

# נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות עולם. ירמיהו טז

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MODERN Judaism, or the religion of the Jews, as it is professed by the majority of the nation scattered through the world, confessedly consists of two parts. The first is composed of those laws which are התורה, i. e., which are either really found in the written law, or are supposed to be based upon some passage of it. The second, of those laws which are מדברי הסופרים "of the words of the scribes," and which are, therefore, mere human institutions. Concerning those that were given by God, we readily grant that they can be changed or abrogated only by God himself. But respecting the latter, both reason and Scripture concur in assuring us, that what human authority has ordained, a similar human authority may also abrogate. We grant that so long as the Jewish polity remained, and the scribes were magistrates, their ordinances, so far as they were not contrary to the Word of God, were binding upon the Jews: but even then those ordinances were not immutable. They might have been repealed by the scribes and magistrates who succeeded them. And even then, whenever they stood in opposition to the Word of God, it was the bounden duty of the Jews to refuse obedience. For what reason then do the Jews of the present day still pay the same homage to the words of the scribes that they do to the Word of God? The scribes are not now the civil magistrates of the countries where the Jews reside; their words, therefore, carry with them no authority whatever. The Jews are now in different circumstances—are subject to other magistrates and lawgivers. The magisterial sanction, which the words of the scribes had before the dispersion, has long since been lost; and God nowhere commands the Jews in England to obey laws made by the civil magistrates of Palestine two thousand years ago. There is not a shadow of obligation remaining; and therefore the Jews of the present day have a full right to examine into their tendency and effects, and if they should be found injurious or unsuitable to present circumstances, to reject them. If the words of the scribes be not obligatory by virtue of divine authority, the only imaginable reason for observing them is the supposition that they are conducive to the welfare and happiness of Israel, but if it can be shown that this supposition is false, then both reason and religion would suggest the wisdom of rejecting them.

We have already shown of several such laws that they are alike noxious to man and dishonouring to God, and think now to exhibit a similar result with regard to the laws concerning mourners for the dead. Of many of these it is confessed that they are not of God, but simply ordinances of the scribes: thus, of the command to mourn seven days, it is acknowledged, that it is not to be found in the law. ואין אבלות מן התורה אלא ביום ראשון בלבד שהיא יום המיתה ויום הקבורה. אבל שאר השבעה ימים אינו דין תורה:

"The only mourning commanded in the law is that on the first day, which is the day of the death and of the burial. But that of the rest of the seven days is not an ordinance of the law." (Hilchoth Avel, c. i. l.) And thus with regard to the various things from which the mourner is to abstain during those seven days, it is acknowledged expressly that the command is altogether an ordinance of the scribes.

אלו הדברים שהאבל אסור בהן ביום ראשון מן התורה ובשאר ימים מדבריהם. אסור לספר ולכבד ולרחוק. ולסוך. ולשמש ממתו. ולנעול את הסנדל. ולעשות מלאכה. ולקרות ברבוי תורה. ולקוף את המיטה. ולשרוד את ראשו ולשאלו שלום הכל:

"These are the things which the mourner is prohibited from doing, according to the law, on the first day, but according to the words of the scribes on the remaining days—shaving, washing the clothes, bathing, anointing, duty of marriage, putting on shoes, working, reading in the words of the law, elevating the chair, uncovering the head, asking after the peace of any one." (Ibid., c. v.) As therefore the rabbies themselves do not pretend that abstinence from these things during those days of mourning is required in the law; and it is further a matter of fact, that this abstinence is not inculcated by the laws of the land, it naturally becomes a question, Why then do the Jews now observe these rites? Are they conducive to the happiness and welfare of Israel? We might doubt respecting several of them, but one is so obviously oppressive to the poor as to be almost beyond controversy; we mean the prohibition to work during the seven days' mourning. We do not mean to deny, that when death enters a family, it is a providential call to humiliation and serious reflection, and that therefore those who can should withdraw for a while from their every-day occu-

pation, and seek by prayer and penitence to have the affliction turned into a blessing. But to require of those who have not food for themselves or their families to embitter their cup of sorrow by adding the pangs of hunger, is to act the part of an inconsiderate and merciless tyrant, and this is what the oral law does. It says—

