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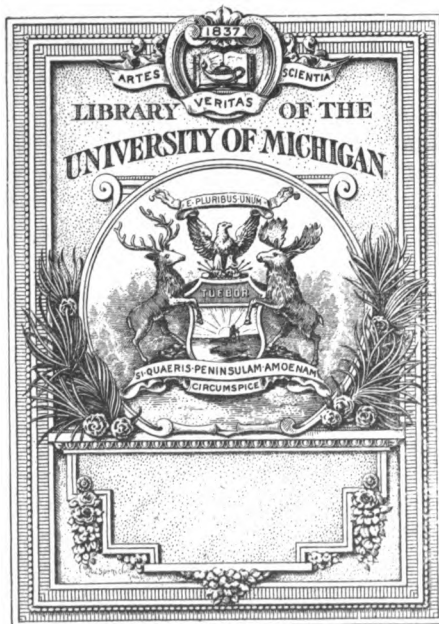
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...The school system of the Talmud, with a sketch of the Talmudical ...

Baer Spiers



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THE SCHOOL SYSTEM OF THE TALMUD.

דרך החינוך
לפי שיטת התלמוד

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THE SCHOOL SYSTEM OF THE TALMUD,

WITH

A SKETCH OF THE TALMUDICAL TREATISE

'Baba Kama.'

BY THE

REV. B. SPIERS (Dayan),

LIBRARIAN TO THE BETH HAMEDRASH,
AUTHOR OF 'THE THREEFOLD CORD, ETC.'



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PREFACE.

THE first edition of the 'School System of the Talmud' was published in 1882, and was very favourably received by the general public, and also by the press, as may be seen by the opinions quoted at the end of the volume.

That edition, however, being now entirely exhausted, I have been asked by many interested in the education of the young to prepare a second. This task I have willingly undertaken, and have thoroughly revised the work and added some new matter and an introduction. I take the opportunity of expressing my best thanks to Mr. A. Feldman, B.A., and to my son, Mr. F. S. Spiers, B.Sc., for having kindly assisted me in revising and correcting the proof sheets.

B. SPIERS.

In loving Memory
OF
MY DAUGHTER
THERESA LIZZIE.

INTRODUCTION.

EDUCATION has at all times and in all countries occupied a prominent place in the list of the most sacred obligations that our fathers were anxious to perform. Especially was that the case with regard to religious training. And in this age, full as it is of scepticism and unbelief, it is even more indispensable that the cultivation of the mind, from its very youth, should form one of our chief responsibilities. Certainly no true Jew can do better service to his God, to himself and to his children, than by giving them, not only a secular, but also a thorough religious education. This alone can prove whether the intentions of a Jew towards his heavenly Father are true and earnest, and whether God's Law is more highly esteemed by him than are the passing delusions of the world.

A Jew may to all appearances be very strict, he may walk in the footsteps of his pious fathers, yet this may be but outward piety, and is no evidence

of his sincerity and earnestness. He may, perhaps, only be religious either because it does not suit him at his time of life to follow the customs or adopt the manners of the present 'advanced' and 'enlightened' age, or because his position and circumstances may compel him to live in accordance with the rites and laws of orthodox Judaism; but the attention and care manifested by him in the religious education of his children—this, and this only, will be a clear proof of his attachment to the ancient faith of his ancestors.

We read in the Midrash the following beautiful illustration:

'Such are the ways of God. He gives to man riches; wherefore? That he should be kind and charitable to the poor, and so be enabled to keep the precepts of the Law. If he fulfils not the Divine intention, but only increases in pride through his riches, then they will tend to his misfortune, as it is said, "Riches kept to the hurt of the owner thereof" (Eccles. v. 13). God gives to man children; wherefore? That he should teach them righteousness and virtue, as it is said of Abraham, "I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and righteousness.'

If a man does not fulfil the intentions of God, but boasts of his children, he is punished through them. Again, the purpose of our toil and labour, of our anxiety and striving, is that we may live to

delight in our children, that they may be to us in our old age and helplessness a support and a comfort. But from what children can we best hope for such grateful recompense for exertions in their behalf? Surely from none other than those who have been religiously trained. Those who have not learnt the Word of God can with difficulty, if they can at all, know what filial duties really mean; nor can they know how far they extend; nor is their heart sufficiently ennobled to fulfil such sacred obligations.

Secular education alone can never have that influence over the human heart which is exercised by religion—the tender mother of man. Religion alone has the power to purify the heart, to elevate the mind, to sanctify the soul. The religious education of sons and daughters not only gives to parents great happiness and comfort here on earth, but will also be the means of securing their eternal bliss and salvation hereafter.

Our sages assert: ‘Whoever leaves a son after him studying the Torah is considered as if he had never died’ (Midrash Rabba).

‘We find,’ observes R. Abba, ‘that the Holy One—blessed be He!—shows mercy to the fathers on account of their children, as it is said: “And Noah found favour in the sight of God.” By what merits? By the merits of his descendants.’

But what is this religious education? It is to teach our children the Holy Scriptures with the oral interpretation thereof, handed down to us;

to instruct them in the principles of Judaism, to shelter them from all forms of unbelief, and to guard against all irreligious tendencies. The example of the parental virtues and godly life will certainly assist and benefit the young, but they must also be made practically conversant with the ceremonies and observances of religion in all their forms, for it is only thus that children can be made blessed, and happy, and steadfast in faith, both in prosperity and adversity. Only this can lead them back into the way of truth should they diverge therefrom, and support them in despondency, and comfort them in sorrow. This is the principal matter. In addition to this, it is certainly wise to give children a sound secular education, to instruct them in science and art, in ancient and modern languages, in the history of other nations, and, above all, in the history of our own people and in our ancient tongue.

The Talmud teaches: 'It is commendable to unite the study of the Law with business occupations, since their joint influence causes sin to be forgotten.' The higher faculties, the noble germs of loftier aims, must not vanish amidst the cravings and desires for worldly advantages. Ignorance of the Torah, the Word of God, is the real cause of that unbelief, scepticism, and indifference so prevalent in our day. The want of proper religious instruction is the true reason of impiety, discontent, and unhappiness.

B. SPIERS.

THE SCHOOL SYSTEM OF THE TALMUD

CHAPTER I.

THE sages of the Talmud held the school and the process of instruction in the highest estimation.

To them the school was the very essence of life; the calling of a teacher, the highest and holiest of all pursuits. Indeed, even after the closest and most careful investigation, we cannot find a single passage, either in ancient or in modern literature, which so admirably sets before us the school, in its true aspect—that of the most important and the highest object on earth—as the statement of R. Jehuda Hannasi, ‘The world exists only by the breath of school-children.’¹

The Talmud emphatically asserts the education of children to be a work of especial merit, and the importance of school and instruction cannot be too highly estimated.

¹ Sabbath, 119B.

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The whole stability of the world, inasmuch as it is intended to support sensible, thinking beings, is linked with the stability of the school, just as every effect is linked with its cause. 'A town which has no school and no school-children should be demolished.'¹

It is further affirmed that 'Jerusalem was destroyed because schools and school children ceased to be there.'²

Taken at their true worth, therefore, teachers and schools are the supporters, guardians, and defenders of a town, and are justly so called. For, wherever a comprehensive mind prevails in the midst of a people or State, where intellect penetrates all objects and all circles of life, there the work of moral development is unceasingly maintained by all, individually and collectively.

There, too, the teachers of the young occupy an honourable position in society, stepping forward with their knowledge among the ranks of the people, training, educating, refining, and ennobling them.

'A certain rabbi,' the Midrash relates, 'once sent several learned men from Palestine to establish schools and promote instruction wherever needful. They came to a town in which they found no trace nor sign of tuition whatever. With indignation they exclaimed to the citizens: "Bring before us the protectors of the town!"'³ But only the magistrates and other persons

¹ Sabbath, 119B.

² *Ibid.*

³ נסורי קרתא

entrusted with the civil functions of the place made their appearance. "These are not the protectors of the town," the wise men cried. "Who are, then?" inquired the citizens with astonishment. "The protectors of the town are the teachers," was the reply.¹

The Rabbis compare teachers to delightful gardens by a stream, and bright stars in the sky, for faithful teachers nurse, foster, and watch the tender plants, and cause benign light to beam into the yet dark world of the growing youth.²

'The teacher and the school-children,' observes the Midrash, 'form the most beautiful ornament of mankind; and like a costly coronet of pearls intended for the adornment of queens and princesses, they are worthy of occupying the highest and foremost place in society.'³

Nay more, the sages even compare the pupils to the anointed of God, and the teachers to the prophets, whose prayers are at all times answered by God.⁴ But this high esteem sprang from a natural feeling of love which they entertained for

¹ Pesichta, Midrash Echa, 2, also Midrash Tehillim, 127.

² Vide Midrash Jalkut on Balak. כננות עלי נהר אלו מלמדי תינוקות שמוציאין מלבן חכמה ובינה ודעת והשכל ומלמדין אותן לעשות רצון אביהם שבשמים ומצדיקי הרבים ככוכבים לעולם ועד (דניאל יב) אלו מלמדי תינוקות. ופרשי מצדיקי רבים הם שמלמדין ומחנכין אותן בדרך טובה.

³ Midrash Rabba, the 'Song of Songs,' chap. l., 10.

⁴ Sabbath, 119.

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the cause itself. Every sage considered teaching the noblest task of his life.

The Talmud relates of R. Jochanan ben Zaccai, that he spent the third part of his life in instructing others.¹ It is further said that R. Akiba, when in prison, sorrowfully addressed these words to his disciple, R. Simeon, who, in order to learn, had followed him even thither. 'My son, more than the calf wishes to suck, the cow wishes to suckle.'²

Rab, the Talmud informs us, once met the elementary schoolmaster, R. Samuel bar Shilath, whilst the latter was in deep meditation and reflection. 'How,' exclaimed the former, 'art thou thinking so much of thy vocation? Hast thou leisure to turn thy thoughts from thy calling, or hast thou entirely given it up?' 'No!' replied the other, 'I have not been in my garden for twelve years; and even now, whilst I am making reflections on the growth of some tender plants here, I think of school, and meditate on the spiritual thriving of the pupils under my charge.'³

The life of the teacher was closely connected with that of the pupil: master and scholar were, in fact, inseparable. If the teacher had to flee to one of the cities of refuge, on account of accidental homicide, his pupils accompanied him; likewise the teacher followed the pupils if such a misfortune happened to them.⁴ The unselfish-

¹ Rosh Hashanah, 31B, *ad fin.*

² Pesachim, 112A.

³ Baba Bathra, 8B.

⁴ Makkoth, 10A.

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ness with which they pursued their calling still more particularly characterised their love for the cause itself.

The only reward promised to them—the only reward desired by them—was to learn first, and afterwards to teach. ‘He who learneth that he may be able to teach others, will have the merit of being enabled to learn and to teach.’¹ ‘He who studied the Law in his youth will also study it in his old age; he who had pupils in his youth will also have such in his old age.’² ‘He who studies and teaches others possesses treasures and riches.’³

Not less, however, was the father penetrated with the love and importance of the instruction of his child, and the knowledge of the following maxim may have increased his zeal for it: ‘He who teaches the Sacred Law to his children is as meritorious as if he himself had received it on Mount Horeb.’⁴ ‘A sage,’ the Talmud relates, ‘met his friend who, with a cloth carelessly tied round his head, was hastily taking his son to school. “Why such haste?” inquired he. “Because,” replied the father, “the duty of taking the child to study is prior to everything.”’⁵ ‘Another sage tasted no food in the morning until he had taken his son to school. Another, again, would not breakfast before making his son

¹ Aboth, iv. 5. ² Jebamoth, 62B. ³ Ketuboth, 50A.

⁴ Berachoth, 21B, and Kiddushim, 30.

⁵ Kiddushim, 30A; *vide* Rashi, *ibid.*

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repeat the lesson of the previous day and giving him fresh instruction.¹

The high estimation in which the office of instructor was held induced the teacher to look upon instruction as much his duty as it was the father's.

Respecting the teacher, the Talmud thus expresses itself: 'He who studies but does not teach others is like a myrtle in the desert.'² Again, 'He who withholds instruction from the scholar robs him of it.'³ 'He who has learned and does not impart his knowledge unto others has disregarded the Word of God.'⁴

The learned are in duty bound to spread the knowledge and learning they themselves have acquired by intellectual striving. They are not to keep back from others their discovered truth; they must not make it a secret for their own selfish ends. Above all, the father must, according to the Talmud, himself teach his children, or have them instructed whilst they are yet in childhood.⁵

'It is incumbent on the father,' the Talmud asserts, 'to instruct his son.'⁶ Josephus was therefore enabled more than eighteen hundred years ago to say, 'Our principal care of all is

¹ Kiddushim, 30A; *vide* Rashi, *ibid.*

² Rosh Hashana, 23.

³ Sanhedrin, 91B.

⁴ *Ibid.*, 99A; *vide* also Maimonides, Hilchoth Talmud Torah, 1.

⁵ Kiddushin, 29.

⁶ *Ibid.*

this, to educate our children well.¹ He says further, 'Nay, indeed, the law does not permit us to make festivals at the births of our children, and thereby afford occasion of drinking to excess; but it ordains that the very beginning of our education should be immediately directed to sobriety. It also commands us to bring these children up in learning, and to exercise them in the laws and make them acquainted with the acts of their predecessors.'²

'It is not permitted to live in a place where there is neither master nor school.'³

'Who is an **עם הארץ**—an ignorant boor? He who has sons and does not educate them.'⁴ High regard for the law, love and duty to its study both united, will at last urge on the mind to diligence and perseverance. 'Therefore procure thyself an instructor, and thou shalt be free from doubt.'⁵ 'Procure thyself an instructor, provide thyself with an associate.'⁶ 'It is not the same whether a man studies by himself or learns from a teacher.'⁷ 'Be assiduous in study, for knowledge cannot be acquired by inheritance.'⁸ 'Say not, "When I shall have leisure I will study," lest thou shouldst never have leisure.'⁹ 'In proportion to the trouble which

¹ Book I., 'Against Apion,' par. 12.

² *Ibid.*, Book II., par. 26.

⁴ Sotah, 22A. See Rashi, *ibid.*

⁶ *Ibid.*, 6.

⁸ Aboth, 2, xii.

³ Sanhedrin, 17B.

⁵ Aboth, I., xvi.

⁷ Kethuboth, 111A.

⁹ *Ibid.*, 4.

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thou hast in studying shall be the reward.¹ 'If a man say to thee, "I have taken pains and acquired nothing," do not believe him. "I have acquired knowledge without taking pains," do not believe him either. "I have taken pains and acquired knowledge," this believe."²

Although the organization of public schools for the female portion of the community is nowhere manifestly stated in the Talmud to have been in existence, it is nevertheless evident, from various allusions therein, that much attention was paid to the private instruction of girls. True, the Rabbins did not enjoin advanced Hebrew education for females; but, while the higher branches of Hebrew literature were not taught them, yet, on the other hand, they recommended, besides a thorough domestic training, a sound religious instruction, and, what is more peculiar, the acquirement of a foreign language, specially the Greek tongue.³

According to them, girls were not required to be brought up as great scholars or professors; but were rather to be trained as educated and accomplished housewives. A woman should take an active interest in the management of her household, and devote herself to the moral and religious training of her children, by which alone she can prove herself a true mother in Israel.

The noblest acknowledgment which an educa-

¹ Aboth, 5, xxiii.

² Megilla, 6B.

³ Talmud Jerushalmi, Peah, 2B, מפני שהוא תבשיל לה

tionalist ever received for his high merit in educating the young was the praise accorded by Rab to Joshua, son of Gamla: 'Verily may the memory of Joshua ben Gamla be blessed; for were it not for him, knowledge would have been entirely forgotten in Israel.'¹ Nor was this eulogium undeserved, for, had he not nineteen hundred years ago taken in hand the condition of schools, attending to and taking care of them; had he not taken steps to found schools in every town, were it ever so small; had he not by these efforts sowed the seed of a national and intellectual development, the fruits of which continue to ripen even at the present day, the spiritual stronghold of Israel would have been sapped, knowledge would have slipped away, and the people would have been slain by the first blows with which their enemies struck them in the time of exile.

'Formerly,' the Talmud remarks, 'the father was the teacher of his own children. But this was open to the objection that the fatherless child received no instruction.'²

'As a remedial measure, schools for children were established in Jerusalem. Still, instruction was in method as incomplete as it had been before; for those children only, who were under the immediate care of their fathers, were brought to school, whilst orphans, left to their own resources, seldom went thither of their own accord.'

¹ Baba Bathra, 21A.

