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Both Christians and Jews have the Old Testament as a feature of their respective faiths. Christianity utilizes as its authority the Old Testament and the New Testament. Judaism relies for its teachings upon the Old Testament and the Talmud. By the year A.D. 70 the cleavage between Christianity and Judaism may be said to have been finalized. With the destruction of Jerusalem and its sacred Temple the break between Judaism and Christianity was final. By the end of the first Christian century the New Testament canon was complete and the direction that Christianity took was permanently determined. Certain Jewish writings which came to be written in the first and second centuries A.D. likewise determined the permanent course of Judaism.

The Talmud is the primary major source for the understanding of Judaism. In addition to the Talmud, other sources are laws known as Baraithoth and passages from a collection called the Tosefta. The Talmud is comprised of two main parts: the Mishnah and the Gemara. The Mishnah was put into written form in the first and second centuries of the Christian era, although in its oral form its roots extend back a number of centuries prior to Christ’s birth. The word “Mishnah” means “repetition”; it is a lawbook that was produced by rabbis and scholars who resided in Palestine before the destruction of the Temple in A.D. 70 as well as during a century and a half after the destruction of Jerusalem. The Gemara, which means “completion,” is a commentary of the Mishnah, and is the work of later scholars called the Amoraim. The Gemara treats of legal matters and those matters known as Haggadah, meaning “saying” or “narrative.”

In order to understand adequately the background of the Gospels and the Epistles it is desirable and helpful to have an acquaintance with those writings that exhibit the character of Judaism, namely, the Mishnah, the Midrashim, the Tosefta, and the Baraithoth. The origin and character of these writings will briefly be discussed in this essay, because these writings will help show the different direction Judaism took as compared with Christianity in the two centuries after the close of the New Testa-
ment canon. Solomon Zeitlin wrote about the importance of the Talmud as follows:

The Talmud is a storehouse of law, religion, history, ethics, metaphysical speculations, medical science, astronomy and folklore. It is an encyclopedia covering every phase of human activity, a mine of information for the study of religion, history and civilization not only of the Jews but of the peoples of the entire middle east. It is important for a proper understanding of the origin of Christianity, since this literature came from men who taught at the time that Jesus did. It is essential for a true comprehension of the controversies over the law between the Pharisees as recorded in the Synoptic Gospels.¹

The Oral Law and the Written Law
according to the Jewish Conception

Jewish scholars believe that from the very beginning of their history as a nation the Hebrews had both written and oral laws that existed side by side. The written laws are found in the Torah, or the Pentateuch of Moses. In the writings of the prophets and in the Hagiographa (Kethubim) there are references to laws that are not contained in the Torah of Moses, thus showing that there were oral laws existing besides the written one. Thus in the Book of Jeremiah it is recorded that, when Jeremiah purchased a field from Hanamel, a deed was written in the presence of witnesses. Yet in the Pentateuch there is no law stating that a sale of property was transferred by means of a deed witnessed by people who signed their names to it. The custom of transferring property by taking off the shoe as described in Ruth 4 is not required by the Torah. Zeitlin believes that the unwritten laws coexisted with the written laws.² The Jews had a tradition that thousands of laws were forgotten during the time that the people mourned for Moses after he had died. The unwritten laws were called “torah shebe-al pe” (“oral law”), while the written laws were referred to as “torah shekitab” (that is, “written law”).

With the destruction of the Temple and Jerusalem in 587 B.C. the surviving Jews in the Dispersion began to keep the letter of the law and build a hedge around the 555 different laws which the Jews claimed they found in the Pentateuch. There arose a new group of specialists in the Scriptures who came to be known as the Sopherim, “the Scribes.” They claimed Ezra as the founder of their order, which by the time of Jesus had become the recognized guild of Bible-text specialists.

