical Hebrew. Naturally, they too have been explained in this manner: לְלָבּ and מְלָבּ. But once the principle of the assimilation of Taw is removed, this explanation becomes unten-

* See Dalman, Le., n.3.

This opinion is quoted in Sefer Harikmah, p. 186.
able, and Mr. Eitan endeavors to prove that these forms constitute
the perfect of this newly invented conjugation, whose earlier form was
很长 after the Arabicذهب. However, since a short vowel in an open
syllable before an unaccented syllable has been discarded in Hebrew,
i.e. has been turned into Shewa, it should have been vocalized לָשׁוֹן,
in our case יַחֲדֶשָׁה and יְשִׁפְטָה, why then a Ḥirek in the Nun and a Dagesh
in the first radical? And here Mr. Eitan made use of linguistic analogy,
a remedy so often applied to every philological difficulty: יַחֲדֶשָׁה and
יְשִׁפְטָה have been vocalized with a Ḥirek because the perfect Niph'al
is generally vocalized with a Ḥirek, and the Dagesh is necessarily
inserted to close the syllable which is articulated with a short vowel.
So we say יַחֲדֶשָׁה instead of יַחֲדֶשָׁה by analogy with strong Niph'al. The
possibility of such an artificial Dagesh is proved from the Dagesh that
occurs in the passive of the Kal: יַחֲדֶשָׁה, יָדָה, etc.

However, this analogy does not hold good. A primitive short
vowel in an open syllable before the accent necessarily becomes
either long or closed. Now the language did not deem it necessary to
lengthen the short vowel and differentiate externally between the pas-
sive of the Kal and that of the Pi'el, since the boundary line between
the Kal and Pi'el with reference to their ussage was already blurred
somewhat and the difference between them was not always recogniz-
able; moreover, it was to the advantage of the language that it should
free itself from a multitude of conjugations wherever these are no longer
differentiating of special usages, and therefore a Dagesh was inserted
also in the passive of the Kal. But in the instance under discussion
in יַחֲדֶשָׁה etc., it appears that the closed syllable developed in the place
of Shewa by analogy only. If so, if the force of analogy is so great,
why do we find יַחֲדֶשָׁה, יַחֲדֶשָׁה, יַחֲדֶשָׁה, etc.? By analogy we should vocalize יַחֲדֶשָׁה, יַחֲדֶשָׁה, יַחֲדֶשָׁה, etc. We must assume therefore that the
force of analogy is not sufficient to cause an increase of a syllable
where the accent is distant.

And as to יַחֲדֶשָׁה, it is an altogether different linguistic phenomenon,
the discussion of which I must forego at the present for lack of time
and space. At any rate there is no comparison between יַחֲדֶשָׁה and יַחֲדֶשָׁה;
in the former there is a closed short in place of an open long syllable,
something customary in Hebrew grammar, and which is not the case
in our two examples.

And again: who can tell us that reflexive with Nun of the Pi'el
and Po'el was without an additional syllable to the characteristic
letter of the conjugation, namely the Nun? It is more likely that it
resembles in this respect its companion the Hithpa'el, with He, a helping syllable, before the characteristic Taw, and accordingly its form was not יְבַל נִנְנֵי but יְבַל נִנְנֵי, and indeed we find יְבַל נִנְנֵי, יְבַל נִנְנֵי, יְבַל נִנְנֵי, which I quoted above in note 3, in which Mr. Eitan, who believes that the assimilation of Taw is confined to נ נ, should have seen the perfect of that conjugation. It is indeed surprising that he passed them without mention, although they occur in all the grammars, from the oldest to the latest.9

Without choice he is compelled to assume that that conjugation had two forms of the perfect, one with He, יְבַל נִנְנֵי, and with assimilation of Nun יְבַל נִנְנֵי, and another without He, יְבַל נִנְנֵי, and through analogy יְבַל נִנְנֵי. And if we add to this his opinion that also יְבַל נִנְנֵי (Lev. 13.55) is not, what is generally assumed, a passive of the Hithpa'el, but a passive of his new יְבַל נִנְנֵי, we are confronted with a strange phenomenon that just in Hebrew, which is poor in conjugations compared to the Arabic, which experienced periods of development and atrophy of conjugations (of the passive of the Kal, of the Po'el and the Hithpa'el, there are only fragments left), that just in Hebrew this novel conjugation should be extant, after it had been exterminated completely in all the other Semitic languages, and not only this but there were left of it two forms of the perfect and the passive!

There is too much of a tendency to search in the Scriptures for decayed remnants of a so-called pre-biblical perfect. The linguistic material of the Bible is alive, effervescent, and in process of development, and many fixed phenomena are found in later Hebrew the beginning of whose development may be traced to the Bible. As a good example may serve the confusion of verbs נַל and נְל in the Mishnah (נַל, נְל, נַל, נְל, etc.). Traces of this confusion are noticeable already in the Bible: נַל אֲרוּאִים (Ps. 99.6), נַל קרִי (Ez. 47.8 Kere), נַל סַפְרֵךְ, נַל סַפְרֵךְ (Ps. 32.11), נַל סַפְרֵךְ (Jer. 51.9), etc. Likewise the Mishnic Nithpa'el was not formed in one day, but developed little by little, and the first attempts towards its formation are found in the

p. 148 of Gesenius-Kautzsch; the very same page to which Mr. Eitan refers contains also נַל קרִי, but he must have overlooked it.

9 The passive of יְבַל נִנְנֵי should be יְבַל נִנְנֵי and not יְבַל נִנְנֵי, and accordingly we should have יְבַל נִנְנֵי in place of יְבַל נִנְנֵי, יְבַל נִנְנֵי, יְבַל נִנְנֵי (Is.34.6, יְבַל נִנְנֵי (Deut.24.4), and יְבַל נִנְנֵי are, in the opinion of grammarians, passives of Hithpa'el; Arabic in a like manner formed passives for all the reflexive conjugations. This matter which Mr. Eitan refers to Gesenius and others, is found already in Sefer Harishmah, p. 60.
Witness the close relationship in meaning between רכז and ינש and most of the Nithpa’el forms in the Mishnah: they are all passive, and indeed the Nithpa’el is used mostly as a passive, as, e.g.: 

ין שפקל יא ב מחלולא תחיה (Abot 5.3), 

ניANDROID נחית נמש אבראה אב (Eduyyot) 5.6), 

ר ימש סחטפשל (Shab. 6.1), 

DataRow לשיד, תרמש, etc.

And so, too, with reference to הילא, ונתא, and שהאה, in which Mr. Eitan discovered the imperfect of ניס ל, their passive signification proves very clearly that they belong to a later period in the development of Hebrew, for it is a generally accepted principle that every reflexive Nithpa’el and passive Hithpa’el is a secondary formation.

A third example of a Nithpa’el in the Bible was indentified by scholars in the word נטש (Prov. 27.15) which, in spite of the efforts of some grammarians at emendation, may be explained appropriately as a Nithpa’el. But if we accept the opinion of Mr. Eitan, that רכז and ינש are remanants of an obsolete conjugation, then we separate forcibly between these and שהאה, which on account of its isolation is difficult of explanation, for this form with a visible Taw on the side of Nun could certainly not be explained as a הילא. And, be it understood, the force of a theory comprising a wide range is greater than that of a theory of a small circumference.

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\footnote{See, for instance, König, Historisch-Kritisches Lehrgebäude der hebr. Sprache, 1, 591}
DUBNOW'S HISTORY OF THE JEWS IN RUSSIA AND POLAND.¹

The historiography of the Jews in Eastern Europe is of a comparatively recent date. A Polish scholar and communal worker, Tadeusz Czacki, was the first to formulate the principal data of Jewish history in Poland, in his "Inquiry concerning the Jews and Karaites" (1807). Thanks to precious records quoted in his work, which records were extracted by him from Polish archives, it has retained its significance till now and is a valuable source with regard to the legal status and economic activities of the Polish Jews, particularly at the end of the 18th century. Further evidence was brought to light by the Polish jurists Hube and Macieiowski, and the historian Lelewel. The attempt which was made by Sternberg to draw an outline of the history of the Polish Jews during the Middle Ages proved a failure. Kraus-haar's "History of the Jews in Poland" is not as bad, though also of little value. Graetz's exposition of the destinies and character of the Polish Jews in the past is marked by prejudice and insufficient command of the historical data owing to the author's unfamiliarity with the Polish language, the country and the psychological attitude of Polish Jewry.

It was only in the "eighties" that a fresh start was made respecting the investigation of this special branch of Jewish historiography. The Russian scholar, A. Bershadski, then published his "Jews of Lithuania" which has remained a standard work until the present day, and besides this a series of studies dealing with various problems of Jewish history in Eastern Europe. These writings laid the foundation for further research. There also appeared under the editorship of Bershadski "The Russo-Jewish Archive"—two volumes of documents concerning the Jews in Lithuania in the 14th—16th centuries. Meanwhile there had appeared the studies of Chwolson and Harkavy which threw light on the history of the Jews in the Crimea in olden times. A. Harkavy's scholarly researches covered besides this other phases

¹ History of the Jews in Russia and Poland from the earliest times until the present days. Translated from the Russian by I. Friedlaender. Philadelphia: The Jewish Publication Society of America, vol. I, 1916 (pp. 411); vol. II, 1918 (pp. 429); vol. III, 1920 (pp. 423).
of the early Jewish settlements in Russia, and dealt also with some aspects of Jewish life in Poland and Lithuania. In the eighties S. M. Dubnow took to historical writing; he devoted himself particularly to the study of the communal organizations of Polish Jewry and to the popular Hasidic movement. Harkavy, Bershadski, and Dubnow are the three outstanding names connected with Eastern European Jewish historiography. What was done subsequently was in one way or another to be traced back to the activities of these men except for fresh investigations due to new developments in the general field of historiography.

Under their influence a circle of Jewish intellectuals in Petrograd undertook to extract from historical documents of all kinds, from chronicles, diaries, memoirs and so on, references to Jews in Russia and Poland. In the "Regesty i Nadpisi" (Records and Inscriptions) was gathered the fruit of their research work. In 1908 the Jewish Historico-Ethnographical Society was founded. The Society edited a quarterly review "The Jewish Antiquity" (Yevreyskaya Starina) which gathered around itself all students of Jewish history. Among the documents brought out in the ten volumes of this review the most valuable was "The Record Book of the Jewish Provincial Assembly in Lithuania during 1623-1761."

Simultaneously with the activities developed in Petrograd much research work was done in Lemberg and in Warsaw by Professor M. Schorr, Dr. M. Balaban, Dr. I. Schipper, Professor S. Askenazy, M. Bersohn, D. Kandel, and others. A series of scholarly books on the once famous Jewish communities of Cracow, Lemberg, and Przemysl, of monographs dealing with the political and economic organization of the Polish Jews and of studies on various topics of Jewish life in past centuries appeared in 1903-1914, in addition to repertories of Jewish records selected from the archives in Warsaw, Cracow, Lemberg, etc. A promising review in Polish, "Kwartalnik Zydowski", devoted to Jewish history in Poland, was also started but unfortunately had soon to be discontinued.

The investigation of the history of Jewish communities went on systematically. Monographs on Brest-Litovsk, Grodno, Vilna, Ostrog, Posen, Lissa, Lublin, although of unequal scientific value, filled a gap in the structure of Jewish historiography in Eastern Europe. The publications from the archives in Posen, Vilna, Kiev, and Vitebsk
contributed greatly to research in these studies. The task to grapple with this vast amount of material became ever more difficult.

The present work is an attempt of this kind. The translator, the late Professor I. Friedlaender, introduces it by pointing out that, although based on an earlier work, it represents a completely revised and independent edition, supplemented by entirely new chapters including the period from 1881. Dubnow's publication claims to be "the first comprehensive and systematic account of the history of Russo-Polish Jewry". In many respects this claim is justified, for the outlook provided by the work is of a great scope. The author views the manifestations of Jewish life in the territory of the former Russian Empire from their very beginnings until the Great War. Side-light are thrown on the Jewish settlements on the shores of the Black Sea, on the Kingdom of the Khazars, on the destinies of Jewry in the early Russian Principalities and in the Tataric Khanate of the Crimea—all this is told in the first chapter which covers a period of more than 1000 years. Chapters II to VI give an outline of the history of the Jews in Poland and Lithuania down to the first partition of the Polish Commonwealth. In consequence of this partition a large stock of Polish Jews was taken over by Russia where the Jewish question had assumed a somewhat peculiar aspect. This has given the author an opportunity to interrupt the narrative concerning the fate of Polish Jewry and to cast a glance at the attitude of Muscovy and the Russian Empire towards the Jews. Chapter VIII deals with the position of the Polish Jews as affected by the partitions of Poland during the period 1772-1794. The last four chapters of the first volume picture the history of the Jews in Russia till the death of Alexander I. The second volume relates the history of Russian Jewry in the reign of Nicholas I, Alexander II, and Alexander III, and the third volume is devoted to the sinister regime of Nicholas II.

The merits of Dubnow's work lie in his lucid exposition of the political and spiritual aspect in the life of Russian Jewry. He traces two parallel trends of events, the one determined by the conflict between the anti-Semitic Russian Government and the Jewish people, the other by the struggle between the factors of assimilation and national self-assertion. M. Dubnow has masterfully unfolded this double train of thought. Advocating the Jewish cause in both the political and cultural domain, M. Dubnow voices the popular indignation at
the restrictive policy of the Russian Tzars. He was called to record all the cruelties, all the crimes committed against the Jews by "a sovereign with unlimited powers but with a very limited political horizon", as he styles Alexander III. And he conscientiously fulfilled his task. About 200 pages are devoted to the reign of Alexander III and 169 to that of Nicholas II. Almost the third part of the work deals with a period of only 33 years (1881-1914), but these 33 years count for an eternity, for they comprehend endless trials, interminable sufferings.

The Jewish readers in America will certainly welcome this part of Dubnow's work, as it reflects the sorrows and anxieties which many of the living generation have experienced on their flight from their intolerant native country to free America. The younger generation may have heard from their relatives about this dreadful period and will surely follow with emotion the dramatic narrative of Dubnow. The translator acted well in adding "a number of pages dealing with the attitude of the American people and Government toward the anti-Semitic persecutions in Russia."

Dubnow's strength is to be sought in his gift for ably grouping the material. Like Huxley he "cared about the architectural and engineering part of the business". He is to a much lesser extent fond of spade-work in historical research. Dubnow's treatment of the activities of the Lithuanian Vaad is rather unsatisfactory, though, having been himself the editor of the already named "Record Book of the Jewish Provincial Assembly in Lithuania during 1623-1761", he could have gathered additional interesting instances from the chronicle of this institution. The ordinary reader may perchance not care for a more elaborate account, but students of history—not to speak of specialists—will be somewhat disappointed at the inadequate treatment of the sources by M. Dubnow.

In this respect M. J. Hessen's first volume of a "History of the Jewish People in Russia" (Petrograd, 1916; the second volume has so far not appeared) will prove much more satisfactory. Hessen is just the opposite of Dubnow. He abounds in information which he has collected industriously in Russian archives. Unfortunately he does not possess the literary gift of Dubnow; his account is rather poor. But in a chapter like that dealing with the attitude of Muscovy toward the Jews during the sixteenth and seventeenth centuries, which is
somewhat scanty in sources, Hessen's dry but complete record which occupies 45 pages will be much more appreciated than the brilliant exposition of Dubnow which takes altogether 4 pages. Hessen relates many instances of Jews having settled in Moscow in spite of the various prohibitions promulgated by the Tzars. He is even inclined to think that the hostility of the Russians was directed not exclusively against Jews but against foreigners in general. Notwithstanding this anti-alien policy, foreigners, including Jews, managed on many occasions to enter the country. Some foreign merchants even obtained from the Moscow Government special charters sealed "with a red seal" by which they were allowed to move freely throughout the country and visit the capital for business purposes. The Russian historian S. Soloviov already remarked in his "History of Russia" that in the days of Tzar Alexei Mikhailowitch the Jews succeeded in securing themselves such charters with red seals. They journeyed to Moscow with pearls and other wares and supplied the Court with these goods. If there existed a "Russian Quarantine against Jews", as Dubnow terms the policy of the Muscovite Government in the sixteenth and seventeenth centuries, this quarantine was often broken through and thus became illusory.

We do not wish to imply that Dubnow's historical method is superficial. His attempt at interpreting Jewish history in terms of a biological process has greatly contributed to an understanding of the nationalistic aspect of the Jewish problem. But Dubnow's conception is one-sided. His experience is of the political and literary, not of the economic world. He ignores historical data in the historical field, which do not lend themselves as a basis for his theory. The fault is not with his want of knowledge but with his want of mental adjustment. Since Dubnow began his scholarly career new historical methods have been evolved and a great deal of work has been accomplished of which he curiously enough did not take much notice. This deficiency becomes particularly obvious in his treatment of the economic history of the Jews in Russia and Poland. He manages to quote on p. 264 of the first volume of his work the statement of the deputy Butrymowycz made, before the Quadriennial Diet (1789-1793), on Jewish activities in trades, without making any comment. "In the provinces outside of Great Poland", said the Polish deputy, "half of all the artisans are Jews. Shoemakers, tailors, furriers, gold-
smiths, carpenters, stone-cutters, and barbers are particularly numerous among them". The curtain has been lifted for a moment only, for Dubnow does not care to give us a deeper insight. Further on (p.266) he makes the following remark: "Although forming but one-eighth of the population of Poland, the Jews furnished 50 per cent of the whole number of artisans of the realm... In Poland no less than in Western Europe neither the mercantile guilds nor the trade-unions, which to a considerable extent were made up of Germans, admitted Jewish artisans and merchants into their corporations, and as a result the sphere of Jewish activity was extremely limited." These short passages would have sufficed in a general history of the Jews in which a few chapters only would have been spared to the Jews in Poland, but they are greatly insufficient in a history of Polish Jewry. A survey of the economic position in Poland ought in our opinion to have been included in a work of the scope of Dubnow's.

This serious defect in Dubnow's work is the more regrettable as it could have been easily avoided. In the "History of the Jews in Poland" which appeared in 1914 in Moscow, Dubnow could have found much information on the development of Jewish artisanship in Poland and Lithuania from the fourteenth to the eighteenth century. The merciless struggle of the Christian guilds against the Jewish artisans and the establishment of Jewish guilds were told in this work in a detailed manner. From a few statutes of the guilds, which have been preserved, we are able to gather the constitution of the Jewish guild, the mutual relationships between the masters, the journeymen and the apprentices, the conditions of work, the attitude of the Kahal toward the guild, and may other features of this remarkable Jewish institution. Of all that not a word is mentioned in Dubnow's book. What he says with regard to trade, farming, and other professions among Polish Jews is also very meagre as compared with the exhaustive information given on these subjects in the volume of the "History of the Jewish People" devoted as we have just said to the Jews in Poland.

The economic history of the Jews in the Russian Empire is treated by Dubnow in the same ineffectual manner. No notice is taken by the author of the results which the liberation of the serfs had exerted on the Jewish economic position. This far-reaching event, the turning-point in the economic development of Russia, has considerably affected the economic life of the Jews as well. Through the lib-
eration of the serfs and other reforms carried out in the "sixties" new vistas were opened for the country. Fresh methods of promoting trade and industry were entered upon. Facilities were given for the opening of credit institutions which sprang up rapidly; during the period 1864-1872 there were founded 33 joint stock banks, 11 land banks, and 52 mutual credit societies. Railway and canal construction set in and trade began to develop rapidly. The part played by the Jews in this sudden upward development of Russia was a conspicuous one. Jews proved very active in establishing new credit institutions. The Ginzbourgs, Rosenthals, Poliakoffs, Efrussis, Saks, and others became intimately connected with the organization and management of a series of the foremost banking enterprises. M. P. Spasski points out in his "History of Trade and Industry in Russia" that the brothers J. S. and L. S. Poliakoff were the chief promoters of land credit in Russia. Besides the organization of land banks and the participation in large industrial undertakings (Jewish capital was being invested in sugar production, in flour mills, and later on in cloth manufacture) the share taken by enterprising Jewish firms in railway construction is not to be overlooked. Moreover, the liberation of the peasants and the advent of capitalism caused some obvious changes in the vocational constitution of the Jewish population. The dismissed factors of the landlords were forced to look for other occupations. The cadres of Jews driven out from their professions and compelled to take up new ones grew considerably when the system of leasing public revenues was abandoned by the State and when later on the Jews were excluded from the trade in spirits. Some categories of Jews turned to industrial activities, others took to commerce. A considerable part of the Jewish population became proletarianised.

These are only a few brief instances of the effects of the social reforms in the "sixties" which coincided with and furthered the beginnings of capitalism, with regard to the Jews. We should expect that a systematic history of Russian Jewry would lay particular stress on this interesting subject. That Dubnow failed to do it is regrettable: that he omitted even to mention the special literature which dealt with the subject in a much more adequate way, as, for instance, the careful study on the economic development of the Jews in the article "Russia" in the "Jewish Encyclopedia" (in Russian), and the publications, already mentioned, of M. Spasski and that of the "History of the Jews-
in Poland", which latter—and that is the point—he reviewed in 1915 in his quarterly "Yevreyskaya Starina", is a mystery to the reader who is assured in the preface that Dubnow has rewritten his book for the present edition. There is only one conjecture possible—namely that the work of Dubnow has not been completely revised.

The "History of the Jews in Poland" which was written by several authors furnishes perhaps a larger outlook and supplies a greater variety of aspects than a single brain could possibly afford. Being one of its collaborators and its editor I must abstain from advancing my own view on the work, but I may point to the utterance of Dubnow himself who in his criticism underscores this particular merit of the publication. Of course books in which many authors collaborate have another defect. They lack, to a certain extent, unity and necessarily include repetitions. The bibliography supplemented to the third volume of Dubnow's book is far from being "extensive". On the contrary, many a source is omitted, as, for instance, the following works, essays, and record books: Z. Pazdro, The Organization and Practice of the Vyeyvoda Courts during 1740-1772 (P.) 1903; Stanislaus Kutrzeba, The Legal Position of the Polish Jews in the 15th Century, (P.) 1901; Ph. Bloch, Der Mamran, der juedisch-polnische Wechselbrief, (P.) 1903; M. Balaban, "Jewish Craft Guilds in Cracow" (R.), in Yevreyskaya Starina, 111; M. Vishnitzer, articles on "Jewish Artisans" and "Commerce" in the Russian Jewish Encyclopedia, vols. VIII and XIV; I. Schipper, "Der Anteil der Juden am europäischen Grosshandel mit dem Orient", in the almanac Heimkehr, 1912; Fr. Rawita-Gawronski, Bohdan Chmielnicki, (P.) 1906; B. Kaz, On the History of the Jews in Russia, Poland and Lithuania (H.; extracts from Rabbinical responsa), 1899; L. Lewin, Der Schtadlan im Posener Ghetto, 1907; L. Lewin, Neue Materialien zur Geschichte der Vierlaendersynode, Frankfurt (on the Main), 1903, 1906, and 1916; L. Fisenstadt and M. Wiener, Daat Kedoschim, 1897-1898; M. Vishnitzer, "The Epistle of the Frankists in 1800", in the Memoirs of the Imperial Academy of Science, Historico-philological section, 1914; J. Emden, Megillat Sefer, 1898; S. Back, "Aufgefundene Aktenstücke zur Geschichte der Frankisten in Offenbach", in Monatsschrift, 1877; P. Muliukin,

2 Appeared in 1914 as a separate volume of the "History of the Jewish People", a publication of which two volumes only were brought out. It was abandoned owing to the War.

All these shortcomings notwithstanding, it is a pleasure to point to the merits of Dubnow's work. It is a remarkable attempt at an interpretation of the Jewish past and a brilliant record of one of the most eventful stages of Jewish history. Dubnow has presented us with a dramatic narrative of the Jewish martyrology in Poland and Russia and with a moving account of the inner cultural developments which political persecutions failed to suppress. His picture breathes life, it never degenerates into a dry account.

We have to mention with deep gratitude the translator of the work who found such a tragic end in the Ukraine. He was not a mere interpreter, but performed a great deal of editorial work in adapting the original to the requirements of an English version. The Jewish Publication Society of America is to be congratulated on having brought out this work of Dubnow's in so pleasing a form. It deserves the widest circulation among English-speaking Jewry.

Berlin.

M. Vishnitzer.
STRACK'S INTRODUCTION TO THE TALMUD AND MIDRASH

From an article of 75 pages in Herzog's *Realencyclopaedie* (1887) Strack's Introduction to the Talmud has grown in the fifth edition to a volume of nearly 250 pages. The new edition treats of Midrashic literature as well.

There is no other book similar in scope and value to Strack's volume and the author is justified in his statement that there is no scholar who will not find this volume very helpful. The new edition is completely recast and it is astonishing to see how exhaustively Strack has used the whole Jewish periodical literature. He often gives references to mere casual notes touching one or the other phase of his subject. As in all the works of Strack the arrangement is clear and practical and makes it very easy to find any information desired.

The bulk of the volume naturally is devoted to the Talmud, while the introduction to the Midrash only fills a little over 30 pages. It is based on the author's article in Herzog's *Realencyclopaedie* xiii, 784-98 and will be discussed later on.

The additions and the corrections of the author are evident on every page of his introduction to the Talmud. We get a new chapter on the Tosefta and (p. 29-32) an alphabetic list of the beginnings of the chapters of the Mishna upon which the Gemara is extant and which are frequently quoted by these beginnings in mediaeval literature. The repetitions of passages in the Palestinian Talmud are recorded according to Bacher (p. 65-66).

Some of the chapters dealing with the development and growth of Mishna and Talmud might have been more extended, so that the reader could gain a better insight into the very complicated problems. I think, for instance, that the importance of the activity of the Jabneh Academy for the history of the Mishna needs much more emphasis. Witness the well-known statement of the Tosefta 'Eduyyot I that when the scholars gathered in the Jabneh academy they feared that it would not be possible to find a clear decision in regard to Torah and tradition since one statement would not agree with the other; then the

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other sentence (Tos. Sanh. VII) that with the increasing number of pupils of Hillel and Shammai who had not studied sufficiently differences multiplied and two Torahs grew up threatening to disrupt religious unity. This seems to me clearly to imply that up to that period only anonymous Mishnas existed representing either the school of Hillel or that of Shammai. A student therefore might hear contradictory Mishnic statements in regard to the same law without finding a clue which to follow. When the Jabneh academy decided to accept the opinions of the school of Hillel as binding they felt the difficulty caused by the currency of such anonymous collections and they therefore undertook to cite the contrary opinions together with the names of their authors, so that henceforth no mistake could arise whether an opinion was that of the school of Hillel or of his opponents. It seems that the whole material somehow underwent a redaction of which the Treatise 'Eduyyot is a remnant. It is from this period on that we find so many names of authorities mentioned in the Mishna while the scholars living before this time are hardly ever quoted except under the collective designation of the schools of Hillel and of Shammai.

When Rabbi arranged the final collection of the Mishna, according to Lewy, he entrusted it to the memory of R. Isaac ben Abdini (or Roba) who made some changes in it introducing the opinions of his master (see Jahresbericht of the Breslau Seminary, 1905, p. 25). Lewy's very suggestive lecture seems to have remained unknown to Strack.

For the question whether the Mishna was originally written down the three cases of doubt whether a word is to be spelled with an א or י (p. 23) were originally brought forward by Chajes in his görüntא הדלאנים to prove that the Mishna was transmitted orally since these variants were caused by mishearing rather than misreading. On the other hand Frankel drew attention to two cases in which the variants can only be explained graphically: Bekorot 44a on VII. 3, מט-כנ, and Me'ilah 15b on IV.2, לולא. Halberstam in תבש המדרד הלא抗氧化, X,2, p. 7, suggested to reconcile the contradictory statements that while the Mishna was always studied orally the individual scholars kept for themselves copies, Megillot Sedarim, for private reference, but never to be used in teaching.

The general assumption (p. 70) that during each Kallah session one complete treatise was studied can hardly be upheld. After all the length of the tractates varies so greatly that it is quite impossible to cover a subject like Sabbath in one month, or to spend a full month on Megillah or Mo'ed-Katan. As a matter of fact, we are told (Berakot 20a and parallel passages) that during the long period of Rab Judah only Nezikin
was studied, while in a later period thirteen sessions of the Academy (הלל למחונמ) were devoted to the Treatise of 'Uksin. We thus have the actual evidence that the period of study of the different subjects varied as conditions demanded it.

In reference to the Tosefta a general statement of the changing character of the book is necessary. It ought to be said that we find in our Tosefta side by side statements and supplements to our Mishna which cannot be understood without the latter and enlarged Mishnas including both the text of our Mishna and additions to it. Furthermore the Tosefta evidently frequently follows the arrangement of an earlier form of the Mishna, perhaps that of Rabbi Meir, as Brüll has shown in his review of Schwarz, Tosefta Seraim in Central-Anzeiger, p.75, e.g. the Mishna used by the compiler of the Tosefta was arranged in the following order in Berakot IX: 1,2,5a,3b,3a,4,5b, and in Demai 1: 1,3b,3a,3d,3c,4b,2,4a.

The Amoraim frequently used the texts of the Tosefta in statements which afterwards were quoted in their own names by their pupils, but this does not justify Weiss’ assumption that the Tosefta has been changed on the basis of Amoraic opinions; see H[orowi]tz, Review of Schwarz, Magazin, 1891, p.145-54.

It is not possible to ascribe the redaction of our Tosefta to R.Ḥiyya. His collection was perhaps one of the principal sources used by the final compiler, but he certainly drew also from other Baraita collections, such as those of R. Osha'ya, Bar Ḫappara, Levi, etc. As a matter of fact a medieval writer like Isaac Or Zarua (איסאכ ארצה I, f. 39a, § 107) attempts to prove from Baba 昆山 4b as compared with the Tosefta Baba 昆山 IX,1 that R. Osha'ya was the author of our Tosefta, since according to both the number of וקנס נטניא is fixed at 13. The same evidence was adduced by a Damascus scholar in a letter to Shilah bar Nissim preserved in a Genizah fragment in Schechter’s Saadyana,p.41, note, who found this passage in eight Tosefta MSS. which he consulted, six of them coming from Babylonia. The proof, however, is invalidated by the Yerushalmi (Baba 昆山 I,1) where the same statement is ascribed to R.Ḥiyya’s collection.—Hoffman, Magazin, XV, 126, ascribes the redaction of the Tosefta to Rab.

As for the Tosefta to Abot Dr. Schechter told me many years ago that the text of Codex Vaticanus 44, printed as appendix 2 to his edition of Aboth de Rabbi Natan, was quoted as אס理工大学 דטנמא אנטו מוז. As a matter of fact the quotation in Tosafot Baba 昆山 25a is found in that text, chapter IV, p.156, the same passage being quoted
by Naḥmanides on Baba Batra 111b as ת舟山 רדמא והמצוה (cmp. Sifre Zutta on 11,14 where this very close parallel has been overlooked).

Of David Pardo’s Commentary on the Tosefta the Wilna edition includes only insufficient excerpts from the first four Sedarim; the full text appeared at Livorno, 1776-90. The commentary on קodashim was published Jerusalem 1890 fol. The Tosefta of Mo‘ed with a commentary תוספות במרוהי by R. Menahem Nahum appeared in Sklow 1809 2° and with a commentary הכתולמרות by Mordecai Friedman in Pacs 1898-1901; Zera‘im and Shabbat with a double commentary by Isaac Shwadron, Jerusalem 1910-14 2°. Parts of Neziḳin with commentary מַן אברְחֵה by Abraham Abele Gambinner Amsterdam 1732. L. Eisler, Beiträge zur rabbinischen Sprach-und Altertumskunde III., p.75-85, collects Tosefta quotations from the commentaries of Rabbi Simson of Sens; Idem IV, 1-126, Zur Texteskritik der Tosefta. L. Friedländer, קָרָע בְּנוֹרֵי, 1891 is a bitter attack against A Schwartz.

On p.26-28 Strack gives a great deal of information about the arrangement of the treatises in the various sources in tabulated form. In this connection several lists from mediaeval times offer some interest. Thus the poetic treatment of the subject by Abraham Ibn Ezra (Rosin, Reime und Gedichte Ibn Ezra’s, 201) and Saadyah Ibn Danan (העקרות, fol.124) place Pesaḥim after Yoma. Ibn Ezra also puts Ṭeḥarot last as does Rabbi Simson of Sens. A list from Yerahmeel with a number of mistakes is found in Neubauer’s Mediaeval Jewish Chronicles 1, 173. Another list with the beginnings of all the chapters was incorporated by Levi ben Gerson into the introduction to his commentary on the Pentateuch. It is also found as an appendix to the Ṭur, Augsburg 1540, on three pages 2°. Here we find Terumot before Shebi‘it, Soṭah before Gitṭin, Ḥullin before Menahot, Me‘ilah before Keritot. Sanhedrin has 14 chapters and Makkot is accordingly not mentioned. Mo‘ed Ḳaṭan is simply called Mo‘ed as in MS. Parma; Tamid has 5 chapters the last comprising chptrs. 5-7 of our editions. But in ed. Augsburg all the seven chapters are mentioned. Two other unpublished lists may be given here. The first is taken from Codice Vaticano Ebraico 299 fol. 82b–83a; the second from Codex De Rossi 12 82.

The Vatican MS. of which I have a photograph thanks to the friendship of Professor Freimann, offers various points of interest. E. g. it calls the treatise Neziḳin Masseket Baba and Ṭoharot בְּנוֹר (the beginning of the twelfth chapter of Parah). As in the Parma list and Codex Cambridge Ma‘aser Shenī precedes Ma‘asrot and like Codex
Cambridge Kaufmann and Parma Tamid has here only six chapters. A second list of the treatises and chapters up to Gittin in the same MS. fol. 84–85 adds nothing new. I omit in the following the constantly recurring words "אברחות פרק יג".

In the Parma list with a copy of which Rabbi Camerini was kind enough to furnish me (see Lewy-Festschrift, p. 394) it is curious that 'Eduyyot and Shekalim are transferred to Kodashim and some of the small treatises are placed at the end of Toharot and Kodashim. Demai and Bikkurim are omitted and also Abot unless otherwise in the last line is a corruption of it. Whether Makkot is purposely left out as part of Sanhedrin cannot be determined under these circumstances. The final statement that there are forty treatises is due to a confusion between מ and כ but the number is larger owing to the addition of the Small Treatises. The number seven for the Sederim in the heading is remarkable and reminds us of the statement in a Gaonic responsum (Jewish Quarterly Review No. 143) that the author saw an additional order of the Mishna, Hoffmann Die erste Mischna p. 13 conjectures this to refer to the Small Treatises which may also be the case here.

Cod. Vat. Ebraico 299f. 82b–83a:

Cod. De Rossi 1282

זה הא רצוןoirorrow יכלהプリחוי בתקומת פאיה כליאים שכנעתה הרומתו ומיערה אחרים וביקשוה הלכה עלולה.
To the sources for the Spanish text of the Talmud a manuscript of Aboda Zarah written in Ubeda 1290 and a fragment of Rosh-Hashanah in the Fez edition, both in the New York Seminary, are to be added (p. 78). It is not unlikely that the whole Talmud was printed in Fez for the edition of Niddah with the commentary of Rashi, i.e. without Tosafot, to which Adeni refers in his commentary to Niddah 12 can only be this edition (or that of Faro 1494?), and furthermore Adeni quotes to Ohaloth III 1 a piece of which Sulaiman Ibn Ujna gave a reading. Evidently the latter had a copy of Mishna Toharot printed at Fez which would presuppose the existence of a complete edition of the Talmud unless the Mishna was also printed by itself in Fez. Whether the Mishna edition which Rabinowitz Cat. Merzbacher 2144 assumes to be printed in Constantinople 1516 represented a Spanish text can unfortunately not be determined since this volume was lost before the collection was transferred to the Frankfurt municipal library. On the other hand the New York Seminary possesses eight leaves of an old Mishna edition with interesting readings, in my opinion a Spanish incunabulum and therefore preceding the Naples edition of 1492 generally considered as editio princeps (see JQR., N.S., II 147). This library also owns the Mishna MS. mentioned p. 80nr. 8 as well as a MS of Mishna Seder Mo‘ed written by Benjamin ben Isaac Finzi, 1361, and Mishna Zera‘im, Nashim and Kodashim with Maimonides’ Arabic commentary, the first of them on vellum written in 1317. For MS. Oxford 366 (p. 82) see Coronel’s Beth-Nathan, Vienna 1854.

Important material for textual criticism can also be derived from early mediaeval authors. Some cases in which missing sentences can be supplied from such sources are given in the Israelitische Monatsschrift, 1909, nrs. 11,12 and in Heller’s edition of Maimonides’ Sefer Ha-Miswot, p.25, note.
I subjoin a few notes in the order of the book.
Page 21.4 from the bottom: read Lewy instead of (Schwarz) Festschrift.
The interesting fact that the term Bet Midrash together with Yeshibah is used as early as the time of the Hebrew Ben-Sira (51, 23; 29) ought to have been mentioned on p. 4.

We find the statement in Talmud and Midrash that certain readings were found in the Torah of Rabbi Meir. Naḥmanides in his Derashah on Kohelet (ed. Schwarz, Frankfurt a.M., 1913, p. 10) clearly recognizes that it is a question of real variations. Strack (p. 11) only records "the common opinion that R. Meir wrote Massoretic notes and Aggadic interpretations on the margin of his scroll of the Torah". I do not think that evidence for marginal notes on scrolls can be found, nor do I see why one should not understand these words in their plain literal sense. The first of these variants תמא, in place of ממא, throws an interesting light on the pronunciation of the former word as "mot". Epstein's instructive article "Biblische Textkritik bei den Rabbinen" in Chwolson-Festschrift deals with these and other variants (see also OLZ., II, p. 200).

For Megillat Ta'anit (p. 12) comp. Steinschneider, Geschichtsliteratur, pp. 8–9, 172–73.

About the names of the treatises (p. 24) some important notes are given by Ginzberg in his study: "Tamid the oldest treatise of the Mishna," Journal of Jewish Lore and Philosophy I, 34–35. MS. Parma like Aggadot ha-Talmud, Yerahmeel and the sources mentioned by Strack calls the fourth order דר מprimaryKey, and like Cod. Kaufmann combines the 3 Babot into ס Büyük. To the literature on Friedländer's forged Yerushalmi (p. 70) on Kodashim add Ratner in ha-Kedem I, 89–108, Ritter in דקוק II, Warsaw, 1908, Nos. 15–25, W. Rabinowitz in הדר I, Odessa, 1907, 15–18, and in ידixo XIX, 1910, nrs. 9–10. To the Babylonian Tannaim (p. 69) Rabbi Nathan and Rabbi Isaac ought to be added.

The theory that the treatises Nedarim and Nazir originated in the Academy of Pumpedita (p. 70) was first proposed by Israel Lewy, Nezikin, p. 3.

The treatise Kutim (p. 74) was translated into English by Nutt, The Samaritan Targum, p. 68–72, and Montgomery, The Samaritans, pp. 196–203.

For the printing activity of the Soncino (p. 84–85) the standard work is Giacomo Manzoni, Annali Tipografici Dei Soncino, Bologna 1883–86. Among the editions of the Palestinian Talmud Nezikin, Berlin, 1862,
ought to be added. Luncz edition of the five parts had appeared (as far as the end of Kilayim) by 1917.

Among the editions of the Babylonian Talmud (p. 85) there is some confusion, a few of the treatises of the Fez edition being mentioned first as being printed in Salonica. What Chwolson mentions as Ketubot of Guadalaxara is actually the Fez Kiddushin, as Mr. E.N. Adler informed me some years ago.

