

**THE TRANSITION FROM THE BIBLICAL TO THE HALAKIC SABBATH**

**A study in the origin and early development  
of the institution of Sabbath**

**Submitted to the faculty  
of the Department of Talmud  
at the Jewish Institute of  
Religion in partial fulfil-  
ment of the requirements  
for the degrees of M. H. L.  
and Rabbi**

**by**

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**January, 1938**

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## Chapter I

### The Problem

The institution of Sabbath as found in the earliest sources of the Halakah is such as can hardly be identified with its Biblical counterpart bearing the same name. The attempt on the part of the Halakah to find support for the basic laws of the Sabbath in the Biblical verses often leads to a type of exegesis which is altogether unwarranted by the text. The Rabbis themselves realized this fact in an open statement recorded in the Mishna. In Hagigah I, 8, the Mishna mentions, among other laws, also the laws of the Sabbath as being many in number but with little Biblical substantiation.

הלכות שבת חגיגות והמעלות הרי הם כהרריים הגלגין  
בשעה שכן מקרא מועט והלכות מרובות

"The laws of the Sabbath, as well as the laws of festival offerings and trespass offerings are like mountains supported by a hair, for these laws are many in number whereas the Biblical verses on which they are supposedly based are very few."

The latter part of the same Mishna, after mentioning those laws which do have ample support in the verse, concludes with the statement that only such well substantiated Halachot are the *גיפי תורה* the basic elements of the law. The *הלכות שבת* however, are not

the destiny of the institution; to examine critically the validity of these theories in an effort to determine the extent to which they shed light on obscure Biblical passages dealing with the Sabbath; to study references in the Apocryphical writings which deal directly or indirectly with the Sabbath, and to analyze the earliest Halakic sources in order to see the work of coordination and synthesis done by the Rabbis in moulding an institution which was destined to become the heritage of Israel for all generations.

## Chapter II

### THE THEORIES OF THE HIGHER CRITICS ON THE ORIGIN OF THE SABBATH

#### A - The Biblical Sabbath and the Babylonian Sa-bat-tum.

With the advance made in the field of Assyriology in the last quarter of the 19th century, the tendency developed among Bible critics to link up the Biblical Sabbath with that of the Babylonians. Among the first to make a comparative study was Lotz.<sup>(1)</sup> Studying a cuneiform lexicographical tablet<sup>(2)</sup> which gave the equation

UM NUH LIBBI = SA-BAT-TUM

i.e. day of rest of the heart = sabbath, he concluded that there must be some connection between this Babylonian "day of rest of the heart" and the Biblical Sabbath, the outstanding feature of which is rest from labor. The fact that such a day of rest was termed Sabattum, a word similar in sound and form to the Sabbath of the Bible, led Lotz to believe that the connection between the two sabbaths was beyond question.

However, not very long after Lotz's study, it was ascertained by Assyriological research that the expression UM NUH LIBBI conveyed in no way the idea of rest from

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(1) Lotz, Wilhelm, Quaestiones de Historia Sabbati (1883).

(2) II Rawlinson plate 32, lines 16 a-b.

labor, but that it was the formula for divine propitiation or the pacification of a deity's anger.<sup>(1)</sup> The concept "rest" in this formula refers not to men but to the gods. The Babylonian sabattum was the day on which the gods rested from their anger.

Yet, despite this change in the connotation of the phrase UM NUH LIBBI, further attempts were made to re-establish the ultimate connection between the two days. It was Jastrow<sup>(2)</sup> who, after studying various lexicographical tablets, found a verb sabbatu with its accompanying synonym gamaru - "to bring to an end". He considered this find significant inasmuch as the hebrew root שָׁבַח also means "to cease" or "bring to an end". With this as his point of departure, he proceeded to prove that the Biblical Sabbath must have had originally something of the character of the Babylonian UM NUH LIBBI.

Jastrow's line of argument is based on a close examination of the Babylonian religious calendar. On the tablet for the month of Elul, he found the 7th, 14th, 21st, and 28th days of the month entered as "favorable days" - "evil days", favorable in the sense that every-

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(1) Delitzsch, F., Assyrisches Woerterbuch p. 453a.

