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149

Box
53

Folder
241

The law - a guide to righteous living, 1926.

"THE LAW--A GUIDE TO RIGHTEOUS LIVING."

RABBI ABBA HILLEL SILVER.

THE TEMPLE, SUNDAY MORNING,

JANUARY 31, 1926, CLEVELAND, O.

WRHS



200

^{time}
Last week, you will recall, I spoke of prophecy--the people's protest.) This morning I shall speak of the law(as the people's program.) In speaking of prophecy I tried to emphasize the thought that the prophets laid bare the true aim of religion, which is ethical conduct. The prophets insisted that the fruition of faith is moral idealism, and I said that they denounced institutionalism and formal observances and the cult of sacrifices. I would not, however, have you think that the prophets opposed these things as such. They opposed them as substitutes for religion and not as aids to religion.

We find, for example, some prophets rising to the defense of Sabbath observance; we find, for example, the prophet ^{Ezekiel} ~~Isaiah~~ elaborating a whole sacrificial cult and a ritual for the temple, looking to the restoration of the temple after the Babylonian exile. The so-called priestly code, which is incorporated in the five books of Moses, and which was written in the Babylonian exile, containing both prophetic preachment and numerous ceremonial laws,--that priestly code was the work of the prophetic school in Israel.

So that it is incorrect to place prophecy and law, spiritual religion and ceremonialism, in juxtaposition, as if they were the extreme opposites of moral life. They are not. One supplements the other; one is an aid to the other. The religious legalist tried to give to

the ideals of the prophet a local habitation and ~~an aim~~ ^{a name}.

He tried to ^{recall} suggest them constantly to the people by way of symbol and ceremony and ritual; he tried to make them ever present, almost visible to the eyes of the common people by religious ^{acts} ~~habits~~; he tried to dramatize religious idealism through the aid of ceremony and ritual.

In other words, legalism, this much maligned, much traduced ^{term} ~~institution~~, is, after all, the technique, the pedagogy of prophecy; and it is ^{very} psychologically sound. You cannot have a religion without ceremonies and without symbolism of one kind or another. Our whole life is made up of various kinds of symbols and ceremonies. We think in terms of symbols. Our words, the words we use, are symbols and nothing else; ^{what is symbol is every name has its own meaning & its own value} our code of manners, our social etiquette, all the ~~sweet~~ amenities of social life are nothing more than ceremonials. In and by themselves they are just meaningless formalities, but they are tremendously significant for what they suggest and for the ^{way} ~~manner~~ in which they facilitate social existence. When you rise as a sign of reverence, when you remove your hat in deference to someone, when you salute your flag, and when you sing your national anthem, and when a young man sends flowers to his best girl, or when we visit the grave of our dear departed, we are performing ritual acts, ceremonial acts, just as much as when we kindle our Sabbath lights or perform the seder service on Passover.

Our whole life, when we stop to think of it,

is enswathed in symbolic acts. In other words, ideas will, after a while, express themselves in acts, in habits of conduct, in formal performances which we call ritualism, and these acts will in turn suggest the ideas which first brought them into existence. No man can perform a ritual day by day without that ritual suggesting sooner or later some idea to him which is morally helpful. For example, no one can pray, even though it be mechanical and as a matter of habit, day by day, without some time at some critical moment in his life, ^{being made aware by} those prayers ~~suggesting~~ to ~~him~~ some idea or some ideal which will help him to understand his duties as a man more accurately than if he never experienced prayer.

That is the value of ritual in human life. "From doing a thing even when it is done not for its own sake, ultimately the man will come to do it for its own sake." That is the psychology back of all ceremonialism.

