

נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות עולם. ירמיה ו' טז

"THE OLD PATHS."—Jer. vi. 16.

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If any of our readers should think that the design of these papers is to represent the oral law as a system of unmixed evil, we beg to assure them that they are mistaken. We are fully aware that a system based on the law and the prophets must and does contain much, that is good and worthy of admiration. Of this nature is the general command to all Israelites to study the law, which is as follows:—

"Every man of Israel is bound to study the law. Whether he be poor or rich, healthy or unhealthy, young or old, yea, though he live upon alms, and beg from door to door, and though he have a wife and children, he is bound to set apart a fixed time for the study of the law, by day and by night, as it is written, 'Thou shalt meditate therein by day and by night.'"

And again, the maxim, "Every one that is bound to learn is also bound to teach;" and that, "therefore, a man is bound to teach his son and his son's son," &c., is in accordance with the plain command of God, and is therefore good. But the explanation and development of these good principles shows that the system itself is radically bad, and therefore cannot be from God. No one will deny that the rabbies are right in asserting the obligation resting on every Israelite to study the law: but they are wrong in their explanation of what the law is. Immediately after the above good command, the oral law goes on to say, "Every one is bound to divide the time of his study into three parts: one-third to be devoted to the written law; one-third to Mishna; and one-third to Gemara:" so that the written law of God is to have only half as much attention as the traditions of men. This is bad enough. But the rabbies do not stop here. They go on to say, that this third of attention is only required when a man begins to study, but that when he has made progress, he is to read the law of God only at times, and to devote himself to Gemara.

בר"א בהחלה תלמודו של אדם אבל כשיגדיל בחכמה ולא ידא צורך לא ללמוד תורה שבכתב ולא לעסוק חמיר בתורה שבעל פה יקרא בעיתים מזומנים התורה שבכתב ודברי השמועה כדי שלא ישכח דברי מרבי "What has been said refers only to the beginning of a man's learning, but as soon as a man becomes great in wisdom, and has no need of learning the written law, or of labouring constantly in

the oral law, let him at fixed times read them, that he may not forget any of the judgments of the law, but let him devote all his days to Gemara." It is to be observed that "oral law" is here taken in a limited sense, as referring to the expositions of the written law, or, as Rabbi Joseph Karo* explains it, the Mishna; and Gemara signifies the legal decisions which are inferred by a process of reasoning, and to this third topic of Jewish theology the Israelites are commanded to give the chief of their time and attention, rather than to the written Word of God.

The apparent excellence of the above command to study the law is thus utterly destroyed by the rabbinical exposition of what is to be studied. And if we go on to inquire upon whom this command is binding, the rabbinical answer will afford just as little satisfaction. When the rabbies say, that "every man of Israel is bound to study the law," they mean to limit the study to the men of Israel, and to exclude the women and slaves. The very first sentence of the Hilchoth Talmud Torah is נשים ועבדים הקמינים פטורים מהלמוד תורה "Women and slaves and children are exempt from the study of the law." According to this declaration, women are not obliged to learn. The following extract will confirm this opinion, and at the same time show that there is no obligation on fathers to have their daughters taught.

אשה שלמדה תורה יש לה שכר אבל אינה כשכר האיש מפני שלא נצטווה. וכל העושה דבר שאינו מצווה עליו לעשותו אין שכרו כשכר המצווה שעשה אלא פחות ממנו ואע"פ שיש לה שכר צדו חכמים שלא ילמד אדם את בתו תורה מפני שרוב הנשים אין דעתן מכוונת להלמוד אלא הן מוציאות דברי תורה לדברי הבאי לפי עניות דעתן אמרו חכמים כל המלמד את בתו תורה כאילו למדה תלמה. בר"א בתורה שבעל פה אבל תורה שבכתב לא ילמד אוחה לכתחלה ואם למדה אינו כשלמדה תלמה:

"A woman who learns the law has a reward, but it is not equal to the reward which the man has, because she is not commanded to do so: for no one who does anything which he is not commanded to do, receives the same reward as he who is commanded to do it, but a less one. But though the woman has a reward, the wise men have

* Jorth Deab, sec. 246.

commanded that no man should teach his daughter the law, for this reason, that the majority of women have not got a mind fitted for study, but pervert the words of the law on account of the poverty of their mind. The wise men have said, Every one that teacheth his daughter the law is considered as if he taught her transgression.* *But this applies only to the oral law.* As to the written law, he is not to teach her systematically; but if he has taught her, he is not to be considered as having taught her transgression."

