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The Law and the Prophets, 1947.

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THE LAW AND THE PROPHETS

The Grandeur of the Living Law in Judaism



By

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At

The Temple

On

Sunday morning, February 16, 1947

In our synagogues this week the portion of the Torah which is read is known as "Mishpatim" -- ordinances, judgments, laws. That parasha is composed of the 22nd and 23rd chapters of the Book of Exodus which contain quite a number of laws and ordinances which the children of Israel were commanded to observe.

In Judaism there is both Torah and Nevuah. Torah means law, direction, concrete and specific instruction as to what to do in a given circumstance. Nevuah is prophecy. Prophecy may be said to be the heart of Judaism, the essence of our faith. The prophetic portions of our Bible, the prophecies of Isaiah, Ezekiel and the twelve minor prophets represent the highest ethical and spiritual ideals of our religion.

But these prophetic teachings would have remained sheer abstractions if an effort had not been made to translate them into concrete instruction for the conduct of people, day by day actions which the Jew was commanded to perform. The prophetic teachings are fascinating goals, but there must be a way marked out for ordinary human beings to reach those goals -- a way of life which would approximate them, a sort of blue print for building this ethical life for which Judaism aspired.

And so this spiritual vision or dream of the prophets of Israel had to be given reality -- and the reality was the law, the Torah. But the law nevertheless quite fully expressed the exalted purposes and principles of prophetic Judaism, for man is not a perfect being and reality always lags behind the ideal. But nevertheless the law is the measure of a people's acceptance of an ideal and the measure of its readiness to comply with it. You can gauge a people's spiritual quality or status not so much by what it professes, but by what it accepts as a profession of faith -- by its catechism, as it were. The Jew can gauge the true quality or status of his spiritual life by his code of conduct, by law, institutions, ordinances, practices by which he lives, his day by day life, the relationship of one man to another man.

In our religion true ~~re~~ merit is achieved not by the beliefs which you hold, or the faiths you proclaim -- although these are not unimportant -- nevertheless true merit is gained not so much by profession of faith as by the manner in which men fulfill the Torah, the laws of God.

Now the Bible, which is called Torah, contains many kinds of law -- ethical laws, ceremonial laws, ritual law, public law, civil law, laws of property, damage, domestic relationships, agricultural laws, dietary laws, Temple laws -- many kinds of laws, not all of the same kind or the same value or the same permanence. But all of them when you study them very carefully are motivated by one and the same purpose, clearly to help men and women to live clean and Godly lives, to keep free from heathen contamination, to preserve Israel as the priest people of the world.

Now the founder of Christianity, or of the Christian church, Paul, frequently attacked the law, the ceremonial law especially. He looked upon law as a burden, as a source of sin. The law, he said, makes people conscious of sin. He seemed to find a sharp conflict between faith and works or law on one or the other. "The law," he said, "worketh wrath; for where no law is, there is no transgression." -- It is by faith rather than by law that a man is redeemed. He stressed the oldness of the letter of the law as contrasted by the newness of the spirit.

Actually that is not so with Judaism. The Jews never ~~looked~~ looked upon the multitude of laws as a burden, but as a privilege and a help. And so you read: "Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as the Lord our God is in all things that we can upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day?"

One of the Rabbis of the Mishnah said: The Holy One, blessed be He, wished to grant exceedingly great merit unto the children of Israel....

If you read all the laws connected with the Sabbath, and more particularly in

the Talmud, you may get the impression that the Sabbath Day because of its many restrictions and provisions was a day of hardship for the people, that it was a burden upon the people. Actually it wasn't so at all. The Sabbath was most eagerly looked forward to and most intensely enjoyed spiritually and physically by the people of Israel. They spoke of the Oneg Shabbat, the joy of Sabbath. It was a wonderful day for them. It gave rise to so much of poetry and Jewish literature and music. It was a happy day in every sense of the word. These laws were to intensify the enjoyment of this day of rest.

Commentary on Exodus, Chapter 32, verse 16 states: "And the writing was the writing of God, graven upon the tables." One of the Rabbis said: "Read not graven but freedom for thou findest no free man excepting one that occupies himself in the study of the Law." In other words, contemplation of Law, expression of it in life gave man freedom. It did not enslave him, burden him, but gave him spiritual emancipation.

In this Parasha, Mishpatim, in these two chapters of Exodus which are read in the synagogues this week, we find many laws, and a study of them will reveal the spirit of Jewish Law, and how far in advance of the laws and customs of the heathens about them they were, how progressive, how prophetic were the Laws of Judaism.