For Pereferkowitz's edition (p. 87) comp. JQR., N.S., 1, 279–85. About the lack of the authority of the Haggadah (p. 93) reference should be made to the responsum of Sherira quoted in Aboab's Introduction to Menorat haMaor, in Eshkol ed. Auerbach, II, 47, and in Moses Ibn Danan's Klale Hatalmud MS. VII chptr. 18; see also the responsum of Hai which follows in the three places.

Hadassi in his Eshkol Hakofer fol.60 has incorporated the Rules of R. Ishmael into his book and did not express himself against them (p. 100). The thirty-three rules of R. Eleazar ben Jose ha-Gelili were published by Königsberger in Festschrift Feilkenfeld from the Berlin MSS. of Midrash Ha-Gadol and Midrash Hefes, also reprinted under the title הָלָּה הָאֶפֶּס, Berlin 1907.

The reading לַחנְרָה כְּנַפְס in the Shemoneh Esreh (p. 123) I also found in the Oxford MS. of Amram's Siddur written in Rhodus 1426; see Untersuchungen zum Siddur des Gaon R. Amram p. 15.


Yeshuia ben Joseph's הָנָּה יִשְׂרָאֵל יוֹסֵף (p. 151) appeared first in Lisbon (?) ca 1490 and Constantinople 1510. Bezalel Ashkenazi's methodology (Ib.) was published as far as found in the unique manuscript of the New York Seminary in the Hoffmann Festschrift and reprinted Berlin 1914.
S. R. Hirsch wrote several articles against Frankel (p. 152) which are reprinted in his Gesammelte Schriften VI, Frankfurt 1912, p. 322-434. For this controversy see also ספיאћה על ○, Beleuchtung des Frankel 'sehen Streites, Vienna 1861 (38 pp.) against the defenders of Frankel in the Allgemeine Zeitung des Judentums and Zweifel, שלום על רשאלו, IV, Zhitomir 1873, p. 13-64.

M. Lerner also wrote on the oldest Mishna ידה אמרות I, Berlin 1914 (28 ll.) Of Hoffmann's Erste Mischna a Hebrew translation by S. Gruenberg appeared in Berlin 1913 (60 pp.) Of Bassfreund's paper (p. 153) a reprint appeared in Berlin 1913 (97 pp.). Of Darmesteter's article "The Talmud" an English translation by H. Szold appeared, Philadelphia 1896 (97 pp.). Maimonides' commentary on on Pesahim (p. 157) was edited with Hebrew translation by J. M. Toledano, Safed. 1915 under the title Yede Moshe from a MS. Sassoon which the editor considered as autograph. In an appendix he published the vocalized words in the Mishna of this MS. of Mo'ed and Nashim.

R. Meir Rothenburg's commentary (p. 158) we only have for Neg'aim and Ohaloth; the rest is lost. Of R. Asher ben Jehiel the commentary to Zera'im and Taharoth. the last two chapters of Se'ah Kinnim and Middot is printed besides commentaries to various Talmudic treatises (see A. Freimann p. 308-9 in the article quoted by Strack).

To the commentaries on the Palestinian Talmud (p. 159) add: Dob Berush Ashkenazi, שער ישלאים, Warsaw 1866 on Zera'im (Demai, and Shebi'ith with text and glosses of Eliy aHW ilna); Joshua Issac of Slonim, חיבור ישלאים I, Wilna, 1863, II 1866, III 1868, IV 1869; Meir of Kobrin, פרט II, Warsaw 1875, II 1890; Baba Kamma with commentary רמחץ ישלאים I-11 with commentary הרביד חידוש ופורמ by Gerson Meir Bojarski, Warsaw 1904 all fol.

Of Meiri's commentaries the latest to be published (p. 162) is that on 'Erubin 1913. The notes of Elijah Wilna appeared first in the Talmud of Vienna 1806-1811.

To the important helps to the study of the Talmud (p.163) Arieh Leb Yellin, Yefeh 'Enaim in the Wilna Talmud is to be added for the references to the parallel passages in Tosefta, Midrashim and Palestinian Talmud. Of commentaries on the Talmudic Haggadah Todros Abulafia, יכר ת公积י תוספות, Warsaw 1879, though cabbalistic, is of importance for textual criticism.

Of Goldmann, Der Oelbau, there is a reprint, Pressburg 1907 (79 pp.).

Strack’s introduction to the Talmud is so well-known a book, that it is not necessary to say anything about its arrangement and content. The second part, however, the introduction to the Midrash, being a new venture, may be discussed a little more in detail.

In the second part Strack deals first with the Midrash in general, its writing down and the structure of the various Midrashim. He then takes up the Tannaitic Midrashim and divides them according to the schools of R. Akiba and R. Ishmael. This chapter might have been incorporated into the first part since many passages of these works are quoted as Baraitas in the Talmud and constant reference to these works is indispensable for scientific study of the Talmud. In connection with the Sifra it ought to be stated that besides the work of Rabbi Judah the Midrash of R. Simon was to a large extent embodied into the book by the redactor. Furthermore the Mekilta Milluim as well as certain parts of Aḥare-Mot and Kedoshim belong to a Midrash of R. Ismael’s school and some of these parts are missing in the first edition (Hoffmann 29,30). As to the division of the Sifra originally each Parasha was divided into two or three Perakim. In our edition this fact has been overlooked and a great deal of confusion has been caused by numbering the Perakim continuously.

Blau’s paper refers to our Mekilta, not to the Mekilta of Rabbi Simon. He had written on the same subject in the Steinschneider-Festschrift p. 21–40 and also gave some contributions in Winter-Wünsche’s translation of the Mekilta.

The Midrash Tannaim on Deuteronomy shows that the Midrash Hagadol had either the Sifre and the Mekilta of R. Ishmael on Deuteronomy separately, or a combination of both, but it is not correct to state that it agrees with the Sifre except for textual differences. Hoffmann’s edition includes (p. 56–62 and 69–71) several pieces of the Mekilta on Deuteronomy from Genizah texts previously published by Schechter.

To the literature on the Sifra add the important various readings and critical notes at the end of מִשְׁרָר, Venice, 1622, fol.33-60. Most of them are included in the useful notes of Jacob David, the editor of the edition of Warsaw, 1866, with the commentary of R. Simon of Sens. The latest edition is that with the commentary of Vidal Zarfati, Husiatyn, 1908. Friedmann’s edition of the Sifre appeared in Vienna. The edition of Wilna, 1866, has a very important appendix containing the commentary of Sulaiman Ibn Uḥma. The commentaries Sifre
Debe Rab by David Pardo, Salonica, 1799, and Ohole Jehuda by Judah Nagar, Livorno, 1823, as well as the commentary of the latter on the Mekilta, Shebet Yehuda, Livorno, 1801, are of great importance for the interpretation of these books and ought to be added to the bibliography. The last paragraph in §3 belongs to chapter 17,5 and a reference to Epstein, Miqadmoniot, p.76; should be added.

Chapter XVII deals with the Midrashim in the form of homilies and discusses the Pesikta, Wayikra Raba, Tanhuma, Pesikta Rablati, Midrash Raba on Exodus, Numbers and Deuteronomy as well as some smaller books. Zunz’s reconstruction of the Pesikta cannot easily be overestimated in spite of Buber’s corrections (p.203); see also D.H. Müller’s review in Komposition und Strophenbau, Vienna 1907, p.132-141. M. Friedmann reedited the first four chapters from additional MS. material in Beth-Talmud V. Bloch, Die Piska zum Wochenfest (No.12), Textkritisches zur Pesikta Derab Kahana”, Monatsschrift, 1919, p.131-137 is to be added.

In connection with the Tanhumas (p.205) the editions with commentaries by Abraham Meir Rosen (باءור המר רוזן), Warsaw, 1878 and Benjamin Epstein (בַּכֵּן אֶפְּשָׁן), Shiitomir, 1898, and Weiss’ Review of Buber’s edition in Beth-Talmud, V, ought to be mentioned. Grünhut collected the Yelamdenu quotations on Numbers, Deuteronomy and Genesis I-XXXVII. Some Yelamdenu fragments from the Genizah are published in Wertheimer’s Bate Midrashot and by Schechter in Kohler Studies.

For §5 Epstein’s article in Miqadmoniot ha-Jehudim 67-82 ought not to be overlooked. Debarim Raba is also found in MS. Parma 1240, Banimbar Raba in MS. Paris 150, Munich 97, and MS. Epstein; Shemoth Raba, Ms. Paris 187.

Chapter XVIII on the exegetical Midrashim is devoted to Genesis and Ekha Raba. Among the editions of Midrash Raba (p.211) the latest and best is that of Wilna, 1878, in which the long chapters are divided into paragraphs and which is therefore most convenient for quotations. For these Midrashim as well as for Mekilta, Sifra, Sifre, Tanhumah, Yalkut etc. Meir Benveniste, Ot Emet, Salonica, 165, Prague, 1624, contains most important textual corrections. To Zunz’s chapter on Genesis Raba corrections were given by Theodor, MGWJ., 38,p.517-524. To the literature on Midrash Ekha add A.Winkler, Beiträge zur Kritik des Midrasch Throni, Kashau 1894 (69). On the relationship of the various texts see OLZ, V, (1902), p.293-295.
The other Midrashim of the five Scrolls are discussed in chapter XIX. Of Agadat Shir ha-Shirim and Midrash Zut'ah on Koheleth the New York Seminary has a very good MS. which also includes Midrash Mishle in an abridged form. On Esther a Midrash appeared Constantinople, 1519, which was reprinted in Horowitz's Sammlung, 1881, p.47-75. Another one was published by Gaster in Semitic Studies, 1897, p.173-78 which is not from the Xth, but the XVth century (see Steinschneider, ib., p.610, Bacher REJ.,35,p.123). Mordecai's Dream was edited more correctly in Merx, Chrestomathia Targumica, p.157-164.

Exegetical Midrashim to other books are dealt with in chapter XX. Here the Midrash Samuel should have found its place instead of in chapter XXII. Of Midrash Tehillim (p.216) the first edition appeared Constantinople 1512. The second part was most likely printed in Fez. The quotations from Midrash Job were collected more fully by Wertheimer, Jerusalem, 1921.

Many of the smaller Midrashim are discussed in chapter XXI arranged in groups as haggadic stories. ethical and mystical Midrashim. There are some books discussed in this chapter which hardly have a place here such as Seder Olam Zut'ah and the stories of the Eldad. On the other hand the eschatological books of which only Zerubabel is mentioned should have been included; see Buttenwieser, Outline of Neo-Hebraic Apocalyptic Literature, Cincinnati, 1901, and OLZ, V 68-72. Sefer-Hayashar was not printed Naples 1552 (p. 218). In that year there were neither Jews nor Hebrew printers in Naples. Of the Sefer Zerubbabel Israel Levi published a critical edition (REJ 68 129-160 comp. 69 108-121 71 P. 51-65 222).

The Midrash of the Ten Exiles was reedited by Grünhut, Sefer-Halikgutim; III, see ZIHIB, 98-100 about the various texts.—Of the Midrash of the Ten Commandments a fuller version than Jellinek's appeared in שהדו והמעשים, Venice, 1551, reprinted e.g. in המעשה יכפל in Calcutta 1840 and Bagdad 1869.—On the Judeo-German Maase books see especially Steinschneider, Serapeum, 1866, p.1-12.—The Hekalot were published from a MS. by Wertheimer, Jerusalem, 1890.

Chapter XXII is devoted to later collections, such as Yalkut, Midrash Hagadol etc., while the final chapter enumerates recent collections of small Midrashim and translations.

Among the editions of the Yalkut (p.223) that with the commentary of Abraham Gedalyah, Livorno, 1650-1660, is of great importance for the readings of the text as well as for the commentary which includes many extracts from its predecessors.
The Yalkut Makiri probably originated in Spain, see OLZ, V, 1902, p.295-96, and so Strack himself states p.78. I do not know why he transfers the book p.223 to Southern France. Of this Yalkut on the Minor Prophets Schechter discovered another copy in MS. Vatican 291, fol. 151-216 from which the beginning of Hosea which is missing in the British Museum MS. and therefore in Greenup’s edition might be supplied. Of the Midrash Hagadol MSS. are also found in the British Museum, the New-York Seminary and elsewhere. Many more additions were given by Poznanski REJ LXXII, 102-7, whose review appeared when this was being written.

I hope these notes will be used for the sixth edition of Strack’s book. This indispensable work of reference ought to be in the hand of every serious scholar interested in the important literature it deals with. The impartial and competent treatment of so difficult and complex a literature is admirable and deserves the highest appreciation.

When I received the proofs of this article Prof. Strack had passed away (October 5th. 1922). He was just planning for an English translation of this introduction for which he had asked me to supply additions. It is to be hoped that his plan will be carried out as it will make a most useful work accessible to the American student. Strack’s name will forever remain connected with Jewish learning. Well versed in Jewish literature, unusually fair and objective in his treatment, he has with his untiring zeal and great assiduity made lasting contributions to Jewish science. To him we owe the first reproduction of a Hebrew MS. (Prophetarum Posterorum codex Babylonicus Petropolitanus 1878), the oldest dated Hebrew Bible, and that of the only complete MS. of the Talmud at Munich (Leyden 1912), besides his numberless articles and reviews. To him we are even more indebted for his brave defence of Judaism against the many aspersions by its unscrupulous opponents.

Alexander Marx.

Jewish Theological Seminary of America.
THE JEWISH YEAR BOOK FOR SWITZERLAND.

This is the fifth issue of an annual publication edited for a Commission for the Propagation of Jewish Popular Education in Switzerland. It is an octavo volume of 288 pages which include 12 pages of advertising. Of statistical data which one would expect to find in a publication of this character only 22 pages are devoted to lists of Jewish communities (Gemeinden) and Jewish organizations and charitable institutions. A calendar for the year 5681 is given and at the bottom of each page is printed the time of sunset at the beginning and end of each Sabbath and festival during the month. The only other material which entitles this volume to classification as a year book, in the strict sense of the word, is an 18 page review of the year 5680. In this, much emphasis is laid upon the new status of Palestine and significant events which had occurred there. About two pages are devoted to a discussion of conditions in other countries, while two-thirds of the review deals with events affecting the Jewish community of Switzerland itself. The review of the year also briefly describes the work accomplished by communal organizations during 5680.

The bulk of this book is devoted to articles, short stories, and verse. With a single exception the language used is German. A great many of the articles are extracted from books which had recently appeared or were about to be published. "Nouvelle évaluation de valeurs méconnus" is the introduction to a book by Doctor M. Ascher of Neuchâtel entitled "Secrêts révélés de la vie sexuelle du point de vue du Judaïsme". A translation of extracts from a book by Chief Rabbi A. J. Kuk of Jerusalem entitled נרות (lights), dealing with Palestine, is also given. There is a lengthy review of the Jewish World Relief Conference held at Carlsbad in August, 1920. S. Ginsburg contributes an analytical article on the Jewish question, in which he concludes that there is no panacea, that at present there is hope for the Jews only in Palestine and in the United States, although the conditions of Jews in other countries will eventually become more favorable than now. Another article, especially important to Swiss Jews because of the pro-


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hibition of Sheḥitah in that country, is "Zur Physiologie des Schächten" by Dr. Robert Guggenheim, a physician of Luzern. "Das Schreibverbot am Schabbos," which also has a local interest, is analyzed by J. Strom of Zurich. Dr. Mordche Rapaport, of the same city, contributes an article on "Jüdische Wanderungprobleme." Several sermons, a number of short stories, some original and some translated from Hebrew and Yiddish, and a few poems, complete the contents of the book.

In general it may be said that the volume is very interesting reading and that several of the articles are valuable contributions to the discussion of various phases of the Jewish question, but there is a paucity of the statistical and historical material which is generally sought within the pages of a year book. There is, however, no question that that a volume redacted along these lines is more likely to be read currently, than one stressing the statistical side which may be more valuable for reference purposes.

The sixth volume of this Year Book follows the same lines as the fifth. The chief articles, besides the Review of the Year 5681, are "Grundzüge des Chassidismus", by the Reverend Doctor A. Cohn of Basel; "Einiges über jüdische Erziehung", by Doctor M. Ascher of Neuchâtel; "Moderne jüdische Geschichtsschreibung", by Mordchai Vogelmann, Zurich, and "Lewandowski’s Bedeutung für den synagogalen Gesang", by Josef Messinger of Bern. Like the previous volume, this also contains several short stories and poems.

New York. 

HARRY SCHNEIDERMAN.
THE JEWISH QUARTERLY REVIEW

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A FIHRIOT OF SAADYA'S WORKS.*

By Samuel Poznanski, Warsaw.

The treasures of the Genizah seem to be inexhaustible, casting light especially on the gaonic period, many an obscure chapter of which has been elucidated through them. And now Jacob Mann, one of the most diligent investigators of the Genizah, has published once more in this REVIEW, under the title named in the heading of this article, a Genizah fragment of extraordinary importance, since it entirely modifies and considerably enlarges our previous knowledge of Saadya's life and work. The importance of the fragment is further enhanced through the fact that it comes from the pen of Saadya's sons. However, Mann has not entered sufficiently into all the new points and elements resulting from this fragment, and hence I intend to deal with them.

In the first place, we find here an altogether new date for the duration of Saadya's life. It appears that he lived 60 rather than 50 years. Since the year of his death, 942, is well established, nay even the exact day, Monday the 26th of Iyar, and even the hour, he must have been born in 882 rather than in 892. Hence all the hitherto accepted dates, such as his age at the entrance upon the Gaonate etc., are to be shifted 10 years backwards. The sole source for the duration of Saadya's life was up to the present Abraham Ibn Daud, who either is inexact, as on other occasions, having had inexact sources.

* [Editor's Note] This Essay was translated into English and set in type after the lamented death of Dr. Poznanski, and hence could not have the benefit of the careful revision which he gave to all of his publications.

JQR., N.S., XI, 423-428.

does not mean 60 years complete, but at any rate more than 59.
to draw upon, or else מַשְׁחַת is simply a mistake for מַשְׁאָם, which is not unusual in Hebrew writing. Hitherto it was quite difficult to understand how Saadya could develop such a prolific literary activity within comparatively so short a time, but now we gain 10 full years. However, it has escaped everybody's notice, and also that of Mann, that the year of birth 882 is confirmed by Saadya himself. He composed his first work, the Agron, after he had passed his twentieth year, and accordingly he says (ed. Harkavy, p. 55, l. 8): "נהגו באברע עשהה את הראמיה ואלך מים מהמה חנון הניביו יחסים האואר אות הפר ווה." Therefore 1214 Seleucid = 902/3. Harkavy emended to ד"ב והי, therefore 912/13, but, aside from the fact that Saadya would then have said י"ד העשרים וא whore, the reading ד"ב והי is now splendidly confirmed through the new fragment.

Of course, the following objection could be raised against 882 as his year of birth. In a letter dealing with matters in dispute between him and Ben Meir and addressed to his pupils in Egypt, which dates necessarily from the year 921/22, Saadya says: "כ"ה יש שנים וכו' אחת אל הנעני מאמכות פשטן אחל לפלע". From this statement Bornstein and Eppenstein concluded that Saadya left Egypt in 915. Now we find in an account of a journey, said to come from Saadya (Saadyana, ed. Schechter, No. L), that his travelling companions had said to him: "כ"ה נוספים אל מדומה בואם כ"ה כ"ה עשרים ..." Since Saadya, as generally accepted until now, was born 892, he was accordingly 23 years old.

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1 On this point comp. the recent opinion by Elbogen in the Guttmann-Festschrift p.186ff. and M. Klein in Babil. Geonom., v. 93ff. The impossible date מים reserva, for instance, in the case of the last Gaon Hizkiah, I have pointed out in my Babyl. Geonom., p.3. We shall see further below that the data in Abraham ibn Daud concerning Saadya's reentrance upon the Gaonate after his reconciliation with David b. Zakkai and concerning the year of Samuel b. Hofni's decease are likewise incorrect.


3 Saadyana, ed. Schechter, p.24, Bornstein, Nachr. p.68.

4 L. c., p.71.

5 Beiträge zur Geschichte u. Literatur im Gaonischen Zeitalter, p.90, n.4.
when he left Egypt, and it is necessary therefore to add [_when he left Egypt]. If, however, he was born in 882, then he was 33 years old when he emigrated. But granted even that the above-mentioned account of a journey comes from Saadya, he states in his letter nothing but that he had received no intelligence from his pupils for 6½ years; but he could have left his home much earlier or he might have left and come back and have then left a second time. That indeed the writer of the account of the journey was not much older then 20 years, is proved by the words: ב נער

From the fragment published by Mann we learn not only the day of Saadya's death, but also the day of his assumption of the title of Gaon. As his sons tell us, he served as Gaon 14 years, less 4 days (םת ח' רות דברי המ Sinai). Now since he died the 26th of Iyar 942, he became Gaon the 1st of Sivan. Sherira, it is true, states (ed. Neubauer, p. 40 above): ב רב ראש סירן ומט בד רות. Yet David b. Zakkai says (Stud. u. Mitt., V, 226 above): הושלי שיש בשנה ושנה ומגショップה . . . , thus correctly in Sivan. Geiger had called attention to the difference between Sherira's and David's data, but he believed this difference to be of no importance. Harkavy, on the other hand, suggested that in David b. Zakkai's account should perhaps be supplied, or that Saadya had arrived in Babylon in Iyar but entered upon his office only in Sivan, or else the allusion in David b. Zakkai is not at all to Saadya. But all this now falls to the ground, and preference should henceforth be given to the contemporary David b. Zakkai, whose report is verified by our fragment, over Sherira, especially since the question involved concerns the academy of Sura, concerning which Sherira had

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9 Not the 22d of Iyar, as Mann erroneously states.
10 L.c., p.172 below.
no such exact data as he had about Pumbedita. From the circumstance that Saadya was Gaon 14 years it follows also that after his reconciliation with David b. Zakkai he graced the office of the Gaonate again until his death. This agrees with the account of Sherira (p. 40, l. 8), in opposition to Abraham ibn Daud (p. 66 above).\textsuperscript{11}

The newly discovered fragment further recalls to us a new son of Saadya, who bore the quite rare name \textit{חקף} and the title פל"א. This title was borne also by Saadya before his nomination to the Gaonate,\textsuperscript{13} and thus it was granted also to his son. The co-author of the memorandum was the hitherto known son of Saadya, Dosa.\textsuperscript{14} From another Genizah fragment published by Mann in the same Number of the \textit{JQR.} (p. 412), we learn in the first place that Dosa occupied the position of Gaon in Sura, not as an immediate follower of his father, but as successor to Samuel b. Hofni, who died in 1013; then that Dosa occupied this position only 4 years, since he died 1017, hence 75 years after his father. Thus it appears that Dosa not only bore the title Gaon but was also Gaon in deed, and, furthermore, my suggestion is confirmed that Dosa had become very old. Even if he had been a child at the death of his father, and he could not have been very small for the reason that Saadya was a sexagenarian when he died, he had become at any rate more than 80 years old. But why at the reopening of the Sura academy Dosa was

\textsuperscript{11} An Amram b. Sherith ha-Kohen not mentioned there is quoted in MS. Bodl.2878\textit{sqq.}

\textsuperscript{13} See my \\textit{盘活ש ה\"{} をがのな

\textsuperscript{14} In my monograph on \textit{Dosa} (in Neu-}

\textsuperscript{15} I have presented him as the only known son of Saadya. But I have overlooked that Saadya himself mentioned several of his children, especially in his letters touching the controversy with Ben Meir (see Bornstein, \textit{J.,} p. 68, 18:תועינ

\textsuperscript{16} комп. also Eppenstein, \textit{J.,} p. 94.145). At any rate only Dosa had been known by name until now.
overlooked and Samuel b. Ḥofni chosen as Gaon must remain inexplicable. Dosa must have been then over 50 years old, and Samuel could not have been much older. That the successor to Samuel was not the elder Sheerith but the younger Dosa must have been due to two considerations: either Sheerith, as Mann assumes, was no longer alive in 1013, or else Dosa was the more important of the two. Indeed, the latter has left many traces in the literature of his day, while Sheerith is only now emerging from the depth of the Genizah. Dosa’s successor was Israel, a son of Samuel b. Ḥofni, who died in the year 1034, the supposed year of Samuel’s death.16

The memorandum was drawn up 11 years after Saadya’s death (הЈ) hence in 953, at the request of someone (רא), perhaps at the request of Ḥasdai ibn Shapruṭ, for whom Dosa had prepared also a description of his father’s life. That this biography was composed by the younger Dosa alone may be explained through the circumstance that either Sheerith was already dead or else Dosa’s authority was already greater than that of his elder brother. At any rate, it was undoubtedly composed after 953.

However, the memorandum throws light mostly on Saadya’s literary activity. The books written by him are enumerated here in a certain order, namely: I. books dealing with the Bible (a—k), among them also sermons (e), probably because they are built on biblical texts, and in connection with them a post-biblical but pre-talmudic work (l); II. prayers; III. the religio-philosophical work (m);

15 The academy of Sura was reopened 988 at the earliest, i.e. a year after the composition of Sherira’s Epistle, therefore 46 years after Saadya’s death. When therefore Samuel says (see Mann, p.413,n.10): גיה ילא יסוי עשה גיה ילא יסוי עשה גיה ילא יסוי עשה גיה ילא יסוי עשה גיה ילא יסוי עשה גיה ילא יסוי עשה גיה ילא יs, he means only that he is the oldest within the academy, but not the oldest in general.

16 Dosa and Israel are therefore to be stricken out in my Babylon Geonom, p.106-107. The only source for the date 1034 as the year of Samuel’s demise is again Abraham Ibn Daud.

17 I designate the individual writing of Saadya by the same letters as Mann.
IV. books dealing with Halakah (n—z), among them also the commentary on the *Sefer Yesirah* (g), on account of the title *הלכות ישרא*; V. polemic treatises (s—w), among them, curiously enough, also the prayer book (w), concerning which see further below. Here the memorandum breaks off and we miss the close of the polemic works, the philosophical works, and very likely some other writings. Let us now examine the individual groups:

I. First of all, with regard to the biblical works, it appears that after all Saadya, as Bahya ibn Pašuda says expressly in his preface (ed. Yahuda, p. 7, 1. 8), commented only upon the greater part of the books of the Bible, but not upon all of them, as used to be generally assumed. Thus he translated the entire Pentateuch, but wrote his comprehensive commentary only on Genesis as far as אַזִּי, Exodus and Leviticus. Indeed, this commentary is mentioned by name only with reference to these books. Thus on Genesis by Saadya himself (commentary on *Yeşirah*, ed. Lambert, p. 12 above; *Amanāt*, p. 37), by Solomon b. Jeroham in his polemical treatise against Saadya (see ZfHb., III, 172), by Bahya ibn Pašuda, I, 10 (ed. Yahuda, p. 74, l. 5), by Judah b. Barzillai in his commentary on *Sefer Yeširah* (p. 89, 193, 197), by Samuel ibn Tibbon (ד'ינו הַנִּין, p. 126), and by Abraham b. Solomon of Yemen in his Collectanea (II. B., XX, 39); the commentary on Exodus is quoted by Saadya himself (*Amanāt*, p. 106; besides this perhaps also in the book on insects, see *JQR.*, XVII, 716), then also by Samuel b. Hofni (see נְאֶרֶשׁ עֵבֶר, 1878, p. 61; also הָכָּרֶם, I, 157), Judah ibn Bal'am in his book on particles, s. v. אֵד (ed. Kokowzow, p. 118),

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18 Hence a new group cannot begin with the prayer book, so that it is listed necessarily with the polemic works.

19 See finally Steinschneider, *Arab. Liter. d. Juden*, p. 55; my paper *MGWJ.* XLVI, 364, etc.

20 A part of the following citations is derived from Steinschneider, *Cat. Bodl.*, 2185-87. Cognizance is taken only of such citations when the commentary is indicated expressly by זה or רָפָא.
Bahya ibn Pakuda, l. c., Isaac b. Samuel ha-Sefardi in his commentary on II Sam. 21–23 (see JQR., X, 391ff.), Abraham Maimonides on Ex. 6.10 (see Steinschneider, Arab. Litter. d. Juden, p. 66, n. 27), and Joseph b. Eliezer on Gen. 23.1721; the commentary on Leviticus is cited by Saadya himself in his commentary on Is. 1.2 (see MS. Bodl. 286231), then also by Muhammed ibn Nedim in the Fihrist 22, by Abulwalid, s. v. פרס (Uṣūl., 29817), by Bahya ibn Pakuda, III, 4 (p. 147, l. 19), and by Moses ibn Ezra in his work on poetry (see JQR., X, 244). Nor is it an accident that all the known and edited fragments of Saadya’s comprehensive commentary on the Pentateuch cover these two and a half books23. Thus on Genesis, besides the passage from the preface in Hebrew translation in Judah ibn Barzillai, l. c., p. 89ff., also on 3.20ff. in Harkavy, בעדsetName, II, No. 10 (=شهدמש, I, 160–162); on Exodus: 4.25 (ib., II, No. 8=והנור, VI, 38–40) and parts of chapters 12, 21, 35, 36, which Hirschfeld edited from Genizah fragments (JQR., XVI, 298; XVIII, 600; N. S., VI, 365)24; on Leviticus likewise ed. Hirschfeld (ib. XIX, 136; N. S., VI, 372; VII 48). It is true that Firkowitz claims to have possessed Saadya’s commentary (ה cdr) on עקבר, heresiologia, and rubrikologia25, but in view of the direct data of our memorandum we should not concede the authorship of the Gaon. Then Hirschfeld has edited a Genizah fragment of the Bodleiana (JQR., N. S., VII, 50–54), which contains a

21 See the notes of the editor ad loc.
22 Ed. Fligel, p.23,1.14: קְנָבָא תְּפֻּֽסָר מִן הַסְּפָר הַשְּׁלִּים מִן הַסְּפָר הַשְּׁלֵמות olivep: see Steinschneider, Cat. Bodl. 2184, and Bacher, Abraham ibn Ezras Einleitung, p.20,n.2). Only when we established that every book of the Pentateuch was divided into two halves do the words of Ibn Nedim, whose veracity Harkavy (JQR., XI, 537) still called into doubt, become understandable, comp. also JQR., N.S., VI, 365.372.
23 Particularly enumerated by Eppenstein, l.c., p.83.
24 Besides this also on Ex. 13., etc. in Isaac b. Samuel’s commentary (see above) which, however, has reference to II Sam. 22–23; then also on 30. 11–16, in German translation, in Bacher, Die jüd. Bibellexegese etc., p.13–16.
25 See Steinschneider, Cat. Bodl. 2184, and Bacher, Abraham ibn Ezras Einleitung, p.20,n.2). Only when we established that every book of the Pentateuch was divided into two halves do the words of Ibn Nedim, whose veracity Harkavy (JQR., XI, 537) still called into doubt, become understandable, comp. also JQR., N.S., VI, 365.372.
commentary on Deut. 1.41–42 and 2.9–10, and which he believes himself entitled to ascribe to Saadya, but the proofs adduced by him point, on the contrary, against the Gaon’s authorship. Thus the deductions concerning repentance in this fragment are supposed to coincide with those of Saadya in the fifth section of the Amanāt. However, while this source maintains that the conditions of repentance are four: abandonment of sin, remorse, seeking forgiveness, and a resolve not to repeat the sin any more,26 our fragment speaks only of two pillars of repentance: remorse and firm resolve.27 Nor does the Amanāt point out a single one of the many examples of proper and improper repentance, which are mentioned in our fragment. Further, the text of the above-mentioned verses of Deuteronomy is supposed to be translated in our fragment in the same manner as in Saadya. But this is true only as far as the rendition of אָמִים (2.10) by אָמִים goes, on the other hand, Saadya translates ההנֶה (1.41) by "you hastened", while our fragment reads: וּפּוּרְגָּמָא חֶנוֹן אַנְנַעְמוּת תּוּ הָאֱשֶׁתָּאָסֶה כִּי לְשׁוּנְךָ חֵמִים כִּי שֵׁיוּת הָוִי שִׁלַּחְךָ אֵלֵּךָ, a derivation which is not found even in Saadya’s list of 70 (90) words. That Saaddy should have withdrawn his original explanation "you hastened" in favor of the other "you consented"28, as Hirschfeld (p. 58, n. 35) maintains, is not likely. Also the translation of ובְּנִי עֲשָׂי יִרְשָׁעְוֹ נֶבֶּה 'irim sounds otherwise in the fragment than in Saadya. The result therefore is that the Gaon commented only upon Genesis I, Exodus and Leviticus.

The fact that Saadya commented only upon these books Mann was able to establish in a surprising way also

26 Amanāt p.177: דַּאֵרָא דְּאֶלֶף הַמִּשְׁתַּמֵּשַׁת אַלְמַנַה אֲלֵּךָ אַלָּמַנֵּה יְהוּדָא. It is noteworthy that יְהוּדָא does not occur in Saadya.
27 This explanation is found not only in Yefet, in a Karaite compiler on Deuteronomy, and in Saadya ibn Dānan (see Hirschfeld, p.58, n.35, where Ibn Janāḥ is due to an error), but also in Ibn Ezra ad loc., and in the dictionaries of Parhon and Kimbi s.v. יְהוּדָא.
from other sources. MS. Bodl. 2624, contains a fragment of a compilation to the Haftarot, composed in the year 1211 in Fostat by Joseph b. Jacob, and there we find in a colophon that the compiler made use of the following commentaries on the Pentateuch: Saadya's on Genesis as far as ויקרא and on Exodus and Leviticus; Samuel b. Hofni's on Genesis from ויקרא, on Numbers and Deuteronomy so far as ות Thoughts; Aaron ibn Sargado's on Deuteronomy from onwards to the end. This is further proof that Saadya, as is stated in the newly discovered fragment, did not comment on the entire Pentateuch, for otherwise Joseph b. Jacob would have used it completely. Only Mann has drawn false conclusions from the data of the colophon. For he believes that Aaron ibn Sargado and Samuel b. Hofni had completed the defective commentary of Saadya in such a manner that Aaron first commented upon the second half of Deuteronomy, then Samuel b. Hofni explained the still missing parts, namely Genesis II, Numbers, and Deuteronomy I. But, in the first place, it is very unlikely that Aaron, the bitterest opponent of Saadya, should have begun this completion. Secondly, had he done it, he would have begun with Genesis II and not with Deuteronomy II. Finally it can be proved that both these Geonim had commented also upon other parts of the Pentateuch. Of Aaron ibn Sargado only scanty citations are extant, and of these some indeed refer to Deuteronomy II, as on 21.14 in ibn Bal'am ad. loc., who expressly names Aaron's commentary (Fuchs, Studien, p. XVIII: רזג תני פ שירד הדר א"לפיר樓 ס"לא"ד "ו); to 33.6 in Ibn Ezra on Gen. 34.6; and on 33.14 in Joseph b. Judah (see JQR., XVI, 692, and XVII, 169) and Tanhûm Yerushalmi ad. loc. (see Harkavy, ח"יך נב).

29 On this point see my Zur jui.-arab. Literatur, p.18. Mann (p.426) has 1111 by mistake.
30 See the wording of the colophon in Mann, p.426, n.10.
and...
The procedure of Joseph b. Jacob is therefore to be explained in this way, that for those parts of the Pentateuch, which Saadya had not commented upon, he made use of the commentary of Samuel b. Ḥofni, the greatest Bible exegete among the Geonim besides Saadya. But in Joseph's copy of Samuel's commentary the comments on Deut. II must have been lacking, wherefore he borrowed them from the commentary of Aaron ibn Sargado.

Thus it is confirmed from various sources that Saadya commented only upon a part of the Pentateuch. It is true that a list of books from the Genizah (ZJIB., XII, 119) speaks of a שָׁהֲלָ סֵעִדָה, but either here means translation and not commentary (shall and פסירה interchange quite often also elsewhere), or else, what is less likely, the allusion here is not to Saadya's comprehensive commentary but to another treatise of Saadya's on the Pentateuch. For it follows from the memorandum published by Mann that Saadya composed also a הָלְכוֹת בֶּשָּׂעָה, and besides this, also מַסָּא לְכָל, i. e. questions to the Pentateuch. The first book, whose title means "Garden Flowers", is quoted also in two lists of books from the Genizah, and in addition also in an Arabic commentary from Yemen on Maimonides' Code of Laws (Cat. Neubauer, No. 626), namely on the pericope הרֵמֶה (communicated by Steinschneider, Cat. Bodl. 2207).

11 Abraham Maimonides at any rate cites Samuel b. Hofni only on Genesis from הנָצַי on, see ZJIB., 11, 55ff.
12 Not "Choice of Practices", as Mann translates. The Karaite Kirkisani, a contemporary of Saadya, named his commentary on the Pentateuch "אַרְאֵי הָלְכוֹת הַנִּצָּאְרוֹת וּלְכָל הָנָצָאְרוֹת" (communicated by Steinschneider, Cat. Bodl. 2207: see ib., p.206); my Schechter's Saadyana, p.21, no.20: בַּעֲבָר אַרְאֵי הָלְכוֹת הַנִּצָּאְרוֹת (see ib., p.206). Comp also Eppenstein, i.e., p.81. n.3.
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It was not, as Mann suggests, an explanation of the light prescriptions of the Pentateuch, but rather, as the word indicates, short glosses to the same. Thus also Judah ibn Bal'am entitled his glosses to the prophets and Hagiographa "Beauty of Scripture", likewise the short commentary of Levi b. Yefet on the earlier prophets is called 'Ameri ha'lamekha.35 I assume the identity of this work with the short commentary which Saadya composed at the request of some people and in which everything linguistic, polemic, philosophic, halakic, etc., was omitted,36 with the plain commentary (Alashed alamekim) of Saadya which Abraham Maimonides quotes alongside with the comprehensive one (Alamhitz)37, and perhaps also with the t-hash [the] cited in a list of books from the Genizah.38 In the Psalms, on the other hand, there must have been a discussion and solution of various questions with regard to the Pentateuch.39 It is possible even that a specimen thereof has been preserved. In his


36 See the end of the preface, ed. Deroenbourg, p. 4, from which the conclusion was unjustly reached that Saadya here alludes to his translation without any commentary. But the following words speak against it: "... Tafsir al-nbikat, al-tafsir, al-nbikat, al-tafsir, al-nbikat, al-tafsir, al-nbikat," on the other hand, "Tafsir al-nbikat, nisqala bay sharra" in Muhammad ibn Nedim evidently alludes to the translation.

commentary on II Sam. 21 Isaac b. Samuel ha-Sefardi quotes from Saadya’s commentary on הָעָנָה a section which deals with the story of the delivery of Saul’s grandchildren to the Gibeonites and where the Gaon says that this story offers nine questions, which he then answers. The entire book was perhaps in such form. From these two books, and preeminently from the first, must have come also various citations from Saadia, which cover parts of the Pentateuch not commented upon by Saadya and which are found neither in the Gaon’s translation of the Pentateuch nor in any of his other writings. These citations occur in Dunash’s Criticism of Saadya, No. 13; Ibn Bal’am on Deut. 24.164; Ibn Ezra on Gen. 31.50, 37.25, 48.4, 50.19, and Deut. 17.6; Parhon, s. v. ונה; Abraham Maimon-

40 See JQR., X, 391: וַיֵּלֶדֶת אֵלֶּה הָאָדָם פְּנֵי פֶּסַל מַלְאָךְ הָשֵׁרֵד וְהִכֵּן בָּדַד אֹרֶךְ אָדָם מֵהֶֽלֶךְ חָצִי וְהִכְּנֵן בָּדַד אֹרֶךְ אָדָם מֵהֶֽלֶךְ. The words יִהְיֶה וְחָצִי כְּנֶשֶׁר יֵלֶדֶת (see here on דָּוִד, No. 12) The words יִהְיֶה וְחָצִי כְּנֶשֶׁר יֵלֶדֶת (see here on דָּוִד, No. 12) prove that an explanation by Saadya was used here and not a translation of his, as in all other passages (enumerated by Steinschneider, L. c., in accordance with the דָּוִד, No. 12) the citations of Dunash had not yet been published; No. 59 is derived from Saadya’s list of חָצִי כְּנֶשֶׁר יֵלֶדֶת (see above, No. 21).

