

Doing Jewish Inside and Out: A Pathway to Reform Jewish Practice

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Introduction

Contemporary Jews have come up with a variety of ways to embrace modernity and the Jewish tradition. Modern Orthodox Jews have chosen to solve the dilemma by taking part in modernity insofar as it does not infringe on their observance of classical *halakhah*, or Jewish law, as codified by authoritative legal sources such as the *Shulhan Arukh*. The Reform movement, by contrast, with its emphasis on individual autonomy and its insistence that certain features of traditional Jewish law cannot be reconciled with contemporary ideals such as egalitarianism, has proclaimed that Jewish law must be reevaluated, at times even renounced. In fact, the Reform Movement's 1885 Pittsburgh Platform goes as far to say, "We accept as binding only its moral laws and maintain only such ceremonies as elevate and sanctify our lives but reject all such as are not adapted to the views and habits of modern civilization."¹ This approach to *halakhah* has led many Reform Jews to make arbitrary decisions regarding which aspects of Jewish law to observe and has increasingly fragmented Jewish practice in the movement. As a result, *halakhah* has become difficult for the Reform movement to engage with.²

While some Reform Jews have chosen to resolve the problem of *halakhah* by abandoning it, Rachel Adler contends - and I agree with her - that *halakhah* should

¹ "The Pittsburgh Platform-1885," Central Conference of American Rabbis, accessed December 24, 2019, <https://www.ccarnet.org/rabbinic-voice/platforms/article-declaration-principles/>

² Rachel Adler, a Hebrew Union College professor who has taught countless Reform rabbis, claims the following in the syllabus for her course called *Philosophy of Halakhah*: "*Halakhah* is rather a troubling issue for Reform rabbis. It can make some of us feel defensive, impatient or inadequate."

remain a fundamental concept in Reform Judaism. Adler argues we need to be clear about what *halakhah* means. Much of the reluctance Reform Jews express about *halakhah* probably arises from a misunderstanding of what the term actually means. Widespread is the view that *halakhah* designates normative prescriptions of “what one ought to do” as a Jew,³ a definition that presents an ideological problem for Reform Jews who recoil at the notion that Jewish practice is absolute, unchanging, and non-negotiable. In her book, *Engendering Judaism*, Adler suggests that *halakhah* ought to be defined more flexibly as the act of going forward, of making one’s way through the ever-changing times by way of Jewish tradition. At its best, *halakhah* translates Jewish values into ongoing action.⁴ *Halakhah* is thus perhaps better understood as a process rather than a fixed set of prescriptions.

Thinking about *halakhah* as a process has led Reform Judaism to adopt the slogan “choice through knowledge,” the idea that one should learn about normative prescriptions and then choose the ones that seem to fit their lifestyle and values.⁵ *Choice through knowledge* was meant to enable Reform Jews to embrace tradition and autonomy simultaneously; however, it poses challenges of its own. According to Mark Washofsky, the problem with choice through knowledge is that this overused saying is empty and lacks specific content. Rather, we ought to teach Reform Jews how to engage in the

³ Joel Roth, *The Halakhic Process: A Systematic Analysis* (New York: JTS Press, 1986), 1.

⁴ Rachel Adler, *Engendering Judaism* (Philadelphia, PA: JPS, 1998), 21.

⁵ Jakob J. Petuchowski, “Some Criteria for Modern Jewish Observance,” in *Contemporary Jewish Theology: A Reader*, ed. Elliot N. Dorff and Louis E. Newman (New York: Oxford University Press, 1999), 294.

halakhic process itself, which will provide them a more sophisticated ability to define themselves and their communities in accordance with values and stories of Judaism in their present context. In other words, Washofsky says, “by focusing on *halakhah* as a process, we move closer to what it’s all about.”⁶

What might such a *halakhic* process look like? First, it must embrace the idea that *halakhah* requires interpretation. Shimon Rawidowicz has argued, on the basis of Maimonides, that all the commandments given at Sinai come to us as products of interpretation. He furthermore holds that contemporary interpretations of such laws should be given as much weight as the interpretations of the ancient sages. Drawing on these ideas, David Ellenson proposes that the Jewish legal tradition rests before us as a “dialectical and inexact and all too often fallible process in which the Jewish people strive in every generation to hear the voice of God and the obligations - the *mitzvot* - that emerge from such strivings.”⁷ Rawidowicz and Ellenson show how Jewish legal texts need not be seen as prescriptions for Jewish living, but as sources to be interpreted in order to create new modes of Jewish living.

The problem is that serious Reform engagement with *halakhah* as a *halakhic* process has largely been conducted in the halls of universities and seminaries by the likes of Adler, Washofsky, and Ellenson. *Halakhah* remains an idea with which Reform rabbis and constituents continue to struggle in practice. This project therefore aims to explore what an accessible and relevant *halakhic* process could look like for Reform Jews in

⁶ Mark Washofsky, Email to author, December 29, 2017.

⁷ David Ellenson, “To reshape the world: Interpretation, renewal, and feminist approaches to Jewish law and legal ruling in America and Israel,” *Journal of Jewish Ethics* 2, no.2 (2016): 38-63.

general, a process that considers individual and communal autonomy, and the roles of innovation and tradition. After exploring how Reform Judaism might conceptualize of a contemporary *halakhic* process, I consider how Reform Jews of all stripes might engage in such a process when it comes to the important Jewish commandments related to Shabbat.

CHAPTER ONE

Individuals and Communities: Whose Authority?

A central tenet of Reform Judaism has long been individual autonomy. Autonomy, however, challenges a central concept of Judaism, namely the commandments. Traditionally, commandments are understood to be binding both individually and communally and function to mediate the relationship between God and the Jewish people. This tension that exists in Reform Judaism raises the question, “What does it mean to be commanded as a Reform Jew?”

To answer this question, I will draw on progressive theologians who develop their own covenantal theologies. Jacob Petuchowski was the first to describe in detail a way to balance between individual and communal covenantal responsibility, essentially coining the slogan “choice through knowledge.” He says, “Only if the Reform Jew acts out of full knowledge can there be talk of Reform Judaism at all.”⁸ He posits his own four criteria to determine Jewish duty:

1. Determine the main thrust of the Jewish tradition in a particular case by examining the traditional material.
2. Apply the main thrust to a person’s current situation. In essence, the person decides how to apply the traditional teaching in a meaningful way.
3. See what the voice of one’s own conscience says.
4. Consider one’s responsibility to the covenant community. This implies a person will observe commandments they feel no personal obligation.⁹

While I find Petuchowski’s criteria to be creative, I do not find it accessible, cohesive or compelling. The first criterion would be difficult for a Reform rabbi to do on their own,

⁸ Petuchowski, “Some Criteria for Modern Jewish Observance.” 295.

⁹ Petuchowski, “Some Criteria for Modern Jewish Observance.” 295-297.

much less a lay member. Studying texts with the goal of finding a main thrust requires a high level of Hebrew and text proficiency. The second and third steps allow for selfishness, as if one should do whatever feels meaningful for them personally. The last criterion finally implores a responsibility to a covenantal community, but Petuchowski does not explain what happens when this criterion comes into conflict with the two individual ones that precede it. In addition, he provides no rationale for why a person should want to engage in Jewish duty that is both personally and communally meaningful.

Eugene Borowitz assembles similar criterion to Petuchowski but makes them more cohesive, compelling, and slightly more accessible. In his book, *Renewing the Covenant*, Borowitz writes for a postmodern audience. He first explains what has been gained by the intersection of Judaism and modernity. He describes modernity as rooted in autonomy and therefore, any attempt to make the community or its laws as binding on Jews, will prove futile.¹⁰ He disagrees, however, with the modern sense of allowing Jews to pick and choose aspects of Judaism that feel meaningful for their modern selves. Borowitz writes, “Our postmodern humility about selfhood also requires us to grant our groups greater esteem than the modern ethos did.”¹¹ He believes people are far less rational, selfless and morally competent than was once thought, which allows for an appreciation of the way community standards and tradition can benefit the self. What

¹⁰ Eugene Borowitz, *Renewing The Covenant* (Lincoln, NE: University of Nebraska Press, 1996), 17.

¹¹ Eugene Borowitz, “Renewing The Covenant,” in *Contemporary Jewish Theology: A Reader*, ed. Eliot N. Dorff and Louis E. Newman (Oxford: Oxford University Press, 1998), 222.

upsets Borowitz is an American Jewry that uses personal choice to support nonobservance and loose ethics. In order to restore what he believes to be a proper tension between our autonomy and social responsibility, he relies heavily upon a covenantal theology.¹²

A person's understanding of covenant separates the thinking of Orthodox and non-Orthodox streams of Judaism. Orthodox Judaism favors the authority of the covenantal people over those of individual members. This precedent was set in rabbinic literature and has held strong to this day in Orthodox Judaism. Non-Orthodox thinkers have tried to enhance the role of the individual but without neglecting the role of community. Borowitz believes that Jewish autonomy is the use of freedom to actively participate in the people of Israel's Covenant with God as the most recent expression of its historic tradition. He believes the covenant was made primarily with Jewish people and only secondarily with Jewish individuals. Therefore, it becomes imperative to resolve this tension so that Jews can live in what he calls "proper Covenantal duality."¹³ To achieve such a resolution requires more help from our institutions.¹⁴

To understand how Borowitz seeks to resolve the tension, it is helpful to first look at two influential Jewish thinkers, Franz Rosenzweig and Martin Buber. Borowitz's theory falls somewhere in between the two. Unlike Rosenzweig, Borowitz does not believe that one should do whatever they are able to of the traditional corpus of Jewish law. Unlike Buber, he does not believe that one is simply an individual that relates to

¹² Borowitz, "Renewing The Covenant," 222.

¹³ Ibid., 223.

¹⁴ Ibid., 225.

God.¹⁵ For Borowitz, the relationship between self, community, and God is what allows revelation to continually happen and translates into living deeds.

In making a decision regarding Jewish law, a person considers how suitable the behavior will be for the individual and community. To do so, Borowitz prescribes four criteria:

1. A contemporary Jewish idea must motivate a Jewish duty. The various ideas are described in *Aggadah*, while the duty is prescribed in *halakhah*. Borowitz says, “Our sages developed the *Aggadah* as the proper vehicle for Jewish religious ideas because their awe of God transcended their respect for reason, and their certainty about obligation exceeded their confidence in religious speculation. By making the *Aggadah* a partner of *halakhah*, the rabbis created an ingenious bipartite conceptuality that allowed theology searching for ever better symbols as long as practice remained faithful to the evolving law.”¹⁶
2. A Jewish idea must motivate loyalty to the Jewish people, as a continuing folk bound to God.¹⁷
3. An idea should allow Jews to live a life of duty that is infused with God.
4. An idea must speak to our present time and be a continuation of tradition. We need fresh *aggadah* to speak to the idiom of our time. Its Jewishness will depend upon our being able to see it as a continuation of our tradition.¹⁸

Borowitz’s criteria yield a flexible *halakhah* that is inspired by doing something to know God better. Therefore, the self discovers its duty through being in a covenantal relationship with God and not through reason.¹⁹ We determine our action by exercising our autonomy not as isolated individuals but as people who have been in and continue to

¹⁵ Elliot N. Dorff, “Autonomy vs. Community,” *Conservative Judaism* 48, no.2 (Winter 1996): 64-68.

¹⁶ Borowitz, *Renewing The Covenant*, 57-58.

¹⁷ *Ibid*, 59-60.

¹⁸ *Ibid.*, 61.

¹⁹ *Ibid.*, 273.

yearn for a relationship with God.²⁰ Revelation happens through relationship in the context of time, not through immutable revealed words ascribed to God.

Borowitz theorizes his form of flexible *halakhah* into a package he calls the Jewish self. He defines a Jewish self as one that has an individuality that is structured by participation in the Jewish people's historical relationship with God.²¹ In order to create duty autonomously, the Jewish self must adhere to four principles based on the criteria already mentioned above:

- 1) The Jewish self lives in a primary involvement with God.²²
- 2) The Jewish relationship with God brings together selfhood and ethnicity. Therefore, as the Jewish self ponders a decision, it must consider the practices of other Jews on this matter. For the sake of community unity, the self will have to sacrifice personal preferences.²³
- 3) Covenant means that the Jewish self must be in covenant with prior generations. While social conditions have changed, the basic relationship and partners are the same. Plus, the farther back we go, the fresher the covenantal relationship will be. While we rely on historical precedence for guidance on our duty, we cannot always rely on it since our current situation may be radically different.²⁴
- 4) The Jewish self should be oriented toward the future, especially the messiah. If there is a discrepancy between a pressing insight and one of the present we can and should break with the past.²⁵ The duty becomes a commandment when it adheres to these four criteria.

²⁰ Ibid., 274.

²¹ Borowitz, *Renewing The Covenant*, 288.

²² Ibid., 289.

²³ Ibid., 290.

²⁴ Ibid., 291.

²⁵ Ibid., 292.

Borowitz recognizes the challenges that a Jewish self will face with simultaneous responsibilities to themselves, God, and the Jewish past, present and future.²⁶ When obligations conflict, duty to God and ethics, should take precedence over responsibility to the Jewish people or principles of Jewish tradition. The only exception is if Jewish survival is at stake because without Jews, the covenant cannot exist.²⁷

Borowitz's idea of a Jewish self is original and rectifies one of the major issues I find with Petuchowski. For Petuchowski, the self is unattached to Judaism. It is as if the modern self and Judaism are two separate parts that somehow need to be brought together. Borowitz creates an idea that more seamlessly combines the self and Judaism. Borowitz's four criteria of the Jewish self are extremely useful because collectively they take the covenant with God and other Jews into account when determining Jewish duty.

While Borowitz improves upon the work of Petuchowski, I do not think Borowitz's philosophy is usable on its own. The first principle requires each individual Jew to have their own personal relationship with God, which poses a challenge for all Jews, not just Reform. Some Jews may not believe in God and still consider themselves to be Jewish while others may believe in God and yet not have the ability to describe such a relationship. The second, third and fourth are each important, but the typical Reform Jew will not be individually prepared to answer questions about their fellows' practice, historical precedent or their vision of the future. For this reason, I believe Borowitz is correct when he says achieving the covenantal balance will require the help

²⁶ Eugene Borowitz, "The Autonomous Jewish Self," *Modern Judaism* 4, no.1 (Feb 1984): 47-48.

²⁷ Borowitz, "The Autonomous Jewish Self," 54.

of institutions. Specifically, I think Reform institutions need to provide guidelines for the second, third and fourth criteria. In addition, I appreciate the way Borowitz thinks about *aggadah*, and believe he is also correct in saying that we need fresh *aggadah* to speak to our current social context when a *halakhah* becomes unfit. Nonetheless, I think Dorff is also correct to criticize Borowitz in his 1996 book review of *Renewing The Covenant* for assuming that laity has the education and training to make interpretations from our traditional texts and infer what God wants of us.²⁸ In addition, Borowitz leaves big holes in his theory that make it difficult to carry out. How, then, might a Reform Jew persuaded by Borowitz on theoretical grounds draw upon other contemporary thinkers to assist in carrying out *halakhic* decisions?

²⁸ Dorff, "Autonomy vs. Community," 64-68.

