

נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות שלם ירמיהו טז

"THE OLD PATHS."—Jer. vi. 16.

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THE oral law says, as we saw in our last, that, on a holy day, it is unlawful to extinguish a fire in order to save a man's house and property, but that it is lawful, on the same day, to do the very same thing to keep a pot of cookery from being smoked. This sentence may perhaps appear wise and pious to those who have got more houses than one, or the means of procuring them; but with respect to the poor man, who in such a case loses his all, and must see his family left without a roof over their heads or a bed to lie on, this decision is as cruel as it is senseless. There is, however, a tyranny more dreadful than that which affects only the temporal condition of men. The spiritual despotism, which burdens and fetters the conscience and enslaves the soul, is more intolerable still. Under temporal losses a man's mind may be supported by a sense of religion; but when his religion, by the multiplicity and rigour, and intricacy of its requirements, becomes his tormentor, man is bereft of his last consolation. The religion of the oral law appears to us to be of this character, and its enactments with regard to the holy days will serve to justify this our opinion. We have seen already, that it requires two days' cessation from business, where God requires only one, and that the general rule is, **Whatever is unlawful on the Sabbath is unlawful on the holy day, with one exception.** The Scribes, however, were not content with this, they have contrived to invent something, which, though lawful on the Sabbath, is on these days unlawful. They say, that there is a certain class of things which, if not deliberately destined the day before for the use of the holy day, are unlawful. To this class they give the name of *Muktzeh*, which literally signifies "separated or cut off," but which, for shortness' sake and for want of a better word in English, we shall call "*undestined*."

ויש ביום טוב מה שאין בשבת אסור מוקצה שהמוקצה אסור ביום טוב ומותר בשבת משני שינים מובן כל משנת אסור בו המוקצה שמא יבא ללול בו
 "There is on the holy day one thing which is not found on the Sabbath, and that is, the forbidding of the *undestined*, for the *undestined* is unlawful on the holy day, and is lawful on the Sabbath. Because the holy day is less sacred than the Sabbath, they forbade the *undestined* on that day, lest persons should be led

to make light of it." (Hilchoth Jom. tov. c. i. 17.)

כיצד תרנגולה השמדה לגדל ביצים ושאר השמדה לדרושה ויוני שובך ושחיה השמדין לסחורה כל אלו וכיוצא בהן מוקצה הן ואסור לאכל מהן ביום טוב שי שיכן אחיה מנשבב ודחשוב עליהם לאכילה :

"For instance, a hen that is kept for the purpose of hatching eggs, and an ox that is kept for ploughing, pigeons in a pigeon house, and fruits that are kept for sale, all these and the like are *undestined*, and it is unlawful to eat of them on a holy day, unless a man destine them on the eve preceding, and form an intention to eat them." (Ibid.) By this law a numerous class of things is forbidden, which God has no where forbidden, and fresh chains are forged for the conscience. An unlearned man can hardly tell what does or does not belong to the class, and if he be in doubt must first go to the rabbi, before he can eat or make use of any thing doubtful; for this definition extends not only to eatables, but to other things, as for instance, fuel. Suppose, for example, that a man or a family had eaten nuts or almonds on the eve of the holy day, is it lawful or unlawful to burn the shells on the holy day itself? The Word of God leaves the Jew at perfect liberty to do as he pleases, but the oral law tells him that he may by doing either commit a great sin. If he cannot resolve his scruples in this matter, he must be content to go to the rabbi or some learned man, and submit to his decision, and thus every unlearned and devout Jew is brought into complete captivity to the decisions of the learned. Another very similar law, and tending to the same bondage, is that which makes any thing, that is born or comes into existence on the holy day, unlawful.

וכשם שהמוקצה אסור ביום טוב כך הנולד אסור חול מכין לשבת חול. מכין ליום טוב אבל אין יום טוב מכין לשבת ולא שבת מכין ליום טוב. לפי ביצה שנולדה ביום טוב אסור השבת אסורה :

"And as the *undestined* is unlawful on the holy day, so also what is born is unlawful. On a common day a man may destine things for the Sabbath, and also for the holy day. But on a holy day things may not be destined for the Sabbath, nor on the Sabbath for the holy day, therefore an egg that is laid on the holy day after the Sabbath is unlawful." (Ibid.) Now not to speak of the minute

trifling of this law, there are cases where it may become very oppressive. Suppose that by some means an unlawful egg should get amongst a number of lawful eggs, they would all become unlawful.

