

נתיבות עולם

עמדו על דרכים וראו ושאלו לנתבות עולם ירמיהו טז

"THE OLD PATHS."—Jer. vi. 16.

NUMBER 57.]

FRIDAY, FEBRUARY 10, 1837.

[PRICE ONE-PENNY.]

EVERY one naturally thinks that his own religion is the true one. The Mussulman thinks thus of Mahometanism, the Christian of Christianity, and the Jew of Judaism, and yet it is plain that they cannot all be right—two out of the three must necessarily be in error. What then is to be done? Are they all to go on in listless and lazy indifference, and leave it to another world to find out whether or not they have been in the right, or are we to lay it down as a maxim that every one is to continue in that religion in which he was born, whether right or wrong, and that therefore the Turk is to remain a Mahometan, and the Hindoo an idolater, to his life's end? There are very many in the world who seem to think so, and who adhere to a religion simply because it was the religion of their forefathers. Now we grant that no man should carelessly or lightly abandon the religion of his childhood, and have no scruple in saying that he who changes his religion as he would his clothes must be a fool, or something worse. But we must say, at the same time, that he who retains his religion, merely as a matter of prejudice or interest, is not a great deal better, and can hardly be considered as a rational being. Every being, whom the Creator has endowed with reason, ought to have a religion and to know why he prefers it to all others. But perhaps some reader will say, I have a religion—I am a Jew, and I prefer this religion to all others, because God himself gave it to Moses on Mount Sinai. To this we reply, But how do you know that you have got the religion of Moses? If you really had Moses' religion you could not be wrong, but how can you prove that the religion which you now profess is really that true religion? Your fathers in the times of old often forsook Moses and the Prophets, and taught their children a false religion, how, then, can you be sure that this is not the case with what you have got at present? Certainty can be had only by examination and comparison. The Judaism of the present day must be compared with the Law and the Prophets. If it agrees with them, then the Jews have reason to believe that they are in the right; but if not, then they must be in the wrong. Our own firm conviction is, that modern Judaism is altogether spurious, and plainly opposed to that religion which God gave to your fathers. The doctrine of dispensation from

oaths is sufficient to prove this, as was shown in the last number. But we have more objections still to make against that doctrine, and all confirmatory of the conclusion to which we have come. We saw in our last, that if a man swear an oath to himself only, where others are not concerned, he can have absolution, but we now come to consider the case of an oath made to another person, respecting which the oral law teaches us as follows:—
ראובן שהשביע לשמעון וענה אמן או קבל השבועה ונחם שמעון על שבועתו ושאל עליה אין מתירין לו אלא בפני ראובן שהשביע וכן אם נשבע ראובן או נדר שלא יזנה בשמעון או שלא יזנה בו שמעון ונחם ושאל לחכם אין מתירין לו אלא בפני שמעון שנדר ממנו הנייה וחסלו דהה שמעון קטן או גוי אין מתירין לו אלא בפניו כרי שידע הנידר שהתיר דה נדרו או שבועתו ולפיכך יזנה ממנו או יזנה לו:

"If Reuben should adjure Simeon, and he answer Amen, or accept the oath; and afterwards Simeon should repent of his oath, and ask concerning it, he is not to be absolved except in the presence of Reuben who adjured him. In like manner, if Reuben should swear an oath not to receive any profit from Simeon, or that Simeon should receive no profit from him, and afterwards should repent and ask a wise man, he is not to be absolved except in the presence of Simeon, concerning whose profit he had vowed: yea, even though Simeon were an infant or a Gentile, he is not to be absolved except in his presence, in order that he, with respect to whom the vow was made, may know that the other has got absolution from his oath or vow, and that therefore he may receive from or confer profit upon him." (Hilchoth Sh'vuoth, c. vi. 7.) Now in considering this doctrine, we must not withhold that measure of approbation which is due to the rabbies. There is here a certain degree of honesty and plain dealing. The rabbies have determined that where one man swears to another, he is not to be absolved, except in the presence of that other, and are in so far vastly superior in morality to those who hold and teach, not only that all oaths may be absolved, but that they may be absolved secretly, so that he who is most affected by the dispensation, knows nothing about it. Bad as the oral law is, it does not descend to such a depth of hypocrisy and profaneness. Another trait which deserves notice is, that it does not teach that no faith is to be kept towards those who have got another reli-

