

נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות עולם ירמיהו טז

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WHEN God delivered the commandments at Sinai, he placed those which related to himself first, to teach us that our first duty is to love and serve him: and immediately after these he gave the command "Honour thy father and thy mother," to show us that, next to himself, we are bound to reverence, to love, and to obey those to whom we owe our existence. This order of things was not an arbitrary choice, but founded in that natural constitution of creation which God ordained as most conducive to the intellectual and moral well-being as well as to the happiness of his creatures. He does not command us to love and serve Him, and Him only, merely because He has the right on the one hand, and it is our bounden duty on the other; but because a conformity to his will is an approximation both to wisdom and happiness. Neither does he tell us to honour father and mother, because we owe them all such reverence, as from them we have derived our being, and to them are indebted for all the care and affection with which they have tended and watched over our infancy: but because He has himself constituted the relation of parent and child, and ordained parental affection and filial duty as the means of promoting our welfare in time and in eternity. Any religion, therefore, whose tendency is to render obedience to that command impossible, must not only be contrary to the will of God, but to the happiness of man; and this is one of the many reasons for which we think that Judaism must be false. The religion of the oral law has a direct tendency to diminish a son's respect for his mother. We do not mean to say that in this or any other Christian country Jewish sons despise their mothers. The co-existence of Christianity necessarily counteracts the development of Rabbinical principles. We intend only to exhibit the natural and necessary consequences, if there were no counteracting force. The contempt which the oral law pours upon women in general, and the encouragement which it gives to polygamy have necessarily the effect of lessening their respect both in the eyes of their husbands and their sons, and this tendency is still more increased by the *Rabbinic doctrine of divorce*, which we now propose to consider. The law of Moses permits divorce under certain circumstances. It says, "When a man hath taken a wife, and married her,

and it come to pass that she find no favour in his eyes, because he hath found some uncleanness, ערוה דבר, in her; then let him write her a bill of divorcement, and give it in her hand, and send her out of his house," &c. (Deut. xxiv. 1.) But this permission, founded on grave and important considerations, the rabbies have perverted into an unlimited licence to divorce on the most trifling pretext.

ב"ש אומרים לא יגרש אדם את אשתו אלא א"כ מצא בה ערוה דבר דרשי ליה לקרא כשטייה אם לא חמצא חן בעיניו למי שמצא בה ערוה דבר ב"ה סברי אפילו הקדיחה תבשילו דרשי לקרא הכי כי מצא ערוה דבר או ערוה או דבר אחר שטייה כנגדו ור' עקיבא סבר אמ' מצא אחרות נאה הימנה דרשי לקרא הכי הדיח אם לא חמצא חן בעיניו מ' חן של נוי או שמצא ערוה דבר והלכה כב"ה שאם שטייה כנגדו יכל לגרשה :

"The school of Shammai says, A man is not to divorce his wife unless he shall find some uncleanness in her, for they interpret the verse according to its simple meaning, if she find no favour in his eyes on account of his finding some uncleanness in her. The school of Hillel thinks, that if a woman let the broth burn it is sufficient, for they interpret the words 'a matter of uncleanness' to mean, Either uncleanness, or any other matter in which she has offended him. But R. Akiva thinks, that a man may divorce his wife, if he only find another handsomer than she is, for he interprets the verse thus, 'If she find no favour in his eyes,' where he explains favour to refer to the favour of beauty, or if he find a matter of uncleanness. But the legal decision is according to the school of Hillel, that is, if a wife sin against her husband, he may divorce her." (Arbath Turim Hilchoth Gittin., l.) This monstrous passage is in itself sufficient to shake the authority of the oral law, for in the first place we find three grave authorities, Shammai, Hillel, and Akiva, all differing as to the sense of a most important passage, bearing upon a subject that most nearly affects the happiness and well-being of human society. One of the gravest questions that can be propounded is, When is a man justified in divorcing his wife? If there be an oral law at all, it ought certainly to answer this question clearly, unequivocally, and satisfactorily. The existence of disputation shows that these three rabbies had no authoritative tradition on the subject, but

were merely giving their own private opinions : and that therefore the assertion, that an oral law exists, is a mere fiction invented to impose upon the credulous, but insufficient to beget faith in any man or woman that will make use of the reason given by God. The old fable, that God caused a voice to be heard from heaven, saying, when the rabbies differ, "That

