

law, and when defined became tradition.

The prohibitions of labor on the Sabbath in the Pentateuch are as general and indefinite as they are emphatic. The prophets are more explicit . . . But nowhere in the Old Testament is there a definition of the works which are forbidden on the Sabbath that a man could know in all cases whether the thing he was doing was permissible or prohibited. The necessity of definition in this case was peculiarly great because of the severity of the penalties denounced in the Pentateuch against the profanation of the day . . .

Thus in every sphere there always existed beside the written law a much more extensive and comprehensive body of unwritten law more or less exactly and permanently formulated. From our point of view, the authority this consuetudinary law was common consent or the prescription of long established usage. To the Jews, on the contrary, inasmuch as the written law took into its province all spheres of life, the unwritten law, dealing with the same subjects and often defining how the former should be carried out or enforced, was equally of religious observation. And since religion with all its duties and observances was revealed by God, the revelation necessarily included the unwritten as well as the written law. The written law, again, was all revealed to Moses, and it was a very natural inference that its inseparable complement the unwritten law, which shared the immutability of all revelation, was revealed to him at the same time. Sweeping statements to this effect are, however, homiletic hyperbole rather than juristic theory; this character is particularly alleged only of a few laws.

Between the written and the unwritten law there could be no conflict. It was one of the principal works of the schools to exhibit and establish the complete accord between Scripture and tradition; not as though the authority of the unwritten law as such depended on the written, but because the agreement was a criterion of the soundness of a particular tradition or interpretation. For not every thing that was customary at any time had by that fact the force of divine law, nor, where revelation was the only norm, could usage at variance with it acquire authority by prescription.

In the methodical study of the written law as it was prosecuted in the schools many questions of interpretation and application arose and were discussed, the implications of the law were followed out and compared with other rules, and the results of all this investigation were concisely and clearly formulated. This process led to the discovery of many things which formed no part of existing custom or tradition; but when they were ascertained, the effort was made to secure conformity to them, not as innocations, but as a revival of ancient commandments of God which had fallen into desuetude and oblivion. When God said to Moses: "If ye shall diligently keep all this commandment which I command you, etc. (Deut. 11:22), the words :all this commandment"include the juristic exegeses, the formulated rules, and the edifying applications . . . .

An expansion of the unwritten law came about also by the search in the Scriptures for principle, an implied provision, or a precedent, by which a new question could be answered or new actual conditions or meergencies met. In such cases also the result, if approved by the authorities as deduced by valid exegetical procedure from the Scripture in which it was implicitly contained, was itself