Now the Bible has ^{many} ~~such~~ laws. No one, of course, ^{will} find fault with ^{the} ~~the Bible; they are~~ intrinsic ^{laws} moral ~~laws~~. No one finds fault with the law: "Thou shalt not ~~kill~~ ^{murder}"; "thou shalt not steal"; thou shalt not covet." No one of course can find fault with the numerous ^{laws} ~~legis-~~lation of the Bible looking toward the suppression of idolatry, ^{the} eradication of ^{Pharisee, Cyprian, etc.} cruelty, ^{to} the inculcation of ^{charity and} kindness in the souls of ^{men} human beings. These laws we all accept as ^{valued} ~~binding~~ and as essential.

There are other laws in the Bible which some pe

people call legalistic, ceremonial, and which they ~~discredit~~. *regard little moment*

The laws referring to the observance of the Sabbath, of holidays; the laws concerning things clean and ^{dietary laws}unclean, and numerous other ^{laws} ~~legislation which we find in the Bible~~, ^{but these laws} were ~~all~~ intended to help the children of Israel,--to walk in the way of holiness, to suppress their appetites, and to preserve themselves as a unique, God-serving ^{people} people in the midst of the idolatries and the abominations of the peoples about them.

Now we can readily understand that some of these laws are no longer necessary, ~~no longer function~~, are no longer morally stimulating in ~~society~~ today, but that *some of* ~~these~~ ^{such} laws of ~~such a character~~ are necessary even today is, to my mind, beyond the shadow of a doubt. The specific law may be questioned, but the need of law to help us to walk in the way of holiness, to help us restrain our appetites, and to help to preserve us as a unique people in the midst of the abominations ~~and the idolatries~~ of the world around us,--such laws we still need to this day.

~~And the Rabbis, the scribes, the saints, sages~~ who, following the completion of the Bible--~~the written law~~, elaborated upon the laws of the Bible and developed the ^{laws} ~~oral law--the Torah--these Rabbis~~ were motivated by the same ^{purpose} ~~idealism~~ which prompted the ^{laws} ~~legislators~~ to compose the Bible. The Rabbis over a period of perhaps a thousand years tried to do the self-same thing, namely, to develop such laws as will help the people to remain a kingdom of

new then presented
priests and a holy nation--to help ~~them~~ *then present* ~~by means of~~ habits
of conduct, ~~by means of~~ *then present practices* doing things, to realize in their
lives the idealism of the prophets.

The Rabbis were called upon to do three
things: first, to interpret to the people the law of the
Bible; for in many instances the law of the Bible is not
sufficiently explicit, the Bible needs interpretation, and
the Rabbis, the scholars, lay and priests, were ~~said to be~~
the expositors of the Bible to the people. Secondly, new
laws were required. As time moved on and conditions changed
new situations presented themselves to the people, requiring
new laws, and they ~~came~~ *turned* to their lay leaders or their
priest leaders ~~and asked~~ *for* their guidance, ~~and~~ the Rabbis
were called upon to evolve new laws. And thirdly, the
Rabbis had to meet the altered economic and political
conditions of their time ~~looking towards the preservation~~ *and had to evolve new measures for*
~~of the people, preserving the integrity of Israel.~~ *life and character*

These three things motivated the creation
of that great code of law which we call the Talmud. ~~You~~
~~see,~~ the Rabbis no longer possessed the ~~gift~~ *authority* of prophecy.
Prophecy ceased in Israel with the Babylonian exile,--I
suppose because freedom, ~~which is at the heart of spiritual~~
~~autonomy~~, which ~~in turn~~ is at the very root of prophecy, was
no longer the gift of the people. The people had lost
their independence political and ~~also~~ spiritual; and they
could no longer speak as the prophet spoke. Theirs was now
the . . . echo, ~~and~~ not the immediate revelation which was the

privilege of the prophet. ~~But~~ the Rabbis nevertheless exercised prophetic prerogative ^{by} developing the law of Israel, so that it would meet the new conditions of life, ~~and~~ ^{but} they found their authority not in revelation, which was no longer vouchsafed unto them, but interpretation--the interpretation of the Bible, which they claimed as their right. ~~And~~ ^{That} is the peculiar contribution of the Rabbis to Israel.