The position was taken by the Jews that the written laws of Moses had to be adapted as new conditions developed. The claim is made by the Talmud that the “Great Synagogue” (120 men) had
such authority, but modern scholarship is convinced that no real proof exists of the existence of this body of men. At first, it is believed, legal interpretation was the prerogative of men of priestly lineage, but in the course of time members of other tribes also became experts in the Old Testament Scriptures. In Ezra 6:7, Ezra is called "a scribe skilled in the Law of Moses." Also in Ezra 7:12, 21 Ezra is given the title "Ezra the Priest, the scribe of the law of heaven." In one of the Aramaic portions of Ezra, 7:12-16, Ezra is referred to as an official in the bureaucracy of the Persian Empire, and as an official for the Jews he would need to have had knowledge of Jewish law as well as of Persian.

Some scholars also hold that the rise of the Sopherim was furthered by the need to guard the Old Testament canon, which was in existence by the time of Ezra and Nehemiah according to the statement of Josephus in his apologetic writing, Contra Apionem (1:8). The Sopherim probably saw to it that all copies of the Old Testament Scriptures would conform to the standard text. It is held that during the first century B.C. these men resorted to the device of counting all the verses, words, and letters of each book and placed the statistics at the end of a book. This information would enable future copyists to check their own copies against the right total of verses, words, and letters. These statistics have been incorporated into the Masora Finalis of each book of the Massoretic Bible. The Sopherim worked out the so-called tikkune sopherim, eighteen decrees laid down by the scribes in the interest of Biblical interpretation. An analysis of these rules would show that some have little justification for use. A number were of an antianthropomorphic character, aimed at protection of the dignity of God in some way.

The Development of the Oral Law

The oral tradition of Judaism is believed to have developed in houses of study and in the synagogal service. Synagogues are believed to have originated during the Babylonian exile. Jeremiah addressed his letter (Jer. 29:1) to the elders, priests, and prophets among the Babylonian exiles. From Ezekiel it can be inferred that the prophet Ezekiel had meetings with the elders. So far no details are available on the development of the rabbinical academies which later on came to play an important role in the perpetuation of Jewish thought and life. It may, however, reasonably be assumed, that the study of the Law was pursued by the Jews in Babylonia.

In Schubert's opinion the concept of oral law was a special contribution of Pharisaism. Yet it should be noted that the Pharisees were not the only sect to have oral traditions. From the Qumran writings it is evident that the Esseneces of Qumran had a legal tradi-
tion that had been stabilized since the second century B.C. Stricter interpretation of Pentateuchal laws appears in the Dead Sea Scrolls and in the Book of Jubilees. Concerning this matter Schubert wrote:

While the latter [i.e. the Dead Sea Scrolls], because of the proximate eschatological expectation of the priestly-apocalyptical circle that sponsored them, contain extra-ordinarily severe laws, the Pharisaic legal interpretation is distinguished by much greater mildness.5

The Pharisaic interpretation of the written Law was far more reasonable than that of the apocalyptical groups in Judaism. The Pharisees held that after the death of the last three prophets, Haggai, Zechariah and Malachi, the Holy Spirit, that is, the gift of prophecy, had left Israel (Tos. Sotah 13:2; Yom. 9b; Sanh. 11a). According to the Pharisaic tradition oral tradition was part and parcel of the prophetic heritage. Thus Avoth i.1 of the Mishnah states: “Moses received the Law on Mt. Sinai and handed it on to Joshua; Joshua to the elders; the elders to the prophets, and the prophets handed it on to the men of the great Sanhedrin.” By means of the concept of oral law the rabbis were enabled to establish a link between Moses and themselves. The rabbis went so far as to make the claim that their interpretation and additions had already been given orally to Moses on Mt. Sinai (Berakhoth 5a). According to one haggadic tradition the only reason that Moses had not been given the Mishnah was to prevent the Gentiles from obtaining it, which it was believed would have happened had the Mishnah been rendered into Greek. Johannan bar Nappaha, a third-century scholar, asserted: “The Holy One, praise be He, made the covenant with Israel solely for the sake of the orally handed-on word” (Gittin 60b).