CHAPTER TWO

An Open System of Law: Accounting for The Evolution of Morals and Other Principles

The key to moving forward in developing a progressive *halakhic* process is recognizing that Jewish law should be understood as an “open” rather than a “closed” system, an important distinction according to jurist Ronald Dworkin. Dworkin provides a solid argument against a positivist or closed theory of law. In a closed system, correct decisions can only be deduced from predetermined rules. Dworkin argues, however, that law contains a solution to almost every problem and that it is impossible to separate law and morals.²⁹ A positivist would claim that if the rule within a law states X is the law, it does not matter if X is moral in our social context.³⁰ Dworkin strongly disagrees, insisting that law not only contains rules but also principles that include the reason for deciding a case in a particular way. These principles need to be weighed against other principles in the system.³¹ Through a process of interpretation, Dworkin argues that we can go past the semantics of law and into the substance that allows us to reach towards morality.³²

There is a strong correlation between a person’s understanding of revelation and how open or closed they imagine a system of Jewish law to be. Generally speaking, Orthodox Jews believe that God’s revelation in the Torah is the absolute word of God.

²⁹ Raymond Wacks, *Philosophy of Law: A Very Short Introduction* (Oxford: Oxford University Press, 2014), 50-53.

³⁰ Wacks, *Philosophy of Law*, 57.

³¹ *Ibid.*, 55.

³² *Ibid.*, 60.

Therefore, there is little if any room for interpretation or consideration of factors found outside of this closed system of law rooted in Torah. One Orthodox scholar, Eliezer Berkovits, proposed a radical philosophy of *halakhah* given his background. He says that *halakhah* is an application of Torah to life, which must correspond to a specific time and situation.³³ In his opinion, *halakhah* is meant to humanize God's word to ensure that God's eternal truths remain valid.³⁴ His theory relies on reason, which can act to suppress the plain meaning of a biblical injunction and serve to take precedent over a ruling supported by the majority.³⁵ Such action could be necessary, especially if there is a conflict between ethics and the consequence of a law. In relation to Dworkin, he believes it is important to learn principles from the text. Responsibility cannot be completely relegated to the text as it could not have known everything about present reality.³⁶

Elliot Dorff understands Jewish law and revelation similarly to Berkovits, but like Borowitz, relies specifically on covenantal theology to ground his theory. He defines Jewish law as an expression of the love that Jews have for both God and other people.³⁷ This kind of love is displayed by moral values translated into concrete behaviors.³⁸ By using the covenantal model, Jewish law remains more open and participatory than in

³³ Eliezer Berovits, *Not In Heaven: The Nature and Function of Halakha* (New York: Ktav Publishing House, 1983), 1-2.

³⁴ Berkotvits, *Not In Heaven*, 71-73.

³⁵ *Ibid.*, 6-7.

³⁶ *Ibid.*, 94.

³⁷ Elliot N. Dorff, *For The Love of God and People: A Philosophy of Jewish Law* (Philadelphia, PA: JPS, 2007), 45-46.

³⁸ Dorff, *For The Love of God and People*, 219-220.

Berkovits's conception. God not only commands but also relates with the Jews, requiring Jews at all times to describe their awareness of and understanding of their relationship with God.³⁹ For Borowitz, this understanding of God does not stem from reason. Dorff, however, combines the covenantal model with reason. He claims a covenantal model actually allows for legal techniques including interpretation, narrowing or broadening the scope of precedent, customs and even new legislation, which serve to give meaning to the ongoing relationship between God and the Jewish people. Dorff believes humans should use legal reasoning to determine what God wants of them at each moment in time.⁴⁰ Like Berkovits, Dorff recognizes that precedent in law is important because it allows current decisions to be tied to past ones. As moral sensitivities evolve, past precedent may no longer be relevant.⁴¹ This back and forth between Torah and our own moral sensitivities is a dialectical process that Dorff explains as necessary to strive for the highest morality.⁴² The issue with Dorff's model is that it limits autonomy. Dorff only permits rabbis to engage in legal interpretation. Even then, for a change to be made, it needs to be upheld by a majority vote in the Conservative Law committee of which Dorff himself is a member. Dorff has also not created a way to completely change a precedent even if the law yields immoral consequences. A good example stems from the issue of homosexual relations.

³⁹ Ibid., 100.

⁴⁰ Ibid., 107-108.

⁴¹ Ibid., 211-217.

⁴² Ibid., 139.

Dorff worked with Daniel Nevins and Avram Reisner to write a more liberal response to the question of homosexual relations following that of a stricter Conservative rabbi, Joel Roth. Roth concluded that although homosexual attraction may be inherent, homosexual actions are clearly prohibited and homosexuals should remain celibate. Believing this conclusion to be immoral, Dorff began his research hoping to find a way to enable gay men to have anal intercourse. Unfortunately, he was unable to go as far as he hoped. While he recognizes the ambiguity of Leviticus 18:22 in that it may only refer to bisexual men having anal intercourse with other men and not refer to gay men at all, this observation does not affect his ruling. Since the rabbis were convinced that the verse prohibited all anal sex by males, that precedent remains firm by Dorff's theory. In addition, the precedent is unanimous. If the rabbis had differed, they could have found another line of precedent to follow. Instead, the best Dorff and his partners could do within his own parameters was utilize the legal technique of narrowing the scope of homosexual relations to what the rabbis understood the Torah itself to prohibit and delete all the other rabbinic bans that were enacted to act as a fence.⁴³ Dorff admits that he was saddened by the limits of what he and his partners were able to accomplish.⁴⁴

Mark Washofsky, former chair of the CCAR Responsa Committee and legal theorist, builds off of Dorff's theory. He goes where Dorff might go if the Conservative movement did not constrain him from being more creative with regard to rabbinic precedent. Like both Berkovits and Dorff, he supports an open system of law. Unlike Berkovits and Dorff, he does not include an overt theological basis for his theory of

⁴³ Ibid., 234.

⁴⁴ Ibid., 235.

Reform *halakhah*.⁴⁵ Washofsky writes two important articles that I think help to resolve the tension between precedent and morals.

Washofsky argues that meta-*halakhic* factors should not be separated from *halakhic* factors. He defines *halakhic* factors as the hard, textual and formal legal elements that are part of a ruling. Meta-*halakhic* factors, he says, are reasons given by the decision maker that do not need to be proved by a textual source.⁴⁶ Meta-*halakhic* factors will affect how principles are used to determine law. Principles are embedded in the law and are prioritized according to meta-*halakhic* factors such as ethical and social values rather than technically legal ones. The preferred principle will offer a reason for a decision.⁴⁷ He explains that every community will make different interpretations based on the meta-*halakhic* factors they are committed to and how influential that community allows those factors to become. A community expresses these normative commitments through narrative or *aggadah*. Therefore, a community of interpretation should know what their commitments are. A strictly Orthodox community, again, believes Torah to be the direct word of God. Therefore, their normative commitments will support a closed system of law that does not allow meta-*halakhic* factors to shape Jewish law at all and

⁴⁵ In her book *Guidance, Not Governance*, suggests his language is that of covenant theology, similarly to that of Borowitz and Dorff. Joan S. Friedman, *Guidance Not Governance* (Cincinnati, OH: Hebrew Union College Press, 2013), 243.

⁴⁶ Mark Washofsky, "Against Method: Liberal Halakhah Between Theory and Practice," in *Beyond the Letter of the Law: Essays on Diversity in the Halakhah*, ed. Walter Jacob (Pittsburgh, PA: Rodef Shalom Press, 2004), 34.

⁴⁷ Washofsky, "Against Method: Liberal Halakhah Between Theory and Practice," 37-39.

defile the divine authority of the Torah.⁴⁸ While Dorff commits himself to meta-*halakhic* factors including custom, morality, economics and politics,⁴⁹ he and his movement struggle to completely leave behind a clearly monolithic precedent from the Torah even if that precedent raises moral, theological, social, economic or political problems.

Washofsky, however, believes that if Torah is to serve Reform Jews, it cannot exist in the absence of the moral and ethical commitments that Reform Judaism has declared in the theological commitments issued by the movement.⁵⁰ In other words, *halakhah* will not be valid for Washofsky if it does not uphold the meta-*halakhic* principles with which the Reform Jewish community commits itself.

Another aspect I appreciate about Washofsky's theory of *halakhah* is his unique way of dealing with precedent. As I mentioned above, when precedent is clear and monolithic, Dorff will apply legal techniques such as narrowing the scope but will not expunge the precedent all together due to his own understanding of what it means to take precedent seriously. Washofsky argues that doing so does not have to mean sacrificing precedent all together; rather, he claims that Jewish law is characterized by a healthy and creative tension between respect for precedent and a readiness to innovate. He brings a technique called leeways to the forefront, which he believes allows more creativity with regard to precedent. Specifically, he claims the technique of "Enlarging the Standard Set of Sources or Techniques" can enable a decisor to redefine a case by locating a new

⁴⁸ Dorff, *For The Love of God and People*, 51-52.

⁴⁹ *Ibid.*, 60.

⁵⁰ Mark Washofsky, *Jewish Living: A Guide To Contemporary Reform Practice* (New York: URJ Press, 2010), xxvii.

precedent.⁵¹ This technique means finding a new text that has not been previously applied to the issue at hand. In order to maintain a healthy tension of respecting precedent and innovating, Washofsky says we must first understand the historic precedent(s) up until our time. We can then ask ourselves how this precedent(s) works with the commitments of our community. If it does not, the innovation begins by searching for other precedents that may fit the case. Washofsky suggests the best way to do so is through the logic of analogy. The reframing of a case creates an alternative narrative structure.⁵² Washofsky shows that precedent does not have to limit us if we expand our horizons and utilize the entirety of textual resources that shape our tradition.

When precedent does not allow a community to sustain its normative commitments, Washofsky calls for a reframing of a case to create an alternative narrative structure. Sometimes, as Washofsky points out himself, this technique can work beautifully but poses its own limitations. Unfortunately, Washofsky does not provide a solution to overcome such pitfalls. I think the idea of alternative narratives, though, can be approached in other ways to honor these normative commitments when historic precedent does not. As Borowitz said, “We need fresh *aggadah* to speak to our time.”⁵³ To better understand the role of narrative in law, a turn to the work of Rachel Adler and Ronit Irshai is in order.

⁵¹ Mark Washofsky, “Taking Precedent Seriously: On Halakhah as a Rhetorical Practice,” in *Re-examining Progressive Halakhah*, ed. Walter Jacob and Moshe Zemer (New York: Berghahn Books, 2002), 44.

⁵² Washofsky, “Taking Precedent Seriously,” 46-51.

⁵³ Borowitz, *Renewing The Covenant*, 61.

CHAPTER THREE

A Narrative Understanding of Law

In *Engendering Judaism*, Adler expresses her agreement with legal theorists who think Judaism can be reshaped and reinterpreted as historical contexts change. At the same time, however, she argues that the existing *halakhic* sources fail to incorporate the impact of gender on the lives of Jews.⁵⁴ She concludes that efforts to go back and simply reassess the source texts of *halakhah*, which are themselves a product of previous social contexts, prove inadequate because the classical system does not reflect the participation of women to begin with.⁵⁵ In her opinion, reinterpreting classical *halakhic* sources results in a fragmented praxis. She defines praxis or *halakhah* as a holistic embodiment in action at a particular time of the values and commitments inherent to a particular story. By trying to make commitments to both our modern values and Jewish ones, Adler contends we cannot achieve a holistic embodiment of action.⁵⁶ Her solution is rooted in narrative legal theory.

Adler grounds her theory of *halakhah* in the legal theory of Robert Cover. In an essay called “Nomos and Narrative,” Cover argues that law is best understood as the normative world in which we live, or *nomos*.⁵⁷ Cover describes the function of law as a

⁵⁴ Adler, *Engendering Judaism*, 24-25.

⁵⁵ *Ibid.*, 29.

⁵⁶ *Ibid.*, 26.

⁵⁷ Robert Cover, “Nomos and Narrative,” in *Narrative, Violence, and The Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan, and Austin Sarat (Ann Arbor, MI: University of Michigan Press, 1995), 96.

bridge that links our reality to an imagined alternative, both of which can be represented by the values and rules found in narrative.⁵⁸ Therefore, the *nomos* includes both the current state of affairs and the alternative future held together by law. To live in a *nomie* world is to envision the possibilities implicit in stories and to live some of them out in praxis. According to Cover, the creation of legal meaning must take place through a cultural medium and contains two distinct elements: paideic, or world creating, and imperial, or world maintaining. Paideic is the part of legal meaning that creates strong norms from a common body of narrative and has a sense of direction or growth as the individuals in a community figure out their desired implications of law through learning and interpretation. The second, imperial, is the enforcement of law that was created through a paideic pattern.⁵⁹ The imperial model prevents new options as a way to maintain order.⁶⁰ Adler believes these two patterns of law should be in equilibrium, but in classical *halakhah*, they are not. A gap exists between the impoverished imperial world and the vital paideic world.⁶¹ We have to constantly update the narratives, that is, the *aggadic* theological texts upon which our world creating norms are based. Without doing so, Adler argues, any resulting praxis will feature a society that is only being maintained but unable to move towards the future that a community envisions. If our *halakhah* does not truly attempt to get us from where we are as contemporary Jews to where we want to be, Adler believes we will not commit to it.

⁵⁸ Cover, "Nomos and Narrative," 101-102.

⁵⁹ *Ibid.*, 105-106.

⁶⁰ *Ibid.*, 108-109.

⁶¹ Adler, *Engendering Judaism*, 34-36.

Neil Gillman, in his book *Sacred Fragments*, corroborates Adler's understanding of narrative. He uses the concept of myth to structure his theory of *halakhah*, which he explains as stories that describe our past, present and the goals we should strive for as a community. Gillman's concept of myth roughly corresponds to Adler's use of *nomos*. The stories upon which myths are based have the ability to capture the complexity in life provided they are read and interpreted based on the community's own experience. Myths are what motivate Jews to do corresponding actions, the law that is rooted in its stories. A live myth accurately portrays the individual and communal convictions and motivates them to act. A broken myth, like a *nomos* that weighs heavily on an impoverished imperial mode of law, no longer speaks to a community who has experiences that contradict the myth's convictions. A broken myth cannot lead to committed action until it has been updated to reflect the community's present understanding of reality and the ideal.⁶²

Adler believes that it is possible to update the narratives, which portray a community's understanding of reality and the ideal. Judaism, she says, has the resources for multifaceted understanding of human nature. The thickness of narratives will enable interpretations that can actually call into question the favored interpretations found in classical *halakhic* sources.⁶³ Therefore, narratives should be able to upset the legal enterprises within which they are tied. For Adler, the way to create a bridge that is open, representative of the current human experience and desires and takes context into

⁶² Elliot Dorff, *The Unfolding Tradition: Jewish Law After Sinai* (New York: Aviv Press, 2005), 250-253.