41 In Fuchs, p. XIX below. The other three passages, in which Ibn Bal’am quotes Saadya’s explanations, do not have to come from a commentary ad loc. Thus on Num. 22.28 (concerning the speech of Balaam’s ass) may be derived from the commentary on Gen. 3.1 (see Ibn Ezra ad loc.) or from a responsa (see further below); ib. 24.7 from Saadya’s commentary on Ex. 7.19 (see Fuchs ad loc.); to Deut. 5.6 from the commentary on Ex. 20.1 (see Steinschneider, Cat. Bodl. 2186). The other citations in Ibn Bal’am from Saadya (Num. 7.84, 11.8.31, 14.19.4.45, 21.14, 22.30, 23.31, 24.6.24, 35.14, and Deut. 7.13) are all derived from the translation.

42 All the citations from Saadya in Ibn Ezra on Gen. 11, Num., and Deut., are derived either from the translation (Gen. 28.10, 33.30, 36.24.39, 37.25 bis 38.29, 40. 1116, 49. 12.25; Num. 23.10; Deut. 32.1, 32.27), or from the commentary ad loc. (Gen. 32.4; Num. 22.22.29), or from the religio-philosophical work (Num. 19.2, 22, 19; Deut. 32.2), or finally from another work of Saadya’s (Deut. 27.1). Under 1267 on Gen. 30.37 is probably meant not Saadya but Hai (see Durenbou, ad loc.).

43 On Num. 10.5. Saadya’s translation reads differently.
ides (see above); Bahya b. Asher on Gen. 28.18, and Abraham b. Solomon of Yemen in his Collectanea to Nah. 1.2 (mass ירשת יהושע 및 הילל) and vol. I, f. 37b ((Book of Psalms) and vol. II, f. 38b (Proverbs 13-18) by Eppenstein, d.). The remnants of this commentary are collected in ed. Derenbourg. Since then have been added: the beginning, in Saadyana, ed. Shechter, No. XXVIII (full of lacunae); on 20.2ff. ed. Fraenkel in the Harkavy-Festschrift, p. 91-93; on 40.2-5 and 10-11 ed. Lambert in the Kaufmann Gedenkbuch, p. 138-143. Of the Prophets, Saadya commented, as we learn now, only upon Isaiah, which is mentioned also by Ibn Nedim (המאנה ממון אשתיע). The remnants of this commentary are collected in ed. Derenbourg. Since then have been added: the beginning, in Saadyana, ed. Shechter, No. XXVIII (full of lacunae); on 20.2ff. ed. Fraenkel in the Harkavy-Festschrift, p. 91-93; on 40.2-5 and 10-11 ed. Lambert in the Kaufmann Gedenkbuch, p. 138-143. Fragments on 1.1-9, 17.11-14, and 19.14-25 are to be found in MS. Bodl. 282641 and 28519.

Besides Isaiah Saadya composed also questions (שהא) to the twelve Minor Prophets. From these are probably derived the various citations on these Prophets in the name of Saadya in the following: Dunash, No. 19 (on Am. 1.13)48; ibn Bal'am on Hab. 2.449 in an Arabic commentary on Joel 1.250; Ibn Ezra on Am. 1.3, 5.2251 and Jon. 1.15253.

46 See II. B., XX, 39.
47 See Eppenstein, Reitrgage, p. 80, n. 3.
48 See Eppenstein, Beitraget, p. 80, n. 3.
49 Another passage, on Hos. 4.10 (see Kimhi ad loc.), belongs to the ten verse pairs mentioned above, n. 21, and is therefore derived from Saadya’s commentary on the Minor Prophets.
50 MS. Bodl. 2629f.; see also ibn Bal’am, s. r. 84b (ed. Kokowzow, p. 90), and the passages cited by the editor, as well as Derenbourg on Saadya’s Isaiah, l. c.
51 Similar to Amanat, 125, where, however, Ex. 2.20 is not quoted. Comp. Wertheimer, השלג תהליך, p. 7, and MGWJ., XLIV, 548.
52 Possibly derived from the commentary on Gen. 10.4. See also Harkavy, Stud. u. Mutt., V, 68.
Kimhi on Hos. 2.3, 13, 17, 19, 3.2, 5, 4.2, 10, 5.10, 6.9, 9.9, 10.6, 11.9, 12.5, Am. 2.4, Zech, 6.3, and Dictionary s. v. נר; the German lexicographer Simson s. v. והז (on Zech. 9.1; see Geiger’s Wiss. Zeitschrift, V, 288); Solomon b. Samuel, s. v. ביבס;
Abraham b. Isaac in the commentary on Canticles 4.12 (on Zech. 6.3; see Magazin, V, 127), and Abraham b. Solomon on Joel 1.2, Mic. 5.4, Zech. 6.1 and 14.1. From all these passages, which contain simple explanations, it is difficult to establish the character of the ב'קן, with the exception perhaps of that on Joel 1.2, wherein the contradiction between this verse and Ex. 10.14 is pointed out.—In a list of books from the Genizah (Schechter’s Saadyana, p. 20) חפסר תוי שער كמטין is mentioned between a חפסר יטעייל לארט אלמיהנה חפסר ואיה ללפתח, but that Saadya’s name is missing here proves that the allusion is not to a work by the Gaon, especially since he is known to have composed on the Minor Prophets not a חפסר but a חפסיאל. Ibn Nedim likewise omits the Minor Prophets.

Of the Hagiographa, Saadya, according to our list, commented only upon the Psalms (with a detailed introduction), Job, Proverbs, Daniel, Lamentations, and Esther. The commentaries on the first three books, which are mentioned also by Ibn Nedim, have all been edited (with the exception of Ps. 90–106); of Daniel only the translation (ed. Spiegel, Berlin 1906). Fragments of the commentary are contained in MS. Bodl. 2884 and 2860. Specimens from it in my treatise on this commentary (in מדריך II) and in my Miscellen über Saadia, III, 16–17 (comp. hereon Melter in Neumark’s Journal of Jewish Lore and Philo-

14 On Hab. 2.11, see Bacher, Ein hebr.-Pers. Wörterbuch, p. 45. But perhaps derived from the list of Hapaxlegomena, No. 18.
15 H. B., XX. 39–40.65. The passage on Mi. 5.4 is perhaps derived from the Amanat, p. 220.
16 So Eppenstein, l. c., p. 79, n. 4.
17 See Steinschneider, Cat. Bodl. 2104, and Bacher, Abraham ibn Ezra’s Einleitung, p. 21f., whose conclusions seem to me to be unfounded.
A fragment of the translation of 2.8–18 is found in the possession of Rothschild in Paris (see *Kaufmann-Gedenkbuch*, p. 138), and whether the Arabic translation of Lamentations in the manuscripts coming from Yemen (e.g. MS. Berlin 129; Bodl. 2333; Brit. Mus. 145–147. 149.150) is derived from Saadya is still subject to investigation. The commentary on this book is cited by Mebasser ha-Levi (see *JQR.*, XIII, 340, n. 1) and in the sermons of Isaac Gaon (see Steinschneider, *Arab. Liter. d. Juden*, p. 59), and perhaps we possess even a fragment of the introduction (see further below). From it is probably derived also the explanation of 3.41 in Kimhi’s Dictionary *ספירו נבולה אמרה לאלפימו*—A fragment of the translation is likewise mentioned in the above-named list of books from the Genizah, and also here the allusion may be to the translation as well as to the commentary. The translation, perhaps slightly revised, is printed in a Yemenite prayer-book, ed. Vienna 1896. The commentary is cited by Saadya himself in his commentary on Daniel; by Solomon b. Jeroḥam in his polemic treatise against Saadya, and by Joseph Kimhi in the *ספירווהנהל*, p. 70. Very likely it was used also by Ibn Ezra on 4.14 (second recension, ed. Zedner, p. 20); Parḥon *ס. ו. רוח*, and Tanhum Yerushalmi at the beginning of his commentary (see Wolf, III, 1168). A fragment of the commentary is supposed to be in the Cambridge Genizah (see *JQR.*, XVII, 66).

Saadya thus left uncommented the Former Prophets,
Jeremiah, Ezekiel, Canticles, Ruth, Ecclesiastes, Ezra-Nehemiah, and Chronicles. Yet there are citations from him on almost all these books, and these I wish to examine in detail.

Joshua: Kimḥi on 8.32, probably derived from Ibn Ezra on Deut. 27.1 and certainly not from a commentary by Saadya ad. loc. (see REJ., LXXII).

Judges: Kimḥi on 6.39 is derived from the Amanāt, section VII (ed. Landauer, p. 213; second recension, ed. Bacher, Steinschneider-Festschrift, p. 102; ed. Slucki, p. 109). Fuchs (ההוֹדוּר, I, 167) believes to have found in the Bodl. a fragment on ch. 17–19, but he himself considers Saadya’s authorship doubtful.

Samuel: Ibn Balʿam on I 28 (in Harkavy’s Stud. u. Mitt., III, n. 20), II 6.13, 21.1. The first passage concerning the conjuring of Samuel is found also in Kimḥi on 28.24; in Menahem b. Simon of Posquières on Ez. 17.13 (communicated by Barol, Menahem ben Simon, p. 51); in Bahya b. Asher on Deut. 18.11, and in Abraham b. Solomon of Yemen (see II. B., XX, 40) and it is derived either from Saadya’s commentary on Gen. 3.1 or from any other of his writings, or finally from one of his responsa.60 The second passage contains Saadya’s explanation of וְרָאָה and is no doubt derived from his commentary on Is. 1.11 (see above, n. 51). Finally, the third, beginning: וְיֵשָׁל הַנַּעַר הַנַּע הַנַּע הַנַּע Harkavy’s Kimḥi (likewise in Kimḥi, ad. loc.), was found, as we learn from Isaac b.

60 Ibn Ezra on Genesis 3.1 says: וְיִתְגַּמְרוּ בִּיהוָה הַיָּהָדוֹת הַיָּהָדוֹת הַיָּהָדוֹת וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב וְהַכּוֹזֵב (comp. also the detailed commentary ad loc., ed. Friedländer p. 38, where the passage is found). Now Hai in his responsum to Kabes (וְהָלַכְתָּם תַּלְדִי, p. 13.79) treats not only of these two matters, i. e. the speech of the serpent and Balʿam’s ass, but also of the story of the witch of Endor. Hence Saadya likewise could have treated of the last story, alongside with the first two matters, either in the commentary on Gen. 3.1 or in any one of his treatises, like Samuel b. Hofni, who discussed it in his work on the abrogation of the law (וְהָלַכְתָּם תַּלְדִי), or like Hai who did it in a responsum. See also above, n. 43.
Samuel, in Saadya's commentary on נְעָרֶה (see above, n. 40). From the commentary on this section must have come also the citation in קימָה on I 14.45; on the other hand, the explanation of שִׁמְאָה הָרָה (I 21.9) as שִׁמְאָה הָרָה (No. 88) must have been derived from one of the Gaon's grammatical works. Saadya therefore never commented on the books of Samuel, and accordingly Fuchs (l. c.) could not have found his commentary on I 3–9.

Kings: The explanation of בְּיוֹלְכָה בָּהֵן, No. 158, does not refer to II Kings 18.17 (so in ed. Lippmann), but so Is. 36.2; that in קימָה on I 18.37 (= Dictionary, s. v. הָרָה) is derived from the Amanāt, end of section IV (p. 164), and also expressly cited from this work by Pargón שֶׁה וּרְיָה בְּיוֹלְכָה. As to the citation from Saadya's מִשָּׁמַר in Abraham b. Solomon on II 2.9 (II. B., XX, 39), it is still subject to investigation.

Jeremiah: From the treasures of the Cambridge Genizah Hirschfeld has edited a fragment which he entitles "Introduction to Saadyah's Translation of Jeremiah(?"

(JQR., XVIII, 317–325; see Eppenstein, Beitänge, p., 80 n. 1). But even admitting that the fragment comes from Saadya on account of the passage: כַּמָּא שֶׁחָרָה הָרָה אַלְאַזְזְלָה (I find no such work, but rather to Lamentations. The citation in the criticism of Dunash, No. 89 (on 49.25), may have been derived from a grammatical work of Saadya, but the explanation ibid. of Ps. 16.6 does not agree with the translation of the Gaon, who construes נְאֶלְתָּה in the sense of נְאֶלְתָּה (see my Mose ibn Chiquitilla, p. 162). The citation in קימָה on 17.12 belongs to the ten pairs of verses mentioned above, n. 21, and is therefore derived from the commentary on Exodus. Of the three citations

Concerning שִׁמְאָה הָרָה, No. 60, where the explanation of בְּיָרָה I Sam. 9.7 is contained, see further below, n. 64.
in the commentary of Menahem b. Simon (on 1.5,6, 51.11; communicated by Barol, l. c., p. 50) the first could have been derived from Saadya's commentary on Ex. 33. 12, the third from one of his grammatical works. The source of the second is unknown to me at this moment, but is this one passage sufficient to base upon it the existence of a commentary by Saadya on Jeremiah? Unexplained remains also Saadya's translation of Jer. 2.22, quoted in the Responsa of Isaac b. Sheshet, No. 35 (see Usul 470, l. 2–4), which after all points too plainly to a translation of Jeremiah by Saadya.62

Ezekiel: The not altogether clear citation in the criticism of Dunash, No. 118 (comp. Shem ha-Tor, No. 90), according to which Ez. 17.3 is equivalent to Deut. 32.11, does not have to come from a commentary on Ezekiel. Both quotations in Kimhi (on 14.9 and 18.6) are derived from the Amanat (p. 160, 260). As to the citation in Menahem b. Simon on 13.17, see above.

Canticles: Merx claims to have edited Saadya's translation of this book, together with a small fragment of the commentary, from a Yemenite manuscript of the British Museum, No. 150 (Die Saadianische Uebersetzung des Hohen Liedes in's Arabische etc., Heidelberg 1882), and indeed the translation of 7.2, which is found here, is quoted in another Yemenite manuscript in the name of Saadya (see p. 27: помі́к, дрі́вер ком талі́в та... фрудь брому турі́в ар'іокр... афіскі́в сі́блків). Yet this citation would only prove that the translation was considered in Yemen as the work of Saadya, though on the other hand it must be admitted that it exhibits indeed many Saadyanic characteristics (see Bacher, ZATW., III, 202ff.; G. Loewy, Magazin, X, 33ff.). Still more complicated does this question become through

62 Or should we add after 'לאָלָפַתַּלָּא (not תַּלָּאָלָתַּל) in l. 15 of the list?
the consideration that Joseph Ibn 'Aknin expressly mentions a commentary by Saadja on Canticles, in which the Gaon is supposed to have explained this book according to its external sense, philologically, as well as according to its inner sense, following the talmudic construction. Then Ibn Ezra quotes in the דוחה, No. 60, an explanation by Saadja on Cant. 4.8. Is it not possible that there existed already at an early date an Arabic commentary on Canticles attributed to Saadja, in the same way as we find such a one in Hebrew? or should we supply in the list ed. Mann l. 19, also יבּ אָזֶר, by which, however, the succession of the biblical books would be interrupted? Fuchs (l. c.) claims to have found a fragment on Cant. 2, yet he himself is doubtful about it.

Ruth: Of the two translations of this book, which Peritz has edited (Berlin 1900), one belongs to Yefet b. Ali; the other is anonymous and has nothing to do with Saadja (see ZfHB., IV, 167; VII, 134). The citation in Tanhum Yerushalmi on 3.13 (quoted by Eppestein, Aus d. Kohelet-Commentar des R. Tanhum Jer., p. 5) may be derived from any passage where occurs.

Ecclesiastes: A printed Hebrew commentary on this book, which is attributed to Saadja (Husiatyn 1903), is an extract from the Arabic commentary of Solomon b. Jeroham, see my paper in MGWJ., LI, 718–732. That the citation in Abulwalid, Usūl, III, 1. 4–13, might come from Saadja's commentary on Ecclesiastes, as mentioned by
Bacher (Leben u. Werke d. Abukwalid, p. 92, n 15), is not likely. It might rather come from some other work of the Gaon. Fuchs (l. c.) claims to have found a passage from Saadya on Ecclesiastes in Isaac Gaon's edition and a fragment on chapters 2-7 in the Bodleian, but both these are doubtful.

Ezra-Nehemiah: According to Grünhut (Eminot, I, 6), the commentary on these books is alluded to towards the end of the seventh section of the Eminot (ed. Slucki, p. 129) in the words: ראה המ שכתבו בפרשת בראות א"ת. But he overlooked the fact, to which Steinschneider (Cod. Bodl. 496) had called attention, that Saadya here simply points to his earlier deductions in the same section (ed. Slucki, p. 122). Otherwise he would have said: ראה המ שכתבו בפרשתโบ. Grünhut (l. c., p. 23-27; ספר הלקוטים, III, 9-12;ymm, ed. Rabinowitch, p. 137-143) endeavors also to prove that the commentary on Ezra-Nehemiah, ed. Mathews, whose author undoubtedly was called Saadya, is the work of Saadya Gaon, but his deductions on this point have long since been disproved (see, e. g., זוגך, II, 103). To be sure, this commentary was ascribed to the Gaon also by some medieval authors, just because the name of the author is Saadya. Thus by Zidkiah b. Abraham, who quotes a passage from it with the words: טרני שעריהנא אנוי ז"ל בתה של"ל הלקות (ב', ספר עודרא פפריש, f. 102b; Oeuvres de Saadiah, IX, 160, No. 79), then in Solomon of Urbino's Commentary, s. v. זדך, and in a marginal

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65 In 1911 there appeared in Jerusalem ספר לעון מתעוותות פלקה, which is the work of Isaac ibn Gayyat.

66 Commentary on Ezra and Nehemiah by Rabbi Saadiah (Anecdota Oxoniensia I, 1). Oxford 1882. The same commentary was edited again by Berger in the תָּעַנְיָת הַפֶּסֶח 1896-97 under the name of Benjamin b. Judah.
note on de Rossi’s *Meor ‘Enayim*, where מֵעָרָח is named as the author (see Mathew’s Preface, p. VI–VII).

Chronicles: In a gaonic responsa ed. Ginzberg (*Geonica*, II, 16–18), which has reference to II Chron. 3.3, we read towards the end: זרבר הז [ע]ב הمواق אלפיםımı ו, but the responsa is too fragmentary to enable us to draw from it any conclusions. The citation in the criticism of Dunash, No. 177, with reference to II Chron. 30. 18–19, belongs to the ten pairs of verses quoted several times above and is therefore derived from Saadya’s commentary on Exodus. In the commentary ed. Kirchheim are quoted explanations of Saadya’s on I 2.52 (p. 14, l. 15) and 8.7 (p. 27, l. 19)67, but from the passage to 4.18 (p. 18 below):

זאן מֵשׁוֹת ו הוֹשֵׁבָה ר יַסְעָרָח אֲלֵפָנָה the conclusion might be drawn that also the other explanations were contained in one of Saadya’s epistles to Kairowan. Perhaps also Saadya’s explanation on I Chr. 7.15 in Judah b. Barzillai’s commentary on the *Sefer Yeširah*, p. 63, is derived from one of the Gaon’s responsa. Undetermined is the source for Saadya’s explanation of זֶפָה (II Chr. 3.15) in Abulwalid (*Uṣūl 619, l. 7; hence in Ḳiṃḥi’s Dictionary, s. v. זָפָה), but all this is not sufficient evidence for the existence of a commentary by Saadya on Chronicles, which is not mentioned expressly anywhere.68

Thus the material which I have brought together here confirms the data of the list published by Mann, to wit, that Saadya commented only upon the books of the Bible enumerated in this list. Though the source of some citations from the uncommented books may not always be

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61 The citation on 3.1 (p. 15, l. 11): רַבּוּנָה הַבְּנֵי יָהֹונָא פְּרֵסָה מֶדֶרָה מְעָרָח אָלָף לאמי does not refer to the corresponding verse in Chronicles. Still less so the passage p. 36 below: הַבְּנֵי יָהֹונָא פְּרֵסָה מְעָרָח אָלָף לאמי מַה הָלָךְ as it does not appear in the book of Chronicles. Independent of this, I have also mentioned similar citations without further comment, as for example: מַה הָלָךְ בְּנֵי יָהֹונָא פְּרֵסָה מְעָרָח אָלָף לאמי.

68 See Kaufmann on *Jehudah b. Barzillai*, p. 338 below.

traced, it is necessary to observe that Saadya, as we have learned from the commentary of Isaac b. Samuel ha-Sefardi, explained sometimes even whole chapters of the Bible as excursuses at the first opportunity that offered itself. Unexplained remain only Jeremiah and Chronicles, in view of the fact that Isaac b. Sheshet, or more precisely Joseph ibn Aḳnin, expressly mentions Saadya's translation, or rather commentary on these books. Let us hope, however, that also here new discoveries will throw light on the mooted question.

In between the biblical books mention is made also in the list of sermons without number (מألعاب תרשים), probably, as stated above, because they were built on biblical texts. Until now Saadya has not been known as a preacher. The form תרשים occurs also in the list of books ed. Bacher (REJ., XXXIX, 200, No. 4.13. 39.42.44) and also elsewhere. Another form is תרשים (ib- XL, 56, No. 4).

As an appendix to the biblical books mention is made of a מתל אנטיוכוס, hence the Aramaic probably translated into Arabic, with a preface; no doubt identical, as Mann rightly assumes, with the מתל בן החומית תרצה. Hence it is mentioned in lists of books from the Genizah. The Aramaic original is cited by Saadya (ספר הניתן, p. 151, l. 16), who considers it as the work of the five sons of Mattathiah, hence its mention together with the biblical books and hence also Saadya esteemed it highly and rendered it into Arabic. We possess an Arabic translation of this Megillah, which has been published (in Hirschfeld's Arabic Chrestomathy, p. 1-6; a fragment also ed. Abrahams in Kaufmann-Gedenkbucho.

69 Nissim placed our Megillah even within the rank of the 24 books of Scripture, see the citation from his Ma'asiyot in Harkavy (Steinschneider-Festschrift, Hebrew division, p. 19; JQR., XII, 15-16):
p. 119-120). Is it Saadya's? From the fact now revealed the doubts of D. S. Margoliouth (JQR., XII, 511; XIII, 158; see the refutation of Harkavy, ib., XII, 953) may be said to disappear. Comp. also Steinschneider Arab. Lit. d. Juden, p. 277, No. 33.

II. שלום אלמלואים (sic!). This book is mentioned in the list once more as שמות אלמלואים (see further below). I conjecture now that by the שמות אלמלואים are meant the Hebrew prayers and piyyuṭim composed by Saadya, in contrast to the prescriptions concerning the prayers, which passed as a separate work. It is noteworthy that in a list of books from the Genizah ed. Worman (JQR., XX, 461) mention is made of a ויהי זלואה רبنى ספרית ושרתה and a זלואה רבי מִיְּדִיה.

III. הכותב אלמלואים, the well-known religious-philosophical work.

IV. Of the halakic works the following are mentioned:

(1) חכת אלמלואים, "Book of Testimonies". The full title was: ויהי זלואה אלמלואים אולימפיאק (JQR., XIII, 55, No. 78; see ib. 329), or ויהי אלמלואים אולימפיאק (REJ., XXXII, 127, l. 9), hence "concerning testimonies and contracts". The beginning in JQR., XVI, 299; a fragment perhaps in MS. Bodl. 2760. Concerning ויהי אלמלואים ויהי מס mıִיְּדִיה see above. Comp. also in addition Eppenstein, l. c., p. 120.—(2) חכת אלדואינע, "Book of Pawns", see Saadyana, ed. Shechter, No. XI, where the full title is חכת אלדואינע. Comp. also Eppenstein, l. c.—(3) חכת אלדואינע ...ילא is probably to be completed into [ה]זאא' הב יתדה, "Book of Inheritances", for this book, which has been published in the Arabic original with a Hebrew translation

10 In a list of books from the Genizah mention is made of aCELW (JQR., XIll, 52, No. 5) and aCELW (ib., 55, No. 91). Are the various titles here to be explained in the same way? Comp. Eppenstein, Beiträge, p. 122, n. 3.

11 Quoted in Steinschneider, l. c., p. 49, as two separate works.

12 Is No. XII also part of the same work? The fragment edited by Friedlaender in the Levis-Festschrift, p. 60-75, is not derived from Saadya, see MIGWJ., LV, 501.
A FIHRIST OF SAADYA'S WORKS—POZNANSKI

by S. Horovitz (in Oeuvres, IX), is one of Saadya's larger halakic works and hence quoted independently.—(4) "כְּלֵם לְכָּל דִּיָּרֵי הָלְכָּה" is quoted under this title also in Amanāt, p. 37 (see there note 3). Owing to this book this book is classed with the halakic works.—(5) "כְּלֵם נְעֵבָּו" is quoted independently. —(6) "רַבּוּשׁ" is quoted under this title also in Amandt, p. 37 (see there note 3). Of such small halakic writings by Saadya the following are known by name: (a) "כְּלֵם נְעֵבָּו " concerning gifts” (Steinschneider, Cat. Bodl., 2161, No. 4; Arab. Lit. d. Juden, p. 48, n. 4); (b) "רַבּוּשׁ " concerning usury", the beginning in JQR., XVIII, 120 (see Eppenstein, l. c., p. 119, n. 7); (c) "כְּלֵם נְעֵבָּו " concerning incest"; Steinschneider (Arab. Lit. d. Juden, p. 49, n. 8) doubts the existence of this treatise, yet see my The Karaite Literary Opponents of Saadiah Gaon, p. 98–99, where the citation in Ibn Ezra on Lev. 18.21 is still to be added: 'כְּלֵם נְעֵבָּו " concerning unclesness and cleanness" is mentioned in the list of books ed. Bacher (REJ., XXXIX, 200, No. 13), then in another list also a "כְּלֵם נְעֵבָּו " concerning Menstruation", is cited by Saadya in his commentary on Yesirah (ed. Lambert, p. 43:...) According to Steinschneider (l. c., n. 7) this treatise must have formed a part of the one preceding, yet in a Petersburg manuscript the end of our treatise in Arabic appears

73 Which should therefore be distinguished from the תֹּלְכָּה נְעֵבָּו which will be mentioned further below.
separate (see הָדַרְכָּן, I, 63); (f) in the same manuscript there follows immediately the beginning of הלַחֹמ שִׁהיָא, 74 "Rules for Slaughtering", which are named also נַחֲבָא אַלַמְּפָּו (and of which there is extant also a compendium מְנַהְג); the extant fragments are enumerated in my Schechter's Saadyana, p. 18, to which must be added, besides the above-named Petersburg fragment, also MS. Bodl. 2854 (הלַחֹמ), and a not yet catalogued leaf from the Genizah in the Brit. Mus., beginning with: הבשכד רחמי' ענניִו הוֹלוֹכַת' שֵׁה', הענניִו סדרנו ראויאלמהנה (exactly as in MS. a in Oeuvres, IX, p. XXXVII). Comp. also Eppenstein, l. c., p. 121; (g) הבשכד התפר אֶבֶּה מַלְּחָה, "an explanation of the kinds of work prohibited on the Sabbath", quoted in the list of books ed. Bacher, No. 28; was it a treatise or an explanation of section VII of tractate Shabbat? (comp. Eppenstein, l.c., p.119); (h) הבשכד זלאפְּרָבָא אַרְבָּאה מַהְמָה כְּוָה, "concerning the 24 gifts to the priests", comp. my Schechter's Saadyana, l.c.; a component part thereof formed perhaps a treatise concerning חֲמָא הָפוֹטֵם, which is mentioned in the list of books ed. Bacher, No.28 (see Ginzberg, Geonica, I, 163; Marx, JQR., N.S., II, 268 above; Eppenstein, l.c., p.119.217), and of which the commentary on the 13 rules of R. Ishmael may have formed a part (פריש'ין מִרְחָה; see Ginzberg, l.c., 162; Freimann in the Schwarz-Festschrift, p.109), hardly belongs here. On the other hand, Saadya must have composed many another halakic treatise, of which so far we have no information.

V. Polemic works: (1) הבשכד נַנְּה זלאפְּרָא לַלָּסְרָוֵר, "Proofs

74 This manuscript therefore might have formed likewise a remnant of a collection volume of small halakic treatises by Saadya.

75 In a list of books from the Genizah (JQR., XIII, 55, No. 87) a חֲמָא הָפוֹטֵם is mentioned alongside with the המְנַהְג מַרְאֵיוֹ to be quoted soon, therefore also the former may have had Saadya as author. Yet see the list of books, ed. Bacher, No. 6: הבשכד זלאפְּרָא אַרְבָּאה מַהְמָה כְּוָהל; what is the meaning of the last words? See also in addition REJ., XL, 90, and JQR., XIII, 330.
for Burning Candles on Sabbath". This work is quoted in a list of books from the Genizah (JQR., XIII, 55, No. 78-87) as מַקְּלַל הַפּוֹרָז אֲלָמָה and is cited also by Ibn Ezra on Ex. 35.3b (see ib. 329). But it did not form an appendix to the חֲבֵית אֲלָמָא (see ib., X, 245), and was rather an independent work.—(2) הַבֵּית אֲלָמָא is perhaps an anti-Karaite work against the methods of analogy (דָּנַパス, בּ'פָּס), hence something like [דָּנַパス נַפְסָכָה]. Thus would be verified Hirschfeld's assumption (JQR., XLI, 600ff,) that Saadya composed such a book and that he refers to it in his commentary on Ex. 35.3, where we read (ib. 607, 1.7): פּוֹרָז אֲלָמָא יִלְּבֹשׁ הַבֵּית אֲלָמָא. It might then be identical with the חֲבֵית אֲלָמָא הַבֵּית אֲלָמָא, on the title-page of MS. Bodl. 1533. Comp. Steinschneider, Cat. Bodl., 2165-67; Arab. Lit. d. Juden, p. 50, No. 13; JQR., X, 259; XIII, 328; REJ., XXXIX, 206; XL, 87; my Opponents, p. 97.99; Eppenstein, l. c., p. 110, and above n. 73.—(3) אֶפְּנָסָא חֲבֵית אֲלָמָא אֲלָמָא דָּנַパス, no doubt the חֲבֵית אֲלָמָא, which, as now shown by the full title, dealt chiefly with the maintenance of the great antiquity of the current calendar, and was directed therefore against the Karaites, for which reason it is listed among the polemical works. This book was known also in northern France and is cited by Rashi and Jacob b. Simson (see REJ., LXXII, 3) Ibn Nedim in the Fihrist has חֲבֵית אֲלָמָא, hence this book dealt also with chronology, and as a matter of fact a חֲבֵית אֲלָמָא (תּוֹלָדָא, אֲלָמָא) by Saadya is mentioned also elsewhere. Comp. Steinschneider, Cat. Bodl., 2170-72; Arab. Lit. d

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74 So correctly is Neubauer's Catalogue; on the other hand, in Munk, Notice sur Saadta, p. 15, אֲלָמָא אֲלָמָא by mistake, but at any rate אֲלָמָא אֲלָמָא is to be added. If there were space in the list ed. Mann, it might be best to read also there: מַקְּלַל הַפּוֹרָז הַבֵּית אֲלָמָא (תּוֹלָדָא, אֲלָמָא) לָא הָאֲלָמָא אֲלָמָא.
Juden, p. 63, No. 26; Geschichtsliteratur, p. 44–45; Bacher, REJ., XXXII, 143; XLIX, 298; LXII, 158 below; Marx, ib., LXIII, 299; Eppenstein, l. c., p. 112, and my conclusions in JQR., X, 260, and ZfHB., XII, 122, No. 27.—(4)Saadya’s prayer book, which under the title occurs also in a list of books from the Genizah (REJ., XXXIX, 200, No. 39, and JQR., XIII, 55, No. 91; see also above). Why this book was listed among the polemical works may perhaps be explained by the following suggestion. As is well known, Anan had abolished the traditional prayers and instituted Psalm verses instead, against which Saadya, as it seems, published a polemic. A book concerning the prayers like that concerning the calendar, was therefore directed against the Karaites. However, this circumstance is not altogether clear, since Saadya after all polemizes against the Karaites in most of his writings.

Here the memorandum breaks off, which is to be regretted very much. As was noted already above, information is lacking in the first place concerning some further polemical works, such as were directed against Hiwi, Anan, Ibn Sakawehi, the סדר הפורים, the work against Ben Meir, and the work which was directed against his later opponents. Then we miss the linguistic works, such as the חסדים, the polemic work against Ben Asher, and perhaps also some other works. Nevertheless let us rejoice in the possession of the preserved fragment, which offers so many new data, and let us be thankful to the editor for the new beautiful gift which he offered us. Perhaps he will succeed in substantiating this list through new discoveries so as to dissipate finally the darkness still obtaining.

17 See hereon my Opponents, p. 10 and 13. As to Anan’s liturgy, see now Mann’s very illuminating article in Neumark’s Journal of Jewish Life and Philosophy, 1, 329.
THE STATUS OF LABOR IN ANCIENT ISRAEL

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III

We paused at the end of the last lecture at the consideration of one of the series of laws laid down for Israel, but which were gradually, in whole or in part, applied to the ger.

It remains to treat of the rest of that series. Before doing so however we cannot ignore the fact that we will over and over again meet with the ezrah, who, we have already hinted, was not of Hebrew origin.

At a very early stage of Hebrew history, we find the law that the alien ger, if he complies with a certain condition "shall be as the ezrah ha-ares."1

It is necessary to know what the status of this ezrah ha-ares was, if we would measure the ger's progress in the Commonwealth. The versions generally agree that he was the Israelite himself. In the Pesah ordinance just cited, they render ger by stranger and ezrah ha-ares, by "one that is born in the land," evidently meaning Palestine. As the ordinance is stated to have been handed down in Egypt, it is difficult to see how they could have adopted such an expression, since, up to that time, not an Israelite of them all had been born in Palestine. The difficulty is not new. It has been encountered before and our endeavors must be directed to obtain as satisfactory a solution as possible. There are two forms of the term: ezrah ha-ares and ezrah. Ezrah ha-ares occurs but three times, while ezrah is found thirteen times. Of these thirteen

1Exod. 12.48.
instances, there are four, which are followed by added words, that may be termed explanatory. Once we have ezrah mi-kem (the ezrah among you), twice we have ezrah bi-bene Yisrael (the ezrah among the children of Israel) and the fourth time we have ezrah be-Yisrael (the ezrah in Israel).

The versions (A.V. and J.P.S.) agree in rendering ezrah ha-ares by born in the land. In their translations of the four instances in which ezrah is followed by a qualification they agree in the rendering home-born.

For the nine instances in which the ezrah stands by itself, the King James version has seven variant renderings: Homeborn, once; one of your own country, three times; one of your own nation, once; born in the land, once; born of the country, once; born among the children of Israel, once; born among them, once. The English and American Revisions and the J.P.S. version agree in uniformly rendering the word by home-born in all these nine instances.

The great probability is that ezrah ha-ares is the original form and that ezrah is merely a convenient abbreviation.

It is therefore specially important to fathom the origin of this ezrah ha-ares.

One noticeable feature is that the three instances in which it occurs are all connected with the celebration of the Exodus—the Pesah-massah festival.

The historical setting of the narrative is that this festival was ordained on the day that Israel was to start on its journeying from the land of Egypt, and that Israel did not go alone but was attended by a considerable group of non-Israelites, a group which must have been composed of Egyptians, whose discontent with conditions in their native land, impelled them to seek a way out, and who therefore resolved to become proselytes and to stake

\textsuperscript{3}Exod. 12, 39, 51.
their fortunes on the future achievements of Israel. This accession to their numbers was probably looked upon as an advantage by the leaders of Israel. By the mass of the people it must have been viewed coldly if not with positive aversion. Otherwise the fact would be inexplicable, that this reinforcement is mentioned in the texts by two names, expressive of contempt: 'ereb rab\(^3\) and asafsuf,\(^4\) both of which might fairly be rendered "the rabble." That so important an adjunct should have no other designation than these nicknames is barely conceivable. When it is remembered that, according to the narrative, Israel, though bound for foreign parts, had not yet left Egyptian territory, what more likely than the thought of calling these non-Hebrew Egyptians, natives of the land (Egypt) (ezrah ha-ares)\(^5\)? The only land they had yet touched was Egypt, in which they considered themselves outsiders, strangers, (gerim)\(^5\) and there could be no plainer contradistinction than between foreigners and natives (gerim and ezrah ha-ares). Moreover that so considerable a body of men should after the Exodus be spoken of but once and then in contemptuous terms is, to say the least, strange. What became of them?

The one occasion on which they are referred to, is full of interest. At an early stage of their journey, the Israelites came to think its hardships unendurable, and practically revolted against the Lord and against Moses. There is fair ground for believing that the brother and the sister of Moses, Aaron and Miriam, instigated the rebellion, being jealous of the predominance of their eminent brother.\(^6\) However that may be, the movement was pretty general among the people.

When it collapsed, the crowd realized that it had blundered, and with the usual unfairness of crowds, sought

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\(^3\)Exod. 12.38.  \(^4\)Num. 11.4.  
\(^5\)Exod. 22.20; 23.9; Lev. 19.34; Deut. 10.19; 23.8.  \(^6\)Num. 12.1–5
a scape-goat to cast the blame upon. The Egyptian group, being a minority, were, of course, fastened upon, and the asafsuf were charged with having incited and misled the people. As has been said asafsuf was only a nickname. The versions treat it as equivalent to 'ereb rab, on the theory that they were the original 'ereb rab or their progeny. Rashi makes the same identification and so is the general opinion. The important implication of the narrative is that the asafsuf were of sufficient numbers and importance to sway the multitude in a movement of transcendent significance. And yet we never hear of them again.

Just as they unaccountably disappear, so do the ezrah ha-ares unaccountably appear. We are not told whither the former went, nor whence the latter came. That they must have been a group of recognized importance is plain from the fact that the ger are under certain conditions to attain a position equal to that of the ezrah ha-ares.

The common notion that they are the Israelites themselves must have originated from the circumstance that in fifteen of the sixteen passages in which they are mentioned, they are placed in collocation with the ger and that hence it was concluded that they were in contradistinction to the ger; and if this were so, the inference was easy that the ezrah was Israel.

To this theory, plausible as it seems, there are objections weighty, if not insurmountable.

There is the sixteenth instance, in which the ezrah is in no relation whatever with the ger because the latter is not even mentioned.

In the Sukkot ordinance of Leviticus there is a command addressed to Israel in these words: "Ye shall dwell in booths seven days," and, the verse goes on, "all the ezrah in Israel shall dwell in booths," and the next verse

7 Num. 11.4. 8 Lev. 23.42.
explains the purpose: "that your generations may know that I made the children of Israel to dwell in booths when
I brought them out of the land of Egypt. . . ."9 Here
the collocation is with Israel alone, and in order to identify
the two, it must be assumed that the second half of the
verse is a useless repetition of the first, and even if this
were granted, we should still have to learn why in the
second half, the whole body of Israel should be spoken of
as being "in Israel," an expression which clearly implies
a distinction of some kind between Israel and ezrah.