כל שלשה ימים הראשונים אסור בעשיית מלאכה  
אפי' היה עני המתפרנס מן הצדקה : מכאן ואילך אם  
היה עני עשה בצנעה בתוך ביתו :

“All the first three days it is unlawful to work, even though the man should be so poor as to live on alms. But after that, if he be poor, he may work privately in his own house.” Thus, all those whose business lies out of doors, and who are obliged to wander about in order to get a livelihood, are completely cut off from the possibility of supplying the wants of their family. The law was evidently made under very different circumstances from those in which the Jewish people is now found. It presupposes that every one has got some trade or occupation whereby he can earn his bread at home, but this is not the case at present. A large proportion of the people, in every part of the world, now get a living by frequenting the public resorts of men : to forbid these, then, from going forth to their work, is equivalent to forbidding them to eat during seven days. Why then should Israel be bound by these laws, which even, according to the confession of the rabbies, have no divine authority, and are now only oppressive to the poor ?

But it is not merely of inconsideration for the poor, that the oral law is guilty : we have more than once remarked the proud contempt with which it treats the poor and the unlearned, and are sorry to find it even in the laws concerning the last sad offices to humanity.

עיר שיש בה שני מתים כאחד מוציאין הראשון  
ואחר כך מוציאין השני — הזכר והלמד חכם מוציאין  
הזכר : ה"ח ועם הארץ מוציאין ה"ח :

“If there be two persons dead in a city at once, he that died first, is first to be carried forth to burial, and then the second. But if one of them be a wise man, and the other the disciple of a wise man, the wise man is to have the precedency. If one be the disciple of a wise man and the other an unlearned man (amhaaretz), the disciple of the wise man is to be carried forth first.” (Joreh Deah, 354.) We do not here object to the practical result, but to the spirit of the law. God has ordained different ranks and grades of society, and wills, therefore, that honour should be given to whom honour is due, and the common course of the world brings men and things to their level. But the doctors of the oral law were determined not to leave their posthumous honour to the natural course of events, but whilst they lived, took the matter into their

own hands, and decreed that the honour paid them in life should also be rendered to their poor bodies after death ; and that no plebeian or unlearned person should take precedency, even in the last sad memento of human frailty. After death there is but little difference between the learned and the unlearned, and the real difference is made, not by their previous learning or ignorance, but by their moral worth. An unlearned man may be, and often is, far more beloved by man, and far more pleasing in the sight of God, than the most learned, and therefore, when death has destroyed the imaginary distinctions of time, if religion makes any difference between the dead, it surely ought to make it according to that estimate, which is eternal. But the religion of the oral law cannot forget worldly distinction, even in the solemn moment of death, and therefore commands, that as the unlearned man, no matter what his moral worth may have been, has been despised in his life, he should still bear the marks of dishonour even in his death and burial. But the homage which the oral law pays to wealth and mere worldly distinction, is still more apparent in its commands respecting the measure of lamentation to be dealt out to the deceased. It says, on this subject—

בני עשירים כבני חכמים בני חכמים כבני מלכים  
לעבין שבה מעשיהם :

“The sons of the rich are to be regarded as the sons of the wise men ; and the sons of the wise men as the sons of kings, with regard to praising their deeds.” (Ibid., 344.) Here there is no concealment. The learned makers of the oral law choose to have their children honoured with the honours of royalty, and show that, however highly they might prize their learning, they had a due estimate of the value of wealth ; and that however they might despise the unlearned, their contempt might be moderated, if the object of it was only rich. In the world, we are not astonished at the inordinate homage paid to wealth, but when the teachers of religion bow down before the golden idol, and assign to mere wealth an honour which they refuse to the piety and moral worth of the poor, we cannot help doubting the purity of their professed principles, and questioning the truth of their religious system. The main object of religion should be to raise men above the delusive appearances of this present world—to teach men to look beyond the distinctions of rank, and wealth, and learning, to that eternal distinction which the righteous Judge will make according to man's deeds. And if there be one season more than another where religion ought to disregard the principles and customs of the world, it is with respect to the hour of death and burial. But here the oral law still maintains its love for wealth and worldly distinc-

tion, and its haughty contempt for ignorance, poverty, and humbleness of station. If any additional proof be still necessary, it is found in the forms prescribed on the death of slaves.