⁶³ Adler, *Engendering Judaism*, 52.

consideration would be to open up *halakhic* discourse. This would allow concerns of community members to be articulated and heard so that *halakhah* becomes more inclusive and flexible.⁶⁴ Therefore, *halakhah* should inform and be informed by a diverse but unified communal praxis and an inclusive pluralistic communal discourse rooted in Jewish narrative.⁶⁵

An Orthodox feminist thinker of *halakhah*, Dr. Ronit Irshai, argues that *nomos* should not be seen only as grounded in narrative but also as creating and influencing narrative.⁶⁶ She believes that Jewish norms can shape Jewish theology. She takes issue with Adler's theory of *halakhah* for not providing a detailed demonstration of how the project will take place or adhering to *halakhah's* intrinsic method. In other words, Irshai believes that if we are going to relate to *halakhah*, we need to honor the existing *halakhic* establishment and the interpretive traditions or mechanisms for *halakhic* change.⁶⁷ Therefore, she proposes creating what she calls alternative *halakhic* stories.

To create an alternative *halakhic* story entails uncovering the *halakhic* genealogy and the hidden paradigms that have influenced *halakhah's* dominant attitudes. Genealogy regularly means the study of origins as a method. Specifically, in a *halakhic* context, it designates uncovering the legal background of the dominant *halakhic* story and provides

⁶⁴ Ibid., 43.

⁶⁵ Ibid., 48.

⁶⁶ Ronit Irshai, "Toward a Gender Critical Approach to the Philosophy of Jewish Law," *Journal of Feminist Studies in Religion* 26, no.2 (Fall 2010): 62.

⁶⁷ Irshai, "Toward a Gender Critical Approach to the Philosophy of Jewish Law," 61.

examples for certain missing links in the chain, so we can see other possible rulings.⁶⁸ We must ask the question, will other sources allow for the construction of a different model and ultimately create a new *halakhic* story? In addition, Irshai states that an alternative *halakhic* story will be concerned with rhetoric and interpretive tactics that were used in the formulation of the dominant *halakhic* story. Irshai goes one step further and considers whether it will always be possible to create an alternative *halakhic* story.

When a new *halakhic* story cannot be generated using the classical legal corpus and interpretive tools, Irshai differentiates between *halakhic* principles and *halakhic* rules. In such a case, she argues we will need to favor *halakhic* principles over *halakhic* rules. The issues she faces, at least in the Modern Orthodox community, are those who argue that *halakhic* principles cannot legitimately overpower *halakhic* rules.⁶⁹ Her solution is to emphasize rhetoric. Meaning, when objective standards do not serve us, we must rely on language that will persuade a community to support one decision over another. In a *halakhic* context, the best way to do so is to know for what values there is consensus among in a community so that the premise of the argument takes them into account.⁷⁰ Irshai speaks directly about the Modern Orthodox community, but this idea can just as easily be applied to the Reform Jewish community as well. I will explain how this can work in my next chapter, *My Own Progressive Theory of Halakhah*.

⁶⁸ Ibid., 68-69.

⁶⁹ Ibid., 73-75.

⁷⁰ Ibid., 75-76.

CHAPTER FOUR

My Own Progressive Theory of *Halakhah*

As a future Reform rabbi, I find covenantal theology to be a compelling place to begin. While I find Borowitz's understanding most persuasive, Petuchowski, Berkovits, Dorff and Washofsky all utilize covenantal language as well. Each thinker understands the covenant as the evolving and continual nature of the relationship between God and the Jewish people. The Reform thinkers, though, also want to understand how the relationship is mediated not only by the community but the self as well. While rejecting this premise of individual autonomy would make the project of Reform *halakhah* practically easier, it would also be incompatible with my Reform Jewish ideology. Reform Judaism has long promoted individual autonomy, and it belongs in the canon of Jewish ideas which have stood the test of time. While it poses great challenges within the movement, it is also a core reason for why I personally decided to come to HUC and dedicate myself to Reform Judaism. Borowitz so carefully argues the importance of balancing this autonomy with the community in living out what he calls, "proper covenantal duality." While Petuchowski lays out four criteria for how to achieve proper covenantal duality, he does not provide the clarity and rationale that Borowitz's model of the Jewish self achieves. Borowitz argues we determine appropriate action by exercising our autonomy not as isolated individuals but as people who have been in and continue to yearn for a relationship with God.

While I appreciate Borowitz's articulation of the Jewish self, I do not think Reform Jews can utilize it without a more developed framework for its expression. The first principle of the Jewish self is autonomy. Meaning, a *halakhic* decision needs to

compel a person to act. The second criterion, to consider the community, is the first balancing piece. This criterion will require help from institutions within the Reform movement. Otherwise, how will an individual know the principles for which there is consensus about in a specific community? The third criterion, to be in covenant with prior generations, relies on historical precedent. Again, I think this criterion is important as it underscores that we are not only in a covenant with a contemporaneous community, but those who came before us as well. The issue, however, is that Reform Jews are not capable on their own of determining the existing precedent. They need help from people who have textual training to provide such information. The fourth criterion requires the Jewish self to look towards the future of the Jewish people. This task is also too daunting for a single Jew to complete individually. Instead, they will need the help of a community to vision about the future. In order to utilize Borowitz's well thought out criteria for the Jewish self and make it more attainable, I find it necessary to combine it with the work of some of the other thinkers that I researched.

Rachel Adler's narrative approach provides a more meaningful way to frame and relate the four criteria of Borowitz's Jewish self. I find compelling and accessible the metaphor Dr. Adler borrows from Robert Cover, namely law as a bridge. On one side of the bridge is the current state of affairs of a community and on the other, an imagined alternative. I would like to interpret these two sides as representative of what Borowitz calls the communal norm and the future desires, respectively. I think his first and third criteria work quite well with this bridge metaphor as well. The only way to get from where the community stands in the present to where they want to be in the future is through committed action or law. Just like engineers need to check and see how a bridge

is holding up and complete maintenance as needed, so too do Jews need to update law so that it effectively moves a community from their present reality to their imagined alternative. According to Adler, law must be in equilibrium of Cover's two dimensions of *paidea* and imperialism. When this occurs, Borowitz's first criterion will likely be met as well. That is, an individual will act when they feel motivated to do so according to a certain law because it takes them from their current reality to an agreed upon imagined alternative. Adler, however, believes that effective Jewish law cannot retain any precedent from classical *halakhah*. She believes the *halakhic* sources fail to incorporate the impact of gender on the lives of Jews. Therefore, she concludes that to go back and reassess the source texts of *halakhah*, which are shaped by previous social contexts, is inadequate because the system did not reflect the participation of women. Effectively, Adler believes in the importance of Jewish law but wants to start completely fresh. I respectfully disagree, because of the way I now understand covenantal theology. We cannot disregard an entire tradition of precedent, even if only males created that very precedent. Such a move disregards the covenant in history and only focuses on the present and future covenant. Besides Adler's conflict with covenantal theology, I do not find Adler's theory on its own to be practical enough or fully fleshed out. I locate help in my assessment from Irshai.

Irshai supports Adler's notion that the problem with *halakhah* is rooted in theological issues but argues that *nomos* should not be seen only as grounded in narrative but also as creating and influencing narrative. Irshai believes that if we are going to relate to *halakhah*, we need to honor the existing *halakhic* establishment and the interpretive traditions or mechanisms for *halakhic* change. Therefore, she proposes creating what she

calls alternative *halakhic* stories. Unlike Adler, who posits that norms are rooted in narrative, Irshai believes it can work the opposite way as well. I appreciate Irshai's inventiveness with how to both honor the existing ethnos and still pave the way for an effective bridge for a community committed to egalitarianism to get from where they are now to where they want to be. I think Irshai's take on narrative dovetails quite nicely with what I appreciate from Washofsky as well.

Washofsky explains that every community will make different interpretations based on the meta-*halakhic* factors they are committed to and how influential that community allows those factors to become. A community expresses these normative commitments through narrative or *aggadah*. Therefore, a community of interpretation should know its own commitments. In creating a bridge that takes a community from their commitments to their imagined alternative, Washofsky utilizes the *halakhic* technique of "Enlarging the Standard Set of Sources or Techniques" to enable a decisor to redefine a case by locating a new precedent. This technique, which entails finding a new text that has not previously been brought for the issue at hand, has similarities to Irshai's alternative *halakhic* story. Ultimately, I find Irshai's method to be more accessible and compelling. With her method, we do not have to go on a scavenger hunt throughout the Jewish tradition to find a new precedent. We simply go back as far as we need in a *halakhic* framework to see if changing something could then yield an outcome that would appeal to our community. Unlike Irshai, Washofsky does not provide an explicit solution for what we can do if finding alternative precedent is not possible. However, he emphasizes the importance of principles in law, which Irshai says we must rely on if we cannot find an alternative *halakhic* narrative. Based on Washofsky's work

on Reform Responsa, I think he also relies on principles and rhetoric when alternative precedent cannot be found.

As a result of the foregoing research, I have developed a six-point approach to *halakhah* that will provide Reform Jews with an accessible and meaningful way to make decisions about Jewish observance:

1. Identify meta-halakhic factors, the commitments that shape a Reform Jewish community

- a. Faith: “Reform Judaism maintains faith in the Covenant between God and Israel as expressed over the generations in the teachings of an ever-evolving Torah and tradition. Stirred by the mandate of *tikkun olam*, Reform Judaism seeks to be the living expression of those teachings. It welcomes all who seek Jewish connection to pursue a life of meaning as inspired by the Divine and proclaimed in the truths grasped by Jewish teachers throughout time.”⁷¹
- b. Community: “In sacred attachment to the Jewish people and with connection to the State of Israel, Reform Jews, as members of a group and as individuals, in holy congregations and in diverse settings, strive to make thoughtful choices about how we put our values into action. Reform Judaism asks us to seek the holiness that is present throughout creation through reflection, critical study, and sacred acts so as to renew our living covenant with God, the people Israel, humankind, and the earth.”⁷²
- c. Egalitarianism: All people are equal and deserve equal rights and treatment

2. Consider the aims of Reform Judaism for the future

- a. Strong Congregations: “Inspire sacred action and expand the way in which people can live Jewishly. Through the URJ's work with congregations, we further our other priorities of investing in the Jewish future, deepening

⁷¹ “What We Believe,” Union for Reform Judaism, accessed December 16, 2019, <https://urj.org/what-we-believe/what-reform-judaism>.

⁷² “What We Believe.”

Jewish learning and experiences, repairing the world, welcoming all, and connecting with Israel.”⁷³

- b. Audacious Hospitality: “A transformative spiritual practice rooted in the belief that we will be a stronger, more vibrant Jewish community when we fully welcome and incorporate the diversity that is the reality of modern Jewish life. Engage seekers in the sacred work of creating a world of wholeness, compassion and justice.”⁷⁴
- c. Repairing The World: “It has become axiomatic that to be a Jew is to care about the world around us. To be a Reform Jew is to hear the voice of the prophets in our head; to be engaged in the ongoing work of *tikkun olam*; to strive to improve the world in which we live.”⁷⁵ “In the Aleinu prayer, dating from the Talmudic period, we ask God’s help *I’taken olam b’malchut Shaddai*, in repairing the word through the sovereignty of the Almighty, reflecting a God who established divine rule in the world through the *mitzvot*. The phrase also has Kabbalistic overtones, echoing Isaac Luria’s belief that shortly after God created light, the vessels of the universe proved unable to contain it and shattered (*shevirat hakelim*, the breaking of the vessels), scattering the light through the physical world. To affect a repair of the world (*tikun olam*), he believed human beings need to fulfill the mitzvot which bring us into contact with that part of the natural world connected to the mitzvah (e.g., Shabbat candles or wine, a Pesach table, a suffering human being). Fulfilling that mitzvah liberates the spark (*nitzotz*) of light contained in the broken vessel (*klipah*) and the light returns to its source. In the latter part of the 20th Century, the Reform Movement appropriated this phrase to refer to acts of social justice which could help repair our broken world.”⁷⁶
- d. Generational Growth: “We coordinate a network of youth programs across North America and in Israel that promote community, spiritual growth, and lifelong friendship, motivating more young Jews to embrace Jewish living as a path to meaning, purpose, and joy.”⁷⁷

⁷³ “Our Vision and Priorities,” Union For Reform Judaism, accessed December 16, 2019, <https://urj.org/what-we-believe/vision>.

⁷⁴ “Our Vision and Priorities.”

⁷⁵ Ibid.

⁷⁶ “Article Commentary on the Principles for Reform Judaism.”

⁷⁷ Ibid.

- e. *Messianic age*. “The 1885 Pittsburgh Platform rejected the traditional Jewish hope for an heir of King David to arise when the world was ready to acknowledge that heir as the one anointed (the original meaning of *mashiach*, anglicized into “messiah”). This figure would rule in God’s name over all people and ultimately usher in a time of justice, truth and peace. In the *Avot*, the first prayer of the *Amidah*, Reformers changed the prayer book’s hope for a *go-el*, a redeemer, to *g’ulah*, redemption. Originally this idea reflected the views of George Friedrich Hegel and the French positivist philosophers that society was growing ever more enlightened. The cataclysmic events of the first half of the 20th Century smashed that belief, and most Reform Jews saw the messianic age as a time that would probably be far off. Still, we renew our hope for it when we express the belief that Shabbat is *mei-ein olam haba*, a sample of the world to come, when we sing about Elijah, herald of the messiah, when *Havdalah* brings Shabbat to a close, when we open the door for Elijah late in the Pesach Seder, and when we express the hope in the first paragraph of the *Kaddish* that God’s sovereignty will be established in our days.”⁷⁸

3. **Consider the *halakhic* precedent as it stands. If it accords with 1) and 2), go to 6.**

4. **If the *halakhic* precedent as it stands does not accord with 1) and 2), enlarge the set of sources and create an alternative *halakhic* story that might accord with 1) and 2).**
 - a. To create an alternative *halakhic* story entails uncovering the *halakhic* genealogy and the hidden paradigms that have influenced *halakhah*’s dominant attitudes. Specifically, in a *halakhic* context, it designates uncovering the legal background of the dominant *halakhic* story (historical precedent) and provides examples for certain missing links in the chain, so we can see other possible rulings.⁷⁹ We must ask the question, will other sources allow for the construction of a different model and ultimately create a new *halakhic* story? The alternative *halakhic* story will be concerned with rhetoric and interpretive tactics that were used in the formulation of the dominant *halakhic* story.

⁷⁸ Ibid.

⁷⁹ Ibid., 68-69.

- b. “Enlarging the Standard Set of Sources or Techniques” can enable a decisor to redefine a case by locating a new precedent.⁸⁰ This technique means finding a new text that has not been previously applied to the issue at hand. In order to maintain a healthy tension of respecting precedent and innovating, The innovation begins by searching for other precedents that may fit the case. Washofsky suggests the best way to do so is through the logic of analogy. The reframing of a case creates an alternative narrative structure.⁸¹

5. If additional sources and framing cannot provide a superior alternative, consider rhetorical reframing of the existing halakhic story.

- a. Meaning, when objective standards do not serve us, we must rely on language that will persuade a community to support one decision over another (like a reform Responsa already does). In a *halakhic* context, the best way to do so is to know for what values there is consensus among in a community (refer back to step 1) so that the premise of the argument takes them into account.⁸²

6. Conclusion: Given the process above, what course of action seems appropriate?

⁸⁰ Mark Washofsky, “Taking Precedent Seriously: On Halakhah as a Rhetorical Practice,” in *Re-examining Progressive Halakhah*, ed. Walter Jacob and Moshe Zemer (New York: Berghahn Books, 2002), 44.

⁸¹ Washofsky, “Taking Precedent Seriously,” 46-51.