gion, but expressly determines, that if a Jew swear to a Gentile, he is not to be absolved without that Gentile's knowledge. We readily admit that this is greatly superior to a doctrine of dispensation, taught and practised by some who call themselves Christians; but, having made this admission, and given the rabbies their due, we must also say, that the doctrine of absolutism here taught is plainly contrary to reason and Scripture, and if extensively practised, would destroy all confidential intercourse or dealings between man and man. Just suppose that the law of this country was, that any one who had entered into a solemn engagement with another, could be enabled to break it, simply, by calling up the person to whom he had made the promise before a magistrate, and by declaring, in his presence, that he repented of what he had done, who would ever trust another, or value even an oath? Not only would the commercial transactions of the country be at an end, but the very bonds of society would be rent asunder. The existence of human society depends upon that measure of confidence which a man can place in his brother, but if the Rabbinical doctrine prevailed and were acted upon, there could be no confidence more. A man's oath would be good for nothing, and if so, the value of his word still less. But, besides this, the doctrine that a rabbi may absolve Simeon from his sworn obligation to Reuben, is absurd. If Simeon swear to Reuben a lawful oath, no one on earth but Reuben can release him; but here we are told that a rabbi, who has nothing at all to do with the matter, may remit the obligation. He might, with as much reason and with less profanity, undertake to absolve Simeon from his pecuniary debts. That the dispensation must take place in the presence of the party to whom Simeon swore, is but poor satisfaction, and would not remove the inconvenience, nor diminish the guilt. Suppose, for instance, that Simeon should promise Reuben with an oath, that within a given time he would complete certain business, or lend him a certain sum of money, or any thing else of the kind, and that Reuben should arrange his affairs in dependence upon this oath, what satisfaction would it be to Reuben to be present at the absolution? It would not remove the inconvenience nor indemnify him for the loss to which the non-fulfilment of the oath exposed him, nor abate the vexation and sorrow which he must feel to see a teacher of religion, trampling upon the most solemn sanction with which religion guards the intercourse between man and man. For, after all, the main objection to the doctrine is, that it allows what God forbids, as we showed in the last number, and under the pretence of religion, makes perjury systematic.

But to estimate this doctrine fully, and also

the character of the men with whom it originated, we must look at the original passage in the Talmud, on which the last-cited decision is founded.

החודר הנהא רב חבדו אין מחירין לו אלא בשני
 מכנינו מילי אמר רב נחמן דרביב ויאמר יי' אל משה
 במדבר לך שבט מצרמה כי מתו כל האנשי' אמר לו
 במדבר מדה לך הנה נודך במדבר רחביב ויואל משה
 אין אלה אלא שבושה רחביב רבא אהו באלה ובג
 במלך נבוכד נצר מרד אשר השביעו באלהים הוי' מאי
 מדרותיה אשתדח צדקתו לנבוכד נצר דההא קאכל
 ארנב' דהיא א'ל אישתבע לי דלא מגליה עלי ולא תיסק
 מלתא אישתב' לסקח הוה קא מצטער צדקתו בנושה
 איחשל אשבושתה ואמר שמע נבוכד נצר דקא מבזין
 ליה שלח ותייתי סנהדרין וצדקתו אמר להו דתייתן
 מאי קא עבי' צדקתו לאו הכי אישתבע בשמא רשמיא
 דלא מגליט א'ל אחשילי אשבושתא [א'ל מחשלין
 אשבושתא] אמר ליה אין אמר להו בשני או שלא
 בשני אמר בשני וכו' :

“He that has a vow upon him, with respect to profit from his neighbour, is not to be absolved, except in that neighbour's presence. How is this proved? Rav Nachman says, it is proved by the words, ‘And the Lord said unto Moses, in Midian, Go return into Egypt; for all the men are dead which sought thy life;’ he said to him, In Midian thou hast vowed, go and get absolution from thy vow in Midian, for it is written, ויאל משה ‘And Moses was content.’ (Exodus ii. 21.) Now this word means nothing else but swearing, as it is written, ‘And he took an oath of him.’ (Ezek. xvii. 13.) It is further proved by the words, ‘And he also rebelled against King Nebuchadnezzar, who had made him swear by God.’ (2 Chron. xxxvi. 13.) What was the nature of his rebellion? Zedekiah found Nebuchadnezzar eating a live hare, whereupon Nebuchadnezzar said to him, Swear to me not to reveal this, nor to report the matter. Zedekiah swore, but afterwards he was grieved, and went and got his oath absolved and told. Nebuchadnezzar heard that they despised him, and sent and fetched the Sanhedrin and Zedekiah, and said to them, Ye see what Zedekiah has done, although he swore by the name of God not to reveal the matter. They said to him, He got a dispensation from his oath. He said, Is it lawful, then, to get dispensation from an oath? They said, Yes. He said again, Is this to be done in the other's presence or absence? They say, In his presence,” &c. (Nedarim, fol. lxx. 1.) Now this passage not only illustrates the doctrine of dispensation, but throws much light upon the character and knowledge of the men from whom the tradition is derived. In the first place, it shows a strange confusion of mind to derive ויאל ‘he was willing,’ from אלה ‘he swore;’ but it is stranger still, out of this mistranslation, to invent a story of Moses having sworn and

