

# נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות עולם. ירמיהו' טז'

"THE OLD PATHS."—Jer. vi. 16.

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GREAT and striking is the difference of position which womankind occupies in Europe and in the countries of the East. In the latter they are men's slaves: in the former his companions. In the latter they are objects of contempt even to their own sons. In the former they are the honoured instruments to impart the first elements of learning and religion. Here in Europe they appear as co-heirs, with man, of reason, of intellect, of liberty and immortality; but there they seem to be an inferior race of beings, at the very most a better sort of domestic animal. That the European state of things is more agreeable to God's intention in the creation of male and female is evident from the consideration, that there one half of the human race is doomed to degradation and misery, whilst here they enjoy a becoming respect, and a much larger portion of happiness; and still more from observing the effects of the two systems. Here the intellectual and moral powers of mankind have far advanced towards perfection, but there the human race is still debased and barbarous. Now that, which makes happy and improves, must necessarily be more agreeable to God's purpose in creation, than that which degrades and makes unhappy; and this argument will also go far to prove that another striking feature of difference, which distinguishes the West from the East, is also more in accordance with the will of God; we mean the fact that here men have only one wife, whilst there they have many. There can be no doubt that this characteristic of European life conduces much to the well-being and the peace of families, as well as to the moral and intellectual improvement of individuals. In these two great advantages and means of happiness the Jewesses of Europe participate. They are not illiterate slaves like their sisters in the east, neither do they divide their husbands' affections with many. Here the Jews, like the Christians, have only one wife. It becomes, therefore, a most interesting subject of inquiry to know to what the European Jewesses are indebted for this superiority of respect and happiness. Is it to their own religion, or to the religion of Christians, that is, is it to Judaism or Christianity? We might answer at once, that Judaism has certainly not produced this salutary difference, for then it would have produced

the same effect in Mahometan countries, but we prefer referring to the oral law itself. We have already shown that modern Judaism degrades women to the level of slaves and *Amharatsim*: we shall now prove that the Jewesses are not indebted to it for the abolition of polygamy. When Napoleon assembled the famous Parisian Sanhedrin he proposed this question to the Jewish deputies, "Is it lawful for Jews to marry more than one wife?" To which they returned the following answer:—"It is not lawful for Jews to marry more than one wife: in all European countries they conform to the general practice of marrying only one. Moses does not command expressly to take several; but he does not forbid it. He seems even to adopt that custom as generally prevailing, since he settles the rights of inheritance between children of different wives. Although this practice still prevails in the East, yet their ancient doctors have enjoined them to restrain from taking more than one wife, except when the man is enabled by his fortune to maintain several. The case has been different in the West; the wish of adopting the customs of the inhabitants of this part of the world has induced the Jews to renounce polygamy. But as several individuals still indulged in that practice, a synod was convened at Worms in the eleventh century, composed of one hundred rabbies, with Guerson (Gershom) at their head. This assembly pronounced an anathema against every Israelite who should, in future, take more than one wife. Although this prohibition was not to last for ever, the influence of European manners has universally prevailed." (Transactions of the Sanhedrin, p. 150). A more evasive, false, and inconsistent answer has rarely been given to a plain straightforward question. First they say decidedly, that it is not lawful for Jews to marry more than one wife: then they spend a page in contradicting themselves, and at last acknowledge that the abolition of polygamy was first owing to the anathema of a rabbi, and that it is now to be attributed to the influence of European manners. But what are European manners? What religion do Europeans profess? Plainly the religion of Jesus of Nazareth, so that here the Jewish deputies acknowledge that if Jewish wives have not got three or four or more rivals shut up with them in

the same house, they owe this benefit to Christianity. But we must not rest satisfied with this answer of the Parisian deputies; we must ask the oral law itself, whether it is lawful for Jews to marry more than one wife, and must hear the oral law's reply. It answers thus:—

נשוא אדם כמה נשים אשלו מאה בין בבת אחת  
 בין ברו אחר זו ואין אשתו יכולה לעכב • הוא שיהיה  
 יכול ליתן שאר כסות ועונה כראוי לכל אחת ואחת :

“A man may marry many wives, even a hundred, either at once, or one after the other, and his wife cannot prevent it, provided that he is able to give to each suitable food, clothing, and marriage-duty.” (Iad Hachasakah Hillehoth Ishuth., c. xiv. 3.) This is rather different doctrine from that of the Parisian Sanhedrin. Here it is plain that the oral law allows a man to have more than one wife, and does not stint him at all as to the number. The *Arbah Turim* teaches precisely the same doctrine, except that it advises a man not to marry more than four.