העבדים השפוחין אין שומעין עליהן בשורה אין אומרים עליהן ברכת אבלים ולא תהזכיר אברהם אלא כשם שאומרים לאדם על שורו וחמורו שמת במקום ימלא הסרוך כך אומר על עבדו ושפוחו שמתו :

"In the case of male and female slaves, the people are not to stand in a row, nor to say the benediction of the mourners, nor the consolations of the mourners; but, as one says, to a man whose ox or ass is dead, God replace your loss, so one is to say, in the case of a male or female slave who has died." *Ibid.*, 377.) Volumes could not so clearly set forth the genius of Judaism, and the spirit of its authors, as this one short law. It exhibits the founders of Judaism, not only as void of all true religious sentiment, but absolutely dead to all the natural feelings of humanity. If mourners of any description require sympathy and respect, surely they are the mourning family of a slave, for, excepting crime, there is not anything that can aggravate the bitterness of death more than slavery. Here religion should pour in its oil and wine, and as it alleviated the miseries of life, diminish from the pangs of death. At such an hour, religion should assert the liberty of the soul, and remind the children of pride, that in the life after death the distinction of master and slave is unknown; that there eternal and spiritual liberty awaits all the children of God, whatever their outward condition here. At such an hour, religion should especially console the survivors with the hope, that there is another and better state of existence, where the slave and the freeman are equally regarded, and dealt with according to one eternal rule of justice. But the religion of the oral law, on the contrary, carries the degradation of slavery even down to the grave, and helps it to survive the period of bondage. It ordains that the usual religious rites should not be observed, and places the slave on the same level with the brute that perisheth. It prescribes no consolation for the slave's afflicted family, but ordains that his master should receive the same words of comfort, as if he had lost an ox or ass. The death of the slave is looked upon as nothing; it is only for the slave-owner's loss that the oral law has any consideration. The fact of his having been a human being, an inheritor of God's image, and an heir of everlasting life, is entirely overlooked by the rabbies. He was a slave, and they think, therefore, that as he was treated like a beast whilst he lived, he may be buried like a beast now that he is dead. If these slaves had been Gentiles, it would not have been surprising that the oral law should treat them with such little ceremony.

But we must remember that all such slaves were compelled to become proselytes to Judaism. They were, therefore, co-religionists with their masters; but even this could not procure them the respect due to human beings. Because the providence of God had made them slaves, the oral law endeavoured to turn them into beasts. We are sure that many Jews of the present day will revolt with horror from such a doctrine; and acknowledge that it is a libel upon religion. They will be ready to confess, that the poor slave is a fellow-creature, and an expectant of life eternal; but let such persons stop to consider whence they have derived these sentiments, so much more just, more merciful, and more worthy of religion, than those expressed in the oral law. That they have not derived them from Judaism is clear. May they not, then, be indebted for them to the influence and atmosphere of Christianity in which they live? Certain it is, that the New Testament contains very different principles, respecting the treatment of slaves, from those which we have discovered in the oral law. But, further, would it not be well for those who disapprove these Rabbinic principles, to ask themselves, why they profess the Rabbinic religion? If it be true that a slave is something better than an ox or an ass, Judaism, which classes them altogether, must be false: and the men, who made such laws, must be confessed to be very unfit teachers of religion. Nay more, Judaism must be acknowledged as a religion most unfit to promote the happiness of the human race. If Judaism should prevail again, and, as its advocates expect, prevail universally, slavery would also prevail in the same degree: slaves would again be compelled to become proselytes, and again be treated as beasts. Such is the great consummation, the regeneration that Judaism promises the world. We therefore ask every Jewish reader, Whether he can pray for such a state of things, and whether he wishes to be thus enabled to degrade and trample upon his fellow-sinners? If he does not, there must be something wrong in the religious system which he professes—and if he only detects this one error, or acknowledges only this one falsehood respecting the classification of slaves with oxen and asses, it is sufficient to shake the whole Rabbinic fabric: and if he has any concern for the honour of the Jewish nation, he will endeavour to deliver them from such a foul imputation upon their mercy and their humanity.

