perpetual (daily burnt offering)," Ex. xxix. 38-42; Num. xxviii. 2-8. (10) *Middōth* ("measures ”), an important tractate on the

temple (measurements, gates, halls, &c.). (11) *Qinnīm* ("nests ”), on sacrifices of doves by the poor (cf. Lev. i. 14-17, v. 1 sqq.^, xii. 8).

VI. Ṭ*ohōrōth* or *Tĕh.,* “ purifications,” a euphemism for things which are ritually or ceremonially “ unclean.” (1) *Kēlīm* (“vessels”), their uncleanness (cf. Lev. xi. 32 sqq.; Num. xix. 14 sqq., xxxi. 20 sqq.). (2) *Ohālōth* (“ tents ”), on defilement through a corpse (Num. xix. 14-20), &c. (3) *Nĕgā'īm (“* plagues,” *i.e.* leprosy), on Lev. xiii. seq. (4) *Pārāh* (the [red] "heifer ”), on Num. xix. (5) Ṭĕ*hārōth* (euphemism for impurities), on minor defilements. (6) *Miqwā’ōth* (ritual baths), bathing for the defiled (cf. Lev. xiv. 8, xv. 5 sqq.; Num. xxxi. 23; also Mark vii. 4). (7)

*Niddāh* (female “ impurity ”), on Lev. xv. 19-33. (8) *Makshīrin*

(“ predisposing ”), or *Mashqīn* (“ liquids ”), on defilement caused by wet unclean things (cf. Lev. xi. 34,37 seq.). (9) *Zābīm* (“those with a discharge ”), on Lev. xv. (10) *Tĕbūl Yōm* (“ immersed for [or on] the day ”), on those who have taken a ritual bath and must wait until sunset before becoming ritually pure (see Lev. xv. 5, xxii. 6 seq.; Num. xix. 19). (11) *Yādăyīm,* “hands,” their purification

(cf. Matt. xv. 2, 20; Mark vii. 2-4, &c.). (12) Ū*qṣīn* (“ stems ”),

on the relation between fruit and the stems and stalks as regards defilement, &c.

To Order IV. the Babylonian recension of the Talmud adds seven treatises, which are of later origin and are regarded as more or less extra-canonical. (1) Ā*bōth dĕ Rabbi Nathan,* an expansion of IV. 9, attributed to a second-century Rabbi, but post-Talmudic (ed. S. Schechter, 1887). (2) *Sōphĕrīm* (“ scribes ”), on the writing of the scrolls of the Pentateuch, grammatical (Massoretic) rules, and (a later addition) on the liturgy (ed. J. Müller, Leipzig, 1878). (3)

*Ebel Rabbāthi* (“ great weeping ”), or, euphemistically, *Sĕmāḥōth* (“joys”), on mourning customs and rules. (4) *Kallāh (“* betrothed, bride ”), on chastity in marriage, &c. *Dérek Ēreṣ* (5) *Rabbah,* and (6) *Zūṭā,* a “ large ” and a “ small ” treatise on various rules of "conduct ” and social life. (7) *Péreq ha-Shālōm,* a “ chapter on peace ” (peacefulness). In addition to these seven, other small Talmudic treatises are also reckoned (edited by R. Kirchheim, Frankfort-on-Main, 1850). These deal with (1) the writing of the rolls of the Law; (2) *Mĕzūzāh* (Deut. vi. 9, xi. 20); (3) *Tĕphittīn* (prayers, phylacteries); (4) the fringes (Num. xv. 38); (5) slaves; (6) the Samaritans (see J. A. Montgomery, *The Samaritans,* pp. 196 sqq.); and (7) proselytes.

The Mishnah itself contains 63 tractates, or, since IV. 1-3 originally formed one (called *Nĕzīqīn)* and IV. 4, 5 were united, 60. The number is also given as 70 (cf. 2 Esd. xiv. 44-46), perhaps by in­cluding the seven smaller treatises appended to IV. There are 523 chapters (or 525, see 1. 11, IV. 9).

2. *The Origin of the Mishnah.—*A careful distinction was drawn between the Written Law, the Mosaic Tōrāh, and the rest of the Scriptures (□f√J2ι ∙"∏⅛), and the Oral Law, or Tõrãh by Mouth (^≡ ⅛sy ∏n⅛). The origin of the latter, which has become codified in the Mishnah, has often been discussed. It was supposed that it had been handed down by Ezra; that it was indebted to Joshua, David or Solomon; that it was as old as Moses, to whom it had been communicated orally or in writing, complete or in its essence. The traditional view is well illustrated in the words ascribed to R. Simeon Lakish, 3rd century a.d.@@ “What is that which is written, 'I will give thee the tables of stone, and the Law and the Command­ment, which I have written, that thou mayest teach them (Ex. xxiv. 12)’? ‘Tables,’ these are the Ten Words (the Decalogue); the ‘Law’ is the Scripture; ‘and the command­ment,’ that is the Mishnah: ‘which I have written,’ these are the Prophets and Writings (*i.e.* The Hagiographa), ‘ to teach them,’ that is the Gemara—thus instructing us that all these were given to Moses from Sinai.” Literary and historical criticism places the discussion on another basis when it treats the Mosaic Tõrãh *in its present form* as a post-exilic compilation (about 5th century b.c.) from sources differing in date, origin and history. There is no *a priori* reason why other legal enactments should not have been current when the compilation was first made; the Pentateuchal legislation is incomplete, and covers only a small part of the affairs of life in which legal decisions

