

נתיבות עולם

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

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THE feast of the passover, ordained as a memorial of past mercies, has at the same time served to remind us of another deliverance necessary both for Jew and Gentile, and also of a happy time when "there shall be one fold and one shepherd"—"One LORD and His name One." But the blessed anticipations of the future cannot, and ought not, withdraw our thoughts from the reality of the present. That happy time is not yet come. Jews and Christians are not yet agreed as to the articles of faith; and this feast of the passover especially directs our attention to the cause and origin of the difference. At this solemn season of the year, Jesus of Nazareth was condemned by the Scribes and Pharisees, and by them delivered to the Roman power to be executed as a malefactor. One portion of the Jewish nation, and that the majority, concurred in the judgment of the rulers. Another portion, at first small, but ultimately considerable in number and station, arraigned the justice of the sentence, and professed their faith in His Messiahship. The question between Jews and Christians at present is, which of these two portions of the Jewish nation was in the right. In these papers we have taken up this simple position, that the religious system of those who rejected Jesus of Nazareth is contrary to the law and the prophets, and is therefore false; whilst the doctrines of Him, that was rejected, are in conformity with those writings, and must therefore be true. When we say that the rabbinical system is false, we do not mean that the Pharisees held no truth. On the contrary, we showed in our last number that some of their expectations were agreeable to the Word of God, and therefore true. All we intend is, that the peculiarities of Rabbinism of which the system is composed are erroneous. The laws relating to the present festival furnish us with abundant proof of our assertion. The divine commands relating to it exhibit the care, consideration, and condescension of God in providing an opportunity of instruction, a time of relaxation, and a season of joy for the poor as well as the rich. The rabbinical laws, on the other hand, are burdensome, oppressive, and hurtful, especially to the poor and unlearned.

We take our first proof from one of the laws relating to the *ארבע כוסות* "The four cups"—God has given a simple command to Israel to make known to their children the reasons for

the feast. "And thou shalt declare unto thy son in that day, saying, This is done because of that which the Lord did unto me, when I came forth out of Egypt." (Exod. xiii. 8.) In order to fulfil this command a sort of liturgy has been composed, much of which is solemn and beautiful; and a ceremonial appointed, of which one ordinance is, that there should be four cups or glasses of wine.

וכל אחד ואחד בין אנשים בין נשים חייב לשתות בלילה הזה ארבע כוסות של יין אין מרחוק לו מהם:

"All persons, whether men or women, are obligated on this night to drink four cups (or glasses) of wine, and this number is not to be diminished." (Hilchoth Chometz, c. vii.) As to the ceremony of the four cups, the circumstances connected with them evidently show that they are not for the purpose of revelry, but part of a solemn religious observance.

כל כוס וכוס מארבע כוסות הללו מברך עליו ברכה בפני עצמה. וכוס ראשון אומר עליו קדוש היום. כוס שני קורא עליו את ההגדה. כוס שלישי מברך עליו ברכת המזון. כוס רביעי גומר עליו את ההלל ומברך עליו ברכת השיר:

"Over each of these four cups a benediction is to be pronounced. Over the first cup is said the consecration of the day. Over the second cup the Haggadah is read. Over the third cup the benediction for food is pronounced. And over the fourth the Hallel is completed, and the benediction for the song pronounced." (Ibid.) With a solemn religious ordinance it is not for us to find fault. On the contrary, in these and their other prayers, we earnestly wish the Jews the blessing of God, and the spirit of grace and supplication. But when we find this human institution imposed as a burden upon the conscience, and the observance of it exacted from those who have not the means of gaining their daily bread, we must protest against it as harsh and oppressive. Now in the oral law this requirement is made.

מי שאין לו יין עבר אורבגן דאמרי ולא ישתה לו מארבע כוסות רצוי למכור מה שיש לו לקיים מצות ה' ולא יסמוע על הדם שאם קיים כוס אחד לא קיים השלש' לכן ימנע' ממשש לו ולהוציא הוצאת ער' שמצו' יין או צמקים:

"Whosoever has not got wine transgresses a command of the rabbies, for they have said, that there is to be no diminution from the four cups. And it is necessary to sell what he has

in order to keep the command of the wise men. He is not to depend upon the bread, for if he fulfil the command concerning one cup, he has not fulfilled that respecting the three. Therefore let him sell what he has, and furnish the expense, until he procure wine or raisins." (Arbah Tur. Orach Chaim, 483.) It may be replied, that the congregation furnishes those who have not the means. But what is to become of those who have displeased the dispensers of the congregation's bounty, or what is a Jew to do, who is living alone in the midst of Gentiles, as is frequently the case, particularly in this country? If he be a conscientious Rabbinist he must either grieve his conscience by transgression, or sell what he may not be well able to spare. The same may also be said of the unleavened cakes. The rabbies have given so many directions about the lawful mode of preparing them, as to make it almost impossible for a Jew, living at a distance from a congregation, to keep the command, and to keep the poor in a state of perpetual bondage to the synagogue, if they wish to be supplied by the bounty of the congregation.

