

4226

THE ECCLESIASTICAL REVIEW

A MONTHLY PUBLICATION FOR THE CLERGY
Cum Approbatione Superiorum

Vol. CI
JULY—DECEMBER, 1939

"Ut Ecclesia aedificationem accipiat."
I COR. 14: 5.



LIBRARY
OF THE
BISHOP
OF PHILADELPHIA

PHILADELPHIA
American Ecclesiastical Review
1939

HISTORICAL.

FRANCISCO FRANCO. *The Times and the Man*. By Joaquin Arraras. Translated by J. Manuel Espinosa, Ph.D. The Bruce Publishing Company, Milwaukee, Wisconsin. 1939. Pp. xi + 248. Price, \$2.50.

THE BISHOP JOTS IT DOWN. *An Autobiography by the Most Reverend Francis Clement Kelley*. Harper & Brothers, New York City. 1939. Pp. viii + 333. Price, \$3.00.

LE CHRIST EN MARCHE AU CONGO. *Scenes de la Vie Missionnaire*. By Pierre Croidys. Editions Spes, Paris, France. 1939. Pp. 278. Price, 15fr.

THE BEGINNINGS OF THE CHRISTIAN CHURCH. By Hans Lietzmann. Translated by Bertram Lee Woolf. Charles Scribner's Sons, New York City. 1937. Pp. 406. Price, \$4.00.

THE FOUNDING OF THE CHURCH UNIVERSAL. By Hans Lietzmann. Translated by Bertram Lee Woolf. Charles Scribner's Sons, New York City. 1938. Pp. 432. Price, \$4.00.

HEROES OF THE CROSS. *The Franciscan Martyrs of North America*. By the Reverend Marion A. Habig, O.F.M. Fortuny's, New York City. 1939. Pp. 175. Price, \$2.00.

LITTÉRATURE LATINE AU MOYEN AGE. Par le R. P. J. de Ghellinck, S.J. Vol. I: Depuis les origines jusqu'à la fin de la Renaissance carolingienne. Vol. II: De la Renaissance carolingienne à Saint Anselme. Bloud et Gay, Paris, France. 1939. Pp. Vol. I, 191; Vol. II, 191. Prix, 15 fr.

PRÉLAT DES OUVRIERS LE CARDINAL MANNING (1808-1892) Par M. Garnier-Azais. Préface de Son Ex. Mgr. Saliège. P. Lethielleux, Paris, France. 1939. Pp. vi + 114. Prix, 12 fr.

MISCELLANEOUS.

HANDS. By the Reverend Isidore O'Brien, O.F.M. Saint Anthony's Guild, Franciscan Monastery, Paterson, N. J. 1939. Pp. 21. Price, 5c.

SAINT ANTHONY OF PADUA. By the Reverend Isidore O'Brien, O.F.M. Saint Anthony's Guild, Franciscan Monastery, Paterson, N.J. 1939. Pp. 52. Price, 10c.

CATHOLIC ACTION. *The Church in Action. Official Handbook of the Catholic Men of the Archdiocese of San Francisco*. 1939. Pp. v + 69. Price, 25c.

ROMA INOCCIDUA. *A Book of Latin Verse*. By Paschal P. Parente. Catholic University of America Press, Washington, D. C. 1939. Pp. 45. Price, 25c.

THE ECCLESIASTICAL REVIEW

VOLUME 101.—AUGUST, 1939.—No. 2.

A MODERN DEFENCE OF THE PHARISEES.

THE PHARISEES are pictured in the Gospels in colors that are very hard to erase. They live in the imagination of Christians as "whited sepulchres," as covetous, envious, ostentatious hypocrites. But the Pharisees of the Gospels, we are now being told, are only the straw-men of early Christian propaganda. The Pharisees of history, as they are revealed in their own literature, were honorable men, the worthy representatives of a form of religion different, indeed, from Christianity, but not necessarily inferior to it.¹

The purpose of this essay is to give a fair exposition of what has been written recently in favor of this Jewish sect, and then to examine the weaknesses from which the plea of the defence seems to suffer.