² *Ibid.*

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A school was therefore set up in every district, to which, however, boys only of sixteen or seventeen years were sent. These could not reconcile themselves to school discipline, and consequently left the institution whenever they pleased. Upon this Joshua ben Gamla stepped forward, and arranged that in every town and village schools should be established, and children from the age of six or seven should be compelled to attend them.

A further evidence that school instruction had become about this period a matter of national interest is furnished by the rule subsequently laid down, that the inhabitants of every town must establish a school in their own district. 'Since the regulations and ordinances of R. Joshua, inhabitants of every place were bound to maintain schools and teachers.'¹

The work of R. Joshua was not ephemeral, but produced lasting effects. The extension of schools was at this period carried out on the largest possible scale. They sprang up everywhere, and were thronged with the children brought thither by willing parents. The Talmud states that 'in the town of Bithur there were four hundred schools for children.' In each of those schools there were four hundred teachers, each of whom had four hundred children under his charge.²

Rabbi Simeon ben Gamliel said: 'A thousand school children were in my father's house, and

¹ *Vide* Baba Bathra, 21A.

² Gittin, 58A.

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all were instructed in the law and in the Greek language.¹

And although these figures need not be taken literally, it is nevertheless certain that the numbers of schools, masters, and pupils must have been enormously great in every important town. There was a practice in the beginning of the Talmudical period to teach the children in the field and in the open air, whenever there was any lack of space in the schoolroom. And we may infer from this that the doctors of the Talmud were already mindful of the necessity of sanitary arrangements, as they were thus careful to avoid overcrowding in their schools. (See Chapter VII.) This open-air instruction seems to have continued to be the custom until the time of R. Jehuda Hannasi.² This great Rabbi was the first who determined that the instruction should take place under cover,³ and it may safely be assumed that the schoolrooms were then sufficiently spacious, so as not to interfere with hygienic laws.

Many such schools existed in different places under various names. But at first the names **בתי הכנסת** or **בני כנשתא** were also applied to schools for children, who were seated either on the ground, on stools, on cushions, or on forms.⁴ Benches, stools and cushions did not, however,

¹ Baba Kama, 83A.

² Sabbath, 127A.

³ Compare Moed Katan, 16A.

⁴ Baba Bathra, 21, and other places in the Talmud.

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come into use at the same time as the fixing of the school localities, but were of later origin.¹

Maimonides gives us a faithful picture of the schools, their condition, and the instruction given therein.² 'The master sat at the uppermost place surrounded by his pupils, like a crown on the head, in order that every pupil might see and hear him. The master did not sit on a stool and the pupils on the ground, but all sat either on stools or on the ground. Formerly it was the custom for the master to sit, and the pupils to stand, but shortly before the destruction of Jerusalem it was arranged for both pupils and teachers to sit.'³

The sitting of the children in front of the teacher was considered expedient for the instruction.

Rabba said of himself, that he would have more thoroughly apprehended the instruction he received in the school, if his place had not been behind R. Meir, his instructor.

R. Mesharshia said, 'have a general idea of the subject before entering the lecture-room, and in selecting your seat try to be facing the lecturer.'

וכי בעיתו למיעל ליגמר גבי רבכון גרוסו מעיקרא
מתניתא והדר עולו קמי" רבכון וכי יתביתו קמי"
רבכון חזו לפומי דרבכון. (כריתות 6A.)

¹ Berachoth, 28A.

² Yad Hachasaka, Hilchoth Talmud Torah, chap. iv.

³ *Ibid.*

⁴ Erubin, 13B.

On moral grounds, no unmarried man or woman was allowed to undertake the duties of teacher.¹ But even from those otherwise qualified, who sought to undertake that function, a certain selection was made.

Significant, in this respect, are the words spoken by R. Akiba: 'If thou wishest to hang thyself, select a lofty tree;' which is justly perceived by Rashi to mean, 'Learn always from a great and competent teacher.'²

The older and more experienced teacher was held as the more qualified, and had also at the election unconditional preference.

'Instruction by young teachers,' it is said in the Mishna, 'is like sour grapes and new wine; instruction by older teachers, however, is like ripe grapes and old wine.'³ But if a less competent man had been engaged, he was not dismissed on account of some other more efficient one for practical reasons, 'perhaps the other might become sluggish and boast that no one was equal to him, and that, therefore, he had no reason to fear that he would be discharged.'⁴

Various opinions are recorded in the Talmud respecting the election of teachers whose method of instruction varied. Rabba prefers a teacher who gives the pupils much matter, though without too great minuteness, to one who adopts the opposite method; 'because the inaccuracies will

¹ Kiddushin, 82A.

² Pesachim, 112A. Rashi, *ibid.*

³ Aboth, iv. 20.

⁴ Baba Bathra, 21A; *vide* Rashi.

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ultimately be corrected.¹ R. Dimi, however, would select a teacher who, while giving his pupils a small range of subjects, insists on thoroughness, affirming that 'mistakes once having taken root in the pupil's mind cannot so easily be eradicated.'² Preference was therefore given to a system of thorough grounding as the best for furthering a sound education.

There is, moreover, another reason; for, next to intellect, the Talmud lays great stress upon the cultivation of the memory, which, as will be shown further on, is a necessary factor in a thorough education.

Calmness and tranquillity, which forbid all exercise of temper; patience, resigning itself entirely to the child so as to cause the teacher to place himself in the child's manner of thinking, these must form the principal qualifications of the instructor. Wherefore Hillel laid down the maxim: 'The passionate or hasty man cannot be a teacher.'³ The pupil should not, according to the Talmud, pester the teacher with too many questions. The teacher must repeat the same thing over and over again, in order that his pupils should not remain deficient in understanding the subject which they are taught. 'Unweariedly,' says R. Akiba, 'must the teacher explain a matter until the pupil thoroughly understands it.'⁴ Rabba

¹ *Ibid.* שבשתיא ממילא נפאק

² Baba Bathra, 21A. שבשתיא כיון דעל על

³ Aboth, ii. 5.

⁴ Erubin, 54B.

says: 'If you see a student whose study is as hard as iron to him, the fault lies with his teacher, for he has not explained the matter sufficiently clearly. רבא אמר אם ראית תלמיד שתלמודו קשה עליו כברזל בשביל רבו שאינו מסביר לו פנים. (תענית 14A.)

Truthfulness and conscientiousness were also regarded as indispensable qualifications of a teacher. Deeply impressed with a conviction of the sanctity of the schoolmaster's calling, whose object is nothing less than that of harmonizing the entire world, the sages called school instruction 'Divine work.'¹ They speak of the sluggish teacher in the severe words of the prophet (Jer. xlviii.),² thus paraphrased by Maimonides: 'The teacher who neglects his pupils, who goes out and leaves them to themselves, or who, in the midst of instruction, occupies himself with some other work, is of those of whom it is said, "Cursed be he who doeth the work of the Lord deceitfully."³

Finally, piety and accomplishments are, according to Maimonides, conditions essential to the teacher, in order that he may render his work successful. The teacher, therefore, must be truly religious, and not only able and fluent in the reading of the Sacred Books, but also well versed in the correct interpretation thereof.

¹ מלאכת ה'

² ארור עושה מלאכת ה' רמיה

³ Yad Hachazakah, Hilchoth Talmud Torah, ii. 3.

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From the dignity and high esteem in which instruction was held by the Rabbins on the one hand, and from the severe penalties which a teacher would draw upon himself through negligence and idleness on the other hand, there followed, in consequence, a veneration for the teacher carried to such a degree that he was regarded as a representative of the truth and as the pillar of civilization, as well as the promoter of the welfare of the human race. This veneration was considered by the ancient Rabbis as being equally important as that for God: 'The fear of thy instructor should be as the fear of heaven,'¹ and upon the words, 'Thou shalt fear the Lord,' the Talmud remarks, 'This includes the learned teachers also.'²

It will be understood from this comparison that any disrespect towards the learned or towards teachers must have been considered very culpable, and deserving of severe punishment. 'He who disregards the learned, his wounds are incurable.'³ 'Jerusalem was destroyed because the instructors were not respected.'⁴ Reverence for the teacher precedes that for the father. 'If both the father and the teacher are threatened with any material loss, the latter should be protected first.' 'If you find two things which have been lost, one by the father and the other by the

¹ Aboth, iv. 12.

² Bechoroth, 6 ; Baba Kama, 41B ; Pesachim, 22B.

³ Sabbath, 119B.

⁴ *Ibid.*

teacher, that of the teacher should be restored first.¹ 'Are both panting under the yoke of some heavy burden, the teacher must be relieved first, and then the father; should both be imprisoned, even then should the teacher be redeemed first, because the father has given the son temporal life only, whilst the teacher is the cause of his gaining eternal life.'²

Not only was respect demanded for the teacher, but it was likewise enjoined that respect should be paid to every one from whom anything was learnt.

'He who learneth of an associate one chapter, sentence, verse, or word, should behave towards him with the greatest respect.'³

Some examples of this habit of veneration, although they chiefly bear reference to the scholars of the high colleges, are yet sufficiently characteristic to be mentioned here.

'The student must not give his decision on any point of law in the presence of his instructor.'⁴

'He who walks before or on the right-hand side of his teacher is a boor.'⁵ 'The teacher should not on any account be called by name.'⁶ 'A pupil should not occupy his teacher's seat; he should not pray either before his face or at his back; he should not go with him into a bathing-house; he should never refute his words in his presence.'⁷

¹ Horajoth, 13A.

² Baba Metsia, 33A.

³ Ethics, vi. 3.

⁴ Erubin, 63A.

⁶ Joma, 37A.

⁶ Sanhedrin, 100A.

⁷ Berachoth, 27A, *ad fin.*; and Pesachim, 51A.

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‘All kinds of work which a servant does for his master a pupil must do for his instructor, excepting the taking off or putting on his shoes.’¹

The sages, having a clear perception that the direct instruction of a child under his sixth year would injure his bodily development, and wishing to train a sound mind in a sound frame, fixed the sixth year as the proper time for the commencement of his attendance at school. ‘Do not receive a boy into school before his sixth year,’ said Rab to the elementary schoolmaster.²

‘Whoever sends his child to school before he has attained the sixth year is as one running after him but who does not overtake him;’³ ‘that is to say,’ Rashi explains, ‘he will endeavour to strengthen him, but without obtaining the desired effect, because the boy’s life will be endangered on account of his feeble constitution being over-taxed by premature instruction.’⁴

But although the boy was not systematically taught before the sixth year of his age, he was, however, at an early period initiated in the elements of his religion. For in the Talmud⁵ we read: ‘As soon as the child begins to speak, the father should teach him to say in Hebrew, “The Law which Moses commanded us is the heritage of the congregation of Jacob,” and also the first verse of the *Shemang*, “Hear, O Israel, the Eternal our God is one God.”’

¹ Ketuboth, 96A; also Yad Hachasaka H. T. Torah, 5, where it is stated ברבו מובהק

² Ketuboth, 50A.

³ *Ibid.*

⁴ Rashi, *ad loc.*

⁵ Succah, 42A.

CHAPTER II.

THE economy of the subject had due regard to existing circumstances; and that it combined choice and distinction is proved by the fact that in the schools for children established among the ancient Israelites a fixed but modifiable subject was allotted, having reference to age and extending over a period of five years.

Just as the Rabbis were anxious about the strength of the pupils on their first entering school, so likewise were they mindful of their mental capacity. They did not needlessly hasten with the study of the different subjects, but went on step by step, according to the intellectual grasp of the pupils, in order to ensure their progress. The instruction was therefore arranged so as to suit the age of the pupil.

From the sixth to the tenth year he was instructed in the Bible only, so that he became thoroughly versed in the Scriptures. From the tenth to the fifteenth he was instructed in the Mishna, and from that age upwards in the Gemarah.¹ This method of successive instruc-

¹ Aboth, v. 21, and Ketuboth, 50A.

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tion seems to have been specially applied in the elementary classes, because young children are incapable of concentrating their attention on several subjects at once, and follows the well-known maxim affirmed in various places in the Talmud: 'If you attempt to grasp too much at once, you grasp nothing at all.'¹ Thus the pupil advanced gradually from subject to subject, according to his growth and the unfolding of his faculties. But although regard should be paid to the early age of the child at the beginning of his studies, because 'what is learned as a child remains in his memory as ink written on new paper,'² nevertheless, as the faculties of the pupils do not always expand with their advancing age, the Talmud advises in the case of a boy who does not make progress in his studies, to exercise forbearance towards him up to his twelfth year, but that thenceforth he should be dealt with more severely, because experience proves that children do not begin to show much mental capacity, as a rule, until their twelfth year.³ Further, it is recommended to the teacher to have pauses and periods in each subject. 'The Almighty Himself,' it is said, 'did not impart the Law to Moses all at once, but in different divisions and pauses, so as to make it more intelligible. How much

¹ Kiddushin, 17A. תפשת מרובה לא תפשת

² Ethics, iv. 20, *vide* Midrash Shemuel's commentary, *ibid.*

³ Ketuboth, 50A, and Rashi, *ad loc.*

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more, then, ought not this to be done by a human teacher ?'¹

Brevity in imparting was likewise held indispensable. The teacher should be as concise as possible. Far-fetched digressions and seemingly skilled ramblings are to be avoided, and that which could be told the pupil in one word should not be imparted in three.

'One should instruct the pupils in the shortest manner possible.'² X

By adopting this method all superficiality was avoided, while, by the thorough training of the memory, not only was that faculty strengthened, but the knowledge already acquired became thoroughly rooted in the mind.

The fidelity with which this system was pursued in its application to religious training is evidenced by the following passage of the Talmud: 'They searched from Dan to Beersheba, but found not an illiterate person ; from Gabath unto Antiphorus, and could discover neither male nor female who was not well acquainted with the laws of the ritual and ceremonial observance.'³

The power of comprehension, as well as the inclination to acquire knowledge and the ability to retain it, is, according to the Talmud, manifested by the pupils at different periods sooner or later.

There are some scholars who not only

¹ Sifro, i. 3.

² Pesachim, 3B, and Chullin, 63B.

³ Sanhedrin, 94B.

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thoroughly understand their lesson, with its inferences and deductions, but who likewise long retain it in their memory.

Others, again, although they comprehend the instruction, nevertheless lack capacity for retention. With some there remain only the examples and the more striking features of the explanations, while the real subject itself remains unlearned. Others, again, derive no benefit whatever from instruction, for as they fail to apprehend anything, so of course they reproduce nothing.

These four categories are thus described in the Mishna: 'Four characteristics are found among those who sit for instruction before the wise; they correspond respectively to a sponge, a funnel, a strainer, and a sieve. The sponge imbibes all, the funnel receives at one end and discharges at the other, the strainer suffers the wine to pass through but retains the dregs, and the sieve removes the bran but retains the fine flour.'¹

These reflections of the Talmud give not only an explanation of the different psychological phenomena as they disclose themselves, but also a hint respecting the handling of the subjects of instruction in all cases, so that the schoolmaster may apply to the different categories different methods of instruction.

For the pupils of the first and last class the instruction can be more extended, and may even comprise within its province the treatment of

¹ Aboth, v. 18.

kindred subjects; whilst for those of the second class, instruction is of the simplest kind only, and strictly confined to the bare elements of the subject imparted. A similar guide is given to the teacher in reference to the various degrees of memory exhibited by the pupils.

‘Four characteristics are found among the disciples. The first quickly comprehends and quickly forgets; such an one loses more than he gains. The second with difficulty comprehends, but does not readily forget; he gains more than he loses. He who comprehends quickly, but does not easily forget, has a good portion. He who slowly comprehends and forgets quickly has an evil portion.’¹

Through diverse methods the schoolmaster can succeed in overcoming the difficulties and inconveniences which may present themselves to him in these various degrees, and he will be able, through the disclosure of these difficulties, to devise some ways and means whereby they may be remedied.

The ancient sages had a clear perception that learning, in its more rigid sense, rests upon the capacity of the memory, in respect to which the other mental powers are but dependent. They accordingly attached great weight to its cultivation, and laid down the maxim that, as knowledge can only be acquired by the help of memory, it is therefore indispensable that this mental faculty

¹ Aboth, v. 15.

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should be assiduously cultivated and constantly exercised.¹

But this power can only be attained by much application, that is, the continual practice of learning by rote. Such practice will not only improve the memory, but likewise insure progress in the various branches of study.

Clear and articulate enunciation and frequent repetition were some of the means by which this end was attained.