But this utter want of consideration for the poor is more strikingly displayed in the institution and exaction of a second holiday where God has required the observance of only one, as the rabbies themselves acknowledge in the following passage:—

ששה ימים האלו שאסור הכבוד בעשיית מלאכה שהן ראשון ושביעי של מצח וראשון וד' של הג הסוכות וביום הג השבועות ובאחד לחדש השביעי הן הקראן ימים טובים ושביתת כלן שהן אסורין בכל מלאכת עבודה חוץ ממלאכת שהיא לצורך אכלה שנה אך אשר יאכל לכל נפש וכו' :

"These are the six days on which the Scripture has forbidden the doing of work. The first and seventh day of passover: the first and eighth day of the feast of tabernacles: the day of the feast of weeks and the first day of the seventh month; and these days are called holy days. The sabbatism of all is alike; it is unlawful on them to do any manner of work, excepting that which is necessary for the preparation of food, as it is said, 'Save that which every man must eat.' (Exod. xii. 16.)" (Hilchoth Jom Tov. c. i. 1.) Here is an express recognition of what God has commanded. And yet the Scribes were not content with this ordinance of God, but have appointed the observance of a second day on all these occasions, and have annexed the sentence of excommunication to any transgression of their command.

ואנו שששין שני ימים כל מה שאסור בראשון אסור גם בשני ומצין עליו למי שמחול בו ואם הוא צדיק מדרבנן אין מצדיקין לנהוהו אלא מלקין אותו :

"To us, who observe two days, every thing that is forbidden on the first day, is also forbidden on the second day; and whosoever

makes light of it, is to be excommunicated. But if he be an acute Talmudist the excommunication is not to be severe, only he is to be beaten. (Orach Chaim, 496.) In the Yad Hachasakah we find the same severity, and the same exception.

יום טוב שני אין על פי שהוא מדרב טושים כל דבר שאסור בראשון אסור בשני וכל המחולל יום טוב שני ואשלו של ראש השנה בין דבר שהוא משום שבת בין במלאכה בין שיצא חוץ לחומו מכן אחרו מזה מדרות או מנרין אחרו אם לא ידעה מן ההלמודים :

"Although the second holy day is only of the words of the Scribes, every thing that is forbidden on the first day, is forbidden on it also. And every one who professes the second holy day, even that of the new year, whether it be in a matter relating to the sabbatism, or by work, or by going beyond the Sabbath limit, is to receive the beating denounced against rebellion, or to be excommunicated, unless he be a learned man." (Hilchoth Jom Tov. c. i. 24.) The hardship, oppression, and severity of this ordinance are apparent at first sight, and are severely felt by many a poor Jew in this city, who hardly knows how to get bread for himself and his children. In every case it robs him in one week of two days, on which God has allowed him to work, and to endeavour to gain a livelihood. But if the first day of a festival happen on a Thursday, then that day, Friday, and Saturday, he dare not do any thing to earn the means of subsistence for his family. Sunday is the Christian Sabbath, so that in one week four successive days are lost, and in the following week four more. What, then, is the poor man to do? If he does not work, his children may starve; if he makes use of the time allowed him by his merciful God, and pursues his daily occupations, he transgresses a command of unmerciful men, and renders himself obnoxious to his more bigoted brethren. True that they cannot now beat him with the stripes awarded to the rebellious, and that they would hardly dare, in the present state of things, to excommunicate him; yet there are other ways and means of persecution more secret, but equally sure. But whatever be the present circumstances, the cruel and oppressive spirit of the oral law remains the same. If the Rabbinists had the power, they would soon proceed to excommunicate and flog all the profaners of the second holy day. We appeal, then, to the common sense of every Jew, and ask him, what right have men to rob the poor of that time which God hath given them? or to sentence a man who only goes to get bread for his children, and in so doing transgresses none of God's commandments, to excommunication or flogging, especially to that severe species of flogging here specified?