got absolution ; but the most strange of all is, that any one should be found who can believe this a sufficient warrant for the doctrine of dispensation from an oath made to a fellow-creature. If even it were true, as the rabbies say, that Moses had sworn to Jethro not to return into Egypt, still this is not a case in point ; for Moses did not get absolution from any third person, but received express permission from Jethro himself to return, as we find in the chapter referred to, where it is said, " And Moses went and returned to Jethro, his father-in-law, and said unto him, Let me go, I pray thee, and return unto my brethren which are in Egypt, and see whether they be yet alive. And Jethro said to Moses, Go in peace." (Exod. iv. 18.) If there was any oath, we see that it was dispensed with not by a wise man, nor by any third person or persons, but by him to whom the oath was made. This passage is, therefore decidedly against the Rabbinic doctrine, and therefore the Rabbinic doctrine cannot be true. The second case, cited by the Talmud, is still stronger as a testimony both against the system and the men. It tells us that Zedekiah swore to Nebuchadnezzar not to betray him in a certain matter, which no law, either of God or man, compelled him to divulge—that he swore by the name of the God of Israel, and yet that after this most solemn transaction, he did what he had sworn not to do. He betrayed a man from whom he had received kindness, and equally disregarded the obligations of gratitude and the sacred ties of an oath—in short, that he committed perjury. This is, in itself, bad enough ; but the Talmud proceeds further to tell us, that this was not his own individual act, but the solemn decision of the supreme council of the Sanhedrin. Zedekiah did not perjure himself without having advice. He went to the Sanhedrin, and they absolved him from the obligation of the oath, and that, contrary to their own maxim, that an oath sworn to a neighbour cannot be absolved, except in his presence. Here, then, the Talmud plainly confesses that the Sanhedrin did wrong, in fact that they were aiders and abettors in Zedekiah's perjury ; that, therefore, they were men who had no regard to truth, and no fear of God ; and, consequently, that no man of any common sense would believe a single word that came out of their mouths. What, then, becomes of the whole fabric of Jewish tradition ? It depends altogether upon the unimpeachable character of the various Sanhedrins through whose hands it passed. If, therefore, we should find that any one Sanhedrin consisted of notorious liars, the genuineness of the oral law is at an end. But here the Talmud itself tells us that even before the deportation of Zedekiah, the Sanhedrin consisted, not of common liars, but of false

swearers, of men who had so little regard for the name of the Lord, as to absolve a solemn oath, of which that name was the safeguard. If they had done this in accordance with their traditions, there would be some appearance of consistency, but they did it in the face of the tradition, which says that when an oath is sworn to another person, absolution cannot be given, except in his presence. When Zedekiah demanded absolution, they should have refused, and told him that it was contrary to the oral law ; but, whether from fear or from self-interest, they acceded to the king's wish, and helped him to commit perjury : and these are the men who have handed down the oral law ; what trust, then, can be placed in their word, when they disregarded an oath ? The story is either true or false. If true, then all the Members of the Sanhedrin were guilty of perjury—if false, then the Talmud has handed down a falsehood as truth, and in neither case is it worthy of credit. Surely, it is time for the chosen people of God to use the reason which God has given, and to examine the grounds upon which they profess Judaism. The ignorant and the thoughtless may retain their profession as a mere matter of prejudice, but it would be very strange if any, who think religion worth a thought, should still adhere to a system, for which there is not only no evidence, but against which there is evidence so satisfactory. According to the Talmud itself, and on its own showing, the persons whose office it was to guard the traditions in the days of Zedekiah, were men who transgressed those traditions, and made themselves guilty of perjury ; what warrant, then, have the Jews for believing that those men did not change the traditions, and hand down mere inventions of their own ? What was there to restrain them from such conduct, if they could free themselves from the obligation of an oath by the name of the God of Israel ?