They ~~said~~ ^{knew that} the people need ^{ed} new laws; they ~~said~~ ^{knew} ~~that~~ the people must have old laws explained. "We have not the authority to make new laws ourselves, but we have the authority to use our mind and our intellect to interpret the old laws of the Bible so as to derive from them the new laws required to meet the specific conditions of our own day." ^{religion for} And so they evolved a whole ~~system of~~ Biblical interpretation. Hillel had seven rules of interpretation, Ishmael thirteen, and Rabbi Eliezer ultimately thirty-two ^{rules} ways of interpreting the law of the Bible, ^{These methods enabled} ~~so as to make it~~ ^{them to extract from the Bible} ~~yield~~ the numerous regulations ^{for} of conduct and practice which the people required, as life moved on from generation to generation.

For example, the Bible says: "Ye shall do no manner of work on the Sabbath." ~~That is a fatal bit of~~ ^{But} ~~legislation.~~ What shall a man do who must take care of one who is desperately ill? He must do work, prepare food, summon a physician. Shall that man permit his dear one to perish in order to observe this law of the Bible? "Ye shall

do no manner of work on the Sabbath." That question was presented to the Rabbis. They couldn't say: "No, I tell you not to do it." They had no ^{such} authority; the Bible was ~~the only~~ divine legislation, and no one could add to it nor detract from it. But they said: "Let us study the law of the Bible ^{at this point} and see whether, by some means of interpretation, we cannot derive the modification which we need." And so they said: "The Bible says 'And ye shall keep the Sabbath for it is holy unto you.' The Sabbath was given to you and not you to the Sabbath; the Sabbath was given to help you and not to destroy you; so that you have the right ^{in an} ~~under~~ emergency to ^{do work on} ~~desecrate~~ the Sabbath, for you are the one to be served by the Sabbath."

Now you will say that is forced. ^{no more to Supreme Court - due process} But the Rabbis obtained the law which they required and at the same time they preserved the ^{authority} ~~divinity~~ of the Bible and ~~at the same time they preserved~~ the traditional continuity of Jewish law. Let me give you another illustration. The Bible says: "An eye for an eye and a tooth for a tooth." Very early in our people's experience it became evident that that law is a harsh, a cruel law, that must be ^{revised} ~~sub-~~stituted for; and they did. But how? They had to find ~~some excuse~~, some justification for changing a law of the Bible; and they found it in the Bible. The Bible said: "And he that killeth a beast, he shall make restitution, and he that killeth a man shall be put to death." The Rabbis say these two are put in analagous position, one to another--

the man who killeth a beast and the man who killeth another man. Therefore there must be some reason why the two were put together, and the reason is quite apparent. Just as in the case of one who kills a beast, he may atone for it by the payment of money, so in the case of one who kills a man, (except as murder,) may make atonement for it by the payment of a fine or money. That, too, is forced; but by this system of analogy or equation the Rabbis were enabled to evolve the most advanced laws that they required without at the same time antequating the Bible, scrapping it, as it were, ~~and without destroying~~ while at the same time preserving the chain of legal continuity from Moses, the first law giver, unto ~~the last~~ ^{their} ~~one.~~ ^{day.}

Now these laws--and there were hundreds of ^{were collected and} them--after a while ^{with Mishna} were in the Mishna, compiled about the year 220 of the common era, ^{and the Mishna} and the Mishna, which represents the labors of the Rabbis, ^{gathered - the Talmud} was in turn discussed and elaborated upon in the various schools of Palestine and Babylonia, and these discussions ^{+ elaborations} we call the Gemara, ~~and the two~~, the Mishna and the Gemara, constitute the encyclopedia of Jewish law and lore which we call the Talmud, which was compiled about the year 500 of the common era.