(2) Jastrow, Morris, The Original Character of the Hebrew Sabbath, American Journal of Theology, 1898 p.p. 312 - 352.

thing which required the good will of the gods had to be avoided on those days; unfavorable in the sense that if proper precautions were taken, the gods would be propitiated and their anger would cease.

The complete text of the tablet referring to prohibitions reads as follows: (1)

"The seventh day of Merodach and Tir. - panitu. The shepherd of many people, the flesh of birds and cooked fruit eats not; the garments of his body he changes not; white robes he puts not on; the king in his chariot rides not; in royal fashion he legislates not; a place of garri-son the general by word of mouth appoints not; to make a sacred spot it is suitable in the night, in the presence of Merodach and Ictar, the king his offering makes; sacrifices he offers!"

Though the phrase UM NUH LIBBI does not occur in this calendar (nor in a similar calendar for the month of Marheshwan), yet, Jastrow is of the opinion that any day on which the gods were appeased was a day of NUH LIBBI, since the term is descriptive and does not stand for any fixed institution.

From this point he continues to argue that the Biblical Sabbath was anything but a propitious day. It was the day on which the manna was withheld, on which people were not to leave their homes, on which fire was not to be kindled in dwellings, on which wood for fire was not to be gathered, on which no cooking or baking was to be done in the house.

The prohibition not to leave one's dwelling on the

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(1) IV Rawlinson, plate 32, 33.



Sabbath suggests, according to Jastrow, that the day was an unfavorable one, a day on which one was not to show himself before God. Fire was not to be kindled on the Sabbath because fire was sacred to the Deity<sup>(1)</sup>. Labor was prohibited because the indisposed Deity would not bless or cause to prosper the work of one's hands on the Sabbath day.

Here Jastrow raises the question as to whether the Hebrew Sabbath actually means "propitiation" and is to be identified with the Babylonian Sabattum. His answer is that the Biblical Sabbath is a distinctly Hebraic institution which, however, has its roots in a much earlier institution known as the *שבתון*, - an Hebraic counterpart of the Babylonian Sabattum. The days recorded as *שבתון* in the Bible are many, since any occasion on which the indisposed Deity was to be appeased, is referred to as Sabattun. Thus, in Leviticus 23:24, Rosh Hashanah is called *שבתון* because God is invoked; in Leviticus 23:39, Succoth is a *שבתון* because it is the season of the winter rain; in Leviticus 25:40, Shemitah is a *שבתון* during which the gods of the soil are pacified. In reference to the later institution of *שבת*, the term *שבתון* is used in Exod. 16:23; 35:2; 31:15; Lev. 23:3 merely as a remnant of something that had lost its meaning by the time these passages were edited but which the editor preserved in his text by reason of having

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(1) As proof he quotes Exod. 3:2; 19:18; 24:17; I Kings 18:24; Deut. 4:24; Isaiah 30:27.



found this term *שבתון* in some of his sources.

In reference to the etymology of the term *שבת* Jastrow claims that it is in no way a derivative of the root *שבת*. The common applications of the verb *שבת* are many e. g. (1) to interrupt (Neh. 6<sup>3</sup>; 4<sup>5</sup>), (2) to bring to an end (Is. 16<sup>10</sup>; 21<sup>2</sup>; Job 32<sup>1</sup>), (3) to remove (Exod. 12<sup>15</sup>), (4) to destroy (Ezek. 6<sup>6</sup>), but in no instance does it mean "to rest". *שבת* meaning "to rest" is a late theological connotation of the verb. The verse *וַיִּשְׁבֹּת בַּיּוֹם הַשְּׁבִיעִי* must be interpreted in the light of semitic mythologies to mean that the creator rested from his anger after having subdued the forces of chaos.<sup>(1)</sup>

In what way, then, did the new institution of *שבת* differ from the older *שבתון*? By way of summary we may state the following differences: (1) the *שבת* became a day of rest, based on the story of creation, in contradistinction to the old day of propitiation; (2) the *שבת* was to be celebrated every seventh day throughout the year without having these days correspond to certain changes in the phases of the moon; (3) the Sabbath was to be a day sacred to God; (4) the "rest" of the Sabbath day was to apply to every manner of work and not only to certain types of labor; (5) all people were to observe the Sabbath, not only certain classes such as the king,

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(1) This interpretation of the verse was sensed also by H. Gunkel in his *Schoepfung und Chaos* p. 15.

priests and physicians.