Doubtless this Sukkot ordinance originated in the
very beginning of the nation. Hosea in the eighth century
B.C. alludes to the custom of dwelling in Sukkot as having
subsisted in hoar antiquity: "I will again make thee to
dwell in tents, as in the days of the Mo'ed."10 By mo'ed
he means the festival of Sukkot.11 In the Deuteronomic
version of the Sukkot ordinance there is not a word about
dwelling in booths. The custom was so rooted in the
habits of the people, that no mention of it was necessary.
In reciting the participants in the rejoicing before the Lord
on that festival, there is nothing said of the ezrah who had
doubtless been so completely assimilated that he is in-
cluded in the "thou" addressed to the people of Israel.
"Thy God" is his. They had become one.12

The implied distinction between Israel and ezrah in the
Sukkot ordinance does not stand alone. There are
three other passages which carry a similar implication.
One of them speaks of the ezrah mikkem (the ezrah among
you),13 while the other two tell us of the ezrah bi-bene
Yisrael (the ezrah among the children of Israel).14

We cannot, in the face of such evidence, escape the
conclusion that the ezrah was originally a numerous body

9Ibid. 23.43. 10Hosea 12.10.
11Brown-Driver, Lexicon, p. 417, sub voce Mo'ed lb; Deut. 31.10.
12Deut. 16.13–17. 13Lev. 19.34. 14Num. 15.29; Ezek. 47.22.
which finally entered into the composition of Israel, and
that to render the word by Israel or its equivalent, in
every text in which it occurs, will create error and con-
fusion. There was a time when the ezrah became fully
assimilated, and at this point the difficulty presents itself.
While the ezrah before such complete assimilation was not
identical with Israel, there was a great change after that
event, and then the ezrah was sometimes included in the
term Israel, and at other times the whole of Israel was
designated by the term ezrah.

As the two kinds of ezrah are externally similar, it
is not easy to determine which ezrah is in any particular
case meant. The main factor in the decision must be the
context—an appreciation of the circumstances and a com-
mon-sense conclusion therefrom.

The result of such an examination presents some
curious features. Of the four cases in which the ezrah is
accompanied by a qualifying phrase, there is one in which
that phrase is probably due to a scribe's error.

The latter half of the fifteenth chapter of Numbers
provides for the atonement of sins committed in error
(shegagah), and declares that, the proper ceremonies being
performed, "all the congregation of the children of Israel
shall be forgiven, and the ger that liveth among them;
for, in respect of all the people (kol ha-'am) it was done in
error."

The plain meaning of this is that the people of Israel
(the 'Am) are composed of two elements, the Bene Israel
and the ger. Of the division of the Bene Israel into com-
ponent parts there is not a hint. And yet in the same
connection, a few verses further on, it is provided that the
priest shall make atonement for "the ezrah among the
children of Israel, and the ger that liveth among them: ye

15 Num. 15:26.
shall have one law for him that doeth aught in error."

And continuing the theme, atonement is denied to him that sinneth with a high hand, whether he be ezrah or ger.

There can be no question that the ezrah all through this half chapter is identical with Israel, and the conclusion follows that the added words "among the children of Israel" in the 29th verse are out of place and should be elided.

The three passages which use the expression ezrah ha-ares may fairly be counted as not referring to Israel. There is a special insistence that the Pesah shall be celebrated "by all the congregation of Israel" and the institution is of so early a date and the expression ezrah ha-ares is at that stage so inept to describe Israel, that doubt on the subject may be dismissed.

There is however one circumstance which must be noted. The whole chapter mentions the ezrah ha-ares twice and while still dwelling on the same subject, once introduces simple ezrah. This can only mean the ezrah ha-ares and cannot therefore be interpreted to mean Israel.

This leaves nine passages in which ezrah may fairly be said to stand for Israel. An examination of the context confirms this view of its meaning.

These are the passages:

Lev. 16.29, relating to the Day of Atonement.
17.15, relating to the prohibition against eating nebelah (that which dieth of itself).
18.26, relating to the observance of certain moral duties.
24.26, relating to the punishment of blasphemy.
24.22, establishing uniformity of law for ger and ezrah.

[Numbers 15.29, 15.30, Exodus 12.47, 12.49.]
Num. 15.13, relating to meal offerings.
15.29-30, relating to sins committed in error (shegagah).

Josh. 8.33, describing Joshua's audience.

The result so far seems to be that the earliest mention is that in the Sukkot ordinance, in which the ger is not yet thought of, and in which the ezrah is viewed as distinct from the body of Israel. Ye (addressing Israel) are commanded to dwell in booths, to which there is the significant addition that "all the ezrah in Israel shall dwell in booths." This points to a time when the ezrah had reached the stage of believing himself to be an essential part of all Israel, but had not succeeded in convincing the bulk of Israel of that fact. The ezrah, at this mo'ed period might logically urge that he had accompanied Israel on its travels and had to dwell in booths like the rest. Why then should he be excluded from the celebration of that experience? At all events any effort at such exclusion was ineffective, made so by the specific ordinance not only allowing but commanding him to dwell in booths at the Mo'ed.

When we meet him next he is far advanced on the road towards assimilation but has not finally reached the goal. There is no longer a question about his right to celebrate the Pesah. That is assumed and though there are a few later instances in which the distinction between him and the Israelite is recognized, yet this soon ceases. The word ezrah is not even mentioned by any of the prophets from Amos down save only by Ezekiel in one text and his use of it is merely literary and oratorical. It refers to no one in being but is a vision of a finer future based on past history.

The change in the meaning of the word was in conformity to the general law that mutations in the life of

Exod. 12.48. Exek. 47.22.
the body are reflected in the career of the words designating it.

The mode here adopted is not new. The investigators of ancient times encountered the same difficulties and one of them, at least, treated them in a manner somewhat analogous.

About eighteen hundred years ago, the Syriac Targum (called the Peshitta) understood ezrah to mean Israel in eight of the sixteen passages. It can scarcely be a mere co-incidence that seven of these belong to the list of nine Israels given by us; the eighth (Num. 15.29) counted by us is excluded by the Peshitta. It is however not rendered by any other word, but is passed over evidently on the theory that its presence is due to an error in the text, while our ninth (Josh. 8.33) may well give rise to two opinions, though on the whole we prefer the rendering Israel.

The Peshitta's eighth Israel is Lev. 19.34. This is one of the four passages from which we infer that the ezrah were originally a separate, non-Israelite group. The Peshitta shies at such an inference but nevertheless is unable to find Israel in the other three and therefore practically elides the word from them. In this instance, however, the terrifying qualification in Israel, or among the children of Israel is lacking. Instead of an objectionable noun there is only a pronoun, mi-kem (among you) and it is encouraged to render the ezrah among you as Israel. Needless to say in such reasoning we cannot concur. If the Peshitta were right its translation would read, "the Ezrah (Israel) among you (Israel). . . ."

The other eight passages which the Peshitta did not render by Israel it treats in three ways. In four it rendered by the equivalent of yosheb ha-ares (dweller in the land), in one by 'Amora, and in the remaining three it ignored the word and translated the sentence as if the word were not there.
While we may not agree with the Peshitta's procedure, its outstanding feature is the recognition of the fact that in half the instances of its use, the word ezrah does not mean Israel and it is therefore in advance of most moderns who seem to have sensed no difficulty in uniformly understanding it to refer to Israel.

Let us, however, examine in detail, the Peshitta's treatment of these eight non-Israelite passages.

It renders yosheb ha-ares four times. Probably the rendering was intended to parallel the Hebrew ezrah ha-ares. The latter expression occurs only thrice in the texts and of these three it translates one by 'Amora. It renders simple ezrah by yosheb ha-ares in two cases, one in Exodus 12.49 which we have above concluded stands for ezrah ha-ares and the other in Joshua 8.33 where, as we have above stated, a difference of opinion may well exist.

What the Peshitta exactly means by yosheb ha-ares is a matter that deserves careful examination. I have roughly conceived it to mean the conquered Canaanites, whom we in this investigation, have settled upon as the ger of the texts. If this supposition is justified, it would follow that the Peshitta's ger is not an important compact body like ours, but is composed of alien individuals who, from time to time, leave their former surroundings and become converts to Israel's religion.

There is, however, a clue to the Peshitta's meaning. In Number 9.14 it renders ezrah ha-ares not by yosheb ha-ares but by 'Amora. The definition of 'Amora is given as follows:

"Workman. In Syria the workman is called Amora."\(^{22}\)

As the Peshitta uses 'Amora as the equivalent of yosheb ha-ares, it seems fair to infer that it views the conquered

\(^{22}\)Neuhebraisches und Chaldäisches Wörterbuch by Prof. Dr. Jacob Levy, vol. 3, p. 668.
Canaanites as a body of laborers, just as we have done, but calls them ezrah instead of ger. And this ezrah it seems to look upon as a body completely assimilated to Israel at the earliest period of the nation's history. In short it knows no real distinction between "the congregation of Israel" and the ezrah ha-ares of the Passover ordinance. The ger of that ordinance is for it, a casual stranger who has imbibed the notion that he would like to become a convert to Israel's religion.

The three passages in which the Peshitta refused to translate the word ezrah must have given the Targumist infinite trouble. He knew his plain duty to be to transfer the original text to its Syriac equivalent. In the Passover ordinance he had gone so far as to recognize the ezrah's incorporation in the body of Israel and in these three passages he was met by expressions which differentiated between ezrah and Israel. The notion that circumstances and therefore laws might have changed, in short that the Hebrew nation like others had been subject to the law of development, was to him not only inadmissible but impossible. For him the Canaanites—the ezrah— when conquered, immediately became attached to Israel's law and religion, and were indistinguishable from the main body.

Instead of solving the difficulty he evaded it, and, curiously enough, in doing so he practically adopted the favorite modern method of dealing with obstacles in the text of the Bible—namely, textual criticism. He may not have been fully conscious of the audacity of his procedure, but he none the less corrected the text by practically striking out the disagreeable words that bothered him.

Notwithstanding the impossibility of agreeing to all of his views, it has been a source of gratification to find
this early scholar reach conclusions with which, in the main, I agree.

In modern times too there have been dissent from the current notion that ezrah always means Israel.

Professor Reggio, of the Rabbinical College of Padua, Italy, makes the following remarks on the subject:

I have explained to you the meaning of ger toshab and ger şedek. I now come to ezrah. This term is applied to all those who live in a country in which they have been born and in which their forefathers have been settled, no matter to what people or religion they belong. In this sense it is the opposite to ger. A clear proof of this explanation is the fact that the term is used for trees and plants which still stand on the ground on which they have grown (see Psalm 37. 35). Similarly Kimḥi in his Dictionary says that the ezrah is the old inhabitant of a city. Accordingly I believe that the Canaanites who remained in Palestine after the conquest of the land were called ezraḥim. Wessely’s statement (on Leviticus 16. 29) that ezrah only refers to Israelites, as many rabbinical statements also seem to imply, sounds very strange to me, since many verses do not bear this interpretation (see e.g. Numbers 9.14). After the Israelites came to Canaan the people were compelled to accept the seven Noahidic commandments and then were considered on the same level with ger toshab, the only difference being that they had remained in the country. If they were fully converted they would be on a plane with the ger şedek. 2

Needless to say I do not concur with much that Reggio says in this note, but consider it important to cite him because, great scholar as he was, he could not accept the general rendering of our word ezrah.

For all of the facts concerning the Peshitta, I am

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2Iggerot Yashar (Vienna, 1834-6), vol 1, pages 52-53, Letter 8.
indebted to that great authority on the Syriac Targum, the Reverend Doctor Chayim Heller, who, learning of the work in which I was engaged, generously sent me a memorandum on the subject of which I have made free use. Needless to say that the Reverend Doctor is not responsible for the opinions and conclusions derived by me from the facts.

We are now ready to resume the main line of our discourse, and to examine the remaining instances of laws primarily intended for Hebrews and subsequently imposed upon the ger.

Immediately following the blasphemy statute with the consideration of which we ended the last lecture there is laid down a little code as follows:

He that smiteth any man mortally shall be put to death.

He that smiteth a beast mortally, shall make it good, life for life.

If a man main his fellow (‘amito); as he hath done, so shall it be done to him: breach for breach, eye for eye, tooth for tooth; as he hath maimed a man, so shall it be rendered unto him.

He that killeth a beast shall make it good.

He that killeth a man must be put to death.

Ye shall have one manner of law as well for the ger as for the ezrah.24

One may fairly ask why should such a monstrous crime as murder be denounced for ezrah (meaning Israel) and for ger when the general law governing Israel had made it a capital crime in terms that could not be misunderstood. A possible explanation may be that in the early times, the ger had certain community privileges, among them the right of judicial cognizance of crimes committed by

24Lev. 24.17–22.
their own members among themselves, and that the enactment in question contemplated the ger's assimilation to the Hebrew community and abolished such separate jurisdiction, so that like the Israelites themselves, the ger would be answerable to Israel's judicial tribunals—an enormous step in the advance towards equality.

In this little code the punishment for maiming was according to the law of retaliation.

In view of the fact that the general principle of Israelite law in case of personal injuries was otherwise, a question arises as to the reason for this seeming conflict of laws. The Israelite law regulating the punishment for personal injury was the payment of adequate money damages for the loss of the victim's time and for the cost of healing.25 And this law was general, for it contemplated not only injuries inflicted with the fist, in the heat of passion, in a quarrel, but also injuries caused by a dangerous weapon, a stone, the use of which implies malice aforethought.

The provision that demands payment of the cost of healing implies that the injury is not permanent.

The maiming of this Levitical code evidently refers to an injury which cannot be healed, such as the loss of an eye or another member of the human body. Such an injury is technically termed mun. Then there is the probability that among the crude peasantry of Canaan, the infliction of such permanent injuries was often the purpose of the fighters, and severe measures were deemed necessary to overcome such a habit. It may be remarked, in passing, that even in modern times, there were places among the civilized nations, in which the gouging out of an adversary's eye was deemed to be fair fighting. In this connection a quotation from Webster's Unabridged (sub voce "Gouge") may not be out of place:

25Exod. 21.18, 19
"Gouge—To force out, as the eye of a person, with the thumb or finger (U.S.).

The practice of *gouging* is said to have existed formerly in the interior of some of the Southern states, but was never known elsewhere, except by hearsay (Bartlett).

Gouging is performed by twisting the forefinger in a lock of hair, near the temple, and turning the eye out of the socket with the thumb nail, which is suffered to grow long for that purpose (Lambert)."

This little code so far as it provides for the punishment of homicide must be read with the Numbers statute which makes malice aforethought the indispensable ground for convicting a man of the capital offence of murder, and thereby abolishes the *lex talionis* to that extent. If malice is absent, the homicide is reduced from murder to manslaughter and the punishment from death to internment in a separated city frequently called "city of refuge" (*'ir miklat*). This *'ir miklat* statute is expressly declared to be "for the *bene Yisrael*, for the *ger* and for the *toshab* in their midst," or as it is put in the Joshua text: "for *kol bene Yisrael* and for the *ger* who lives in their midst."

The next instance of the class we are considering is the following:

Moses, at a particular period, was directed to speak to the children of Israel concerning certain duties which would devolve upon them after their settlement in Canaan. One of these duties referred to meal-offerings and drink-offerings and they are prescribed in adequate details.

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27 Num. 35:15. The distinction in this verse between *ger* and *toshab* is the only instance of the kind in Scripture. That there is some error or confusion in the text seems obvious. It is probable that the scribe's ms. read "for the *toshab*" and as the *sakir* was equally entitled to the benefit of the statute, he probably wrote in the margin "for the *ger*" in order to note that both *toshab* and *sakir* were included, and this gloss probably crept into the text.

The Joshua text is perfectly clear. It declares the separated cities to be *for kol bene Yisrael* and for the *ger*. The *toshab* is not mentioned.

28 Josh. 20:4.
Thereupon there is this additional provision:

"Every ezrah shall do these things after this manner... and the ger or whoever may be among you throughout your generations and will offer an offering made by fire... as you do, so shall he do."

"As for the congregation (Kahal) there shall be one (and the same) statute for you and for the ger, a statute forever throughout your generations; as ye are, so shall the ger be before the Lord. One law and one ordinance shall be for you and for the ger living with you." Here the ezrah stands for Israel. The principle therein declared, though limited to this particular religious activity was couched in terms to make a profound impression on the general public, who, according to the custom of homogeneous communities, looked upon any new element introduced as inferior.

There were certain peculiarities in the wording of this addition which are worthy of attention. Its first word is ha-Kahal which J.P.S. renders: "As for the congregation." That this is not a satisfactory rendering needs no remark. Its great fault is that it conveys no idea. The probability is that it was a scribe's marginal note which has crept into the text and this seems to be the view of Bertholet.30

How the scribe came to write such a note may be plausibly explained. The word Kahal in reference to Israel, in the numerous instances in which it occurs, always means Israel alone without the infusion of any others.31 Indeed the distinction between Kahal and ger is expressly declared when we are told that "there was not a word of

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30Num. 15.2, 13-16.
32Exod. 12.6; 16.3; Lev. 4.13, 14, 21; Num. 10.7; 14.5; 16.3, 33; 17.12; 19.20; 20.4, 6, 10, 12; 22.4; Deut. 9.10; 10.4; 18.10; 23.2, 3, 4, 9; 33.4; 1 Kings 8.14, 22; 12.3; Jer. 26.17; Micah 2.5; 1 Chron. 13.2, 4; 28.8; 29.1, 10, 20; 2 Chron. 1.3, 5; 6.3, 12, 13; 20.5; 23.3; 24.6; 28.14; 29.23, 28, 31, 32; 30.17, 23, 24, 25.
all that Moses commanded, which Joshua read not before kol-kehal Yisrael and the women and the little ones and the ger that walked among them.  

So also in the narrative of Hezekiah's great Pesah festival it is recorded that "kol-kehal Yehudah, and the priests, and the Levites, and kol-ha-kahal that came out of Israel, and the gerim that came out of the land of Israel and that dwelt in Judah rejoiced."

The scribe who was copying our ordinance which declared itself to be one statute for you (Israel) and for the ger that liveth with you, which further declared that "as ye are, so shall the ger be before the Lord," and which emphasized these declarations by adding that "there shall be one and the same Torah and mishpat for you and for the ger living with you" might well exclaim: Behold, the ger has become incorporated into the Kahal! We have now an enlarged Kahal!

We may readily affirm his view and conclude that this ordinance contemplated the religious assimilation of the ger with Israel.

At this point we may note that ger is not mentioned in Ezra-Nehemiah, Ruth, Proverbs, Ecclesiastes, Song of Songs, Lamentations, Daniel and Esther, a significant indication that the distinction between him and the whole community of Israel, had, after the Return from Babylon, been ignored and forgotten.

The next ordinance to be considered is the statute providing for the atonement of the community or of the individual for certain violations of law committed by error or inadvertence (shegagah). If the fault be that of the congregation ('edah) a specific sin-offering is required, whereupon the priest makes atonement for the whole congregation of the bene Israel "and they shall be for-

\[32\] Josh. 8.35. \[33\] 2 Chron. 30.25.
This effect is repeated in the next verse with an important addition thus: "And all the congregation of the children of Israel shall be forgiven and the ger living in their midst; it was the error of kol ha-'am (the whole people)."

If the fault be that of an individual, the offering to be brought by him is specified, and the priest shall make atonement for him and he shall be forgiven. "The ezrah among the children of Israel and the ger that liveth in their midst; there shall be one law (Torah) for him that doeth aught in error."

Just as in the previous ordinance the ger is considered to be part of the Kahal, so in this he is viewed as part of the 'Am. And the Bene Israel and the ezrah are used interchangeably. They seem to fix the period at which the ger became fully assimilated, civilly and religiously.

There is, too, a statute which provides for purification from defilement by the dead. We may call this the statute of the Red Heifer. A whole chapter is devoted to it. It was without doubt originally binding on Israelites only, but in the tenth verse the words "and unto the ger dwelling in their midst" follow the word "Israel," that being the only mention of the ger in the whole chapter. There could be no more intimate fusion of ger and Israelite than in such an ordinance looking to perfect ritual purity.

We may here pause a moment to consider an ordinance which belongs to an early period when the assimilation of the ger was not yet in sight. The carcass of an animal which died of itself (nebelah) was held to be unfit for the food of Israelites. It was an abominable thing. Nevertheless, as in other times and climes there were those who violated the prohibition. Jeremiah denounces such sinners. Notwithstanding the aversion with which the
idea of an Israelite's eating such a thing was viewed, express permission was granted to give it to the ger to eat, presumably as part of his food-wage.40

As the assimilation of the ger progressed there was a supplemental ordinance which reads thus: "Every person (nefesh) that eateth nebelah or terefah, among ezrah or among ger shall wash his clothes and bathe himself in water and be unclean until the even; then shall he be clean. But if he wash them not, nor bathe his flesh, then he shall bear his iniquity."41

Here we have the extremes of the assimilation progress of the ger. At first he is treated as a complete outsider religiously, while in the last instance, he is regarded as an intimate proselyte, who, if he fail to conform to the requirements, "must bear his iniquity," that is, must expect direct Divine punishment.42

The tithe of the third year is another instance showing the relation between the land-owner and the ger. This tithe must be specially set aside for the Levite, the ger, the yatom and the almanah, to whom it shall be for food.43

This provision is usually construed as a charitable gift to the poor. It is more probably a supplemental compensation for laborers in the land-owner's employ. We have in a previous lecture alluded to the fact that Levites were in the early days hired for wages to perform certain religious duties. Nothing is more likely than this: that we have here a list of several species of workers, who were entitled to these third-year tithes as a bonus, to use the language of our contemporaries.

This ordinance seems devoid of any religious signifi-

41Lev. 17.15, 16. The expression "bear his iniquity," as has been suggested in the preceding Lecture, conveys Divine punishment for an offence committed by an Israelite. Here the ezrah (meaning the Israelite) and the ger are put in the same class in this regard.
42Exod. 28.43; Num. 18.22.
cance as regards the *ger*. He need not do anything nor refrain from doing anything. It is a civil matter, a regulation of the relations between employer and employees.

C. Besides the classes of cases of which we have hitherto treated, there is a third class which shows that on certain occasions of extraordinary solemnity in Israel, the *ger* were invited to be, and were, present as if they were an integral portion of the community.

When the end of Moses' life was near, he called a meeting of "all Israel" and exhorted them to observe the words of the covenant and do them. In oratorical style he addresses them by classes, "even all the men of Israel, your little ones, your wives and thy *ger* that are in the midst of thy camp from the hewer of thy wood unto the drawer of thy water; that thou shouldst enter into the covenant of the Lord thy God . . . " "which the Lord thy God maketh with thee this day." "Neither with you only do I make this covenant and this oath, but with him that standeth here with us this day. . . ."  

In his portrayal of the consequences that will follow Israel's non-observance of the law, Moses is still more emphatic in his recognition of the *ger* as an integral portion of the body of Israel. These are his words: "The *ger asher be- kirbeka* shall mount above thee higher and higher; and thou shalt come down lower and lower. He shall lend to thee and thou shalt not lend to him; he shall be the head and thou shalt be the tail." Just as we describe the individual body by saying "from head to foot," so he in portraying the corporate body uses the words "from head to tail." In both cases the thought is that the body may be characterized by its two extremes.

Again, Moses in his final charge to "the priests the sons of Levi" and to all the elders (zeugenim) of Israel

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directs them to read the Law once in every seven years, at the feast of Tabernacles "before all Israel in their hearing." And thereupon he defines what he means by "all Israel."

"The men and the women and the little ones and thy ger that are within thy gates, that they may hear, and that they may learn, and fear the Lord your God, and observe to do all the words of this law, and that their children, who have not known, may hear, and learn to fear the Lord your God. . . ."51

And finally it is recorded that Joshua, in compliance with the direction of Moses "wrote there (in Mount Ebal) upon the stones a copy of the law of Moses. . . . And all Israel and their elders and officers, and their judges, stood on this side the ark and on that side . . . as well the ger as the ezrah. . . ."52

In a great chapter of the Holiness Code, fundamental moral laws for the governance of Israel are laid down, the violation of which was declared to have resulted in the downfall of the vanquished Canaanites and Moses summed it all up by saying: "Ye therefore shall keep My statutes and Mine ordinances and shall not do any of these abominations—the ezrah and the ger that live in your midst."53 Here again, ezrah means Israel. It will be seen that the ger are no longer looked upon as strangers, but as fully accepted proselytes, forming a recognized portion of the Israelite religious community.

Ezekiel seems to look upon them in the same light.54

D. We are finally to consider the provisions made for the improvement of the ger's material condition and the consequent intellectual and spiritual advantage accruing to him.

Perhaps the most important improvement in the ger's
material condition was produced by granting him rest from labor on the weekly Sabbath.

The tradition was uniform that this institution was of the greatest antiquity. The accepted belief that God himself rested on that day from the work of Creation attests this. Moreover when Israel's support in the wilderness was by manna which fell from Heaven, two portions fell on Friday in order to relieve the people from the work of gathering it on the seventh day. Of the various texts commanding the observance of the Sabbath, only three contain any reference to the ger. The others are addressed to Israel alone.

And these three disclose peculiarities which merit attention. The first of them addressed to Israel commands that on the seventh day "thou shalt not do any manner of work," with which the sentence might well have ended, but it goes on "thou, nor thy son, nor thy daughter, nor thy man-servant ('ebed) nor thy maid-servant (amah) nor thy cattle, nor thy ger that is within thy gates." That the mention of the slaves should be followed by the cattle may well give the impression that the sentence is finished, when, lo and behold! after the cattle come the free employees as if by an afterthought of later times.

The second of them is likewise addressed to Israel and commands "On the seventh day thou shalt rest that thine ox and thine ass may have rest." After this care for the animals, there follows the additional ground "and the son of thy handmaid (ben-amah) and the ger may be refreshed."

The family are not mentioned, probably on the presumption that by the use of the second person the landowner addressed would assume that his family was included.

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The third of them has the same list as the first to wit: thou, thy son, thy daughter, thy man-servant ('ebed), thy maid-servant (amah), and then follow the ox, the ass, or any of the cattle. Only after these comes the ger. The most curious feature of this text is, however, what follows the ger, namely the purpose of this ordinance which is declared to be that "the 'ebed and the amah may rest as well as thou." Not a word about the ger, just as if the sentence had been finished before he was introduced or thought of.

It is not an unreasonable inference that these three texts were originally addressed to Israel alone, and that the anxious care for the workman, slave and free, 'ebed and ger was developed in the course of Israel's history.

To return now to our Sabbath-law prohibiting work by the ger on that day. It should be remarked that though the benefit of it was primarily material, in that it gave the workman a substantial interval of rest, thereby relieving the monotony, the dulness and the fatigue incident to unceasing physical labor of one sort, yet the advantage to the laborer in another aspect was even greater. The leisure afforded by the regularly recurring period of rest at short intervals, made it not only possible but inevitable that he should observe and to a certain degree imitate the habits and practices of his master's family and the result would follow that he would cultivate thoughts which in his previous condition would have been beyond his reach.

The command to the ger to abstain from work on Atonement day was another long step in advance. The extraordinary solemnity surrounding its celebration stimulated reflection in a high degree. He saw his master deprived not only of food but of other ordinary indulgences

60 Deut. 5.14.  61 Lev. 16.29; Num. 29.7.
which seemed not only necessary but indispensable. There were moreover stately ceremonies conducted by the priests, which were well adapted to rouse curiosity and interest.\footnote{\textit{Lev.} 16.32–34; 23.27–32.} \footnote{\textit{Lev.} 23.24; \textit{Num.} 29.1.} \footnote{\textit{Deut.} 16.3.}

So too the Day of Memorial (now called \textit{Rosh ha-Shanah}\footnote{\textit{Exod.} 12.18.} \footnote{\textit{Exod.} 12.19.} \footnote{\textit{Exod.} 34.22.} \footnote{\textit{Lev.} 23.16–21.}), the day of the blowing of the horn (the \textit{Shofar}), could well rouse emotions and implant ideas concerning a man's being and his future.

Less grave than these solemn occasions was the \textit{Pesah-Maššot} festival. While the Hebrews called the \textit{Maššot} (unleavened bread), the bread of affliction,\footnote{\textit{Deut.} 16.3.} the fact that the festival celebrated the rise of the nation gave it a joyful color which mere nicknames could not overcome. While the \textit{ger} was free to join in the \textit{Pesah} ceremonies, he was also free to refrain. The choice was his.\footnote{\textit{Lev.} 16.32–34; 23.27–32.} \footnote{\textit{Lev.} 23.24; \textit{Num.} 29.1.} \footnote{\textit{Deut.} 16.3.} During the \textit{Maššot} festival, however, he was bound to abstain from eating leaven\footnote{\textit{Deut.} 16.3.} and the probability is that so far from being conscious of any affliction he enjoyed it, while drinking in from his surroundings historical memories in which it is true he had no part, but which nevertheless tended to raise his intellect to a higher plane. When a mere yokel loses sight for a time of the insistent present and dwells even with bare superficiality on a past replete with great deeds, he imbibes ideas which spiritualize his whole being.

Hebrew life though essentially solemn was not monotonously so. There was a joyous side and the \textit{ger} reaped the full benefit of it.

At the gathering of the first fruits of the wheat harvest there was a great holiday,\footnote{\textit{Deut.} 16.3.} the feast of weeks (\textit{Shabu'ot}). Naturally there were impressive ceremonies\footnote{\textit{Deut.} 16.3.} but these were coupled with the injunction to go up to the religious capital with the family, the slaves, the Levite and the \textit{ger}, \textit{yatom} (fatherless) and \textit{almanah} (widow) and there rejoice
before the Lord thy God. 69 And this rejoicing was not to be merely rhetorical or spiritual. There were to be feasts: "Thou shalt eat there." 70 And the practice conformed to the ordinance. 71

And the "Feast of Ingathering at the end of the year, when thou gatherest in thy labors out of the field" 72 partook of this same frolicsome nature. This is the Festival known as Sukkot (Tabernacles), 73 one of the most jovial features of which was, doubtless, a great army of paraders bearing branches of palm-trees, willows of the brook and other plants. Even if the ger were not admitted to join in the procession, they doubtless enjoyed looking at it, as we know from the habits of people of our own time. Needless to say there were abundant ceremonies besides. 74 Here too all the householder's dependents, his family, his slaves, the Levite, the ger, the yatam and the almanah asher bi-she-'areka were to be altogether joyful." 75

In order to complete this branch of our inquiry, it will be necessary to cite the general principles laid down for the treatment of the ger as well as the special regulations made in his behalf. The most important of these practically was the protection of the ger in his right to adequate wages or other compensation.

"A ger thou shalt not wrong, neither shalt thou oppress him." 76 In view of the relations of the ger with his employer, the wrong and the oppression here spoken of can mean nothing else than exacting an undue amount of work or whittling down the compensation for it so as to render it inadequate.

The farmer may not go back to recover a sheaf forgotten in the harvest. It is for the ger, the yatam and the almanah nor is he allowed to go again over the boughs of
the olive-trees. What is left also goes to the *ger*, the *yatom* and the *almanah*, and the like disposition is made with respect to the gleaning of the vineyard.\(^7\)

In the parallel passages of Leviticus, the provision is that the corner of the field must not be reaped, nor the gleaning of the harvest or the vineyard gathered. They belong to the 'ansi and the *ger*.\(^8\)

In still another Levitical passage only the corner of the field and the gleaning of the harvest are mentioned and these are to be for the 'ansi and the *ger*.\(^9\)

We have here three kinds of disposition of the farmer's remainders after the collection of his produce. The first specifies in more detail the several species to be distributed and awards them to *ger*, *yatom* and *almanah*, the second omits the olive-trees but names the other species, while the third omits not only the olive-trees but the vineyard. Then too the first names as beneficiaries the *ger*, the *yatom* and the *almanah* while the second and third omit the *yatom* and the *almanah* but add the 'ansi.

These variations lead to the inference that at the time of the first ordinance, the order of Hebrew workmen called 'ansi had not yet been regarded as a class by themselves; but that the bulk of the agricultural work was done by the non-Hebrew classes to wit, the *ger*, the *yatom* and the *almanah*, that these being settled on the land indefinitely, were not paid wages, but received their support in kind which was supplemented at harvest time by what their employers doubtless called a gratuity in the nature of the bonus so anxiously looked for by the workmen of our own day.

The inference from the second and third ordinances is that the *ger* therein named was used as a general term to include the *yatom* and the *almanah* of a deceased *ger*,

\(^7\)Deut. 24:19, 20, 21. \(^8\)Lev. 19:9, 10. \(^9\)Lev. 23:22.
which words were therefore omitted, while the Hebrew workmen, the 'ani had so increased as to form a class by themselves who were admitted to share in the bonus.

The wages of a sakir shall not abide with thee all night until the morning.\(^8\)

The product of the seventh or fallow year shall be for food of the land-owner and of all his dependents including his sakir and his toshab.\(^8\) Moses, in his charge to the judges enjoins upon them to judge righteously between a man and his ger. The great probability is that the questions arising between these two classes referred to quantum of labor or of compensation.\(^8\)

At the end of every three years the land-owner was ordered to lay up the tithe of his increase and this belonged to the Levite, the ger, the fatherless and the widow, all, in one sense or another, employees of the owner.\(^8\)

The prophets, Jeremiah,\(^8\) Ezekiel,\(^8\) and Malachi,\(^8\) especially the latter, were insistent upon obedience to these requirements. The general principles, illustrative of these regulations were emphatic.

The leading one was enunciated in several specific cases:

When the punishment for various offences was laid down, the pronouncement with which the little code concluded was:

"One mishpat shall be for you, as well for the ger as for the ezrah.\(^8\)

When the Pesah of the second month was instituted the doctrine was repeated in words nearly similar.\(^8\)

And the like occurred in respect to offerings\(^8\) and to the atonement for sins of inadvertence.\(^9\)

The persistent repetition of this declaration undoubt-
edly gave it the effect of a principle generally applicable. The fact that it failed of universal effect is attested by the speeches of the prophets. This, however, need not surprise us. Ancient men were much like moderns. In their day as in ours, natives looked upon themselves as superior to men of other nations, and even in their most liberal moods, exhibited as against them, a certain condescension. This trait too was heightened and exaggerated then as now when the others were inferior in prosperity and social standing.

These mighty efforts to produce unity between Israel and the ger were further strengthened by such declarations as these:

"Thou shalt love him (the ger) as thyself; for ye were gerim in the land of Egypt."\(^{91}\)

"He (the Lord) loveth the ger in giving him food and raiment. Love ye therefore the ger; for ye were gerim in the land of Egypt."\(^{92}\) The effort was to remind the superior that in his origin, he was as humble as the class he wished to look down upon.

While naturally the object was not fully attained, there was undoubtedly created a higher and purer sentiment regarding the relation between Hebrew employer and non-Hebrew employed.

We have now reached a point where we shall feel at liberty to assume that the ger were a large population of Palestinian natives who, by the conquest, lost their lands and became employees in the service of the conqueror.

We shall next proceed to ascertain whether there were other classes of non-Hebrew laborers; and this brings us back to our starting-point, the classification of ger with yatom and almanah (fatherless and widow) which we shall proceed to consider in the next Lecture.

\(^{91}\)Lev. 19. 34.  \(^{92}\)Deut. 10. 18, 19.
IV

The frequent collocation of ger with yatam and almanah started our whole inquiry. The accepted notion that they were classed together because they all needed the kindliness and charity of the public seemed inadequate.

The result of the inquiry so far has been that we have collected evidence enough to establish the fact that the ger were a large class, that they were the conquered inhabitants of Palestine, and that the majority of them had remained on the land as feudal employees of the conquerors. That these so settled were called toshabim, getoshab, or ger we-toshab. That the minority not so settled became sekirim or wage-earners. To speak of a large population of industrious laborers as objects of charity is merely absurd.

Then what is the meaning of the collocation of ger, yatam and almanah? If their being classed together gives them certain leading characteristics in common, it would seem that the ger's leading characteristic, to wit, being a laborer, might inhere also in the yatam and the almanah, however fantastic such a view might at first appear.

In every instance where the locution is used, it is quite consistent with such a view, especially when we consider that the peasant gerim were landless and were dependent on their compensation for the support of their families. When such a ger died, what was to become of his widow and children? The interest of the land-owner would be to oust them from their cottage and to put in their place a strong man capable to do what the decedent had done.
The humanitarian policy of the state would have been defeated if the land-owner had been allowed to consult his pecuniary interest only. The best that could be done was to leave the family in their place and set them to work doing as much as possible. This was probably a fair proportion of what had been done before, since doubtless the ger had been assisted in his work by his wife and such of his children as were old enough to help. The case of Ruth shows that the practice of women to work in the field was well established. Boaz, in addressing her, said: "Go not to glean in another field, but abide here fast by my maidens. Let thine eyes be on the field that they do reap, and go thou after them."\(^1\)

And that children would be compelled to work appears plainly from Job's bitter speech against the avaricious rich, however exaggerated its terms.\(^2\)

Our ger, yatom and almanah are coupled together in at least sixteen instances which may be divided into five classes. Six of them refer to the oppression of laborers by their employers, five speak of their participation in the fruits of the soil, two of their joinder with other employees in great celebrations by their masters, two enjoin on the judges the duty of disregarding differences of status among litigants and commanding them to do justice to laborers and the sixteenth is a Divine fiat announcing that Heaven itself takes special care of yatom, almanah and ger.

I. The first class of six are these:

a) "The ger thou shalt not wrong (lo toneh) nor oppress him (lo tilha'agennu). . . . Kol almanah we-yatom ye shall not afflict (lo te'annun)."\(^3\)

\(^1\)Ruth 2:8, 9.  \(^2\)Job 24:3-12.  \(^3\)Exod. 22:20, 21.
b) Jeremiah speaking at the gate of the Temple says:
   "Do justice between a man and his rea' (the versions render: neighbor, but the meaning here is his Hebrew employee); do not oppress (lo ta'ashoku) ger, yatom and almanah."4

c) Jeremiah, under instruction, addresses the King in these words:
   "Execute ye justice and righteousness, and deliver the spoiled (gazul, robbed) out of the hand of the oppressor ('ashok), and do no wrong (al-tonu), do no violence (al ta'ahmosu) to the ger, yatom and almanah."5

d) Ezekiel, inveighing against the princes (nesiim) of Israel charges them with grave crimes, among them these: "They have dealt by oppression ('asu be-'oshek) with the ger; they have wronged (honu) yatom and almanah."6

e) Zechariah, harping on the same subject says: "Do not oppress (al ta'ashoku) the almanah and yatom, the ger and the 'ani."7

f) And finally Malachi closes the prophetic era by denouncing "those that oppress ('oshek'ım) the sakir in his wages, the almanah and the yatom and turn aside the ger from his right (matte ger)."8

In these six passages denouncing oppression five words are used. Their basic forms are: 'ashak in five of the texts, honah in three, and 'innah, lahás, and hamas each in one. They all signify the ill-treatment of one by another, oppression. There might be room for speculation as to what kind of oppression may be referred to. Fortunately, the Malachi text solves the problem, by the specific statement that the 'oshek, the oppressor, is wronging the employee, the sakir in respect to his wages. The inference

4Jer. 7.5. 6. 5Jer. 22.3. 6Ezek. 22.7. 7Zech. 7.10. 8Mal. 3.5.
is obvious that the other classes mentioned with the *sakir* are fellow-employees and that in that relation they are the victims of ill-treatment by their employers.

The dictionaries lay especial stress on the idea of extortion involved in *'ashak,* or as the Hebrew with brutal frankness calls it "robbery" (*gazul*) and on the idea of ill-treatment of the poor and weak involved in *honah,* and these are the two words running through all these passages.

Oppression as between employer and employee would likely be of two kinds, overworking and under-payment. Needless to say, a cruel master might be guilty in both respects. In the case of the *sakir* there might be an additional mode of oppression. He was the only laborer who was to be paid a daily wage at sundown. The law is imperative: "The wages of a *sakir* shall not abide with thee all night until the morning." "In the same day thou shalt give him his hire, neither shall the sun go down upon it." An avaricious master would violate this law, just as selfish and inconsiderate men violate other laws.