אלה ואלה דברי אלהים חיים ;

both speak the words of the living God," will not do now. Every one can understand that God does not speak contradictions. No one will believe that the profane sentiment of R. Akiva, That a man may divorce his wife as soon as he finds another who pleases him better, can proceed from the God of holiness and justice. It is true that this opinion is not the law; but the opinion of Hillel, which is the law, is not a whit better. It pronounces that if a woman only spoil the broth she may be divorced : now this interpretation of the words of Moses is plainly contrary to the grammatical sense : *קְרִיָה* is in Regimen (*סמיכה*) and joined to *קָרַר* by a munach, and can therefore by no means be separated from it so as to signify "Either uncleanness or some other matter." The words of Moses, the points, and the accents, all decide that there is only one cause for which a man may put away his wife. Hillel and his successors have willfully passed by the plain sense of the Hebrew words, in their eagerness to obtain a facility for putting away their wives. They were not ignorant of the right sense, for that was plainly asserted by Shammai, but were determined to get rid of it; and such was the state of the Jews at the time, that they had influence enough to turn their false interpretation into law; and such has been the state of the Jews ever since, that it continues law to this very hour. A Rabbinical Jew may, according to his religious tenets, turn away his wife, the mother of his children, on a pretext that would hardly justify the dismissal of a servant. He may rudely tear asunder the sacred ties of conjugal affection, and separate between mother and children, if the unhappy woman should only make a mistake in her cookery. One of the worst charges brought against the slave-dealers was, that they had no respect either for maternal or filial affection; that they separated between mother and children. The very same accusation can be brought against modern Judaism, which legitimatizes the very same disregard for the feelings of a mother. Can, then, such a religion, which thus daringly snaps the ties of nature, be from God? Is it possible that God should thus expose one half of his rational creatures to the caprice and the tyranny of those who ought to be their defenders and protectors from every

insult and every harm? If the same right were given to women, though the laws would be most contrary to the divine institution of marriage, it would at least have the appearance of justice; but this is denied. The oral law says,—

אם לא תמצא חן בעיניו מלמד שאינו מנשך אלא ברצונו. ואם נתגרשה שלא ברצונו אינו מנורשת אבל דאשה כותשתה ברצונה ושלא ברצונה :

"The words, 'If she find no favour in his eyes,' teach, that the husband does not divorce except voluntarily; and if the woman be divorced against his will, she is not divorced. But the woman is divorced with or without her will." (*Jad Hachazah. Hilcoth Girushin, c. 1, 2.*) According to this doctrine the happiness of the wife and the children is absolutely vested in the power of the man, and in any paroxysm of ill-humour, he may make them both unhappy for life; he may turn the mother out of her home, drive her forth like a criminal from the bosom of her family, and introduce a stranger. Who does not see that this is a power unfit to be trusted to the hands of any man or any people? We do not mean to impute anything peculiar to the Jews; we believe that as to their natural propensities, humours, and caprices, all are much alike, and that therefore none ought to have the power of thus lightly breaking up the domestic constitution. It is no answer to this to say, that in this country divorce is not so lightly practised. Thanks to the power of Christian principle and the existence of Christian laws, it cannot be. But every one, who has had much opportunity of seeing Rabbinical Jews, knows that divorce is practised amongst them with a facility and frequency that is astonishing. But this is not the question; we are not examining Jewish manners, but the modern Jewish religion; and if divorce had never been practised, we should still pronounce of the oral law, which inculcates such principles, that it cannot be from God; and of its authors that they were bad men, or they would never have thus trifled with God's most holy institution. The truth is, that the rabbies were altogether ignorant of the nature of marriage as God established it. They not only allow divorce on the most trifling pretext, but they sanction the practice of marrying for a given length of time, and, when that time is expired, of dissolving the marriage by divorce.