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B - The Babylonian Sa-bat-ti (or Sap-pat-ti) and the Biblical Sabbath.

In 1904 Pinches published the text of a tablet<sup>(1)</sup> which gives the designations of the days of the month in Babylonia, together with phonetic designations of terms used in connection with certain days.<sup>(2)</sup> From this text we learn the formula 15th day = sa-bat-ti (or sa-pat-ti). Hence, the middle of the month was known by that term.

Pinches was the first to identify the Biblical Sabbath with the Babylonian Sa-bat-ti or full-moon festival, believing to have found the link between the two institutions. His studies were followed up by two articles of Zimmern's reinforcing the conclusion that was originally the holiday of the full-moon.<sup>(3)</sup> Zimmern also pointed out that the term could be applied to both the 14th and 15th of the month.

On exegetical and historical grounds this theory was further expounded by Meinhold.<sup>(4)</sup> The occurrence of the phrase  $\text{שבת} \text{שבת}$  in Amos 8<sup>15</sup>, Is. 1<sup>15</sup>, Hos. 2<sup>13</sup>;

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(1) From the findings of the library of Assurbanipal (K6012+K10684).

(2) Pinches, T. G., PSBA, 1904, p.p. 51-6.

(3) Zimmern, A., Sapattu, Der Babylonische Sabbat, ZDMG vol. 58 p.p. 199-202, 458-60.

(4) Meinhold, J., Die Entstehung des Sabbaths ZAW 29 p.p. 112-81.

II Kings 4:23 led him to believe that since the two were coupled they must have belonged to the same category.

שבת had long since been known as the festival of the new moon; that שבט, however, was the full moon festival in Biblical days still needed etymological substantiation. The evidence for the purpose was supplied in an article by Mahler<sup>(1)</sup> according to which the root שבט is made out to mean "to bring to an end", and the noun שבט "the day on which the moon brings its course to an end".<sup>(2)</sup> This etymology Meinhold accepted, laying down the law that wherever שבת and שבט appear together the meaning of שבט is definitely "the day of the full moon". The origin of the Sabbath as day of rest, falling on each 7th day during the entire year, he attributed to the work of Ezekiel and the exilic and post-exilic religious leaders.

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C - Sabbath -- The Kenite Day of Saturn

A quarter of a century after the formulation of the opinions which relate the early Sabbath to some Babylonian institution or other, a new trend of thought on the subject was suggested by Erdmans<sup>(3)</sup>. In a short article on the Sabbath, he dwells on the specification of "kindling of fire" as the prohibited labor on the שבט (in Exod. 25:3)

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(1) Mahler, E., Der Sabbat, Seine Etymologische Bedeutung ZDMG vol. 62, p.p. 33-79.

(2) The etymology is based on the use of שבט in such verses as Josh. 5<sup>15</sup>; Is. 33<sup>8</sup>; Jer. 31<sup>34</sup>; Lam. 5<sup>14</sup>; Neh. 6<sup>3</sup> II Kings 33<sup>3</sup> and others.

(3) Erdmans, B. D., in Martifestschrift 1925.

arguing that only for the Kenite smiths of the desert could the building of a fire constitute the major activity. Moses, by reason of his affiliation with a Kenite priest was influenced by the practices of that religion. The manner in which the Kenites arrived at the idea of setting aside the 7th day as a day of rest from work is, according to Erdmans a simple one. Following the theory of Kuenen<sup>(1)</sup> that Sabbath was the day of Saturn, he proceeds to identify שבת in Amos 5<sup>26</sup> with Saturn, and concludes that the 7th day of the week was the day of the dark planet, hence a dies nefastus on which the smiths would do no work. The Hebrew lawgiver, in adopting the Sabbath idea from the Kenites, accepted also the unfavorable character of the day.

Budde,<sup>(2)</sup> using the arguments advanced by Erdmans, expounded the theory with greater force. He went into a lengthy discussion to prove that the Kenites were smiths, and that Moses was not the first to introduce the Sabbath, but that he found it already in existence and merely laid stress on it.