We must preface the exposition by a few words explaining the mentality of the Pharisees.² As far back as we can trace

¹ See R. Travers Herford, *Pharisaism* (London, 1912; reëdited as *The Pharisees*, 1924) and *Judaism in the N. T. Period* (London, 1928); and among modern Jewish scholars especially I. Abrahams, *Studies in Pharisaism and the Gospels*. First and Second Series (Cambridge University, 1917 and 1924) and of the many writings of C. G. Montefiore, especially his *Synoptic Gospels* (London, 1927, 2 vols.) and *Rabbinic Literature and Gospel Teachings* (London, 1930). More recently have appeared *Judaism and Christianity: Volume One, The Age of Transition*, and Volume Two, *The Contact of Pharisaism with Other Cultures* (London, 1937). To each of these two volumes Herbert Loewe has contributed an essay in defence of the Pharisees. Klausner's *Jesus of Nazareth* (English trans. by Danby, 1926) and Lauterbach's essay "The Pharisees and Their Teachings" (in the Hebrew Union College Annual, Cincinnati, 1929) can be added to the list of recent *apologias*. Montefiore and Loewe's *A Rabbinical Anthology* (London, 1938) has the same purpose.

² Herford, *Pharisaism*, esp. c. 2 "The Theory of the Torah"; and M.-J. Lagrange, O.F. *Le Judaïsme Avant Jésus-Christ* (Paris, 1931) pp. 56ff., 272ff., 434ff.; and G. F. Moore, *Judaism in the First Centuries of the Christian Era: The Age of Tannaim* (Cambridge, Mass. Vols. I-II, 1927. Vol. III, 1930), I, pp. 56-71 and 263ff.

the sect, they appear as zealous upholders of the Jewish law. What we designate by the terms "Jewish law" or "Mosaic law" is what the Jews called in Hebrew the *Torah*. *Torah* simply means "teaching." It was the name given by the Jews to the teaching *par excellence*, that is, the divine revelation vouchsafed to them through Moses. In fact, they came gradually to call the whole of God's revelation as set forth in the Scriptures of the Old Testament by this name, *Torah*.

The Pharisees took a very different view of *Torah* from the Sadducees. The Sadducees were the high-priestly sect, and to them *Torah* meant only the written word of God, nothing else. For the Pharisees, whether they were laymen or simple priests, the *Torah* embraced also the oral traditions of the Scribes. The Scribes were Scripture scholars who interpreted the written revelation and adapted and applied it to changing conditions. The whole purpose of their exegesis was to deduce from the written law precisely what God willed them to do in all the affairs of daily life. The more prescriptions that could be derived from the word of God, the more completely did the lives of the Pharisees become a continuous act of obedience to divine commandments. Every action of the day acquired its halo of holiness. The good Pharisee in this way strove to live ever in the presence of God, and to worship, in the words of the Psalmist, "in the light of thy countenance" (Ps. 44:3).

Foolishly, the Pharisees made the mistake of coming gradually to look upon these pious teachings transmitted orally in the schools as a veritable unwritten *Torah* on a par with the revealed word of God—equally holy, equally inspired, equally divine. This we must keep in mind: the *tout ensemble* of Pharisaic teaching, written and oral, went by the name of *Torah*, and the Scribes and the Pharisees were its custodians and interpreters. *Torah* meant to them their religion.

The defence of the Pharisees, then, takes off with this straightforward argument:

The Pharisees, say their apologists, were dedicated to the full strictness of the religion of *Torah* as they understood it, and they kept *Torah* a living religion by their progressive interpretations. Jesus, however good His teaching may have seemed, was not faithful to the religion of *Torah*. Conflict between Jesus and the Pharisees was therefore inevitable, and the

Pharisees cannot be blamed if in the disputes over healing and plucking corn on the sabbath, over the permissibility of divorce, and over ritualistic ablutions and purifications, they upheld their traditional understanding of their religion. Jesus in reality pitched His superlative personality against the received interpretation of the Jewish religion: therein lay the irreconcilable opposition between Him and His adversaries. Christianity is a religion founded on devotion to a Person, Christ; Judaism, and especially Pharisaism, is a religion founded on devotion to an idea, the *Torah*.³