Now there came a time, of course, when this system created laws which were really not very necessary. You can readily see how such a procedure would lend itself to casuistry and dialectics; you can readily see how sometimes rabbis and leaders would seek to pyramid law upon law

and add burden upon burden to the people; and that did happen. But it would be a mistake to believe that ^{all} the law ^{was} unnecessary and that all the work of the Rabbis was ^{un}unnecessary. Israel would not have survived if the Rabbis had not built walls ^{and fences} ~~upon wall~~ around ~~and around~~ it to safeguard it from disintegration. The Rabbis knew that Israel was a small minority in the midst of a vast majority, and that the tendency of a minority is ultimately to lose itself, ^{but to be} to assimilate in the majority, and that ^{only} by organizing Israel into an ^{religious} army, disciplined and regimented by hard and fast rules of conduct, ^{could} Israel retain its identity in the world; ~~and~~ the preservation of Israel may be attributed ^{influence} just as much to the work of the Talmud as to the ^{influence} work of the Bible.

Of course there developed in the course of time a great deal of opposition to the law evolved by the Rabbis. We have in Jewish history at least four instances of organized opposition to the work of the Rabbis. The first came very early, ⁱⁿ and the first two centuries before the common era ~~the whole of~~ Israel was split into two warring camps, the Pharisees on the one hand and the Sadducees on the other. The Sadducees, who represented the aristocracy in Israel, and the priestly ^{class} ~~ones~~, said: "We are duty bound to observe but one law--the law of the Bible ^{which} ~~that~~ we accepted, ^{body} ~~that~~ Ezra the scribe ^{had now well away} ~~accepted~~ for us, and we made a covenant with the Lord to observe; no other laws are ^{binding} binding, no other laws partake of the eternal which the laws

of the Bible partake. If new laws are necessary, then we, the priests, are instructed by the Bible to make ^{surely} new laws, ~~and we~~ do not have to find authority for these new laws in the Bible, ~~and~~ the laws which we make are only of a temporary character." The Pharisees, on the other hand, who represented the Jewish laity and the masses of the people, whose strength was not the temple, as in the case of the Sadducees, but the synagogue, which was created in the Babylonian exile,--the Pharisees said: "No group of people has a right to make new laws. The Bible is the only source of authority and the Bible contains all laws necessary for the regulation of human life. These laws may not appear on the surface, but by ^{probing} prying into the book, by interpreting it, by using every device of hermeneutics, we may derive from the laws of God all the laws which we require. ~~And again~~ the right of such interpretation, the right of being the expositors of the Bible is not the prerogative of the priests only but the prerogative of every man who wishes to study the law and devote his life to the Bible."

~~And so~~ the Pharisees claimed that any Jewish layman, provided he be a student, has the right to interpret the law to the people of Israel,

The second great opposition to the work of the Rabbis and the Pharisees came with the rise of Christianity, in the New Testament, especially in the writings of Paul, where you will find echoes of this

struggle against the law. ^{Since} ~~The~~ people have come to think that the reason for this struggle ~~in these days~~ is because the law ^{had become} was a burden, a crushing burden upon the people; that it ^{had} eclipsed the spirit; ^{not} that ^{because} in the ~~m~~idst of these ritual observances the people ^{had} forgot the real ^{essence} heart of religion, which was ^{faith} piety, ethical conduct, ~~and so forth~~. That is not at all true. If it were so, the founder of Christianity, Jesus himself, would not have said, "I am not come to destroy the law but to fulfill it." Jesus would not have said, "Not one jot nor one tittle of the law shall perish." It was Paul who preached a composite religion, a religion made up of the Messiah ideal of Palestine and the Gnostic ^{ideal} of the Hellenic world--a religion which was more pagan than Jewish; it was Paul who was the anti-nomist, the opponent of the law; and for two reasons: first, because he believed in common with all his contemporaries, that "all commandments are nullified when the Kingdom of Heaven comes" --when the new world is established, ^{we do not} in the new order of things ~~we don't~~ need these regulations concerning ^{ceremonies} Sabbaths and holidays, ^{things} and ~~unclean and clean~~ ^{ceremonies} ~~ceremonials~~; all men will be perfect, ~~and the state of perfection will be established~~. ^{then} And inasmuch as Paul felt that he was on the threshold of the new day and the new kingdom--"Prepare ye for the Kingdom of Heaven is at hand"--he naturally made light of the law; it was about to be ^{discarded} ~~nullified~~, anyhow.