But as the men who handed down the traditions are described by their own successors as wicked and ungodly persons, so the traditions which they have handed down are of the same character, and, as we have said, if generally acted upon, would rend asunder all the ties of human society, and beget universal distrust and suspicion. The oral law plainly and unequivocally allows a man to swear to his neighbour that he will do or leave undone something that his neighbour requires, and then to get absolution from that oath and do the contrary. It is true that it requires this to be done in the presence of the other person, but that does not much alter the matter. Whether Zedekiah divulged, what he had sworn to Nebuchadnezzar to keep secret, in his presence or behind his back, is a thing of very little consequence ; the oath is just as much and as really broken, and the results might

be just as pernicious and injurious. Take, for example, the case of a manufacturer, who communicates to his servant some important secret in his trade, and for his own security binds him by an oath not to divulge it. In a little time, the servant, for some reason or other, finds it convenient or profitable to make this secret known, and goes to a wise man, summons the manufacturer to be present, gets absolution, and then divulges what he had sworn to keep secret—Where is the difference as to all practical purposes, or as to the actual guilt of perjury? But, again, suppose that the wise man was to act as the Sanhedrin did, and absolve the man without summoning the person to whom he swore, it is a question whether the servant would then be bound. Zedekiah evidently thought not. All he was concerned about was to have absolution, and if there was any sin in giving it, he evidently thought that the onus rested upon those who gave, and not upon him who received it. According to the oral law, the Sanhedrin was wrong in giving absolution under the circumstances: but, according to the same oral law, Zedekiah was right in obeying their decision. Implicit and universal obedience to the words of the Sanhedrin and wise men is required by the Talmud; and, therefore, if a wise man give absolution, even though he give it unlawfully, it is still the duty of him who is absolved to obey his decision, and act upon it. A Rabbinit is not allowed to reason; but, as we have seen on a former occasion, to believe that his right hand is his left, and *vice versa*, if the rabbies say so—and consequently, if a wise man absolve him, he is not to trouble either his conscience or his reason as to the right or the wrong; his duty is not to dispute, but to receive the determination as the words of the living God. The provision, therefore, that if Simeon swear to Reuben, he is not to be absolved, except in Reuben's presence, affords but little protection. If it was possible for the Sanhedrin, a body consisting of seventy-one persons, to disregard it, it is surely possible that any other wise man might disregard it also, and absolve Simeon, even in Reuben's absence. Now the bare possibility of such occurrences would make all promises, whether sanctioned

by oaths or not, of no value, and have the most pernicious effect as to the practice of speaking truth. Men might reason from the greater to the less, and say, If it be lawful, by means of absolution, to break an oath, קל וחומר, *a fortiori*, it is lawful to break one's word without absolution; and at all events those to whom the promise was given would be likely to reason thus, and say, If we cannot depend upon this man's oath, much less can we place confidence in his word. But what is worse still, such a doctrine is calculated to make men despise all religion, and to render them a prey to infidelity. The thoughtless and the rash are very likely to say, If this be religion, better far to be without it; or, to conclude that as such doctrine cannot possibly be the offspring of the Divine mind, all revealed religion is a mere imposture. In every case it is a reproach to the good sense and piety of Israel to profess such a doctrine; or, if they do not believe it, to remain silent, and suffer mankind to suppose that this is the religion of the children of Abraham. So long as they profess that the oral law is the source of their religion, so long are they responsible for the doctrines which it teaches; and so long as they abstain from a public renunciation of the oral law, they must be considered as believers in its authority. It will not do to renounce one particular doctrine, whilst they profess faith in the general system. The body of traditions is a whole, which cannot be parted. They all have come down, resting on the same evidence; if, therefore, the evidence be invalid in any one case, it is invalid in all; and if any one admits its validity in some cases, he cannot, if a reasonable man, deny it in others. He may dispute about the conflicting opinions of the rabbies, but if he admit any one of those doctrines which are called traditions from Sinai, he must admit them all, and, consequently, this which professes to be one of them. It remains, therefore, for the Israelites of the present day to choose, whether they will still retain the system of the oral law, and thereby sanction the dispensation from oaths, or whether they will repudiate this doctrine, and thereby renounce the whole oral law.

London:—Sold at the London Society's Office, 16, Exeter-hall, Strand; by James Duncan, Paternoster-row; and by B. Wertheim, 57, Aldersgate-street. This publication may be had by applying at No. 5, No. 7, or No. 18, Palestine-place, Bethnal-green; also at No. 10, New-street, Bishopsgate-street.

Macintosh, Printer, 20, Great New-street, London.