

**SECT, CREED AND  
CUSTOM IN  
JUDAISM; A STUDY  
IN JEWISH NOMOLOGY**

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Sect, creed and custom in Judaism; a study in Jewish nomology by Jacob S. Raisin

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SECT,  
CREED AND CUSTOM  
IN JUDAISM

A STUDY IN JEWISH NOMOLOGY

*Il n'est pas excellent parce qu'il vient de Dieu : mais qu'il  
vient de Dieu, parce qu'il est excellent.—CHATEAUBRIAND*

*Nichts wahr sein kann, was nicht auch gut ist zu glauben;  
am wahrsten aber des, was am besten. —FECHNER*

BY

JACOB S. RAISIN

UNIV. OF  
CALIFORNIA

PHILADELPHIA  
JULIUS H. GREENSTONE  
1907

TO MY BROTHER  
IN FLESH AND IN SPIRIT  
RABBI MAX RAISIN  
THIS ATTEMPT IS  
LOVINGLY DEDICATED BY THE AUTHOR

442354

It is with truth as it is with trees. The part that stands in the ground is a solid unit—the truth; but the part which deals with the sun, and therefore has in it the principle of life, is forever branching and branching. . . . But does it injure the tree? Does the fruit grow on the twigs, or on the solid part? You know that it is found not on the unit, but on the diverging twigs. The power of the fruit lies in diversity and not in unity. In great basilar developments unity, in higher elements, ramification.—BEECHER.

Their organic law containing elements of their polity, though given by God Himself, was yet required to be solemnly ratified by the whole people. This was done on Ebal and Gerizim and is perhaps the first, as it is certainly the grandest constitutional convention ever held among men. . . . Of all the principles established for the happiness and good government of our race, though hallowed by the blood of the bravest and the best, and approved by centuries of trial, no one had a greater origin or more glorious exemplification than this one, that all governments derived their

power from the consent of the governed.—Z. B.  
VANCE.

כל דבר ודבר שהיה הקב"ה אומר למשה היה אומר מ"ט פנים טהור  
ומ"ט פנים טמא אמר לפניו רבש"ע! עד מתי נעמוד על בירורה של  
הלכה? א"ל „אחרי רבים להטות": רבו המטמאים טמא רבו  
המטהרים טהר.—מדרש תהלים.

לפי שבעולם הזה בזמן שרוח דרומית מנשבת אין רוח צפונית מנשבת,  
ובזמן שרוח צפונית מנשבת אין רוח דרומית מנשבת, אבל לע"ל אמר  
הקב"ה אני מביא ארנסטם בעולם שמשמשות בו שתי רוחות.—ויק"ר  
פ"ט.



## PREFACE

All history is explained by law, law by custom. This maxim which underlies the monumental work of Montesquieu no historian as yet ventured to refute. Nothing is more indispensable for a thorough understanding of the genius of a people than the knowledge of that spontaneous expression of its nature, known as custom. "Qu'est ce que la nature?" asks Pascal, and answers "peut-etre un premier coùtume, comme la coùtume est une seconde nature" (*Pensées*, iv. 10).

But as human nature, the "premiere coùtume" is greatly modified by time and circumstances, custom, or the "seconde nature," must needs be subject to the same rule, and the greater the changes and vicissitudes of the former, the more diverse and varied will be the latter. If this be so, then Judaism, owing to the long duration of its history and the numerous places in which it has found a more or less temporary home, ought to be the most heterogeneous of religions. The question, therefore, naturally arises, What is it then that amidst the mass of frequently conflicting customs pro-

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duced by the exigencies of various times and places, made for unity? What was it that despite recurrent outbursts of cavil and quarrel, preserved the peace, integrity and solidarity of Israel?

The study of *Minhagim*, or Jewish Nomology, offers a quite satisfactory solution. It shows that the teachers of Judaism have never sacrificed *unity* for the sake of *uniformity*; that to maintain the whole firm and unshaken, the people were allowed to have their usages and customs "altered, abridged, enlarged, amended or otherwise disposed of," to suit their condition or convenience. Like the ancient god to those who came to his tripod, Judaism taught that every one should comply with the practices in use in the place he chanced to be. This found expression and was translated into a general tolerance which resulted in unity.

And the proverbial stubbornness of the Jews, their persistent refusal to yield implicit obedience to any one, their determination to decide for themselves what to select and what to reject, also acted as a check upon the presumption of those who, by reason of their power or position, would impose upon their people usages prompted by their piety or invented for their interest.

To put these well known truths on a firmer

## PREFACE

basis, and to verify them from some of the best and most authentic sources, ancient and modern; to point out, above all, the steadily modifying exterior above the invariable kernel of Judaism, was the main aim of the writer in the following chapters. How far he has succeeded the reader must judge for himself.

However, besides his academic interest in the subject, the author believes it also to be of considerable importance because of its practical bearing on Judaism of today, and of our land. An old discussion has lately been resumed in this country. The two "wings" of Judaism are pitted against each other, respectively claiming and vying for the palm of "historical" Judaism. As this is to be decided less by dogma (if there be any), or doctrine (in which all Jews agree), than by the disciplinary virtue of certain customs (the real cause of dissention between Judaism old and new), a knowledge of the genesis, growth and decay of Minhagim may make us clear as to which class or tendency is the most entitled to the coveted honor; which is the true scion, or can lay claim to be the first-born, of the old faith.

The author nevertheless disclaims any intention, not to say ability, to act as umpire between the