ואילו נחשבה באחד נולן אחרות :

"Yea, though it should be mixed up amongst a thousand, they are all unlawful." It is true that the rabbies endeavour to guard against such an accident, by forbidding the removal of such an egg on the holy day; but a Gentile or a child might, through inadvertently putting such an egg amongst others, produce great inconvenience or even loss, and to this the poor man must submit, or burden his conscience with a wilful transgression. But this law forbidding to eat or move whatsoever comes into existence on the holy day extends beyond the class of eatables. Wood accidentally broken on this day belongs to this class, and it is therefore unlawful to use it as fuel, or to move it. In like manner, ashes of wood that has been burnt on the holy day, is considered as having come into existence, and it is a sin to move it, when once it has cooled. And again, if a fire should go out on the holy day it is a grave question whether the fuel that remains may be kindled again.

Thus the conscience is burdened with definitions of unlawful, but the directions about things lawful are quite as numerous and perplexing. For instance, it is lawful to make a fire on a holy day, and to put on the pot for cooking, but an unlearned man or woman may commit a sin in the mode of doing it, and, therefore, the Baal Turim says,

שעשה האש ונתון עליה קדרה צר' ליהודי בבידוד
הצצים ובנחית הקיריה עליהן שלא תא דומה לבנין
דאמר רב יהודה מדורותא מלמעלה למטה שרי' ממושה
למעלה אסרי :

"When one makes a fire and puts on a pot, it is necessary to be very careful in the arranging of the wood, and the mode of setting the pot upon it, so that there should be no resemblance to building, for Rav Judah has said, every pile of wood begun from the top to the bottom is lawful, from the bottom to the top is unlawful." (Orach Chaim, 502.) For this reason very minute directions are given for the performance of each of these operations. The fire is to be made in the following manner:—

הטשה מדורה ביום טוב כשדוא ערך את הצצים
אינו מניח זה על זה עד שישור המערה מפני שגורא
בבונה' ואף על פי שדוא בנין ארשי אסור אלא או
שרץ הצצים בשבוב או ערך בשני' כיצד מניח עץ
למעלה ומניח ארץ תחתיו וארץ תחתיו עד שדוא
מגיע לארץ :

"He that makes a pile of fire on a holy day, when he is arranging the wood, is not to lay one piece upon another, so as to make an orderly arrangement, for that looks as if he

were building; and although it be an accidental building it is unlawful. But either he is to scatter the wood in confusion, or to arrange them with some variation. How so? He is to lay one piece at the top, and another piece under it, and another under that, until it reaches the ground." (Hilchoth Jom. tov. c. iv. 14.) In like manner the pot is not to be placed upon stones, or whatever else is to support it, but is to be held up, and the support placed under it; and so with other things. The great principle is, that some difference is to be made between the work done on the holy day and on a common day, and therefore in the carrying of wine, or wood, or other things, they are not to be carried in a basket, nor as usual, but on the shoulder, or in some extraordinary way. Now, as the speculations of men who had not much to do, or who chose to devote the powers that God had given them to such minutiae, these things hardly appear as harmless; but when imposed as a burden upon the consciences of others, they are utterly unjustifiable. But if they were found in the New Testament, they would furnish abundant matter for Jewish wit and ridicule. They would naturally say, what, is this the religion that the Messiah came to teach? Had he nothing better to do than to look after the making of fires, and the putting on of pots? But this is not the religion of Jesus of Nazareth, nor of his apostles. There is nothing similar in the New Testament. This is the religion, and these the laws of those who reject him.

But this system of minute legislation has another and a worse consequence; it leads to difficulty, and the difficulty leads to artifice, and thus the mind, instead of being improved and benefited, is actually corrupted by the practice of this rabbinical religion. Thus the oral law says, that it is unlawful on a holy day to cook food for the following day, especially for a common day, but that if any of the food remain it is lawful. What is the consequence? Naturally, that more food is prepared than is necessary for the holy day, because they know that this may be eaten the day after. And this is no imaginary deduction of ours, it is a case propounded most fully, and allowed by the rabbies.

ממלאה אשה קדרה בשר אף על פי שאינה צריכה
אלא דחתיבה אחת' ממלא נחתום דניה של מים אף
על פי שאינו צריך' אלא לקיתון אחד' ממלאה אשה
תור פת אף על פי שאינה צריכה אלא לכבי אחד
שבוכן שדשה מדובה בתור היא נאפה יפה' ומלח
אדם כמה דחתיבה בשר בבית אחת אף על פי שאינו
צריך אלא לחתיבה אחת וכן כל כיוצא בה' :

"A woman may fill a pot with meat, though she wants only one piece. A cook may fill a boiler with water, though he wants only the least quantity. A woman may fill an oven with bread, though she want only one loaf,

for when the oven is full, the bread bakes better. A man may salt a great many pieces of meat at once, although he require only one piece; and so with similar things." (Hilchoth Jom. tov. c. i. 10.) Now this is plainly an evasion of what is considered a divine command. In like manner the oral law forbids the preparing of food for Gentiles.