'To speak aloud the sentence which is being learned fixes it in the memory.' 'Open thy mouth in order that thou mayest retain the subject of thy study, and that it may remain alive within thee.'² 'Bruria, wife of Rabbi Meir, on meeting a certain student who was reading his lessons in a low tone, rebuked him, saying that it was not the right way to learn.'³ 'Rabbi Eliezer had a pupil who studied without articulating the words of his lessons, and in consequence thereof he forgot everything in three years.'⁴

ריש לקיש הוה מסדר מתניתן ארבעין זימנין
ועייל לקמי"ר יוחנן, ר"אדא ב"ר אבהו מסדר
מתניתן עשרין וארבע זימנין ועייל לקמי"ר דרבא.
(תענית 8A.)

With regard to the system of repetition, Rabbi Akiba says: 'The teacher should strive to make

¹ Erubin, 54A.

² Erubin, 54A. שיננא פתח פומיך קרי, פתח פומיך תני, כי היכי דתחקים ביד ותוריד חיי.

³ *Ibid.*, 53.

⁴ *Ibid.*, 54A.

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the lesson agreeable to the pupils by clear reasons, *as well as by frequent repetitions*, until they thoroughly understand the matter, and are enabled to recite it with great fluency.' 'Rabbi Prida,' it is further stated, 'had a certain disciple with whom he repeated the subject four hundred times, until he became a thorough master of it.'¹

There was, however, a special system for the cultivation of the memory, the use of which was advocated by the writers of the Talmud. This was the art of mnemonics, which was at first cultivated principally in respect to associations of place, but subsequently extended so as to treat of associations of number.

The sages of the Talmud made use of catch-words, consisting of similarly-sounding letters, such as would remind them of the contents of the sentences or subdivisions; or they would use some familiar Biblical passages, or proverbs of the Scripture or the Mishna, or popular sayings, as well as names renowned of persons, local situations, and chronological events.² Rabbi Chisda said: 'No man can acquire a proper knowledge of the Law unless he endeavours to fix the same in his memory by certain marks and signs.'³

¹ Erubin, 54B.

² Taanith, 14A; and Joma, 21B, Mishna Shekalim, v., and other places.

³ Erubin, 54B, and see Rashi, *ibid.* And it may justly be assumed that in many instances the *אל תקרא* so frequently met with in the Talmud was to serve the purpose of a *memoria technica*.

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The sages of the Talmud had much regard for the aspect and behaviour of the pupils, but they did not consider outward appearance alone the chief qualification.

Rabbi Gamaliel caused an announcement to be made that 'every scholar whose inward disposition does not correspond with his outward deportment shall not enter the college.'¹ This rule was, to a certain extent, of good effect, even in the lower schools of children.

Although, in the case of children, the hidden germs had not developed themselves, nevertheless regard was paid to the above rule, and admittance was consequently refused to those who appeared unworthy, and likely to exercise a corrupting influence upon their school-fellows. 'One should not teach an unworthy pupil.'² 'He who gives instruction to an unworthy pupil will suffer for the evil consequences thereof.'³

'Let the honour of the pupil be as dear to thee as thine own.'⁴ This the Mishna enjoins upon the teacher, relative to the training and development of the sense of honour in the child—a matter of the greatest importance, inasmuch as while the child is yet of tender years a foundation will be laid for the qualities of courtesy, gentleness, and proper regard for good fame and reputation.

There is in every child a certain sense of

¹ Berachoth, 28A.

² Maccoth, 10A.

³ Chullin, 133A.

⁴ Aboth, iv. 12.

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honour which is the dearest and most inalienable blessing it possesses. This sense manifests itself at school in different ways, either in the desire of being the foremost among its school-mates, or in the endeavour to become the most attentive and industrious in the school.

Now, it is most essential that this feeling should be fostered, and, above all, that this moral sense of honour should be preserved, for its violation on the part of the teacher may be productive of the greatest evil to the pupil. It is in this sense, therefore, that, according to the Talmud, the honour of the pupil should be esteemed by the teacher as his own.

CHAPTER III.

NATIONAL literature, or religious writings, Bible, Mishna, and Gemarah, gave the principal material for teaching in the schools of the ancient Israelites. As soon as a child was able to read the Scriptures, the master commenced to teach it Mikra, and preference was given to the third book of the Pentateuch. 'Why,' says the Midrash Rabba, 'should the first Biblical instruction to children begin with the laws concerning the offerings? Because the children are innocent and pure, and the sacrifices likewise are a symbol of purity, since they are ordained to restore innocence and purity to man. So let the pure ones study the laws of purification through the sacrifice.'¹

After the course of Bible instruction followed that of the Mishna, and subsequently that of the Gemarah. The latter, however, was not a task for children in the elementary schools, but belonged to the higher colleges.

At one time it was a universal custom to

¹ Vayyikra Rabba, 7.

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interpret the portions read from the Bible into the language of the country.

That the Jews in the time of the Talmud were well acquainted with foreign languages is proved by the fact that the Talmud discusses the question whether the Law or Megilla (Book of Esther) may be read in the different languages of the various surrounding nations.

The Coptic, the Persian, the Greek, etc., are mentioned as such.¹ The importance which the ancients generally attached to languages is shown by the fact that all languages, even those of the peoples who opposed Israel, were deemed worthy of careful investigation, and drew forth thoughtful and judicious criticisms.

'God Himself said,' observe the sages, 'I begin the Ten Commandments with the Egyptian word אֲנִי and not with the Hebrew word אָנֹכִי'²

'The Aramaic language,' says Rabbi Samuel Bar Nachman, 'should not be regarded with indifference by you, for, behold, even God held it suitable and worthy of being mentioned in the Law and in the Sacred Writings.'³

The Greek language, however, was esteemed more highly than all the others, and next to Hebrew was considered the most beautiful of all. 'The Torah may be translated only into Greek, because only by this language can it be faithfully rendered.'⁴

¹ Megilla, 18A.

² Jalkut Jethro and Pesikta in section בחדש השלישי

³ Midrash Rabba, 74.

⁴ Jerushalmi Megillah, i. 8.

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It is further said, 'The Greek language may in every respect be used.'¹

The Jews were always quick to observe everything that was noble and exalted. The soft forms of the Greek language, the agreeable sound of its words, its ingenious perfection, all these attracted them to it. The sages say of the tongue of Hellas that the words, 'there is no blemish in her,'² may be applied to it; for it distinguishes itself by a keen sense of that which is perfectly noble.³

The Greek language is also considered the most suitable for the art of poetry.

'There are four languages,' observes Rabbi Nathan, 'which are distinguished by superior and special qualities. The Greek sounds best in poetry on account of its rhythm; the Roman in war, on account of its sonorous, masculine power; the Syriac in mournful songs, on account of its numerous dull, hollow vowel sounds; the Hebrew in speech, on account of its clear and articulate utterance.'⁴

The vessels of the Temple were marked with Greek letters.⁵

Instruction in Greek seems thus to have been general, and a knowledge of this language formed an essential part of a good education.

¹ Megillah, 18A. ² Numbers xix. 1. ³ Jalkut Chukath.

⁴ Midrash Megillath Esther, 3; and *vide* commentary of Matnoth Cehunah, *ibid.*; also Talmud Jerushalmi Megillah, 1, 8.

⁵ Mishna Shekalim, iii. 2.

Rabbi רבי says, 'What need has one in Palestine to learn Syriac? One should learn either Hebrew or Greek.'¹ Although Rabbi Ishmael expressed the maxim 'that one should learn Greek at a time when it is neither night nor day,'² yet this maxim is not intended to prohibit the use and study of the Greek language, but was meant as a warning not to make Greek the principal feature of education, and the consequent putting of Hebrew, with its sublime and sacred literature, in the background, *as is unfortunately done at the present day*, and the practical infringement of the command, 'Thou shalt meditate therein day and night.'³

The words of the Rabbi, moreover, are founded upon the fear of slander and treachery which was then prevalent.⁴ Hence the severe sentence, 'Cursed be the man who teaches his son חכמת יונית,' had reference merely to a type of Greek rhetoric and logic, which, according to Maimonides, delighted in fallacious reasoning and false deductions, and was delivered in a corrupt kind of dialect, and not in the pure Greek tongue itself.⁵ This Greek sophistry seems once to have been in great repute with the Jews, which is evidently proved by the fact that families closely connected with the royal house were allowed to study this

¹ Sota, 49A.

² Menachot, 99B.

³ Joshua, i. 8.

⁴ Baba Kama, 82B.

⁵ Sota, 49B. See also Rambam's commentary on the Mishna to Sota, *ibid.*

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חכמת יונית.¹ 'In the house of Rabbi Gamaliel this corrupt Greek dialect was taught and spoken. Five hundred children were there instructed in the Grecian wisdom.'²

That the Jews were well versed in the Greek language is shown by the Septuagint translation made in the reign of King Ptolemy VI., Philometor.³

Their great admiration for the Greek tongue did not, however, in the least diminish their interest in other branches of education, and they studied the various languages, the arts and sciences of their times. The more Judaism gathered strength in the course of successive ages, the more did it penetrate into the heart and mind of the people, and the more did they evince a desire for the knowledge of foreign tongues, in order to disseminate far and wide the treasures and gems of their religion.

As in Palestine during the Second Temple the Israelites were acquainted with the Syriac idiom, which was then the dialect of the neighbouring people, and as in Alexandria they wrote and spoke Greek, so also we see them in Rome, about the time of the destruction of the Temple, rise up as Latin poets and critics. Without aversion and without prejudice they went to work, relying upon the wise teachers of the Talmud. 'Every word that came from the mouth of God divided itself

¹ Sota, 49B.

² *Ibid.*

³ Sofrim, i. 7 and 8, and Megillah, 9A.

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into seventy languages,' that is to say, into all existing languages.¹

They hereby showed that every dialect springs from the Divine Spirit, and continues consecrated as long as it preserves and expresses that which is just and true.

¹ Sabbath, 88B ; *vide* also Mehorsha, *ibid.*

CHAPTER IV.

AS the whole life of the Rabbins, in the time of the Talmud, was essentially devoted to religion, so they endeavoured to acquire an extensive knowledge of the sciences, not only for purposes of mental culture, but also specially for the furtherance of religion. Those sciences, moreover, were considered as a means of acquiring a knowledge of the law at once accurate and profound. Rabbi Eliezer ben Chisma said, 'The calculation of the course of the stars and geometry are the periphery of wisdom.'¹ That these sciences were especially cultivated during the rabbinical period is evident from several passages in the Talmud. 'Rabban Gamaliel had in his room, hanging on the walls, various tablets showing the different shapes and figures of the moon.'² 'R. Samuel said he was as perfectly acquainted with the roads of the skies as he was with the

Aboth, iii. 18.

² Mishna Rosh Hashanah, ii. 8. It is also probable that Rabban Gamaliel was already acquainted with some sort of instrument resembling our telescope; *vide* Mishna Erubin, ch. iv. 2, and Bartenura, *ibid.*

streets of Nehardea;¹ and the treatises, 'Kilaim,' 'Erubin,' 'Succa,' and 'Mickwaoth,' exhibit an extensive knowledge of geometry.

Again, in examining the entire treatise of 'Zeraim,' we find a large number of different species of plants and seeds mentioned, a proof of the extent to which botanical classification had been carried. The third chapter of the treatise 'Chullin' deals largely with the science of animal anatomy. Although it is doubtful whether these subjects were at that time systematically taught in the schools for little children, it is, however, so far certain that, whilst the deeper study of those sciences was reserved for those more ripened in years, yet, nevertheless, something more than the mere elements was imparted to the younger pupils, since they had to undergo a thorough course of instruction from their tenth to their fifteenth year.

Already, in the earlier ages, gymnastics had been deemed essential for military service. The importance of this fact will be understood when it is recollected that every Israelite was bound to serve in the army from his twentieth to his fiftieth year, as mentioned in the Pentateuch. That they were in the time of David well exercised in weapon-practice, and in many a gymnastical feat of skill, is likewise evident from the Bible.²

¹ Berachoth, 58B. נהירין לי שבילי דשמיא כשבילי דנהרדעא

² Compare 1 Sam. xvii., where it is stated that David killed Goliath with a sling and a stone.

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But the practice also flourished in the Talmudical period. The exercise of the body served partly for personal usefulness, and partly for religious purposes. 'It is the duty of every father to have his son taught swimming.'¹

It is related of R. Simeon ben Gamaliel that when he was amusing himself at the (rejoicing of) שמחת בית השואבה, he took eight burning torches in one hand, which he threw upwards in such a manner that he tossed up one and caught the other without letting the torches touch each other in the least; he then stuck his two thumbs into the ground, and bowed down in such a manner that he could kiss the marble floor, and in the same manner he rose up again: a feat which no one could imitate. This fact incidentally gives us evidence of the particular kind of gymnastic exercise practised by the Jews of that day.² In the time of Antiochus Epiphanes we find that the Greek gymnasia were renowned in Palestine, and that, at the request of a company, an institution of that kind was established in Jerusalem.³ Later on, about the year 133, at the time of the Roman rule over Judea, there were even to be found in Palestine Roman circuses, which R. Meir, who lived through the Hadrian persecution, forbade the Jews entering on account of the obscenities of the Roman idolatry which were practised therein.⁴

¹ Kiddushin, 29A.

² Talmud Succa, 53A.

³ *Vide* 1 Maccab.

⁴ Aboda Zara, 18B. טרמיאות וקרקסיאות

CHAPTER V.

IN order to excite in the pupils, at the very commencement of their studies, a lively interest in their work, the Talmud considered it necessary that there should exist a certain friendliness and mutual affection between master and pupil, and that this should be effected by the teacher entering into the feelings of youth, adapting himself to its cheerfulness, and taking this as the basis of intercourse maintained by them during instruction. They recommended that teachers should cultivate a spirit of cheerfulness, which should by degrees pass into a seriousness of behaviour befitting the importance of the subjects in which they might be engaged. 'Rabba,' the Talmud tells us, 'awoke the interest of his pupils, even in the higher schools, by relating to them at the beginning of the lesson humorous anecdotes; he would then enter upon the subject of his discourse, and both teachers and pupils observed the strictest seriousness.'¹ Such cheerful seriousness should prevail through-

¹ Tal. Pesachim, 117A.

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out the entire intercourse between master and pupil. For it is only when the teacher encourages the pupils by kindness of manner and cheerfulness that the latter will, on their part, be induced to lay aside the shyness and false shame which keeps them back from inquiring, and through which they are apt to become prejudiced against instruction. The Talmud advises that the teacher should first make his pupils learn the particular lesson before them; and not until this is thoroughly mastered should he proceed to explain the subject, or cause the pupils to know and understand the task given them. 'Learn first, and then understand.'¹

For this reason, it is strictly prohibited to give the pupils any opportunity for the display of useless subtilty. 'Withdraw your children from purposeless disputation.'² But this rule was also observed by the more advanced scholars. Rabba bar Choma and Rami, disciples of R. Chisda, first endeavoured to acquire great fluency in the Gemarah, and then they began the deeper study thereof.³ It was not sufficient merely to know the subject, but it was also required thoroughly to understand it, so as to enable the student to give prompt and accurate answers to all questions. Moreover, means are suggested to the

¹ Sabbath, 63A. דליגמר איניש והדר ליסבר

² Or useless talking. Berachoth, 28B, מנעו בניכם מן ההגיון, where one explanation of Rashi is משיחת ילדים

³ Succa, 29A.

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teacher whereby he may awaken energy in mental exercise, and excite a keener and more concentrated attention. He was specially recommended to put quaint and clever cross-questions, which, startling them by the contrast of subjects presented, would first arouse their intelligence, and then rivet their attention. It is said of R. Akiba and Rabba that they put such queries even to the more advanced students, with a similar aim.¹ Furthermore, the teachers undertook discussions in the presence of the pupils, in order to stir them up to questions. 'Rabba took such a course in the study of anatomy with his pupil Abaja, as spurred him on to ask questions.'²

For such a system a cheerful teacher would indeed be most competent in applying its maxims, while its effect on the pupil must have been to develop self-reliance as opposed to shyness.

Well, then, do our sages say, 'One who is choleric cannot be a teacher, and one who is bashful cannot become learned.'³

¹ Erubin, 13A, לא אמרה ר' עקיבא אלא לחדר בה התלמידים, and Berachoth, 33B, ורבה נמי לחדודי לאביי הוא דבש,

² Chullin, 43B.

³ Ethics, 2, 5.

CHAPTER VI.

AS our sages strongly inculcated the principle that study should be engaged in not merely for the thing itself, but also as a pious undertaking; so likewise they considered every theoretical doctrine in the course of instruction merely as a preliminary and foundation for the actions of practical life. The adage, 'Not the theory, but the practice, is the chief thing,'¹ proves that with them the school was not the end, but the means and preparation for practical life; and they thus impressed upon the minds of their disciples the doctrine, 'The study of the Law is very important because it leads to good actions;'² 'He who has had the theory only, and no practice, is uncultivated;'³ 'He whose good actions exceed his wisdom, his wisdom shall endure.'⁴

Much knowledge, however, could be acquired by intercourse with the learned, which is thus important in itself, for even 'the ordinary conversation of the wise is instructive.'⁵

¹ Aboth, i. 17. ² Kiddushin, 40B. ³ Sota, 22A.