Thus is emphasized the opposition between our Lord and the Pharisees. But in defence of the Pharisees it can also be said that they and Jesus occupied much common ground.⁴ The originality of Jesus, we are told, has been exaggerated. Pharisaism was itself, independently of Jesus, a religion of joy: the sabbath was a joyous family festival and the joy at the pilgrimages was phenomenal. Pharisaism was a religion of mercy, for had it not mitigated the harsh penal code of the Sadducees? The Pharisees enjoined friendly relations with Gentiles. They taught respect for human personality and safeguarded the rights of women and even of slaves. They taught the transcendence and all-presence of God, His divine mercy, His Fatherhood. Against the Sadducees they taught belief in a future life and in the resurrection of the just. In a word, a Pharisee listening to the Sermon on the Mount was simply right at home.

What is more characteristic of Christian piety than the phrase "Our Father who art in heaven"? Yet Isaiah centuries before had prayed, "Thou, O Lord art our Father" (63:16), and in the oral tradition of the rabbis at the end of the first century of our era we find the loving prayer: "Who is there on whom to lean, except Our Father who is in heaven?"⁵ Or again, what is so tender as our Lord's phrase, "Are not two sparrows sold for a farthing, and not one of them shall fall on the ground without your Father" (Mt. 10:29)? Yet the rabbis had a similar saying: "A bird perishes not without Heaven".⁶

³ Herford, *Pharisaism*, c. 3 "Pharisaism and Jesus", esp. pp. 167-8.

⁴ H. Loewe in his chapter on "Pharisaism" in *Judaism and Christianity*, I, pp. 118ff., and Herford, *op. cit.*, pp. 117ff.

⁵ Recorded of Rabbi Eliezer ben Horkenos in the Mishnah at the end of Chapter IX of *Sotah* and quoted in Herford, *op. cit.* p. 121.

⁶ Herford, *op. cit.*, pp. 261-2.

We may say at once that as Catholics we find nothing strange in these similarities. To us it seems only natural that our Divine Lord in His public teaching should have used many phrases which He had heard from childhood in the synagogue. Whatever we may claim for the teaching of Jesus, we do not exaggerate its *verbal* originality of expression.

But we must hasten on to a third aspect of the defence of the Pharisees. How do these apologists deal with the evidence of the New Testament? Surely the testimony of the four Gospels, especially the Sermon on the Mount and the excoriation of the Pharisees at the hands of our Lord as recorded in the twenty-third chapter of St. Matthew, cannot be made to rhyme with the contention that Pharisaism, in teaching and in practice, was in the time of our Lord not far from being "religion pure and undefiled". Listen to the facile reply of Mr. Loewe, Reader in Rabbinics, Queen's College, Cambridge: "I do not hold him (i. e. our Lord) responsible for Matthew twenty-three. It seems to me most natural to regard the chapter as intentionally altered by later hands. The objection to it is not the denunciations, but the fact that the denunciations are wholesale. That is the later element."⁷

Others, like Mr. Herford and the late Dr. Montefiore, explain the "uncharitableness" of Jesus toward His adversaries as evidence of his human imperfection, both of knowledge and of character. He was a man at bay, and it was only natural for Him to strike back.⁸

As for St. Paul, that Apostle after his conversion from Pharisaism must have experienced a complete mental "black-out". "Paul's presentation of Pharisaism," writes Mr. Herford, "is . . . at its best a distortion, at its worst a fiction."⁹

* * *

What are we to reply to these attempts to exonerate the Pharisees? We cannot allow any force to their device of throwing out of court the incriminating passages of the New Testament. All critical editions of the first Gospel retain the

⁷ Loewe, *loc. cit.*, p. 119.

⁸ Herford, *op. cit.*, p. 163, and Montefiore, "What a Jew Thinks About Jesus," *Hibbert Journal* 31 (July, 1935) pp. 511-120.