אין אדם ומבשלין ביום טוב כדי להאכל גרים וא
לבים שגא' הוא לבדו יעשה להם להם ולא לגרים להם
ולא למבים :

"It is unlawful to bake or to cook on a holy day, in order to feed Gentiles or dogs; for it is said, 'That only may be done for you.' (Exod. xii. 16.) 'For you,' and not for Gentiles. 'For you,' and not for dogs." (Ibid.) The principle of this decision may lead to several difficulties: first, a Jew may have Gentiles in his employ and service whom he boards, what is he to do then? This difficulty he may get over in the manner just mentioned, by having more cooked than he wants, then it is lawful for the Gentile to eat of the surplus. But suppose a Gentile and a Jew had a beast in partnership, and either wished to have it slaughtered on the holy day, is it lawful for a Jew to slaughter it? According to the above decision, it would appear not, for it is preparing food to feed a Gentile; but the rabbies have found out a reason for evading the command.

בהמה שהציה של גוי והציה של ישראל מותר
לשחטו ביום טוב שאי אפשר לאכול ממנה כחיה בשד
בלא שחיטה :

"A beast which partly belongs to a Gentile and partly to an Israelite, may lawfully be slaughtered on a holy day, for it is impossible to eat the size of an olive of the meat, if it be not slaughtered by a Jew." (Ibid.) This, also, is nothing more nor less than an evasion. But now suppose that a Jew finds on a holy day, and after he has eaten his meals, that a beast belonging to him is likely to die, and that therefore he is likely to lose it altogether, what is he to do? The oral law lays it down that it is unlawful to slaughter for the following day, and yet if it die without slaughtering, it must be totally unlawful to eat. In this case there is a saving clause which removes the difficulty.

מי שהציה לו בהמה מסוכנת לא ישחוט אותה ביום
טוב אלא אם כן ידע שיכול לאכול ממנה כחיה בל
מבשר יום' כדי שלא ישחוט ב'ש' מה שיאכל בחול :

"He that has a beast near unto death must not slaughter it on a holy day, unless he knows that he can eat of its flesh the size of an olive, roasted, whilst it is still day, that he may not slaughter on a holy day what is to be eaten on a common day." (Ibid.) Here the evasion is palpable. The man has already eaten his meals, he knows that it is not for the holy day, that it is simply to save him-

self from loss, and yet the oral law obliges him to be guilty of deceit, and to eat a minute particle of it, that the appearance may be kept up. If it were intended mercifully to save the poor from loss, why not make it lawful at once, without any such condition? Here the mercy of the enactment is quite destroyed by the encouragement of deceit. In the same way the oral law forbids open, straightforward buying and selling on a holy day, and yet prescribes a method of evasion.

לא יאמר אדם לשבח הן לי ברית בשד אלא הן לי
דלק או חצי דלק למחר שששן השבטן על שוויו :

"A man must not say to a butcher, Give me meat for so much money, only, give a portion, or half a portion, and on the morrow they settle the account as to its value." (Ibid. c. iv. 20.)

הלק אדם אצל חנוני או דעה הרגל אצלו או אצל
השטם הרגל אצלו ולקח ממנו בהמות ועשות וכל
מה שירצה הוא שלא יזכור לו שום דמים ולא
סכום מנין :

"A man may go to his accustomed shop-keeper, or shepherd, or grazier, and take from him cattle, fowls, and whatsoever he pleases; only he must not mention to him any money, nor any number." (Ibid.) To take any thing from a shopkeeper by weight or measure is also forbidden, if it be done openly and honestly, but allowed if it be done cunningly and deceitfully.

וכן לא יקח מבעל החנות במדה או במשקל אלא
כיצד הוא עשה ואומר לחנוני מלא לי כלי זה למחר
נותן לו שוויו ומאילו היה כל המיחד למדה ימלאנו
הוא שלא יזכור לו שום מדה :

"And thus a man must not take any thing from a shopkeeper by weight or measure, only let him say to the shopkeeper, Fill this vessel for me; and on the morrow he gives him the value. And even though the vessel should be one set apart for the purpose of measuring, he may fill it, provided that the name of a measure be not mentioned." (Ibid.) In all these cases it is plain that a real transaction of buying and selling takes place, and on the showing of the rabbies themselves, contrary to the Word of God. Those men who would flog a fellow-creature for not keeping their own commandment of a second holy day, make no scruple of devising and prescribing a system of fraudulent evasion of God's commands. Perhaps some may think that we use too strong language when we apply the words cunning and deceit to those devices of the oral law, but this language was suggested by the oral law itself, which does not scruple to use similar words, and to pronounce that, in similar cases, cunning or deceit is lawful.