⁴ Aboth, iii. 12.

⁵ Succa, 21B.

In consideration of their several positions in life, the Rabbins of the Talmud enjoined that, combined with study, some trade or profession should be learned. 'Just as a man is bound to have his son instructed in the Law, so also should he have his son taught some handicraft or profession.'¹ By disregarding this ordinance, the father exposes the son to the just indignation and displeasure of society, because his social existence in general would be imperilled. It is further stated, 'Whosoever does not teach his son a handicraft, teaches him to be a thief';² 'He who occupies himself only with the study of the Law, and nothing else, is like one who has no God.'³ For the reason just mentioned, and because they disliked mere sciolism, and perhaps also on physiological grounds, some of the greatest Rabbins of the Talmud were handicraftsmen: for example, Rabbi Yitschak was a blacksmith, Rabbi Jochanan a shoemaker, Rabbi Shemuel a tailor, and so on. Rabbi Gamaliel, the son of Rabbi Judah Hannasi, said: 'It is commendable to unite the study of the Law with worldly employment; since the occupation of both causes sin to be forgotten, and all study of the Law unaccompanied by any trade will become of none effect, and lead to sin.'⁴

The sages of the Talmud did not merely regard the intellectual accomplishments which are derived

¹ Kiddushin, 30B.

² *Ibid.*

³ Aboda Zara, 17B.

⁴ Aboth, ii. 2.

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from education ; but they also, nay chiefly, looked upon the moral advantages and well-regulated disposition which it should produce. Their efforts in this respect were directed, not only to impart knowledge to the young, but also to imbue them with love and reverence for God, as well as to develop in them a good disposition and sound moral principles. Honest thoughts and honest deeds should be the result of a study of knowledge and wisdom. Abaji said : 'It is written, Thou shalt love the Eternal thy God, that the name of God should through thee be loved and glorified. Thou shalt study and have intercourse with the learned ; but have a care also that thy dealings be honest and just, and thy words gentle and pleasing, in order that people may say, "Happy the man who has studied the Law, happy the father who had him taught, happy the teacher who instructed him ; woe to those who have not studied ; behold this man who has learned, how just are his ways, how pleasing his deeds!" Of him it is said, "Thou art my servant Israel, in whom I glory." But if thou hast learned and had intercourse with the wise, and thy conduct is nevertheless unbecoming, then shall people say : "Woe to him that has learned ! woe to the father who had him taught ! woe to the teacher that instructed him ! Behold this man who has studied the Law, how base are his actions, and how wicked are his ways!" Of him it is said :

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"They say of them, true, it is the people of the Lord, but they through their wickedness have departed from His Law."¹ According to the Talmud, the child should at an early age be made to shun every mark of pride and selfishness; for only by evincing humility towards his teacher would he be enabled to give that amount of earnestness and attention necessary to his success in study. And this deference was due to all who were his superiors in knowledge. And, indeed, true knowledge can find a foundation only within him whose heart is free from all feelings of pride, and who considers himself as naught.²

The verse in the Bible, 'The Law is not in heaven, that thou shouldest say, who will go up for us to heaven? neither is it beyond the sea,' etc., is thus illustrated by the Rabbins: 'Thou canst neither find it in him who haughtily lifts up his head towards heaven, nor in him who considers his understanding as extensive as the sea.'³

'Why,' says Rabbi Chanina, 'is the Law compared to water, as it is said, "Ho, everyone that thirsteth, come ye to the water?"'⁴ Because, as water leaves a high place and runs down into a lower one, so the Law can be retained only by the meek and humble.'⁵

Rabbi Joshua asks: 'Why is the Law to be

¹ Joma, 86A.

² Sota, 21B.

³ Erubin, 55A.

⁴ Isaiah lv. 1.

⁵ Taanith, 7A.

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compared unto water, wine and milk? Because, as these three liquids can be kept sweet only in the commonest vessel, so also the words of the Torah can be found only in those of a humble spirit. This is illustrated by the following anecdote. The daughter of a Roman Emperor said to Rabbi Joshua ben Chananja: "How is it that thou, being such an ugly man, dost possess so much knowledge?" upon which he immediately replied by asking her in what vessels her father's wine was kept. "In earthen vessels," she replied. "I am surprised," rejoined the Rabbi; "wine for the imperial table ought surely to be kept in golden or silver vessels!" She then went to her father, and informed him of the wise man's idea, with which the Emperor fully agreed, and thereupon ordered golden and silver vessels to be made for the purpose. But the wine turned sour. When the Emperor remonstrated with the Rabbi for his bad advice, he responded that his words to his daughter were merely an answer to her question, how it was that wisdom and learning should be found in a person so ugly in appearance.¹ The humility which is requisite for the study of the Law should show itself in the ordinary affairs of life. In point of fact, the humblest style of living was enjoined as befitting those who betake themselves to the study of the Law.

'A morsel of bread with salt thou must eat,

¹ Taanith, 7A.

and water by measure thou must drink; thou must sleep upon the ground, and live a life of trouble while thou toilest in the Torah.¹

כך היא דרכה של תורה. פת במלח תאכל ומים
במשורה תשתה ועל הארץ תישן וחיי צער תחיה
ובתורה אתה עמל.

The less riches and affluence men possess, the more they will possess meekness and humility, and the more will they feel the need of knowledge.

We read in the Talmud: 'Have regard for the sons of the poor; that is to say, thou shouldst instruct the poor, for from them proceed knowledge and learning.'²

¹ Aboth, vi. 4.

² Nedarim, 81A.

CHAPTER VII.

THE perfection of school organization consists, first of all, in dividing the pupils into different classes, according to their mental development and requisite capacities, and, next, in providing each division with the fitting course of instruction. Such divisions had existed already in the Talmudical period, as we have already mentioned in the second chapter. The Bible, Mishna, and Gemarah courses of instruction, fixed for a period of five years respectively, had to be subdivided into short exercises, ranging according to the degree of proficiency exhibited by the pupils, for whom special teachers were appointed. This is evident from the Talmud,¹ where it is stated, 'we should remove the child from one school to another.' Probably such teachers were appointed as had been trained for special instruction, according to the grade of the respective classes; for there were teachers who devoted themselves specially to either the study of the Bible, or Mishna, or Gemarah.²

¹ Baba Bathra, 21A.

² Baba Bathra, 145B.

In order to sharpen the understanding of the child, it was of great importance to change the school if the change were likely to prove advantageous to the pupil through the adoption of a new method of instruction, or perhaps by the greater thoroughness of the new teacher. We read: 'The child should be removed from one school to another, if it can learn more from the other teacher possessing superior qualifications in the mode of reciting and explaining the subjects of the lessons.'¹ 'Whoever learns continually under but one instructor, and hears the interpretations of the Law from but one point of view, seldom attains to marked success in his studies.'² 'A student who finds his studies too hard for him should visit various academies.'³ In order that the more advanced pupils may acquire a certain acuteness and sagacity, it is further recommended by the Talmud that two or more should study together, irrespective of their relative degrees of capacity. 'Just as a small piece of wood by friction sets fire to a larger one, so do the younger and less clever pupils awaken and stir up the older and more able ones.'⁴

'Iron sharpens iron,' the Talmud continues; 'as one piece of iron sharpens another piece, so does one student sharpen the other,'⁵ because the discussions that arise between them contribute

¹ Yad Hachazaka, H. T. Torah, ii. 6.

² Aboda Zara, 19A.

³ Taanith, 8A, also Rashi, *ibid.*

⁴ Taanith, 7A.

⁵ *Ibid.*

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mostly to their thorough understanding of the subject in which they are occupied. The sages of the Talmud have therefore laid down the maxim that one of the forty-eight things by which knowledge is acquired is the disputation of the disciples.¹

Rabbi Chanina said: 'I have learned much from my teachers, more from my school-fellows, but most of all from my pupils.'²

It has not yet been determined, even by modern educators, whether sixty children can without disadvantage be put into one class, since each pupil should be asked at least one question in one hour's instruction. The Talmud, however, has specified the exact number. Rabba says: 'Each instructor should have only twenty-five pupils; for fifty, two teachers should be appointed; but if there be forty, then an assistant must be given to him, and the expenses for the same should be paid by the community.'³

The Rabbins of the Talmud have likewise laid down strict regulations respecting the sanitary arrangements of the schools, viz., that there should not be an overcrowded class-room, lest the atmosphere might become polluted, and consequently the health of the children be impaired, and the proper work of the teacher be thereby hindered.

We have seen that where the class became

¹ Aboth, vi. 7. בפלפול התלמידים

² Taanith, 7A.

³ Baba Bathra, 21A.

large, a pupil teacher had to be engaged. Such a pupil teacher is referred to in the Talmud by the name of רִישׁ דּוּכְנָא 'The head of the school form.' This 'Resh Duchna' had to join the other pupils, and then repeat the lessons with the backward boys, so that they had the advantage of having the subject twice repeated.¹ We thus see that the system of employing pupil teachers, which is in general use in our own excellent Jews' Free School in London, had been established and carried out by the Rabbins of the Talmudical period. Punctuality and regularity of attendance was considered a source of the greatest advantage to the pupil. Rabba said: 'Fix a time for instruction; that is, appoint a precise time for your pupils that they should know when to come and go.'²

And it is further evident from the Talmud³ that the favourite time was early in the morning and late in the evening, for we read there that students living in the villages must attend to their studies by walking to town, even at their inconvenience, early in the morning and late in the evening. According to Maimonides,⁴ school-work should be continued, and instruction should be given during the whole day and part of the night, with the exception of the dinner-hour. Sabbaths

¹ *Vide* Rashi, Baba Bathra, 21A.

² Erubin, 54B, and Rashi, *ibid*.

³ Pesachim, 8A.

⁴ Yad Hachzakah, Hilchoth Talmud Torah, 2.

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and festivals were the only days on which there was no school-instruction. The intermission of study on other days was strictly prohibited ; not even the highest and most important matters were allowed to encroach on the time devoted to education, because all other occupations were held of less significance. Indeed, the Talmud enjoins, 'that the instruction of children should not be interrupted even for the purpose of building the Holy Temple.'¹

¹ Sabbath, 119B.

CHAPTER VIII.

WITH a view to maintaining order and regularity among the pupils of the school, the following rules are laid down in the Talmud: 1. The pupil must attend the school regularly.¹ 2. No pupil is allowed during lessons to leave his seat for any purpose without permission of the master.² 3. No pupil must ask questions which have no reference to the subject taught.³ 4. Two pupils must not ask a question at the same time.⁴ 5. No pupil should ask any question at the moment when the master enters the school.⁵ 6. Pupils must prepare and learn the lessons and exercises given them for each day thoroughly.⁶

The teacher should not force his pupils to study by continual threats and corporal punishment. Rather, whilst a certain degree of intimacy should

¹ Erubin, 54B ; *vide* Rashi.

² See Rashi, Sabbath, 13A to ואימת רבן עליהן

³ Sabbath, 3B.

⁴ Maimonides, Hilchoth Talmud Torah, iv. 6.

⁵ *Ibid.*

⁶ Kiddushin, 30A.

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be maintained betwixt master and pupil, yet a certain degree of reverence for the master should keep the pupil at a distance. The Talmud says, 'Throw gall among the pupils,' that is to say, Show thyself often severe towards them without letting them always feel thy severity.¹ 'Push them away with the left hand, but draw them nigh with the right hand, and act not like the prophet Elisha, who rejected his disciple Gehazi with both hands: in consequence, of which he afterwards became a sinner, and led some of his people astray.'²

This mild discipline of the Rabbins was the more likely to prove effective, inasmuch as it appealed to the pupil's sense of honour and self-respect. As regards the younger children, in whom the sense of honour is not as yet developed, and on whom this means of chastisement would not produce any beneficial effect, the Talmud advises, 'that although indulgence should at first be shown to the child, yet further on, if it should prove stubborn and inattentive, a slight corporal punishment and some restrictions may be imposed.'³

The elder pupils, however, should not undergo corporal punishment for two reasons: first, lest it might wound their sense of honour; and secondly, lest it might arouse resistance. The

¹ Kethuboth, 103B, and Rashi, *ibid.*

² Sota, 47A.

³ Kethuboth, 50A, and Rashi, *ibid.*

Rabbins say: 'A man who strikes his grown-up son should be earnestly reprimanded, because he transgresses the commandment, "Thou shalt not put a stumbling-block before the blind,"¹ which is thus explained by Rashi: Because being grown up he might rebel against his father, who would thus be a stumbling-block to his child.'²

Again, if it should be found necessary to apply corporal punishment, it must be inflicted very mildly, as the master is not allowed to use a cane, but a light strap.

In reference to this, we read in the Talmud: 'Rab said to the teacher Rabbi Samuel bar Shilath, "If thou art compelled to punish a pupil, do it only with gentleness; encourage those who make progress, and let him who does not still remain in the class with his school-fellows, for he will ultimately become attentive and vie with them."³

R. Samuel Edels, in his Commentary on the Agadoth,⁴ writes: 'Only those pupils should be punished in whom the master sees that there are good capacities for learning, and who are inattentive; but if they are dull and cannot learn, they should not be punished.' Just as punishment formed a part of school discipline, so also did reward. For we are told in the Talmud that Rabba had in his school some dainties, of which

¹ Moed Katon, 17A.

² דכיון דגדול הוא שמא מבעט באביו והוי ליה איהו מכשילו

³ Baba Bathra, 21A.

⁴ Succah, 29A.

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he would occasionally make a present to his young pupils.¹

It was also a principal part of the discipline of the school that all children, whether rich or poor, should be treated alike.² Nay, the Talmud even enjoins that great care should be taken of the poorer children, because they devote themselves with greater energy to study.³ A non-Jewish writer—a German—dealing with the history of education amongst Jews, writes thus :

‘ Training and education among the Jews lasted as long as a child remained in a dependent position ; but it rested chiefly with the father to inspire reverence for religion in the mind of the child, and to impress upon it the commandments of God.

‘ Prayers, and participation in all religious festivals, still further strengthened the spiritual life and the inward faith in the God of Israel.

‘ Instruction in reading, and especially reading in the Holy Scriptures, rested with the father. As is shown by the songs in the Pentateuch, and by the Psalms of David, music must have been valued as a part of education among the Jews of old.

‘ The education of girls was entirely domestic, and confined to the duties of the future housewife. Spinning, weaving, dyeing and baking

¹ Taanith, 24A. See Rashi, *ibid.*

² Taanith, 24A.

³ הזהירו בבני עניים שמאם תצא תורה Nedarim, 81A, and *vide* Rashi, *ibid.*

filled up the time, and even princesses were not exempted from these duties.

‘Careful and strict training, coupled with the example of the teacher, and instruction in all right modes of conduct, especially in the domestic virtues, were insisted on.

‘In the thirty-first chapter of the Proverbs of Solomon we have a pleasing picture of noble womanhood—a virtuous housewife—and also the ideal of female education.

‘Medicine also was considered an essential and useful branch of study.

‘The schools of the prophets may here be noticed. They were conducted by the prophets, such as Samuel, Elijah, and Elisha. The scholars called their teachers “father,” and were themselves styled “sons of the prophets.”

‘Yet we are not to suppose that these schools specially had in view the training of new members of the prophetic order. The substantial aim of these institutions was to give a theological training, and an exact knowledge of religious ceremonies, and also included music and singing.’¹

From the foregoing sketch it is evident that the subject of education occupied, since the earliest times, a high place in the Jewish national life. And surely it was well that such should be the case. The progress of a people must ever

¹ Kellner’s ‘Geschichte der Erziehung und des Unterrichts.’

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largely depend upon the spiritual and intellectual training of its youth. Our children after us will inherit the accumulated wisdom of the past, and in their turn hand down that wisdom to generations yet unborn. As they have been trained, so will they train their offspring.

High though the place may be that England holds among the nations, it is but recently that she has learned the lesson which for many centuries has been familiar to the Jewish people. The School Boards now established throughout this country are only the practical recognition of the correct principles of education, both universal and compulsory, which were enunciated among ourselves by Rabbi Joshua ben Gamala nineteen centuries ago—principles which kept alight the lamp of knowledge in Israel's darkest days, which aided its national development, and formed the very groundwork of its national life.

בבא קמא

THE CIVIL LAWS OF THE TALMUDICAL TREATISE BABA KAMA.



THE treatise Baba Kama is divided into ten chapters, comprising all the laws with reference to claims for all kinds of injuries done by one man to another. The whole treatise, however, may be divided into four heads.