⁹ *Op. cit.*, p. 191.

twenty-third chapter with the seven "woes" pronounced upon the Scribes and Pharisees. There is not a scrap of textual evidence against it. Moreover, the substance of Matthew twenty-three is found in Luke eleven (vv. 37-50) and twenty (vv. 45-47), and is of a piece with the threads of conflict between our Lord and His enemies running through the four Gospels.

If we are to meet these apologists on purely historical ground, we cannot invoke as arguments the divinity of our Lord or the inspiration of the New Testament documents. No, we must examine their assertions and assumptions to discover wherein lie the historical weaknesses of their apologetic.

First of all, is it right to assume that our Lord's condemnation of the Pharisees was *wholesale*? It seems not. Nicodemus, described by St. John as a Pharisee,¹⁰ was certainly a good man. Gamaliel, likewise described as a Pharisee,¹¹ appears as a fair-minded seeker after truth. We have no grounds for ascribing to Simon the Pharisee, with whom our Lord dined,¹² the whole catalogue of vices of our Lord's denunciation. We know from Mark's narrative that our Lord praised the inquiring Scribe to whom He said, "Thou art not far from the kingdom of God" (12:34), and yet that Scribe, according to Matthew's account (22:35), was of the Pharisee party. So much for individuals of whom we can be certain.

Besides, it is evident from the Gospels that there was dissension among the Pharisees themselves over the claims made by Jesus. Some of that sect were quite frankly impressed by His miracles, and said so; others were not.¹³ Again after our Lord's Resurrection and Ascension a number of Pharisees became Christians, some of whom (we may add) by their Judaizing made necessary the Council of Jerusalem.¹⁴ The Pharisees were evidently a large, heterogeneous party.

¹⁰ *John* 3:1.

¹¹ *Acts* 5:34.

¹² *Luke* 7:36ff.

¹³ *John* 9:16 on the healing by Jesus of the man blind from birth. It is worth noticing that St. John by the term "the Jews" means especially the enemies of Jesus, the high priests and the Pharisees. There is some dissension among "the Jews" regarding Jesus, as recorded in *John* 10:19, 42 and 7:12. "The Jews" in 11:19 probably included Pharisees; yet they do not appear there as the adversaries of our Lord. See Lagrange, *L'Evangile selon S. Jean* (Paris, 1925), "Introduction" p. cxxii, for the Joannine use of *oi Ioudaioi*.

¹⁴ *Acts* 15:5.

Finally, would St. Paul after his conversion have boasted about his Pharisee upbringing if *all* Pharisees of that time had been as contemptible as those our Lord condemned? Three times the Apostle refers explicitly to his status as a Pharisee.¹⁵ Elsewhere he again claims consideration because of the religious instruction he had received in Judaism;¹⁶ and quite rightly, for it was the best his country and his religion had to give. We must recall that when St. Paul was held captive, it was a section of the Pharisees who were unwilling to condemn him.¹⁷ Paul himself never characterized Pharisaism as a whole with the stigma of hypocrisy.¹⁸

We know from Josephus that there were over six thousand Pharisees in Palestine in the time of Herod the Great.¹⁹ It is only reasonable to suppose, in the light of New Testament evidence, that our Lord condemned *the worst* of these, the members of the party who out of envy had formed a political cabal against Him. We cannot conclude that all Pharisees were tarred with the same brush. Hence, even if many of them were as holy as the well-selected texts of the rabbis might lead one to think, there seems to be room for them in the New Testament without doing violence to its text.

Moreover, we can find in rabbinical writings sure evidence of the very faults for which our Lord blamed the Pharisees of His day. Snobbery, censoriousness, externalism, a school-boy consciousness of virtue, a too legal righteousness, overemphasis of the letter of God's law at the expense of its spirit, hatred of enemies—their Talmud itself bears witness to these faults, and in our day a Liberal Jewish scholar like Dr. Montefiore is quite ready to concede the fact.²⁰ Montefiore's candor in this matter was the reason why he was called, in the obituary notice which appeared in the *London Times* for 11 July, 1938, "an Israelite indeed, in whom there was no guile".

¹⁵ Acts 23:6, 26:5; Phil. 3:5.