⁸² *Ibid.*, 75-76.

CHAPTER FIVE

An Application of My Progressive Theory of *Halakhah*: A Guide to Positively Observing Shabbat

So far, this project has been theoretical and aspirational. This project also aims, however, to explore what an accessible, relevant, *halakhic* process might look like for Reform Jews. Such a process would consider individual and communal autonomy, as well as the roles of innovation and tradition. Now that I have examined how Reform Judaism might conceptualize of a contemporary *halakhic* process, I will consider how Reform Jews might engage in such a process when it comes to one important Jewish commandment — namely, Shabbat.

I have chosen Shabbat for several reasons. First, the commandments of Shabbat come about frequently in the life of a Jew. Second, most Reform Jews already have some familiarity with the laws of Shabbat, even if they are not especially observant (though, admittedly, that familiarity is often underdeveloped and not accompanied by commitment.). Many Reform Jews struggle to understand what it means to be *shomer* Shabbat or, Shabbat observant, as they associate those terms with Orthodox Jews.

But the Reform movement recognizes the importance of Shabbat, even as it acknowledges the challenges posed by the classical *halakha* for the liberal community. There have been many Reform responsa written on the topic of Shabbat. These Responsa attempt to answer legal questions for a Reform audience. In 1991, Rabbi Mark Dov Shapiro wrote a guide for observing Shabbat called *Gates of Shabbat*, which was published by the CCAR. Shapiro notes one of the great challenges in articulating protocols for a Reform Jewish Shabbat observance:

So what, then does Jewish tradition mean when it directs us to ‘rest’ on the seventh day? Jewish tradition says very little about the nature of that rest. Instead, it emphasizes the opposite - it specifies in detail what activities are not appropriate for Shabbat. These activities are defined as *melachah*/work,”⁸³

Shapiro therefore encourages Reform Jews to create definitions of work and rest and live them out in practice. While Shapiro’s guide is thoughtful, it diverges considerably from the tradition and at the same time does not address what I believe to be the core issue of *melachah* for Reform Jews. According to Shapiro,

On the one hand, you need to respond to the thrust in Judaism that prohibits ‘work.’ You must consider which weekday activities traditionally prohibited on Shabbat you will avoid. On the other hand, you need to ask yourself what you will do to fill the space created by the abstentions that you make. What will you do positively on Shabbat in order to keep the spirit of the day alive?⁸⁴

In other words, Shapiro treats the existing *halakhic* precedent as something that needs to be accounted for, but ultimately, he leaves it up to Reform Jews to do what they think will make Shabbat a holy day. His language appears to be in line with Petuchowski, whose theory I have already shown to not be accessible, cohesive or compelling. His initial question, though, asking what does Jewish tradition mean when it directs us to ‘rest’ on the seventh day, is nonetheless a good one. My approach will yield a different process for determining Reform Jewish Shabbat practice.

In 2007, the Reform Movement adopted a resolution called “Revising Reform Shabbat Observance,” as a way to envision a future for Reform Shabbat practice.

The resolution proclaims that,

We know that in the absence of Shabbat, Judaism withers. More than ever, in our 24/7 culture, we need to embrace the Torah’s mandate to rest. When work

⁸³ Mark Dov Shapiro, *Gates of Shabbat: A Guide for Observing Shabbat* (New York: CCAR Press, 1991), 49.

⁸⁴ Shapiro, *Gates of Shabbat*, 50.

expands to fill all of our evenings and weekends, everything suffers, including our health. For stressed-out, sleep-deprived families, the Torah's mandate to rest looks relevant and sensible. During the week we should pursue our goals; on Shabbat we should learn simply to be... The time has come to create alive, tangible and visceral Shabbat experiences, similar to those experienced by our children at our summer camps. We need to approach Shabbat with the creativity that has always distinguished Reform Judaism. A Shabbat in which we emphasize the 'Thou shalt' of Shabbat-candles and *Kiddush*, rest and study, prayer and community- rather than the 'Thou shalt not.' Rabbis, Cantors, and Educators will guide us here, as they always do, but their role is to be supportive only. They already have far too much on their plate. The premise is that in our midst there are thoughtful and committed volunteer leaders who are excited by the prospect of reviving Shabbat and who will help redefine what Shabbat can mean in the lives of Reform Jewry. The time has come to provide Reform Jews with the support of a loving community, so they can feel commanded without feeling coerced.⁸⁵

This resolution confirms Shapiro's insistence that Reform Judaism should emphasize more so the positive ways of observing Shabbat, such as rest, study, prayer and community, and less so the negative prescriptions stemming from the classical 39 *melachot*. I agree, and thus my approach to *halakha* and my guide for Shabbat observance follow suit.

My guide to observing Shabbat for the Reform Jewish community is rooted in the six steps proposed above. The guide aims to be clear, concise, open to innovation, rooted in the Jewish tradition, and easily accessible. In order to achieve the last goal, the guide is written with the hope that it might be added to the current Reform Jewish prayer book, *Mishkan T'fillah*.

Customarily, Jewish prayer books include a section about the laws of Shabbat in between the *Kabbalat Shabbat* and *Maariv* services. The traditional passage is the second

⁸⁵ "Revisioning Reform Shabbat Observance," Union for Reform Judaism, accessed December 16, 2019, <https://urj.org/what-we-believe/resolutions/revisioning-reform-shabbat-observance>.

chapter of Mishnah Shabbat, which deals with the laws for lighting Shabbat lights.⁸⁶

Most Reform Jews would not find these laws relevant, however, and understandably they were not included in the current edition of *Mishkan T'fillah*. My guide to Shabbat observance might serve as a fitting replacement in *Mishkan T'fillah* or a future Reform prayer book. It has been formatted to fit into the existing form of *Mishkan T'fillah*.

⁸⁶ Edward Feld and Jan Uhrbach, eds., *Siddur Lev Shalem* (New York: The Rabbinical Assembly, 2016), 31.

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Customarily, Jewish prayer books include a study section of the laws for preparing for Shabbat in between the *Kabbalat Shabbat* and *Maariv* liturgy. Specifically, the second chapter of Mishnah Shabbat, which deals with the laws for lighting Shabbat lights. These laws, however, do not address the contemporary Reform Jewish community. This guide can serve as a way to help both a community and an individual solidify its Shabbat observance. It is framed by the following steps which have been adopted as the Reform Movement's approach to Jewish practice.⁸⁷

1. Identify meta-*halakhic* factors (the ideological commitments that shape a Reform Jewish community).
2. Consider the aims of Reform Judaism for the future.
3. Consider the *halakhic* precedent as it stands. If it accords with 1) and 2), go to 6.
4. If the *halakhic* precedent as it stands does not accord with 1) and 2), enlarge the set of sources and create an alternative *halakhic* story that might accord with 1) and 2).
5. If additional sources and framing cannot provide a superior alternative, consider rhetorical reframing of the existing *halakhic* story.
6. Conclusion: Given the process above, what course of action seems appropriate?

Step 1: Consider the ideological commitments of the Reform Jewish Community

- a. Faith: Reform Judaism maintains faith in the Covenant between God and Israel as expressed over the generations in the teachings of an ever-evolving Torah and tradition.
- b. Tikkun Olam: Reform Judaism seeks to be the living expression of Torah and tradition in its pursuit to make the world a better and more peaceful place to live.
- c. Community: In sacred attachment to the Jewish people and with connection to the State of Israel, Reform Jews, as members of a group and as individuals, in holy congregations and in diverse settings, strive to make thoughtful choices about how we put our values into action. Reform Judaism asks us to seek the holiness that is present throughout creation through reflection, critical study, and sacred acts so as to renew our living covenant with God, the people Israel, humankind, and the earth.

⁸⁷ Rabbi Daniel Freedman, b. 1990

- d. Egalitarianism: All people are equal and deserve equal rights and treatment
- e. [Others that a particular community might add.]

Step 2: Consider the aims of Reform Judaism for the future

- a. Strong Congregations: Inspire sacred action and expand the way in which people can live Jewishly. They will deepen Jewish learning and experiences.
- b. Audacious Hospitality: We will be a stronger, more vibrant Jewish community when we fully welcome and incorporate the diversity that is the reality of modern Jewish life. Engage seekers in the sacred work of creating a world of wholeness, compassion and justice.
- c. A better and more peaceful world: A world where the environment is healthier, people are nicer to each other and religion unites rather than divides.
- d. Generational Growth: Young Jews will embrace Jewish living as a path to meaning, purpose, and joy.
- e. Messianic age: The 1885 Pittsburgh Platform rejected the traditional Jewish hope for an heir of King David to arise when the world was ready to acknowledge that heir as the one anointed. Today, we renew our hope for it when we express the belief that Shabbat is *mei-ein olam haba*, a sample of the world to come, when *Havdalah* brings Shabbat to a close, and when we express the hope in the first paragraph of the *Kaddish* that God's sovereignty will be established in our days.

Step 3: Consider the halakhic precedent as it stands. If it accords with 1) and 2), go to 6.

Study Question:

1. Does refraining from the activities listed in the following Mishnah build a bridge from Reform Judaism's present commitments (Step 1) to its ideal future (Step 2)? Why or why not?

Mishnah 7:2

The primary labors⁸⁸ are forty less one: sowing, plowing, reaping, binding sheaves, threshing, winnowing, selecting, grinding, sifting, kneading, baking, shearing wool,

⁸⁸ "*Avot* and *toledot* are further differentiated by the fact that the primary categories generally appear on the list of Mishnah Shabbat 7:2, whereas derivatives include forms of labor absent from the list but comparable to its categories. Primary

bleaching, hackling, dyeing, spinning, weaving, the making of two loops, weaving two threads, dividing two threads, tying and untying, sewing two stitches, tearing in order to sew two stitches, capturing a deer, slaughtering, or flaying, or salting it, curing its hide, scraping it [of its hair], cutting it up, writing two letters, erasing in order to write two letters [over the erasure], building, tearing down, extinguishing, kindling, striking with a hammer, [and] carrying out from one domain to another, These are the forty primary labors less one.

To be Shabbat observant, according to classical Jewish law, means to: Avoid *melakhah*-The primary *halakhic* vocabulary used to regulate Shabbat. By avoiding these activities, the sages envisioned they were creating a space for Shabbat. These prohibitions are largely what define a classically *halakhically* observant Shabbat practice.

Step 4: If the halakhic precedent as it stands does not accord with 1) and 2), enlarge the set of sources and create an alternative halakhic story that might accord with 1) and 2).

Study Questions

1. Do the following sources allow for the construction of a different model and ultimately create a new *halakhic* story that differs from the dominant *melakhah* driven narrative of Shabbat? What would that story be?
2. How could this new story serve as a bridge between Reform Judaism's present commitments (Step 1) and its ideal future (Step 2)?

Biblical Texts

Exodus 23:12

Six days you will do your work and on the seventh day you will rest for the sake your ox and your donkey will rest, and the bondman and the stranger will be refreshed.

Leviticus 23:24

Speak to the children of Israel saying on the seventh month on the first of the month it will be for you a *Shabbaton*, for recalling trumpet blasts, a holy occasion.

categories are also said to have been “important” to the work of building the tabernacle, which was not the case for the derivatives.” in Daniel S. Nevins, “The Use of Electrical and Electronics on Shabbat” (Committee on Jewish Law and Standards, The Rabbinical Assembly, 2012), 13.

Isaiah 58:13

If you turn your feet from Shabbat, the doings of your desire on my holy day; If you call the sabbath “a delight,” The LORD’s holy day “honored”; And if you honor it and go not your ways nor look to your affairs, nor strike bargains.

MidrashMekhilta de Rabbi Ishmael Exodus 12:17⁸⁹

You will observe this day. Why is this said? Was it not already said, “All labor will not be done on them?” (From this) I only get things that are on account of labor. How about things that are on account of rest? (Doing things in this category would detract from the restfulness of the day) Scripture says, “You will observe this day,” to bring things that are on account of rest (meaning, we do not only refrain from the *m'lakhot* but ALSO things that get in the way of rest).⁹⁰

Ramban on Leviticus 23:24⁹¹

It will be for you a complete rest: That it will be a day of rest to rest on it. And our rabbis said (Shabbat 24), “He made it a complete rest and behold the one who does work on Yom Tov transgresses a negative and positive [commandment] and the one who is resting on it fulfills a positive [commandment]. Further, they say this applies to all of the festivals, though our chapter does not include it in the sections about the Feast of Unleavened Bread or the feast of weeks. (In Mekhiltah (21:9)) I saw an explanation which says “And you shall guard this day.” (Exodus 12:17). Why is it said? Is it not already said, “You will not do any work on them!” (Exodus 12:16). This only deals with matters that are because of work. Matters that are because of rest, from where do we derive them [in scripture]? Scripture says, “And you shall guard this day” to include matters that are because of rest. Could you even say that (things on account of *shvut*) will be forbidden on *chol ha moed*. Scripture says, “The first day will be one of complete rest” And behold, they (the sages) explain “Shabbaton” as complete rest even from things that are not primary *m'lakhot* and their derivatives. But, this is not clear to me. For the category of *shvut* is entirely rabbinic, not biblical. So why would they say that commandment derives from “there.” They should have applied their explanation to our

⁸⁹ Translated by author in consultation with Jacob Z. Lauterbach, ed., *Mekilta de-Rabbi Ishmael* (Philadelphia: Jewish Publication Society, 1949), 75.

⁹⁰ Just avoiding *m'lakhot* is not enough to observe Shabbat. The rabbis in this midrash understand observing Shabbat to be much more. This text asks us to reimagine what it means to be “*shomer shabbat*?”

⁹¹ Translation by author in consultation with Michael Carasik, ed., *The Commentator’s Bible Leviticus* (Philadelphia: The Jewish Publication Society, 2009), 187.

phrase “complete rest” to make clear that it is indeed a commandment to rest not merely not to work...And why stop at festivals? All of these things would be permissible on the Sabbath as well, for none of them fall into the 39 prohibited categories of work. That is why the Torah says these days are ones of complete rest. They are for rest and relaxation, not for toil. And this is a good and pretty explanation.⁹²

Tanna debe Eliyyahu 488:24⁹³

(What did God provide for Israel in order to have them act in such a way to cause God to put out of mind their offenses against him?) God provided Israel with the Sabbath: *Among the days that were to be fashioned, one of those days was to be wholly His* (Ps. 139:16). In what sense is to be wholly His? Say, a man who labors for six days, rests on the seventh, and so finds himself at peace with his children and other members of his household. Likewise, a man may labor all six days in the presence of people who are hostile to him, but then, as he rests on the Sabbath, he forgets all the vexation he had previously had. Such is the nature of man: the day of rest brings about his forgetting of evil, and a day of trouble brings about his forgetting of good.

Talmud

bShabbat 113a-113b

“And if you honor it by not going your ways”, (Isaiah 58:13) “And you honor it” - That your dress for Shabbat will not be like your everyday dress. And this is also how Rabbi Yochanan would read his clothes as “honor.” (You should have nice clothes) “Doings of your way” That the way you walk on Shabbat will not be like every other day. “From carrying out your affairs”- We forbid your affairs, we permit heavenly affairs. “And speak of empty matters”⁹⁴- That your speech on Shabbat will not be like your speech on

⁹² Ramban feels that the verse from Leviticus is a better one to use than the one the Mekhilta uses because it says specifically “complete rest”. Ultimately, I think it is saying a similar thing about *shevut* being a positive commandment rooted in the Torah. For whatever reason, our sages did not develop *shevut* it in such a way but did develop *m'lakhot*. Ramban’s comment leaves us with the question, what would it look like to develop the commandment of *shevut* further?