לא ישא אדם אשה ודעתו לנשך ואם הוריעה

בהזלה שזוהו נשוא אחת לימים מותר :

"A man must not marry a woman with the intention of divorcing her; but, if he previously inform her that he is going to marry her for a season, it is lawful." (*Hilcoth Gittin in Even Haezer, l.*) Now how contrary is such doctrine to the express words of

Scripture. "This is bone of my bones, and flesh of my flesh. Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh." (Gen. ii. 23.) Here Adam, in his state of innocence, pronounces that the tie of marriage is more sacred and more binding, than even that which exists between parent and child. A man may, and for his wife's sake shall, forsake father and mother, but should no more think of separating from his wife, than from his own bones and flesh. Who would lightly think of parting with a limb, or a portion of his body? Urgent, indeed, must be the necessity that will induce a man to permit the separation of a portion of himself, and equally urgent should be the cause that should move a man to part with her who is bone of his bone, and flesh of his flesh. Such is the Mosaic doctrine of the marriage obligation; but so little did the rabbies understand it, that they permit a man to marry for a week, a month, or a year; and when that season is expired, to tear asunder the sacred ties, and that without any cause whatever. But the evident evil that must result from the Rabbinic doctrine of divorce is still more apparent from the first sentence of the passage last quoted—"A man must not marry a woman with the intention of divorcing her." These words show the direct tendency of the doctrine. When power is given to a man to turn out his wife when he likes, a temptation is at once held out to the evil-disposed to marry with the express intention of divorcing. The rabbies, therefore, find it necessary to forbid it; but is it likely that this prohibition will have much force in the eyes of a man who is wicked enough to form the intention? And suppose a wicked man does form the intention, and execute it, what remedy has the poor injured woman? Thus the oral law leaves the daughters of Israel completely at the mercy of the unprincipled, and places them beyond the possibility of obtaining justice.

But the cruelty and total want of feeling which the oral law displays and teaches, with regard to women, appears still more plainly from the following extract:—

מי שנחרשה אשתו הרי זה מגרשה בגס ותורה מגרשתה אבל אם נשתתם אינו מוציאה עד שתגריא דבר זה תקנת חכמים הוא כדי שלא תראה הפקר לפרוצין שדרי אינה יכולה לשמור עצמה לפיכך מניחה ונושא אחרת ומאכלה ומשקה כשלה ואין מוסיבין אחרו בשא' וכסו' ועונה שאין כח בגן דעת לדור עם השושים בבית אחד ואינו לראותה ולא לפרות' ואם גרשה הרי זו מגרשה ומוציאה מביתו ואינו חייב לחזור ולהשמיך בה:

"If a man's wife should become deaf and dumb, he gives her a bill of divorce, and she is divorced. But if she become insane, he is not to send her forth until she is recovered:

and this thing is an ordinance of the wise men, that she should not become a prey to the immodest, because she is not able to take care of herself. The husband, therefore, leaves her where she is, and marries another, and gives her meat and drink out of her own property. But he is not to be compelled to give her food and raiment, and duty of marriage, for it is not in the power of a sane person to dwell in one house with the insane. Neither is he obligated to have her cured, nor to ransom her. But if he should divorce her, then she is divorced, and is to be put out of his house: and he is not obligated to return and take any trouble about her." (Hilchoth Girushin, x. 23.) Principles more contrary to God's Word, and to the common feelings of humanity, were never inculcated under the name of religion. We have been astonished at the cruelty with which the oral law treats Gentiles—we have been horrified at the coolness with which it speaks of splitting open an *Amhaaretz*—but here it surpasses itself, and out-herods Herod. A man accustomed to judge of his duty by the words of Moses and the prophets, or even to follow the dictates of unsophisticated nature, would conclude that, as he is at all times bound to love and cherish his wife, the obligation is doubly imperative in case of sickness, but especially so when that sorest calamity with which human frailty is visited, insanity, attacks the partner of his life. Then it is that the man, who has one spark of the fear of God or of the love of man, will show all his tenderness, watch over the sufferer with all care and anxiety, and, if necessary, devote all his worldly goods to minister to her recovery. No, says the oral law, when the wife of your bosom most requires your attention, then marry another: give her neither food nor raiment, and, if you please, cast her out of your house, and leave her to her fate. The most charitable conclusion would be, to suppose that the men who passed off such sentiments under the mask of religion, were themselves insane. But what are we to think of Israel, that for eighteen hundred years they have been unable to detect so manifest an imposture? And what are we to think of Israel at present, that they sit still and suffer their children to be deluded, by being taught that this most atrocious system of inhumanity, is that pure and holy religion which the God of Israel revealed to Moses? Let not any Israelite mistake us. We do not mean to charge such wickedness upon them. The Providence of God has in a measure delivered them from such an odious yoke. The influence of Christianity has successfully counteracted the full development of these anti-human principles. We only mean to direct their attention to the nature of that religion to which they have