¹⁶ Gal. 1:13-14.

¹⁷ Acts 23:9-10.

¹⁸ His attestation regarding the Pharisees in *Romans* 10:2, "For I bear them witness, that they have a zeal of God, but not according to knowledge", though followed by a condemnation of their self-justification, has nevertheless a certain tenderness about it.

¹⁹ *Antiquities*, XVII, 2, 4.

²⁰ *Rabbinic Literature and Gospel Teachings* pp. 21-22, 33, 102-4, 145, 169, 171, etc.

In regard to hypocrisy, we learn from rabbinic sources that, "Of ten parts of hypocrisy in the world, nine are in Jerusalem".²¹—And again, "the plague of Pharisees," a form of hypocrisy—"is one of the four causes of the ruin of the world".²² Finally, we are told that there are seven kinds of Pharisees:²³ "The 'Shoulder Pharisee,' who bears his good deeds on his shoulder; the 'Wait a Little Pharisee,' who says, 'wait till I do my good deed; the 'Bruised Pharisee,' who has hurt himself against a wall, to avoid looking at a woman; the 'Pestle Pharisee,' with his head down in mock humility; the 'Reckoning Pharisee,' who casts up his account of sins and virtues; the 'God-fearing Pharisee,' i. e. Job; the 'God-loving Pharisee,' i. e. Abraham."

These admissions regarding hypocrisy and ostentation come from rather late sources, and we need not overemphasize them. But so do many passages brought forward in praise of Pharisaism come from late sources. Moreover, these admissions confirm the antecedent likelihood of hypocrisy in a religion which laid so much stress on keeping clean the outside of the cup, and which made righteousness consist more in measurable justice than in immeasurable love.²⁴ The very circumstance of our being able to find such admissions in rabbinic literature at all tends not a little to bear out the truth of the Gospel picture of the Pharisees of Galilee and Judea in the time of our Lord. This shows again how unjustifiable it is to assume that rabbinic literature and the New Testament documents are wholly at odds in the way they delineate the character of Pharisees.

Our Lord's denunciation of the Pharisees cut the ground from under both the Pharisees of His own day and their modern apologists. The sect had without warrant bound up with divine revelation a mass of human traditions, and they had had the presumption to designate both elements in their teaching—

²¹ *Esther Rabba*, Parashah i No. 17 on i. 3, cited by Montefiore, *op. cit.*, p. 119.

²² *Sotah*, III, 4. See J. Bonsirven, S.J. *Le Judaïsme Palestinien au Temps de Jésus-Christ: Sa Théologie* (Paris, 1935. 2 vols) I, p. 53; and Montefiore, *op. cit.*, p. 118.

²³ *Sotah* 22b. Loewe's translation is given here, taken from his essay in *Judaism and Christianity*, I, p. 186. Père Bonsirven adds, for what it may be worth, "Finally, it is remarkable that in many texts the word 'Pharisee' is used *en mauvaise part*", *op. cit.*, I, p. 54.

²⁴ Bonsirven, *op. cit.*, I pp. 200-204. Herford expresses the contrast more favorably for his "Saints and Sages of Israel" by writing: "The watchword of the New Testament is Love. The watchword of the Talmud is Wisdom", *op. cit.*, p. 322.

the human as well as the divine—as if it were all equally Torah, divine teaching. By so doing they had riveted attention on human prescriptions, i. e. on *externals*, to the neglect of the “weightier things of the law, judgment, and mercy and faith”. This attitude of mind, which Mr. Herford asks us to understand and admire, our Divine Lord roundly censured. “You make void the commandment of God,” He tells them,²⁵ “that you may keep your own tradition.” That is why He protested against the wild overgrowth of Pharisaic legislation: “Every plant which my heavenly Father hath not planted shall be rooted up.”²⁶ That is why in such matters as their endless purifications and ablutions and sabbath regulations and in their unwarrantable laxity in allowing divorce, He was bound to cross swords with the Pharisees.