II. Next to this series of six passages are five, in which the *ger*, *yatom* and *almanah* are made to participate in the fruits of the soil and following these five are:

III. Two passages which represent the *ger*, the *yatom* and the *almanah* as enjoying, with other employees, great national and religious celebrations, all under the charge of their employers.

The seven passages of these two series have been sufficiently considered in the previous Lecture and need not be repeated here.

IV. We have, next, the two passages which enjoin the duty of disregarding differences of status among men. They are these:

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*Brown Driver, Hebrew and English Lexicon, p. 798.*

*Ibid., p. 413.

*Lev. 19, 13.*

*Deut. 24, 15.*

*Deut. 14, 29; 24, 20, 21; 26, 12, 13.*

*Deut. 16, 11, 11.*
"Thou shalt not pervert the justice due to the ger, yatom (mishpat ger yatom) nor take the almanah's raiment to pledge."\textsuperscript{15}

"Cursed be he that perverteth the justice due to ger-yatom we-almanah. . ."\textsuperscript{16}

and finally we have this passage: V. "He (the Lord) doth execute justice (ōseh mishpat) for the yatom and the almanah and loveth the ger in giving him food and raiment."\textsuperscript{17}

An attentive consideration of these sixteen passages discloses a certain historical order showing the stages at which the various classes of laborers among the Hebrews were formed.

At first, that is, as soon as the natives had been subjected to the loss of their land and the bulk of them had become a settled peasantry under their new masters, the texts are confined to the ger, yatom and almanah alone without thought of any other class. There was urgent need for their protection and there were prompt measures to secure it for them.

These texts are found in four verses only. In the verse which represents God as speaking for justice and love to them no other class is mentioned. This is the text which has just been cited at length.\textsuperscript{18}

One of the texts which provides for a supplemental compensation in addition to the ordinary reward given to working-people is composed of three verses: the first of them directs that a forgotten sheaf may not be gone after by the farmer but must be left for the ger, yatom and almanah,\textsuperscript{19} the second imposes on the farmer the same duty of abstention after beating his olive-trees and reserves what remains thereon for the ger, yatom and almanah,\textsuperscript{20}

\textsuperscript{15}Deut. 24.17. \textsuperscript{16}Deut. 27.19. \textsuperscript{17}Deut. 10.18. \textsuperscript{18}Deut. 10.18. \textsuperscript{19}Deut. 24.19. \textsuperscript{20}Deut. 24.20.
while the third has an analogous provision in the gleaning of the vineyard.\textsuperscript{21}

Though these are three separate verses in each of which the same beneficiaries of the farmer's abstention are named, they are in reality but one ordinance, inculcating one duty, namely, the duty of giving to the laborers whose active work contributes greatly to the increase of the produce, an extra gratuity which has a tendency to cheer and exalt them.

The result reached from a consideration of all the passages may fairly be said to be that the yatom and the almanah when mentioned as pendants to the ger, are not Israelites, but are the ger's (the non-Hebrew's) widow and children, who after the father's death were allowed to remain where they had always been, on condition of course that they should become employees in his stead. This conclusion however does not negative the idea that there are texts which speak of the yatom and almanah of Hebrews.

When the Hebrew widow had no child, the death of her husband practically threw her back on her father or his family.\textsuperscript{22} If, however, she had a child, the husband's land descended and the widow and children remained on it as before. The gebul almanah\textsuperscript{23} is referred to as well as the prohibition against trespassing on the fields of the yatom.\textsuperscript{24} So too the avaricious men are described by Job as being alert to drive away the ass of the yetomim and to take the almanah's ox for a pledge.\textsuperscript{25} With a fundamental law which aimed at equality of land-ownership by individuals, the invasion of the neighbor's land by crossing the boundary line (gebul) or by obliterating it so as to seize a portion of the neighbor's land was a heinous offence: "Thou shalt not remove thy neighbor's land-mark (gebul)"\textsuperscript{26} is a stern prohibition which is drastically strengthened by

\textsuperscript{21}Deut. 24.21. \textsuperscript{22}Job 24.3. \textsuperscript{23}Deut. 19.14. \textsuperscript{24}Prov. 15.25. \textsuperscript{25}Ibid. 23.10.
the Arur-code: "Cursed be he that removeth his neighbor's (gebul) land-mark." 27 Hosea, denouncing the princes of Judah, finds nothing more degrading to characterize them than likening them to those "that remove the landmark." 28 Proverbs too repeats the accepted view: "Remove not the ancient land-mark which thy fathers have set." 29

The Hebrew yatom and almanah were therefore not objects of charity in general. They did need protection, however, against the greed of wily land-grabbers who were ever ready to take advantage of the helplessness not only of unsophisticated persons suddenly thrust into a position of responsibility without adequate preparation, but of those land-owners whose management of their farms was not efficient enough to assure their ability to hold them permanently. Doubtless the current philosophy and morality of the avaricious was satisfactory to their class as it has been from that day to this: The fittest survive. Whoso fails should abandon the task and serve others who can do better, and so on and so on.

The prophets did not see eye to eye with them. Amos thunders against them: "They sell the innocent for silver and the ebyon for a pair of shoes. They pant after the dust of the earth on the head of the dallim and pervert the right of the humble ('anawim)." 30 Isaiah, somewhat later (8th century B.C.), is specific in his denunciation of their efforts to gain a monopoly of the land:

"Woe unto them that join house to house, That lay field to field, Till there be no room, and ye be made to dwell Alone in the midst of the land!" 31

and Micah (724 B.C. and later) does the same.

"Woe to them that devise iniquity And work evil upon their beds:

27 Deut. 27.17. 28 Hosea 5.10. 29 Prov. 22.20. 30 Amos 2.7. 31 Isa. 5.8.
When the morning is light, they execute it,
Because it is in the power of their hand.
And they covet fields, and grab them; (gazalu)
And houses, and take them away;
They oppress a man and his house (family)
Even a man and his heritage (nahalah).”

After the provisions for securing the ger, yatom and almanah there is another stage which introduces alongside of them a new class of beneficiaries, namely the Levite class. This disposition is made in three verses, the first of them providing that the tithe of the third year, shall be disposed of as subsidiary compensation to “the Levite, the ger, the yatom and the almanah that are within thy gates” (asher bi-she'areka), the second of them directing that the rejoicing on the Feast of Weeks at the national sanctuary thereafter to be established, shall be by the employer and his family, by his slaves, by “the Levite that is within thy gates” and by “the ger, the yatom and the almanah that are in the midst of thee” (asher be-kir-beka), and the third of them laying down a similar rule for the celebration of the Tabernacle festival the beneficiaries of which are to be the same as those named for the Feast of Weeks, namely, the employer and his family, his slaves “and the Levite, the ger, the yatom and the almanah that are within thy gates.”

We have in a previous lecture referred to the case of the Ephraimitic Micah who employed a Levite of the mishpahah of Judah to be his ab and his kohen promising to pay him for this service ten pieces of silver by the year and a suit of apparel and his victuals. And on these terms the bargain was concluded. The narrative is of great antiquity. Though the facts as told were shocking to the sensibilities of the compiler, he recited them fully.

32 Micah 2:1, 2. 33 Deut. 14:29. 34 Ibid. 16:11. 35 Deut. 16:14.
The chapter in which the narrative occurs is well worth reading.

It shows why the Levites like the ger, the yatom and the almanah are located bish'areka or be-kirbeka (within thy gates or in thy circle). They are all resident on the estate of the owner in whose employ they are. A widespread notion that these words refer to residence in Israel at large, is clearly inept. They point directly to the land of an individual and relate to persons under his control.

When a central sanctuary was established, perhaps at Shiloh, a new governmental policy was instituted. The sanctuaries on private estates were to be discontinued. They were an obstacle to the unity of the state and moreover tended to perpetuate pagan practices.

The measure designed to abolish them was the institution of a system of pilgrimages to the central sanctuary. There were to be three of these pilgrimages in every year, one on Pesah, the next on Shabu'ot and last and greatest of all, the one on Sukkot. Though the ordinances commanding these pilgrimages were doubtless observed, the result was not what had been hoped for. When the owners of the private sanctuaries with their retainers returned home, many of them adhered to their ancient customs and consulted their Levites as of yore.

To overcome this, inducements were offered to the Levites coming from these estates to remain at the central sanctuary, which movement, if successful, would finally cause the local sanctuaries to wither away and in the end perish from inanition.

The ordinance on this subject was well adapted to effect the purpose. It is as follows:

"And if (when) a Levite come from any of thy gates

36 Jud. chap. 17.
37 Exod. 23.14-17; 34.23; Deut. 16.16; 1 Kings 8.2, 65; 2 Kings 23.23; Neh. 8.18; 2 Chron. 7.8, 9.
(me-ahad she'areka) out of all Israel, where he lives (gar sham), and come with all the desire of his soul unto the place which the Lord shall choose; then he shall minister in the name of the Lord his God, as all his brethren the Levites do, who stand there before the Lord. They shall have like portions to eat, beside that which is his due according to the fathers' houses" ('al ha-abot). This is the J.P.S. version. A. V. renders the last phrase "that which cometh of the sale of his patrimony," and this translation is adhered to by the English and American Revisions.

That all these renderings are inadequate seems clear. What the ordinance really meant was, that the local Levites who would remain at the central sanctuary, were allowed to do so without abandoning their local position and emoluments. Many would have dreaded the change, if it involved the loss of what they had, because of the fear that their position at the central sanctuary would be uncertain, and that if they should be deprived of it, they would be turned loose upon the country and be compelled to wander round in order to obtain proper places.

Hence, the provision that they should retain what they had at home namely "that which belonged to the abot," the latter word meaning the country Levites themselves. It will be remembered that Micah employed his Levite as Kohen and as Ab.39

We may now close the discussion concerning the ger, yatom and almanah, in the belief that their position as laborers of non-Hebrew origin has been sufficiently established.

It behooves us now to inquire concerning the existence of Hebrew labor-classes.

Our information on this point is derivable from observing the texts relating to ger, yatom and almanah in order

35 Deut. 18:6, 7, 8.
39 Jud. 17:10.
to learn whether, associated with these, there are other classes of persons who are laborers like themselves, and if there are such, whether they differ from the ger in that they are of pure Hebrew blood. The sixteen instances which speak of the ger, yatom and almanah are, as has been said, divisible into five classes:

Of the first class referring to oppression of ger, yatom and almanah by their employers there are six, and five of these are connected with other terms denoting classes of persons in the same category as themselves, to wit, free laborers.

Following the order just adopted we find that the first of the six texts, to wit, Exodus 22.20, 21, associates the following classes:

The 'ani 'immak (which I would render, the 'ani in thy employ),\(^{40}\) thy rea',\(^{41}\) the dal\(^{42}\) and the ebyon.\(^{43}\) The second of these six texts, Jeremiah 7.6, is accompanied by the rea'.\(^{44}\)

The third of them, Jeremiah 22.3, is associated with the rea'\(^{45}\) and with the 'ani we-ebyon.\(^{46}\)

The fourth of them, Ezekiel 22.7, is followed by the rea'\(^{47}\) and by the 'ani we-ebyon\(^{48}\) while.

The fifth of them, Zechariah 7.10, utters ger, yatom, almanah and 'ani in one breath.

The sixth, Malachi 3.5, adds none of these terms, but introduces the sakir in the same sentence with the ger, yatom and almanah.

These terms for persons in a position similar to the ger, yatom and almanah are not fanciful superfluities. They denote a substantial distinction, which is, that the 'ani, the rea', the dal and the ebyon are Hebrews, while the others are the native Canaanites and their progeny,
who have become laborers for their Hebrew conquerors. There are some valuable hints favoring this conclusion scattered through the texts, e.g.: If thou lend money to any of My people even to the ‘ani ‘immak, thy brother, thy ‘ani, thy ebyon; the ebyonim of thy people; an ebyon, one of thy brethren; thy brother, the ebyon.

“Thou shalt not respect the person of the dal, nor favor the person of the mighty; but in righteousness shalt thou judge thy fellow” (‘amiteka) (‘amit wherever it occurs refers to a fellow-Israelite).

The dallim of the ‘Am (referring to Israelites).

As regards the rea there can be no doubt the word is in direct contrast with ger which refers to the non-Israelite. Its use for Israelite is exemplified in the following: “Thou shalt not go up and down as a tale-bearer among thy people, neither shalt thou stand idly by the blood of thy rea. Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy ‘amit. Thou shalt not take vengeance, nor bear grudge against the children of thy people, but thou shalt love thy rea as thyself.”

Note that later on in the same chapter, there is exactly the same wording with reference to the ger: Thou shalt love him as thyself.

The sakir whom Malachi mentions in addition to the ger, yatom and almanah had a rather complicated history. At first he was a mere sub-division of the ger; later on a class of Hebrew sekirim arose and the ger sakir and the Hebrew sakir existed side by side. Probably by Malachi’s time (he was about 300 years later than Amos) the distinction between the two classes had become obliterated and all the sekirim were regarded as of genuine Hebrew stock.
It is, of course, unnecessary to remind you that the special meaning of laborers here attributed to all these words is not generally accepted. The general meaning of 'ani, according to the Dictionary is "poor, afflicted, humble"; that of ebyon: "in want, needy, poor;" that of dal: "the poor" and that of rea': "friend, companion, fellow." 59

The disparity need not surprise us. We have but to remember that in pretty nearly every language, English not excepted, the great mass of people who are not rich, but who work for a living are curtly called "the poor". 60

Indeed Murray illustrates his definition by quoting from Burke who denounces as base and wicked, the canting phrases of demagogues about "the laboring poor." One might almost suspect the great orator of speaking under the inspiration of the philosophy of our Book of Proverbs, which dubs the arrogant upstart, who dwells in fancied superiority over his fellow-men, "the scowler" (les) 61 and, much to his disadvantage, contrasts him with his betters, the humble men, the laborers ('aniyyim). "The Lord scorneth the scorers (lesim) but giveth grace unto the 'aniyyim." 62

"The rich man ('ashir) is wise in his own eyes;
But the poor (dal) that hath understanding
searcheth him through." 63

A comparison of the texts relating to "the poor" will show that they have no reference to mere paupers, but that they deal with substantial citizens whose labors contribute to the general welfare.

Mere paupers are essentially different. They are free of obligations. They own nothing, they owe nothing, and are creditors to no man. It follows that they have

60Webster's Unabridged, p. 1012; Murray's (The Oxford) English Dictionary, vol. 7, pp. 1114, 115. 61Prov. 21.24. 62Ibid. 3.34. 63Prov. 28.11.
no occasion to sue and no man thinks of suing them. The whole machinery of civil justice is to them a mere spectacle. As to being victims of extortion or of oppression the thing is impossible. The worst that can befall them is to be refused a gratuity. Beyond that they cannot be victimized.

The texts that we are considering deal with quite another kind of persons. Though not rich they are possessed of some property, they can borrow money, they can sue and be sued and they are liable to pay public taxes.

The Book of Exodus contains seven texts which bear upon this subject.

The first, which has been commented on in an earlier lecture of this series, relates to the rea from whom an animal is hired, sometimes to be worked by its owner, and sometimes by the borrower or by another in his behalf.64

The second refers to the 'ani: "If thou lend money to any of my people, to the 'ani 'immak, (the 'ani in thy employ) thou shalt not be to him as a creditor, neither shall ye lay upon him interest."65

The third refers once more to the rea: "If thou take thy rea's garment to pledge, thou shalt restore it unto him by that the sun goeth down; for that is his only covering, it is his garment for his skin; wherein shall he sleep?"66

The fourth refers to the dal: "Thou shalt not follow the multitude to do evil; . . . neither shalt thou favor the dal in his cause", while the fifth refers to the ebyon:

"Thou shalt not divert justice (mishpat) from thy ebyon in his cause."67

The sixth also refers to the ebyon: The produce of the fallow year shall be for "the ebyonim of thy people" to eat,68 while

The seventh recurs to the dal. It provides for a census-

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64Exod. 22.13. 65Exod. 22.24. 66Exod. 22.25,26.
67Exod. 23.3. 68Exod. 23.6.
tax. Everyone numbered shall pay half a shekel: "The rich (he-'ashir) shall not give more, and the poor (ha-dal) shall not give less. . . ." 69

This group of Exodus texts is of interest in various aspects. It and the Jeremiah group of analogous texts are the only ones which employ all of the four terms rea', 'ani, dal and ebyon.

What however is more important is the fact that all the members of all the classes mentioned have either some property or some credit. The rea' is represented in one text as the owner of an animal which he hires out for money, and in another he borrows money, pledging his garment for its repayment. He is probably always poor, but sometimes very poor and seems like the sakir to depend on his daily wage for his living. The ordinance requires that this pledged garment shall be handed to him at night so that he may have a covering needed for sleep. Such a loan must therefore finally rest on credit, that is, the lender must believe that the borrower, once having his garment, will not refuse to work to pay off the debt.

The 'ani, in one text, is represented as being credited with a loan without a pledge, the creditor apparently believing, not only that he will pay the debt, but will also pay interest thereon. The ordinance, however, interferes with such a contract by declaring the exaction of such interest illegal.

This subject of interest for money loaned or tarbit (increase) for victuals loaned was an important feature of labor conditions in the ancient world. The wages or other compensation must have been so scanty that whenever anything beyond the ordinary occurred in a laborer's family, he was compelled to resort to a loan to tide it over, and for this loan interest or increase was exacted. No

69Exod. 30.15.
one but the employer would lend the money to these laborers and there was practically no opportunity to earn a surplus wherewith to pay it back. On the contrary, as new difficulties arose there would have to be more loans. When it is remembered that the great Babylonian empire’s normal rate of interest was three times as great as ours, it will be seen with what terrific rapidity a loan would be doubled. The natural effect of such conditions was that the poor laborer would have to work all his life in the vain effort to reduce a debt which was steadily mounting. He would in short be in a position barely distinguishable from slavery.

That the ger were at first in this condition is fairly inferable from the words of Moses in describing the evil consequences which the non-observance of the Lord’s law by Israel would entail: “The ger that is in thy midst. . . shall lend to thee and thou shalt not lend to him.”70 With the rise of Hebrew working-classes, the latter became subject to the same practices, and the problem of curing the evil became insistent.

The result was the ordinance which forbade the charging of interest for loans to the 'ani71 and afterwards to any Israelite who had become impoverished72 and finally to the sweeping prohibition to take interest from any one but a nokri, an unmitigated alien, a foreigner.73 The effect of this was far-reaching for it relieved the ger, who had by that time either reached assimilation or approached it. While this consequence is nowhere stated directly, it is implied in the ordinance which forbade the charging of interest to an impoverished Israelite who must be treated as a ger we-toshab and no interest or increase may be asked of him.74

This, however, was not the limit of its accomplish-
ment. It practically acted as an obstacle to the development of commerce, evidently on the matured policy of favoring and stimulating agricultural activity. Trade and commerce were to be left to the nokri, meaning, most probably, the Phoenicians, the Tyrians. Isaiah speaks of Tyre as destined "to have commerce with all the kingdoms of the world" and Ezekiel addresses it as "the merchant of peoples for many isles" while Proverbs and Job both use the word *kena'ani* (Canaanite) for "merchant."

However discouraging this state-policy of the Hebrews was to mercantile adventure, it was steadily adhered to. "Take no interest from an Israelite" was the slogan. Like all forcible prohibitive measures there were those who violated it. Ezekiel is especially bitter on such, holding them to be criminals of the deepest dye. While his denunciation may have been intensified by ultra-enthusiasm for the cause, it nevertheless reflected general opinion. A man entitled to respect, one "who shall sojourn in thy tabernacle" is he "that putteth not out his money on interest." The wisdom of Proverbs is equally condemnatory: "He that augmenteth his substance by interest and increase, gathereth it for him that is gracious to the dallim."

We must not however permit our attention to stray too long from the texts concerning the Hebrew working-man which we were considering when we lighted upon the subject of interest on loans.

And now to resume:

The *dal* is spoken of in one text as liable to a fixed capitation tax, like any other citizen rich or poor, which necessarily involves the idea of his having or claiming to have a valuable interest of some kind worth striving for. The *ebyon* too is in one text viewed as having such a

\[\text{Isa. 23.17.} \quad \text{Ezek. 27.3.} \quad \text{Prov. 31.24; Job 40.30.} \quad \text{Prov. 28.8.} \]
case at law. In the other case he is made to receive a quantum at least of the produce of the fallow year. The questions raised in this instance are complicated. First, we must understand what the fallow year is.

The first provision respecting it is as follows:

"Six years thou shalt sow thy land, and gather in the increase thereof; but the seventh year thou shalt let it rest and lie fallow and the ebyone 'ammeka shall eat and what they leave the beast of the field shall eat. In like manner thou shalt deal with thy vineyard and with thy oliveyard."

This curt paragraph cannot possibly be the whole law on a subject so intricate and so important. It would seem to have behind it a body of traditional or oral law familiar to all, and to be stated as it is, merely to introduce a new feature to be added to the old common law.

There is, however, another provision, which being more extended, throws light upon the whole subject. It is found in Leviticus. "When ye come into the land which I give you, then shall the land keep a Sabbath unto the Lord. Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in the produce thereof. But in the seventh year shall be a Sabbath of solemn rest (Shabbat Shabbaton) for the land, a Sabbath unto the Lord; thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine thou shalt not gather; it shall be a year of solemn rest (Shenat Shabbaton) for the land. And the Sabbath-produce of the land shall be food for you: for thee, and for thy 'ebed and for thy amah and for thy sakir and for thy toshab living 'immak (in thy employ); and for thy cattle and for the beasts that are in thy land, shall all the increase thereof be for food."
"And the land shall yield her fruit, and ye shall eat until ye have enough, and dwell therein in safety. And if ye shall say: 'What shall we eat the seventh year? behold, we may not sow, nor gather in our increase;' then I will command My blessing upon you in the sixth year, and it shall bring forth produce for the three years. And ye shall sow the eighth year, and eat of the produce, the old store (yashan); until the ninth year, until her produce come in, ye shall eat the old store." 82

That these two provisions refer to the same institution is, of course, obvious; but there are noteworthy distinctions.

In the former, the year is not given a name. There is no substantive for it. It is, however, characterized by the verbs shamaṭ (to let it rest) and natash (lie fallow). From this verb shamaṭ is derived the name for the release-year (shenat ha-shemittah) of Deuteronomy. 83 This release-year, being the same seventh year, is closely related to the fallow-year of Exodus and to the Sabbatical year of Leviticus though it does not speak of the land. It was, what we call, a statute of limitations. These are its provisions:

"At the end of every seven years thou shalt make a release (shemittah). And this is the manner of the release: every creditor (ba'al mashsheh yado) shall release that which he hath lent unto his rea'; he shall not exact it of his rea' and his ah (brother); because the Lord's release hath been proclaimed. Of a nokri thou mayest exact it, but whatsoever of thine is with thy brother thy hand shall release unless the time should come when there shall be no ebyon among you. . ." 84

The close relation between these three sorts of years was apparent to Nehemiah when a covenant was entered

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82 Lev. 25.2-7, 19-22. 83 Deut. 15.9; 31.10. 84 Deut. 15.1-4.
into to observe the ancient laws among which were "the fallow year and the release year" (we-ni'Tosh et ha-shanah ha-shebi'it u-mashsha kol-yad). Note here the use of natash just as in the fallow-year provision of Exodus, and the conjunction with the release of debts (mashsha kol-yad), as in the limitation law of Deuteronomy.

From the consideration of the three groups of texts the following inference may be drawn:

a) The ancient inhabitants of Canaan whom Israel dispossessed, had probably the custom of the fallow in every seventh year.

b) This custom was, after the Conquest, continued by the Hebrews.

c) As was common in the ancient world, the Canaanite fallow was probably associated with pagan ideas and pagan practices.

d) The Exodus text contained no reference to religion but the Leviticus text was an essential portion of it, the two together being one complete ordinance. This Levitical section gave to the fallow year a specifically Hebrew religious character and even a specifically Hebrew religious name, Sabbathical year. It also supplied the data which were not expressed in the Exodus portion, namely a complete list of those entitled to eat of the fallow-year's produce, and specific directions as to the mode in which thrift should be exercised in order to avoid scarcity.

There were naturally to be store-houses—granaries. That the Hebrews were familiar with this mode appears plainly from the narrative of Joseph's advice to Pharaoh in Egypt. In these granaries the surplus portion of the crop of the sixth year was to be stored, which, with the natural produce of the seventh year, combined with such

85Neh. 10.32.
86Gen. 41.56. Though the Masoretic text of this verse may be somewhat defective, there is enough in it when combined with the Septuagint version to make the meaning unmistakable.
of the crop of the eighth year as would be available for consumption in that year, would suffice to ward off suffering in the Sabbatical year and the year following it. By the ninth year, the bulk of the eighth year crop would be on hand and all danger would be past.

As regards the beneficiaries of the seventh year produce it is to be remarked, that the Levitical section specifies the farmer, his family, his slaves and his Canaanite laborers the sakir and the toshab. When the Hebrews had developed a class or classes of farm-laborers it was necessary to add them to the list and they were accordingly added as a new feature of the old common law, ebyone 'ammeka, the ebyonim of thy people. The word ebyonim is here used as a general term including all the Hebrew farm-laborers by whatever names their classes might on other occasions be known.

After this rather prolix treatment of the Exodus texts we may now pass on to the Levitical texts.

Of these there are but five, one referring to the rea', two to the 'ani and two to the dal. The ebyon is not mentioned in any of them.

The first, the rea' text is as follows:

"Thou shalt not oppress thy rea' nor rob him, (lo ta'ashok et re'eka ve-lo tigzol); the wages of a sakir shall not abide with thee all night until the morning." Here we have the rea' tied to the sakir, the wage-earner, and moreover we have the prohibition against oppressing or robbing him in about the same terms as similar ordinances against abusing other (non-Hebrew) workers are worded.

The 'ani texts are these:

The first of them prohibits reaping "the corner of thy field" and gathering "the gleaning of thy harvest" as also the gleaning of "thy vineyard;" "thou shalt

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87Exod. 23.11. 88Lev. 19.13; Deut. 24.15.
leave them for the 'ani and for the ger.”

The other of them provides: “When ye reap the harvest of your land, thou shalt not wholly reap the corner of thy field, neither shalt thou gather the gleaning of thy harvest; thou shalt leave them for the 'ani and for the ger.”

The probability is that the term ger in these texts is used in a sense large enough to include the yatom and the almanah who are in fact part of the ger.

These texts further show that here, as in the Exodus texts, the Hebrew 'ani had been recognized as a class. When the analogous Deuteronomistic ordinances were enacted, the beneficiaries were merely the ger, the yatom and the almanah. The ‘ani workers had not yet become of sufficient importance to be arrayed alongside of the classes of non-Hebrew workers.

The dal texts are these:

The first provides for an abatement of the offering demanded of the leper who is to be cured, “if he be dal and his means suffice not.”

The significance of this text lies in the fact that the dal is not released from the payment of a proper tax, although the amount thereof is reduced to suit his circumstances.

The other dal text is a substantial reiteration of the Exodus texts which dwell on the duty to do justice without fear or favor:

“Ye shall do no unrighteousness in judgment (mishpah); thou shalt not respect the person of the dal, nor favor the person of the mighty (gadol); in righteousness shalt thou judge thy neighbor.”

The only difference is in the wording and in the use of the dal and ebyon synonymously in the Exodus passages.

The Book of Numbers contains no texts having in

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89 Lev. 19.9, 10. 90 Lev. 23. 22. 91 Deut. 24.29, 20, 21.
them any of the words we are considering. Deuteronomy, on the other hand, is rich in them, though it does not mention the dal.

The rea' texts in Deuteronomy are these:

"When thou dost lend thy rea' any manner of loan, thou shalt not go into his house to fetch his pledge. Thou shalt stand without, and the man to whom thou dost lend shall bring forth the pledge without unto thee. And if he be an 'ani, thou shalt not sleep with his pledge; thou shalt surely restore to him the pledge when the sun goeth down, that he may sleep in his garment, and bless thee; and it shall be righteousness unto thee before the Lord thy God." 94

Hard upon this Deuteronomy text follows one relating to the sakir, 'ani we-ebyon.

The 'ani-ebyon texts are as follows:

"The ebyon shall never cease out of the land; therefore I command thee, saying: 'Thou shalt surely open thy hand unto thy brother, unto thy 'ani and to thy ebyon in thy land.' " 95

"Thou shalt not oppress (lo-ta'ashok) a sakir 'ani we-ebyon among thy brethren or among thy ger that are within thy land within thy gates (bi-she'areka). In the same day thou shalt give him his hire, neither shall the sun go down upon it; for he is 'ani and setteth his heart upon it. . . ." 96

There appears to be no distinction between the 'ani and the ebyon in these texts. Moreover they appear to be used adjectively at times, the main thought being that persons well off in this world's goods should be kind and helpful to the poorer classes. The only workmen who are distinctly conceived as a class are the sakir, the laborers-

94 Deut. 24.10-13. 95 Deut. 15.11. 96 Deut. 24.12, 15.
for daily wage. The others seem to be visualized in the lump as "the poor."

The prophets are not reticent on the general subject.

Amos denouncing Israel charges that they sell the ebyon for a pair of shoes,\(^{97}\) that they pant after the dust of the earth on the head of the dallim and pervert the right of the 'anawim,\(^{98}\) that they oppress the dallim (ha-'oshekol dallim) and crush the ebyonim,\(^{99}\) that they trample upon the dal and take from him exactions of wheat,\(^{100}\) that they turn aside the ebyonim in the gate (i.e. deny them justice in the court);\(^{101}\) they swallow the ebyon and destroy the 'anawim of the land\(^{102}\) and seek to buy the dallim for silver and the ebyon for a pair of shoes.\(^{103}\)

The burthen of his complaint is that the nobility and gentry of the land are unmindful of the common people's welfare, look upon the latter as mere instruments of their pleasure and will certainly encounter a deserved doom. With him the 'ani, and the ebyon are the working masses of the country while the dal is the unsuccessful farmer.

Isaiah is not a whit more complaisant to Judah than Amos to Israel. He charges that the elders and the princes have the spoil (gezelat) of the 'ani in their houses, that they crush the people and "grind the face of the 'aniyyim."\(^{104}\)

And, referring either to Judah or to Israel or to both he denounces "woe unto them that decree unrighteous decrees and to the writers that write iniquity; to turn aside the dallim from justice (din) and to rob of their right (ligzol mishpat) the 'aniyyim of my people". . ."\(^{105}\)

Even when he pictures an ideal government for the future he cannot forbear a thrust against the mean magnates of the present, the wicked 'aris and the arrogant les, who

\(^{97}\) Amos 2.6.  \(^{98}\) ibid. 2.7.  \(^{99}\) Amos 4.1.  \(^{100}\) ibid. 5.11.  \(^{101}\) ibid. 10.1.  \(^{102}\) ibid. 8.4.  \(^{103}\) ibid. 8.6.  \(^{104}\) ibid. 3.14, 15.
will in better times disappear with the consequence that the ‘anawim shall rejoice in the Lord and the ebyonim shall exult in the Holy One of Israel.  

When a true Davidic type of king shall be restored, “with righteousness shall he judge the dallim and decide with equity for the ‘anawim of the land.”

Jeremiah, too, berates the magnates of Judah: “They do not award justice (mishpat) to the ebyonim.”

“He bitterly denounces the King Jehoiakim: “Woe unto him that buildeth his palace by unrighteousness, And his chambers by wrong, That useth his rea’s service for naught And giveth him no wage for it.”

And contrasts his corruption with the righteousness of his father King Josiah: “He judged the cause of ‘ani and ebyon, and it went well with him.”

When Babylonian supremacy made Zedekiah the last king of Judah before the Captivity, a wave of contrition seems to have swept over the land because of the breach of the laws relating to Hebrew laborers, slave and free. Under its influence there was enacted a solemn resolution to obey these laws in future. When the peril under which that action was taken seemed past, the old abuses were revived. This called forth Jeremiah’s denunciation:

“Thus saith the Lord: Ye have not hearkened unto Me to proclaim liberty, every man to his brother and every man to his rea’;” and therefore “I will give them into the hand of their enemies and into hand of them that seek their life.”

Ezekiel enumerates among his vicious criminals him
that “hath wronged (honah) the ‘ani and the ebyon, taken by robbery (gezelot gazal),”¹¹⁴ and indicts the princes of Israel, for having committed grave crimes, among them having gained from their re’im by extortion or oppression (be-‘oshek)¹¹⁵ which profit he here stigmatizes as plunder (beṣa’), just as in the text before quoted he calls it robbery.

Enlarging upon his theme, he inveighs against the ‘am ha-ares for similar offences, which he characterizes as oppression(‘oshek) and robbery (gazel). The crimes charged are “having wronged (honu) ‘ani and ebyon and oppressed the ger contrary to law.”¹¹⁶

Zechariah speaks in the same strain:

“Thus hath the Lord of hosts spoken, saying, Execute true justice, show mercy and compassion every man to his brother. Oppress not (al-ta’ashoku) almanah, yatom, ger or ‘ani. . . .”¹¹⁷

Malachi while speaking on the same subject makes no mention of a specific class of Hebrew laborers. While he warns against unfair treatment of sakir, almanah, yatom or ger, he does not mention rea’, ‘ani, dal or ebyon. As he probably lived and worked during or shortly after the advent of Ezra and Nehemiah, the inference is not remote that in the restored Commonwealth, the Hebrew laborers held a position superior to that which had been theirs before the Captivity. The social conflict, between the nobility and gentry on the one hand and the laborers and the less successful farmers on the other, had been greatly reduced. The fifth chapter of Nehemiah seems to confirm this view.¹¹⁸

The Proverbs too throw light on our subject:

“The oppressor (‘oshek) of the dal blasphemeth his Maker,

But he that is gracious to the ebyon honoreth Him.”¹¹⁹

¹¹⁴Ezek 18.2. ¹¹⁵Ibid. 22.12, 13. ¹¹⁶Ibid. 22.29. ¹¹⁷Zech. 7.9, 10.
"Say not unto thy rea', Go and come again, 
To-morrow I will give—when thou hast it by thee."\(^{120}\)

"He that is gracious to the dal lendeth unto the Lord."\(^{121}\)

"He that oppresseth the dal for gain 
Will pay to the rich ('ashir) and come to want."\(^{122}\)

"Do not rob (al-tigzol) the dal, because he is dal, 
Nor crush the 'ani in the gate" (at the local court sitting in the gate).\(^{123}\)

"The king that faithfully judges the dallim 
His throne shall be established forever."\(^{124}\)

"There is a generation whose teeth are as swords, 
and their great teeth as knives, 
To devour the 'anîyyim from off the earth, and the ebyonim from among men."\(^{125}\)

"Open thy mouth, judge righteously, 
The cause of 'ani and ebyon."\(^{126}\)

Job too describes transgressors of the kind we have been considering:

"They drive away the ass of the yetomim, 
They take the almanah's ox for a pledge, 
They turn the ebyonim from their right, 
The 'anawim of the land hide themselves together."\(^{127}\)

"They take pledge from the 'ani 
So that they go about naked, without clothing, 
Carry sheaves and remain hungry, 
Tread winepresses and suffer thirst."\(^{128}\)

The conclusion to be derived from the texts is that the various names for the Hebrew poorer classes, did not originally suggest any great disparity among them. Their multiplicity may have been due to local, to temporary or to dialectal causes.

\(^{120}\)Ibid. 3.28. \(^{121}\)Prov. 19.17. \(^{122}\)Ibid. 22.16. \(^{123}\)Ibid. 22.22. \(^{124}\)Ibid. 29.14. \(^{125}\)Job 24.9, 10, 11. \(^{126}\)Ibid. 31.9. \(^{127}\)Job 24.3, 4.
The notion that they were all recipients of charity is old and wide-spread. Indeed, in one instance A. V. goes so far as to translate *ebyon*, straightway, by beggar.\(^{120}\)

My hope is that such ideas may be finally dismissed. Actual beggars or actual beggary is perhaps nowhere mentioned in the Bible. The two strongest passages referring to it are to be found in the Psalms. They are both utterances of the lowly spirit.

The first is the thirty-seventh Psalm.

It rejoices in the prospect that the 'anawim shall inherit the land \(^{130}\) and that the wicked who design to depress the 'ani we-ebyon shall be baffled,\(^{131}\) and sums up experience in this hopeful strain: "I have been young and now I am old, yet have I not seen the innocent forsaken nor his seed begging bread (*mebakkesh lehem*).\(^{132}\)

The second is the one hundred and ninth Psalm. The Psalmist is represented as dwelling on the malignity of his enemies and invoking against them and their progeny the sternest retributive justice: "Let his children be vagabonds and beg. . ." (*we-shielu*).\(^{133}\) Such a fate he demands for the powerful oppressor who "persecuted the 'ani we-ebyon."\(^{134}\)

While the picture of beggary, present in the mind of the Psalmist, must have been derived from life, yet it presents no actual condition, but is in both cases an imaginative suggestion. Certain it is that the 'ani we-ebyon whose voice we hear has nothing in common with this hypothetical beggar nor with any actual beggar. He may, it is true, be subject to oppression by his employer, but he can have recourse to the Courts and he will obtain justice. Indeed there is nothing more admirable in any system of jurisprudence than the principles laid down in the Mosaic law to govern the administration of justice.

\(^{120}\) Sam. 2.8.  
\(^{130}\) Psalm 37.11.  
\(^{131}\) Psalm 37.14.  
\(^{132}\) Psalm 37.25.  
\(^{133}\) Psalm 109.10.  
\(^{134}\) Psalm 109.16.
The charge of Moses to the judges was:

"Hear the causes between your brethren, and judge righteously between a man and his brother, and between a man and his ger. Ye shall not respect persons in judgment, ye shall hear the small (katon) and the great (gadol) alike; ye shall fear no man, for justice (mishpat) is God's."

An important Exodus passage indicates the danger that tribunals might be influenced by popular prejudice, the voice of the crowd.

"Thou shalt not follow the crowd (rabbim) to do evil, ... to pervert justice;" and do not favor the dal in his cause (be-ribo). Thou shalt not wrest the judgment (mishpat) of thy ebyon in his cause.136

"Ye shall do no unrighteousness in judgment (mishpat); thou shalt not favor the dal or the gadol; but in righteousness shalt thou judge thy neighbor (ami-teka)."137

"Thou shalt not wrest judgment, thou shalt not respect persons, nor take a gift. ..."138

"Thou shalt not pervert the justice due to the ger..."139

"Cursed be he that perverteth the justice due to the ger. ..."140

Isaiah, denouncing injustice in the courts declares that unrighteous judges "turn aside the dallim from justice (din) and rob (gazal), 'aniyyim of their right (mishpat)..."141

Jeremiah too declares of such that they do not judge the right (mishpat) of ebyonim."142

Whatever the origin of the four names for the Hebrew poorer classes, it would appear that in the event only one of them developed a specific and peculiar meaning. This was the dal.

Just as the landless Canaanites had become the sakir and those who had been landholders before the Conquest had become the toshab, so there was a somewhat similar
movement among the Hebrews. The landless ones became in general, the ebyon, the ‘ani, the rea’ and later on the sakir, while the landholders who were in danger of losing their farms or who had actually lost them became the dal.

Amos, in the eighth century B.C., denouncing the Northern government (Israel) declares that “it tramples upon the dal” taking from him unreasonable proportions of his wheat, and rails at the luxury and extravagance of those who thus abused their taxing-power. This burdensome wheat-tax he calls mas’at-bar.\(^{143}\)

That even before Amos, there were unsuccessful landowners appears incidentally in the narrative which tells of the selection of Gideon to be the shofet of Israel. When the deputation waited on him to tender him the great office, he was found threshing wheat. In his reply he modestly deprecated his fitness for the post describing his family or clan as dal and himself as its humblest member.\(^{144}\)

The dal farmers persisted as a class until the downfall of the Judean Kingdom (586 B.C.) and even then, they were not deported but were favored by the Babylonian Conquerors.