But there is one point more in these laws respecting mourners, which it is necessary to notice. The oral law forbids the mourner, as we have seen above, to read in the words of the law for seven days.

אבל אסור לקרות בתורה ונביאים וכתובים ואסור  
לשנות במשנה תלמוד הלכות ואגרות :

“The mourner is forbidden to read in the law, the prophets, and the Hagiographa: it is also forbidden to study in the Mishna, Talmud, Constitutions, and Agadoth.” That a mourner would have no great loss in not being allowed to study in the oral law, we can readily believe; but why should he be prohibited from going to the great fountain of consolation—the revealed Word of God? If there be one season of life more fit than another for studying the Word of God, surely it is when death has entered a family, and reminded all its inmates that the wages of sin is death. If a husband or wife be left to mourn over the bereavement of a beloved partner, what consolation can be equal to that which they find in God’s promise of a world where there is neither sorrow nor death, and where those who meet shall never part again? If children be left to mourn over the removal of their parents, whither should they flee for consolation rather than to that Word which tells them of Him who is the Father of the fatherless? Every reasonable person will think also that, when the heart is softened by the paternal chastisement, then is a peculiarly appropriate season for learning his precepts and taking heed to his exhortations—and yet the oral law, with a sort of most perverse ingenuity, has just selected that period of human life, in which the consolations of God’s Word are most necessary and its instruction likely to be of most use, to forbid the reading of it altogether. And here, the rabbies have not scrupled to set aside the plain command of God. God says of his law, “Thou shalt meditate therein day and night;” and makes no exception for the seven days of mourning for the dead. In describing the character of the righteous, he says, “His delight is in the law of the Lord, and in his law doth he meditate day and night;” and pronounces a blessing upon such a character. But the rabbies, in contempt both of the command and of the promised blessing, forbid the already afflicted

mourner to obey the command and to seek the blessing. Even when the Scribes and rabbies were in the plenitude of their power as civil magistrates in the land of Israel, obedience to such a command would have been unlawful, as implying disobedience to the command of God. The law of God and the law of man are here plainly in collision; the former commanding Israel to study in his law day and night; the latter prohibiting all study for the seven days of the mourning; but whenever these two authorities are opposed, no rational being can doubt that it is Israel’s duty to obey God rather than man. But, in the present day, when the oral law is not the law of the land, when, therefore, the ordinances of the Scribes have no authority whatever, it is impossible to conceive why Israel should obey this prohibition, unless they wish, by some public act, to exhibit their determination to transgress the laws of God. Every one who abstains from the study of God’s Word for seven days, plainly disobeys the divine command as given by Moses and the prophets; how then can the Jews, of the present day, deceive themselves by supposing that they have the religion of Moses? The main difference between Heathenism and the religion of Moses is, that the latter gives a revelation of God’s will to guide us in difficulty and to comfort us in affliction. The main difference between a heathen and a Jewish mourner ought to be, that the Jew flees for consolation to God and his Word, whilst the heathen indulges in sorrow as those that have no hope. The oral law, however, breaks down this distinction, and reduces the Jew to the level of the heathen, by robbing him in his hour of need of God’s promises, and commanding him to abstain for seven days from all study of God’s Word. These laws respecting mourning, then, as being oppressive to the poor, insulting to the unlearned, degrading to humanity, and contrary to the express precepts of the divine law, have no intrinsic merit to commend them to Israel, and no claim upon their obedience.

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