According to this decision, it is absolutely forbidden to teach a woman the oral law; and the teaching of it is looked upon as the teaching of transgression *חטאת*. We cannot forbear asking the advocates of the oral law, whether it does not here testify against itself that it is bad. It declares of itself that it is unfit for the perusal and study of the pure female mind, and that it is as corrupting as the teaching of transgression. We ask, then, can such a law be divine? Can it proceed from the God of Israel, who hath said, "Be ye holy, for I am holy?" What a noble testimony to the superiority of the written Word, and to the justice of the Lord Jesus Christ's opposition to the oral law! The oral law itself says, "He that teacheth his daughter the oral law, is to be considered as if he taught her transgression. He that teacheth her the written law, is not to be so considered." With such a confession, we fearlessly ask the sons and daughters of Israel, who then was in the right? Jesus of Nazareth, who opposed it, or the scribes and pharisees, who defended it?

But "the wise men" also forbid Israelites to teach women the written law, and declare that women are not bound to learn. For the prohibition they assign two reasons. First, they say that God has commanded them to teach only their sons, in proof of which they refer to Deut. xi. 19, "And ye shall teach them your children." In the Hebrew it is *בניכם* "your sons;" and the Rabbies infer *לא את בנותיכם*, "and not your daughters."† Secondly, they say, as we have seen above, "that the majority of women have not got minds fitted for study," and in the Talmud‡ this is attempted to be proved from Scripture. "A wise woman once asked R. Eliezer, How it was that after the sin of the golden calf, those who were alike in transgressions did not all die the same death? He replied, A woman's wisdom is only for the distaff, as it is written, 'All the women that were wise-hearted did spin with their hands.' (Exod. xxxv. 25.)" We he-

* *תלמוד*. In the translation of this word we follow the interpretation of the *Joreh Death*, which renders it *רבי עברה*. This is obviously not the place to discuss the other opinions of the rabbies.

† See *Kiddushin*, fol. 29. col. 2.

‡ *Joma*, fol. 66. col. 2.

sitate not to say, that both these reasons are contrary to Scripture. We do not deny that *בניכם* signifies sons, but we utterly deny the conclusion of the rabbies, that because the masculine word is used, therefore the women are not included in the command. There is an abundance of instances in which the masculine word *בנים* is used for children generally, without any allusion to sex. Take for example Exod. xxii. 23 (in the English 24). "And my wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children *בניכם* (literally your sons) orphans." Here again the masculine word is used, so that if the rabbinical argument be valid in the above case, it will be valid here, and consequently the daughters are excluded from this denunciation, so that the sons were to be orphans, but not the daughters, which is plainly impossible. In the same way we can prove that the daughters of Israel did not wander in the wilderness forty years, for in Numbers xiv. 33, it is said, "And your children *ובניכם* (literally your sons, and, therefore, according to Talmudic logic, not your daughters) shall wander in the wilderness forty years." The same logic will also prove that during the three days of miraculous darkness in Egypt, the women of Israel were left in darkness as well as the Egyptians, for it is said all the children of Israel (*בני לא בנות ישראל*, literally the sons of Israel) had light in their dwellings. And thus also it might be proved that not one of the ten commandments is binding upon the women, for the masculine gender is employed throughout. This logic, therefore, is evidently false; and we conclude, on the contrary, that as the women are included in all these passages—as they wandered through the wilderness, and had light in their dwellings—and are bound to keep the ten commandments as well as the men, so also they are included in the command, "Ye shall teach them your children," and that, therefore, the command of the oral law not to teach women, is contrary to the Word of God. But we are not confined to argument, God has plainly commanded that the women should learn as well as the men. "And Moses commanded them, saying, At the end of every seven years, in the solemnity of the year of release in the feast of tabernacles, when all Israel is come to appear before the Lord thy God in the place which he shall choose, thou shalt read this law before all Israel in their hearing. Gather the people together, men and women, and children, and thy stranger that is within thy gates, that they may hear, and that they may learn *למדו* *למור*, and fear the Lord your God, and observe to do all the words of this law." (Deut. xxxi. 10—12.) Here a most beautiful order is observed, and required of women as well as men; hearing—learning—fearing—keeping the words of the law—God wills that the women should fear