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#### D.- Sociological Interpretations of the Sabbath

Within recent years there developed the tendency to explain the institution of Sabbath in the Bible not in

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(1) Kuenen, Gottesdienst von Israel I p. 260

(2) Budde, K., The Sabbath and the Week, JTS XXX

terms of moon or planet worship but rather in terms of sociological principles. Weber<sup>(1)</sup> argues that the Sabbath in Biblical times was a day of rest on which people stayed away from their every-day occupations but attended to tasks other than their daily work. Thus, he contends, markets would be held on the Sabbath, and such activity was considered perfectly within the religious law in pre-exilic days. Paying a visit to the dwelling place of the prophet was another activity permitted on the day of Sabbath. Weber's conclusion is that only in post-exilic days was the institution of Sabbath reinterpreted theologically by the early Rabbis.

Meyers<sup>(2)</sup> seeks out the origin of the Sabbath in the magical significance of the number 7. He considers the various cases where this number takes on special significance in the Scriptures, and traces the sanctity of the Sabbath to the magical power of the day by reason of its being the seventh in number. His conclusions compel him to divorce the Sabbath completely from any affiliation with changes in phases of the moon.

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(1) Weber, M., Aufsätze zur Religious Sociologie  
p.p. 159-60.

(2) Meyers, E., Geschichte des Altertums II  
p.p. 318 ff.



# E - Sabbath - Etymologically considered.

The grammatical and etymological phases of the form שַׁבָּת have given students of language a great deal of difficulty. Barth (Nominalbildung p. 14) considers the noun a transitive derived from the Kal of the root שָׁבַט with a short vowel originally. Koenig (Lehrgebaede der Hebraeischen Sprache II p. 180) follows Kimhi in the assumption that שַׁבָּת is a contraction from שַׁבְּתָי.

Hirschfeld<sup>(1)</sup> is of the opinion that the word has nothing to do with the root שָׁבַט at all. He takes it as a contraction of שִׁבְעָה, the numeral "seven", and considers the ׁ as a sign of the feminine.

Hoffmann derives the word from an Arabic root meaning "division of time". A root in the Hebrew affiliated with it he finds in the word שִׁבְעָה (Hos. 8<sup>6</sup>) where the meaning is "broken pieces". שִׁבְעָה הַחֹדֶשׁ he translates "Bruchteil des Monates".

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## F - Summary

The theories mentioned above, though they attempt to trace the origin of the Hebrew Sabbath and describe its original character, fail to give sufficient evidence in support of the lines of argument they suggest. To argue that the Sabbath is an institution modeled after some

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(1) Hirschfeld, H., Remarks on the Etymology of Sabbath R. A. S. J. 1896, p.p. 353-9.

(2) Hoffmann G., ZAW 1883, p. 121.

similar Babylonian calendar day but with certain modifications, or that it is a late prophetic creation, having as its forerunner an earlier sabbath, namely, the Babylonian full-moon festival, -- to argue in this direction is little short of taking things for granted. We have no reason to question the origin of the Hebrew Sabbath as Mosaic or even pre-Mosaic<sup>(1)</sup>. The passages in Exod. 16<sup>25</sup>, 26<sup>8</sup>; 20<sup>8</sup>, 10<sup>11</sup>; 31<sup>14</sup>, 15<sup>16</sup>; and 35<sup>3</sup> contain remnants of historical fact in relation to the Sabbath, which well depict the status of the institution in the early tribal days of Israel. It is a Sabbath based on the idea of "rest" from all manner of labor on each "seventh" day throughout the year, - rest from domestic labors such as cooking, baking and building a fire (fire being the instrument whereby all labors, whether domestic or non-domestic, could be brought to successful completion).

We can not argue, however, that during the first commonwealth the Sabbath was strictly observed in accordance with the specifications in the book of Exodus.