In Schubert’s opinion the idea of the development of the oral law may also be associated with the prohibition of writing, concerning which rabbinical tradition does not present a monolithic position. Some scholars hold that the injunction against writing was certainly not taken seriously by Sirach and the authors of the two books of the Maccabees who at the beginning of the second century B.C. composed their books. Since the Pharisaic movement came into being after the writing of Sirach, Ecclesiasticus cannot be considered a violation of the later Pharisaic prohibition. The laws, for example, that were composed by the Qumran community, were probably rejected by the Pharisees. Early Pharisaism was opposed to the writing of religious books. From the Mishnah (Sankedrin 10:1) it appears that the apocryphal writings were not to be read. This prohibition enabled the Pharisees to prevent the breakup of Judaism into a number of
divergent sects and helped Pharasaic doctrine to become normative Judaism after the fall of Jerusalem in A.D. 70.

**Pharisees and Sadducees on Oral Law**

The Tannaitic literature, as well as Josephus, claims that the Sadducees could not reject all oral law, for many matters had never been defined in the written law and were thus determined by custom, handed down orally from generation to generation. The great point of difference between the Sadducees and the Pharisees was the insistence of the latter that the oral law was just as binding as the written law, a stance which the Sadducees would not recognize. For the latter the written Pentateuchal laws were more binding than any oral law. It was the contention of the Pharisees that the written laws constantly needed to be changed due to new cultural conditions and the people's position. This stance was totally unacceptable to the Sadducees.

According to Zeitlin's understanding the passage of time forced the Jews to rewrite and redefine laws that were outmoded. During the period of the second commonwealth an institution was developed that made necessary revisions. This was the Sanhedrin, whose existence is traced back to 141 B.C. when it is referred to as a bet din ("court") and was invested with the power of changing Pentateuchal laws to meet new community requirements. Until the Hasmonean period the Jewish state had been a theocracy with the seat of authority located in the high priest. After the establishment of the second commonwealth nomocracy (rule by law) took the place of the high priest. The Sopherim, the Scribes of the Sanhedrin, introduced new laws as Rabbi Joshua is reported to have done in Tractate Tebul Yom 4:6. They emended many Pentateuchal laws as is evident from commands given in the Talmud when compared with the directives in the Pentateuch. According to the Pentateuch, levitical purity was not to be completed after sunset, but this arrangement worked a hardship for the Jews. The Scribes interpreted this rule in such a way that it applied only to the priests in the matter of eating of sacred food. According to the Pentateuch, cattle needed to be slaughtered before their meat could be eaten, but the method of killing was not defined. So the oral law defined ritualistic slaughter as cutting the throat. There were cases where the oral law was preferred to the written law. According to the Pentateuch, a fowl's blood was to be covered with sand, but, according to the oral law, anything at hand could be used to cover the blood. Changes in the written law were also made regarding civil matters by the developers of the oral law. The Mosaic Pentateuch has laws about damages and injuries, but there are no directives in it that distinguish between degrees of liability and
injury. The oral law attempted to answer the problems which arose in this situation. The oral law took cognizance of changed sociological conditions and endeavored to address them.

According to Jewish tradition, the term “Sopherim” is to be applied to the earliest group of Scribes working between the fifth century and the third century B.C. It includes the men from Ezra to Antigonus of Socho. The Scribes were followed by the scholars called Zugoth (“pairs” of textual scholars) from the second to the first century B.C., from Rabbi Jose ben-Joezer to Hillel. The scholars who lived from the death of Hillel to the death of Judah Hannasi after A.D. 200 are known as the Tannaim, which means “repeaters” or “teachers.” The teachings of the Sopherim, the Zugoth, and the Tannaim are found in the Mishnah, the Tosefta, the Baraithoth and the Midrash.