Although we have all heard of the fantastic prescriptions of the Scribes and Pharisees, it might be well to remind ourselves how far-fetched they actually were. Many of them had to do with sabbath-observance. Using the simple injunctions of the Pentateuch as a spring-board, for their casuistic gymnastics, the Scribes determined that thirty-nine works were prohibited on the sabbath. One was making a knot; another was untying one. Such simple prohibitions were in turn worked up into fancy treatises. For example, “R. Meir says: Guilt is not incurred by reason of a knot which can be untied with one hand.”²⁷ Since a woman might tie the strings of her girdle, it was agreed that a pail might be tied over a well with a girdle, but not with a rope. “One may not climb a tree, ride upon a horse, swim in the water, clap with the hands, strike upon the hips, or dance.”²⁸ It was forbidden, too, to carry any garments which did not belong to clothing proper. A warrior could not carry his weapons. But “a cripple might, according to R. Meir, go out with his wooden leg. R. Joses, on the other hand, does not allow it.”²⁹ Then there were the interminable

²⁵ Mt. 15:16.

²⁶ Mt. 15:13.

²⁷ E. Schurer, *A History of the Jewish People in the Time of Jesus Christ* (English Trans. Edinburgh, 1887), Vol. II, p. 98, from the treatise “Shabbath” in the Mishnah. The entire chapter in Schurer provides useful examples of Pharisaic prescriptions.

²⁸ *Ibid.*, p. 102.

²⁹ *Ibid.*, p. 101.

ways in which vessels or utensils might contract legal impurity. “A (three-legged) table to which one foot is wanting, is clean; so is it if a second foot is gone; but if a third is also gone and it is to be used as a flat board, it is susceptible of defilement.”³⁰ The legislating propensities of Pharisaism reached an all-time “high” about 260 A. D. when Rabbi Simlai succeeded in formulating “as many negative commandments as there are days in the solar year, and as many precepts as there are bones in a man”—by I know not what reckoning a total of six hundred and thirteen.³¹

In view of their myriad prescriptions, it was our Lord, and not the Pharisees, who could demand by what authority they taught these things, and neither they nor their modern apologists can return a satisfactory answer.

When our Lord declared,³² “Upon the chair of Moses have sitten the Scribes and Pharisees; all things therefore whatsoever they shall say to you, observe and do,” He could not have meant more than that the Scribes and Pharisees were to be obeyed when they proposed authentic Mosaic teaching.³³ Their teaching had no claim on the obedience of the Jews when they were trying to pass off their own legislative fabrications as divine law, and our Lord more than once took the lead in transgressing these human prescriptions to make clear the line beyond which Pharisaic teaching had not the sanction of the divine Torah. As St. Thomas notes, they were to be obeyed so long as they taught *secundum intentionem legislatoris*.³⁴

* * *

But the really critical question revolves around the historical value of the rabbinic documents. Jewish rabbis reduced their oral traditions to writing only as late as the year 190 A. D. in the volume called the *Mishnah*.³⁵ Besides the Mishnah, we have two versions of their voluminous scholastic commentaries on the Mishnah in the form of the *Talmud*. These were compiled in the fifth and sixth centuries of our era. From these sources

³⁰ *Ibid.*, p. 108.

³¹ Bonsirven, *op. cit.*, II, p. 78.

³² Mt. 23:2-3.

³³ Lagrange, *L'Évangile selon S. Matthieu* (Paris, 1923), *ad loc.*

³⁴ In *Matthaeum Evangelistam Expositio*, *ad loc.*

³⁵ Translated and edited by Herbert Danby, D.D. (Oxford, 1933).

the apologists of Pharisaism obtain the evidence which they oppose to the evidence of the New Testament documents.

What historical value have the Mishnah and the Talmud as evidence of the teaching and especially of the practice of the Pharisees of our Lord's day? A century and a half separated the final appearance of the Mishnah from the years of our Lord's public life. That is an uncomfortable gap to straddle. Moreover, during that interval two major catastrophes overtook the Jewish religion: the fall of Jerusalem in the year 70 A. D. and the total overthrow of the Jewish nation in the years following 130 A. D. Despite these calamities, we are assured by the apologists of Pharisaism that the rabbis adhered strictly to their traditions when they transplanted their religion from Jerusalem to other centers. The names of the rabbis of the transition period (R. Johann b. Zakkai, who died c. 80 A. D., and his five disciples) can be found in the Mishnah in the section entitled "Aboth," or "Fathers". But to this claim we may reply *Praesumptio cedit veritati*: we are able to give positive evidence that the Mishnah does not afford a wholly reliable account of earlier Pharisaism.