The record, after reciting the classes that were deported, adds: None remained save the dallat ‘am ha-areş\(^{145}\) or as they are otherwise called dallat-ha-areş, who were left to be vine-dressers and husbandmen.\(^{146}\)

The policy of the Babylonian conquerors was to deport the magnates and the powerful, but to leave the dal at home to continue the cultivation of the land.

And now to sum up the result of our inquiries:

At the final conquest of Canaan, the Hebrews took the land of the Canaanites and divided it among themselves, retaining the previous inhabitants as workingmen. Most of these remained settled on the land as a peasant

\(^{143}\) Amos 5.11.  \(^{144}\) Jud. 6.15.  \(^{145}\) Kings 24.14.  \(^{146}\) Kings 25.12; Jer. 52.15, 16.
population and these were called toshabim, while those who were not so settled worked for daily wage as sekirim. The general term applied to both classes was ger (literally, stranger). When one of these gerim died his family were not driven out of their humble cottage, but remained on the land and worked on it. Hence the locution ger, yatom we-almanah which occurs so frequently as descriptive of the conquered population.

This word ger has undergone curious transformations. At first and for many centuries it simply meant stranger. When Abraham, in addressing the Hittites, called himself a ger he used the word in that sense. After the Hebrew conquest had subjected the Canaanites, it acquired the additional meaning of laborer, and this it retained during the whole period covered by the Biblical writings, even to a time when the ger had been thoroughly absorbed in Israel and the distinction had no application in real life. The Book of Proverbs so replete with keen observation and profound reflection on social conditions never mentions the word, while it speaks abundantly of the ebyon, the dal and the 'ani classes of workingmen. When it was written, say three hundred years before the present era, the descendants of the ger were undoubtedly classed with the Hebrew workingmen and were not known by any other name. The only way in which the word survived was that in consequence of the historical facts, it gradually and insensibly came to mean a proselyte. It had acquired that meaning more than two thousand years ago when the Greek translation of the Bible, called the Septuagint, was made. Wherever the text refers to the gerim we have been considering, the Greek version, without much regard for historic probability, but evidently in accord with current speech, renders proselyte. Its earliest use in that sense in any Hebrew writing that I know of, is in the Mishnah,
written probably about the year 200 of our present era, though it had probably been used in common speech for centuries before, to designate individuals of foreign stock coming in to adopt the religion of the Hebrews. That meaning it retains to this day. It is a curious philological phenomenon that while this use persisted in speech, it was eschewed in Hebrew writing. When, in the Book of Esther (written perhaps contemporaneously with the Septuagint) such proselytes are spoken of, they were not called ger nor indeed by any other substantive. They were described by the action taken by them, for which purpose the Hebrew writer invented a new reflexive verb. There is but one instance of its use: Esther 8.17, and this in the form of a participle: mityahadim or as we might say "judaizing themselves."

Closely associated with this ger in the records, is another class called the ezrah. They are not mentioned as being either workmen or as belonging to the poor. Their position as regards civil status seems to be on a parity with that of the whole body of Israel. The only difference is in religious matters. From what the texts tell us we may fairly infer that they were a large and compact body of voluntary proselytes, and the only clue to such a movement leads us back to the very beginning of the Hebrew nation. At the Exodus from Egypt, a considerable body of Egyptian natives attached themselves to Israel with the determination to become a part thereof and to share its fate. The records give us two contemptuous names for them: 'ereb rab and asafsuf, both fairly rendered by "the rabble." That there should have been no right name for them seems impossible. When we reflect that the Israelites looked upon themselves as gerim in Egypt, the probability that by way of contrast they called these Egyptians "natives" seems reasonable. In their language,
ezraḥ meant *native* and the conclusion is easy to reach that this body of proselytes was called ezraḥ.

From the texts it plainly appears that their reception was cold. Willing as they undoubtedly were to assume all the duties, civil, military and religious, imposed on Israelites, the latter would not at once admit them to full religious equality, but insisted that they should rise to that height, by degrees. Notwithstanding this repugnance, their full assimilation to Israel must have been achieved at a very early period, since they were held up to the *ger* as an example and a model whom they should imitate and might hope to reach. It is significant that none of the prophets ever mentions, the ezraḥ save only Ezekiel in the course of a vision replete with learned historical memories.

The stages of the advance of the ezraḥ and of the *ger* to full membership in Israel, I have endeavored to sketch. At all events, the end was reached, though the memory of their different origins was not quite effaced for centuries. To the great body of Canaanite workmen and their progeny, there was finally added a large Hebrew element.

The dream of an equality of property and of prosperity indulged in by the conquerors was, naturally, not realized.

Whether there was a piece of land assigned to every householder is doubtful. There were probably many who never received any. But even if this were not so, there would be not only differences of soil and climate but disparity of ability and efficiency, both causes of varying results. Despite the best intentions, some grew rich and others slid into poverty.

It was inevitable that classes of Hebrew laborers would be formed, and to these were given names: *ebyon*, *‘ani*, *dal* and finally *rea*. Of all these classes only one, the *dal* came to mean the unsuccessful farmer, who, though he did not prosper, was still able to hold on to his land
cultivating it by the aid of his wife and children and in many cases supplementing its insufficient returns by working part of the time for others, and receiving wages therefor.

Needless to say, extreme prosperity in some raised a brood of greedy and avaricious men ready to tyrannize over their poorly-endowed neighbors.

The whole Biblical literature shows an age-long struggle against this class and in behalf of the poor, and establishes the fact that the movement in favor of the latter was largely successful, so that not only the Hebrew laborer but the ger were greatly improved in condition, more especially after the Return from Babylon.

Classes of beggars or paupers there were none. The frequent use of words denoting poverty meant no more than to mark out the line between the rich and those who had to earn their living by manual labor.

In a word the stranger and the poor of our versions, were both important and useful constituent parts of the body of Israel, and were, in the last analysis, neither strange nor poor, because they fully shared in the intimate life of the community and earned an honest living by their labor in its behalf.

So that we may fairly say that a great movement for the protection and improvement of the laboring mass was initiated in Israel more than three thousand years ago and continued to permeate its life and its literature, becoming indeed a part of the mental constitution of the people.

While the records of the Bible on the subject may not have been fully appreciated, the main fact could not be ignored and by the wide diffusion of the Book it has penetrated into every nook and corner of the civilized
world and changed institutions and governments. To close with the words of Zangwill, the Bible "transcends the race that produced it, like all great literature, though none other has, in the same degree carried a message to every race and grade of mankind.""147
III. Sins and Their Punishment

Among the various sins discussed by Sirach two are condemned most emphatically: dishonest dealing in the acquisition of wealth, and immorality; and in both of them the open defiance of God and the false security of the sinner’s mind are strongly denounced. (5.1): “Set not thy heart upon thy goods; and say not, They are sufficient for me. (2) Follow not thine own mind and thy strength, to walk in the desires of thy heart. (3) And say not, Who shall have dominion over me? For the Lord will surely take vengeance on thee. (4) Say not, I sinned, and what happened unto me? For the Lord is longsuffering. (5) Concerning atonement be not without fear, to add sin upon sins: (6) and say not, His compassion is great: He will be pacified for the multitude of my sins: for mercy and wrath are with Him, and His indignation will rest upon sinners... (8) Set not thine heart upon unrighteous gains: for thou shalt profit nothing in the day of calamity.”

The wealthy man addressed here considered his possessions not only sufficient for the needs of the day, but even secure for the whole length of his life. Though reflecting pride, such worldly confidence would not yet have provoked God’s anger; but the security of his mind made his overweening heart the guide of his conduct, and he ignored the will of God in his actions and followed his own desires.
For that attitude He will punish him. When reminded of such consequences of his false trust, he refers his warners to the reassuring fact that so far he had experienced no punishment, though he had sinned on many an occasion. Sirach was not in a position to deny the undisturbed happiness of some sinners; and all that he could do was to warn them that their case was not due to God's indifference to man's conduct and his unlimited forgiveness and compassion, but to his longsuffering. Continued sinning is sure to exhaust it, and His great mercy will in the end turn into wrath. The sin admitted by the wealthy man is neither stated nor discussed; but the reference in v. 8 to his confidence that, when the threatened calamity overtakes him, he would offer to God sacrifices, and the warning that at that stage the unrighteous gain would prove useless, clearly indicates that the sinner has been increasing his wealth by dishonest means. This is stated again (16.12): "As His mercy is great, so is His correction also: He judgeth a man according to his works. (13) The sinner shall not escape with his plunder; and the patience of the godly shall not be frustrate". Here his sin of plundering is expressly named, his dishonest dealing with a helpless pious neighbor who, as it appears, could not obtain redress in a court of law, as either the transactions were formally within the letter of the law, or the wrongdoer was too mighty to be sued; but the wronged trusts that he will obtain redress through God who is sure to grant it.

The close connection in the confident mind of the sinner between wealth, violence, and sacrifice in the Temple is even more fully stated again (35.12 = 32.14): "Think not
to corrupt with gifts; for He will not receive them: and set not thy mind on an unrighteous sacrifice; for the Lord is judge, and with Him is no respect of persons. (13) He will not accept any person against a poor man; and He will listen to the prayer of him that is wronged. (14) He will in no wise despise the supplication of the fatherless; nor the widow, when she poureth out her tale... (16) He that serveth (God) according to His good pleasure shall be accepted, and his supplication shall reach unto the clouds. (17) The prayer of the humble pierceth the clouds, and till it come nigh, he will not be comforted; and he will not depart, till the Most High will visit; and He shall judge righteously, and execute judgement". The poor and humble man, and the fatherless and the widow were wronged in turn; they have nobody whose help they could solicit against the oppressor, except God. As He acts here as the just judge by whom both parties are equally and impartially heard and judged, the idea underlying Sirach's presentation is that of a law-suit before God: the wronged submits in a prayer his complaint to the judge, presses his case upon his attention, and will not withdraw, until God takes it up. By a visitation of some kind the wrongdoer is awakened by Him and reminded of the violent act which he recently committed. Grave illness was the means of God for pointing to the fulness of the measure of sin, just as in I Kings 17. 18 the woman of Sarepta said to Elijah, "What have I to do with thee, O thou man of God? art thou come unto me to bring my sin to remembrance, and to slay my son? Similarly in Ex. 4. 24–26 the sudden illness of Moses or of his son was a reminder from God that by the postponement of his son's circumcision he had neglected an urgent duty. And Sirach himself regarded sickness a punishment for sins and advised his followers to pray in illness to God, and to support their supplication by a
sacrifice (see below). Thus the sick sinner for whose punishment the wronged had prayed traced his calamity to a recent instance of his oppression of the weak, and he tried to bribe God by sacrifices, and to pacify Him for his many sins; but as his offerings come out of dishonest gain, they are naturally not accepted. The same idea is forcibly expounded again (34.18 = 31.21): "He that sacrificeth of a thing wrongfully gotten, his offering is made in mockery; and the mockeries of wicked men are not well-pleasing. The Most High hath no pleasure in the offerings of the ungodly; neither is He pacified for sins by the multitude of sacrifices. As one that killeth the son before his father's eyes is he that bringeth a sacrifice from the goods of the poor... (24) One praying and another cursing, whose voice will the Lord listen to?" If further proof were necessary, here is the clear evidence that the exactly parallel groups of verses just interpreted refer to the sin of dishonest dealing, and the subsequent sacrifices brought by the sinner from his ill-gotten gain were offered to pacify God who sent grave illness upon him as the outward expression of His anger; and at the same time, the poor man who had been cheated of his scanty possessions is cursing the wrongdoer before God for his deceit and robbery.

The other transgression of the sinners which Sirach strongly denounced was immorality. About this subject a personal prayer of our author has to be quoted first

51 Cf. Ex. 22.21, 22.
52 The Greek word frequently used for dishonesty is ἀδικους, as in 40.12: "All bribery and injustice shall be blotted out; and good faith shall stand for ever.
53 It seems, Sirach was here thinking of 1 Kings 8.31, 32. There the two conjugations of the verb 778 can hardly have the same meaning, as the Hif'il is nowhere used in the sense of adjuring; Jud. 17.2 has for that the Kāl, as also 1 Sam 14.24 where it corresponds with 7777 in v. 28.
(23. 4): "O Lord, Father and God of my life, give me not lifting up of eyes, (5) and turn away concupiscence from me. (6) Let not appetite of the belly and chambering overtake me; and give me not over to a shameless mind". As the commentators rightly note, all these lines refer to temptations to immoral acts. Such enticements then as nowadays came to meet men of the wealthy class in the home, in the street and in society, and lay in wait on every possible path (9. 3–9). As they might have overpowered unawares also Sirach, he endeavored to be on his guard himself, but, owing to human weakness, he felt in his struggle the need of God's assistance. As some of those whom he termed sinners not only considered a loose life to be no grave sin, but, without an earnest attempt at moral resistance, secretly yielded to immoral lust, and even committed adultery, Sirach vehemently inveighed against their conduct and its irreligious root. His statement a part of which was considered above, is for his conception of sin very instructive (23. 18): "Saying in his heart, Who seeth me? Darkness is round about me, and the walls hide me, and no man seeth me, of whom am I afraid? The Most High will not remember my sins; (19) and the eyes of men are his terror, and he knoweth not that the eyes of the Lord are ten thousand times brighter than the sun, beholding all the ways of men, and looking into secret places. (20) All things were known unto Him or ever they were created; and in like manner also after they were perfected." And in two lines (21) he declares that the adulterer will be caught and punished even by men, as also the adulteress (21–26); and the impressive warning concludes (27): "And they that are left behind shall know that there is nothing better than the fear of the Lord, and nothing sweeter than to take heed

54 About the lifting up of the eyes in that sense in the rabbinic literature see Büchler, Some Types of Jewish-Palestinian Piety, 53 ff.
unto the commandments of the Lord." As the sinner in Job 24. 15, so here the adulterer is conscious of committing a grave sin, and he knows that it is hateful to God; He sees his deed, and will undoubtedly punish him. It is due to Him that the adulterer and the adulteress are caught and put to death. And thus on the one hand the practical consideration of the certain punishment by human justice is advanced as a warning; and on the other God's unfailing delivery of the criminal into the hands of the court of justice as His agents to execute His verdict, as v. 18d makes us to expect, is added to strengthen the caution against the certainty of punishment. The sin of the adulteress was in this instance not prompted by lust, but by her desire to have a child; and even so it is emphasized in the list of the effects of her deed as most grave: she sinned against God's law, trespassed against her husband, and brought in children by a stranger. The assertion\(^{55}\) that in that case the conscience of the ordinary man did not feel her sin to be great is certainly unfounded. For the continued statement of the punishment that will overtake her and her children clearly shows that the emphatic enumeration of her sins was not intended to meet any wrong appraisement of the people, but for the adulteress who was not deterred from sinning in secret and did not seem to realize the gravity of her act and its consequences. Even if her adultery is not followed by conception, it broke God's law and her duty to her husband to whom she is wedded; in any case she should have considered beforehand her physical constitution, and the probability of her bringing into her husband's house children who, though by a stranger, will inherit her husband's property and name. All this is stressed as against the excuse of the childless woman that all that she desired

\(^{55}\) Frankenberg in ZAH' 15, 1895, 121.
and sinned for was a child; to silence such excuse as being most sinful, Sirach points to the certainty of the detection of her sin, of her appearance before the judging congregation and the death sentence. And, what must destroy her excuse, her children for whom she committed adultery will not only not thrive, but be visited by the curse of God.

Both sins, dishonest dealing and immorality, are included with other trespasses, less grave, but more general, in an interesting statement; and as the object of this enquiry is to establish Sirach's conception of sin and to test it by everyone of his references to sin, it is necessary to examine, if only briefly, the social offences mentioned here. First, of the son's attitude to his parents Sirach says (3. 10): "Glorify not thyself in the dishonour of thy father... (11) And a mother in dishonour is a reproach to her children. (12) My son, help thy father in his old age... (14) for the relieving of thy father shall not be forgotten; and instead of sins it shall be added to build thee up. (15) In the day of thine affliction He shall remember thee; as fair weather upon ice, so shall thy sins also melt away. (16) He that forsaketh his father is a blasphemer; and he that provoketh his mother is cursed of the Lord." Here the duties of the son to his parents are expressly stated, and their fulfilment is emphasized as a merit not forgotten by God. On the other hand, the failure to carry them out, though not expressly termed a sin, is described as an act as grave as blaspheming God and as punished by His curse. How the unnatural glorification in his father's dishonor, that far surpasses Pro. 30. 17, is to be accounted for is difficult to see. It appears that in the circles which Sirach had in view such

66 The idea is evidently based on Prov. 14.31: He that oppresseth the poor blasphemeth his Maker; and 17.5: Whoso mocketh the poor blasphemeth his Maker
disrespect extended to old persons generally.\textsuperscript{57} And it seems that, in addition to the natural claim to sustenance necessitated by the physical weakness of the father, the failing of his mental capacities demanded the protection of the old parents from the savageness of their son. For in the same context (3. 13) Sirach says, “And if he fail in understanding, have patience with him; and dishonour him not in thy full strength”. Was it due to some tendencies of the time to respect only youth and the full vigor of manhood, or was it to be ascribed to the influence of that branch of Greek teaching that saw in the incapacitated men and women useless wasters in human society? Is it accidental that the authors of the books of Tobit and Jubilees, both the products of Hellenistic environments, had to emphasize the same warning? Was in Sirach the father a plain, observant Jew, and the son an advanced Hellenist, estranged from his father’s standard of thought, who, when blamed by the parent for the neglect of law and tradition, not, only ignored the reproach, but, in his asserted intellectual superiority and in his boasted progress, even ridiculed his father and looked down upon his parents? In any case, his sin is one against God who in the Decalogue commanded to honor father and mother (3. 6).

For its observance God promised as a reward the extension of life; that is, in case the son as a sequel to his numerous sins should be visited by a grave illness sent by God and deserved to die therefrom, he will be spared, will recover, and continue to enjoy his life with his family. For God will remember to him the material relief and sustenance which he granted his father, and He will blot out his sins, and stop his punishment. It is true that the sickness has to take its course for some time, in order to teach the sinner that transgressions are inevitably followed by

\textsuperscript{57} 8. 6: Dishonour not a man in his old age; for some of us also are waxing old.
the commensurate retribution deserved, and that God in his justice demands the execution of the punishment. But when the lesson has been sufficiently impressed, and the suffering has lasted long enough to produce repentance of the past and a resolution for an improved conduct in the future, the merit is taken into account, and the danger of the illness is reduced. This principle is taught in the same chapter again (3. 3): "He that honoureth his father shall make atonement for sins: (4) and he that giveth honour to his mother is as one that layeth up treasure. (5) Whoso honoureth his father shall have joy of his children; and in the day of his prayer he shall be heard." The right conduct towards the parents brings forgiveness of sin, as Sirach puts it (2. 11): "For the Lord is full of compassion and mercy; and He forgiveth sins, and saveth in time of affliction." When such a man suffers for his sins, God, so to speak, performs two distinct actions: in His compassion and mercy He first forgives his sins as a consideration of his merits; and once that source and cause of his present affliction has by that forgiveness been removed, He lifts the calamity itself. About that effect of the merit of honoring and supporting the parents (3. 3) Dr. Oesterley remarks, "It was a tenet of Judaism that works were meritorious, and therefore efficacious in annulling sin; thus the keeping of the fifth commandment atoned for sin. In the Old Testament sacrifices only atone for sin, in

Koeberle, Stunde an Gnade, 626, rightly emphasizes the fact that in Sirach man's consciousness of God's forgiveness of his sins coincides with his experience of God's help and blessing, the alleviation of his pains and his suffering; forgiveness is not at all merely a spiritual, religious blessing, and the deliverance from distress, from illness, is not only outward help, but both coincide (cf. Ps. 32.1-5). The exact parallel in Mk. 2.3 should be mentioned here: "When Jesus saw their faith, he said unto the paralysed, Son, thy sins are forgiven thee." Montefiore, The Synoptic Gospels, I, 76, notes on the passage: "The healing was intended from the first to follow rapidly upon the proclamation of forgiveness. For the healing is the visible sign and proof of the reality of the forgiveness." And on p. 77 he says, "Jesus adopts the current view that the malady is the result of sin. Nor, however much some theologians would desire it, does he ever really combat the doctrine, false and strange as it seems to us, that disease implies sin,... He shared the usual belief that special maladies, such as paralysis, implied previous sin."
the New Testament it is only Christ who does so; here we have an intermediate conception: atonement is effected by the acts of a man". The three conceptions and the facts underlying them seem to me to be here rather loosely, and the corresponding elements incorrectly, stated. The first and foremost means of atonement in the Bible was repentance, as numerous passages in the Prophets expressly state; the sacrifice which the repentant sinner brought in only few cases was merely the visible expression of his approach to God and of his submission of his life to Him. If a man stole, robbed, misappropriated or embezzled a fellow-man's goods, the admission of his guilt, the restoration of the property, and the additional payment of a fifth of its value to appease the wronged person were the preliminary and indispensable acts of atonement, as far as the neighbor was concerned. Then followed the humiliation before God in the form of a confession of the sin over the head of the sacrificial animal in the Temple court, and the sprinkling by the priest of the blood of the offering instead of the life forfeited by the sinner (Lev. 5.20–26). As the Jew, as a rule, visited the Temple only three times during the year, and even then did not offer atoning sacrifices, the ever progressing spiritualization of Judaism created outside the sanctuary means of atonement religiously purer, though less solemn. So already Prov. 16. 6 teaches: Iniquity is atoned by mercy and truth, lovingkindness. Such were the 'works' in the days of the Old Testament to which Christian scholars so persistently object, but which constituted, and, let us hope, will ever form one of the many truly and strongly religious elements of Judaism. Similarly all honest dealings, whether the amount concerned be large or very small, are 'works'; as also the deeds of Jewish charity and lovingkindness, as the visiting of the sick, the burying of the dead, the comforting of
mourners, to share the joy and the grief of others, to help the poor and the needy in every possible way, all those are ‘works’. In the sight of the destruction of the Temple R. Johanan b. Zakkaï declared to his despairing disciple Joshua b. Hananiah that lovingkindness had the same atoning force as the altar and the sacrifices⁵⁹; though for the sake of the contrast and comparison he quoted Hos. 6, 6, he merely expressed the idea of Prov. 16. 6. Jesus held the same view, when he taught that ‘works’ helped to salvation;⁶⁰ and as to atonement, he put himself not in the place of the atoning sacrifice, but in that of God who does not atone,⁶¹ but, after the sacrificial atonement, forgives the sin. As to Sirach’s view of the atoning effect of ‘works’, he expressly states that it is not sufficient to refrain from dishonoring the father (3.10ff), as such a negative conduct has no atoning merit; only the positive, active honor atones. And just as the dishonoring of the parents is a sin that involves punishment, so honoring them is a merit that brings reward from God. Such reward is expressed as the atonement of sin, as treasure, as joy in the family, as the prolongation of life, and as the acceptance of prayer; and the active honoring is termed by Sirach as deed and word, 3. 8, and as help and kind words, 3. 12.⁶² Again Dr. Oesterley finds here the favorite idea of the balance of sin and merit, but I have not succeeded in discovering it.

As the commentators derive some help for the interpretation of 3. 8ff. from the Hebrew text, a word must be said about the latter. It reads: בְּנֵי בְּנוֹrejected וּבְמֵאֲשָׂה כּהָר אָבִּיךָ עָבְרָה יְשַׁעְרָה כָּל בְּרָחוֹת. It is simply incredible that Sirach should have used the late, paitanic בֹּעָרָה, as it

⁵⁹ Abot R. Nathan 4.11a.
⁶⁰ About the views of the early Church on the subject see H. B. Swete, in Journal of Theological Studies, 1V, 1903, 323.
⁶¹ Lev. 4.26.31, 35; 5.10, 13.16.18.26, Num. 15.25.
⁶² applied to the father is impossible, see Peters: how the rabbis between the years 70 and 135 practised the honoring of their parents, can be seen in the old reports in Jer. Pe‘ah 1, 15c.16ff; b. Kidd. 31aff.
is not neo-Hebrew, but a wrong creation of the Middle Ages. Whether he used הָאָרֶץ in the sense of speaking, is more than questionable. In 3. 9: הָאָרֶץ to the impossible coupling of which, as a rule, refers, to the laying of foundations, with הָשָׂרִי that applies to a plant, is sufficient to excite suspicion against the authenticity of the Hebrew. Now Greek has στηρίξειν οἴκους τεκνῶν, and Syriac מַחְשַׁבֲרֵה, so that the original did not contain the word בָּשָׂר. Nor does מַחְשַׁבֲרֵה look natural Hebrew, not only because in the Bible מַחְשַׁבֲרֵה is used in the Kal and the Nif'al, and here the vocalization מַחְשַׁבֲרֵה would be required; but because מַחְשַׁבֲרֵה is hardly the appropriate object to that verb. Greek has ἐκριτοί θεμέλια, as Syriac מַעֲקֹרֵר עַשְּרֵה, both presupposing סֶרֶד and not מַחֲשַׁבֲרֵה. In 3. 14, מַעֲקֹרֵר the paitanic, medieval מַעֲקֹרֵר alone is sufficiently suspect, and, as the commentators point out, its intended meaning: instead, is nowhere else proved. So מַעֲקֹרֵר and מַעֲקֹרֵר point to a Palestinian paitan, at the earliest, of the sixth century, that is, to a retranslation of some version into Hebrew. As the full agreement of the Hebrew with the Syriac even in the difficult מַעֲקֹרֵר in v. 17 suggests, the Hebrew text here is the translation of a Syriac rendering of the original.

The examination of Sirach’s statements about sins of various kinds has shown that these concerned wrongs done to the fellow-man; and on that result we are, I think, justified in assuming that every general reference to sin without further explanation points to an act of injustice, to dishonesty or violence. As he is frequently addressing

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43 See Ginzberg in Semit. Studien in honor of Prof. Noeldeke.

44 Except when Sirach quotes accounts of the Bible, as in 46. 7: Joshua and Caleb hindered the people from sin; 47. 11: the Lord took away David’s sins; 47. 23: Jeroboam made Israel to sin, and gave unto Ephraim a way of sin, (24) and their sins were multiplied exceedingly; 48.15: in the days of Elijah the people repented not, and they departed not from their sins; 48.16: of Judah some did that which was pleasing to God, and some multiplied sins.
wealthy followers of his, his warning (31 = 34.8): "Blessed is the rich that is found without blemish, and that goeth not after gold," is clearly appealing for honest business. They acquired wealth, but will enjoy it only if it was gathered in an honest way, and if they will not be urged on by cupidity to future increase. Sirach continues (9–11) that such a man has done wonderfully among his people, for he had the opportunity to do wrong and did not commit any: he will enjoy his possessions, and the congregation will publicly declare his righteousness. Sirach further exposes dishonesty in trade (26. 29): "A merchant shall hardly keep himself from wrong-doing; and a huckster shall not be acquitted of sin. (27.1) Many have sinned for a thing indifferent; and he that seeketh to multiply (gain) will turn his eye away. (2) A nail will stick fast between the joining of stones; and sin will rub itself in between buying and selling. (5) Unless (a man) hold on diligently in the fear of the Lord, his house shall soon be overthrown." As the whole group of verses clearly shows, it is not with immorality incidental to his association with women that the hawker is charged, but with cheating in various ways. Even if he tries, the ἐμπορος can hardly escape πλημμελεῖος, probably owing to his habitual over-charges, his supply of inferior merchandise, and his deviation from the terms stipulated. The καπνος who, as a small tradesman and grocer, sold to his customers in small quantities victuals and drinks, continually cheated by his weights and measures, and by the not infrequent adulteration of foods. What he and the merchant gain by such sins is an indifferent thing, for striving in that way after wealth implies turning away the eye. Again (42.1): "Of these things be not ashamed, and accept no man's

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65 The Greek has: his alms; but the whole context shows that he misunderstood the Hebrew מַעֲשֵׂה.
66 As Smend suggests, the Hebrew had מַעֲשֵׂה.
person to sin (thereby): (3) Of reckoning with a partner and with travellers(?) and of a gift from the heritage of friends; (4) of exactness of balance and weights; and of getting much or little; (5) of indifferent selling of merchants. (7) Whatsoever thou handest over, let it be by number and weight; and in giving and in receiving let all be in writing." This is addressed to every householder of means; in order to prevent in one's mind the slightest, even unconscious suspicion from rising against the honesty of any person with whom one has dealings, whether of a partner or of the wife or the slave in the household, or the brother in the division of the father's property, or of traders who sell goods, Sirach recommends reckoning and booking for all matters of trust, and care and locking up, and the fear of being thought mean should be ignored.

The wording of the whole passage is not everywhere clear. What is the meaning here of the traveller? Edersheim's suggestion that the original had על חרב וראה and that the last word is a corruption of רא: be not ashamed to own brotherhood and connexion, is not acceptable; for in a paragraph otherwise impressing exactitude and care in all dealings such a warning would not be suitable. Unfortunately the other witness of the original, the Syriac version of all those verses is missing. The Hebrew על חרב וראה is interpreted by Smend: Es ist falsche Vornehmheit, einen Reisegefaehrten und einen einkehrenden Gast nicht auszufragen, wer er sei (it is false superiority not to ask a fellow traveller or a turning in guest as to who he is); but חרב does certainly not suggest that. In v. 3 the Greek καὶ περὶ ὁσεὶς κληρονομίας ἐταίρων or ἐτέρων seems to mean: when brothers distribute between them the property of their deceased father, they should be most particular so as to avoid dishonesty, and quarrel which is very frequent on such an occasion. The Hebrew על
suggests very little. In v. 4 the second half is naturally expected to continue the list of honest and scrupulous dealings; and as the first line refers to selling, the second may refer to buying, and the original may have been לְכַנְתָּה נַעַם וַאֲרֹב. The parallel line is very interesting: עַל שֵׁם מַאֲנוֹנָה וָאֱלֹהָמָה נְבֹא וָעָלָם. Either the Greek skipped a whole line, or the Hebrew has, as in other instances, two versions of one line. In v. 2 as also in other chapters Sirach seems to advise the wealthy man who has to act as judge not to be ashamed of applying the law of God, and should the case warrant it, not to be afraid to declare the godless party to the lawsuit to be in the right; if a Hellenist acted as a judge, he would never allow the case to go in favor of the righteous man. Against dishonesty there is only one safeguard: the fear of God, obedience to His law which commands truthfulness in all dealings, 27.3. The punishment of the dishonest man is measure for measure: the destruction of his house instead of building it up by wealth.\(^{67}\)

But there were other kinds of wrong committed against the fellow-man, and they were of various degrees. One of them is described by Sirach (10.6): "Be not wroth with thy neighbor for every wrong; and do nothing by works of violence. (7) Pride is hateful before the Lord and before men; and in the judgement of both will unrighteousness err\(^{68}\). (8) Sovereignty is transferred from nation to nation, because of iniquities and deeds of violence, and

\(^{67}\) Compare with this the extremely scrupulous honesty of Abba Saul b. Batnith and R. Eleazar b. R. Zadok, the two grocers in Jerusalem before the year 70, Beṣaḥ III. 8; b. 31b, Tos. III. 8; Jer. III. 62b, 13.

\(^{68}\) Greek has here: καὶ εἰς ἀμφοτέρων πλημμελήσει ἀδικία in some texts πλημμελεία ἀδικία; Syriac translates by הַרְרֵדָהָן שָפָטָא לְמִלֵּא יָדָא; and seems to presuppose "עִיּוֹנִי as the words in the original. For πλημμελεία there appears in the Syriac צָבִי in 18. 27, as בַּעַת in 26. 29, as אָלָה in 38. 10, as בַּעַל in 49. 4, and as a verbal form of יִצְרָא in 23.11, 23, as יִתְּנֶה, deceive, in 26.11, as יִתְּנֶה הָאַרְבָּא אל in 9. 13. Hebrew has a corresponding fairly closely with Greek, but not with Syriac.
greed of money... (12) It is the beginning of pride when a man departeth from the Lord; and his heart is departed from Him that made him. (13) For the beginning of pride is sin; and he that keepeth it will pour forth abomination.” First of all, the position of the word ‘pride’ in v. 7 between ‘violence’ in v. 6.8 makes it clear that pride has here some special meaning; ὑβρίς and ἑπερηφανία are ἡττήσαι and ἀπορρίπτει, deliberate, high-handed actions against God and man, which breed deeds of violence, iniquity and greed. A mortal being has no right to act with a high hand, for that is a provocation of God (Num. 15. 30); the deeds resulting therefrom brought about the destruction even of nations. Hatred harbored even for some wrong experienced is a deliberate sin, and it produces sinful actions: it exhibits presumption against God. The man whom Sirach had here in view had apparently either through his wealth or his position and influence the means for avenging himself on his neighbor; and to satisfy his desire for revenge he deliberately committed acts of violence, and thereby provoked God. This definition of the sin of hatred and revenge is a noteworthy point in Sirach’s religious ethics, as it sets the mere sentiment against the fellow-man and its realization by action in direct relation to God as an offence and provocation. The sinner is asked to divest himself of his own accord of his presumptuousness, and to desist from such deliberate sinning. Of a good man, however, a different attitude is demanded, inasmuch as meekness and humility are impressed upon such as are God-fearing in their practical life. (3. 17): “My son, go on with thy business in meekness; so shalt thou be beloved of an acceptable man. (18) The greater thou art, humble thyself the more, and thou shalt find favour before the Lord. (20) For great is the potency of the Lord, and He is glorified of them that are lowly. (21) Seek
not things that are too hard for thee, and search not out things that are above thy strength. (22) The things that have been commanded thee, think thereupon; for thou hast no need of the things that are secret. (23) Be not over busy in thy superfluous works: for more things are shewed unto thee than men can understand. (24) For the conceit of many hath led them astray; and evil surmising hath caused their judgement to slip. The man to whom those warnings were addressed held a high social or official position which, however, is not indicated; by meek conduct towards others he could win the love of good fellow-men, and by humility which, of course, surpasses meekness he could obtain the favor of God who is glorified by the lowly. The high level of this practical instruction deserves full recognition, as it is a gauge of Sirach's moral standard. Without apparently any transition, that is followed by an impressive warning against conceit of a totally different nature. God gave to the Jews the Torah not only as a book of law to be obeyed and realized in daily life, but, at the same time, as a book for thought and research; for in the Torah, among other difficult problems, also some of the secrets of the creation of the universe, the origin of sin, God's providence and His retribution were partly revealed, partly only indicated. Those problems and their explanations represent more than the ordinary man can compass and understand; to try and go beyond them, and to approach in conceit even more difficult philosophical questions, or to attempt to surmise even one of the secrets of God, may confuse the mind, and lead to sin. What those unrevealed problems were is not even hinted; but, as Sirach addressed himself to men of the higher social classes, it is not improbable, as also the contrast with the Torah suggests, that some Jews came in contact with Greek and Hellenistic thought embodied in literary products which did
not halt in front of the highest metaphysical questions about God and the world. Such discussions were new and dazzling for the unaccustomed mind of the Jew, and may have shaken the foundations of the old faith. Humility is here most essential: it demands contentment with the teachings revealed by God in the Torah, for He knows best what is good for man. Conceit and pride are failings, and lead to even greater sins.

Outside the family Sirach singles out specially the sin of unrighteousness against the fellow-man; and already the number of passages in which he reverts to this subject is sufficient evidence of the great attention which he pays to that kind of wrong. But even stronger proof is the way in which he considers the subject from various points of view, the emphasis on the sinfulness of the wrong done to the neighbor, the heavy and unusually varied punishment inflicted by God for it on the individual sinner and the whole nation, and the central position assigned to the relevant prohibitions in the Torah. Sirach says (17. 20), "Their iniquities are not hid from Him; and all their sins are before the Lord." As shown above, ἄδικα and ἄδικεω invariably denote a wrong done to the fellow-man, as is clear also from 4. 9: "Deliver him that is wronged from the hand of him that wrongeth him," and from 40.12:

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69 Dr. Kohler in JQR. XI. 1920, 148, 167 refers this to the secret lore of the Creation and of God’s chariot in Ex. 1.

70 On the peculiar Hebrew ἄδικα Smend remarks that the Hifil does not occur in the Bible. There were undoubtedly more intelligible and less artificial words for that at Sirach’s disposal, like the complete sentence ἄδικος ἦν διὸ ἔτοιμον ὧν ἐπεύρησεν ὁ θεός (Ps. 71, 4), ἄδικος ἦν οὗτος ἐκ τούτων ἡ ἀδικία, and others. Just as artificial is 35. 13 = P 32. 16: 'And he will listen to the prayer of him that is wronged,' in the Hebrew: נקם ת끼 ומתקדמת הפך; and 13. 3: "The rich man doeth a wrong, and he threateneth withal: the poor man is wronged, and he shall intreat withal," which is hardly intelligible. Already Schecter, and following him Peters and Smend, suggested for נקם the emendation נפק, he is doing wrong, which however never means that. And the Hithpa’el נפק, to praise oneself, is not supported by any rabbinic parallel, as in one of the passages where it is found, Jer. P. 15b. 36. R. Ishmael merely adapted the word נפק in Ex. 15.2 and this is no proof of the actual existence of that form of the verb in that denotation. Apart from that, it reads in the parallel Baraita in Shabb. 13b. נפקת עשה הוא נפקת הנשים. Mekil. 37a, cf. Mekil. R. Simeon 30. נפקת הנשים, see Levy, VII. WB III. 321b, bottom.
"All bribery and injustice shall be blotted out; and good faith shall stand for ever. (13) The goods of the unjust shall be dried up like a river, and like a great thunder in rain shall go off in noise." Here ἀδικία is explained by χρήματα ἀδίκων; and according to the context the wrongdoer is brought by the wronged into a court of law, but he averts the certain sentence by bribing the judge who then dismisses the case. And again (10. 6): "Be not wroth with thy neighbor for every wrong; and do nothing by works of violence. (28. 2) Forgive thy neighbor the hurt that he hath done thee; and then thy sins shall be pardoned when thou prayest. (7. 1) Do no evil, so shall no evil overtake thee. (2) Depart from wrong, and it shall turn aside from thee. (3) My son, sow not upon the furrows31 of unrighteousness, and thou shalt not reap them sevenfold. (10. 8) Sovereignty is transferred from nation to nation because of iniquities, and deeds of violence, and greed of money. (14. 9) And injustice of the wicked drieth up the soul.72 In describing God's covenant with Israel on Mount Sinai and the revelation of the law (17. 11-14) Sirach says (14), "And He said unto them, Beware of all unrighteousness! And He gave them commandment, each man

and evidently means: make thyself beautiful, adorn thyself, and suggests the same meaning for רהמךך. The other parallel is Sotah 1. 8 וּמְעַרְבָּתִּים הַגַּלֶּהוּן where also the editions and the Talmud read הנַבֵּה. The Greek προσεμιβριμάμαι is translated by Peters by: in glut geraten, in order to suggest וּמְעַרְבָּתִּים for הֶנְנָה; in reality it means according to Pape: vor Zorn schnauben, in heitigen Zorn geraten, and cannot be the translation of הנבֵּה the root and forms of which never mean anything but: to singe or be singed by fire. Smend declares the Greek rendering of the word arbitrary, which is a rather convenient method of defending the untenable Hebrew word as the original one.