Methods of Teaching the Oral Law

The earliest way of teaching the law was by means of Midrash, that is, a running commentary. An exposition of a Biblical text that yields a legal teaching was known as a Midrash Halachah; if it was a nonlegal, ethical, or devotional teaching it was called a Midrash Haggadah. The Midrash method was employed by the teachers who followed Ezra, the scholars whose activities terminated about 270 B.C. With the Zugoth scholars a new method of teaching was begun, which actually was a rival to that of the Midrash. The new method propounded oral law that was not based on Holy Writ. The advantage of this method, as stated by Epstein, was as follows:

This evidently represented a progressive method of teaching in that it enabled the teachers to put in order of the day any such subjects as they desired, without being tied to the sequence of biblical texts.

The teachers who employed the new method might still have traced the subjects discussed to the Biblical text. The fact that they did not was due to the Sadducees, who used the written text of the Torah to attack the oral laws. Since the Scriptural basis for the oral law was removed, the laws were perpetuated by repetition. The word “Mishnah” means “repetition.” The teachers that employed repetition as a method were called Tannaim. Although the repetition method became popular it did not oust the older Midrash method. The latter method was permitted to control the Haggadic field; yes, even in the Halachah its influence did not cease, so that both Midrash and Mishnah existed side by side as media for instruction in Halachah.

In the two centuries before the birth of Christ the Jewish reli-
gious leaders not only tried to interpret the Pentateuchal laws so as to bring them into harmony with contemporary life, but they attempted to turn some of the old *Halachoth* into written law, so that they might be employed as a basis for deducing new oral laws as new situations required them. With regard to the interpretation of Pentateuchal law and the Halachoth there arose two schools of thought. They were the Shammaites and the Hillelites; the former representing the more conservative among the Pharisees, and the latter the more liberal. These two groups were named after shammai and Hillel, the last of the Zugoth or “pairs.” They were the two leading scholars during the reign of Herod the Great (37-4 B.C.). Both men were leaders in the Sanhedrin. Although the Hillelites and the Shammaites were all Pharisees, there were differences on many points between the two schools of thought relative to the interpretation of the oral law. Through his grandson Gamaliel, Hillel became the ancestor of a line of patriarchs that were very influential in Palestinian Judaism during the early Christian centuries. Not much is known about Shammai; many sayings are attributed to his followers rather than to him. Shammai was more actively opposed to Herodian and Roman rule than was Hillel. The positions of these two schools of thought are important for understanding the teaching of Christ on divorce as stated in Matthew 5:31-32. According to Deuteronomy 24:1 Moses allowed divorce for “something indecent.” The school of Shammai contended that meant adultery only; while the Hillelites understood the term broadly and included trivial causes, such as a wife burning her husband’s dinner. Thus, when the question was put to Jesus: “Is it lawful for a man to put away his wife for any cause?” Jesus was being asked as to whether Hillel was right or wrong.

The Compilation of Halachic Teaching

Efforts to compile the Halachic teachings in Mishnah form were made during the early stages of its progression. Epstein is convinced that there is strong proof that about 50 B.C. the schools of Shammai and Hillel possessed a codified body of Mishnaic lore. One of the outstanding collections was that of Rabbi Akiba who died a martyr’s death in 135 A.D. Akiba’s collection became the basis of the Mishnah of Rabbi Judah the Prince (ca. 110?-175? A.D.), a work that incorporates a digest of the whole legal system governing the Jewish community as developed by the Palestinian schools throughout the periods of the Sopherim, the Zugoth, and the Tannaim up to the third Christian century. The materials in the Mishnah have some importance for textual criticism because of their numerous quotations of the Old Testament text, which sometimes differs slightly from that found in the Massoretic Bible.
Another type of Rabbinic material that arose between A.D. 100 and 300 was the Tosefta ("addition" or "supplement"). The Tosefta is a collection of teachings and traditions of the Tannaim which were closely related to the Mishnah. The Tosefta is supposed to contain that portion of Rabbi Akiba’s original Mishnah that he omitted in his shortened form.