Under the first head laws are laid down with reference to injuries to any person or to his cattle caused by animals, a pit, or a well, belonging to another person, or by a fire kindled by the latter. These are explained in the first six chapters.

Under the second head, laws are laid down with reference to claims for theft, גנבות, made by one person upon another. These are enlarged upon in the seventh chapter.

Under the third head we have laws respecting claims for compensation for bodily injuries. These are to be found in the eighth chapter.

Under the fourth heading all laws are dealt with relating to various kinds of robbery, גזלות. These are commented on in detail in the ninth and tenth chapters.

I.

The first chapter commences with the words ארבעה אבות נזיקין. There are four principal kinds of injuries, השור והבור והמבעה וההבער. (1) Damages caused by the foot of an ox, the ox being the typical quadruped of the Bible. (2) By means of an open pit in a public thoroughfare. (3) By an ox, in having eaten up anything in a field belonging to another person. (4) Any damage done by fire caused through neglect on the part of the person who kindled it.

The Talmud, however, enumerates some more kinds of damages, also called אבות נזיקין, which must be left to the student, and cannot be put down in detail in a sketch of this kind. There are other injuries, which are called תולדות, derivatives, because they spring from the above-mentioned אבות. I will give a few instances stated in this chapter.

If an ox gore another, the owner thereof has, on the first or second occasion (or, according to another opinion, on the third also) to pay only half the damage, חצי נזק, but the third time, or the fourth, he must pay the whole, נזק שלם. If the ox has done any damage by his tooth or foot, the owner must pay the whole of the damage,

even the first time. This applies only in the event of the damage having been done on the premises of the person whose property has been damaged, but not, however, if the damage was done in a public thoroughfare, for the simple reason that the sufferer of the damage had no right to put his things there.

If a fire by neglect has spread over the field of another and scorched the ground, or has damaged stones, etc., the person upon whose premises the fire originated must pay the damage done thereby.

If a man place stones, knives, or any other article upon the roof of his house, and they are blown down by an ordinary wind, "ברוח מצוי", he becomes liable for the damage caused by their fall.

If he put a stone in a public thoroughfare, and the foot of man or beast rolls it to another place, where it causes damage, this is considered similar to the damage caused by means of an open pit, and he is thus held responsible for the same.

During the summer-time no one is allowed to throw any refuse, dirt, or water into the public thoroughfare, as during that period the streets are as a rule clean and in proper condition. In the winter, however, this might be permissible, because the streets are then not so clean. Nevertheless, if any damage be caused by such refuse, dirt, or water thrown into the streets during the winter season, the person who has done it is responsible.

If a wall or tree cause injury by falling into

a public thoroughfare, the owner thereof is not liable, unless he had been warned by the municipal authorities to repair the wall or to cut down the tree within a certain time, and he neglected to do it.

If anyone has caused damage to another person, and is unable to pay the damage in money, but pays by giving a piece of land corresponding in value to the damage done, the law is laid down that the defendant in the case must give up the best and most fertile part of his land to the plaintiff, עירית. The reason given in the Talmud for this law is, that it may serve as a warning to every individual to avoid causing injury or damage to his fellow-man, for thus he might lose the most valuable part of his land.

As regards a debtor who is unable to pay in money, and assigns a piece of land in payment of his debt, the creditor has a claim only on the land which is moderately productive, בינונית; that is to say, if the debtor possesses three kinds of land, of which one kind is very fertile, עירית, one moderately so, בינונית, and one poor, זיבורית, then the claim lies only upon the moderate kind.

The reason for this is, that a man might desire to obtain a fertile field, and would say to himself, 'I will try to get that man, the possessor of the field, to accept a loan, in order that, if he cannot pay, the land may ultimately become mine.'

Incidentally, the Talmud refers to the case in which a man is in possession of houses, fields, or

vineyards, and is much in want of money to provide his daily sustenance, but cannot realize any of his belongings for want of a purchaser: he is considered as one temporarily destitute, and is consequently entitled to be maintained by the tithes assigned for the poor, **מעשר עני**, to the half of the value of his property, presuming that in the meantime he may be able to effect a sale that will not be under the actual value of the property.

In the case of a woman claiming payment in accordance with the matrimonial contract, **כתובה**, if that payment be exacted from land belonging to her husband, such a claim can only be enforced upon the least productive part of his land, **זיבורית**. The reason given is, because this would not keep a woman from marrying, it being generally considered that a woman does not like to remain single all her life, and is more anxious to be married than a man. **יותר מה שהאיש רוצה לישא אשה רוצה להנשא.**

If anyone has to meet three claims, one for a debt, one for injuries, and one for a matrimonial contract, then if the land he possesses be all of the very best, all these claims must be paid with that best; if the land be only medium, the claims are paid with that medium; and if the worst, they are all paid with that kind.

If he possess best and medium, the damages are paid with the best, and the creditor and the **כתובה** are paid with the medium.

If he has medium and indifferent land, the

injuries and debt are paid with the medium, and the Chethuba with the indifferent.

If he has only best and indifferent, the debt and the marriage contract, כתובה, are paid with the worse, and the damages with the better.

But it must be borne in mind that none of the foregoing claimants lose anything of what is due to them; for whoever receives the inferior land gets in proportion more land, so that the value of the claim may be made up thereby. The difference is thus only in quality and in quantity, but not in value.

If the person referred to as having against him three claims has sold his land, the purchaser is dealt with in every way as the seller himself; that is to say, the claimant for injuries takes payment with the best, the creditor takes with the medium, and the Chethuba is paid with the indifferent land, as the defendant had no right to sell his property, knowing as he did that he had to pay the above-mentioned claims. The purchaser, however, has his remedy against the seller in the court of justice, or Beth Din.

If anyone sold his fields to another person, and this person sold the medium kind thereof to someone else, and a creditor of the former seller comes forward, he can claim his due payment of the medium either from the first or second purchaser.

If anyone sold a field to someone else without taking any responsibility upon himself, and a creditor of the seller comes forward and takes

away the land from the purchaser, the seller can summon the said creditor before the court to prove that the debt had not yet been paid. The creditor cannot prevent it, because if the seller were not allowed to do this the purchaser would reproach him for having deceived him by not undertaking any responsibility, **אחריות**, at the time he bought the field.

If a man sold a piece of land to another, and there is afterwards a rumour that this piece of land was not really his own, and the purchaser thereof wishes to cancel the transaction, the Talmud decides that, if the purchaser has already taken possession of the land in accordance with the laws and regulations by means of which his ownership has been determined, he cannot cancel the transaction; but if such is not the case, he has a right to set aside the transaction.

This law is also applied even in a case in which the seller has taken upon himself all liabilities, **אחריות**, with regard to any claim that may afterwards be made upon this land.

If two brothers divided between themselves the inheritance left them by their father, consisting of money and land, one taking the land and the other the money, and a creditor came forward and took away the land, the brother who took the money must share it with the other.

In passing, it is here stated: If a man is about to buy a scroll of the law, **ספר תורה**, or any other article necessary for the performance of a religious

observance, and finds that there are different qualities of these, the one better than the other, it is his duty to add a third of the amount of its value in order that he may obtain the one which is the handsomer and the better : **בהידור מצוה : עד שליש במצוה.**

The Talmud continues: A man is responsible for anything of which he has taken charge, and even if damage is only partially caused by him, he is yet responsible for the whole. I will just quote three instances :

1. If one man dig a pit in a public place to the depth of nine Tephachim (a Tephach is a hand-breadth, and supposed to be about four inches), and a second person finish it to ten Tephachim (the depth stated by the law as sufficient to cause death to an animal), the latter is liable for any damage caused by the pit.

2. If a man make a fire near his neighbour's property, but not such as would cause damage, and a second person increase the fire, and consequently brings it near enough to do damage, this second person must pay for all the damage done.

3. A number of persons sit upon a form or bench, and do not break it ; another person comes, and also sits upon it, in consequence of which it is broken ; the damage done must be paid for by the last person.

If a man has stolen a beast or any article, and its value has been diminished while in his possession, he cannot restore the animal or article in

this damaged condition and pay the difference in value, but he must restore an animal or article of precisely the same value as that which he stole (*vide* Rashi, p. 11). לא שמין לא לגנב ולא לגזול.

If a man take anything into his charge, and give it over to another one, he, the first one, is liable, not only in a case where the first, שומר, was paid, שומר שכר, and he gave it to one whom he did not pay שומר חנם, and thus lessened the liability of the second person, but even if the first were not paid and he gave it to a person who was paid, and consequently increased the liability, yet the first, שומר, remains liable for all loss or damage, because the man who gave the thing into his charge, מפקיד, can say: 'I trusted you, but not any other person, and you had thus no right to give it in charge to anyone else.' שומר שמסר לשומר חייב.

If an ox stray into the yard of a stranger, and is injured by an ox belonging to the owner of the yard, the latter need not pay, for the simple reason that he can say: 'Your ox has no right to be on my premises.' דאמר לי" תורך ברשותי מאי בעי.

The following four rules are laid down with reference to damage done by one ox to another: If the place in which injury was done to the animal belongs exclusively to the person suffering the injury, חצר הניזק, the owner of the ox causing

the injury must pay, no matter in what way the damage was done.

But if the place belongs exclusively to the owner of the ox that did the injury, חצר המזיק, he is not liable for anything. Should, however, the place belong to both of them, חצר של שניהם, the owner of the ox that did the damage need not pay if the injury was done by means of the tooth or foot of the ox, but if by means of the horn or other parts of the body—if the ox be a תם, viz., not wont to do injury—he pays half the damage done; but if he be a מועד—wont to do damage—he must pay the whole. The reason of this last rule is, because the place belongs to both, each has an equal right to bring in either edible things, vessels, or animals, so that no responsibility is incurred if injury takes place by the tooth or foot, as it is a natural thing that an animal should eat up or break anything that is in its way, but not so if the damage is done by the horn, etc.

If the place belongs to neither of them, לא למזיק ולא לניזק, the owner of the animal that did the damage must in all cases pay for a Tam, תם, half the damage, and for a Moed, מועד, the whole damage.

Women are likewise liable for any damage done, either by themselves or by their animals, because women are also bound to observe all the negative commandments of the Law, as is distinctly written in Numbers v. 6: 'When a man

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or a woman commits any sin, that person shall be guilty.'

This the Talmud proves by quoting several other passages of the Pentateuch to the effect that men and women are alike in a transgression of any negative commandment of the Law.

The Talmud strictly prohibits a man rearing a savage dog in his house, **לא יגדל אדם כלב רע**, or having on his premises a shaky and unsafe ladder, **סולם רעוע**, for it is said in Deuteronomy xxii. 8, **ולא תשים דמים בביתך**, 'That thou bring not blood upon thine house.'

The Talmud here incidentally comments on the words in the second Book of Chronicles, xxxii. 33, where it is said, in reference to the death of King Hezekiah, **וכבוד עשו לו במותו כל יהודה וישיב**, 'And all Judah and the inhabitants of Jerusalem did him honour at his death,' by which is meant that they put the scroll of the Law upon his coffin, and said: 'He kept all that is written in the Law.' **קיים זה מה שכתוב בזה**

The Doctors of the Talmud attach great importance to the study of the Torah. **גדול לימוד** If a man is ignorant of the Law, he does not know what is right and what is wrong, what to do and what to avoid. Rabbi Jochanan says: 'He who occupies himself with the study of the Torah and with benevolent deeds shall become worthy of great reward.'

II.

The second chapter begins with explaining the means or ways by which an animal is considered a **מועד**, or a **תם**.

A beast is accustomed to eat fruit or green-stuffs; and if these belong to someone else, the owner of the beast must pay the whole value of the quantity eaten; but if it has eaten up a garment or other things, only half need be paid, **דמשונה היא** (this being an unnatural thing for an animal to do, therefore it is only considered to be a **תם**). This only applies if the beast has eaten the things on the premises of another person; but if the things eaten were in a public thoroughfare, the owner of the animal is not liable.

The following instances are stated here: A donkey has eaten bread out of a basket, and has consumed some of the basket. Rabbi Judah decided that the owner of the donkey must pay the full value of the bread eaten, because it has eaten a thing which is usually consumed by such animals, **ביון דאורחי למיכל נהמא**, and half of the damage done to the basket, it being an unusual thing to consume a basket, **דמשונה היא**.

This is only if the donkey has first eaten the bread and then destroyed the basket; but if the basket was destroyed at the same time that the bread was eaten, then the whole damage done to the basket must be paid; and the reason given is

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that it is only natural for an animal to damage the receptacle while consuming the contents:

אורחי נמי לפלוסי סלא עי" רש"י. See Rashi, *ibid*.

A goat saw some vegetables on the top of an earthen vessel. It laid hold of the vegetables and consumed them, and at the same time broke the vessel. Raba made the owner of the goat pay the whole damage, both that of the vegetables eaten and the vessel broken, because this is quite a natural thing, for an animal to break the vessel when it eats up vegetables contained therein (p. 20): כיון דאורחי" למיכל ליפתא אורחי" : נמי לסרוכי ולמסלק.

Rabbi Ilpha says: 'If an animal, being in a public place, stretches out its neck, and eats any food carried on the back of another animal, the owner must pay or make good the loss, because anything carried on the back of an animal is considered the same as being on the premises of the animal's owner: גבי חברתה כחצר הניזק דמי.

If a dog or kid jump from a roof and break any vessels on the premises of another person, the owner must pay the full value of the damage done, because such animals are wont to act in that manner, so care should be taken not to leave them at large: מפני שהן מועדין.

If a dog run off with a cake baking on burning coals, and go with it into a stack of corn, consume the cake, and through the burning coals set fire to the corn and destroy it, the owner of

the dog must pay the whole value of the **cake** and half of the damage done to the corn; because, as regards the food, it was **אורחי**, the natural instinct, but the burning of the corn was **משונה**, an unusual occurrence.

If a man incite a dog or a serpent to attack anyone, the man who did so need not pay for any injury caused by it; but the owner of the dog or serpent must pay, because the man who incited the animals was simply an indirect agent, and the owner had no right to leave them at large.

The Talmud decides that a man is responsible for any injury or damage done by him, whether inadvertently or wilfully, whether awake or asleep, and so forth; for the rule is, **אדם מועד לעולם**, 'A man is always a **מועד**, or liable.'

If a man throw down any vessel from a roof or a high place, below which were soft articles, such as cushions or pillows, and while the former are falling another person removes the soft things below, the man who threw the vessels down need not pay, because the things below would have prevented the vessels being broken, and the person who removed these articles is not liable, because the damage caused by him was indirect: **גרם בניזיק פטור**. Other Rabbis, however, are of opinion that the one who removed the soft things from below must pay. *Vide* **רמבם פו' מה' חובל** ומזיק וחושן המשפט סי' שפו.

If anyone throw down a vessel from a high place, and another person break it with a stick before it reaches the ground, he need not pay, because he can plead that it would surely have been broken had it fallen to the ground : מנא תבירא תבר.

III.

המניח כר ברהר. If anyone put a vessel in a public thoroughfare, and another person knock against it and break it, he need not pay ; and if this person were injured by it, the owner of the vessel must pay for the injury done. The reason is obvious : no man has a right to put things in a public thoroughfare, and a person is not obliged to look about and see if anything is in his way.

לפי שאין דרכן של בני אדם להתבונן בדרכים.

The following incident is mentioned in this chapter. Two persons were partners in a well, and each had a day fixed on which he was to draw water. One of them came and drew water on the day set apart for the other, and this latter struck him a blow with the handle of a spade. This man, the Talmud decided, could not be made to pay for the blow, as the other was in the wrong in coming on the day not his own. Although in other cases, the Talmud continues, a man must not take the law in his own hands, even in a case where he is quite sure that it is

in his favour; in this case, however, if he had gone to the court to prevent the other party drawing water, he would have incurred a loss, as the man would have continued drawing during his absence; he was therefore compelled to stop this man's unjust action.

If a man let fall a jug with water or another liquid in a public thoroughfare, and, the jug being broken, the liquid is spilt, and another person passing slips down in consequence, and is injured by the broken pieces, the matter is decided in the following way: If the owner of the above-named vessel intends to take up the broken pieces and the liquid therewith, he is still considered the owner thereof, and is thus liable for the injury caused; but if this is not the case, he is not liable, כשדפקין פטור.

The Talmud here states that pious men in olden times, being very anxious not to cause any damage or injury to any person or animal, never threw anything that might cause injury to pedestrians into a public place, but buried such things three hand-breadths deep in their fields, this depth being chosen to avoid interference with the ploughshare.