נשוא אדם כמה נשים דאמי רבא נשוא אדם כמה  
 נשים והוא דאפשר למיקם בסיקוהי • ומכל מקום  
 נהניו חכמים עצה טובה שלא ישא אדם יותר מ'  
 נשים :

“A man may marry many wives, for Rabba says it is lawful to do so, if he can provide for them. Nevertheless, the wise men have given good advice, that a man should not marry more than four wives.” (Even Haezer, 1.) So far then as Judaism is concerned, polygamy is lawful; and a Jew that would even restrict himself according to the advice of the rabbies, might still have four wives. It is not his religion that teaches him to be content with one; and therefore we must, further, inquire how it is that the Jews, who consider polygamy lawful, do not indulge in it. The Parisian deputies have already informed us that it still prevails in the East, and that it prevailed in Europe until the eleventh century, when R. Gershom anathematized it. In the place just cited we find a similar statement.

במקום שנהגו שלא לישא אלא אשה אחת אינו  
 רשאי לישא אשה אחרת על אשתו : ר"ג החריס על  
 הנושא על אשתו אבל ביבמה לא החריס וכן בארסד ;  
 ולא פשטה תקנתו בכל הארצות ולא החריס אלא עד  
 סוף האלף החמישי :

“In a place where the custom is to marry only one wife, it is not permitted to marry more than one woman. R. Gershom anathematized any one that should marry a second, whilst his wife was alive; but this anathema does not extend to the case of the widow of a brother, who has died without children, nor to the case of a woman who is only betrothed. This ordinance, however, does not obtain in all lands, and the anathema was only to last until the end of the fifth thousand years.”

Hence it appears that before R. Gershom polygamy was lawful and practised by the Jews in Europe, but that he forbade it except in particular cases; and further, that R. Gershom's prohibition was only temporary, it was to have force until the end of the fifth thousand years, that is, until the year 1240 of the Christian era. This period is now long past, for the Jews reckon this year 5597, and Gershom's anathema has therefore lost its force: consequently, the only obstacle which their religion opposed to polygamy has been removed, and, so far as conscience is concerned, every professor of Judaism must feel himself at liberty to marry as many wives as he likes. He knows that R. Gershom's anathema has expired, and if he goes to the codes of Jewish law, he finds that it is left doubtful. For instance, the note on the passage just cited says—

ומכל מקום בכל מדינות אלו התקנה הזמנית  
 במקומו עומד ואין נושאין שתי נשים וכוונתו בדרכיה  
 ודרכין מי שעבר ונשוא ב' נשים לנרש אהת מוק  
 ו'א' דבזמן הזה אין לכתוב מי שעבר דרם ר"ג מאחד  
 שכבר נשלם אלא החמישי ואין נהנין כן :

“Nevertheless, in all these countries the ordinance and the custom remain in force, and it is not lawful to marry two wives; and he that transgresses and does so is to be compelled by anathema and excommunication to divorce one of them. But some say that in the present time he that transgresses the anathema of R. Gershom is not to be compelled, for the five thousand years have been completed long since; but the custom is not according to this.” Here then are two opinions. The most strict of the two is, that polygamy is now not lawful, and that he who marries two wives must divorce one of them: but even this cannot be very satisfactory to the woman whom he first married, for it does not define which of the two is to be divorced. It only requires that one of them should be divorced, and leaves it to the man himself to divorce which he pleases. The other opinion is, that polygamy is now lawful, and that he is not to be compelled to divorce either. Hence it appears that it is not Judaism which protects the rights and the happiness of Jewish women, or the peace and comfort of Jewish families. The influence and the laws of Christianity forbid polygamy. To Christianity, then, Jewish females are indebted, not only for the station which they hold in society, but for the peace which they enjoy in their homes. Wherever Christianity has no power, there the Jews may take as many wives as they please: and if ever Judaism should obtain supreme power, Jewesses must expect to be again degraded into the category of slaves and *Amharatzin*, and to have their domestic peace annihilated by the introduction of new wives and families. It may be replied, that