The Two Talmuds

The Talmud ("instruction") grew up between A.D. 100 and A.D. 500. It contains two main divisions: the Mishnah and the Gemara. The Mishnah ("repetition") was completed by about A.D. 200. It was written in Hebrew and constituted, as previously noted, a digest of the various oral laws, traditions, and explanations of the Old Testament then current in Judaism. The Mishnah was divided into six orders (sedarim) as follows: (1) Zeraim ("seeds") deals mainly with agricultural laws (7 tractates); (2) Moed ("appointed season") has laws concerning the sabbath, festivals, and facts (12 tractates); (3) Nashim ("women") has laws concerning marriage, divorce, and vows (10 tractates); (4) Nezekim ("damages") has laws pertaining to the sanctuary and sacrificial rites (10 tractates); (5) Kodashim ("consecrated things") has laws pertaining to the sanctuary and sacrificial rites (11 tractates); (6) Tohoroth ("cleanliness") has laws pertaining to ritual purity and impurity (12 tractates). Like the Mishnah, the Tosefta also contains six orders, but the material in the Tosefta is more diffuse than that in the Mishnah.

The language of the Mishnah is new Hebrew (i.e., Rabbinic Hebrew) as distinguished from Biblical or Classical Hebrew. This form of Hebrew developed during the time of the Second Temple (515 B.C. — A.D. 70), has Greek and Latin loan words, and reveals a marked Aramaic influence. While Mishnaic Hebrew is well suited to setting forth practical matters, scholars claim that it lacks the vigor and poetic grandeur of Biblical Hebrew.

The period that followed the Tannaim was that of the Amoraim (plural of "speaker, explainer"). Their work was limited to explaining the assertions and teachings of the Tannaim. In Palestine there were five generations of Amoraim and in Babylonia seven generations who concerned themselves with the transmission of Tannaitic teachings. The teachings and disputes of the Amoraim are called the Gemarah ("completion"). The Gemarah is not, like the Mishnah, written in a form of Hebrew, but rather in Aramaic, with an Eastern Aramaic dialect employed in the Babylonian Talmud and a western Aramaic dialect in the Palestinian Talmud. Both Talmuds have with slight variations the same Mishnah, but they differ greatly in respect to the size and content of the Gemarah and its relationship to the
Mishnah. The Palestinian version has thirty-nine tractates, dealing with the first four orders. The Babylonian Talmud has thirty-six tractates (dealing mainly with orders 2-5), but it is nearly four times the size of the Palestinian. The Babylonian has about 2,500,000 words as compared with the 750,000 of the Palestinian Talmud.

The Mishnah is characterized by brevity, clarity, and comprehensiveness and was used as a textbook in the rabbinical academies. It was edited and became the standard book of instruction in Tiberias, Caesarea, Sepphoris, and Lydda in Palestine and in Sura, Pumbeditha, and Nehardea in Babylonia. As a result of learned discussions about the law the formation of two different Talmuds came about. Feinberg claims that the greater part of the discussion in the Talmud is in dialogue form. In the Haggadah lengthy digressions are often found. Two-thirds of the Talmud is of the nature of a commentary on the Mishnah.

One *Jewish Encyclopedia* article states that the Gemara proceeds by way of question and answer and generally follows the method of analogy and association, as a result of which a discussion may cover a wide range of subjects and often end up with a completely different subject than that with which it began. Frequently a discussion by two rabbis concerning one point of law would result in an enumeration and explanation of all other differences between the two discussants. Of the importance of the Talmud the French scholar Darmsteter wrote:

The Talmud, exclusive of the vast Rabbinic literature attached to it, represents the uninterrupted work of Judaism from Ezra to the sixth century of the common era, the resultant of all living forces and of whole religious activity of a nation. If we consider that it is the faithful mirror of the manners, the institutions, the knowledge of the Jews, in a word of the whole of their civilization in Judea and Babylon during the prolific centuries preceding and following the advent of Christianity, we shall understand the importance of a work, unique of its kind, in which a whole people has deposited its feelings, its beliefs, its soul.

Robert Travers Herford in *Talmud and the Apocrypha* has made a comparative study of the Talmud with apocryphal literature. Herford attempts to study these two types of religious literature and to account for their differences while documenting their emanation from a common source.