Let me select just two or three laws in this Parasha. Four days ago our nation celebrated the birthday of the great emancipator who liberated the slaves from bondage. It was not for that matter abolished in the modern world until very recently and in our own country not until the Civil War. Now the status of the slaves throughout the ancient world, the medieval world was one of utter rightlessness. The slaves possessed absolutely no rights. The master was master of his body and soul. He could do with him what he wanted. He could torture him, put him to death, bond him. Now Jewish Law in connection with slavery -- mind you, this was very ancient law -- three thousand years old -- Jewish Law did not actually abolish slavery. It was too early in the spiritual progress of the people to reach that state of development. Nevertheless they practically abolished it by restricting servitude to a fixed term of

years and restricted the rights of the master over slaves. The Jewish Law looked upon slaves not as chattel as he was regarded by Roman Law, but as a human being. It portrayed and defined their legal rights as against the authority of his master. Thus a man could not be enslaved for life, but only for a short period of six years, and after six years he had to be set free.

"And when thou lettest him go free," we read in the Book of Deuteronomy, "thou shalt not let him go empty. Thou shalt furnish him liberally out of thy flock and out of thy threshing flour and out of thy wine press...And thou shalt remember that thou was a bondman in the land of Egypt."

Only when the slave wants of his own free will to remain for life as servant of his master because of love of him, his wife and his children, and it is only then that he may be permitted to remain for life. Only if he says: "I love my master, my wife and my children. I will not go free." He must announce the fact before he is permitted to remain a slave for life, but then only to the Jubilee year when he must go free. And he takes along his wife his master may have given, and his children.

And then we read: "Thou shalt not rule over him with rigor; but thou shalt fear Thy God." The slave was a man, a member of the household. On the Sabbath the slave was to rest and on all holidays. On it thou shalt no manner of work, thou, nor thy man servant, nor thy maid servant. And if a man strike a bondsman with a rod, and he die under his hand, he shall surely be punished." And "if he smite the eye of his bondman and destroy it, he shall let him go free.

Now what a forward step that was in the relationship towards slaves. One realizes very quickly when one compares that with the laws concerning slaves in ancient world, in the medieval world, for that matter until recent times. Slavery in ancient times was not only extra-tribal, because you did not belong to their tribe, it was inter-tribal. He belonged or was enslaved because he couldn't pay his debts, or committed a crime. No distinction was made between a member of the tribe and the non-member of the tribe. Even in the ideal communities in which Greek philosophers and thinkers

worked slavery was recognized as the very structure of life. Aristotle, for example, wrote in his Ideal State: "The Homeric slave has no rights and is powerless against the and fiat of his owner." And in Roman Law the slave was mere chattel. There were no legal limitations to his master's power over him. An escaped slave, for example, had to be returned and it was the duty and almost pleasure of people to report the slave. And such slaves were frequently crucified.

In the Book of Deuteronomy we read: "Thou shalt not deliver unto his master a bondman that is escaped from his master unto thee. He shall dwell with thee, in the midst of thee..thou shalt not wrong him."

If you will recall the laws in our own country for the returned slaves, you will realize the spiritual/ity of the laws of the Bible written 3000 or 2500 years ago. There was, in other words respect for man regardless of his status in life, man a human being entitled to compassion and to a measure at least of human freedom.

We are celebrating this week throughout the nation, Brotherhood Week, to teach men to respect the rights of other people, people who differ from you in religion, in background, in culture. It is significant that in the year 1947 it is still necessary to set aside a special week to remind people of the duties and obligations of brotherhood.

Now, in the Parashah of Mishpatim written long long ago, we find such laws as these concerning strangers....In Exodus, Chapter 22 we read: "And a stranger shalt thou not wrong, neither shalt thou oppress him; for he were strangers in the land of Egypt." And again in the following chapter we read: "And a stranger shalt thou not oppress, for you know in your heart the oppression of the stranger seeing that ye were strangers in the land of Egypt." And in that great Chapter of Leviticus which I read from the Bible -- chapter 19 there is the same thought, the same law: "But the stranger that dwelleth with you shall be unto as one born among you, and thou shalt love him as thyself. And again in Leviticus: "Ye shall have one law for the stranger as for one of your own country." One law of justice, one law of charity. The stranger

is entitled to the protection of the same law as the native...Ruth, an alien was invited to glean in field. She was entitled by law to do so. Now the stranger, just like the slave was a very disadvantaged person not only in the ancient world, but throughout the medieval world, even in modern times. This is from the Encyclopedia of Religion and Ethics on the subject of strangers:

"The stranger is regarded as a being without rights; for he is outside of the sphere within which alone they are recognized and enforced. This view prevails among many peoples. Except in so far as modified by treaty, by special protection, or by the institutions of hospitality, the same conception ruled among the nations of classical antiquity."