The flogging here spoken of is called *מנה*

“the flogging of rebellion,” and is altogether different from that merciful punishment prescribed in the law. God says, “And it shall be, if the wicked man be worthy to be beaten, that the judge shall cause him to lie down, and to be beaten before his face, according to his fault, by a certain number. Forty stripes he may give him, and not exceed; lest, if he should exceed, and beat him above these with many stripes, then thy brother should seem vile to thee.” (Deut. xxv. 2, 3.) Here, as everywhere else, in the midst of judgment, God remembers mercy. The rabbies, never satisfied unless they can add to, or diminish from God’s commandments, have reduced the number to thirty-nine, lest they should make any mistake. But to compensate for this diminution, they have invented “the flogging of rebellion,” which is without number and without mercy, as may be seen from the following explanation of the Baal Aruch:—

מי שעובר על מצוה עשה שאמר לו עשה סוכה עשה לולב ואינו עשה מכין אותו עד שהצא נשמתו בלא אוסר ובלא מכה מששהדיקין מי שעובר על דברי חכמים מכין אותו בלא מסס' ובלא מניין ובלא אוסר ולמה קורין אותו מנת סודות שמד דברי תורה ודברי סופרי :

“Whosoever transgresses an affirmative commandment, for instance, he was commanded to make a tabernacle, or a lulav, and did not, he is to be beaten until his soul go out, without any consideration of his strength, and without dividing the flogging into three. And, in like manner, whosoever transgresses the words of the wise men, he is to be beaten without number, and without consideration. Why is this called the flogging of rebellion? Because he has rebelled against the words of the law and against the words of the Scribes.” (Baal Aruch, in voc.) This, then, is the punishment denounced against those who try to get bread for their children on the second holy day; a punishment invented by the rabbies themselves, not against the immoral or the irreligious, but against the transgressors of their own commandments. What could have been the spirit, the temper, the religious feeling of such men? Had they any perception of the merciful character of the law, or any resemblance to the compassionate nature of the God of Israel? Can you put any confidence in the religious instruction of those who would excommunicate or flog a fellow-creature to death because he obeyed the instincts of nature, because he could not stay at home and listen to the cries of his famishing children, but went forth to procure them food in the manner and on the day which God had permitted him to do so? These are the men who condemned Jesus of Nazareth to death, and this is the religion of the oral law, which you prefer to the mild and merciful doctrines

of Christianity. If Rabbinism had continued in its power, you would have been exposed to all the severity of this intolerance. The triumph of Christianity has, in this respect, also been a blessing to the Jewish nation, and the power of the followers of Jesus of Nazareth protects you from excommunication and corporal chastisement.

The cruelty and hardship of the imposition of a second holy day, with such a punishment annexed, appears not only from the circumstance of its being altogether a human institution, but further, that the original object of its institution has long since ceased. The Scribes appointed the observance of two days at a time, when the feast-days were fixed by the appearance of the moon, lest those at a distance from Jerusalem should keep a wrong day, but now that they are fixed by calculation, this is altogether unnecessary.

בזמן הזה שאין שם סנהדרין ובית דין של ארץ ישראל קובעין על חשבון זה היה מן הדין שיהיו בכל המקומות עשין א' בלבד אש' המקומות הרקוחות שבחוצה לארץ כמו בני א"י שהלה על חשבון אחד' סומכין וקובעין אבל הקנה חכמי' הוא שיהיו במנהג אבותיהם שבידם :

“In the present time, when there is no Sanhedrin, nor house of judgment in the land of Israel, the feasts are fixed by calculation, and therefore all places, even those that are remote from the land of Israel, ought properly to observe only one day as a holy day, as well as the inhabitants of that country, for all depend on and fix the feast by one and the same calculation; but it is an ordinance of the wise men to adhere diligently to the custom of their forefathers.” (Hilchoth Kiddush Hachodesh, c. v. 5.) There is, therefore, no excuse for this burden imposed upon the poor, and much less for the cruel punishments, denounced against those who cease to observe what is confessedly an useless custom. How different is the doctrine of Christianity with respect to such days. No excommunication, no flogging, no imposing of burdens upon the consciences of our brethren. The New Testament condemns even all rash judgment in such matters. It says, “Who art thou, that judgeth another man’s servant? To his own master he standeth or falleth. Yea he shall be holden up, for God is able to make him stand. One man esteemeth one day above another; another esteemeth every day alike. Let every man be fully persuaded in his own mind. He that regardeth the day, regardeth it to the Lord; and he that regardeth not the day, to the Lord he doth not regard it. He that eateth, eateth to the Lord, for he giveth God thanks; and he that eateth not, to the Lord he eateth not, and giveth God thanks. For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord, and whether we die, we die unto the Lord; whether we live, therefore,