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(1) Schrader argues in favor of a pre-Mosaic Sabbath. In his "Cuneiform Inscriptions and the Old Testament" (trans. O. C. Whitehouse), on the verse: "and God blessed the seventh day and hallowed it, he comments: "The sanctity of the days of creation, as well as the days of the week, is connected with the institution of the week of 7 days as an entirety, and with the sanctity of the number 7 in general. The week consisting of 7 days was an ancient Hebrew institution, and has been pronounced accordingly pre-Mosaic. But we are not on the other hand to regard it as having a specific Hebrew origin. It should be considered rather as an ancient Babylonian institution which the Hebrews brought with them from their stay in South Babylonia. (the period of tribal history recorded in Genesis).



Canaanitish, Egyptian, Assyrian and Babylonian influences left their imprint on the tribal institutions of the Hebrews, and the institution of Sabbath was no exception to the rule. It is an established fact that political subjection to a foreign power meant ipso facto the acceptance of the cultistic observances of that power. We should therefore not be surprised to find, during certain periods in the history of the first commonwealth, the existence of a moon-sabbath in Israel.<sup>(1)</sup> Likewise, an imported sabbath in the form of a dies nefastus for the king, the priests and the nobility, may have seen its day at one period or another. But such manifestations in the early history of the Hebrews in no way disprove the existence of the truly Mosaic Sabbath, despite the fact that from time to time foreign sabbaths were imposed upon the people.

It is our feeling that the earliest attempt to return to the original Mosaic form of the Sabbath must have been made in the period of the Josianic reforms. It was then that Judea was cleansed of all foreign cults, the Assyrian as well as the remnants of the old Canaanitish. Though no mention of this fact is found either in Kings or Chronicles, we hear the echo of this reform in the prophecies of

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(1) Also the Phoenicians knew of a moon-sabbath which was celebrated in the middle of the month, as an inscription excavated at Narnaka indicates. cf. Landau F., Beitrage zur Altertumskunde des Orients II. Die phoenizischen Inschriften N. 105, S. 46.

Jeremiah. The passage on the Sabbath (Jer. 17<sup>19-27</sup>), contrary to the opinions of Stade, Kuenen and Cornill, can be taken as genuinely Jeremianic.<sup>(1)</sup> Jeremiah, who rose up against the oppression of labor and admonished the princes for recalling their servants into servitude (Jer. 34<sup>8-22</sup>), considered the Sabbath not merely as a ritual law but as the poor man's privilege. When, in the days of Jehoiakim, he witnessed the reintroduction of Babylonian cults - and with it perhaps also the moon-sabbath - he admonished the workers for carrying loads and doing labor on God's Sabbath. But, unfortunately, his admonition could carry little weight with it, since the foreign observances were forced upon the people.

Yet, it was destined that the Sabbath in its original Mosaic form should survive. Carried into exile by the God-fearing of Judea, the institution of Sabbath thrived on foreign soil. Under the leadership of Ezekiel and Deutero-Isaiah, the truly Mosaic character of God's Sabbath was stressed, and the people in exile were encouraged to observe it as their national heritage. Conscious effort was made by these prophets of the exile to draw a pronounced line of demarcation between the Hebrew and Babylonian Sabbaths. The passages in Deutero-Isaiah (Is. 56<sup>4</sup>; 58<sup>13</sup>; 66<sup>23</sup>) and in Ezekiel (Ezek 20<sup>12-24</sup>; 45<sup>17</sup>; 46<sup>3</sup> etc.) emphasize the nature of Sabbath as day of joy on which man

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(1) Barnes, W. E., Prophecy and the Sabbath JTS, vol. 29, p.p. 386-90.

is to enjoy a pleasurable experience before his God. Paradoxically enough, it was in exile that an ancient Hebrew institution, which had been kept alive by only the few pious of each generation during the first commonwealth, found its fulfilment. Here the character of the Sabbath was fixed in accordance with the Mosaic traditions that were handed down from generation to generation.

Nevertheless, it was inevitable that certain practices emanating from the foreign Sabbath, and particularly the Babylonian Sabbath, should cling to the Hebrew institution which was revitalized on foreign soil. There was no conscious borrowing of any sort. On the contrary, the tendency was to segregate the one Sabbath from the other as far as possible, but the power of influence was too great. The masses of the Hebrews who mingled with their Babylonian neighbors in the affairs of daily life carried away unconsciously a good deal of the religious practices of Babylonia, which through common usage received sanction in Hebrew tradition. In regard to the basic definitions of such concepts as "rest", "work", the "kindling of fire", "movement" and "transportation" from place to place, we can find in the Mishna influences which can be traced back to the Babylonian sabbath codes. In a later chapter on the Sabbath in the Mishna we shall have occasion to deal with this matter at some length.