"In early Rome the citizen was regarded as the sole possessor of rights, the privileges conferred in later times on the peregrinus by the jus gentium being, in the main, a result of peaceful intercourse between the republic and the nations, introduced by an advancing commerce. Under the later emperors the merchant belonging to an independent country was subjected to numerous disabilities; and, on the breaking up of the empire, the old conception of the stranger's position immediately revived. In the Middle Ages the foreigner was regarded as incapable of holding land; he was subjected to many disadvantages in matters of law and legal procedure; he was not permitted, or was permitted only upon making a payment to leave the country with the wealth which he accumulated; on his death his property fell in whole or in part to the supreme authority; and it was confiscated on his banishment."

This was the law which was prevalent in the world. This was the law which was prevalent in the world. This was Jewish law, challenging -- proclaiming on law to stranger and native. The stranger must not be enslaved, must not be discriminated against. When one considers what happened in the last ten or fifteen years, the xenophobia, the hatred of the stranger which reached a most disastrous height, people not only deprived of their rights, expropriated, massacred by the millions because they were marked out as strangers, as belonging to a different people, a different race, one realizes how far in advance of the time the laws of Judaism were.

I would like to call your attention to another law found in the chapter on Mishpatim. In Exodus 22 we read: "If thou lend money to any of my people, even to the poor with thee, thou shalt not be to him as a creditor. Neither shall ye lay upon him interest. If thou at all take thy neighbor's garment to pledge, thou shalt restore it unto him before the sun goeth down; for that is his only covering; it is his garment for his skin; wherein shall he sleep?" Now this law against interest belonged to a simple agricultural economy of ancient Israel, a loan was an accommodation to a friend in need. The motive was human kindness. But even in later times when people became interested in commerce, interest charges were still prohibited. Much has been said about the Jews in the Middle Ages who were engaged in money-lending. The Jews engaged in money-lending for two reasons. Numerous unpredictable persecutions and exiles made it necessary for them to carry their wealth in a form which was easily transportable. Other occupations were forbidden to them. They could not lend money for interest to Jews. Under capitalist economy the right of money to earn an interest for its use is universally recognized.

Nevertheless the idea of a free loan, the free loan society to help fellow Jews by enabling him to help himself -- a loan without interest charges remained a powerful institution in Jewish life. Jewish Law recognized that there are strong and there are weak. The strong were not to exploit the weak, but to help the weak. Jewish Law recognized the principle of competition, nevertheless it set definite limitations to competition. Men belonging to a society were obligated to help one another to achieve common good.

And finally I should like to draw attention to another law found in the code of law in Exodus, which is again indicative of the spirit of the Law and how the law tried to express in concrete situations the prophetic ideals of Judaism. And so we read:

"If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again." If thou see the ass of him that hateth thee lying under its burden, thou shalt forbear to pass by him; thou shalt surely release it with him."

Now it is easy to be kind to friends and to some people it is easy to be kind to strangers, but to lend a hand to an active enemy. That is very difficult. And it is this difficulty which Judaism encourages in terms of law binding upon an individual. It is not merely an enemy himself ^{whom} /a man is to help, but the property of the enemy should be protected whenever it can be protected. If his ox goes astray, bring it back to him. If you see his beast of burden lying in danger of perishing then you must release that animal.

In the Book of Proverbs we read: "If thine enemy be hungry, give him bread to eat; and if he be thirsty, give him water to drink."

Those who have carried out polemics against Judaism, Judaism as a religion which has nothing to say about justice, about the love of one's neighbors -- that is the purest kind of anti-Semitism. Not only is our religion way ahead of its time in justice, it is a religion of love, love not only of our own and our neighbors, but love of the stranger as I have read to you. And even if you cannot love your enemy, the law proclaims that you can help him and perhaps through helping him you may come to love him or he will come to act in such a way as to merit your love. A study of Jewish Law will convince one how true is that phrase: "What nation is there so great, that hath statutes and judgments so righteous as all this law which I set before you this day."

The Jewish people loved Law. The Rabbis were great legalists and it is not surprising that so many Jews still carry on the profession of Law to this day. Our people gave to the world some of its ^{fore} /most legal authorities because our people always believed that Nevuah, revelation of the highest truths if it is not to remain mere abstraction has to be expressed in concrete laws of human conduct. And it sought in all ages, motivated by great ideals to give to men the most advanced and progressive laws possible. Torah remains, in my judgment, the supreme contribution of the Jewish people to civilization.