And the second reason for it was quite simple: Paul was interested in spreading his faith; he was

a missionary; he traveled all over the Mediterranean world to spread his faith. Now it was easier to make converts on the basis of accepting a certain faith than on the basis of accepting a certain conduct or discipline of life; it was much easier to make a convert of a man by telling him "If you believe in the Savior you are a full-fledged member of the faith,"--it was easier to do that than if Paul were to come to him and tell him, "In order to accept this faith you must submit to this and this rite,, and to these and these observances, and to these and these practices." ~~And~~ So as a matter of faith and a matter of expediency Paul and his disciples were anti-nomists, and it was because of this anti-nomistic character of Christianity, which Paul preached, and because also of their anti-nationalism sentiment--of which I shall speak in one of my future lectures--that Judaism broke with Christianity.

Anyone who speaks of Judaism as a mere code of ethics and who denies the peoplehood of Israel paves the way for the destruction of Israel and of Judaism; paves the way for assimilation, because such doctrines inevitably lead to assimilation, and Judaism in the first century of the common era knew it, sensed it and broke with the new faith.

The third opposition to the Rabbis came in the eighth century, ^{in the wake of} following the great Mohammedan movement. It was called Karaism or scripturalism. It contained much of the doctrines of the early Sadducees. The Karaites, who

for three or four hundred years were a powerful force in Israel, ~~today you find them~~ ^{there remain only a few small} scattered, ~~small~~ communities in Asia Minor, in Crimea, in Lithuania,--handfuls. But between the twelfth and the eighth centuries the Karaites numbered ~~their~~ hundreds of thousands, and were a powerful sect in Israel. The Karaites said: "We don't recognize the authority of the Talmud; we are not bound to listen to the teachings of the Rabbis; we know only the Bible, which is the Word of God." ~~That~~ ^{the} on the face of it seems ^{very} liberal; ~~that on the face of it~~ it seems as if the Karaites tried to emancipate themselves from the yoke of the law. On the contrary, it was one of the most retrogressive and reactionary movements in Israel; for when a man ties himself down to a book written centuries and thousands of years before him, ^{and considers the possibility of progress into future} that man is tying himself to a dead ~~task~~ ^{past}.

For example, the Karaites, who took all of the law of the Bible literally, were compelled to spend their Sabbath, ~~for example~~, which to the rabbinical Jew was a day of joy and spiritual refreshment, ~~and~~ a day of happiness,--~~they spent their Sabbaths indoors; they did not permit themselves to go out of their homes or pass from one room to another; they did not permit themselves to kindle a light in their home. Some of them did not even permit themselves to put on shoes and their coats. They tried to observe literally the law of the Bible, which said: "Ye shall do no manner of work on the Sabbath; ye shall not leave your homes on the Sabbath."~~ And the Sabbath to them

became a day of mourning, while to the progressive Rabbis who revised the law it became a day of great joy and happiness.

~~And~~ the last great opposition to rabbinical Judaism came with our own reform movement ^{was} a hundred years ago. Reform Judaism arose in Germany a little over a hundred years ago. As a result of the French revolution and the era of emancipation, the ghetto walls began to crumble. ^{had begun} ~~Western European Jewry~~ began, from the days of Moses Mendelssohn on, to enter into the Western world and to taste of the culture and the enlightenment of the Western world. Such people soon discovered that the laws of the Talmud, which developed right through the Middle Ages and came to be codified in the ~~S. Shulchan Aruch~~ ^{Shulchan Aruch}, -- ~~These laws~~ were very much of a burden on the people, and they acted very much as a wall between them and the outside world, -- ~~these~~ ^{the walls} fences which the Rabbis had erected to safeguard Israel became walls which isolated Israel. And so they demanded a lessening of the rigors of Jewish ^{law} ~~life~~; they demanded the abandonment of those ritualistic laws and customs which were no longer necessary; they demanded the modernization, the liberalization of Judaism.