⁹³ Translation adapted by the author from William G. Braude and Israel J. Kapstein, eds., *Tanna Debe Eliyyahu: The Lore of the School of Elijah* (Philadelphia: The Jewish Publication Society, 1981), 44-45.

⁹⁴ Rashi provides an example of heavenly affairs: Engaging in Tzedakah and settling the baby for a pregnant woman.

every other day.⁹⁵ Matters (business)- forbidden, thinking (planning) is permitted. This reasoning works for everything in life but, “that your ways on Shabbat will not be like your ways on every other day” What is meant by that?⁹⁶

bShabbat 118b

Rav Yehuda said that Rav said: Anyone who brings joy to Shabbat, we give him requests of your heart, as it is said, “Seek the favor of God, and God will grant you the desires of your heart.” (Psalm 37:4) This oneg, I don’t know what it is. When it says, “And you called Shabbat a joy,” You must conclude: (Delight in God means delight in Shabbat) This is a joy of Shabbat. With what does one delight in it? of Shabbat)? Rav Yehuda son of Rav Shmuel son of Sheilat in the name of Rav said: With the cooking of beets, large fish, and heads of garlic. Rav Hiyya son of Ashi said of Rav: Even a little thing, making it honors Shabbat-behold, this is a joy. What is? Rav Papa said: A pie of fish hash.

Mishneh Torah: Shabbat

1:1

You will rest on the seventh day from forbidden labors – this is a positive commandment, as it is said, “On the seventh day, you will rest” (Exodus 23:12, 34:21). Any one who works on it (Shabbat) nullifies the positive commandment and has transgressed a negative commandment, as it is said, “Do not do any forbidden labor” (Exodus 20:10). And what is he liable for by doing a forbidden labor? If he did it in his will and with consciousness-he is liable for *karet*. And if there were witnesses there and a warning, he is condemned to death by stoning. And if he did without intention, his is liable for a fixed sin offering.

21:1

It is said in the Torah: “rest” (Exodus 23:12, 34:21) Even from things that are not forbidden labors he is obligated to desist from them. There are a lot of things that the sages forbade on account of *shevut*. Among them are the things that are similar to the forbidden labors. And among these things they are forbidden because they are a fence lest they result in doing work that is forbidden under the penalty of stoning.

30:1

Four things were said about Shabbat, two in the Torah and two from the scribes, and they are explained by the prophets. That in the Torah: Remember (*zachor*) (Exodus 20:7) and observe (*shamor*) (Deuteronomy 5:11) and it was explained by the prophets-honor and

⁹⁵ Rashi provides the example that one should not buy and sell and count.

⁹⁶ Each of these things, as explained by the Gemara, allows a leniency to do something to show honor to Shabbat. Even if that means just doing the opposite of what you do on every other day.

delight, as it is said: “If you call the sabbath “a delight,” and God’s day and “honor,”(Isaiah 58:13).⁹⁷

30:7-8

What is (Sabbath) joy? This is what the sages said is necessary to fix the most fatty rich broth and delicate drinks for Shabbat, all according to the money of a person. The more anyone spends for Shabbat and the and fixing many good foods, behold this is praise worthy. And if he cannot afford this, he may fulfill the Shabbat joy by preparing anything like a vegetable soup in honor of Shabbat. And it is not his obligation to strain himself and to ask others in order to increase Shabbat eating. The first sages said: make your Shabbat a weekday rather than depend on people. Whoever was joyful and rich and behold all his days are like Shabbat needs to change Shabbat food from everyday food. And if it is not possible to change, he changes the time of eating: If he would usually eat earlier, later. If he would usually eat later, earlier.

Step 5: If additional sources and framing cannot provide a superior alternative, consider rhetorical reframing of the existing halakhic story.

Study Question

1. How can we use language to persuade ourselves and our community to observe Shabbat in a way that accords with Reform Jewish commitments (Step 1) and ideals (Step 2)?

Conclusion: Given the process above, what course of action seems appropriate for you to observe as an individual?

⁹⁷ *Shamor* appears to be broken into both a negative commandment, *lo tasseh m'lakhot* (do not do any labor) and a positive commandment, *tishbot* (rest).

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Appendix

Biblical Sources and Commentary

Exodus 20:11

כִּי שֵׁשֶׁת־יָמִים עָשָׂה יְהוָה אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ וְאֶת־הַיָּם וְאֶת־כָּל־אֲשֶׁר־בָּם וַיָּנַח בַּיּוֹם הַשְּׁבִיעִי עַל־פְּנֵי
בְרָךְ יְהוָה אֶת־יוֹם הַשַּׁבָּת וַיְקַדְּשֶׁהוּ:

For six days God made the heavens and the earth and the sea and all that is in it and rested on the seventh day. Therefore, God blessed Shabbat and sanctified it.

Exodus 23:12

שֵׁשֶׁת יָמִים תַּעֲשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת לַמַּעַן יָנוּחַ שׁוֹרְךָ וַחֲמֹרְךָ וַיִּנְפֹּשׂ בּוֹ־אֲמֹתָהּ וְהָגַר

Six days you will do your work and on the seventh day you will rest for the sake your ox and your donkey will rest, and the bondman and the stranger will be refreshed.

Exodus 34:21

שֵׁשֶׁת יָמִים תַּעֲבֹד וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת בַּחֲרִישׁ וּבַקְצִיר תִּשְׁבֹּת

Six days you will work and on the seventh day you will rest. In plowing and harvesting you will rest.

Exodus 35:1-2

וַיִּקְהַל מֹשֶׁה אֶת־כָּל־עַדְת בְּנֵי יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם אֵלֶּה הַדְּבָרִים אֲשֶׁר־צִוָּה יְהוָה לַעֲשׂוֹת אֲתֶם:

Moses assembled all the people of the children of Israel and he said to them, "These are the things that God commanded to them."

שֵׁשֶׁת יָמִים תַּעֲשֶׂה מְלָאכָה וּבַיּוֹם הַשְּׁבִיעִי יְהִי־לָכֶם קֹדֶשׁ שַׁבַּת שַׁבְּתוֹן לַיהוָה כָּל־הַעֲשֶׂה בּוֹ מְלָאכָה
יּוּמָת:

Six days you will labor and on the seventh day it will be for you a holy sabbath of sabbatic observance for God. Anybody who does on it work will die.

Leviticus 23:24

דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל לֵאמֹר בְּהַדָּשׁ הַשְּׁבִיעִי בְּאַחַד לַחֹדֶשׁ יִהְיֶה לָכֶם שַׁבְּתוֹן זְכָרוֹן תְּרוּעָה מְקַרְא־קֹדֶשׁ:

Speak to the children of Israel saying on the seventh month on the first of the month it will be for you a complete rest, a holy occasion marked by trumpet blasts.

Ramban on 23:24¹

יהיה לכם שבתון שיהיה יום שביתה לנוח בו ואמרו רבותינו (שבת כד) שבתון עשה הוא והנה העושה מלאכה בי"ט עובר בלאו ועשה והשובת בו מקיים עשה ועל דעתם המועדות כולם הוקשו זה לזה כי לא נאמר שבתון בחג המצות ולא בעצרת ובמכילתא (בא ט) ראיתי בפרשת החדש ושמרתם את היום הזה (שמות יב יז) למה נאמר והלא כבר נאמר כל מלאכה לא יעשה בהם (שם פסוק טז) אין לי אלא דברים שהן משום מלאכה דברים שהן משום שבות מנין תלמוד לומר ושמרתם את היום הזה להביא דברים שהן משום שבות יכול אף חולו של מועד יהא אסור משום שבות והדין נותן תלמוד לומר ביום הראשון שבתון (להלן כט לט) והנה ידרשו "שבתון" לשבות בו לגמרי אפילו מדברים שאינן מאבות מלאכות ותולדותיהן אבל לא נתברר לי זה שאם תאמר שהוא אסמכתא מה טעם שיאמרו בלשון הזה כי "שבות" בלשונם נאמר לעולם על של דבריהם והאיך יתכן לומר דברים שהן אסורין משום שבות של דבריהם מנין שיהו אסורין מן הכתוב ודרך האסמכתות לשנות שהם מן התורה לא שיאמרו דבר זה שהוא מדברי סופרים מנין מן התורה אבל היה לו לומר דברים שאינן מלאכה מנין תלמוד לומר שבתון ונראה שהמדרש הזה לומר שנצטוינו מן התורה להיות לנו מנוחה בי"ט אפילו מדברים שאינן מלאכה לא שיטרח כל היום למדוד התבואות ולשקול הפירות והמתכות ולמלא החביות יין ולפנות הכלים וגם האבנים מבית לבית וממקום למקום ואם היתה עיר מוקפת חומה ודלתות נעולות בלילה יהיו עומסים על החמורים ואף יין וענבים ותאנים וכל משא יביאו בי"ט ויהיה השוק מלא לכל מקח וממכר ותהיה החנות פתוחה והחנוני מקיף והשלחנים על שלחנם והזהובים לפנייהם ויהיו הפועלים משכימין למלאכתן ומשכירין עצמם כחול לדברים אלו וכיוצא בהן והותרו הימים הטובים האלו ואפילו השבת עצמה שבכל זה אין בהם משום מלאכה לכך אמרה תורה "שבתון" שיהיה יום שביתה ומנוחה לא יום טורח וזהו פירוש טוב ויפה

It will be for you a complete rest: That it will be a day of rest to rest on it. And our rabbis said (Shabbat 24), "He made it a complete rest and behold the one who does work on Yom Tov transgresses a negative and positive [commandment] and the one who is resting on it fulfills a positive [commandment]. Further, they say this applies to all of the festivals, though our chapter does not include it in the sections about the Feast of Unleavened Bread or the feast of weeks. (In Mekhiltah (21:9)) I saw an explanation which says "And you shall guard this day." (Exodus 12:17). Why is it said? Is it not already said, "You will not do any work on them!" (Exodus 12:16). This only deals with matters that are because of work. Matters that are because of rest,

¹ Translation by author in consultation with Michael Carasik, ed., *The Commentator's Bible Leviticus* (Philadelphia: The Jewish Publication Society, 2009), 187.

from where do we derive them [in scripture]? Scripture says, “And you shall guard this day” to include matters that are because of rest.² Could you even say that (things on account of *shvut*) will be forbidden on *chol ha moed*. Scripture says, “The first day will be one of complete rest” And behold, they (the sages) explain “Shabbaton” as complete rest even from things that are not primary *m'lakhot* and their derivatives. But, this is not clear to me. For the category of *shvut* is entirely rabbinic, not biblical. So why would they say that commandment derives from “there.” They should have applied their explanation to our phrase “complete rest” to make clear that it is indeed a commandment to rest not merely not to work... And why stop at festivals? All of these things would be permissible on the Sabbath as well, for none of them fall into the 39 prohibited categories of work. That is why the Torah says these days are ones of complete rest. They are for rest and relaxation, not for toil. And this is a good and pretty explanation.³

Isaiah 58:6-14⁴

6

הָלוֹא זֶה צִוִּים אֲבֹתֵהוּ פִתְחֵי חֲרָצְבוֹת לְשֵׁעַ הַתֵּר אֲגַדּוֹת מוֹטֵה וְשַׁלַּח רְצוּצִים חֲפָשִׁים וְכָל-מוֹטֵה תִּנְתְּקוּ:

Will this not be the fast I choose for them he lessens bonds of wickedness, And untie the cords of the yoke To let the oppressed go free; To break off every yoke.

7

הָלוֹא פָּרַס לְרַעֲב לֶחֶמְךָ וְעֲנִיִּים מְרוּדִים תְּבִיא בֵּית כִּי-תִרְאֶה עָרֹם וְכִסִּיתוֹ וּמִבְּשָׁרְךָ לֹא תִתְעַלֵּם:

It is to spread your bread with the hungry, And to take the wretched poor into your home; When you see the naked, to clothe him, And not to conceal your own kin.

8

אִזּוּ יִבְקַע כִּשְׁחָרְ אוֹרְךָ וְאַרְכָּתֶךָ מִתְּהַרָה תִצְמַח וְהִלָּךְ לְפָנֶיךָ צְדָקָה כְּבוֹד יְהוָה יֵאֱסָפֶךָ:

² In other words, the Meckhilta says that the whole point of bringing in “You shall observe this day” is to show that observing it is not limited to the 39 *m'lakhot* but also includes anything that is toilsome.

³ Basically, Ramban feels that this verse from Leviticus is a better one to use than the one the Mekhilta uses because it says specifically “complete rest”. Ultimately, I think it is saying a similar thing about *shvut* being a positive commandment rooted in the Torah. For whatever reason, our sages did not develop it in such a way but did develop *melakhot*.

⁴ Translated by author

Then shall your light burst through like the dawn And your healing spring up quickly; Your Vindicator shall march before you, The Presence of Adonai shall be your rear guard.

9

אָז תִּקְרָא וַיהוָה יַעֲנֶה תְּשׁוּעַ וַיֹּאמֶר הַגִּבּוֹר אִם־תִּסְרִי מִתּוֹכָהּ מוֹטֵה שְׁלַח אֲצַבֵּעַ וַדְּבַר־אֲנִי:

Then, when you call, Adonai will answer; When you cry, God will say: Here I am. If you banish the yoke from your midst, The menacing hand, and evil speech,

10

וְתַמְק לָרֵעַב נַפְשׁוֹ וְגַפְשׁוֹ נַעֲנֶה תִשְׁבְּעַ וְנִרְחַח בְּחַשְׁפוֹ אוֹרָהּ וְאִפְלִתָּהּ בַּצַּהֲרִים:

And you offer your compassion to the hungry And satisfy the famished creature— Then shall your light shine in darkness, And your gloom shall be like noonday.

11

וְנַחֲמָה יְהוָה תָּמִיד וְהַשְׁבִּיעַ בְּצַחְצְחוֹת נַפְשׁוֹ וְעִצְמֹתָיִךְ יַחֲלִיץ וְהַיִּיתְךָ כַּגֵּן רוּחַ וְכַמוֹצָא מֵיִם אֲשֶׁר לֹא־יִכָּזְבוּ מִיָּמָיו:

Adonai will guide you always; God will slake your thirst in parched places And give strength to your bones. You shall be like a watered garden, Like a spring whose waters do not fail.

12

וּבְנֵי מִמֶּנּוּ חֲרֻבוֹת עוֹלָם מוֹסְדֵי דוֹר־וְדוֹר תִּקְוֹמֵם וְקִרְאָה לָהֶם גִּזְרֵי פִרְץ מְשֻׁבָּב נְתִיבוֹת לְשֻׁבָת:

Men from your midst shall rebuild ancient ruins, You shall restore foundations laid long ago. And you shall be called “Repairer of fallen walls, Restorer of lanes for habitation.”