One Rabbi used to throw such things into the fire, another threw them into the river Hiddekel. Rabbi Juda says: **האי מאן דבעי למהוי חסידא**, 'Whosoever wishes to be truly pious should endeavour strictly to observe

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all laws which prohibit causing damage or injury to anyone.

Another Rabbi says that, to be truly pious, a man must also be very careful to say all the blessings before and after partaking of any food or drink.

Rabba says that a truly pious man should follow the teachings of the Ethics of the Fathers,
מילי ראבות.

We read further : ' If a man remove straw into a public place for the purpose of using it afterwards as manure, if anyone be injured by it, the person who put it there must pay for the injury done; and if anyone likes to remove the straw and make use of it, he has a right to do so.

If two potters are laden with their wares, one walking behind the other, and the first falls down, and the second also falls in consequence of the first having given him no warning to stop, the first is liable for the injury caused.

If one person is walking along a public thoroughfare with an earthen vessel, and another behind with a thick piece of timber, and the vessel was broken by the timber, the carrier of the timber is not liable for the damage, because everyone has a right to walk in a public place and carry whatever he likes. But if the one in front carried the wood and stopped suddenly, without giving notice to the one behind him, if the vessel was broken by it, the owner of the timber must pay the damage.

Incidentally it is here stated that Rabbi Chaninah used to say just before the Sabbath began the following words: **בוא ונצא לקראת כלה מלכתא**, 'Let us go and receive the Sabbath, bride and queen.'

Rabbi Jana used to dress himself in his Sabbath garments, and exclaimed: **בואי כלל בואי כלל**, 'Come, O bride—come, O bride!' This shows with how much joy and gladness our ancient Rabbis received the Sabbath, although they themselves were workmen or artisans, not as it is too often unfortunately received by many in the present day, who look upon it as a burden and weariness, instead of a day of delight and rejoicing. They think that by keeping the Sabbath strictly and abstaining from business they suffer loss, forgetting that their success depends entirely upon the Almighty's dispensation.

The Talmud now proceeds to discuss various laws in reference to injuries done by one animal to another. I will just quote one instance :

One ox pursues another, and the latter is injured. A dispute arises between the two owners. The owner of the injured ox says that his ox was injured by the other that pursued it, while the owner of the other ox contends that the ox was injured by knocking against stones. The Law is decided that the one who wishes to obtain money from the other must bring forward proper evidence to prove that the injury was caused by

the ox, and not by stones; for the rule is laid down: "המוציא מחבירו עליו הראי", 'The *onus probandi* lies in the claimant.' In other words, 'Possession is nine points of the law.'

IV.

The fourth chapter commences with the following law:

An ox, valued, for example, at 200 zuz,¹ gored to death another ox of the same value, and the carcass is worth nothing. The owner of the ox killed is entitled to receive half, that is to say, 100 zuz. If, however, the ox gored another also of the same value, then the latter takes half the value of his ox (100 zuz), and the owner of the former ox gored takes a fourth part of the value of his ox, viz., 50 zuz.

If a third ox also of the same value was gored, then the last gets 100 zuz, the preceding one takes 50 zuz, and the remaining 50 zuz is divided between the owner of the first ox that was gored, and the original owner of the ox which has done the injury.

This law, the Talmud explains, can only be applied when each person whose ox was gored has taken possession of the ox that gored, in consequence of which he becomes equally responsible with the owner of the ox, and, as a matter of

¹ A zuz is a certain ancient coin often mentioned in the Talmud.

course, it is also understood that the ox has not yet been declared to be a **מועד** by the Beth Din, for otherwise the owner would have to pay the whole damage to the last injured one.

The following incidents are here related:

A person struck another. The accused was brought before Rabbi Huna, who fined him half a zuz. The accused offered the plaintiff a zuz, which was much worn, and could not be easily changed, in order to give him back half a zuz change, so the accused struck the plaintiff another blow, and gave him the zuz.

Rab Shemuel Bar Juda had lost a daughter, so the Rabbis said to Ula, 'Let us go and console him.' Upon which Ula replied: 'What have I to do with the Babylonians? who, when condoling, use the following terms: **מאי אפשר למיעבר הא אפשר למעביר עברי**, "What can we do against the will of the Almighty?"'—meaning if they could do anything they would. Such words are not in accordance with perfect pious resignation and submission to God's will.

Rabbi Nathan says: 'If one man owes money to another, and this one is debtor to a third, the Beth Din has the power to take the debt from the first and pay to the third, and the second has no right to interfere at all' (p. 40): **הנושה בחבירו**

מנה וחבירו בחבירו מוציאין מזה ונותנו לזה.

An ox that killed a human being, and, after being condemned to death by the Beth Din, is

slaughtered by the owner, not only must the flesh of the ox not be eaten, but no use whatever is allowed to be made of the same.

Casually it is here stated that Rabbi Simeon, רבי שמעון העמסוני—some say it was Nehemiah נחמיה העמסוני—used to expound the meanings of the word את wherever it is written in the Torah, but when he came to the words, 'Thou shalt revere the Lord,' את ד' אלהיך תירא, he could not find any explanation of the word את, thinking that he could not find anyone to be equally revered with God.

Rabbi Akiba, however, explained that this את denotes the wise and learned in the Law of God. They, too, should be revered by us. את לרבות תלמידי חכמים.

If an ox was rubbing itself against a wall, and the wall fell upon a human being and killed him, or if the ox, endeavouring to kill another ox, killed a human being, the ox is not condemned to death.

V.

The beginning of the fifth chapter is almost a continuation of the foregoing chapter, and furthermore lays down the following laws :

If anyone sold an ox, and the buyer found out that the ox was accustomed to gore, it is decided that the seller can say: 'I sold it for the purpose

of slaughtering.' And the purchaser has thus no power to cancel the transaction unless he can prove by proper evidence that he bought the ox for other purposes.

If a person claims any sum of money from a debtor, and the latter says to the creditor, 'You have something of mine in your possession; return me that first, and then we shall see about the debt,' the Talmud decides that it is the duty of the Beth Din first to make the debtor pay the debt, and then to hear the statement of the counterclaim.

Sometimes, however, the Beth Din has to listen first to the case of the man who has the counterclaim, and that is when the debtor would be compelled to sell his property below its value in consequence of paying the debt.

If a potter brought his earthenware into a courtyard belonging to another person without his permission, if any of the vessels were broken by the beasts of the owner of the yard, the latter need not pay for the damage done, and if the beasts are injured in consequence, the potter must pay for the injury done to the animals.

The same law also applies to anyone bringing in edibles to the courtyard of another without permission, and the cattle eating them up: the owner of the beasts need not pay, and if the beasts were injured in any way by the edibles, the owner thereof must pay for the damage.

If, however, it be found that the animal died

in consequence of having overeaten itself, the owner of the edibles is not responsible.

If anyone brought an ox into a courtyard of another person without permission, and the ox made deep holes in the yard with his hoofs, the owner of the ox must pay for the damage done to the yard, and the owner of the yard is in future responsible for any injury done through these pits or holes, if he made the yard free and open to the public without filling up the holes or pits, just the same as if he himself had dugged them.

If an ox attempted to injure another ox, and in so doing struck a woman with child, and caused the child to be stillborn, the owner of the ox is not responsible for the injury done; but if a man intended to injure another and struck a woman, and caused the same result, he must pay damages to the husband; this law the Talmud proves from a verse in Exodus xxi. *Vide* p. 49.

If a man went into the courtyard of another without permission, and the owner was injured by him, the man who came in must pay for the injury done; but if the proprietor injured the man who entered the place, he need not pay for the injury.

This, the Talmud explains, only holds good if the owner did not know that the man was there, and consequently the injury was inadvertently done; but if he knew it, and wilfully injured him, he must pay, because the man can say to the

proprietor, 'You had a right to turn me out, but no right to injure me.'

The Talmud relates the following incident of נְחֻמְיָא הוֹפֵר שִׁיחִין, Nehemiah, who used to dig pits to provide water for pilgrims who went up to Jerusalem for the three festivals. His daughter accidentally fell into a deep well. People went and told Rabbi Chanina Ben Dosa of it. The first hour he said, 'She is not dead'; the second hour he said the same. The third hour he said, 'She is out of the well; being sore, she would not die in the well.' The people asked the Rabbi, 'Art thou a prophet, that thou couldst say she would safely get out of the well?' To which he replied: 'Neither am I a prophet nor the son of a prophet; but I was positive that, in a case where a righteous man had taken so much trouble to find water for others, the Lord would not allow his children to die by this means.'

Rabbi Chanina said: 'If a man says that the Lord is a וֹתֵר, forgiving all the iniquities of men, even without true repentance, such a man will ultimately become addicted to continual transgressions, and endanger his life.' כָּל הָאוֹמֵר
הַקֶּבֶה וֹתֵר הוּא יוֹתֵר חַיִּי *Vide* Rashi, p. 50.

The Talmud forbids throwing stones from one's private place into a public thoroughfare, לֹא יִסְקֵל אָדָם מִרְשׁוֹתָיו לְרִשּׁוֹת הָרַבִּים, and notices the following incident. A certain man was clearing stones out of his own ground and throwing

them into the public street. A pious man, who was passing at the time, said to him, 'Thou art a fool, for thou clearest the stones from a place which is not thine into a place which is thine.'

The man laughed at these words. Some time afterwards this man was obliged to sell his property, and when he was walking through the same public thoroughfare he fell over those very stones which he had thrown there. Upon this he said: 'The pious man was perfectly right in saying to me, "Thou shouldst not cast stones from a place which is not thine own into a place which is."'' What the pious man meant in his rebuke is quite obvious. No man can be sure that the property he possesses will always be his; for there may come a time when he will be compelled to sell it, whilst the public thoroughfare will always be open to him.

The Talmud then states the case of a well in an open place, belonging to two persons, one of whom draws water and does not cover the well. Then the second comes and draws water, and does not cover the well either, and the decision is given that the latter only becomes responsible for any damage caused by the open well, as he was still using the well when the first left it.

The following remarkable passage calls for some comment:

שאל ר' חנינא בן עגיל ר' חייא בר' אבא מפני

מה בדברות הראשונים לא נאמר בהם טוב ובדברות האחרונים נאמר בהם טוב אמר ליה עד שאתה שואלני למה נאמר בהם טוב שאלני אם נאמר בהם טוב אם לאו שאני יודע אם נאמר בהם טוב וכו'.

Rabbi Chaninah asked R. Chiya: 'Why is it that the word טוב, 'good,' is not mentioned in the first or original Ten Commandments, in Exod. v., whilst we find it mentioned in the commandments repeated by Moses in Deut. iii.?' To which R. Chiya replied: 'Until you asked me this question, I was not aware that the expression טוב was mentioned in the second Commandments.' Now, this reply of R. Chiya seems very strange; for can it be supposed that a learned Rabbi like R. Chiya was ignorant of the exact words of a simple passage of the Pentateuch? Various explanations have been given of this strange reply of R. Chiya (see תוס', Baba Bathra, 113), to which I would add my humble opinion. The Rabbi's reply was, I venture to think, intended to be humorous, בדרך בריחתא, because R. Chaninah made use of the word טוב, which, as a matter of fact, is not mentioned in the second Decalogue. The actual phrase is למען ייטב לך. He thus justly replied that he was not aware that טוב was written in the second Commandments.

VI.

The sixth chapter commences with the following laws :

If a man has taken sheep or any other animal into a fold, the door of which he fastened properly, and the animals escaped and caused damage, he is not liable ; but if the door was not properly fastened, he is responsible for any damage done.

If he, however, left the beasts in the burning sun without cover, although the door of the fold was properly fastened, yet, if the animals got out and did damage, he must pay, as he had no right to leave them where they would suffer through the heat, which would naturally force them to break through.

This law applies also if he left the animals in charge of a deaf person, an imbecile, or a child :

חרש שוטה וקטן.

The Talmud asserts that, although a man cannot be punished by the law for causing loss or damage to his fellow-man by an indirect action, he is nevertheless considered guilty in the sight of God.

The Talmud advises that we should always go out and return home by daylight, in order to avoid accident or injury as far as possible :

לעולם יכנס אדם בנִי טוב ויצא בנִי טוב.

If there be a pestilence in the place, we should keep within doors ; but if there be famine, we

should travel about, and apply all our energies in order to procure food: **דבר בעיר כנס רגליך** (P. 60B.) **רעב בעיר פור רגליך.**

We meet here with the following interesting incident: Rabbi Arna and Rabbi Assa were sitting in the presence of Rabbi Izchak Nafcha. One of the two former said to Rabbi Izchak, 'Tell us some point of law,' **לימא מר שמעתתא**, and the other said, 'Tell us some exegesis,' **לימא מר אגדתא**, each of the two refusing to listen to what was interesting to the other. Upon this Rabbi Izchak Nafcha said to them: 'Your opposite wishes may be compared to the case of a man who had two wives; one was old, and the other young. The old wife plucked out his black hairs, and the young one his gray hairs, so that at last he became entirely bald. Thus are you two, one wants Halacha, the other Agada; so by rights I ought not to tell you anything. Nevertheless, I will speak to you upon a subject combining the two, Halacha and Agada.' And so he explained to them the verse **כי תצא אש וימצא קוצים**, Exod. xxii. (P. 60B.)

If a man gave in charge to another person a gold coin, and said, 'Take great care of this silver coin,' and this person wilfully destroyed it, payment must be made to the value of the gold coin; although he said it was silver, nevertheless he had no right to destroy it. If, however, it was not destroyed wilfully, but was lost through care-

lessness, payment need only be made to the value of a silver coin, although it was a gold one, because the person who had it in charge can plead and say, 'I took only the responsibility of a silver coin, and not of a gold one.'

If a spark fly from the hammer of a blacksmith, and do damage, he is liable for it.

If a camel loaded with flax pass through a public street, and, going too close to a shop where there is a light, causes the flax to take fire, and thus brings about the destruction of the building, the owner of the camel must pay all the damage, as the driver had no right to go so near to the shop. But if the shopman had the light outside the shop near the road, the shopman must then pay for the flax burnt.

VII.

If a man has stolen and sold, or slaughtered, an ox or a sheep, the thief must pay a fine of five oxen for an ox, and four sheep for a sheep. The reason why he pays five oxen for one ox, and four sheep for one sheep, is because the ox walks of its own accord, whilst the sheep has to be carried, and some allowance is made on that account. Another reason is that it might be considered menial or degrading to the thief to carry the sheep, and his feelings, therefore, are considered.

Rabbi Meir points out that we may infer from this law the importance and value of industry.

An ox is used for ploughing or other field-work, and the thief thus prevents the owner from carrying on his occupation. He therefore has to pay five oxen for one ox. A lamb or sheep, on the other hand, is of no use for work, so he pays only four for one.

If he sold the animal, and retained some part of it, or if he slaughtered it not in accordance with the laws of Shechita, he only pays double, and not four and five respectively, because the Torah says **ומכרו**, meaning if the whole of the animal was sold, and also **ומטבחו**, meaning if it was slaughtered in a manner fit to be eaten.

It is here stated that R. Jochanan Ben Zaccai was asked by his disciples why the Law deals more severely with the thief, **גנב**, who commits the theft secretly, and does not pay **כפל**, double, than with the robber, **גול**, who commits his crime publicly with violence, and has to pay **כפל**; to which he replied: 'The robber puts the fear of God on a level with that of man. His crime is an open one, as he fears neither God nor man, whilst the thief fears man, but not God, thinking if he sinned secretly the All-seeing eye would not behold him.'

There are in this chapter stringent laws laid down respecting sheep and goats when put out to graze. Care should be taken by the owners thereof that the animals should not stray upon land where they have no right.

These laws were especially in force with regard to the Holy Land. The rearing of sheep and

goats, בהמות דקות, was forbidden there except in forests or in the wilderness, for fear they might stray upon land belonging to other people.

It is said that a certain pious man was suffering from pain and weakness in the heart, which made breathing difficult for him. The physicians told him that there was no other remedy than to take goat's milk, as it comes hot from the goat, every morning.

He followed their advice, and had a goat kept in his room for that purpose. His associates one day came to inquire after his health, and finding the goat in his room, immediately retired, giving as their reason that he was acting contrary to the law, which forbade goats to be kept except as stated before. Upon which the מהר"ש comments that, although he did it for a remedy, yet, as there was no immediate danger of life, he should not have transgressed the laws and regulations laid down by the sages. Besides, he could have kept the goat in one of the forests of Palestine which was near his place. (See מהר"ש, *ibid.*)

By this incident is shown how severe the doctors of the Talmud were as regards honesty and straightforwardness in all cases, in order to avoid any injury or loss to a fellow-creature.

The Talmud mentions here certain other laws and regulations which were laid down by Joshua at the division of the Holy Land among the tribes, which they had to observe, so as not to interfere with each other's possessions.