or die, we are the Lord's." (Rom. xiv. 2—8.) Here is the spirit of love and mercy, and therefore the spirit of God. How is it, then, that Jesus and his disciples were able to overcome the prejudices of their times, and to stem the torrent of authority and learning, which was altogether in favour of the opposite opinions? How is it, if they were impostors and deceivers, that they have left a tolerant and merciful system, whilst the Scribes and Pharisees, who, according to that supposition, were the true servants of God, have left a religion of oppression and cruelty? "Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit, and every evil tree bringeth forth evil fruit. A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit." (Matt. vii. 16—18.) This is certainly true in nature. Now the Pharisees have brought forth evil fruit, Jesus of Nazareth and his disciples have brought forth good fruit. What is the conclusion from such premises?

But we have hitherto spoken only generally of the institution of a second holy day, we have yet to consider the details of the commandment, which will show still more clearly that "The Scribes and Pharisees bind heavy burdens, and grievous to be born, and lay them on other men's shoulders." (Matt. xxiii. 4.) They are, as usual, most exact in defining what is and is not work. They say,

כל שאסור בשבת בין משום שהוא דומה למלאכה או מביא ידו למלאכה בין שהוא משום שבת הרי הוא אסור ביום טוב אלא אם כן היה צורך אכילה וכיוצא בה' אי דברים שהם מותרים ביום טוב כמו שיתבאר בהלכות אלו. וכל שאסור למשל בשבת אסור לשלול ביום טוב אלא לצורך אכילה וכיוצא בה וכל שמותר בשבת מותר ביום טוב :

"Every thing that is unlawful on the Sabbath, either because it has the appearance of work, or because it leads to work, or on account of sabbatising, is unlawful on a holy day, unless it be necessary for the preparation of food, and the like, or such things as are allowed on the holy day, as will be explained in these constitutions. And every thing that it is unlawful to move on the Sabbath, is also unlawful to be moved on the holy day, unless it be necessary for food: and every thing that is lawful on the Sabbath is lawful on a holy day." (Hilchoth Jom. Tov., c. i. 17.)

This law effectually ties up the hands of the poor rabbinist. He not only dare not pursue his trade, but he dare not make any domestic arrangement, that might promote order in his house, or conduce to his comfort. He must not write a letter to his friends, nor even extinguish a fire, though it be to save his property.

אין על פי שהורה הבהרה ביום טוב שלא צורך אסור לכבות את האש אשלו הובשה לצורך אכילה. שהכבוי למאכה ואין בו צורך אכילה כלל וכשם שאין מביא את האש כך אין מביא את היר ואם כבה לוקה כמו שאמר אי בנה אין מביא את הדליקה כדי להציל ממוק ביום טוב כדרך שאין מביא בשבת אלא מניחה ויוצא :

"Although it has been pronounced lawful to kindle fire on the holy day, even where not absolutely necessary, yet it is unlawful to extinguish fire, even though it had been kindled for the preparation of food; for the extinguishing of fire is work, and is not at all necessary for the dressing of food. And as fire is not to be extinguished, so neither is a candle to be extinguished, and whosoever extinguishes is to be flogged, just as he that weaves or builds. . . . Fire is not to be extinguished in order to save property on a holy day, no more than on the Sabbath. On the contrary, one lets it burn and goes away." (Ibid. c. iv. 2, 4.) In the Arbah Turim this law is laid down with still more precision.

אסור לכבות הדליקה ב'ש אשלו רואה את ביתו שנשרף. אסור לכבות הנקטת בין אם מכבה מפני שחם עליה שלא תשרף בין אם מכבה שלא תחשש הקדרה דוקא כשאסור לו להצילה משרשן בלא כבוי כגון שסידנה מאש זה והתנה על אש אחר אבל אם אין לו אש אחר ואם לא יכבה תחשש הקדרה מותר לכבותה כדי שלא תחשש הקדרה :

"It is unlawful to extinguish fire on a holy day, even though a man should see his house burning. It is unlawful to extinguish split wood, either for the sake of saving it from being burned, or to keep a pot from being smoked, that is to say, if he can keep it from being smoked without extinguishing the fire, as by removing it from one fire to another. But if he has not got another fire, and if the pot must be smoked unless he extinguish it, then the extinguishing is lawful, that the pot may not be smoked." (Orach Chaim, 514.) Now we put it to the common sense of every Jew, whether in these laws there be justice, mercy, and religion, or hardship, inconsideration, and absurdity?

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