13

אִם־תִּשְׁיֵב מִשְׁבַּת רַגְלְךָ עֲשׂוֹת חֲפָצֶיךָ בַּיּוֹם קִדְשִׁי וְקִרְאתָ לְשֻׁבָת עֲנֵג לְקִדּוּשׁ יְהוָה מְכַבֵּד וְכַבְּדָתוֹ יַעֲשׂוֹת דְּרָכֶיךָ מִמְּצוֹא חֲפָצֶיךָ וַדְּבַר דְּבַר:

If you turn your feet from Shabbat, the doings of your desire on my holy day; If you call the sabbath “a delight,” The LORD’s holy day “honored”; And if you honor it and go not your ways Nor look to your affairs, nor strike bargains—

14

אֲזַ תִּתְעַבֵּגַ עַל־יְהוָה וְהִרְפַּבְתִּיךָ עַל־בְּמֹתַי אֶרֶץ וְהֵאכְלִיתִיךָ בְּחֵלֶת יַעֲקֹב אָבִיךָ כִּי פִי יְהוָה דִּבֶּר:

So you will be joyful for God I will cause you to ride on the high place of the earth and I will feed you the portion of Jacob your father because the mouth of God has spoken.

Talmud⁵bShabbat 24b-25a

24b

מתני' אין מדליקין בשמן שריפה ביום טוב רבי ישמעאל אומר אין מדליקין בעטרן מפני כבוד השבת
 וחכמים מתירין בכל השמנים בשמן שומשמין בשמן אגוזים בשמן צנונות בשמן דגים בשמן פקועות
 בעטרן ובנפט רבי טרפון אומר אין מדליקין אלא בשמן זית בלבד

We do not light with already burnt oil on Yom Tov. Rabbi Yishmael says: We do not light with resin (in place of oil, it smells bad) out of respect for Shabbat. And the sages permit all oils; with sesame oil, tree nut oil, raddish oil, fish oil, gourd oil, resin and white cotton oil. Rabbi Tarfon says: We only use olive oil by itself.

גמ' מאי טעמא לפי שאין שורפין קדשים ביום טוב מנהני מילי אמר חזקיה וכן תנא דבי חזקיה אמר
 קרא ולא תותירו ממנו עד בקר והנותר ממנו עד בקר שאין תלמוד לומר עד בקר מה תלמוד לומר עד
 בקר בא הכתוב ליתן לו בקר שני לשריפתו אביי אמר אמר קרא עולת שבת בשבתו ולא עולת חול
 בשבת ולא עולת חול ביום טוב רבא אמר אמר קרא הוא לבדו יעשה לכם הוא ולא מכשירין לבדו ולא
 מילה שלא בזמנה דאתיא בקל וחומר

What is the reason? (for not using the already burnt oil) Because we do not burn consecrated things on Yom Tov. (Once the oil is burned it has already been consecrated) From where do we derive these things? (That we cannot burn consecrated things on Yom Tov) Chizkiah said, and also the tannah from the house of Chizkiah: A verse said, "You shall not leave any of it over until morning; if any of it is left until morning" (Exodus 12:10), We do not learn anything from the words "Until morning", why does scripture say, "Until morning?" The writing comes to give him a second morning to burn it. (This shows that you don't burn on Yom Tov, rather you wait until the next morning to burn on Chol HaMoed). Abaye says: A verse said, "A burnt Shabbat offering for every Shabbat" (Numbers 28:10) and not an everyday burnt offering on Shabbat, and not an everyday burnt offering on Yom Tov. Rava said: A verse said, "It (what every person is to eat) will be made for you," (Exodus 12:16). From the word that, it is derived that for sustenance, one can perform a prohibited labor on Yom Tov-And we do not circumscribe (on Shabbat) when it is not the proper time (8th day) that it comes as an inference from the lighter case onto the more stringent case.

רב אשי אמר (שבת) שבתון

Why you can't perform the burning of the notar on Yom Tov: Rav Ashi said: It is derived from a different source. In the verses that speak of the Festivals, as opposed to the term Shabbat, the term shabbaton (Leviticus 23:24) appears.

⁵ All Talmud translated by author

25a

עשה והוה ליה יום טוב עשה ולא תעשה ואין עשה דוחה את לא תעשה ועשה

The latter term is a positive *mitzvah* to rest. And, if so, observance of a Festival is a *mitzvah* that was commanded with both a positive *mitzvah* to rest and a prohibition: “You shall do no manner of servile work” (Leviticus 23:8). And there is a principle that a positive *mitzvah*, e.g., burning consecrated items whose time has expired, does not override a *mitzvah* that was commanded with both a prohibition and a positive *mitzvah*, e.g., observance of the Festival.⁶

bShabbat 113a-b

113a

מתני' מקפלין את הכלים אפילו ארבעה וחמשה פעמים ומציעין את המטות מלילי שבת לשבת אבל לא משבת למוצאי שבת רבי ישמעאל אומר מקפלין את הכלים ומציעין את המטות מיום הכיפורים לשבת וחלבי שבת קריבין ביום הכיפורים אבל לא של יום הכפורים בשבת רבי עקיבא אומר לא של שבת קריבין ביום הכיפורים ולא של יום הכיפורים קריבין בשבת

We fold the garments even four or five times. And one is permitted to rearrange the beds from being used on the Sabbath night for use on Shabbat, but not from use on Shabbat for use when Shabbat is over. Rabbi Yishmael says: We fold the garments and we rearrange the beds from use on Yom Kippur for use on Shabbat, and the sacrifice of Shabbat we sacrifice on Yom Kippur, but not that of Yom Kippur on Shabbat (the holiness of Shabbat is greater than Yom Kippur). Rabbi Akiva says: not of Shabbat do we sacrifice on Yom Kippur, and not of Yom Kippur do we sacrifice on Shabbat.

גמ' אמרי דבי רבי ינאי לא שנו אלא באדם אחד אבל בשני בני אדם לא ובאדם אחד נמי לא אמרן אלא בחדשים אבל בישנים לא וחדשים נמי לא אמרן אלא בלבנים אבל בצבועים לא ולא אמרן אלא שאין לו להחליף אבל יש לו להחליף לא תנא של בית רבן גמליאל לא היו מקפלים כלי לבן שלהן מפני שהיה להן להחליף אמר רב הונא אם יש לו להחליף יחליף ואם אין לו להחליף ישלשל בבגדיו מתקף לה רב ספרא והא מיתחזי כרמות רוחא כיון דכל יומא לא קעביד והאידינא הוא דקא עביד לא מיתחזי כרמות רוחא

The members of the house of Rabbi Yanai say: They only taught with regard to one person (that it is permitted to fold), but with two people, no, and with one person, likewise, they only said new, but with old, no. And with whites, likewise, but with dying (clothes), no. And we only said

⁶ It is a single positive commandment to burn the remainder, but, to burn the notary would require violating the *taesheh* and the *lo taseh*. The word *shabbaton* is positive. If rest only meant *lo taeseh*, why would we have *Shabbaton*. The way human beings rest is probably similar from biblical to medieval to today. *Melachah* changes so much.

it is permitted to fold them on Shabbat when one does not have garments they can change into. If he does have garments he can change into, he may not fold them. A tannaatic source teaches: Of the house of Gamliel, they would not fold white (glistening) garments because they had others they could change into. Rav Chunah said: If one has new garments into which he could change he will, and if there is not, he will let his clothes down (to honor Shabbat). Rav Safra disagrees: This appears like spirited cattle. Because each day he is not doing and now he is doing, he does not appear like a spirited cattle.⁷

וכבדתו מעשות דרכיך וכבדתו שלא יהא מלבושך של שבת כמלבושך של חול וכי הא דרבי יוחנן קרי למאניה מכבדותי מעשות דרכיך שלא יהא הילוכך של שבת כהילוכך של חול ממצוא חפצך חפצך אסורין חפצי שמים מותרין ודבר דבר

“And if you honor it by not going your ways”, (Isaiah 58:13) “And you honor it” - That your dress for Shabbat will not be like your everyday dress. And this is also how Rabbi Yochanan would read his clothes as “honor.” (You should have nice clothes) “Doings of your way” That the way you walk on Shabbat will not be like every other day.⁸ “From carrying out your affairs”- We forbid your affairs, we permit heavenly affairs.⁹ “And speak of empty matters”-

113b

שלא יהא דבורך של שבת כדבורך של חול דבור אסור הרהור מותר בשלמא כולהו לחיי אלא שלא יהא הילוכך של שבת כהילוכך של חול מאי היא כי הא דאמר רב הונא אמר רב ואמרי ליה אמר רבי אבא אמר רב הונא היה מהלך בשבת ופגע באמת המים אם יכול להניח את רגלו ראשונה קודם שתעקר שניה מותר ואם לאו אסור מתקיף לה רבא היכי ליעביד ליקף קמפיש בהילוכא ליעבר זימנין דמיתוסן מאני מיא ואתי לידי סחיטה אלא בהא כיון דלא אפשר שפיר דמי אלא כדבעא מיניה רבי מרבי ישמעאל ברבי יוסי מהו לפסוע פסיעה גסה בשבת אמר ליה וכי בחול מי הותרה שאני אומר פסיעה גסה נוטלת אחד מחמש מאות ממאור עיניו של אדם ומהדר ליה בקידושא דבי שמי

That your speech on Shabbat will not be like your speech on every other day.¹⁰ Matters (business)- forbidden, thinking (planning) is permitted. This reasoning works for everything in life but, “that your ways on Shabbat will not be like your ways on every other day” What is meant by that? Because of this, that Rav Huna said of Rav, and some say Rabbi Abba said Rav

⁷ Each of these things, as explained by the Gemara, allows a leniency to do something to show honor to Shabbat. Even if that means just doing the opposite of what you do on every other day.

⁸ This is the idea that honor Shabbat means to do everything differently. Like Josh going to an amusement park. (Material delight vs heavenly delight)

⁹ Rashi provides an example of heavenly affairs: Engaging in Tzedakah and settling the baby for a pregnant woman.

¹⁰ Rashi provides the example that one should not buy and sell and count.

Huna said: if he can place his foot first before his second moves, permitted, and if not, forbidden. (i.e. If he needs to jump). Rava disagrees with him: How does it work? If he will go around-he increases walking (and exerts more effort). If he goes through, sometimes his clothes will absorb water and he will come into a state of wringing (schitah). Rather, in this case, since it is not possible, it is permissible (for him to jump). Like that Rabbi asked of him (raised a dilemma before) Rabbi Yishmael son of Rabbi Yossi: What is the halakhic ruling regarding large quantities of wide strides on Shabbat? He said to him: Is someone not permitted on the everyday? That I say: A large step takes away one of five hundred from the light of a person's eyes. And it returns to him on the kiddish on Shabbat evening according to the house of Shimshai.

bShabbat 114b-115a

114b

כי הוינא בבבל הוה אמרי הא דתניא יום הכיפורים שחל להיות ערב שבת לא היו תוקעין ובמוצאי שבת לא היו מבדילין דברי הכל היא כי סליקנא להתם אשכחיתיה ליהודה בריה דרבי שמעון בן פזי דיתב וקאמר רבי עקיבא היא דאי רבי ישמעאל כיון דאמר חלבי שבת קריבין ביום הכיפורים ליתקע כי היכי דליהוי ידעי דחלבי שבת קריבין ביום הכיפורים ואמינא ליה אנא כהנים זריזין הן אמר ליה מר קשישא בריה דרב חסדא לרב אשי מי אמרינן כהנים זריזין הן והתנן שלש להבטיל את העם ממלאכה שלש להבדיל בין קודש לחול כדאמר אביי לשאר עמא דבירושלים הכא נמי לשאר עמא דבירושלים וליתקע כי היכי דלידעי דשרי בקניבת ירק מן המנחה ולמעלה אמר רב יוסף לפי שאין דוחין שבות להתיר

When I was in Bavel I said- this that was taught (in a Baraita): If Yom Kippur occurred on the day before Shabbat, we would not blow (the horn), and at the end of Shabbat we would not separate (between the holiness of Shabbat and Yom Kippur by doing havdallah). All of it is God's word. When I went up to there (Israel), I found Yahooda, the son of Rabbi Shimon son of Pazi that sat and said: Its Rabbi Akiva. (Baraita is attributed to Akiba) That if it was Ishmael, since he said, "The fatty sacrifice of Shabbat we sacrifice on Yom Kippur," sound the horn. This so that the priests knew that the fatty sacrifice of Shabbat we sacrifice on on Yom Kippur. I said to him: The priests are ready (experts). Mar kashisha, son of Rav Chisda said to Rav Ashi: Who says "the priests are ready (experts)?" Three (sounds) to nullify the people from work, three to separate between holy and profane! Like Abaya said, (certain matters were done) for the remainder of people in Jerusalem, so here too, (we sound) for the rest of the people in Jerusalem. Sound, also they know to clean the vegetables from the afternoon and upwards. Rav Yosef said: Shvut is not overridden to permit (another action).

ורב שישא בריה דרב אידי אמר שבות קרובה התירו שבות רחוקה לא התירו ושבות קרובה התירו והתנן יום טוב שחל להיות ערב שבת תוקעין ולא מבדילין מוצאי שבת מבדילין ולא תוקעין ואמאי ליתקע כי היכי דלידעי דשרי בשחיטה לאלתר אלא מחוורתא כדרב יוסף

And Rav Sheisha the son of Rav Idi said: Close rabbinic prohibition (like blowing the horn to permit a forbidden labor quickly-they permitted, distant rabbinic prohibition (like cleaning a vegetable that was permitted only in the afternoon and hours after on Yom Kippur)- they did not permit. They permitted for a close rabbinic prohibition?! It was taught in a mishnah: When Yom Tov occurred to be the day before Shabbat- We sound the horn and we do not separate, after Shabbat- we separate and we do not sound the horn. Why? (do they not sound). He will blow, in order that they will know that he will rest from slaughtering on the spot!-its obvious according to Rav Yosef.¹¹

אמר רבי זירא אמר רב הונא ואמרי לה אמר רבי אבא אמר רב הונא יום הכיפורים שחל להיות בשבת
אסור בקניבת ירק אמר רב מנא תנא מנין ליום הכיפורים שחל להיות בשבת שאסור בקניבת ירק
תלמוד לומר שבתון שבות למאי אילימא למלאכה והכתיב לא תעשה כל מלאכה אלא לאו אקניבת ירק
שמע מינה

Rabbe Zeira said that Rav Huna said, and some say Rabbi Abba said to rav Huna: If Yom Kippur occurs on Shabbat, it is forbidden to cut a vegetable. Rav Manna said: It was taught (in a tannic source), from where is it derived that when Yom Kippur occurred on Shabbat that it was forbidden to clean a vegetable- scripture says “Shabbaton”¹² (Exodus 16:23) What is the halakhic origin of rest? If we say for forbidden labor- and it is written “You will not do any labor.” (Exodus 20:10) But is there not proof from the cleaning of a vegetable, there for it teaches us.