It is also here stated that one should read the Torah in public during the morning service on Monday and Thursday, and on Saturday during the afternoon service, and that the Beth Din should meet every Monday and Thursday to settle disputes between man and man, and for other religious matters.

The Rabbins here again refer to the prohibition of keeping a savage dog unless he be fastened by a chain, and relate the following: A woman went to a neighbour's house to bake her bread. The neighbour had a savage dog at large, and his barking at the woman frightened her so much that it produced a miscarriage. The master of the house said to her: 'You need not be afraid, the dog has no teeth'; to which she replied: 'Your goodness is thrown among the thorns'—שקילא מובתיך ושריא אחורי (meaning, his kind words were then of no use); 'the injury has already been done.'

VIII.

This chapter deals with the laws in reference to any bodily injuries caused by one man to another. If a man inflict a wound upon another, he has to pay for five things, החובל בחבירו חייב עליו משום חמשה דברים בנזק בצער ברפוי בשבת ובושת, namely, (1) for the injury he actually inflicted, נזק; (2) for the pain caused thereby, צער

(3) the doctor's charges for healing, רפוי; (4) for the loss of time through the illness, שבת; (5) for any personal shame or disgrace caused to the injured person, בושת. All these points must accordingly be adjusted by the Beth Din.

The Talmud here explains that the passage in the Torah, Exod. xxi., 'Eye for eye, tooth for tooth,' and so forth, is not to be taken literally, but the meaning is that compensation in money is to be given for any injury done in this way.

It is thus argued: If a blind man causes another to lose an eye, we cannot possibly apply the text 'eye for eye,' and, again, if we were to take these words literally, death might in some cases be the result. And so the Talmud continues to argue, and to prove that only suitable pecuniary compensation is meant in the text referred to.

This proves the great importance of the oral Law, תורה שבעל פה, without which we could not possibly keep any commandment of the written Law, תורה שבכתב.

As regards the healing, רפוי, of the injury caused, if the offender should say, 'I will get a doctor who will do it for nothing for my sake,' the other one can refuse, saying, אסיא רמנ מנ, 'A doctor for nothing is worth nothing.'

Incidentally, a very interesting passage occurs here. Rabbi Joseph, being blind, used to say: 'If anyone would tell me that the Law is decided according to the opinion of Rabbi Juda, that a blind man is free from keeping the command-

ments of the Torah, I would make a feast for all the Rabbis, because I am not commanded, and yet I conform to all the ordinances of the Torah. But I have since heard that Rabbi Chaninah says: גדול המצווה ועושה ממי שאינו מצווה ועושה, "That the man who is commanded to keep the Law, and does so, has a greater reward than he who is not commanded, and does it." Therefore, whoever tells me that the Law is not decided as Rabbi Juda says, namely, that a blind man is exempt from keeping the commandments, I will make a feast for all the Rabbis, because if I am commanded, and do it, my reward shall be greater.'

Now, it seems somewhat difficult to understand why the reward of a man who does what he is commanded to do should be greater than that of the man who is not commanded, and yet does it. It appears at first sight quite the reverse, for one would think that if a man fulfilled the Law without being commanded, his reward should be greater. A little reflection, however, makes the matter clear and obvious.

Human nature inclines us to have almost an aversion to doing anything that we are commanded, התנגדות היצר, consequently if a man endeavours to overcome and control those inclinations, he deserves great reward, לפום צערא אנרא, whilst the other, who is not commanded to do a thing, has naturally no feeling against it, so that there is no actual merit on his part if he does

perform it, for his natural inclinations are not brought into play.

The Talmud here forbids a man living with his wife for any time, however short, without a *Chethuba*, marriage contract; this would prevent a man easily divorcing his wife for any unreasonable cause.

The Talmud now proceeds to deal with unlawful acts committed by one man against another, such as giving anyone a blow with the fist, or a box on the ear, or pulling the ear, or tearing out any of the hair, or spitting upon one. It also treats of the offence of uncovering the head of a woman in a public street.

There are certain sums of money specified which are to be paid as fines for the above-mentioned offences. An interesting account is here given of a man having publicly removed a woman's head-covering in the street. She caused him to be brought before Rabbi Akiba, and charged him with the offence. Upon this the Rabbi fined him a sum of money, namely 400 zuz. The accused begged for time to pay the fine, and, this being granted, he one day watched the woman at her house door, and then broke a phial of sweet oil in her presence. The woman at once uncovered her head, and took up some of the oil and put it on her hair.

Upon this the man, having two witnesses who saw the occurrence, went to Rabbi Akiba, and said: 'Rabbi, ought I to pay a fine of 400 zuz

to a woman of that character?' To which the Rabbi replied: 'That is no plea at all; for if a man wounds himself, though by law he may not be allowed to do so, yet he has no fine to pay; if another wounds him, the offender must pay. Likewise, if a man cuts down his own plants and destroys them, though he ought not to do so, yet he has nothing to pay; but if others cut his plants, they must pay. The same is applicable to this woman, and so you must pay her the fine.'

If a man caused a fright to another, although by the law of men he cannot be punished with any fine, yet he is guilty in the eyes of God: **המבעית את חברו פטור מדיני אדם וחייב בדיני שמים**. If a man take hold of another, and, blowing into his ears, makes him deaf, he must pay damages for the injury done: **אחזו ותקע באזנו וחירשו חייב**.

The Talmud forbids any man destroying or damaging his garments or any other article wilfully; nor is he allowed to do any injury to his body. All these laws are based on Gen. ix. 5 and Deut. xx. 19. It is here stated that Rabbi Chisda was once walking between thorns and thistles. He lifted up his garments, and said: 'If any injury be done by the thorns to my body, it will heal again; but if my garments be torn, they cannot be made whole again.'

It is also here stated that a man is not allowed to deprive himself of any of the necessities of life, either of food or drink; for even a Nazarite

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was considered a sinner for depriving himself of wine, much more so if a man deprives himself of other necessities, so long as they are lawful. The Talmud here refers to the Biblical (Deut. xx. 19) prohibition of cutting down any tree that bears fruit, and points out that if the value of the tree for building purposes would be greater than if it were kept for fruit, it is allowed to cut it down.

In reference to the compensation to be paid for injuries done by one man to another, the Talmud declares that, however much money the defendant pays, yet the sin of having caused pain and shame to a fellow-creature cannot be forgiven unless he asks pardon of the injured person.

We now meet with some very salutary instruction. If anyone has a complaint against his fellow, he should not pray for God's judgment upon him, but should bring him before a court of justice, for otherwise the punishment he calls to God to send upon his fellow-man will recoil upon himself.

A man should be careful not to regard too lightly the execration of his fellow-man, be he ever so low and humble. אל תהי קללת הדיוט. כלל בעיניך.

A man should rather suffer persecution than persecute others. לעולם יהא אדם מן הנרדפים. ולא מן הרודפים. An ingenious instance of this is given. There are no birds so much attacked

as turtle doves and young pigeons, and these are the only birds that were to be brought as offerings to God.

IX.

This chapter begins by laying down the rule: **בל הגולנים משלמין כשעת הגזילה**. All robbers pay for all things robbed according to their value at the time they were taken.

For instance, if a man has robbed another of some wood, and made utensils thereof, or wool, and made garments, he need not restore the things as they are now, but must pay what they were worth when in their original state.

The reason for this law is the following :

A certain man was about to publicly profess repentance for robberies he had committed, and proposed to restore all goods belonging to other people. Upon this his wife reproached him as follows : 'Thou art a fool if thou thus repent ; all thou possessest will be taken from thee, even to the girdle thou wearest, and thou wilt then be destitute.' The result of this reproach was that he abstained from confessing his guilt, and most likely continued this sinful course of life.

In consequence of this incident, our sages decided that, if a robber or usurer comes forward to confess his guilt, and to restore what he had illegally taken, we receive him as a penitent, but do not take back from him the things he has

unlawfully acquired, because such a course would prevent others inclined to make confession of their sins from coming forward and avowing their repentance, fearing as they would that such an act would result in their being deprived of all they possess. The Talmud, however, decides that this law refers to the payment of money only; but if the offender has still in his possession the things robbed, he must restore them.

If anyone has robbed many people, and comes forward to confess and make restitution, but does not know the owners of the stolen property, he should apply the money to some public purpose, such as wells of water, drinking fountains, and the like, so that the people who were robbed may share in the benefit.

The Talmud here describes some of the ancient coins. The coins of our patriarch Abraham had on one side written the words, 'A young man and a young maiden,' referring to Isaac and Rebecca, and on the other side the words, 'An old man and an old woman,' meaning Abraham and Sarah. The coins current in Jerusalem had on one side engraved the words, 'David and Solomon,' and on the other side the words, 'Jerusalem, the holy city.' (See תוס.)

We now come to the laws relating to any mishap in the execution of orders given by one man to another.

Thus, if a man has given materials to an artisan to make up into certain goods or articles, and

they are damaged, the latter must pay for the damage done. This applies also to the case of a builder engaged to pull down a wall, should he break the bricks or cause any other damage.

Laws are laid down as to what amount is to be paid in case of the wrong execution of orders, or any mistakes in the same.

For instance, if anyone has given wool to a dyer, and he spoils it, the latter must pay the full value of it; or if he has given wood to a joiner to make him a chair, and he makes a stool of it, or *vice versa*, he must pay for the wood.

If a man robbed his fellow-creature to the value of a perutah only (obolus, 1¼d. English), and denied it on oath, but afterwards confessed his guilt, he is bound to carry the same to the injured person, whoever he may be, even to the remotest place; in addition to this, he must give to the person he has robbed a fifth part more. Further, he must not pay it to anyone but to the man himself, not even to his son, nor send it by a messenger, except it be the messenger of the Beth Din.

If the injured person is dead, the stolen thing must be restored to his heirs. If there are no heirs, it must be given to charity.

X.

This chapter begins as follows : הגזול ומאכיל

את בניו והניח לפניהם פטורין מלשלם

If a man has robbed another, and maintained therewith his children, or left the things robbed to them, and the children consumed the things after his death not knowing they were robbed, they need not pay, unless the father left them some landed property. If the father at the time of his death had in his possession any animal, which had been lent to him by someone for a certain time, and that time had not then elapsed, his children may continue the use of the animal until the time expires.

Should an accident cause the death of the animal during the time for which it was borrowed, the children need not pay, as they did not take any responsibility upon themselves.

Should they have believed that the animal was their father's property, and consequently slaughtered the animal and consumed it, they must pay the value of the meat, but only at a low rate. משלמין דמי בשר בזול. And Rashi explains that they pay two-thirds only of the value of the meat because, had they known that the animal did not belong to their father, and that they would have to pay for it, they would certainly not have consumed it. But they must return the hide to the owner of the animal. If, however,

the father left them landed property, they must pay the full value.

The Talmud here states that if two men have to bring any case before the Beth Din, and the defendant be ill, the evidence of the witnesses may be taken in his absence; and if the witnesses themselves are ill, or are about to go abroad, their evidence may also be taken, even if the defendant in the case be opposed to it. Evidence may likewise be taken before the Beth Din in the absence of the defendant, on his refusal to appear before the court after due notice had been served upon him.

If a man be summoned by the Beth Din, and he does not appear, the Beth Din has the power to excommunicate him.

Three days, however, are fixed, namely, Monday, Thursday, and the following Monday, on which he is summoned to appear, and if he allows these days to pass without appearing before the Beth Din, then the excommunication takes place.

It is here related that Rab Assa happened to visit Rab Chana. During his visit a woman was summoned before the Beth Din. She refused to appear on that day. Next morning Rab Chana issued an excommunication, upon which Rab Assa said: 'Do you not hold with the law, that we do not issue the excommunication until after notice has been given to appear before the Beth Din on one of the three days, viz., Monday,

Thursday, and the following Monday?' To which the other replied: 'This law is only applicable to a man who is often out of town, occupied in his business. But a woman, who is supposed always to be at home to look after her household, should appear at the first summons.'

The Talmud decides that no one should be summoned before the Beth Din in the months of Nissan and Tishri, these being the months during which people are occupied in agricultural pursuits. Neither should anyone be summoned on the days preceding Sabbaths or festivals, as they would be occupied with preparations for the sacred days.

Stringent laws are laid down which prohibit smuggling in any shape or form, **אסור להבריח**, because, **דינא דמלכותא דינא**, **את המכס**, the laws and regulations of any country in which we live must be obeyed. The Talmud forcibly proves from the Bible that we must not rob or deceive any human being, without distinction of creed or nationality. (*vide* p. 113). **גזל עכו"ם אסור**

It is also stated in this chapter that the following are the conditions which Joshua made with Israel when he divided between them the Holy Land:

A man is allowed to enter the field of his neighbour, and cut off any branch of a tree on which a swarm of his bees had settled.

If accidentally a neighbour's cask with honey should be broken, and a person having a cask

with wine near should pour out his wine and save the honey, which is of much more value than the wine, the owner of the honey must pay for the whole value of the wine.

If a person has an ass laden with wood, and another person has one laden with flax, and the ass carrying the flax dies, the other should unload the wood from his ass and put on it the flax of his neighbour, and then claim the whole value of his wood from the owner of the flax, flax being more expensive than wood.

The following incident is here related :

A man stole a book, and sold it to another person for 8 zuz; this person sold it to someone else for 120 zuz. At last the thief was found. The Rabbis decided that the owner of the book may, if he wishes, take back the book, but must then return the 120 zuz to the person who bought it for that price. He then is to claim 40 zuz from the person who bought it for 8 zuz, and 80 zuz from the thief.

The reason why the first buyer has to pay 40 zuz is because the rate at which he bought it from the thief showed him at once that it was stolen property, and he should not have bought it.

A ship is at sea with cargo, and in danger of sinking. In consequence of this the crew throw overboard some of the cargo in order to lighten the vessel.

This loss, the Talmud decides, is to be reckoned according to the weight of the goods, and not

according to the value thereof. Thus, if one man throws out a hundredweight of gold, and another a hundredweight of iron, they are considered equal. It is not necessary for him to throw out so much iron as to be equal in value to the gold, so long as it is equal in weight.

If a caravan crossing a desert were attacked by a band of armed men, who took away the things carried by the caravan, and one of the persons forming the caravan rescued the things from the assailants, the rescuer has no right to keep all the things to himself, but every member of the caravan takes his own property.

But if the rescuer distinctly said beforehand that he meant to secure all the things for himself if they did not assist, and the people took no active part, they have no claim upon the rescuer.

In a case where the assailants agreed to take a certain sum of money instead of the goods, the money is reckoned according to the number of the people in the caravan.

If the members of the caravan have hired a guide at a certain rate of payment, the money is paid according to the number of persons; that is to say, everyone must give an equal sum towards the payment, because each person is in equal danger.

The Talmud relates the following case that came before Raba :

A man gave in charge to another a silver cup. Thieves broke in, and he gave them the cup

which had been entrusted to him. Raba decided thus: 'If this man is rich, no doubt the thieves came to rob him, and he had no right to give away the cup, and he must therefore pay for it; but if he is a poor man, no doubt the thieves came for the cup, and he need not pay, because people who take anything in charge for another without being paid, **שומר חנם**, do not take upon themselves the responsibility of securing it against theft.'

A man had a sum of money deposited with him which was to be for the purpose of redeeming certain captives, **פריון שבויים**. Thieves broke in, so he took the money and gave it to them.

The case was brought before Raba, and he decided that the man need not pay the money back, as he himself may be reckoned as one of the captives, and he had to save himself. **אין לך פריון שבויים גדול מזה.**

If a man has robbed another of anything, or borrowed money of him, or anything has been given to him to take charge of, he must not restore those things to the owner in the wilderness or in any unsafe place, if the things were taken in an inhabited or in a safe place, unless the owner asks him to do so, or unless the loan or other things were taken upon the stipulation to give them back in the wilderness.

If one man says to another, 'I have robbed

you of a certain thing,' or he says to him, 'You have lent me some money,' or says, 'You have given me something in charge, but I do not know whether I have restored it to you,' he must pay. Although, according to law, he need not pay, because the other one does not claim anything of him, yet, as he himself confesses that he has taken something of his fellow-man, he must pay if he wants to remain clear and guiltless in the sight of heaven : **בבא לצאת ידי שמים**. *Vide* Rashi, p. 118.

But if he says to him, 'I do not know whether I have stolen or borrowed or taken in charge anything from you, and I do not know whether I have restored the same,' he need not pay, even if he wishes to remain guiltless in the sight of heaven.

If one man says to another, 'You have a certain sum of mine in your possession,' and the other replies, 'I do not know it,' as he does not positively deny the claim, he should pay, if he wishes to discharge his duty towards heaven.