Taken by and large, they were right. The New day had dawned not only for the Jew but for the whole world, and the new day demanded changes and modifications. They were right, too, in reemphasizing the prophetic note of Judaism, -- at the heart of our faith are not these

ceremonies and customs, but the doing justice, the loving mercy and the walking humbly with God. ~~They were right there, too.~~ But ~~they, too,~~ like the early Christian, who believed that they were on the threshold of the millennium, they, too, ~~who~~ believed, in the beginning of the last century that they were on the threshold of ^a ~~the~~ new day of universal reconciliation, of the abolition of all restrictions and all prejudices in the world, ~~they, too, had~~ thought that the time had come to abandon practically the entire law, ^{as well as the national character} and that the time had also come to deny the ~~peoplehood, the nationality~~ of the Jewish people; the ^{For} kingdom of heaven was near at hand. ^{- 7 holiness, liberty and tolerance}

They were misled, for the kingdom of heaven is no nearer at hand today than it was two thousand years ago, and Israel must still ^{struggle for survival and} suffer and agonize in order to make its ideals count in the world today as much as it did in the days of Isaiah and Jeremiah, ~~and~~ in order to do that Israel must preserve its identity, ^{and} its uniqueness, ^{character} ~~its~~ sainthood today as it ^{had} ~~had to do~~ right through the ages.

The leaders of the reform movement, unfortunately, ^{down} stripped Judaism to a mere code of ethics, to a mere ethical formalism, with the result that demoralization set in and disintegration. Not one of the Jews who lived in Berlin in the days of Moses Mendelssohn has a Jewish descendent today in Germany. They all have gone the way of apostasy and assimilation.

^{It is clear that}
~~What is the way out?~~ Surely, we cannot go

back to the S^{hulchan Aruch} and accept that as our ^{modern}
guide in life. However desirable that might be, it is no
longer possible. But surely ^a ~~that~~ condition of ^{utter lack of feeling} indifference,
~~of religious apathy, which has prevailed in our midst to~~
~~this day,~~ ^{will} is not making for group solidarity and for the
intensification of faith in our midst. We have abandoned
the Sabbath, practically, so that we have neither Sabbath
nor Sunday. We have no real spiritual day of rest; we do
not observe our festivals as we should; we have given up the
idea of family prayer, private prayer, ^{or} public prayer. With
what result? Surely our moral consciousness has not been
strengthened as a result of this ritualistic laxity, with
the result that a great deal of indifference has set in in
~~Jewish life.~~

We need a ^{certain} minimum of religious legalism in
our midst. We are still a small minority fighting for our
existence and for our ideals in the world, and we still need
~~that~~ discipline which every army needs in order to retain
its morale and its fighting power. Our spirit still needs
a body; our ideals still need a local habitation and a name;
and liberal Judaism today, emphasizing as it should, that
the essence of religion is faith and moral conduct, ought
to, in deference to itself and to its future preservation,
insist that every Jewish layman subscribe, not out of fear,
not out of compulsion or authority, but ~~subscribe~~ voluntarily
to the keeping of a minimum of religious ceremonialism in
his life, without which Judaism cannot longer survive.

This is not an appeal for reaction; this is an appeal based on the philosophy of Jewish history and our experience of two thousand years. We must Judaize our homes so that the children reared there will imbibe their Jewish idealism through the suggestions and the temptations of customs and ceremonies and symbols.

The law is a guide to righteous living, *and a way of survival* and the law of Israel is one from the days of Moses to this day, modified, changed, altered, but one, *and* indispensable in Jewish life.

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