1. Prophecy - heart - highest ethical + sp. ideals - Essence of Jud.
Principles -

But they would have remained abstractions -
Fascinating goals with no way marked out to reach them
a way of life - which would approximate - outlined -
a map - a blue-print for the structure of the ideal
life.

2. The sp. dream had to be given reality,
that Reality was Law!

The Law never quite fully expressed the exalted purpose
- for man is not a perfect being - and the real
always lags behind the ideal.

But it is the measure of a people's acceptance of
an ideal and its the measure of its compliance
with it.

You can gauge a people's sp. quality better
by its code of conduct, than by its
profession of faith - & its attachment.

3. Jud. is for now a matter of direction - ^{law} ~~which is~~ ^{Pr} ~~which is~~ ^{Pr}
direction means teaching, direction, law -
which looked upon as divinely inspired - ~~not~~

Merit is achieved not by the beliefs which you hold - (2)
the faith you proclaim - as by the manner in which
you fulfil the laws & jud -

4/ ~~Paul~~ Bible has many kinds, laws - public law -
civil law - laws of property & damage, laws of
domestic relationships, ag cultural laws, dueling laws,
ceremonial laws, Temple laws -

Not all of same kind - same value - same permanence

But all motivated by same purpose - clear, Godly
lines, free from heathen contamination, and present
them as a purest people -

5/ Paul - attracts Law. Ceremonial - makes men careless, sin
Law a burden - a source of sin and
conflict bet. faith and law works. (Law)

"The law worketh wrath; for where no law is, there
is no transgression" -

"the renewing of spirit - the holiness, the better"

Faith only alone - is needed for salvation

6/ Wt 20! Deut. 4. 5-8 = (p. 105)

R. Chanan said: The Holy An. b. b. he worked & present merit
to Israel. Covenant & Law needed

x2l - Sabbath laws - burden enjoyed - (3)
xl 200 - Jews - poetry - דברים

(a) Commenting on Ex. 32 16: "and the writing was the writing of God, given upon the tables".

"Read not x2l (given) but x2l (freedom) for their freedom
no free man excepting one that occupies himself
in the study of the law!"

7/ We read this week xl 2 - Ex. 22 and 23
the laws of Israel -

A study of them - spirit of law - how far in advance
of customs) rather would - close by approach P. did
will select a few - those in relation to ideas of this week
I Slavery - universal in ancient world - but not
abolished until recently - for U.S. - 1865.

- States were on other rightless ones -

- No right which master was ~~was~~ obliged to respect

He ruled him body & soul - Torture him - Put him to death

(a) Jew. law ^{3000 years ago} did not abolish slavery - Too early in their

of progress -

But already laws were enacted to protect the

Heb. slave ag. inhumanity & cruelty.
Jud. proclaimed that even the slave had rights -

(4)
⑤ He could not be enslaved for life. ^{only} 6 yrs -

"And when thou lettest him go free (D. 15) from thee, thou shalt not let him go empty. Thou shalt furnish him liberally out, thy flock & out, thy threshing-floor, & out, thy wine-press." ... And thou shalt remember that there was a bondman in the land, Egypt...

Only if he says - "I have my master, my wife & my children, I will not go free" - ^{for wife} ~~servant~~ for life -

But even then only until further year - Seifer - Free to talk with him the wife which his master gave him & his children -

For (Lev. 25) they are day servants - whom I have put forth out of the land, Egypt. They shall not be sold as bondmen.

(b) "Thou shalt not rule over him with rigor; but thou shalt fear thy God" -

(c) Rest on the Sabbath - & holidays.

(d) "If a man smite his bondman, or his bond woman, with a rod, and he die under his hand, he shall surely be punished."

"If he smite the eye of his bondman & destroy it, he shall let him go free - forth

Lev. 25. 39. 8-12.) - (177)

8/ What a forward step. Slavery, in ancient times
was not only extra-legal (captives in war / inter-tribal
(enslavement as a result of debt or crime) - and no
distinction was made in their treatment. Even in
the ideal communities sketched by Greek thinkers - slavery
is recognized as the very structure of life. ~~There~~
~~Physical labor was slave labor. Aristotle retains it~~
~~in his ideal state.~~
The Hellenic slave has no right or power
against the caprice & fiat of his owner.
In Roman law the slave was a chattel. His
legal limitations to worker's power, harshness &
cruelty. Sidon - I p. 39

→ 10/ Respect for man-child of God - in all circumstances -
+ love of freedom

↘ 9/ An escaped convict - ~~also~~ duty & pleasure to report
an escaped slave - crucified him

{ Deut. 23 "Thou shalt not deliver unto his master
a bondman that is escaped from his master unto thee.
He shall dwell with thee, in the midst of thee... thou
shalt not wrong him!"