איתו ואת בנו ששלו לבר מעלה את הראשון על
מנת לשחטו ואינו שחוטו' ומשלים ומעלה את השני
על מנת לשחטו ושחוטו' אי זה מן שירצה משום
צד בעלי הימים החיוני להערים :

"If a first-born beast and its offspring fall into a pit, the first is to be helped out on condition of slaughtering it, but it is not slaughtered. Then guile is to be used, and the second also helped out on condition of slaughtering it, and then they slaughter which of the two they please. On account of the affliction of the animals, it has been pronounced lawful to use guile." (Ibid. c. ii.) Here the oral law speaks plainly, it fairly says that guile may be used. It is no defence to say, that this guile was suggested by compassion for the animals. If it be lawful to help the animals out of the pit at all, it is lawful to do it without any guile, openly and honestly. And if it be unlawful to help them out, it is doubly unlawful to do so through guile and deceit, as if God was ignorant of the thoughts and designs of their hearts, and could be satisfied with false and fictitious conditions. But there is another case, where this same word is also used, and where the excuse of compassion is altogether out of the question.

המשיש עור בהמה ביום טוב לא ימלחוהו שח
עבד הוא ונמצא עשה מלאכה שלא צריך מלאכה
..... ומורה מלחה בשל לכל על גבי העור ומשמים
ברב דהי כיצד מלחה מעט בשל מכאן ומעט מכאן עד
שימלח העור כולו :

"He that takes off the hide of a beast on a holy day, must not salt it, for this is work, and he would be guilty of doing work, that is not necessary for the preparation of food. . . . But it is lawful to salt meat for roasting on the top of the hide, and in this matter guile is employed. How so? Thus. A little meat is salted on one part, and then a little on another part until the whole hide be salted." (Ibid. c. iii. 4.) Here no defence whatever can be offered. The oral law confesses that to salt a hide is unlawful, its compilers therefore set to work to find out a method of doing what was forbidden, and yet have the appearance of keeping the law, and they sagaciously discovered the above solution of the difficulty. Thus the law of God is made null by the traditions of men. The commandments of the Scribes are enforced by flogging and excommunication, but full permission given to violate God's commands, if only an appearance of obedience can be preserved. No wonder that Jesus of Nazareth, whose characteristic is mildness and gentleness, used such harsh language to the authors of this system. His general address to them was, "Woe unto you, Scribes and Pharisees, hypocrites." They

professed the utmost anxiety to have the law of God observed. This was the professed object of their commandments. They were invented as a hedge to keep off every Israelite from even an approach to transgression; and they enforced the observance of this defence by the severest punishments. But where the law of God interfered with their worldly interest, their profit or their gain, they fearlessly made void the law, and inculcated a system of guile and evasion. And this is perhaps the most deadly element in the Talmudic potion. The human heart is ever ready to imbibe what is bad, and the human mind most quick in generalising the principles of evil. The only efficient remedy for this disease of head and heart is the inculcation of those pure and holy principles, which God has graciously revealed. But when these principles are themselves adulterated, and a system of guileful evasion taught as the religion of Moses and the Prophets, what are the results to be expected? The cruel oppression of the poor is bad enough. The enslaving the consciences of the weak is worse; but the corrupting the minds of the simple by such pernicious doctrines, is the worst of all. Yet this is the work of the Jewish religion, as taught in the oral law, and as recognized in the prayers of the synagogue. We do not mean to say that there is anything peculiar in the system. We know that the Provincial Letters develop a Gentile system as corrupt and corrupting. But that system has nothing to do with the Christianity of the New Testament. Our forefathers renounced it long ago. The Jews still adhere to the oral law, and in their prayers and observances still acknowledge its divine authority; and wherever Judaism exists in vigour, these are the doctrines instilled into the minds of the young, and to which the flower of the Jewish nation devote the vigour of their manhood and the judgment of their old age. That there are Jews who abhor this system, and have adopted the purer principles of the New Testament, even though they do not profess Christianity, we well know. But how is it that there are none who have courage to protest against it? How is it that there is not one who comes forward to emancipate his brethren from moral slavery and the galling chain of superstition and error? "There is none to guide her among all the sons whom she hath brought forth: neither is there any that taketh her by the hand of all the sons that she hath brought up." (Isaiah li. 13.)

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