31 Syriac has אֲבַרְמֵא שָׁם יִהְיֶה, which presupposes in the original either בַּהַל or בַּהַמָּה, the furrow cut by the ploughshare; but Hebrew שָׁם never occurs in that form, and שָׁם, like סִנָּה, denotes not the ground tilled but the action of ploughing, and its season, Ex. 34. 21. Consequently Smend's remark that שָׁם שָׁם, though otherwise unknown, may be assumed without hesitation to be correct, is in the presence of the very word in the Bible and of its definite meaning in the rich vocabulary of Hebrew agriculture not at all justified. Peters amends the Hebrew to שָׁם שָׁם לַא שָׁם שָׁם, kämmage dich nicht um Neuigkeiten wider deinen Bruder; but Sirach hardly wrote such unintelligible Hebrew.

72 The first words of the Hebrew בְּעֵשׁ רִמְלָה וַיִּמְרַמֵּהּ לָךְ מִזָּה וְאֵין מֵאַרְבֵּרָתָהּ הַמַּמָּה show no relation with the original underlying the Greek; see the totally unsatisfactory guessing in Peters I and II and in Smend.
concerning his neighbour." It is undoubtedly worthy of note that Sirach, at least in this passage, saw in the law given on Sinai only or mainly those commandments that regulate the conduct of man towards his neighbor, that forbid injustice and wrong, and order the right action. In the continuation Sirach emphasizes that all the deeds of Israel, whether good or evil, are fully known to God; and without the slightest transition he says (22), "With Him the alms of man is as a signet; and He will keep the bounty of a man as the apple of the eye." The connection between the two verses, 22,23, seems to be that, when God looks at the sins and wrongs committed by men, He, as in the case of the sinner who honors and supports his parents, remembers at the same time their kindness and charity to their poor fellow-men; and when He decrees and executes punishment for their transgressions, He considers favorably the merit of their alms.

IV. Sin and Righteousness.

The effect of almsgiving upon the sequel to sin is stated more definitely (3. 30): "Water will quench a flaming fire, and almsgiving will make atonement for sins, εἰκλασταὶ áμαρτίας. (31) He that requiteth good turns is mindful of that which cometh afterward 73, and in the time of his falling he shall find a support.74 As in the case of the son's  

73 An interesting parallel is 30, 6 about a man who brings up his son well: "He left behind him an avenger against his enemies, and one to requite kindness to his friends." The latter duty of the son is noteworthy; Sirach must have considered it very important.

74 If the Greek is a correct translation of the original, Sirach in v. 31 dropped the subject of the effects of almsgiving in v. 30, and turned to the recipient of the help and to his duty to requite the kindness received, as he may again require assistance. Several Greek texts and, following them, Latin insert God as the subject of the sentence: and the Lord that requiteth. Smend notes that ἀνακοινοεῖται presupposes the original word ἢνεβάζει, whereas Hebrew has ינש בֵּאָר לְעֵדָּיו which in its characteristic part shows no agreement with the Greek. Syriac has ישו for it: ינש לְעֵדָּיו מְעַרֶּה יָאָרָה תְּהִי מְעַרֶּה לְעֵדָּיו, and יְהַדְּמַת in the Hebrew which gives no sense whatever agrees with Syriac וְהָדָּמַת. Smend and Peters suggest that Greek misread the original ינש בֵּאָר, as
support of his parents, here the force of a good and kind deed is measured by its atoning effect; and even to the requittal of a kind act is assigned, as a result, God's support in the days of affection. Again he says (29, 8), Howbeit with a man in poor estate be longsuffering; and let him not wait for thine alms. (9) Help a poor man for the commandment's sake; and according to his need send him not empty away. (10) Lose thy money for a brother and a friend; and let it not rust under the stone to be lost. (11) Bestow thy treasure according to the commandments of the Most High; and it shall profit thee more than gold.75 (12) Lay up alms in thy store chamber; and it shall deliver thee out of all affliction: (13) it shall fight for thee against thine enemy better than a mighty shield and a ponderous spear.76 (29.1) He that sheweth mercy will lend unto his neighbour; and he that strengtheneth him with his hand keepeth the commandments. (2) Lend to thy neighbor in time of his need; and pay thou thy neighbor again in due season." In all these exhortations Sirach addressed himself to the man of means who is able to assist the brother in various ways: either by alms, or, what is more helpful, by proper and true support to meet by a larger amount his momentary needs in accordance with the commandment in Deut. 15. 8, even if the money advanced should never be repaid, and be lost altogether. As, however, to some of Sirach's hearers or readers such liberality might

1 have no doubt that it is the literal translation of some plain Syriac word, but not of ܡܟܝܢܐ; nor can μ/ioutilηηος be the rendering of the Hebrew ܢܓܪܐ, as Peters would have us believe.

75 The original seems to have read according to the Syriac: "Lay up for thyself a treasure of charity and love": ܘܠܐ ܡܐ ܠܐ ܡܐ ܡܐ; and it represented the same idea as applied by the proselyte king Monobaz in Jer. Pe'ah I 15 b 68, Tos. IV 18, h. Baha Batra 10a, when he said that by the distribution of his possessions among the poor he laid up for himself a treasure with God in heaven. In fact Syro-hex's κατάστασις πλησιον read in the original ܠܐ ܡܐ, V. 12 perhaps read ܠܐ ܡܐ: the source of exorabit in the Latin version mistook ܓܵܘܪ to be the Aramaic root ܠܐ ܡܐ, to pray.

76 Cf. Sir. 40. 17: Bounty is as a garden of blessings, and almsgiving endureth forever.
have appeared unnecessary, and the duty to practise charity to that length not sufficiently important and urgent, Sirach spurs on the slow and hesitating hand to a more ready and greater sacrifice by reminding his law-abiding, generally obedient follower of the commandment in Lev. 25. 25-38 as one of the great obligations imposed by God. Even a loan shall be advanced to the brother in need, in order to strengthen his failing hand; this is another reference to the commandment in Lev. 25. 35. Having so strongly impressed the great duty of giving alms and of offering true help, Sirach proceeds (12. 3): “There shall no good come to him that continueth to do evil, nor to him that giveth no alms.” The connection between the two lines is clear from the parallels discussed before: the habitual sinner will be visited by punishment; but he could obtain some relief from the visitation prepared for him by God, if at least he gave alms. The duty not to refuse; nor even to delay the support for the needy is emphasized and impressed in several lines (4. 1-4), and then Sirach says (5), “Turn not away thine eye from one that asketh, and give none occasion to a man to curse thee: (6) for if he curse thee in the bitterness of his soul, He that made him will hear his supplication.” The cry of the disappointed poor to God is accompanied by a curse uttered in the bitterness of his soul, which will not be without effect.77

Before proceeding with our investigation, may a few words be said about the probable wording in the original of 12. 3 just quoted? A retranslation of the Greek would suggest נָא לִפְרַע תֶּפֶר וַלְּאָבָה תַּנָּן תַּרְזָקָה instead of which Hebrew has רָשָׁע לִפְרַע רַעַשְׁנָה וּמֶשֶׁה תַּרְזָקָה לָא יַעֲשֶׂה. All the learned and ingenious endeavors of Ginzberg, Lévi, Peters, Smend and others to reconcile the Hebrew with the Greek

77 Cf. Ps. 109. 16, 17; 34. 24-31. 29 and above.
have so far failed. As the Concordance shows, the Greek version employs the adjective ἐνδεξημ, the adverb ἐνδεξεῖα, the noun ἐνδεξισμὸς, and the verbs ἐνδεξεῖν and ἐνδεξιζεῖν several times. As LXX. translated it the common דעה, it occurs very frequently; consequently it is not probable that the Greek translator of the Hebrew Sirach should have failed to recognize the familiar דעה in its usual meaning. On the other hand the fact that he used eight times the verb ἐνδεξίζεῖν suggests that also the original employed a verb; and if there were in the rabbinic literature a trace of a denominative דעה, this might have been possibly thought of. Again, ἐνδεξισμὸς would in that case suggest in the original a verbal noun דעה or הדמעה which is just as unknown in the rabbinic literature. Consequently the probability of the employment of some other frequent and familiar word of the same meaning, of which a verb and a noun could be formed, must be admitted. Thus we read (30. 1): "He that loveth his son ἐνδεξίζει μάστιγας ἀντὶ, will continue to lay stripes upon him." If the Hebrew had rewritten מנה, the Greek translator rendered the words rather freely; and if it had אָּבָד לַיְהוָה יִשְׂרָאֵל, he would have chosen a different translation. Did the original perhaps use הרעיל which is found in an unverified quotation from Sirach, and in the first version of another unknown quotation? In another passage (37. 12): "But rather he continually with a godly man, ἐνδεξίζει." Hebrew has אָּבָד, and Peters who accepts אָּבָד as correct suggests that the Syriacしており אב אָּבָד, "be dwelling with a righteous man", and also Greek took דעה to be the imperfect Hif'il of √דָּבָד, to extend long; while

78 Synh. 110b, many were the wounds of the pedlar which accustom one to lewdness, like the spark that lighteth the ember.

79 Niddah 16b, three things I hate, and four I like not: a prince who is too frequent in the house of banquets. Cf. also Hebrew on 8.4.
Smend declares the Syriac to be the translation of the Greek. But here again it seems hardly possible that the familiar דָּרֵשׁ should have suggested such a far-fetched interpretation to any translator; and it appears more probable that the original contained a different word, perhaps, בָּשׁי,80 or more naturally לָשׁוֹן. Again (37. 18): "And that which ruleth over them continually is the tongue" appears in Hebrew as בעל שָׁמֶשׁ בָּלֵיל לָשׁוֹן; the word לָיִל as an adverb is too ridiculous for Sirach’s style to be original. In 9.4. "Be not continually, ἐνδειξείε, with a harp playing woman, lest haply thou be caught by her attempts," if בָּשׁי was not the word, היהוה would best suit the sentence.81 Now Hebrew has שם נַעֲשָׂה אלֹהִים פִּן חָלָרְבּ בְּלִיקוֹתָה,82 and gives the Hithpa’el of an unknown root with the late consonantal Yâd. If the existence of a second root לָיִל of the meaning: to be familiar, in addition to the biblical דָּרֵשׁ or דִּרְשֶׁי, whitewash, plaster, from which the rabbinic or new-Hebrew language formed the Pi’el דִּרְשֶׁי, were at all probable, a trace of it would have been preserved outside the Hebrew of Sirach. It is true, the latter has it again (8. 17): שָׁמֶשׁ אלֹהִים פִּן חָלָרְבּ, (9.14): בְּכַנָּר עַל רַעְוַי עֵמֶל חָלָרְבּ; but the repeated employment of it in the same book is no evidence of its existence outside this Hebrew text. It appears in the Kal-form (7. 14) בְּכַנָּר יֶשֶׁר לוֹזַי וְהָלִישׁ דְּרְבּ בְּתַפּלָה, for which the Greek has: μὴ ἀπολέσχειν ἐν πληθεὶς πρέσβευτέρων, prate not in the assembly of elders; how could the Greek translator find that meaning of the otherwise unknown root? Peters emends it to the Hithpa’el or the Pi’el; and Smend remarks that the connotation of the root,

80 Cf. Ps. 26. 5, 4. It is improbable that ἐνδειξείε is the translation of דָּרֵשׁ, though ἐνδειξείε is in Syrohex, as the rendering of דָּרֵשׁ.
81 As in Shabb. 1. 3, 3 סמך דָּרֵשׁ עַבְדָּךְ. Baraita 13a top. Tos. 1. 14; the explanation in Jer. 1. 3, 3: יָשָׂר עַבְדָּךְ וְלָהוּיָא עַבְדָּךְ יָשָׂר. Sifre Num. 18, 20, 119, 392 bottom. The Ha text of the Greek offers an exactly corresponding word, ὀπίθετον, live together, grow accustomed to one another.
82 Another version has שם מָנַעֲשֶׂה לא אֶלֹהִים, יש.
to talk, corresponds with that of the Ethpaʿal of it in Syriac. Did then Sirach’s grandson translate the Hebrew word which, as far as we know, occurs in no other literary product, according to its meaning in Syriac? Or did the original contain an entirely different word for useless talk? It is undoubtedly a remarkable coincidence, and it leaves no doubt in my mind that the root was not used by Sirach, and that the author of the Hebrew text took it over from a Syriac version of the original. If we tentatively substitute the new Hebrew לרות or a synonym of it, it would read Hebrew more intelligible and familiar, though as yet συμβουλεύω in 8.17 would not be accounted for. But, if possible, another Hebrew word should be suggested that expresses more forcibly than לרות frequent and intimate association, like that of the disciple with his master. Again we find εὐδελεξίζειν (27.12): “Among men void of understanding observe the opportunity.” As Syriac has: “There is to speak always,” Smend, in the absence of the Hebrew text, suggests דלת הת泐ל which the Syriac understood. And again in the Greek (7.13): “Love not to make any manner of lie, for the custom thereof is not for good,” εὐδελεξισμὸς could very well be the rendering of לרות, as in 37.12. And lastly, for τῷ εὐδελεξίζωντι εἰς κακά (12.3): “There shall no good come to him that continueth to do evil,” Syriac has: “to him that honoureth the wicked;” while Hebrew offers the totally unintelligible לאמת רע וмя! Whether this be vocalized רנה or רנה, it suggests no connection with the words underlying the Greek. Here לרות would not account for ‘honoring’ in Syriac.

53 See Lévi, L’Ecclesiastique, 42: L’auteur fait un véritable abus de ce verb aux ch. 8–9.
54 In the Hebrew in 37.10 תועב corresponds with that Greek word.
55 Bacher in JQR XIII, 1900, 278, translated it by ‘no good cometh to one that affordeth rest to the wicked’, and suggested that Syriac rendered the same Hebrew words freely, while Greek read it תועב, one who alloweth wickedness to remain. See also Lévi, Peters, and Smend.
56 In 30.1 Syriac has בְּתוֹנָהוּ תְּמוֹנָה. renew his rods, which points to בְּלוֹרָה or בְּלוֹרָה but not לרות.
The right conduct impressed by Sirach upon his law-abiding followers whom he contrasts with the sinners, especially humility, is forcibly expounded (2. 15): “They that fear the Lord will not disobey His words; and they that love Him will keep His ways. (16) They that fear the Lord will seek His good pleasure; and they that love Him shall be filled with the law. (17) They that fear the Lord will prepare their hearts, (18) and will humble their souls in His sight, (saying), We will fall into the hands of the Lord, and not into the hands of men: for as His majesty is, so also is His mercy.” If the opening words may be taken strictly, the first dictate of the fear of God, as explained above, is obedience to His words embodied in the Torah. Sirach here follows Deut. 10. 12: “And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God, to walk in all His ways, and to love Him, and to serve the Lord thy God with all thy heart and with all thy soul; (13) to keep for thy good the commandments of the Lord, and His statutes, which I command thee this day!”

Whether Sirach meant by God’s ways merely the life lived by the obedient Jew in accordance with the Torah, or whether in his opinion, as in that of the rabbis, the practice in life should follow the ways of love and mercy applied by God to every individual, is not evident. By obeying the law the God-fearing seek to obtain His pleasure, as in Prov. 3. 4: (“By true lovingkindness) shalt thou find grace and good favour in the sight of God and man.” That does not say that he is working for reward; nor is there any foundation for Dr. Oosterley’s and other scholars’ fine distinction between the Jewish and Christian attitude.

87 Cf. Deut. 11. 22.
88 Sifre Deut. 11.22, 49 לא לך בצל רצבת אלו רכמים בקצאתך לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאalahי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי לאלהי

89 Cf. 3. 18: “The greater thou art, humble thyself the more, and thou shalt find favour before the Lord.” God’s [תָּרוּ] is the result and not the object of the hu-
of man will be directed by the law which pervades his mind and his heart. It is therefore his duty to prepare his heart. The meaning of this difficult sentence is made clear by the parallel line: "and humble their souls in His sight," and by 2. 1: "My son, if thou comest to serve the Lord, prepare thy soul for temptation. (2) Set thy heart aright, and constantly endure, and make no haste in time of calamity..." As will be seen later on, that duty implies the strengthening of the mind for the days of trial by suffering and humiliation: only he who trained his will to submit to that of God expressed in His law, will gradually acquire the fortitude of surrender to God, when He tries him by visitation. The same is stated again (6. 37): "Let thy mind dwell upon the ordinances of the Lord, and meditate continually in His commandments: He shall establish thine heart, and thy desire of wisdom shall be given unto thee." If the word 'He' which is not expressed in the Greek is correct and not 'it', the line says that for his consistent study of the Torah God will grant him the firmness which will qualify him for the reception of the wisdom desired.

The observance of the law proves also a strong protection in trouble (32=35. 24): "He that believeth the law giveth heed to the commandment; and he that trusteth in the Lord shall suffer no loss. (33=36.1) There shall no evil happen unto him that feareth the Lord; but in
temptation once and again will He deliver him. (2) A wise man will not hate the law; but he that is a hypocrite therein is as a ship in a storm. (3) A man of understanding will put his trust in the law; and the law is faithful unto him, as when one asketh at the oracle.” These four verses emphasize the effect of the determination of the obedient Jew to practise the law, and that of such practice itself. The wise man accepts the law as the expression of God’s will, and therefore obeys its behests; gradually he grows to love it, that is, he adheres to it faithfully. Ultimately he puts his trust in it, so that, when he in daily life is confronted by religious or moral uncertainty, he need not consult anybody but the Torah which will solve his doubts, and direct him to the right action. The hypocrite in similar difficulties does not seek the guidance of the law, for he observes it in a disingenuous and hesitating way; consequently he is tossed about as a ship in a storm. When the obedient man is assailed by temptations, he is helped by God and will not succumb; for his firm hold on the Torah, attained by his consistent practice of it, trains and steadies his heart, his hesitation in trials will continue for a short moment only, and immediately yields to his determination to adhere to the law.90 As was shown above, the fear of the Lord is in practice identical with the observance of the law; but its effect on man’s soul is very deep (1.11): “The fear of the Lord is glory and exultation, and gladness, and a crown of rejoicing. (12) The fear of the Lord shall delight the heart and shall give gladness, and joy, and length of days. (13) Whoso feareth the Lord, it shall go well with him at the last, and in the day of death he shall be blessed. (14) The fear of the Lord is the beginning

90 The Hebrew מִרְאֶה הַשָּׂדֵד do not convey the idea of temptation so clearly; and also the whole group of the verses suggests different arguments. The curious מִרְאֶה was already noted by the commentators as unusual, and מִרְאֶה is hardly intelligible, the Hebrew is altogether too artificial to be Sirach’s.
of wisdom; and it was created together with the faithful in the womb." Here Sirach elaborates Ps. 19.8,9, the effects of God's Torah on the heart and the soul. His three synonyms for joy stress the feeling of satisfaction and happiness produced in man by the fear of God, the observance of the commandments. Consequently glory cannot mean outward honor, but the exaltation of the mind; besides, the later, outward effects of the fear of God (12, 13) are stated separately.91

Sirach's obedient follower is, however, in some respects not free from reproach (11. 21): "Marvel not at the works of the sinner; but trust the Lord, and abide in thy labour: for it is an easy thing in the sight of the Lord swiftly on the sudden to make a poor man rich. (22) The blessing of the Lord is in the reward of the godly; and in an hour that cometh swiftly He maketh His blessing to flourish. (23) Say not, What use is there of me? And what from henceforth shall my good things be? (24) Say not, I have sufficient, and from henceforth what harm shall happen unto me? (25) In the day of good things there is a forgetfulness of evil things; and in the day of evil things a man will not remember things that are good. (26) For it is an easy thing in the sight of the Lord to reward a man in the day of death according to his ways. (27) The affliction of an hour causeth forgetfulness of delight; and in the last end of a man is the revelation of his deeds. (28) Call no man blessed before his death; and a man shall be known in his children." As in Mal. 3.14, Ps. 37 and 73, Prov. 24. 1; 23. 17, it was the impatience of the obedient man at the sight of the sinner's worldly success that Sirach had to censure. For some of the good men were not only not blessed with fortune, but were even poor; and still they were expected to sustain their trust

91 Cf. 10. 19-22; 15. 1-8.
in God and to feel reassured about His reward and His blessing. Sirach urges them to wait patiently for both, as they are sure to come, if not sooner, on the day of death; for it is the very end of man that reveals his past deeds. It should be noted that v. 27 refers best to the sinner who is enjoying a happy life, but will die in punishment; and while suffering only one hour's affliction he will feel it so heavy and crushing as to make him forget all the many joys and pleasures of his past life. Correspondingly we expect to find in the preceding verse a reference to the life-long disappointments of the godly, the memory of which will vanish, when at the end of his existence delight is granted to him. In fact v. 25 states the two kinds of experience of the good man and the sinner, and is therefore the opening verse of the paragraph. Consequently v. 24 cannot contain the words of the godly who throughout his life did not receive sufficient happiness; but it is the statement of the wicked who, as in 5, 1, feels secure in his possessions. On the other hand, v. 23 must be the words of resignation of the pious man who no longer expects a turn in his fortune.

What his occupation was is not evident, as Sirach refers only generally to ἐργαν (20), and πόνος (21) as opposed to the ἐργα of the sinner (21); but he advises him to stick to his work and to wax old in it. Evidently his ill-success in his present business prompted him to take up a new one. The warning (7. 15): "Hate not laborious work, neither husbandry, which the Most High hath created," suggests that some men began to reject the cultivation of the soil, and turned to trade. Sirach again (11.10) warns the pious man against undertaking many kinds of things, as they lead to sin. But what is the object of v. 20: "Be steadfast in thy covenant, and be conversant therein, and wax old in thy work?" According to the parallel line
the covenant seems to denote his trade, as also Syriac has נותר; but how did the word come to that otherwise unknown meaning? It occurs again (38. 33): “They shall not sit on the seat of the judge, and they shall not understand the covenant of judgement; (45, 17) He gave unto him (Aaron) in His commandments, yea, authority in the covenant of judgements; (14, 12) Remember that death will not tarry, and that the covenant of the grave is not showed unto thee; (16, 22) Who shall declare the works of His righteousness, or who shall endure them? For His covenant is afar off?” The Hebrew has everywhere נן; but this does not fit in all the passages, and it is difficult to see why such a familiar word should have been translated by διαθήκη. Or did this word have for the translator some special meaning? Syriac renders it in 14. 12 by מְרֵה, and it is possible that Sirach employed that new-Hebrew word; but just in 11. 20 where the context demands a word denoting trade, that Hebrew word is not suitable. Perhaps it was מָקת which would fit in 38. 33 and 45. 17, and which the Greek translator seems to have mistaken as derived from מָתקו and מָתקו; so that מְרֵה and מָקת respectively might have been used in the original.

Sirach taught his followers that for the good man it was not sufficient to refrain from heartlessness to the poor: he must also intervene actively, and assist the weak in asserting his endangered right. (4. 7): “Get thyself the love of the congregation; and to a great man bow thy head. (8) Incline thine ear to the poor man, and answer him with peaceable words in meekness. (9) Deliver him that is wronged from the hand of him that wrongeth him; and be not fainthearted in giving judgement. (10) Be as a father unto the fatherless, and instead of a husband unto their mother: so shalt thou be as a son of the Most High, and He shall love thee more than thy mother doth.”
As far as I can see, the concluding appeal of the writer has in the commentaries not found the appreciation and the recognition which it fully deserves. The highest goal of the good man should be to become a son of God, and to earn His fatherly love; and to attain that is within the reach of everybody, if only he takes up the causes of the orphan and the widow, and delivers the wronged from the violent oppressor: God becomes his loving father for having proved himself the father of the fatherless and the weak. In what capacity he could and should do so, is not evident at first sight; is he acting here as a judge? Whatever the case, the sense of the first two verses was not recognized by the commentators. For סְעָרָוָן is not the synagogue and the congregation in it, but, as in the Greek rendering of the biblical passages used by Sirach in 45. 18; 46. 14; 16. 6; 21. 9, it represents the רְאִי, an official body that met, as the context shows, to hear the complaint of the wronged person against him that had wronged him. The same is unmistakably meant in 41. 18: "Of an offence before a judge and a ruler; of iniquity before the congregation and the people," where the two assemblies correspond with רְאִי in Prov. 5. 14. The man addressed in 4.7ff. was evidently a member of such a judging assembly, and Sirach impressed upon it that, when a poor man brings a complaint before it, every member should listen to him, and speak to him gently; but the man to whom our author appeals specially should assist him in his right claim, and not be afraid of the wealthy wrongdoer and of the representatives of the latter's class in the assembly. We are not informed by any source about the procedure in that judicial body, whether after the hearing

11 9h seems to be an erroneous rendering of בֶּהָב with the accusative of the person, as in Is. 1. 17. אֶלְמֹשׁ which Sirach evidently had in mind: take up the cause of the fatherless.

12 Only in 24. 23 where Deut. 33. 4b is quoted it stands for בָּהֵן.
of the case the parties were, if necessary, questioned and cross-examined by any of the members, and then, as would be natural, the court divided.

The μεγιστάν mentioned here held in the assembly a prominent place (4. 7); and that information is borne out and supplemented by 33. 18 = 30. 27: "Hear me, ye great men of the people, and hearken with your ears, ye rulers of the congregation, μεγιστάνεις λαόν καὶ οἱ ἡγούμενοι ἐκκλησίας. And in connection with the unmasking of the hypocrite Sirach says (1. 30) "Exalt not thyself, lest thou fall, and bring dishonour upon thy soul; and so the Lord shall reveal thy secret, and shall cast thee down in the midst of the congregation." The fear of God demands absolute honesty, its absence makes for hypocrisy before God and men; God naturally finds it out immediately, but it is hidden from men, as the smooth lips of the hypocrite deceive his fellow-men. In some unnamed capacity, perhaps as a member of the citizens' assembly, he appears before them with grandiloquent boasts that impress them, till at last, when his hypocrisy is revealed, he brings dishonor upon himself, and is in the presence of all the members cast down from his pedestal. This happened undoubtedly not in the synagogue, as Dr. Oesterley suggests, as for the unmasking of the hypocrite that was hardly the proper place. Nor does the gathering termed ἐκκλησία denote the congregation in the synagogue (31 = 34. 11), as the same scholar confidently assumes; but, as the trial of the adulterous woman (23. 24) shows, it was the assembly of the people convened as a court of justice. And just as clear it is in the statement about the absence of qualifications in the farmer and the artisan for public offices (38. 33): "They shall not be sought for in the council, βούλη, of the people, and in the assembly, ἐκκλησία, they shall not mount on high; they shall not sit on the seat of the judge, and they
shall not understand the covenant of judgement: neither shall they declare instruction and judgement; and where parables are they shall not be found." In the above list of the various public bodies the second clause refers to the rising of a member of the judicial assembly above his fellow-members, through his activities, as in 4. 7: "Get thyself the love of the congregation;" here the μεγιστάν seems to have been the chairman of the assembly, as he is placed next to the judge in 10. 24: "The great man, and the judge, and the mighty man shall be glorified." To him the member who is urged by Sirach to assist the just cause of the weak should pay respect, probably because the chairman may either allow him the necessary latitude for his intervention or may cut him short in his pleading.

As an illustration of the position of that judicial assembly the ἐκκλησία may be mentioned here which King Herod convened on several occasions, in order to submit to it for judgment the cases of men whom he accused of grave crimes. Josephus states, "Herod accused ἐi ἐκκλησία, the officers and Teron, and incited the people to such an extent that they and the barber were killed on the spot by logs and stones thrown at them". In the parallel account he reports, "When he had brought εἰς ἐκκλησίαν the three hundred officers who were accused and Teron with his son, and the barber who accused them, he (the King) charged them all; the people, τὸ πλῆθος, killed them by throwing at them whatever they found." In another instance he says, "His excessive anger at that improved the king's condition, and he went εἰς ἐκκλησίαν and accused the men (who had broken down the golden eagle over the gate of the Temple) as real desecrators

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14 Though v. 34 is missing in the older manuscripts, it seems to contain good information about the public institutions in Jerusalem.
15 Wars I, 27, 6, 550.
16 Antiquit. XVI, 11, 7, 393.
17 Wars I, 33, 4, 654.
of holy things (sacrilege),... and demanded that they be punished as profaners of the Temple, ἀσεβεῖς. Fearing lest many others be accused, the people asked him to punish first the originators of the deed, and then those caught in the crime, and to pardon the rest. The king could only with difficulty be prevailed upon, and burnt those alive who had let themselves down by ropes, as also the scholars, while the others who had been caught he handed over to his attendants for execution". Now, according to the parallel account, the incident took place in Jericho: "The King sent them in fetters to Jericho, and called Ἰουδαίων τοὺς ἐν τέλει, the heads of the Jews"; here the report stops, and says nothing of the proceedings against the accused men, which led up to their sentence. On a third occasion Josephus relates, "The King brought those who had been tortured also εἰς τὸ πλήθος in Jericho to accuse his sons; οὐ πολλοὶ killed them by stoning; when they were about to kill Alexander and Aristobul in a similar way, the King prohibited it by ordering Ptolemy and Pheroras to check the crowd." Though the judicial position of that ἐκκλησία and its powers are not at all clear, and it reminds us of the functions of the assembled people in 1 Kings 21. 9,12, Deut. 13. 10, Jer. 26. 11–21 as judges and executioners, it is an instructive instance of the continued existence of an old institution.

It is not quite certain, as stated above, whether the passage about several social sins refers to the habitual sinners considered before or to a section of Sirach's followers of only average strictness in the observance of the law; for he presupposes that in their carelessness and their lack of self-control some of them committed deeds of immorality and dishonesty varying in character and degree. These are stated in a list of warnings which

98 Antiquit. XVII, 6, 3, 160.
99 Antiquit. XVI, 10, 5, 320, see G. A. Smith, Jerusalem, 1, 464.
includes several other social failings, and which is at once interesting and difficult. It reads (41. 17): "Be ashamed of whoredom before father and mother: and of a lie before a prince and a mighty man; (18) of an offence before a judge and ruler; of iniquity before the congregation and the people; of unjust dealing before a partner and a friend; (19) and of theft in regard of the place where thou sojournest, and in the regard of the truth of God and His covenant". The admonition opens with a moral offence, loose, immoral acts: they are, or may become, known to the man's parents; these, of course, would, if the offence were liable to punishment, in no case bring it before a public judicial authority. As it is not sufficiently grave to be punishable by a court, and nobody else can call the moral offender to account, he is not afraid of public disgrace; only the shame before his parents deters him from beginning or continuing a loose life, and by referring to them Sirach tried to impress him. For the second offence, \( \psi \nu \delta \delta \), he can be brought by the wronged person before the \( \eta \gamma \omicron \omicron \mu \varepsilon \nu \nu \kappa \alpha \lambda \delta \ \omicron \alpha \gamma \omicron \), evidently judicial officers of the first grade; for the third, \( \pi \lambda \mu \mu \omicron \ell \epsilon \alpha \), he would have to appear before \( \kappa r r i \theta \kappa \alpha \lambda \omicron \chi \omega \nu \), for the fourth, \( \alpha \nu \omicron \omicron \omicron \omicron \alpha \), before \( \sigma \nu \alpha \gamma \omega \gamma \eta \kappa \alpha \lambda \delta \). As only grave offences seem to have been brought before the last authority, \( \tau \nu \nu \ \omicron \lambda \nu \) (Prov. 5. 14), the four transgressions enumerated here appear to be arranged by Sirach in an ascending order of gravity; and that may be helpful in defining them and the various courts more exactly. As to untruth in speech, Sirach denounces it very strongly (20. 24): "A lie is a foul blot in a man: it will be continually in the mouth of the uneducated. (25) A thief is better than a man that is continually lying; but they both shall inherit destruction. (26) The disposition of a liar is dishonour: and his shame
is with him continually."

Lying is due to his ignorance of the Torah, and as a moral defect it will adhere to his soul, just as a physical blemish does to the body. That Sirach considered the liar to be worse than the thief shows his high moral standard. Lying occurred not in the lower and poor sections of the population, but (25. 2): “Three sorts (of men) my soul hateth, and I am greatly offended at their life: a poor man that is haughty, and a rich man that is a liar, and an old man that is an adulterer lacking understanding. (7. 12) Devise not a lie against thy brother; neither do the like to a friend. (13) Love not to make any manner of lie; for the custom thereof is not for good. (15, 7) Foolish men shall not obtain her (wisdom); and sinners shall not see her. (8) She is far from pride; and liars shall not remember her. (9) Praise is not comely in the mouth of a sinner; for it was not sent him from the Lord.”

But in spite of Sirach’s high appraisement of truthfulness and his strong denunciation of untruth it is clear that it was not chargeable before a judge; consequently ψεύδος must denote here an untrue statement of a more serious nature, perhaps the denial of a deposit, a loan or any goods entrusted. Any of those would naturally have been claimed before judges whose Greek descriptions perhaps correspond with נזק español Jud. 11. 11, Mich. 3. 19. What kind of offence πλημμέλεως denoted which came before

100 As the commentators note, here and throughout the book the uneducated is at the same time a sinner, as with the Stoics, and with Hillel in Abot 11.5 אידי בירא יди
הרמ לש אידי אידא המ; cf. 20. 19: A man without grace is a tale out of season: it will be continually in the mouth of the ignorant. Ἐπεξεργασθήσεται could be the translation either of יודי, Prov. 14. 33, or of יסוי, Prov. 16. 31, or of יודי, Prov. 15. 31, Job. 41. 14; 19. 4.

101 Koebler, Suende und Guade, 446ff.

102 The last line reads in the Hebrew יבנ ננו ותא יבנ; Greek has for the noun Επεξεργασθήσεται, Syriac ננו ננו. Simson refers to Job 11. 20 טבש סס מוס אנקה, and Abot IV. 4: R. Levitas of Jamnia said, הבו רכש דגנ התו היה דגנ דגנ, as the Hebrew has in 7. 17 הבו רכש דגנ התו בה דגנ. הבו דגנ where, however, Επεξεργασθήσεται in the Greek does not possibly suggest that word. But how Επεξεργασθήσεται, uninterrupted continuation, could be accounted for by it. I am unable to see.
(Ex. 2. 14, Mich. 7. 3) is very difficult to establish; and especially for that purpose it would be a great help, if the exact Hebrew equivalents of the various grades of judges could be ascertained. When with the last and gravest crime which is judged by the people’s assembly, the climax of the list is reached, Sirach in a new list groups together sins of a different order. The first is dishonesty between partners and friends which could be settled between them quietly without a court, and need not become publicly known. Next follows the crime of theft which is brought before the court of the town where the thief lives, and so everybody there learns of his disgrace. In connection with the third offence the words ἀπὸ ἀληθείας θεοῦ καὶ διαθήκης are undoubtedly a mistranslation, as after theft we should expect a graver crime against the fellow-man, and not against God only. By the help of ἱλασμός in the Hebrew text, the commentators recognized in θεοῦ the wrong translation of the word ἱλασμός misread by the Greek as ἱλασμός God, instead of ἱλάσμος, oath; and on the variant in the Alexandrinus Peters suggested instead of the first two words the reading ἀπὸ λήθης, forgetting, supported by the Syriac: “because he annuls oaths and promises.”

To this last class of sins the habit of the frequent utterance of God’s name in oaths has to be added (23. 9): “Accustom not thy mouth to an oath; and be not accustomed to the naming of the Holy One. (10) For as a

103 The Hebrew text is for the purpose of little assistance, as it curiously reads (18): ‘nor judge nor by nor body is ever found as the designation of any kind of magistrate or judge; and even the emended judge for the no doubt technical Hebrew ἵλικ in Prov. 6. 14, in spite of the translation of the LXX, ever designate the assembly of the people convened for judgment, though we find in that capacity in 1 Kings 21. 9, 12, as ἵλικ in Ezek. 16. 40. And how should καὶ ἄμω τόσον οὐ παροπεῖνες ἐπὶ κλοπῆς correspond with ἵλικ ἵλικ, even after the emendation of the last word to ἵλικ? This does not mean theft, and is in 13. 16 correctly translated by ἔρπατομα. The impression gained from the either impossible or vague words for the exact technical terms expected seems to me sufficient to raise strong suspicion against the authenticity of the Hebrew text, and to suspect it to be a not very clear translation into Hebrew of an earlier translation of the original.
servant that is continually scourged shall not lack a bruise, so he also that sweareth and nameth (God) continually shall not be cleansed from sin. (11) A man of many oaths shall be filled with iniquity; and the scourge shall not depart from his house: if he shall offend, his sin shall be upon him; and if he disregard it, he hath sinned doubly; and if he hath sworn in vain, he shall not be justified; for his house shall be filled with calamities."

It is not easy to recognize, and the commentators do not think it necessary to establish, the nature of the oaths about which three lines of v. 11 have to say much. First it should be noted that the Torah not only does not prohibit, but does not even object to, the use of God's name in oaths, as long as it serves as an affirmation of the truth. And Deut. 10. 20 expressly commands the Israelite to swear by the name of God, as opposed to heathen deities,\textsuperscript{104} to affirm the truth; otherwise it is a profanation of God's name, Lev. 19. 12. Similarly the Decalogue, Ex. 20. 7, Deut. 5. 11, prohibits only the taking of God's name in vain, meaning as a support of an untruth, and it adds as the punishment ז. As Sirach seems to have imitated it in his ושן (Num. 5. 31), it might appear that he also was referring to the same sinful misuse of God's name.\textsuperscript{105}

But he may have thought of other oaths, as he again says (27. 14), "The talk of a man of many oaths will make the hair stand upright; and their strife maketh one stop his ears." When men or women of low standing quarrel, they not only abuse each other, but swear at each other in bad language and profanity. Another occasion for oaths is discussed in Num. 30. 3: "When a man voweth a vow unto the Lord, or sweareth an oath to bind his soul with a bond, he shall not break his word. (11) And if a woman vowed in

\textsuperscript{104} Am. 8. 14, Ex. 22. 13.

\textsuperscript{105} As already Smend suggested, the Hebrew word for uttering the name of God was probably נָבֵל, as in Ex. 23. 13. Am. 6. 10.
her husband's house, or bound her soul by a bond with an oath... (14) Every vow and every binding oath to afflict the soul..." The same oath is probably meant in Lev. 5.4: "Or if anyone swear clearly with his lips to do evil or to do good, whatever it be that a man shall utter clearly with an oath, and if it be hid from him; and when he knoweth of it, be guilty in one of these things..." As in Sirach all the three possible offences against the oath are committed through an action, or through the neglect of the pronounced oath itself, that is after the utterance of it, the verses could not have possibly referred to an assertory oath to affirm some fact of the past, but could only have dealt with an undertaking viewing the future. Also the frequency and the lightmindedness stated here is best understood in such an oath. "If he disregard it, he hath sinned doubly", can only refer to the deliberate disregard of a vow supported by an oath uttered some time ago; and such neglect is a grave sin by which the original undertaking is retrospectively proved to be an oath in vain, which constitutes an additional offence. If he intends to observe his vow, but occasionally transgresses it, his sin rests on him. 106 If he swore in vain, inasmuch as he never intended to keep his voluntary vow, he will not remain without punishment, and his house will be filled with calamities.