11) Ex. 22. 20. And a Stranger shalt thou not wrong
neither shalt thou oppress him; for ye were strangers in
the land of Egypt" ^{23. 9. And a stranger shalt thou not oppress, for ye were}
^{the land of Egypt} ^{the same law repeated in Lev. 19. 33-34}

Even stranger - "But the stranger that dwelleth with you
shall be unto you as one born among you, and you shall love
him as thyself". And again Lev. 24. 22: "Ye shall have
one law for the stranger as for one of your own country"

① whether in Justice - Charity - Truth - Peace along with
② ~~Justice~~ Xenophobia - Ignorance during harvest
Stranger, too, without rights - welcome into community

(Notes)

12/ "Ye shall not afflict any widow - ^{Prophets -}
or fatherless child" ^{Rome -} ^{disables}
- protection of weak - "for if they cry at all unto
Me, I will surely hear their cry"

13/ Ex. 22. 24 "If thou lend money to any of my
people, even to the poor with thee, thou shalt not be
to him as a creditor. neither shall ye lay upon him interest.
If thou at all take thy neighbor's garment to pledge, thou
shalt restore it unto him before the sun goeth down; for that is
his only covering; it is his garment for his skin; wherein
shall he sleep?"

① Simple agricultural economy - loan was an
accommodation to a friend in need. Motive is kindness!

And even when later on people engaged in commerce - D. C.
shall prohibit lending money on interest

① Middot Ays - Jews engaged in money business -
- percentages put their wealth into power which could be
readily earned about - other occupations prohibited -
- Could lend to non-Jews on interest - Under capital
reserving the right of money to earn an interest for
its use is universally recognized -

② Free loan for others -

③ Help your brother! Mutual aid, not

charity - help him to get on his feet

④ Strong & weak not to exploit but to help
the weak high sense of duty to help

14] I Churashan high sense of duty to help

Ex. 23.2 "Thou shalt not follow a multitude to do
evil; neither shalt thou bear witness in a cause to turn aside
after a multitude to pervert justice. neither shalt thou join a
man in his cause."

① Pull & line of Majority - democracy - "follow the
crowd"

② Lev. 19.15 "Ye shall do no unrighteousness in
judgment; thou shalt not respect the person, the poor, nor
fear the person, the mighty; but in righteousness shalt
thou judge thy neighbor."

15/ Finally, Ex. 23. 4. "If thou meet thine Enemy or his ass 18
going astray, thou shalt surely bring it back to him again."
"If thou see the ass of him that hateth thee lying under its
burden, thou shalt forbear to pass by him; thou shalt surely
release it with him."

① Easy to be kind to a friend, or even a neutral stranger
but to lend a helping hand to an active enemy.

Prov. 25. "If thine enemy be hungry, give him bread
to eat; and if he be thirsty, give him water to drink"

16/ Kenly: "What nation is there so great, that hath
statutes and judgments so righteous as all this law
which I set before thee this day."

6. The stranger is regarded as a being without rights; for he is outside of the sphere within which alone they are recognized and enforced. This view prevails among many peoples.

It is held, e.g., by the Wakapomo, the Wanyamwezi, the Barea and Kunama, the Bogos, the Pelew Islanders, and certain Papuan tribes — the Yabim on the north coast of New Guinea, and the Tami Islanders.

Except in so far as modified by treaty, by special protection, or by the institution of hospitality, the same conception ruled among the nations of classical antiquity.

~~'Cum alienigenis, cum barbaris, aeternum omnibus Graecis bellum est.'~~ 'No Greek,' says Cunningham, 'was ever at home in another Greek city than his own; he was liable to be sold in a city in which he had no rights and no status.' In early Rome the citizen was regarded as the sole possessor of rights, the privileges conferred in later times on the peregrinus by the jus gentium being, in the main, a result of peaceful intercourse between the republic and the nations, introduced by an advancing commerce. Under the later emperors the merchant belonging to an independent country was subjected to numerous disabilities; and, on the breaking up of the empire, the old conception of the stranger's position immediately revived. In the Middle Ages the foreigner was regarded as incapable of holding land; he was subjected to many disadvantages in matters of law and legal procedure; he was not permitted, or was permitted only upon making a payment to leave the country with the wealth which he had accumulated; on his death his property fell in whole or in part to the supreme authority; and it was confiscated on his banishment.