It is also worth noticing, before calling attention to this damaging evidence, that the year 70 A. D. is not the year we are concerned with, even if the Mishnah could be shown to represent the Pharisaism of that date. The fall of Jerusalem is forty years too late for our purpose. How can the pro-Pharisee critics guarantee the value of their documents as evidence of what the Pharisees taught and did in the year 30 of our era?

A further weakness of these rabbinic sources is that they consist exclusively of Pharisee documents. The Sadducees, the high-priestly party, disappeared with the destruction of the Temple in the year 70. Neither the Sadducees nor the Essenes (of whom we know something through Josephus and others) figure in the Mishnah, though both were very important in first-century Judaism. Nor do the Mishnah and the Talmud tell us anything about the various parties, sects, schools, and looser groups which in the opinion of a scholar like Dr. George Foot Moore of Harvard University very probably existed in Palestine during the lifetime of our Lord.³⁷ The Mishnah sim-

³⁷ Moore in his third volume of *Notes* (p. vi) gives these very reasons why his earlier volumes should not have been considered as an attempt at a reconstruction of Pharisaism in the time of Christ.

plifies the picture too much to be regarded as giving an adequate presentation of Judaism in the early first century. Without a complete reconstruction of *all* the elements of early first-century Judaism, however, how can anyone prove that there were not such Pharisees as those our Lord condemned? The fact is the rabbinic literature we have is simply unable to yield such a reconstruction, for it records, not Judaism of the time of Christ with all its lights and shades, but the later Judaism of the Pharisees. It is quite certain that the catastrophes of 70 and 130, in addition to the natural reaction against Christianity, produced among the Pharisees a unity they had not possessed in the time of Jesus.

One eminent English scholar, Burkitt, maintained that Pharisaism must have undergone a transformation in the course of the great misfortunes it suffered, and emerged a purer, more spiritual religion.³⁷ Indeed, we have strong evidence that in some respects at least the Mishnah reflects an idealized Judaism. Canon Danby, who has translated the Mishnah into English, argued with great cogency that the tractate "Sanhedrin" in the Mishnah does not describe a real governing body as it existed in our Lord's day.³⁸ Instead it presents an academic version of the Sanhedrin drawn on the model of the *reorganized* body of the late second century of our era, the Sanhedrin with which the editor of the Mishnah, Rabbi Jehudah, was familiar. And the late Israel Abrahams, Reader in Talmudic at the University of Cambridge, in sifting Canon Danby's evidence admitted that some things in the Mishnah read like products of the imagi-

³⁷ In *The Gospel History and Its Transmission*, pp. 169-174, quoted by Moore in a long "Note on Continuity of Normative Judaism", vol III, pp. 17-22. Moore accepts the substantial continuity of the teaching of the rabbis, while calling attention to the simplification which took place. Other scholars besides Burkitt, for example, Bousset, Gressmann, are cited by Moore as denying substantial continuity. In general, Moore's position seems to be compatible with acceptance of the Gospel version of Pharisaism, and since the names of none of the apologists of Pharisaism appear in the index to his volumes, one may conclude that he has not associated himself with their apologetic. I think we could accept his careful statement concerning the extent of our Lord's condemnation as given in Vol. I, p. 183. Why P. Bonser, in his extended review of Moore's work in *Recherches des Sciences Religieuses* 19 (1929) 283-294, should speak of Moore's *apologia* for the Pharisees, is not quite clear to me. He certainly did not write to defend them against the denunciation of Mt. 23. Herford, Montefiore, Abrahams, and Loewe did write with that explicit purpose.