If a man has stolen a sheep out of the fold, but restored it afterwards, and it died, or was stolen by someone else, he is bound to pay for it, because, as soon as he has stolen it, he becomes the responsible party thereof, and his restoring it to the fold is not considered a complete reparation unless he informs the owner that he has done so. But if after the restoration of it the

owner numbered the sheep, and found their number correct, then, if anything happened to the sheep subsequently, the thief is no longer responsible.

The Talmud strictly prohibits buying from a shepherd any wool, milk, lambs or kids, nor should one buy any fruit of a person who is in charge of a fruit-garden, because such people allow themselves sometimes to take some of the things in their charge without the knowledge of the owners. Neither should one purchase anything from a person where there is the least suspicion that the thing does not belong to the seller.

We are, however, allowed to buy of those in charge of the fruit in a garden at the door or entrance of the same; for, as they sell where people are continually going in and out, it is evident that permission has been given them to sell.

Rabbi Jochanan says that whoever robs his fellow-man of even the smallest value, such as the value of a פרוטה (a small coin supposed to be the value of an obolus), is as culpable as if he had robbed him of a fortune, or even as if he had taken his life; for it is said (Prov. i. 19): 'So are the ways of everyone who is greedy of gain, which taketh away the lives of the owners thereof.'

It is further stated that no one should buy of a married woman any article of value, nor should

the treasurer of any charity, **גבאי הצדקה**, take large sums of her without the knowledge of her husband. He is, however, allowed to take a small sum, on account of his being an almoner.

Rabina, who was a **גבאי צדקה**, a treasurer of a charity, came to a place called Mechuza. The women of the place appeared before the Rabbi, and put before him golden chains and bracelets as gifts towards the charities, and he accepted them. Upon this Rabba Jaspha said to Rabina, 'Have we not learnt that we are allowed to take only a trifle from married women without the knowledge of their husbands, but not such valuables as these?' to which Rabina replied: 'To the people of Mechuza these things are only trifles, because they are very rich.'

We have here, in this chapter, the following laws and regulations laid down:

The wool which the cleaner removes from woollen cloth he may keep for himself. It is not theft, because, as the value thereof is so small, the owner has no objection. But with the wool-comber the case is different. He must give back to the owner all the wool that comes out of the cloth by means of the comb.

With respect to weavers, tanners, tailors, joiners, cabinet-makers, and so forth, who have materials given out to them for making up into goods, if any of the materials should be over and above what is required for the articles to be made, there are laws defining what should be

returned to the owner and what they may keep for themselves.

In conclusion, it is thus clearly evident, from the treatise **בבא קמא**, of which I have ventured to give but a superficial sketch, that our fathers, at all times and in all countries, occupied themselves with agriculture, with the rearing of cattle and sheep, and with all kinds of trades and handicrafts, and such pursuits were very much encouraged by the Rabbis of the Talmud.

It is further shown that our conduct towards, and our dealings with, our fellow-men should be characterized by strict honesty, fidelity, and integrity.

A man's good name depends entirely upon his good actions and deeds. These alone testify on his behalf upon earth, and will obtain for him eternal bliss hereafter.

PROVERBS AND SAYINGS.

THE following are some of the proverbs or sayings to be met with in this treatise, which I here translate and explain :

I.

(P. 92.) **אִי דְלִית דּוּרָא, דְּלִינָא, וְאִי לֹא לֹא דְלִינָא.**

‘If thou wilt carry the burden with me, I too will carry it ; and, if not, I likewise will not carry it.’ No man likes to undertake by himself anything in which there is fear of loss. *Vide* Rashi, *ibid.*, p. 92.

2.

(P. 85.) **אֲסִיא דְּמִנֵּן מִנֵּן שׁוּי.**

‘A physician for nothing is worth nothing.’

3.

(P. 92.) **בְּהָדִי הוּצָא לֵקִי כִרְבִּי.**

‘By the destruction of the thorn the cabbage is destroyed.’ The innocent often suffer with the guilty.

4.

בִּירָא דִּשְׁתִּית מִינִי לֹא תִשְׂרִי בִּי קֵלָא. (P. 92.)

‘Throw no stones into a well of which thou drinkest water.’ Do not be ungrateful to thy benefactor.

5.

בְּתֵר עֲנִיָּא אֹלָא עֲנִיּוּתָא. (P. 92.)

‘Poverty always follows the poor.’ On every opportunity the poor man is reminded of his poverty.

6.

בְּתֵר מְרִי נִכְסֵי צִיבִי מִשַּׁךְ. (P. 93.)

‘By following behind the landowner, thou wilt gather wood.’ Around the rich man there is abundance; or, Abundance is found around the path of the wealthy.

7.

דְּכֹאִיב לִי כִּיבָא אוֹיִל לְבִי אִסְיָא. (P. 46.)

‘He who suffers pain should go to the physician.’ If a man find himself in difficulties, he should employ the best means to get out of them.

8.

חֲבֵרֶךְ קִרְיִיךְ חֲמֵרָא אֹכְפָא לְגַבִּיךְ מוֹשׁ. (P. 92.)

‘If thy neighbour call thee ass, put a saddle on thy back.’ Public opinion is generally correct.

9.

חמרא למרא טיבותא לשקיא. (P. 92.)

‘The wine belongs to its owner, and thanks are given to the butler.’ It often happens that a man does a good deed, and the credit thereof is taken by someone else.

10.

כד רגיו רעיא על ענא עביר לנגידא סמייתא. (P. 52.)

‘When a shepherd is angry with his sheep, he makes the leading sheep blind.’ Which Rashi explains thus: ‘If the Lord wants to punish Israel, He appoints over them unworthy leaders.’

11.

כד הוינן זוטרי לגברי השתא דקשישנא לדרדקי
(P. 92.)

‘When we were young, we were regarded as men; now, as we are old, we are looked upon as school-children.’ See Rashi.

12.

כלבא בכפני גללי מבלע. (P. 92.)

‘In his hunger a dog will even swallow stones.’ To a man in want everything is sweet. The Talmud bases this saying on the following verse in Proverbs xxvii. 7: ‘The full soul loatheth an honeycomb, but to the hungry soul every bitter thing is sweet.’ This may also be compared to the English saying, ‘Hunger is the best sauce.’

13.

לעולם יהא אדם מן הנרדפין ולא מן הרודפין.

(P. 93.)

‘Rather be among the persecuted than among the persecutors.’

14.

לא לחנם הלך זרזיר אצל עורב אלא מפני שהוא

מינו. (P. 92.)

‘The crow goes to the raven because it is of its kind.’ Cp. the English, ‘Birds of a feather flock together.’

15.

מטייל ואזיל דיקלא בישא גבי קני דשרכי. (P. 92.)

‘A worthless palm usually grows up close to fruitless trees.’ The moral of this may be best shown by the English saying, ‘Like to like.’

16.

מילתא גנאה דאית ביך קדים אמרה. (P. 92.)

‘Every man should himself acknowledge any fault or blemish he possesses.’ We should never hide our position, be it ever so humble, so that others think us not higher than we are.

17.

ממרי רשוותך פארי אפרע. (P. 46.)

‘From your debtor take even bran as payment.’

18.

קרה מכאן וקרה מכאן. (P. 60.)

'Bald here and bald there.' This saying is based upon the fable mentioned above in the sixth chapter. See p. 84.

19.

קרית חברך ולא ענך רמי גורא רבה שדי בי.
(Vide Rashi, p. 92.)

'If thou callest thy fellow to rebuke him, and he takes no heed, let a wall fall upon him.' That is to say, as he would not accept warning, let him suffer through his own folly.

20.

שיתין תכלי מטי" לנכא רקל חברי שמע ולא
אכל. (P. 92.)

'The teeth of a fasting person feel pain sixty-fold when he hears his neighbour eat, and he has nothing.' From this we may draw the lesson that a man should not eat in the presence of the hungry without sharing his meal with him.

THE END.

Opinions of the Press

ON THE

'SCHOOL SYSTEM OF THE TALMUD.'

'We are glad to observe that the Rev. B. Spiers, the Dayan, has republished in book form his address on "The School System of the Talmud." . . . The pages of this learned little volume are filled with maxims which testify to the high estimation in which learning and education were held by the Tamaim and Amoraim. . . . These examples will serve to whet the reader's appetite for Mr. Spiers's book, which is full of such beauties culled from the Talmud.'—*Jewish Chronicle*, March 17, 1882.

'The interesting sketch which the Rev. B. Spiers has just published is of special interest at the present moment when Judaism all over the world may be said to be upon its trial. . . . It is the work of a scholar conceived in the dispassionate spirit, and characterized by the calm and serenity of the study. The authenticity of the vast array of facts which are adduced is guaranteed by the well-known erudition of their compiler, and they have only to be carefully digested by the reader in order to suggest thoughts which cannot but exalt the estimate in which Jews and their faith are generally held. . . . Mr. Spiers traces with considerable minuteness the whole School System imposed by the Talmud upon Jews, and at the same time, in his opening chapter, shows, by means of copious quotations, how much more important than any other consideration education was held by the Rabbins. . . .'—*Jewish World*, March 22, 1882.

'We have just read a curious and interesting work, a veritable transference of a part of the mind of the past into the present. It is the production, we should think, of one who either has a lively and full memory or a well-stored notebook to dig from as a quarry. . . . We recommend the book to all who wish to gain some understanding of the Jew of our day, and of the position he occupies in the world.'—*Unitarian Herald*, April 7, 1882.

"The School System of the Talmud" is a very interesting account of the system of education which prevailed among the Jews in the time of the Talmud. Though but a brief sketch, it is clear and precise, and leaves on the reader's mind a very distinct idea of the character required of the instructors of youth, of the relations that exist between the teacher and the pupil, the methods and the subjects of instruction, and even of such details of school management as the age of admission, the advancement of one grade to another, and corporal punishment. The account seems to justify the author's statement that the subject of education occupied since the earliest times a high place in Jewish national life, and in some measure supports his view that the correct principles of education were enunciated among the Jews by Rabbi Joshua ben Gamla, eighteen hundred years ago. . . .'—*Leeds Mercury*, April 12, 1882.

'Out of that wonderful repertory of Jewish legal and traditional lore, the Talmud, the Rev. B. Spiers, a well-known Hebrew scholar, has in the compass of a single thin volume, not larger than a pamphlet, gathered together the evidences of, and reconstructed for us, the educational system in use among his people before they were expatriated from their own land and dispersed among the nations. . . . And so we might go on by the column almost, illustrating this old-world system of education from the rich store of materials contained in the little book before us. But we must leave the reader some pleasure to come in the perusal of the volume itself. It is our function to whet the appetite—not to satisfy it.'—*Liverpool Mercury*, April 17, 1882.

'This essay, which originally appeared in the *Jewish Chronicle*, has been reprinted separately, and we venture to think that the republication will be acceptable to all interested in educational effort. . . . The Rev. B. Spiers, to whom we are indebted for the very lucid exposition of the Jewish school system here epitomized, is Dayan and Librarian to the Beth Hamedrash. The exposition, though specially interesting to the children of Israel, cannot fail to furnish much that is suggestive to English educationalists.'—*Newcastle Daily Chronicle*, April 8, 1882.

'They who are interested in education—and who is not?—will be glad to have their attention directed to a pamphlet in cloth on "The School System of the Talmud," by the Rev. B. Spiers. In few things have the Jews, especially those of former days, been more successful than in the work

of the education of the young, and the rules and maxims which have been collected from the Talmud by the writer, a learned Rabbi, give to these chapters an enduring value.'—*John Bull*, May 13, 1882.

“The School System of the Talmud,” by the Rev. B. Spiers, is an essay which is an interesting summary of the whole educational question as it appeared to the Rabbis, when the very preservation of Hebrew nationality seemed to depend on careful instruction of the young, and when, accordingly, far more pains were taken for that end than in any Christian country. Indeed, it is scarcely going too far to say that, even now, those amongst us who are practically interested in education might gather some useful hints from the ancient Rabbis, whose shrewd and keen intellects struck out methods which we are apt to regard as the last word of the nineteenth century, and have hardly reduced into practice up to the present.’—*Church Times*, May 19, 1882.

‘The Rev. B. Spiers, occupying an important position amongst the Jews in this country, has reprinted from the *Jewish Chronicle* an important essay on “The School System of the Talmud.” . . . We have indicated the nature of this interesting essay, and for further information concerning the ancient school system of the Jewish people, we must refer our readers to the essay itself. It may help to modify some proud feelings which now and then creep into most of our minds, when we compare the present with the past.’—*Literary World*, June 2, 1882.

‘Mr. Spiers has brought together from various Talmudic sources and from the Midrashim a number of Rabbinical sayings upon the subject of education. . . . The book will interest teachers on account of the shrewdness and good sense, obviously the fruit of experience, which characterize many of its maxims. . . . Mr. Spiers is perhaps a little too anxious to prove that the ancient sages of his race forestalled all the latest ideas of modern educational reformers ; but he certainly has ground for his concluding assertion that “the school-boards now established throughout this country are only the practical recognition of the correct principles of education, both universal and compulsory, which were enunciated among ourselves by Rabbi Joshua ben Gamla eighteen centuries ago.”’—*Academy*, July 22, 1882.

‘The high character of the ethical teaching of the Talmud is well known, but not much has been said or heard hitherto

of its specific doctrines on the subject of the education of the young. That is the subject with which Mr. Spiers has undertaken to deal in the excellent little treatise under notice, and he has dealt with it in a very interesting and practical way. . . . The work is not so much an exposition of a school system as an exhibition of the leading ideas by which the educational system of the Rabbins was regulated. . . . Obviously there are words of wisdom and wholesale practical lessons in Mr. Spiers's abstract of the teachings of the Talmud on education, which modern schoolmasters and modern parents would do well to lay to heart.'—*Scotsman*, October 11, 1882.

'We have long been accustomed to hear that many of our most recent sanitary arrangements and precautions were anticipated by Moses, but we now have to learn that not a few of our most advanced ideas in education have been both held and practised by the Jews from a time that carries us far back towards the beginning of the Christian era, to say nothing of the germs of those ideas in the sacred Scriptures. A little volume recently published by the Rev. B. Spiers should be read by all who are practically or theoretically interested in teaching.'—*Bedfordshire Times and Independent*, November 11, 1882.

"The School System of the Talmud," by the Rev. B. Spiers (Trübner and Co., Ludgate Hill), is a little volume containing a collection of articles originally published in the *Jewish Chronicle*, and now reprinted in a handy and useful form. Its interest is deepest for Hebrew readers, though, as the sons of Israel may be called the earliest educators of the human race, it is well worth the attention of everyone who is concerned in the well-being of the rising generation.'—*Lady's Pictorial*, February 3, 1883.

"School System of the Talmud."—This is the title of a work (Trübner and Co.) by the Rev. B. Spiers, Dayan, Librarian to the Beth Hamedrash. The writer dwells at length upon the necessity for great care to be taken in the education of the poorer children, because they often devote themselves with greater energy to study. The progress of a people, the author says, must largely depend upon the spiritual and intellectual training of its youth. The work is well written, and will be found very interesting to others than those of the Hebrew persuasion.'—*Wolverhampton Evening Express*, July 25, 1882.

'A charming little book entitled "The School System of the Talmud" has been sent to me by Rev. B. Spiers, to which I should like to call the attention of teachers. It is short and pleasantly written, and it introduces the reader to such a quaint old world that it might be taken up for refreshment, like an amusing book of travels. Yet every page is full of instruction. The keynote of the book is its concluding sentence, in which it is stated that the principles of compulsory education were recognised by the Jews eighteen centuries ago—"principles that kept alight the lamp of knowledge in Israel's darkest days, and which have aided their national development, and formed the very ground-work of their national life." This sentence alone suggests many reflections, the truth of which is illustrated by the facts told in the body of the work.'—*Journal of Education*, April 1, 1885.


'Desire for secular knowledge is an essential feature in Jewish religion, as Mr. Spiers's book makes abundantly evident. . . . The extracts from the Talmud quoted by Mr. Spiers give the reader a glimpse as into a soft, easy nest, skilfully prepared for the young brain to develop.'—*Journal of Education*, September 1, 1885.

'I read your paper through with much interest as soon as I received it.'—MATTHEW ARNOLD, July 21, 1884.

'I had gathered from the writings and conversation of the late Emmanuel Deutsch that an excellent system of education intimately affecting the national life was in existence amongst the Jews from the time of the Captivity, and was eloquently enforced in the Talmudical writings; but I had no idea that it was so minutely laid down, so well organized, and so completely abreast of the best systems of modern times as your treatise has proved it to be. Your little work will be treasured by me as one of the most valuable and instructive of my educational collection.'—The Rt. Hon. A. J. MUNDELLA, May 31, 1884.

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