adhered so long; and to induce them to consider what would be the state of the world, if Jesus of Nazareth had not arisen to protest against such gross corruptions, and to assert the truth. Just suppose that the traditions had triumphed. The universal law would then be, that men might divorce their wives when they please, and in the time of their calamity cast them forth into the streets. All the bonds of natural affection would be rent asunder. Conjugal affection would cease, filial duty be unknown—no son would honour his mother, for how could a son honour the unhappy being whom his religion pronounces unworthy either of succour or compassion in the time of her utmost need? If such principles had attained dominion, mankind would have been turned into a race of fiends, and this earth have become a hell. What, then, has stopped all this misery? Christianity, and Christianity alone. It teaches very different principles. When a Christian man is married, the vow which he is required to make is this—“Wilt thou have this woman to thy wedded wife, to live together after God’s ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honour, and keep her in sickness and in health; and, forsaking all other, keep thee only unto her, so long as ye both shall live?” This is the doctrine of the New Testament. The Pharisees asked the Lord Jesus, “Is it lawful for a man to put away his wife for every cause? And he answered and said unto them, Have ye not read that He which made them male and female, and said, for this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh? wherefore they are no more twain, but one flesh: what, therefore, God hath joined together, let not man put asunder.” (Matt. xix. 3—7.) In like manner, Paul teaches, “So ought men to love their wives as their own bodies. He that loveth his wife loveth himself.” (Ephes. v. 28.) And Peter teaches in the same spirit, “Likewise, ye husbands, dwell with them according to knowledge, giving honour unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life, that your prayers be not hindered.” (1 Peter iii. 7.)

Let any unprejudiced, yea, or any prejudiced, man, if he have only the use of his senses, compare these two doctrines, and say which is most agreeable to the will and character of God, as revealed in the Old Testament—and, which is most calculated to promote the happiness of the human race. The combination of mercy and justice forms a striking feature in the revealed character of God, but is there either justice or mercy in the laws which we have just considered? The happiness of the human race depends, in a more than ordinary measure, upon the right organization of the family relations: but how can there be any such thing as domestic order or peace, so long as the mother is looked upon as belonging to an inferior caste, whom it is permitted at any moment, even in the most afflictive of all visitations, to outlaw, and drive forth from the family circle? The uncontrolled dominion of the oral law would practically annihilate all the sympathies and consolations of the domestic constitution. The husband could not love the wife whom his religion teaches to despise, and forbids to pity. The wife could not love the husband, whom she must suspect not only of being destitute of affection, but devoid of pity; and from whom she could only expect divorce and expulsion in the hour of calamity. The son would learn to despise his mother, whom his religion marks out as a fit object for contempt, and a suitable victim for the exercise of cruelty. The mother, cast out by her own partner, would not even have the consolation of being pitied by her own children. A false religion would have taught them that this unnatural conduct was only obedience to the Divine will. The principles of Christianity, on the contrary, produce and protect all that domestic happiness which distinguishes Christian countries from the rest of the world; and in which Jews participate. The influence of Christianity has prevented that misery of which we have given but a faint outline. Can, then, the Jews deny that Christianity has been, and is, to them a blessing? or that it is, in its principles and effects, more agreeable to the character of God, and more productive of human happiness, and therefore more excellent and more true than modern Judaism.

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