The sin of the non-fulfilment of vows is referred to again (18. 19): "Learn before you speak; and have a care of thy health or ever thou be sick. (20) Before judgement examine thyself; and in the hour of visitation thou shalt find forgiveness. (21) Humble thyself before thou be sick, and in the time of sins shew repentance. (22) Let nothing hinder thee to pay thy vow in due time; and wait not until death to be justified. (23) Before thou makest a vow,

106 The Greek ταιν πλημελήσῃ would best fit a deliberate sin, while Syriac expressly put a sin committed in error and suggests as the original אולasty. Lev. 5. 4. 5 though in 42. 4 the same Greek word seems to be the rendering of מנה צער describing a grave sin.
prepare thyself; and be not as a man that tempteth the Lord. (24) Think upon the wrath (that shall be) in the days of the end, and the time of vengeance, when He turneth away His face... (27) A wise man will fear in everything; and in days of sinning he will beware of offence." Sirach is addressing here his follower who, as a rule, walks in the way of wisdom, but sometimes sins by mistake. Everybody can take care of his health by beware of sin, and it is especially important to guard against πλημέλεως. These accordingly seem to represent a grave trespass, perhaps deliberate offences; but the advice that, immediately on becoming aware of his sin, he should humble himself and repent, decisively points to an act committed unwittingly, to ἴσων as in 23. 11. Before God judges and punishes him for it by visitation, he should inspect and examine himself, and having found his misdeed repent of it; then he will, when some calamity overcomes him, find forgiveness. His repentance does not stop altogether the punishment decreed by God from setting in, but only reduces it; as he is never conscious of all his sins, he deserves the visitation which is sent to elicit from him confession and true repentance, and to teach him the lesson of the certainty of retribution. Another means for protecting his health is the fulfilment of his vows. To judge by the occasions on which the Psalmists uttered vows, our man, when in serious trouble in suffering from sickness, turned to God in devout prayer, and in obedience to human nature and in following the examples of the patriarchs and the Psalmists, supported his supplication by a vow. Sirach discountenanced vows lightly uttered, as such were made in distress, and looked like a bribe offered

107 Cf. Ps. 19. 13: Who can discern errors? Clear thou me from hidden faults. (14) Keep back Thy servant also from presumptuous sins, that they may not have dominion over me; then shall I be faultless, and I shall be clear from great transgression.

108 See above.
to God, and like tempting Him. Only if proper mental preparation preceded the vow, is it justified; without it it is a grave sin. But once it has been undertaken, its fulfilment must not be delayed until new illness brings new dangers to his life.  

(To be continued)

\[\text{Note that v. 24 is not the continuation of v. 23, but of the self-examination and the repentance impressed upon the sinner in v. 21; think of the sins unrepented.}\]
THE HEBREW *NIPPA"EL* IN THE LIGHT OF COMPARATIVE PHILOLOGY

In this Review, 1921, pp. 25-32, Eitan has made a very important contribution to Hebrew grammar—nothing less than the discovery of a new conjugation. His conclusion that the *nippa"el*, or *nif'al* of the *pi"el*, is an infra-Hebrew analogical development like the Mishnic *nippa"el* is however, unnecessary; with the resources of comparative philology we may show that it is a Proto-Semitic phenomenon, which appears with various modifications in several other Semitic tongues.

The most primitive forms of the Semitic verb which have survived are the simple and the reduplicated, e.g., *dal* and *daldal*, “to hang,” though we have reason to suppose that the original vocalization was more varied, and might include *i* and *u*, as well as *a*. There were probably dissyllabic forms as well, though it is certain that a large proportion of the triconsonantal stems have arisen, first by the blending of two bilateral roots of similar meaning, and secondly through the formation of the vast army of weak verbs, verbs with initial, medial, or final *u* or *i*, as well as by the reduction of reduplicated forms. A few illustrations may be advisable. The process by which new stems of all classes are formed by contamination and blending in Semitic is already familiar to Indo-European philologists, who call it *Mischbildung*, e.g., Eng. *slosh = slush × wash: slush = slime (slip, slide, etc.) × mush*. In modern Arabic, where the influences of assonance and rhyme-formation are no less strong than in Indo-European, the process is extremely common, which accounts especially for the vast number of quadriliteral stems now in use, though entirely unknown to the exhaustive native lexicons of the Middle Ages. Even in classical Arabic the principle was so transparent that the Arabic grammarians noted it. From the writer’s own extensive collections we may note, e.g., *sauqa*, “bray” = *sahaqa × nahaqa; madmaha*, “rinse the mouth” = *madmada*, ditto × *mahada*, “shake water in pail, milk in churn.” As a characteristic case of a slightly different type from classical Arabic note *bakthara*, “scatter” = *bakhha, “spatter” × *tharrar*, “scatter.” In Assyrian, e.g., *naparšudu (pršd)* “flee,” is *parāšu, fly” × *parādu*, “flee.”

Once the dissyllabic, triconsonantal principle had triumphed, long before the separation of Egyptian or Babylonian from the parent stock,
the process of analogical conformation to the triconsonantal standard began. That the weak stems go back to biconsonantal roots is, in most cases, absolutely certain, since virtually every weak stem, or group of weak stems which share two strong consonants and a basic meaning in common, has a related reduplicated stem in some Semitic language. The task of interpreting and explaining the various types into which they have crystallized is, however, enormously complicated by the fact that morphological and paradigmatic contamination has gone on extensively in every Semitic language with which we are acquainted. Moreover, in Hebrew, Aramaic, and Assyrian phonetic changes have added their quota of embarrassment.

As is well-known, there is an intimate connection between the intensive, or pi”el, and the reduplicated pilpel, which shows itself in all the languages by their identical vocalization. This is due to the fact that the reduplicated root originally expressed repeated or intensified action or condition, just as in the Sumerian and Malayan, not to mention other tongues. The pi”el, in fact, is properly nothing but a reduced pilpel, in which we have progressive assimilation instead of retrogressive (as in Heb. kikkar for *kirkar, Assyr, šaššaru for *šaršaru). This is again the result of the normative tendency, as is also the further extension of this characteristic vocalization to all the triconsonantal verbs. By a second extension of that analogy, new triliterals, y’y, are abstracted from the partially reduplicated pi”els. The correctness of our explanation is assured by the fact that the pilpels in which there has been retrogressive assimilation also form new stems, though not so many, in all the Semitic languages, especially Egyptian, Assyrian, and Aramaic (cf. Assyr. Aram. krk = krr, both for krk, “turn”).

In all Semitic languages we have a special reflexive form of conjugation, in which the reduplicated stems most frequently, if not exclusively, appear. In Arabic we have the t-type—tadaldala—, in Hebrew the ht (originally a combination of causative and reflexive, as in Ar. istaf’ala) —hitbalbel. In Egyptian, on the other hand, we always find the n-reflexive—ngš, nšršr. The same is true of Ethiopic—anṭaḥṭiba, angargāra (apparently a blend of the causative and reflexive, as in Heb. and Ar.). In Assyrian the n-type prevails, but in a slightly modified form which is closely analogous to the Hebrew nippa”el: e.g., nagarruru, from grr, “roll” obviously representing an original *nagarguru (following the Assyrian infinitive vocalization in the derived conjugations), and thus being, both in origin and in form, a nif’al of the pi”el. In Assyrian triconsonantal verbs are admitted to this conjugation in a peculiar way,
with the addition of ֗, e.g., נָּגַלְפָּה, "float," for *נָגַלְפָּה (qlp), נָבָלְלָה, for נָבָּלָה, "stretch" (bšt). This is evidently an analogical conformation to the full quadriletal type נָבָלְתָּה (blkt) and נָפָרָשְׁדָה (prṣd; see above), just as נָדָו (nmd) "rejoice" is conformation of the root נָדָו, "be alert," to the triconsonantal type.

Jerusalem.  

W. F. Albright.
JOSEPH KIMHI’S “SHEKEL HA-KODESH”

We are in need of editions of our medieval classics, and we should be grateful for each and every effort which is made to bring some of the hidden treasures from the obscurity of the manuscript alcove to the light of the published shelf. The workers in this field are few, and the material awaiting the skill of the scholar is abundant and no time has been less propitious for the cultivation of this branch of research as the period which we have just passed through. It is therefore refreshing to find that, despite the turmoil and the upheaval which shook the world to its foundations, the Rev. Professor H. Gollancz has had the tranquillity of mind to continue his industrious labors and add one more important volume to our classics.

The “Shekel ha-Kodesh” of R. Joseph Kimhi, which is a collection of proverbs and maxims in metrical form, is a work that commands our attention on its own account as well as on account of the literary problems which it brings in its trail. “Proverbs”—remarked a well-known littérateur—“are the treasures which antiquity has bequeathed to posterity. They form the oldest contributions to the history of mankind. They are pearls of wisdom with which the human genius likes to decorate itself. They are the household gods which have accompanied mankind through all countries and in all ages.” The Jewish genius has always been fond of the proverb and the maxim, as can be seen from almost every page of the ethical and philosophical literature of the Middle Ages (my own still unfinished collection of proverbs from this branch of literature numbers already about 10,000). Yet, there are but few works of a purely gnomic character in the entire Jewish medieval literature. Discounting Ben Sira as belonging to an earlier period, and the two extracts from an early book of maxims published by Harkavy (הראקבי, Crocow 1903, pp. 103-108) and Schechter (JQR., XVI, p. 425-442), as too fragmentary, we have the Shekel ha-Shnefl ascribed to Hai Gaon, Samuel ha-Nagid’s לבר קב, Ibn Gabirol’s הבחר הפילנinand Jarizi’s הוסר, yet none of these has been published. New editions, by Gollancz himself and G. J. Scholem, bring these works within the reach of the student. But the great work of Joseph Kimhi now edited for the first time from MSS. at the Bodleian, with an English translation, introduction, notes, etc. to which is added Yesod Hayirah (The foundation of Religious Fear) from MSS. in the British Museum, with an English translation and notes by Herman Gollancz, M. A., D. Lit., Oxford University Press, London 1919. 8° pp. XX, 125, 7, 87.
and וני התלויות. The Shekel ha-Ḳodesh is therefore a welcome addition to this small group of wisdom literature.

Unlike the other books, however, the Shekel practically adds nothing new to our stock of maxims. The author himself lays no claim to originality. He found the proverbs expressed in prose, some in Hebrew and some in Arabic, and he took upon himself the task of putting them in a metrical garb. According to the superscription found in one of the MSS. from which the book is edited (MS. B) the author plainly states that his work is based mainly upon Ibn Gabirol's Mibhar (Shekel, p. 63, note 5). The truth of this statement is now forcibly corroborated by the table of comparisons, which the editor has drawn up, showing that out of the 431 couplets in the Shekel, 367 find their parallels in the sentences of the Mibhar.

Whether the Shekel is an improvement upon the Mibhar is an open question. Some of us would very likely prefer the terse unpolished sentences of the Mibhar to the highly artificial and involved verses of the Shekel. But as an exercise in metrical composition the Shekel is certainly an interesting contribution. According to the tastes of those days Kimhi's work was a distinct literary achievement. Be this as it may, it brings with it the problems whether the Mibhar in its original Arabic form was the work of Gabirol or not and whether the Hebrew translation is indisputably the work of Judah Ibn Tibbon. Until now the authorship of Gabirol was under suspicion because we have no further evidence for it than the passage in Kimhi (according to MS. B alluded to above), which remained unnoticed by all Jewish scholars who made use of the Mibhar. Upon this head the editor has gone to great length in citing the opinions of almost all his predecessors (Shekel, pp. IV-VIII), but he comes to no better conclusion than that "as the once reputed author of the Mibhar, R. Yedaya Hapenini, was disowned, so R. Solomon Ibn Gabirol, who since then has enjoyed the reputation of being the author, may yet be dislodged from this pedestal, and the honour (at all events in part) transferred to another" (ibid., pp. X-XI). But it seems to me that since the part of the superscription relating to the dependence of the Shekel upon the Mibhar has been proved to be true, there is no reason to doubt the truth of the other part of the superscription, which assigns the authorship of the Mibhar to Ibn Gabirol and its Hebrew translation to Judah Ibn Tibbon. In this connection it

1 I have not included such works as י"א מנקה, Munkaes 1905, י"א ירושלים, Jerusalem 1881, י"א מנטוא, Mantua 1592, י"א סרג'ה מונקאות, Salonica 1827 and י"א אָ' מונקאות of Nathan Amram, Königsberg 1857, because some of these are too modern and others are compilations based on previous collections.
should be pointed out that the editor has overlooked the very important biography of R. Joseph Kimhi by Geiger (אנתא נומם, I, 97-119 and again in בבנה נמנים edited by Kircheim, pp. 1-24). Geiger devotes a long paragraph to the Shekel which should have been brought to the attention of the reader. It might also have interested the reader to know the suggestion, put forth some time ago, that in all probability Judah Ibn Tibbon entertained Joseph Zabara with his translation of the Mibhar when the latter passed through the city of Lunel (Davidson, Sepher Shaashuim, p. XL). And since Zabara was a friend of Joseph Kimhi there is a likelihood that Kimhi likewise was not uncognizant of Ibn Tibbon's translation.

In regard to the method of presenting the text I must own that I am entirely at variance with the editor. He prints the text of one MS. and gives the variants of the other MS. in the notes. This throws the burden of reconstructing the text entirely upon the reader, a method which belongs to the early stages of editorial work. Of a modern editor it is expected that he present the text in as perfect a form as possible, using the variants merely as evidence for the emendations and corrections. Besides this, the fact that the text appears in one part of the book, the translation in another and the notes and variants in still a third makes the reading of the book a real weariness of the flesh. On the other hand, we are thankful to the editor for numbering the chapters and the stanzas, since it diminishes the labor in searching for the translation and the notes.

For the translation I have much praise. Dr. Gollancz has succeeded in reproducing the spirit of the original while being as literal as possible. The language is clear, concise, and correct as far as the text is before us. This compensates, in a measure, for the omission of the vowel points, without which no poetic text should be issued.

The editor has also done well in printing the couplets found on the fly leaf of a MS. copy of the Moreh Nebukim in his possession (Hebrew part, pp. 84-87), for they are indeed identical with the verses interspersed in Kimhi's commentary on Proverbs (as suggested by the editor in the introduction, pp. XVI-XVIII) and in many instances they offer better readings. The editor, however, seems to be unaware of Dr. S. Eppenstein's emendations and corrections to Kimhi's commentary on Proverbs based upon the Munich MS. (See ZfHB., V, 143, 178; VI, 24) from which he could have gathered several important variants for these couplets.

In regard to the text itself the editor has left much that is to be
desired. In the first place he did not have before him all the MSS. extant, though this was a matter over which he had no control, owing to the continuance of the war. That the edition suffered thereby can be seen from the large number of better readings which J. Weill has given according to the Paris MS. (See REJ., vol. 70, pp. 216-223) designated below as MS. C. But aside from this, the editor has not done justice to the text with the material that was before him. There is no doubt that every stanza of the Shekel is constructed according to a certain metre, as the name Shekel implies. Again, it is self-evident that every stanza has its own particular rhyme. If the editor had paid attention to this phase of the verses he would have avoided many errors in the text as well as in the numbering of the stanzas. To illustrate this point I give here a list of corrections in the first chapter, suggested merely by the metre and the rhyme.

Chap. 1, No. 1a: לשל is against the metre, read לשל.

4b: נ as in MS. B is correct according to the metre.

6c: Rhyme and metre show that this is a new stanza.

8b: Metre requires "ק instead of קא.

10c: Rhyme and metre show that this is the beginning of a new stanza. The correct reading as given by J. Weill according to MS. C (REJ., vol. 70, p. 119) shows that this couplet consists of 16 vowels in each verse, whereas 10a-b consists of a combination of נ and ר.

14c: Rhyme and metre show this to be a new stanza.

17b: Metre requires רמא instead of רמא. It is so in MS. C.

17c: Rhyme shows this to be a new stanza. Metre requires מ as in MS. B.

19a: Metre requires לקש instead of לקש. As in MS. B.

19b: ר is against metre and is not found in MS. A or C.

25: This couplet as it stands now is hopelessly corrupt. By comparing it with the sentence in the Miḥbar (No. 30) of which this is a metrical version, I venture to reconstruct it as follows:

[Reconstructed text provided]

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The passage in the Mibhar reads 'nnn for the text א""מ for א""מ. The reading of בר is supported by MS. B which according to the editor reads בר. Undoubtedly a י for כ. The last word מ""ר is partly supported by the same MS. which reads נני. With reference to Ps. 46. 3 ( aloud נני) it fairly reproduces the phrase מ""ר of the Mibhar. As to the meaning of מ""ר here in the second line, the commentator in the Cremona edition says: This, however, is not quite satisfactory. Fortunately I find this sentence of the Mibhar cited in Kimhi's commentary on Proverbs (ספד יב) p. 4. 13 from below) as follows: Asparagus and roots of the shoots. This MS. reads: Munich reads: as follows: This suggests to me to reconstruct the second line as follows:

26a: Read נני instead of נני.
30b: Read של as in MS. B.
32c: Read נני instead of נני.
33b: Read של as in MS. B. or של.
36: As it stands the metre in this couplet is corrupt. The correct version is given in Asher's edition of the Mibhar in a note on No. 50 of which this stanza is a metrical version, and strange to say the version is taken from the Oppenheim MS. of the Shekel which is identical with MS. B, used by the editor (See Shekel, p. XVIII and Asher's edition of the Mibhar, p. XXIII, No. 32, and p. 10 note a). This version reads:

| - | - | - | - | - | - |
| לארשי ממריה וק posto לבקה
| על עלי קפל קפל קפל ספה
| ונ תי מיטי נמי נמי נמי
| וניreed בפש אטר.

40a: The metre requires בפש instead of בפש.
40b: נני as in MS. B. is the correct reading according to the metre.
40c: Rhyme shows this to be the beginning of a new stanza.
46c: The metre demands נני as in MS. B.
48a: Instead of נני the metre requires נני as in MS. B.
52a: Read הָיָבִים.
53a: Metre requires הָיָב as in MS. C.
53c: Rhyme and meter show this to be the beginning
of a new stanza.

The number of corrections that could be made in the remaining
chapters, along the same principle, is proportionally as large, but the
above examples are sufficient for our purpose. It is to be hoped that
in his future labors in this field Dr. Gollancz will not take Dukes and
Edelman for his models but will rather follow in the footsteps of Luzzattdo and Senior Sachs and their modern disciples, and then we shall
really be thankful to him for his industry and zeal and his untiring de-
votion to the advancement of medieval Jewish literature.

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ILLUSTRATED HAGGADAHS

The Passover Haggadah is one of the most frequently printed Hebrew books. Wiener in his special bibliography enumerates over 900 editions between 1500-1900. The Seminary collection of about 700 numbers includes over 150 of this period which remained unknown to Wiener. The well-known book of D.H. Müller and Schlosser contains a great amount of information on illuminated Haggadah MSS. The researches of these writers were continued by Kaufmann, Schwab and others. The illuminations of the printed Haggadahs have not as yet been treated adequately; they nevertheless offer an attractive subject to the student. Schlosser, Die Haggadah von Sarajevo, p.222-226, has established their dependence on the younger circle of German illuminated Haggadah MSS. From these they took the picture of the "Hasenjagd" caused by the similar sound of Jaknehas (ֶֶכִהֲנָע, the formula for the arrangement of the blessings of the Kiddush) with "jag' den Has.". German influence in the Haggadah is also shown in the inclusion of a Judeo-German translation of some of the songs at the end of the Haggadah. A considerable number of illustrations from various old Haggadahs, especially from the one printed at Mantua in 1560, have been reproduced in Hermann's Chad-Gadja. Zlocisti's essay on the "Pessach-Haggadah" in the same volume contains a few remarks on the subject of the illustrations. The same writer described the Mantua Haggadah at some length in Ost und West, vol. IV, 4, April 1904, where more reproductions are given.

An examination of a number of the illuminated Haggadahs of our collection reveals how much the old and new printers copied from one another and how a few types of illustrations, although representing dress and character of the people of a certain time and country, were used repeatedly with very little adaptation to different countries. A few remarks on this subject will not be out of place.

In the first separate edition of the Haggadah, 1486, we find two ornamental letters (דב) and the words מי מ[sic] and מי מ[sic] are printed in large round ornamental frames which evidently had been used considerably by the printers previously, to judge from their condition. In the preceding year the same printer, Soncino, had used in his Maḥzor the same letters for מי מ[כ], but had printed the word מי מ[כ] in ornamental letters instead of the plain ones used in the Haggadah.
In 1512 Thomas Murner in connection with the Reuchlin-Pferkerkorn controversy produced a Latin translation of the Haggadah embellished(?) by wood-cuts drawn by his brother Beatus representing groups of three Jews at the table in various poses, all very unattractive.

The first illuminated Haggadah, which appeared in Prague in 1526, was strongly influenced by the German art of the time. This Haggadah makes a very pleasing impression and is a fine specimen of early book making. Its reprint of 1550 which I have not seen (like the later Prague reprints of 1590, 1606, 1625, etc.) is inferior according to Schlosser (p. 224-225), but has some additional pictorial material.

The next illuminated Haggadah known to me, that of Mantua 1560, probably follows one of 1550 of which no copy is extant. It is of very different character from that of 1526. A glance at it clearly reveals the influence of the Italian Renaissance; on the other hand its selections of the subjects and pictures indicate that in many ways it follows its northern predecessor. In both of them, e.g., we find a picture of Pharaoh taking a bath in the blood of murdered Jewish children which Eisenstein traces back only to the 1629 Haggadah. The most marked difference between the two Haggadahs is the fact that the Mantua printer uses all through his book different illuminated borders which evidently had previously served for non-Jewish books and in which heterogeneous blocks are frequently used juxtaposed, sometimes without fitting into the place reserved for them. The figures used for illustrations in the earlier part of the Haggadah are repeated in the latter part where, having no relation to the text, they merely serve as illuminations, interrupting the monotony of the borders. The same illuminations were largely used again, though partly in different arrangement, in the Haggadah of Mantua 1568. Here, however, there is a new title page and part of the margin is filled out by the commentary of the editor, Joseph ben Jacob of Padua. In this edition the pictures frequently are described by a short heading making it more evident how the same picture is used to represent altogether different persons. Thus the same cut, based on Michelangelo's Moses (Schlos-

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1 Recently many of the illustrations of this very rare book have been made generally accessible in smaller size by Dr. Karl Schwarz in his Juedische Bucherei, Band 3: Die Preger Hagada von 1576. 19 Abbildungen aus dem ersten Holzschnittdruck der Passah-Hagada. Berlin, FRITZ GUBRIT, 22 pp. and 3 pp. at the end by the editor.

I have before me five such editions printed between 1599-1604.

An entirely new set of illuminations meets us in the series of editions of the Haggadah beginning in 1609 which contain Leon Modena’s translation. According to the title page of the second edition (1629) their author was the well-known printer Israel Zifroni. Besides the larger figures we have here a great number of different initials with small pictures illustrating the respective paragraphs. It is only natural that Zifroni could not free himself entirely from the influence of the earlier pictures which apparently had been in traditional use for more than half a century. We therefore find some of the old motives, as e.g. the above-mentioned picture of Pharaoh. These cuts were repeated again and again; we find them, for instance, in the reprint of Venice 1740. Many of them were imitated in the copper plates illustrations of the fine Amsterdam Haggadah of 1712 where they are combined with another set of drawings found already in the Amsterdam Haggadah of 1695 famous for the addition of a map of Palestine on which the wanderings of the Jews in the desert and the territories of the twelve tribes are indicated in mediaeval fashion by Abraham ben Jacob. This engraver is probably responsible for the copper plates in both editions (see Da Silva Rosa, *Iets over den Amsterdam’schen Opperrabbijns Isaac Aboab*, Amsterdam, 1913, p.18). The pictures of the 1712 Haggadah we meet again e.g. in a Vienna Haggadah of 1823. Whether there is any relation between these pictures and those of the Amsterdam edition of 1662 inaccessible to me I cannot tell.

There is only one Haggadah in the XIX century which tries to leave the beaten path of coarse reproductions of the illustrations of its predecessors and shows a refined artistic taste in its whole make-up. I mean the edition of Abraham V. Morpurgo, Trieste 1864, with

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3 Many of the illustrations but not the map are reproduced in no. 5 of the *Jüdische Buchreihe: Die Amsterdamische Haggada*. 18 Abbildungen aus dem Kupferstichdrucke des Passah-Hagada. 20+7 pp.
and without Italian translation. This edition is printed in beautiful type with pretty initials. While many of its illustrations are somewhat stiff and not very original and do not come up to our idea of a beautifully illustrated book, they are dignified and pleasing and make this edition outstanding among its contemporaries.

These remarks only intend to draw attention to the interesting question connected with the history of the illustrations of the printed Haggadah. The few facts mentioned revealed themselves to me while glancing through some of the older Haggadahs of our Library. In order to make a really valuable investigation it would be necessary to examine all the illustrated Haggadah editions. The various editions of the Birkat-ha-Mazon and the Minhagim containing similar illustrations ought to be considered in this connection as well as the various works of the illustrations of the Bible in former centuries, which may have had some influence on the Haggadah illustrations.

This examination of our Haggadahs was caused by the appearance of two works which intend to put before us new Haggadahs with modern illustrations. Just as the earlier Haggadahs show a distinct uniform character, so also do their modern successors. The spirit, however, is very different in the book before us. In Eisenstein’s Haggadah the illustrations are strictly modern, but hardly in harmony with the atmosphere prevailing during the Seder. They remind one too strongly of caricatures and lack the nobility and spirituality and the Oriental background of the historical facts. Thus the who in the older haggadahs appears in the character of a “Landsknecht” is represented by the illustrator Lola as a prize-fighter!

The Haggadah illustrations of Budko are on quite another plane. Here we have the work of a real artist who does not try to express every word of the Haggadah in a commonplace fashion, but who selects those points which appeal to his imagination and tries to give them expression in a way which is in keeping with the old account of the most important event in the history of the Jews. In one of the pictures we see the fine faces of the five old scholars gathered in Bene-Berak which accords well with the pictures of these old masters of the Mishna which our imagination may have created. Their faces

4  "Ozar Perushim ve-Ziyurim el Ha'agada shel Pesah," a compendium (in Hebrew) of Authoritative Commentaries and Original Illustrations on the Hagada the narrative of Israel’s Redemption from Egypt for the Passover-night ritual. 

show how deeply they are engrossed in their discussions which have lasted the whole night. The light begins to shine through the window at which we observe a group of their pupils. On another page we find a striking picture illustrating the paragraph הִדָּה שְׁעִימְרָה. We see the wandering Jew passing through the desolate wilderness, a man lonely but unbroken by the weight of the centuries. The Haggadah contains many beautiful initials, some of them simple illuminations, others representing fine little pictures, e.g. of the four sons. It is a great pity that the reproductions, especially the smaller pictures, are in many cases rather indistinct. They are a little better in the hundred copies printed on special paper, but cannot compare with the original illustrations published in a few, I understand 30 copies in a portfolio.

Budko’s Haggadah contains only the plain text printed in an attractive type and style without any addition other than the pictures. Eisenstein’s Haggadah is a much more ambitious undertaking in which the illustrations play only a minor rôle.

The edition accompanies the text with notes referring to the customs and laws of the Seder as well as to the origin of the various parts of the Haggadah. These notes are on the whole an extract of Landshut's כתובות עיריאפיא which appeared 65 years ago. As the book has been out of print for a long time a complete reprint would have been more welcome than this partial recast. Of the literature on the subject which has appeared since that time the editor has taken little notice. He does not know that a number of Haggadah MSS. have turned up in the Genizah in which the המ נטענה is found in the old form and actually only contains three questions (see JQR, X, 44, 47, 48, ZfB., XV, 123) just as in the Palestinian version of the Mishna. The reading אָמֶר לַמֵּד רֶכֶם אֲלָנוּר which is also found in the Shibbole ha-Leket and in an old Haggadah MS. of our Library, occurs in the Cambridge MS. of the Mishna ed. Lowe and has been discussed by Ehrentreu, Jahrbuch der Judisch-literarischen Gesellschaft, XI, 209. Instead of the four sons mentioned in the Haggadah originally there were two versions one speaking of אִישׁ וָיֶעָר לַתָּאָו תְּפָסָה, the other of אֵשֶׁת וֶעָר וָלֵתוֹנָא and תְּפָס. As Hoffmann pointed out in the Magazin, 1886,14,15,p.164 (comp. also his remark in Daiches, לְאָמָה יָרֵי לְתָאָו עַלָּהָו, No. 1, p.13-16 and בַּהֲזָה, II,14,15,p.164,65), the reading אָמָה נַאֲתָה אֶלָּה in the answer of the אֲבָנָה occurs in the oldest editions as well as in the older MSS. of the Haggadah. No notice is taken of the many fine remarks in Lewy’s Vortrag über
das Ritual des Pessach-Abend, Breslau, 1904. It is inconvenient that owing to the difficulty of typographical arrangement the notes in some places are not found by the side of the passage to which they refer. The Haggadah is followed by the text of Shir ha-Shirim with Lola’s illustrations.

As a second part of the volume Eisenstein reprints ten commentaries on the Haggadah in their complete text from old, though not always first editions. He begins with the famous Commentary of Abravanel (p.61-131) which accompanied the second edition of the Haggadah (1504). On account of its length it had been printed merely in extracts by the publishers of the last three centuries. Eisenstein reproduces the Venice edition of 1545. It is followed by the Commentary of the Malitzor Vitry which the editor constructed on the basis of the Hurwitz edition of the British Museum MS. and that which was published from another MS. in the Haggadah of Vilna, 1886; perhaps the latter manuscript is the one to which Abraham ben Elijah Wilna refers on p.19 of his MS. Instead of the text of the בול, p.143-47, it might have been better to reproduce its prototype from the rare מדרש תデータ. The identification of the בול with the מדרש היוני is impossible as we know from the MSS. of the latter books in Oxford and in our Seminary. P.147-165 we get the Commentary of Zedekiah Anaw from Buber’s edition of Shibbole ha-Lebat and p.166-179 that of David Abudraham. P.179-263 the respective parts of R. Loewe ben Bezalel’s בוב, chapters II and XLIVIII-XLIX, are reprinted, but numbered consecutively as 1-19. The later Haggadahs only contain short extracts from this book. P.264-290 we get the commentary of Moses Al-Sheikh and p.291-299 the respective parts of the לול. The Commentary of Jacob Emden p.291-307 from his Siddur and that of the Vilna Gaon conclude this part of the book. For the Gaon the editions of Vilna 1868 and 1880 contain an explanation of the latter part of the Haggadah including two commentaries on Had-Gadya. We also find here the remark that the commentary on Psalm 115 is not by the Gaon.

The third part (p. 317-346) contains short articles on Egypt, a few haggadahs about the Exodus, laws and customs in reference to Passover and a very short description of the Samaritan Passover. A brief interpretation of Shir ha-Shirim concludes the volume.

The selections of the commentaries can be approved of. It is useful and convenient to have these older works once more accessible in full instead of in the arbitrary selection of some irresponsible
publisher. The editor might have done well to include in his volume the few other older commentaries which have been printed, those ascribed to Rashi, Samuel ben Meir and Yomtob ben Abraham of Seville, all of which appeared first in the Haggadah משלוח קדוש, Livorno, 1838, and that of Rabbi Isaiah da-Trani, Cracow, 1896. They would have increased the size of the volume but little and would have added to its usefulness. Perhaps some readers would have liked to find the stories of the Dubno Maggid in the volume.

The volume published by the Jüdischer Verlag aims to put into the hands of the German reader a popular and attractive book which not only contains the translation of the Haggadah in very good German, but also various essays and short stories centering around the Haggadah and the celebration of the Passover eve.

The volume begins with the translation of the respective passages of the Pentateuch followed by the German Haggadah and Zlocisti’s above-mentioned essay. Under various headings Midrashic sayings referring to the occasion are given. We get sketches of the Passover in the Caucasus and in Yemen as well as among the Samaritans. The respective chapters of Pauline Wengeroff’s “Memoirs” and Kompert’s “Ghetto Sketches” describe the Passover and the preparation for it seventy years ago while the translation from Shebet Yehudah deals with the sacrifice in Jerusalem in the Roman period. A concluding sketch, “Die Chagigah von Rechoboth”, by Julius Heilbrunn, brings us down to our own times. Heine’s “Rabbi von Bacharach” and sketches by Mendele, Peretz, Buber, and Agnon, and the poem of Bialik add to the attractiveness of the volume. The illustrations from old Haggadahs throughout the volume were referred to above. Their sources are enumerated in the editor’s notes, p. 219-221.

The book is very well written, popular in the best sense of the word, and appropriate to be put in the hands of the young. A companion volume on Hanukkah, Moaus Zur, ein Chanukkah-buch, appeared in 1918.

The appearance of many more such publications of equal excellence would be most welcome. Such books can but contribute to the appreciation of our beautiful festivals, even among those estranged from the old Jewish customs.

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6 Chad Gadja, Das Passachbuch. Herausgegeben von HUGO HERRMANN. Berlin, Jüdischer Verlag, 1919. pp.224
"Education in Ancient Israel" by Fletcher Harper Swift is a valuable contribution to the history of Jewish education. It is comprehensive, sympathetic with the point of view of the period with which it deals and is the first masterly attempt to make a scientific study of education in Ancient Israel.

Almost all of the histories of education either entirely omit the history of education in ancient Israel or make only brief mention of the subject. To give but one illustration, I refer to Monroe's "History of Education". This text which is widely used in teachers' training schools and in colleges, makes no mention of education in Ancient Israel, while it devotes 29 pages to Chinese education and 120 pages to Greek education.

The reason for this unpardonable neglect is due to the fact that information concerning this subject is meagre and incomplete. The present volume is the first attempt to give, in the English language, as broad a treatment to education in Ancient Israel as has long been accorded to that of other ancient peoples. The motive which impelled the writer to publish this volume is well expressed in the introduction.

"...so the Hebrews may be described as the people who vicariously created or evolved the major portion of our religious and moral heritage. One nation after another through the channel of Hebrew experience has approached the Hebrew God of righteousness and risen to spiritual conceptions before unknown to it... For nearly two thousand years conceptions, standards and ideals reborn in the teachings and life of Jesus of Nazareth but nevertheless originating in the spiritual experience of the ancient Hebrews, have inspired, rebuked, comforted and guided the nations of an ever extending Christendom.

What are the fundamental characteristics of Hebrew religion and morals, what part did education play in the development of the religious and moral consciousness of that race whose conceptions were destined to dominate the spiritual life of a thousand alien people and whose literary monuments have for centuries served as a primer and final text-

book for Christendom? What were the institutions, who were the teachers, what were the methods through which the national consciousness and its heritage of doctrines and ideals were stimulated, fostered, preserved, and transmitted?"

The volume is divided into six chapters. The first chapter is devoted to a summary of the history of the Jewish people from the earliest times to the exile of Judah in 586 B.C.E. and to a brief survey of the most important events and movements connected with each event. The chapter forms the basis for the interpretation during this period of the educational development which is the subject matter of the second chapter.

In this chapter is contained a detailed account (1) of the earliest educational institutions—the tribe and the family; (2) of the methods whereby the youth, from childhood up, was prepared for the exigencies of life through physical, industrial, and military training; (3) of the evidence of informal training in the arts—music, dancing, story telling, and (4) of a more formal education in writing, number, and particularly in religious rites and practices.

There was no phase of life and no field of activity into which religion did not enter. Moral precepts, tales, legends and traditions setting forth the deeds and virtues of ancestors were the basis of moral training. The priests, the prophets, the Levites, and the scribes, while fulfilling their respective functions, acted as public teachers.

The third chapter gives a brief summary of the history of the Jewish People from 586 B.C.E. to 70 C.E. and to a survey of the most important events and movements during this period. This chapter forms the background to the discussion of the fourth and fifth chapters. The fourth chapter is devoted to a discussion of the family as the prime educational institution during the post-exilic period. The command in Deuteronomy "and thou shalt teach them diligently unto thy children," was taken literally. Father and mother acted as the child's first teachers of religion. Parents were held responsible for the education of their children, but also for their conduct. The various rites and ceremonies connected with each period in the child's life impressed every member of the family with the fact that the child belongs to God and that the parents were directly responsible to God for insuring to the child his religious education.

It is to be regretted that the author on several occasions based his data on secondary instead of original sources and fails to arrive,
in one case at least, at an accurate conclusion. The author presents the authority of the father as autocratic and quotes the text in Deuteronomy to support his claim. "This, our son, is stubborn and rebellious; he will not obey our voice; he is a riotous liver and a drunkard". The parents, according to the author, were the accusers and the prosecutors, the elders were the judges. If the parents' accusation is accepted by the elders of the city, "all the men of the city shall stone him with stones that he die". This demand is in the same category with the command "An eye for an eye and a tooth for a tooth". The literal interpretation in both cases was never followed. The Talmud records only one instance where the law was supposed to have been carried into effect. It was necessary for the "voice" of the father and mother to be exactly the same. This condition made the law a dead letter.

Chapter five is devoted to a discussion of education in the schools and in society after the exile. In it is discussed the synagogue which functioned not only as a house of prayer but as an assembly hall and as a school. Through the efforts of Simon ben Shataḥ (65 B.C.E.) schools for youths of 16 years and older were established. It was in the effort to make education complete and within the reach of every child, that Joshua ben Gamala (64 C.E.) established the ordinance making elementary education universal and compulsory. A comprehensive account of the system of elementary education for children from the ages of 6 or 7 years is given in this chapter.

The contents of the sixth chapter are brief: the synagogue and the Temple, aside from the home, were the only institutions to exert any educational influence on the girl or the woman of the day. The status and intellectual attainments of the woman in Israel are briefly presented.

The book contains a complete bibliography and a very fine index. The text is logically arranged and may easily be used as a valuable text-book in the history of Jewish education for the period which it covers.

In closing, I wish to call attention to an error due perhaps to a slight misconception of names and derivates. The name of our great teacher was Ben Shataḥ, not Shetah as is used in one instance.

Rabbi Kohn's manual is of considerable value to teachers of biblical history, especially to those in orthodox and conservative religious schools.

While there are a number of volumes for teachers of biblical history written by Christian authors, or by those of reform tendencies, this volume is the first of its kind that I know of to present the subject from the point of view of the orthodox or the conservative Jew.

The introduction is replete with suggestions to teachers. In view of the fact that the large proportion of teachers of biblical history receive no special training in the methods of teaching biblical history, the introduction is indispensable. Even those who have taken courses in methods of teaching history in general, and of biblical history in particular, would be helped by a perusal of the introduction.

The utilization of Jewish symbols and ceremonies with which the child is familiar as a point of contact with many of the stories should prove invaluable.

The manual is divided into two parts. Part one covers the period "From the Creation to the Death of Moses", in 23 lessons, and part two covers the period of "Israel Under the Leadership of Moses" in 16 lessons. Each chapter is divided into three parts: (1) Interpretation; (2) Aim; (3) Suggestions to the Teachers. The first part, "Interpretation," contains a brief summary of the Scripture lesson of the story. The "interpretation" does not, however, eliminate the necessity on the part of the teacher of reading the Bible before presenting the story to the class. It does help the teacher to grasp the crucial meaning of the story of the lesson.

Under the second heading in each lesson, "Aim", is contained the religious, moral, and ethical teaching of each story.

Pedagogically it is wrong to lay any emphasis on the moral of a lesson. The teacher defeats her own purpose, but I presume that the author wishes to stress the underlying ethical lesson so that the teacher in telling the story should not fail to make clear in her presentation those points which give value to the story. In chapter seven of Part I, under "Suggestions to the Teachers", the author says: "It is very important in telling such stories the moral of which is to be enforced through the child's imitation of the virtues of the characters whose deeds it narrates, not to tag on a moral at the end of the tale. If the child is impressed by the story imitation is sure to result, and, by adding a moral stated in abstract terms, one only gives the child the feeling that the events of the story did not really happen, but were 'made up' to point the moral. But the child must be impressed by the story, and the skilful teacher will know how to make the details of the story itself so impressive as to bring home their moral."
The words of the author are applicable not only to lesson seven, but to all the lessons. The passage quoted should have been elaborated in the introduction and made applicable to all the lessons.

The greatest part of each chapter is devoted to "Suggestions to the Teacher". These suggestions are really very suggestive, and constitute the most valuable part of the volume. They are the outgrowth of an intensive study in methods of teaching biblical history, and of years of experience in teaching the subject as well as in directing similar work by other teachers. The Jewish teaching profession owes a debt of gratitude not only to the author, but also to the United Synagogue of America which has sponsored this publication. A companion volume covering the rest of biblical history should follow in order to complete the work which was so well begun.

New York.

JACOB B. GROSSMAN.

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