this objection applies with equal force to the written law, for that Moses himself allows polygamy. But to this we answer, that Moses only tolerated polygamy, but that he shows clearly that it was not the purpose of God, that men should have more wives than one. He found an evil custom existing amongst a people debased by Egyptian slavery, and like a wise reformer, he did not commence his improvements by destroying all that existed, but endeavoured to restrain the evil, to show that it was contrary to God's original institution, and to point out the consequences. He did not immediately pronounce it unlawful, for that would have been attended with serious inconveniences, but by the direction of God gave laws to protect the wives and children. In the beginning of Genesis—he showed that God's will was, that a man should have only one wife, for that he did not create several women, but only one. He gives the words of God, saying, "It is not good that the man should be alone: I will make him an help meet for him, עֵזֶר כְּנֶגְדּוֹ," where "help" is in the singular number, to show that man was not to have more than one help meet for him. And again, those words, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife," not unto his wives, but to his wife; where it is also to be observed, that God is laying down a law, not for Adam only, but for coming generations. By exhibiting the original institution of marriage in Paradise, whilst man was yet innocent, and stating the original law and purpose of God, Moses plainly showed that God's will was, that a man should have only one wife. He then goes on to show, that the first who departed from this original institution was Lamech, one of the wicked descendants of wicked Cain. "And Lamech took unto him two wives" (Gen. iv. 19), whom he holds up as a warning, recording of him only that he had two wives, and that he was a murderer. With this he contrasts the conduct of Noah and his sons, who had only one wife each. In the history of the patriarchs he shows the evil consequences of polygamy. He shows that it was not the will of Abraham to take a second wife, but that Sarah in her eagerness to have children misled him, and that discord and domestic trouble soon followed. And by all the troubles which the sons of Ishmael have since inflicted upon the children of Isaac, God has, in his providence, confirmed the moral to be drawn from the Mosaic narrative. Moses then points out the happiness of Isaac, who had only one wife; and the troubles of Jacob, who, not by his own choice, but by the wickedness of Laban, and the folly of Laban's daughters, had more than one; and last of all, Moses gave in himself an ex-

ample of the conduct which he wished Israel to pursue by having only one wife himself. A careful examination, therefore, of the law of Moses will show that he only tolerated polygamy as an existing evil, but that he intended to discourage it, by exhibiting the original institution of marriage, and the many evils that result from a departure from God's purpose. When, therefore, we show that the oral law permits men to have more wives than one, and that consequently it is accountable for all the evil thence resulting, we cannot be charged with reproaching the law of Moses. The oral law says expressly, that a man may marry many wives, even a hundred. The law of Moses nowhere says any thing of the kind. It only legislates in case that such a thing should happen. The oral law plainly advises a man not to take more than four wives. The law of Moses holds up the evil of having more than one. If men would carefully read the law of Moses, they would see that the original intention was, that a man should have only one wife. But if a man follow the oral law, he will be encouraged to take as many as he can support. It is evident, therefore, that if the Jews in Europe do not practise polygamy, their conduct is not to be ascribed to the influence of Judaism, but of Christianity.

It is, further, evident that this Christian practice of having only one wife, cannot be objected to as an unauthorised alteration of the law of Moses. If R. Gershom was allowed to forbid polygamy, and the Jews considered themselves bound to obey him, they cannot reasonably object to the Christian laws on the same subject. Christianity has only effected by its influence what R. Gershom endeavoured to accomplish by anathema. The only difference is, that Christianity was first, and that R. Gershom learnt the evil of polygamy from Christians. If it was lawful for a rabbi, it was still more lawful for the Messiah to restore the original constitution of marriage as established in Paradise, and to deliver Jewish wives and families from all that confusion and discord which results from polygamy. But it is particularly deserving of notice that R. Gershom, by forbidding the Jews to have more wives than one, made a great and decided change in the oral law. That which the oral law allows, R. Gershom forbids. We grant, indeed, that by thus changing the oral law, he approximated to the mind and intention of Moses: but he altered the oral law, and thereby shows us that he himself did not believe that the oral law was to last for ever, or that it is of eternal obligation. If he had considered it unchangeable, he would not have dared to make the change; but by making so important a change as this, to forbid what it allows, he plainly