By way of brief summary, suffice it to say that we have no substantial evidence to prove that the original

character of the Hebrew Sabbath was that of dies nefastus, or that it was originally nothing more than a moon-sabbath which underwent a process of evolution until it finally reached its latest development as day of rest. The day of Sabbath is of Mosaic origin, and dates back, as an institution, to the earliest days of tribal history. Though the institution failed to reach its fulfilment during the first commonwealth, it nevertheless emerged upon the religious horizon during periods of national and religious reform, whenever the religion of Israel was reinterpreted in accordance with the traditions of Mosaic law, a return to the original form of the Sabbath took place.

### Chapter III

#### SOME TRACES OF THE SABBATH IN THE APOCRYPHA

The references to the Sabbath in the Apocrypha point to the existence of an already established code of Sabbath law in the middle of the second century B. C. E. The passages in the books of Maccabees deal with the problem of conducting war on the Sabbath, - an act prohibited according to the Halakah extant in Maccabean days. Chap. II, verses 29 - 38 indicates that a strict observance of the day as day of rest was part of the accepted celebration of the Sabbath.

"... and many ran after them, and having overtaken them they encamped against them, and set the battle in array against them on the Sabbath day. And they said unto them: Let it suffice now; come forth, and do according to the command of the king and ye shall live. And they answered: We will not come forth, nor will we do according to the command of the king, and thereby profane the Sabbath day"...

This passage refers to those who had taken refuge in hiding places in the wilderness. They refused to come out of their hiding places on the Sabbath, even at the command of the king's officers, since the act of submission would have implied coming forth with their belongings and moving these objects from one place to another. The passage immediately following contains an Halakic reinterpretation of the prohibition against conducting war on the Sabbath. Verses 39 - 42 of the same chapter tell us:

"And when Mattathias and his friends knew this



they mourned greatly. And one said to another, 'If we all do as our brethren have done, and do not fight against the Gentiles for our lives and our ordinances, they will soon destroy us from off the earth.' And they took counsel on that day saying, 'Whosoever attacks us on the Sabbath day, let us fight against him, that we may not in any case all die, as our brethren died in their hiding places.' (1)

But if in the Books of Maccabees we find only references to the Halakah of the Sabbath, we have a detailed account of the observance of the day in the Book of Jubilees. In the second chapter of the book (verses 21 ff) we hear the Angel of Presence speaking to Moses, asking him to record the history of creation.

"And thus He created therein a sign in accordance with which they should keep Sabbath with us on the 7th day, to eat and to drink, and to bless Him who has created all things.... and to Jacob and his seed it was granted that they should always be the blessed and holy ones of the first testimony and law, even as He had sanctified and blessed the 7th day.... and God made the 7th day holy for all His works; therefore he commanded on its behalf that, whoever does any work thereon shall die, and that he who defiles it shall surely die... Declare and say to the children of Israel the law of this day both that they should keep Sabbath thereon, and that they should not forsake it in the error of their own pleasure, and that they should not prepare on it anything to be eaten or drunk, and that it is not lawful to draw water, or to bring in or take out thereon through their gates any burden which they had not prepared for themselves on the 6th day in their dwellings. And they shall not bring in nor take out from house to house on that day... on this day we (i.e. the angels) kept Sabbath in the heavens before it was made known to any flesh to keep Sabbath thereon on earth. And the Creator of all things blessed it, but He did not sanctify all peoples and nations to keep

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(1) Translation of Osterley in Charles' Apocrypha, p. 72-3

Sabbath thereon but Israel alone; them alone He permitted to eat and drink and to keep Sabbath thereon on earth."