אמר רבי חייא בר אבא אמר רבי יוחנן יום הכיפורים שחל להיות בשבת מותר בקניבת ירק מיתבי
מנין ליום הכיפורים שחל להיות בשבת שאסור בקניבת ירק תלמוד לומר שבתון שבות למאי אילימא
למלאכה והכתיב לא תעשה כל מלאכה אלא לאו בקניבת ירק לא לעולם למלאכה ולעבור עליה בעשה
ולא תעשה תניא כוותיה דרבי יוחנן יום הכיפורים שחל להיות בשבת

Rabbe Hiyya son of Aba said in the way of Rabbi Yohanan: When Yom Kippur occurs on Shabbat- it is permitted in cleaning a vegetable. A dispute is raised: From where do we derive that when Yom Kippur falls on Shabbat that it is forbidden in cleaning a vegetable- Scripture says “Shabbaton.” (Exodus 16:23). What is the *halakhic* origin of rest? If we say it is a forbidden labor, and it was written, “You will not do all forbidden labors” But is there not proof in cleaning a vegetable!- No, everything is implicated by forbidden labors, that one transgresses on it by doing and not doing.¹³ A baraitah is taught like Rabbi Yochanan: If Yom Kippur falls on Shabbat

¹¹ You are able to slaughter on Yom Tov, but NOT on Shabbat. The horn signals to the priests that slaughtering must stop immediately.

¹² Adding so you know that rest applies

¹³ In other words, Steinzalts tells us there are positive commandments to rest on Shabbat and also there are the commandments that say do not do forbidden labors.

115a

מותר בקניבת ירק (ואמר רבי חייא בר אבא אמר רבי יוחנן יום כיפורים שחל להיות בחול) מפצעין באגוזים ומפרכסין ברימונים מן המנחה ולמעלה מפני עגמת נפש דבי רב יהודה מקנבי כרבא דבי רבה גרדי קארי כיון דחזא דהווי קא מחרפי אמר להו אתא איגרתא ממערבא משמיה דרבי יוחנן דאסיר

it is permitted to clean a vegetable. Rabbi Hiyyah son of Abba said in the way of Rabbi Yohanan: If Yom Kippur falls on an everyday, we crack open nuts and we scrape pomegranate seeds from the afternoon and on because of the grief of the soul. The sons of Rav Yaboodah's house would clean a vegetable. The house of Rabbi would scrub gourds. Once he saw they were doing it earlier. He said to them: A letter came from the west in the name of Rabbi Yohanan saying that it is prohibited.

bShabbat 118a-118b

118a

אמר רבי יוחנן משום רבי יוסי כל המענג את השבת נותנין לו נחלה בלי מצרים שנאמר אז תתענג על ה' והרכבתך על במתי ארץ והאכלתיך

Rabbi Yochanan said in the name of Rabbi Yossi: Anyone who brings joy to Shabbat is given a portion without bounds, as it is said, "So you will be joyful for God I will cause you to ride on the high place of the earth and I will feed you

118b

אמר רבי יוחנן משום רבי יוסי כל המענג את השבת נותנין לו נחלה בלי מצרים שנאמר אז תתענג על ה' והרכבתך על במתי ארץ והאכלתיך רב נחמן בר יצחק אמר ניצול משעבוד גליות כתיב הכא והרכבתך על במתי ארץ וכתוב התם ואתה על במותימו תדרוך

the portion of Jacob your father because the mouth of God has spoken." (Isaiah 58:13-14) Not like Abraham that it was written about him, "Get up, walk in the land, through its length and its breadth, for I give it to you." (Genesis 13:17) Not like Isaac that it is written about him, "I will assign all these lands to you and to your heirs, fulfilling the oath that I swore to your father Abraham." (Genesis 26:3) But rather like Jacob that it is written about him, "You shall spread out to the west and to the east, to the north and to the south." (Genesis 28:14) Rav Nachman son of Yitzchak said: (The one who increases joy on Shabbat) is saved from being enslaved to the diaspora, as it is written here, "I will cause to ride on the high place of the earth" (Isaiah 58:14) and written there "And you shall tread on their backs" (Deuteronomy 33:29).- (We have a word here and there, therefore they are linked (*Gzeira shava*)- Riding on the roller coaster means attaining redemption from the nations.)

אמר רב יהודה אמר רב כל המענג את השבת נותנין לו משאלות לבו שנאמר והתענג על ה' ויתן לך משאלות לבך עונג זה איני יודע מהו כשהוא אומר וקראת לשבת עונג הוי אומר זה עונג שבת במה מענגו רב יהודה בריה דרב שמואל בר שילת משמיה דרב אמר בתבשיל של תרדין ודגים גדולים וראשי שומין רב חייא בר אשי אמר רב אפילו דבר מועט ולכבוד שבת עשאו הרי זה עונג מאי היא אמר רב פפא כסא דהרסנא אמר רבי חייא בר אבא אמר רבי יוחנן כל המשמר שבת כהלכתו אפילו עובד עבודה זרה [כדור] אנוש מוחלין לו שנאמר אשרי אנוש יעשה זאת וגו' מחללו אל תקרי מחללו אלא מחול לו אמר רב יהודה אמר רב אלמלי שמרו ישראל שבת ראשונה לא שלטה בהן אומה ולשון שנאמר ויהי ביום השביעי יצאו מן העם ללקוט וכתוב בתריה ויבא עמלק אמר רבי יוחנן משום רבי שמעון בן יוחי אלמלי משמרין ישראל שתי שבתות כהלכתן מיד נגאלים שנאמר כה אמר ה' לסריסים אשר ישמרו את שבתותי וכתוב בתריה והביאותים אל הר קדשי וגו'

Rav Yehuda said that Rav said: Anyone who brings joy to Shabbat, we give him requests of your heart, as it is said, "Seek the favor of God, and God will grant you the desires of your heart." (Psalm 37:4) This oneg, I don't know what it is. When it says, "And you called Shabbat a joy," You must conclude: (Delight in God means delight in Shabbat) This is a joy of Shabbat. With what does one delight in it? (of Shabbat)? Rav Yehuda son of Rav Shmuel son of Sheilat in the name of Rav said: With the cooking of beets, large fish, and heads of garlic. Rav Hiyya son of Ashi said of Rav: Even a little thing, its making honors Shabbat-behold, this is a joy. What is? Rav Papa said: A pie of fish hash. Rabbi Hiyya son of Abba said Rabbi Yohanan said: Anyone who protects Shabbat according to the *halakhah*, even (like the generation) of a man who does idol worship, God forgives him, as it is said: "Happy is the man who does this (*Shamor*) and does not profane it. Do not say מחללו (from desecrating it) but rather מחול (he is forgiven) to him: If you say Israel protected the first Shabbat As it is said: "Yet some of the people went out on the seventh day to gather," (Exodus 16:27) and after it is written "And Amalek came," (Exodus 17:8)¹⁴ Rabbi Yochanan in the name of Rabbi Shimon Ben Yochai: If indeed the Jewish people would observe two Shabbats properly, immediately they would be redeemed, as it is said, "For thus said God: "As for the eunuchs who keep My sabbaths," (Isaiah 56:4) and it is written after it, "I will bring them to My sacred mount And let them rejoice in My house of prayer." (Isaiah 56:7).¹⁵

אמר רבי יוסי יהא חלקי מאוכלי שלש סעודות בשבת אמר רבי יוסי יהא חלקי מגומרי הלל בכל יום איני והאמר מר הקורא הלל בכל יום הרי זה מחרף ומגדף כי קאמרינן בפסוקי דזמרא אמר רבי יוסי יהא חלקי ממתפללים עם דמדומי חמה אמר רבי חייא בר אבא אמר רבי יוחנן מצוה להתפלל עם דמדומי חמה אמר רבי זירא מאי קרא ייראוך עם שמש ולפני ירח דור דורים

¹⁴ I think this means bad things happen when the Israelites profaned Shabbat

¹⁵ Following Shabbats plural leads to good things with the same logic as applied to Exodus 16-17 and Isaiah 56. In other words, if you don't *m'chalel* (desecrate) Shabbat, you are protected even if you did what Enosh's generation did. There is A LOT of power in observing Shabbat.

Rabbi Yossi said: Let my portion be among those who eat three meals on Shabbat. Rabbi Yossi said (which reminds the Stam of the following words of similar grander that Yossi also said): Let my portion be among those who complete Hallel everyday. Is it so?! And the one who said is Mar: The one who recites praises each day- behold this is a blasphemer and reviler!¹⁶ Because we mean with Psukei d'zimrah.¹⁷ Rabbi Yossi said: They should pray at dawn and sunset. Rabbi Chiyah son of Aba said Rabbi Yochanan said: It is a mitzvah to pray at dawn and sunset. Rabbi Zeira said: What is the scriptural evidence? "Let them fear You as long as the sun shines, while the moon lasts, generations on end." (Psalms 72:5)

bBeitzah 36b-37a

36b

מתני' כל שחייבין עליו משום שבות משום רשות משום מצוה בשבת חייבין עליו ביו"ט ואלו הן משום שבות לא עולין באילן ולא רוכבין על גבי בהמה ולא שטין על פני המים ולא מטפחין ולא מספקין ולא מרקדין ואלו הן משום רשות לא דנין ולא מקדשין ולא חולצין ולא מיבמין ואלו הן משום מצוה לא מקדישין ולא מעריכין ולא מחרימין ולא מגביהין תרומה ומעשר כל אלו ביו"ט אמרו קל וחומר בשבת אין בין יו"ט לשבת אלא אוכל נפש בלבד

Anything which one is obligated on it (Shabbat) on account of *Shevut*, on account of being optional (not a mitzvah), or on account of a *mitzvah*, we obligate him on Shabbat, even on Yom Tov. And these are them on account of *Shevut*: they will not climb trees, they will not ride on the backs of cattle, they will not float on the face of the water. they will not clap with hands, they will not clap hands on body and they will not dance. And these are on account of optional: they do not judge, they do not betroth, they do not untie and they do not marry the wife of a brother. And these are on account of a *mitzvah*. They do not sanctify, they do not evaluate, they do not set aside, and they do not give the *maaser* to the Levites. Regarding Yom Tov, they said all apply. All the more so on Shabbat. There is no difference between Yom Tov and Shabbat except the preparation of food.

גמ' לא עולין באילן גזרה שמא יתלוש ולא רוכבין על גבי בהמה גזרה שמא יצא חוץ לתחום שמע מינה תחומין דאורייתא אלא גזרה שמא יחתוך זמורה ולא שטין על פני המים גזרה שמא יעשה חבית של שייטין: ולא מטפחין ולא מספקין ולא מרקדין: גזרה שמא יתקן כלי שיר: ואלו הן משום רשות לא דנין: והא מצוה קעביד לא צריכא דאיכא דעדיף מיניה: ולא מקדשין: והא מצוה קעביד לא צריכא

¹⁶ Mar says its very bad to say Hallel everyday. About this, Rashi says: The first prophets fixed to say, for the parts about Shabbat and thanks, we mean Erev Passover. And this is the one who always recited it without time, it is only like singing a song and scorning one's self.

¹⁷ *Psukei dzimra*, NOT hallel

“They do not climb trees.” It is decreed lest he will tear (wood). “They will not ride on the back of cattle.” It is decreed lest he will go outside of the Shabbat limits. Therefore does it teach us that Shabbat limits are in the Torah?-Rather: It is decreed lest he will saddle the cattle. “And they will not float on the face of the water.” It is decreed lest he will make a vessel for swimming (flotation device). “And they will not clap, supply or dance.” It is decreed lest he will fix a vessel of song (an instrument). And these are them on account of optional: “They do not judge.” This is a positive mitzvah! -Not necessary, there could be a more preferable type. “And they do not betroth.” This is a positive mitzvah!- Not necessary

37a

דאית ליה אשה ובנים: לא חולצין ולא מיבמין: והא מצוה קא עביד לא צריכא דאיכא גדול ומצוה בגדול ליבם וכלהו טעמא מאיגזרה שמא יכתוב: ואלו הן משום מצוה לא מקדישין ולא מעריכין ולא מחרימין: גזרה משום מקח וממכר: ולא מגביהין תרומות ומעשרות: פשיטא תני רב יוסף לא נצרכא אלא ליתנה לכהן בו ביום וה"מ פירי דטבילי מאתמול אבל פירי דטבילי האידינא כגון עיסה לאפרושי מינה חלה מפרשינן ויהבינן לכהן והני משום רשות איכא משום שבות ליכא והני משום מצוה איכא משום שבות ליכא א"ר יצחק לא מבעיא קאמר לא מבעיא שבות גרידתא דאסור אלא אפי' שבות דרשות נמי אסור ולא מבעיא שבות דרשות דאסור אלא אפי' שבות דמצוה נמי אסור

that he (already) has a wife and kids. “They do not untie and they do not marry the wife of a brother.” And this is a positive mitzvah!- Not necessary, here there is an older brother of him (the dead brother), and it is a mitzvah for the oldest to marry the wife of his dead brother. What is the reason for all of these? A decree lest he will promise in writing (like a *ketubah*). “And these are them on account of *mitzvah*: They will not sanctify, they do not evaluate and they do not set aside.” - It is decreed lest he will buy or sell. “One may not separate *terumah* and *maaser*” Obviously! Rav Yosef taught: It is only necessary to teach the priest of it on the day. These words are limited to- produce that was untithed from before, but for produce that was untithed now, for example, the started dough. (With regards to) separating halla from it, one may separate and give to a priest. And this approach is good for optional stuff, but not *shevut*? And this approach is good for *mitzvah* but not *shevut*? Rabbi Yitzchak said: (They are all prohibited as *shevut*. Those that involve no mitzvah at all, have a mitzvah aspect to them, and those that constitute a *mitzvah*.) He is speaking. Not necessary to say; not necessary that plain *shevut* alone is forbidden, but rather even *shevut* that is optional is also forbidden. And it is not necessary to say optional *shevut* is forbidden, but rather even *shevut* that is a *mitzvah* is also forbidden.¹⁸

¹⁸ This is the most definition we get of *shevut*, however, all of them are things we cannot do in relation to *melakhot*. What about things we should do on account of *shevut*, to enhance the character of Shabbat, that fall into the three categories (not a mitzvah, optional, mitzvah)?

Midrash

Mekhilta de Rabbi Ishmael Exodus 12:17¹⁹

ושמרתם את היום הזה. למה נאמר? והלא כבר נאמר כל מלאכה לא יעשה בהם. אין לי אלא דברים שהם משום מלאכה, דברים שהם משום שבות מנין – תלמוד לומר ושמרתם את היום הזה, להביא דברים שהן משום שבות.

You will observe this day. Why is this said? Was it not already said, “All labor will not be done on them?” (From this) I only get things that are on account of labor. How about things that are on account of rest? (Doing things in this category would detract from the restfulness of the day) Scripture says, “You will observe this day,” to bring things that are on account of rest (meaning, we do not only refrain from the *m'lakhot* but ALSO things that get in the way of rest).²⁰

Tanna deve Elayahu 488:24²¹

זה יום השבת לישראל כיצד אדם עושה מלאכה כל ששה ונה בשביעי נתרצה עם (תהילים קל"ט:ט"ז) בניו ועם בני ביתו. שוב אדם עושה מלאכה בפני אויביו כל ששה ימים ונה בשביעי שוכח כל צער שהיה לו כך הוא מדתו של אדם יום טובה משכח יום רעה. יום רעה משכח יום טובה. אמר להם הקב"ה לישראל לא כתבתי לכם בתורתך לא ימוש ספר התורה הזה מפידך (יהושע א':ח') אע"פ שאתם עושים מלאכה כל ששה ימים שבת יעשה כולו תורה.