might be needed. There must have been a large body of usage to which Jewish society subscribed; customary usage is one of the most binding of laws even among modern Oriental com­munities where laws in writing are unknown, and one of the most interesting features is the persistence in the East of closely- related forms and principles of custom from the oldest times to the present day. Laws must be adjusted from time to time to meet changing needs, and new necessities naturally arose in the Greek and Roman period for which the older codes and usages made no provision. Much in the same way as Roman law was derived from the Twelve Tables, the Jewish written laws were used as the authority for subsequent modifications, and the continuity of the religious-legal system was secured by a skilful treatment of old precedents.@@In the article Midrash it will be seen that new teaching could justify itself by a re­interpretation of the old writings, and that the traditions of former authoritative figures could become the framework of a teaching considerably later than their age. It is probable that this process was largely’ an unconscious one; and even if con­scious, the analogy of the conventional “ legal fiction ” and the usual anxiety to avoid the appearance of novelty is enough to show that it is not to be condemned. By the help of a tradition —a “ haggadic ” or “ halakic ” Midrash *(q.v.* § 1)—contemporary custom or ideals could appear to have ancient precedents, or by means of an exegetieal process they could be directly con­nected with old models. In the Old Testament many laws in the Mosaic legislation are certainly post-Mosaic and the value of not a few narratives lies, not in their historical or biographical information, but in their treatment of law, ritual, custom, belief, &c. Later developments arc exemplified in the pseud- epigraphical literature, notably in the Book of Jubilees, and when we reach the Mishnah and Talmud, we have only the first of a new series of stages which, it may be said, culmi­nate in the 16th-century *Shulḥan 'Ārūk,* the great compendium of the then existing written and oral law. Thus, the problem of the origin or antiquity of the unwritten Oral Law, a living and fluid thing, lies outside the scope of criticism; of greater utility is the study of the particular forms the laws have taken in the written sources which from time to time embody the ever-changing legacy of the past.

The course of development between the recognition of the supre­macy of the Pentateuch and the actual writing down of the Mishnah and Gemara can be traced only in broad lines. It is known that a great mass of oral tradition was current, and there are a number of early references to written collections, especially of haggadah. On the other hand, certain references indicate that there was a strong opposition to writing down the Oral Law. It is possible, therefore, that written works were in circulation among the learned, and that these contained varying interpretations which were likely to injure efforts to maintain a uniform Judaism. Philo speaks of *μvρta άγραφα tθη κai νόμιμα* (ed. Mangey, ii. 629), and the oral esoteric traditions of the Pharisees are attested by Josephus (xiii. 10, 6, cf. 16, 2); cf. in the New Testament, Matt. xv. 1-9, Mark vii. 8, &c.; and the δϵυτϵρώσϵις “ repetitions" (cf. the term Mishnah) of the Christian Fathers. For the *written* collections, see Strack, *op. cit.,* pp. 10 sqq.; J. Theodor, *Jew. Ency.,* viii. 552; J. Z. Lauter­bach, *ib.,* p. 614; W. Bacher, *ib.,* xii. 19; S. Schechter, *Hastings’ Diet. Bible,* v. 62; and art. Midrash, § 5, in this work. The theory of an esoteric tradition is distinctly represented in 2 Esdras xiv., where Moses receives words which were not to be published, and Ezra re-writes seventy books which were to be delivered to the wise men of his people. Also the Book of Jubilees knows of secret written traditions containing regulations regarding sacrifices, &c., and Jacob hands over “ all his books and the books of his fathers to Levi his son that he might preserve them and renew them for his children *(i.e.* the priestly caste) unto this day ” (xlv. 16).

3. *Growth of the Mishnah and Gemara.—*According to the traditional view the canon of the Old Testament closed with the work of Ezra. He was followed by the *Sōphěrīm, “* scribes ” (or the Men of the great Synagogue), to the Maccabaean age, and these again by the “ Pairs ” *(zūgōth,* Gr. *ζυγόν),* the reputed heads of the Sanhedrin, down to the Herodian age (150-30 B.C.). The last culminate in Hillel (*q.v.*) and Shammai, the founders of two great rival schools, and to this famous pair the work

@@@or the sake of convenience Ben (“ son ”) and Rabbi are, as usual, abbreviated to b. and R. For the quotation which follows, see Oesterley arid Box, *The Religion and Worship of the Synagogue* (London, 1907) p. 51; and, on the subject, S. Schechter, *Studies in Judaism* (London, 1896), ch. vii.—“ the history of Jewish tradition ” ; E. Weber, *Jüdische Theologie* (Leipzig, 1897), pp. 91 seq. and 130 sqq. ; Strack, *op. cit.,* p 8 seq.; W. Bousset, *Relig. d. Judentums* (Berlin, 1906), pp. 176 sqq., and *Jew. Ency.,* iv. 423 sqq.; see also G. B. Gray’s art. “ Law Literature ” in the *Ency. Bib.*

@@@2 See W. R. Smith, *Old Test. in the Jewish Church,* p. 51 seq., 160.