**Books Dealing with Rabbinic Exegesis and the New Testament**

Many publications have attempted to show the value of rabbinic studies to the interpretation of the New Testament. Wil-
liam Doeve, in *Jewish Hermeneutics in the Synoptic Gospels and Acts* (Assen, 1954), pages 5-51, has recounted the history of rabbinic studies and their application to problems of New Testament interpretation. Claude J. G. Montefiore's *The Synoptic Gospels* (2nd ed., 2 vols.; London, 1927) is considered to this day by many to be a classic exposition. A volume published three years later, *Rabbinic Literature and Gospel Teaching*, supplements the 1927 book; the British scholar Israel Abrams compares the teachings of the rabbis to Christ's teachings. In this volume he defends the Pharisees' doctrines.


Paul Fiebig made a study of the parables in his *Die Gleichnisse Jesu im Lichte der rabbinischen Gleichnisse des neuentlichen Zeitalters* (Tübingen, 1912), and he investigated the miracles in his study, *Judische Wundergeschichten des neuentlichen Zeitalters* (Tübingen, 1911), Using rabbinical materials Fiebig made a study of the Sermon on the Mount in *Jesu Bergpredigt* (Göttingen, 1924). Between 1922 and 1928 two German scholars published a commentary on the New Testament which draws together in five volumes materials from the Talmud and Midrash that help one to understand many statements in the New Testament. When using this resource it must be borne in mind that much rabbinical material cited by Strack and Billerbeck is late and therefore does not reflect first-century Judaism. Some scholars claim that this commentary is an indispensable work for New Testament interpretation.¹³

Alfred Edersheim (1825-1889), of Jewish extraction and a convert to Christianity, was Grinfield Lecturer on the Septuagint at
the University of Oxford (1884-1889). He wrote a number of volumes in which he utilized materials from the Mishnah, the Gemara, and other rabbinical writings. In addition to *The Temple-Its Ministry and Services as They Were in the Time of Christ and Sketches of Jewish Social Life in the Days of Christ*, there was his two-volume *magnum opus, The Life and Times of Jesus the Messiah*. Published nearly a century ago, it now is available in a one volume edition. Edersheim devoted seven years to the writing of this work, for which a number of his earlier books were a preparation. Wilbur Smith claimed that this book is "the most important general work on the life of Christ in our language." In setting forth and evaluating all the views of the life and teaching of Christ, Edersheim gives a reconstruction of Jesus' life and teaching in all their surroundings of place, society, popular life, and intellectual and religious development. He gives extensive quotations from many different rabbinical writings. Edersheim used the background of Jewish social life and tradition to illuminate the life of Christ and thereby endeavored to produce fresh insights into Jesus' acts and teachings.

With Edersheim one should contrast the writings of Joseph Gedaliah Klausner, an ardent Zionist who in 1949 was a candidate for the presidency of Israel. He wrote two books dealing with New Testament topics, namely, with Jesus Christ and with Paul. His *Jesus of Nazareth: His Life and Times and Teachings* (Macmillan, 1925) was written originally in modern Hebrew and published in Jerusalem in 1922. Herbert Dancy translated this work, in which Klausner argued that Jesus was a Jew and not a Christian, setting forth a position which Julius Wellhausen had advanced earlier. Klausner's volume dealing with Paul was also written in modern Hebrew and was translated into English by William Franklin Stinespring as *From Jesus to Paul* (Macmillan, 1943). In it Klausner repeated a position expressed by other Jewish writers, namely, that it was Paul who was responsible for separating Judaism from Christianity. Klausner's tracing of the development of Christianity is based mainly on Jewish sources which Christian scholars should examine when they evaluate Klausner's erroneous characterization of St. Paul.

**Footnotes**

2. Ibid., p. 768.
5. Ibid., p. 923.
6. Ibid., p. 924.
14. These three volumes are published by Eerdmans Publishing Company of Grand Rapids, Michigan.

Bibliography


**Editions of the Talmud**