him and keep his commandments as well as the men; and therefore he wills that they should make use of the same means, that they should hear, and learn all the words of the law. The traditionists have, therefore, in this case plainly made void the law of God. God commands women as well as men to learn the law: the rabbies say they are exempt from this duty. God commands that the woman should be taught. It is plain, therefore, that the oral law which contradicts the written law cannot be from God. The command of God is so plain that it is unnecessary to enter deeply into the second rabbinical reason for the prohibition to teach women the law. It is evident that God did not think that the poverty of their understanding was any obstacle to their learning his will. Indeed it has pleased Him to show that He is no respecter of persons with regard to male or female, more than with regard to rich or poor. He has not only given them his law, but conferred on women as well as men the gift of prophecy, so that the names of Deborah, Hannah, and Huldah, must ever be remembered amongst the inspired messengers of God. The rabbies seem to have forgotten that "the fear of the Lord is the beginning of wisdom," and that this fear may be implanted by God just as easily in the heart of a woman as of a rabbi. But without inquiring further into their reasons or their motives, suffice it to say, that the oral law in thus robbing women of their right and inheritance in the law of God, and in degrading them to the same category with children and slaves, is opposed to the plain commands of the written law. But not so the New Testament. It exactly agrees with the Old in considering woman as a rational and responsible being, and a candidate for everlasting life. It, therefore, gives one general rule for the education of children, male and female. "Ye fathers provoke not your children to wrath, but bring them up in the nurture and admonition of the Lord." (Ephes. vi. 4.) It does indeed prescribe modesty and subjection to the women in the mode of learning, but in so doing it plainly points out their duty to become acquainted with the will of God. "Let the women learn in silence with all subjection. But I suffer not a woman to teach nor to usurp authority over the man, but to be in silence." (1 Tim. ii. 11. 12.)

In these and other passages the woman is placed in the position assigned her in the Old Testament, and not in the very subordinate rank assigned her by the oral law. "Women, and slaves (עבדים), and children, are exempt from the study of the law." But we think that this rule is as false with regard to slaves as to women. Here the oral law says that slaves are not bound to learn. In *Hilchoth Avadim*, c. viii. 18, we find that they are not to be taught.

אסור ללמד את עבדו חויה :

"It is forbidden to a man to teach his slave the law." But, alas, the passage of the Word of God which forbids it, is not referred to. It is only an inference from the passage, "Ye shall teach your sons;" but is evidently contrary to the whole tenour of the law of Moses. In the first place, the Israelite who had been sold by the tribunal, or who, on account of poverty, had sold himself, was still an Israelite, and did not forfeit, finally, his right to his inheritance in the land; how, then, could he forfeit his right to the law, which Moses gave as "the inheritance of the congregation of Jacob?" The law of Moses expressly provides a day of rest "for the man-servant and the maid-servant," that they may not only have rest for their bodies, but may have time to learn the will of God, and provide for that eternity to which they are hastening as well as their masters. Indeed, if meditation on the Word of God was more necessary for one Israelite than another, it was for the Hebrew servant. If he had been guilty of theft, and had been sold by the tribunal, he had special need of instruction in the law of God to lead him to repentance, and to teach him his duty for the future. If he had been guilty of no crime, but had been compelled by poverty to sacrifice his liberty, surely he needed the consolation which the Word of God can supply, to enable him to bear his hard lot with patience, and to prevent him from murmuring. But here the oral law steps in, and actually prohibits his master from teaching him; and instead of encouraging him in his leisure time to turn to the Word of God as his refuge and his comfort, it tells him that he is not bound to study it. Here, again, the New Testament is much more like the law of Moses, which breathes, all through, a spirit of the most tender compassion for those in servitude. Moses commands the Israelites to remember that they had themselves been bondmen in Egypt. The New Testament reminds Christian masters that they have a Master in heaven. "Ye masters do the same things unto them, forbearing threatening: knowing that your master also is in heaven; neither is there respect of persons with him." (Ephes. vi. 9.) It also plainly teaches that the relation which exists between believing masters and servants is, before God, that of brethren. "And they that have believing masters, let them not despise them, because they are brethren; but rather do them service because they are faithful and beloved, partakers of the benefit." (1 Tim. vi. 2.) Yea, the New Testament lays down a general principle, the very opposite of that, that "women, and slaves, and children are exempt from the study of the law. It says, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female, for ye are all one in Christ Jesus." (Gal. iii. 28.) It does not dispense men from their relative duties, nor

deprive any of their legitimate privileges, but teaches that for all, Jew or Greek, bond or free, male or female, there is but one way of salvation. Very different is the doctrine of the oral law. We have seen that it makes a grand distinction between male and female, bond and free, we need not, therefore, be surprised if it make the line of demarcation broader still between Jew and Greek.