(What did God provide for Israel in order to have them act in such a way to cause God to put out of mind their offenses against him?) God provided Israel with the Sabbath: *Among the days that were to be fashioned, one of those days was to be wholly His* (Ps. 139:16). In what sense is to be wholly His? Say, a man who labors for six days, rests on the seventh, and so finds himself at peace with his children and other members of his household. Likewise, a man may labor all six days in the presence of people who are hostile to him, but then, as he rests on the Sabbath, he forgets all the vexation he had previously had. Such is the nature of man: the day of rest brings about his forgetting of evil, and a day of trouble brings about his forgetting of good. The nature of man being what it is, the Holy One said to Israel: My children have I not written for you in

¹⁹ Translated by author in consolation with Jacob Z. Lauterbach, ed., *Mekilta de-Rabbi Ishmael* (Philadelphia: Jewish Publication Society, 1949), 75.

²⁰ Just avoiding *melakhot* is not enough. The rabbis in this midrash understand observing Shabbat to be much more. Can we reimagine what it means to be “*shomer shabbat*?”

²¹ Translation adapted by the author from William G. Braude and Israel J. Kapstein, eds., *Tanna Debe Eliyyahu: The Lore of the School of Elijah* (Philadelphia: The Jewish Publication Society, 1981), 44-45.

My Torah, *This book of Guidance shall not depart out of they mouth* (Josh 1:8). Although you must labor all six days of the week, the Sabbath is to be given over completely to the Torah

Mishneh Torah: Shabbat²²

1:1

שְׁבִיטָה בְּשִׁבְעֵי מְלָאכָה מְצֻוֹת עֲשֵׂה שְׁנֵאמַר (שמות לד כא) "וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת". וְכָל הָעוֹשֶׂה בּוֹ מְלָאכָה בְּטֵל מְצֻוֹת עֲשֵׂה וְעֵבֵר עַל לֹא תַעֲשֶׂה שְׁנֵאמַר (דברים ה יד) "לֹא תַעֲשֶׂה כָּל מְלָאכָה". וְיָמָּה הוּא חֵיב עַל עֲשִׂית מְלָאכָה. אִם עֲשֵׂה בְּרָצוֹנוֹ בְּזִדּוֹן חֵיב כְּרֵת. וְאִם הָיוּ שָׁם עֵדִים וְהִתְרָאָה נִסְקָל. וְאִם עֲשֵׂה בְּשִׁגְגָה חֵיב קָרְבַּן חֲטָאת קְבוּעָה:

You will rest on the seventh day from forbidden labors – this is a positive commandment, as it is said, “On the seventh day, you will rest” (Exodus 23:12, 34:21). Any one who works on it (Shabbat) nullifies the positive commandment and has transgressed a negative commandment, as it is said, “Do not do any forbidden labor” (Exodus 20:10). And what is he liable for by doing a forbidden labor? If he did it in his will and with consciousness-he is liable for *karet*. And if there were witnesses there and a warning, he is condemned to death by stoning. And if he did without intention, his is liable for a fixed sin offering.²³

21:1

נֵאמַר בַּתּוֹרָה (שמות כב יב) (שמות לד כא) "תִּשְׁבֹּת" אֶפְלוּ מִדְּבָרִים שְׁאִינָן מְלָאכָה חֵיב לְשִׁבֹּת מִהֶן. וְדְבָרִים הַרְבֵּה הֵן שְׁאֶסְרוּ חֲכָמִים מִשּׁוֹם שְׁבוּתָם. מִהֶן דְּבָרִים אֲסוּרִים מִפְּנֵי שֶׁהֵן דּוֹמִים לְמְלָאכּוֹת וּמִהֶן דְּבָרִים אֲסוּרִים גְּזֵרָה שְׁמָא יָבוֹא מִהֶן אֲסוּר סְקִילָה. וְאֵלוֹ הֵן

It is said in the Torah: “rest” (Exodus 23:12, 34:21) Even from things that are not forbidden labors he is obligated to desist from them. There are a lot of things that the sages forbade on account of *shevut*. Among them are the things that are similar to the forbidden labors. And among these things they are forbidden because they are a fence lest they result in doing work that is forbidden under the penalty of stoning. And these are them.

30:1

אַרְבָּעָה דְּבָרִים נֵאמְרוּ בְּשִׁבֹּתָם. שְׁנַיִם מִן הַתּוֹרָה. וְשְׁנַיִם מִדְּבָרֵי סוּפְרִים וְהֵן מִפְּרָשִׁין עַל יְדֵי הַנְּבִיאִים. שְׁבִיטָה (שמות כז ז) "זְכוֹר" וְ (דברים ה יא) "שְׁמֹר". וְשְׁנֵי פְּרָשׁוֹ עַל יְדֵי הַנְּבִיאִים כְּבוֹד וְעֲנָג שְׁנֵאמַר (ישעיה נח יג) "וְקִרְאתָ לְשִׁבֹּת עֲנָג וְלִקְדוּשׁ ה' מְכַבֵּד"

²² All Mishnah Torah translated by author in consultation with Merged from Maimonides' Mishneh Torah, edited by Philip Birnbaum, New York, 1967, Sefaria Edition. Translated by R. Francis Nataf, 2019

²³ So far, even though we know that rest is positive, we only have a negative prescription of what to do.

Four things were said about Shabbat, two in the Torah and two from the scribes, and they are explained by the prophets. That in the Torah: Remember (*zachor*) (Exodus 20:7) and observe (*shamor*) (Deuteronomy 5:11) and it was explained by the prophets-honor and delight, as it is said: “If you call the sabbath “a delight,” and God’s day and “honor,”(Isaiah 58:13)²⁴

30:2

אִיזֶהוּ כְבוֹד זֶה שְׂאָמְרוּ חֲכָמִים שְׂמֻצָּנָה עַל אָדָם לְרַחֵץ פָּנָיו יָדָיו וְרַגְלָיו בְּחֻמִּין בְּעָרֵב שִׁבְתָּ מִפְּנֵי כְבוֹד
הַשִּׁבְתָּ וּמִתְעַטֵּף בְּצִיצִית וְיוֹשֵׁב בְּכִכְדָּר רֹאשׁ מִיַּחַל לְהִקְבֵּל פְּנֵי הַשִּׁבְתָּ כְּמוֹ שֶׁהוּא יוֹצֵא לְקִרְאת הַמְּלָךְ.
וְחֲכָמִים הָרֵאשׁוֹנִים הָיוּ מְקַבְּצִין תַּלְמִידֵיהֶן בְּעָרֵב שִׁבְתָּ וּמִתְעַטְפִּים וְאוֹמְרִים בּוֹאוּ וְנִצֵּא לְקִרְאת שִׁבְתָּ
הַמְּלָךְ

What is meant by honor? This is what the sages said that it is a commandment for a person to wash his face, his hands and his feet with hot water in the time before Shabbat on account of honor the Sabbath, wrap oneself in fringes and sit with gravitas awaiting to welcome the face of Shabbat as if he is going out to approach the king. And the first sages would gather their students on the evening of Shabbat, wrap and say: “Come and we will go out and call the Shabbat king.”²⁵

30:3

וּמְכָבוֹד הַשִּׁבְתָּ שְׂיִלְבֹּשׁ כְּסוּת נְקִיָּה. וְלֹא יִהְיֶה מְלַבּוֹשׁ הַחַל כְּמְלַבּוֹשׁ הַשִּׁבְתָּ. וְאִם אֵין לוֹ לְהַחֲלִיף מְשֻׁלָּשׁ
טְלִיתוֹ כְּדֵי שְׂלֹא יִהְיֶה מְלַבּוֹשׁוֹ כְּמְלַבּוֹשׁ הַחַל. וְעֶזְרָא תִקַּן שֶׁיִּהְיֶה הָעָם מְכַבְּסִים בְּחֻמֵּי שֵׁי מִפְּנֵי כְבוֹד הַשִּׁבְתָּ

And out of honor for Shabbat he will dress in clean clothes, and there will not be everyday clothing on Shabbat. And if there is not for him a difference-he lets down his tallit in order that his clothes will not be like his everyday clothes. And Ezra fixed that the people would wash their clothes on Thursday, on account of the honor for Shabbat.²⁶

²⁴ *Shamor* is broken into a negative commandment, *lo tasseh m'lakhot* and the positive commandment, *tishbot*.

²⁵ From this verse, honor appears to be getting dressed up to do something important.

²⁶ Honor means to prepare for Shabbat, like one would prepare for an upcoming interview.

30:4

אָסוּר לְקַבֵּעַ סְעֻדָּה וּמִשְׁתֵּה בְּעֶרְבַּ שַׁבָּת מִפְּנֵי כְבוֹד הַשַּׁבָּת. וּמִתֵּר לְאָכַל וּלְשָׂתוֹת עַד שְׁמֹחַשֶׁף. וְאִם עַל פִּי כֹן מִכְבוֹד הַשַּׁבָּת שְׂיִמְנַע אָדָם מִן הַמְּנַחָה וּלְמַעַלָּה מִלְקַבֵּעַ סְעֻדָּה כְּדֵי שְׂיִכְפֹּנס לְשַׁבָּת כְּשֶׁהוּא מִתְאַוֶּה לְאָכַל

And it is forbidden to appoint a regular meal and drink on Friday, out of honor for Shabbat. And it is permitted to eat and drink until it will be dark. Because of the honor of Shabbat that he will refrain from having a fixed meal during the afternoon, in order that he will enter Shabbat when he desires to eat.

30:5

מְסַדֵּר אָדָם שְׂלַחְנוּ בְּעֶרְבַּ שַׁבָּת וְאִם עַל פִּי שְׂאִינוּ צָרִיךְ אֲלָא לְכַוֵּינָהּ. וְכֹן מְסַדֵּר שְׂלַחְנוּ בְּמוֹצָאֵי שַׁבָּת וְאִם עַל פִּי שְׂאִינוּ צָרִיךְ אֲלָא לְכַוֵּינָהּ. כְּדֵי לְכַבְּדוֹ בְּכַנִּיסָתוֹ וּבִיצִיאָתוֹ. וְצָרִיךְ לְתַקֵּן בֵּיתוֹ מִבְּעוֹד יוֹם מִפְּנֵי כְבוֹד הַשַּׁבָּת. וְיִהְיֶה גַר דְּלוּק וְשְׂלַחַן עָרוּךְ לְאָכַל וּמִטָּה מְצַעֶת שְׂפָל אֵלּוּ לְכַבְּדוֹ שַׁבָּת הֵן

A person orders his table before Shabbat despite that is but an olive amount of food, and so too he orders his table at the end of Shabbat despite even though he only needs an olive amount of food, to honor in its coming and its going. And it is necessary to fix his house prior to Shabbat day to honor Shabbat, and there will be light illuminating and a arranged table and a bed spread, that all of these they honor Shabbat.

30:6

אִם עַל פִּי שְׂהִיָּה אָדָם חָשׁוּב בְּיוֹתֵר וְאִין דְּרַפּוֹ לְקַח דְּבָרִים מִן הַשּׁוּק וְלֹא לְהַתְעַסֵּק בְּמִלְאָכוֹת שְׁבִיבֵית חֵיב לַעֲשׂוֹת דְּבָרִים שְׁהֵן לְצָרֵךְ הַשַּׁבָּת בְּגוּפּוֹ שְׁנֵה הוּא כְבוֹדוֹ. חֲכָמִים הָרֵאשׁוֹנִים מֵהֶם מִי שְׂהִיָּה מְפַצֵּל הָעֵצִים לְבִשֵׁל בָּהֶן. וּמֵהֶן מִי שְׂהִיָּה מְבִשֵׁל אוֹ מוֹלַח בְּשָׂר אוֹ גוֹדֵל פְּתִילוֹת אוֹ מְדָלִיק גְּרוֹת. וּמֵהֶן מִי שְׂהִיָּה יוֹצֵא וּקוֹנֶה דְּבָרִים שְׁהֵן לְצָרֵךְ הַשַּׁבָּת מִמְּאָכַל וּמִשְׁקָה אִם עַל פִּי שְׂאִין דְּרַפּוֹ בְּכָף. וְכָל הַמְרַבֵּה בְּדָבָר זֶה הָרִי זֶה מְשַׁבַּח

Despite that there will be the most important person and it is not his way to take things from the market and not to engage in labors in the house- it is obligatory to do things that are necessary for Shabbat, that this is his honor of it [Shabbat]. The first sages, of them who would split the trees to cook in them, and of those that would cook or go meat, or twine wick or light lights, and of those that would go out and buy things that he needs for Shabbat for eating or drink even if it is not his way to do such and each anyone who behold this is praise worthy.

30:7

אִיזְהוּ עֲנָג זֶהוּ שְׂאֲמָרוּ חֲכָמִים שְׂצָרִיךְ לְתַקֵּן תְּבִשִׁיל שְׁמֵן בְּיוֹתֵר וּמִשְׁקָה מְבִשֵׁם לְשַׁבָּת הַכֹּל לְפִי מְמוֹנּוֹ שְׁל אָדָם. וְכָל הַמְרַבֵּה בְּהוֹצֵאת שַׁבָּת וּבְתַקּוֹן מְאָכְלִים רַבִּים וְטוֹבִים הָרִי זֶה מְשַׁבַּח. וְאִם אִין יָדוֹ מְשַׁבַּח

אִפְלוּ לֹא עָשָׂה אֶלָּא שָׁלַק וְכִיּוֹצֵא בּוֹ מִשּׁוּם כְּבוֹד שַׁבַּת הָרִי זֶה עֲנֵג שַׁבַּת. וְאִינּוּ חַיֵּב לְהַצִּיר לְעֵצְמוֹ וְלִשְׂאֵל מֵאַחֵרִים כְּדֵי לְהִרְבּוֹת בְּמֵאֲכָל בְּשַׁבַּת. אָמְרוּ חֲכָמִים הֶרְאִישׁוּנִים עָשָׂה שַׁבְּתָהּ חַל וְאֵל תִּצְטָרֵד לְבְרִיּוֹת

What is (Sabbath) joy? This is what the sages said is necessary to fix the most fatty rich broth and delicate drinks for Shabbat, all according to the money of a person. The more anyone spends for Shabbat and the and fixing many good foods, behold this is praise worthy. And if he cannot afford this, he may fulfill the Shabbat joy by preparing anything like a vegetable soup in honor of Shabbat. And it is not his obligation to strain himself and to ask others in order to increase Shabbat eating. The first sages said: make your Shabbat a weekday rather than depend on people.

30:8

מִי שֶׁהָיָה עֲנֵג וְעָשִׂיר וְהָרִי כֹּל יָמָיו בְּשַׁבַּת צָרִיךְ לִשְׁנוֹת מֵאֲכָל שַׁבַּת מִמֵּאֲכָל הַחַל. וְאִם אֵי אֶפְשָׁר לִשְׁנוֹת מִשְׁנָה זְמַן הָאֲכִילָה אִם הָיָה רָגִיל לְהִקְדִּים מֵאַחֵר וְאִם הָיָה רָגִיל לְאַחֵר מִקְדִּים

Whoever was joyful and rich and behold all his days are like Shabbat needs to change Shabbat food from everyday food. And if it is not possible to change, he changes the time of eating: If he would usually eat earlier, later. If he would usually eat later, earlier.