³⁸ H. Danby, "The Bearing of the Rabbinical Criminal Code on the Jewish Trial Narratives in the Gospels", *Journal of Theological Studies* 21 (1919-1920) pp. 51-76.

nation.³⁹ We may conclude that in the Mishnah we are given a picture of Pharisaic Judaism as it appeared after it had had its face "lifted".

Finally, what assurance have we that the carefully selected texts from the vast rabbinic literature served up by the apologists deserve to be considered *typical* of Pharisaic teaching.⁴⁰ What touchstone did Montefiore use when he rejected inconvenient texts as "negligible," "the usual Rabbinic paradoxes," and blamed Strack-Billerbeck for "taking playful exaggerations or casuistic enjoyments too seriously?"⁴¹ Montefiore himself declared, "You can fish out from the Talmudic sea what suits your purpose."⁴²

Our conclusions, then, are twofold. First, that the delineation of the Pharisees in the rabbinic sources and that given in the New Testament are not so contradictory as the apologists of Pharisaism make out; and secondly, that in so far as the two accounts do conflict, the version set forth in the New Testament deserves to be accepted against that of the Mishnah and the Talmud. For the New Testament contains documents of much higher historical value. They have emerged safe and sound after a century of testing at the hands of the higher critics. As for the Mishnah, no one has even produced a critical edition of it.

The apologists of the Pharisees, it is true, show great severity toward the Gospels as historical documents. But we may well bring this paper to a close with the apposite remark of an authority on Palestinian Judaism of the first century, Père Bonsirven, S.J., who declares: "The same severity applied to the Talmud would not leave a line of it standing."⁴³ Historically, then, the Gospel picture of the Pharisees remains in possession.

ROBERT C. HARTNETT, S.J.

Chipping Norton, Oxfordshire, England.

³⁹ *Studies in Pharisaism*, II, p. 134.

⁴⁰ See *Recherches des Sciences Religieuses* 21 (1931) pp. 500-504 for a searching criticism of the methods employed by Montefiore in his *Rabbinic Literature and Gospel Teachings*.

⁴¹ *Rabbinic Literature*, pp. 264-5, 213, 189, etc.

⁴² Quoted in *Expository Times* 41 (1929-30) p. 139.

⁴³ *Op. cit.*, I, p. x.

THE MORALITY OF ARTIFICIAL FECUNDATION.

THE FIRST REACTION of many priests to the subject of artificial fecundation is to consider it as quite impractical. This, I think, is a somewhat hasty judgment. Eminent theologians of the past half-century have judged this question to have its practical aspects; and most of the ordinary moral theology manuals of to-day give some space to it. And I am told that within the past year a popular novel appeared that developed the theme of artificial insemination as the solution of the otherwise thwarted life of an unmarried woman. It is not so long ago that the magazine, *Time*, gave not a little space to the question of "proxy fathers;" and only at the beginning of the present year another magazine, *Ken*, intrigued its readers with a very fantastic idea concerning fertilization without the aid of the male germ cell. Now, it is true that much of what our people read is sheer nonsense; nevertheless they read it, and, truth or nonsense, they ask us about it. For these, and other reasons that could be advanced, it seems that a discussion of the moral aspects of artificial insemination would not be useless for the practical-minded; and I am confident that it offers a large measure of interest to those inclined to speculation. Hence, I propose to give here a brief survey of the subject as it has been treated by the moralists of the past five decades and to expand a bit on one or two aspects of the question that they have not yet thoroughly discussed.

In the strict sense of the word, artificial fecundation comprises any attempt to fertilize a female by a means which is a substitute for natural sexual intercourse. Such a substitution might be called for in cases in which both husband and wife have normal procreative cells but by an organic malformation are prevented from having intercourse; or again in cases in which natural intercourse is rendered fruitless by an acid condition of the vagina which is fatal to the spermatozoa, and so forth.

Eschbach was, I believe, the first to introduce the question of artificial insemination into moral theology.¹ According to him, doctors were meeting with a certain degree of success in

¹ Cf. bibliography appended to this article. Unless otherwise specified, references to authors may be found in the works and numbers listed in the bibliography.