גוי שעסק בתורה דייב מיתה לא יעסק אלא בשבט מצוה שלוק בלבו וכן גוי ששבת אפילו ביום מימחה דהוה אמ עשאו לעצמו כמו שבת דייב מיתה ואין צורך לומר אם עשה מועד לעצמו כללו של דבר אין מביחין אותו לחדש דת ולעשות מצוה לעצמן מרעתין אלא או ידה גו צדק ויקבל כל המצוות או יעמוד בתורתו ולא יוסף ולא יגרע ואם עסק בתורה או שבת או חדש דברי מוכן אותו ועושין אותו ומודיעין אותו שהוא דייב מיתה על זה אבל אינו נהרג :

"A Gentile who employs himself in the law is guilty of death. He is not to employ himself except in the seven commandments that belong to the Gentiles. And thus a Gentile who keeps a Sabbath, though it be on one of the week days—if he make it to himself as a Sabbath, he is guilty of death. It is not necessary to add, if he appoint for himself a festival. The general rule is, that they are not permitted to innovate in religion, or to make commandments for themselves out of their own heads. Either let a Gentile become a proselyte of righteousness, and take upon him the whole law: or let him remain in his own law, and neither add nor diminish. But if he employs himself in the law, or keeps a Sabbath, or makes any innovation, he is to be beaten and punished, and informed that he is for this guilty of death—but he is not to be killed."—(Hilchoth Melachim, c. x. 9.) This law is taken from the Talmudical treatise Sanhedrin,* where it is followed, by an apparently contradictory statement, "that a Gentile who employs himself in the law is as good as a high priest;" but the contradiction is immediately removed by the explanation which there follows, and says, that "law" is to be understood of the seven commandments of the Gentiles. Now we admit that liberty of conscience was not understood at the time; and that it would be unjust to expect that the compilers of the oral law (who were ignorant of, or opposed to, the New Testament, where liberty of conscience was first plainly revealed) should be at all elevated above the level of their own times. But making this admission and apology for the men, we cannot help saying that the law itself is bad, and cannot be from God. Religion is a matter between God and man. The heart, the conscience, and the understanding are all alike

* Fol. 59. col. 1.

concerned. Instruction out of God's Word is therefore the only means of producing conviction. Entertaining these sentiments, we endeavour to compare the oral law with the Word of God, and to convince its advocates that they are in error. We do not wish to have the modern Jews confounded with the authors of the system. Very many Jews of the present day are ignorant of its details. Not having time to make the inquiry, they take it for granted, that their forefathers were right in preferring their own system to Christianity, and that they are bound to do the same. But even those who are learned in the oral law, and know its details, are not to be viewed in the same light as the original compilers. They have received the system from their forefathers, and view it through the medium of filial affection and national prejudice. They remember that to the Jews the law was given, and that the Jewish nation has been the original instrument in God's hand to diffuse light over the world; they have therefore hitherto taken it for granted that they must be right. The narrow prejudices of Christians for ages confirmed them in their views. But now circumstances are different. Christians begin to understand the position in which God has placed the Jewish nation, and to look forward to their restoration to the favour of God as the time of blessing for the whole world. Christians can now honour and estimate the learning, the talent, and the constancy of those very rabbies whose system they consider as erroneous. Now, then, is the time for the Jews themselves to inquire into those religious opinions, which have been handed down to them, and to compare them with the law and the prophets. We trust that many will admit, that the laws which we have been considering are bad, and therefore cannot be from God. Let them then remember, that the originators of these laws are the men who rejected the claims of the Lord Jesus Christ. If then these men were in error in making these laws, they were in condemning Jesus of Nazareth because he opposed them; and if the laws be bad, the Lord Jesus was right in opposing them. Yea, and where they taught error He and his disciples taught the truth. The rabbies have taught constraint. Jesus of Nazareth and his disciples have taught that fire is not to be called down from heaven on those who differ from us; that "the servant of God must not strive; but be gentle to all men, apt to teach, patient, in meekness instructing those that oppose themselves; if God will peradventure give them repentance to the acknowledging of the truth." (2 Tim. ii. 25.)

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