shows it as his opinion, that where there is a grave reason, the oral law may be changed or abolished; and all the Jews who acquiesce in his ordinance, and think it is unlawful to marry more wives than one, consent to the change. But if it be lawful to change in one thing, it must also be lawful to change in another, so that the Rabbinical Jews have no reason whatever for reproaching their brethren who renounce the oral law totally. Such persons are only acting upon a principle practically acknowledged by all the Jews of Europe. It may be said that R. Gershom's change was only temporary, and that the present acquiescence of European Jews is only a sort of homage to Christian principles. This is certainly true, and this reply leads us to consider the dreary prospect presented to Jewish females, if ever modern Judaism should obtain power. The influence of Christian principle would then cease,—polygamy would again be lawful, and the matrons of Israel, who now appear as the participators in the family government and the guides of their households, would again be degraded into one of a herd of female slaves. They might have a hundred competitors and rivals in their husbands' affections, and even if the husband should follow the advice of the rabbies, and take only four wives, they would at least have three. Now, we ask every matron in Israel whether she would wish such a change, or whether she would prefer the present state of things, where a man can have only one wife? If she prefers the present state, then she prefers the Christian principle, and acknowledges that Christianity is better than Judaism. If she does not wish for the restoration of polygamy, then she confesses that the doctrines of Judaism are injurious, and that she does not desire the triumph of her own religion. Then why should she profess a religion which she acknowledges to be prejudicial to her welfare—or why should she reject a religion which protects her peace and comfort? There can be no question, that Christianity has prevented amongst the Jews the practice of having many wives; it has, therefore, been a blessing to Jewish families for centuries; why, then, should they despise or oppose a religion which has been, and still is, a blessing? And we propose this question, not only to Jewish wives, but to Jewish husbands. Is it not a fact, that God's original institution was that a man should have only one wife—does not

Moses show that the first polygamist was a descendant of wicked Cain, and, that family discord and unhappiness is the consequence of having more wives than one? Does not reason, and the state of Mahometan countries, show that where there are many wives, woman is degraded, and the education of children necessarily neglected? Is not the moral, the intellectual, and scientific progress of mankind greatly superior in Christian countries, where men have only one wife? Is not, then, the practice of having only one wife a blessing? Has it not been a blessing to Jewish husbands, wives, and children? Are not, then, the Jews deeply indebted to Christianity for that measure of peace and moral improvement which they have derived from this practice? And would not an adherence to their own oral law in the same degree have proved a disadvantage, if not a curse? How, then, can they oppose a religion which has been to them a blessing?—or how can they adhere to a religion which contains principles subversive of their domestic peace, and destructive to the well-being, and the moral and intellectual improvement of one-half the human race? The rabbies say, that the oral law is eternal in its obligation: if so, then polygamy is to be eternal in its continuance, and then men are never to return to that state of perfection which they enjoyed in paradise. Who is there that does not see that the race of man was most happy when sin was unknown, and most perfect in intellect when he could hold converse with the Deity and dwell in the garden of God? But if Judaism be true, men are never again to enjoy that state, for then polygamy was unknown. Adam had only one wife; and until sin entered into the world, and ripened even into murder, no man had two wives. Judaism is, therefore, opposed to the pure and perfect state of things that existed in paradise, and favourable to that confusion introduced by the murderous Lamech, the son of murderous Cain—and Christianity resembles, in its principles of marriage, the happy state ordained by God in Paradise. Here, then, we have another and a practical proof that the oral law is not of God. Its authors totally misunderstood the mind and purpose of Moses, the servant of God, and misinterpreted his temporary toleration of an existing evil into a positive permission and sanction for continuing it. We have also another proof of the divine origin of Christianity.

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