

THE TALMUD

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649718092

The Talmud by Arsène Darmesteter

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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16/7/18

PHILADELPHIA

THE JEWISH PUBLICATION SOCIETY OF AMERICA

PREFATORY NOTE

THE following passage from the biography of Arsène Darmesteter, prefixed to Volume I of his *Reliques Scientifiques*, deserves quotation, both on account of its criticism of Emanuel Deutsch's brilliant article on the Talmud, which originally appeared in the *Quarterly Review* for October, 1867 (reprinted as No. 3 of this *Special Series*), and as an illustration of the phenomenon, often noted in the scientific world, that investigators, wholly independent and perhaps in ignorance of each other, publish work of similar import simultaneously, though the phase of the subject presented may have been completely neglected up to that time.

The biographer, Arsène's equally distinguished brother, James Darmesteter, says (page xv): "In that period falls his first essay, an essay on the Talmud, in which he undertook to give an idea of the contents of that vast compilation, of its formation and its history, and which, even leaving out of consideration the age of the author,"—he was then about nineteen years old—"is a marvel by reason of its precision, clearness, and grasp of the subject. That essay might have sufficed to establish the reputation of an Orientalist and an historian. Unfortunately, Arsène did not find the means to publish it. As he was about to finish it, there appeared in an English review an article

on the Talmud, treating in reality of scarcely anything but the Mishna, and written with perfect appreciation of the public to which the journal appealed. It is the model of a superficial, popular, enjoyable exposition. Deutsch's article created a sensation in England, and was translated in France. Coming after it, Arsène's, superior though it was, would have appeared to be inspired by it. It therefore remained unpublished despite the efforts later on made by M. Gaston Paris to effect its appearance in the French reviews. . . . Notwithstanding the great and happy changes brought about in France during the last fifteen years in studies of this kind, which have found a centre at the *École des Hautes-Études* and an organ in the *Revue des Études juives*, his article has preserved its originality unimpaired, and even now is unique in our language as a summing up of the vast Talmudic chaos."

In a foot-note, the biographer says: "My brother later retouched his article, and introduced the references to Deutsch contained therein." The essay, here translated from the *Reliques Scientifiques*, finally, in 1889, the year following the death of its author, found its way into the *Revue des Études juives*.

THE TRANSLATOR

THE TALMUD

THE Talmud, exclusive of the vast Rabbinic literature attached to it, represents the uninterrupted work of Judaism from Ezra to the sixth century of the common era, the resultant of all the living forces and of the whole religious activity of a nation. If we consider that it is the faithful mirror of the manners, the institutions, the knowledge of the Jews, in a word of the whole of their civilization in Judea and Babylonia during the prolific centuries preceding and following the advent of Christianity, we shall understand the importance of a work, unique of its kind, in which a whole people has deposited its feelings, its beliefs, its soul. Nothing, indeed, can equal the importance of the Talmud, unless it be the ignorance that prevails concerning it. For what is generally known of this book? At the utmost its name. People have a vague idea that it is a huge, strange, fantastic work, written in a still more fantastic style, in which bits of all sorts of more or less exact knowledge, together with dreams and fables, lie heaped up with the incoherency of complete disorder. But it has not yet been made plain, that it is the work of a nation, the expression of a social system, and that in virtue thereof it falls under the laws governing the progress of humanity. It is not understood that it is a human product, whose

origin and development are human, capable of being resolved into laws, and therefore laying claim to scientific analysis. From a very different point of view it has heretofore been studied. Up to the present, this word Talmud has had the power of kindling passions and exciting acrimonious strife. The impartiality of which the author of the *Annals* boasts, *sine irâ et studio*, should not be expected of those who have written about this book. I have not in mind the last three centuries, during which its study was oftenest inspired by religious passion; Christian scholars for the most part looking upon it as a monstrosity, an infernal production, which damned the morality of the Jewish people, and the Jews hotly defending the sacredness of a work that was the bulwark of their faith and the embodiment of their religious life. Even in our days, when the demand for a more scientific treatment is justified, the Talmud has in general not been accorded impartial criticism, which, rising above polemics, should examine it dispassionately, and consider its nature and growth in the spirit that the physiologist carries into the study of an animal or the philologist into that of the characters of a language. The Jews of Germany alone in the European world of scholars have built up the science of the Talmud by the application of the critical method, which was unknown to the Jewish historians of the middle ages. About forty years ago, Jost, Zunz, and Rapoport by their learned researches inaugurated the great movement that continues with unabated vigor in our own time. Many

names suggest themselves ; among others those of Krochmal, Herzfeld, Graetz, Fränkel, and, above all, Geiger, who is remarkable for the assurance and the force of his bold criticism. Their influence is not confined to the Jewish world. Their work has succeeded in obtruding itself upon Protestant scholarship, both liberal and orthodox, forcing it to invite Talmudic research into the circle of the sciences. But outside of Germany their labors have met with only faint response. In France and England, they have been almost unknown up to the present time, and although special works are beginning to see the light of day, it is true that in the main nothing of these studies penetrates to the general public on this as on the other side of the Channel. For the benefit of this public, it is proposed in the following pages to give a cursory idea of the Talmud, by reviewing the principal results of German criticism. The first part shall be devoted to the analysis of the Talmud collection and to the examination of its two component elements, the *Halacha*¹ and the *Haggada*. The second part is reserved for the history of the development of the book and of the laws governing it. Finally, after a glance at its vicissitudes during the middle ages and in modern times, we shall indicate what remains for science to do with the Talmud, and what science may expect to find in it for the history of mankind at large.

¹ *Ch* pronounced as in the German *Nacht*.

PART FIRST

ANALYTIC SKETCH OF THE TALMUD

I

GENERAL CHARACTERISTICS

IF one of the heavy folios that constitute the Talmud collection be opened at random, the eye will be met by a text in the square Hebrew characters, which is framed on the right and left by narrow columns, and above and below by wide bands, of a finer text, printed in the Rabbinic characters. The frame is the work of French commentators of the middle ages; the portion framed is the TALMUD.

The Talmud, in turn, is composed of two distinct parts, the MISHNA and the GEMARA; the former the text, the latter the commentary upon that text. An analysis of the Talmud must therefore begin with that of the Mishna.

By the term Mishna we designate a collection of decisions and traditional laws, embracing all departments of legislation, civil and religious. This code, which was the work of several generations of Rabbis, received its final redaction towards the end of the second century at the hands of *Rabbi Jehuda the Holy*. It is divided into six sections,