And again in the 50th chapter of the book we have further details on the early Halakah of Sabbath (verse 6 ff):

"...and the man that does any work on it shall die; whosoever desecrates that day, whosoever lies with his wife, or whoever says he will do something on it, that he will set out on a journey thereon in regard to any buying or selling, whoever draws water thereon which he had not prepared for himself on the 6th day, or whoever takes up any burden to carry it out of his tent or out of his house shall die. Ye shall do no work whatever on the Sabbath day save what ye have prepared for yourselves on the 6th, so as to eat and drink and rest, and keep Sabbath from all work on that day and to bless God who has given you a day of festival. For great is the honor which the Lord has given to Israel that they should eat and drink and be satisfied on this festival day and rest thereon from all labor... And anyman who does anything thereon - goes on a journey, tills a farm, lights a fire, rides a beast or travels by ship on the sea, and whosoever strikes and kills anything, or slaughters a beast or a bird, or whosoever catches an animal or a beast or a fish, or whosoever fasts or makes war on the Sabbath, the man who does any of these things on the Sabbath shall die."

Further evidence of a more highly developed Halakah of the Sabbath we find in the pseudepigraphic "Zadokite Fragments"<sup>(1)</sup>, the laws of which agree in certain points with the rulings of the Mishna and Tosephta. The complete passage teaches as follows:

אל יעש איש ביום הששי מלאכה מן הער אשר  
יהיה גלגל השמש רחוק מן השער מלואו כי הוא

(1) Schechter, S., Fragments of a Zadokite Work, p.p. 10-11.



אשר אמר שמור את יום השבת לקדשו וביום השבת  
 אל ידבר איש דברי נבל ודק אל ישה ברעהו כל אל  
 ישפט על הון ובצע אל ידבר בדברי המלאכה והעבודה  
 לעשות למשכנים אל יתהלך איש בשדה לעשות את  
 עבודת חפצי השבת אל יתהלך חוץ לעירו עד אלף  
 באסה אל יאכל איש בשבת כי אם סן המוכן ומן  
 האובד ואל יאכל ואל ישתה כי אם היה במחנה  
 בדדך ויירד לרחוץ ישתה על עומדו ואל ישאב אל  
 כל כלי אל ישלח את בן הנכר לעשות את חפצו  
 ביום השבת אל יקח איש עליו בגדים צואים או  
 מובאים בגו כי אם כיבסו במים או שופים  
 בלבונה אל יתעורב איש (אל ירעב איש ?) מרצונו  
 בשבת אל ילך איש אחרי הבהמה לרעותה חוץ  
 מעירו כי אם אלפים באמה אל ירם איש את ידו  
 להכותה באגריוף אם סורית היא אל יוציאה מביתו  
 אל יוציא איש סן הבית לחוץ וסן החוץ אל בית ואם  
 במיבה יהיה אל יוצא ממנה ואל יבא אליה אל  
 פתח כלי טוח בשבת אל ישא איש עליו סמנים  
 לצאת ולבא בשבת אל יטול בבית מושבת סלע  
 ועפר אל ישא האומן את היונק לצאת ולבא בשבת  
 אל יסור איש את עבדו ואת אמתו ואת שוכרו  
 בשבת אל יילד איש בהמה ביום השבת ואם  
 תפול אל בור ואל שחת אל יקיסנה בשבת אל  
 ישבת איש במקום קרוב לגוים בשבת אל יחל  
 איש את השבת על הון ובצע בשבת וכל נפש  
 אשר תפול אל מקום מים ואל מקום... אל יעלה  
 איש למזבח בשבת כי אם יעלה השבת כי ין  
 כתוב מלבד שבתותיכם

"As to the Sabbath to keep it according to its law, no man shall do work on the sixth day from the time in which the globe of the sun is removed from the gate in its fulness, for it is He who said, "Keep the Sabbath day to sanctify it." And on the day of Sabbath no man shall utter a word of folly. And surely no man shall demand any debt from his neighbor. None shall judge on matters of property and gain. None shall speak on matters of work and labor to be done on the following morning. No man shall walk in the field to do the work of his affairs on the day of the Sabbath. None shall walk outside his city more than a thousand cubits. None shall eat on the day of the Sabbath but of that which is prepared or perishing in the field. None shall eat or drink but from that which was in the camp. But if he was on the way and went down to wash he may drink where he stands, but he shall not draw into any vessel. No man shall send the stranger to do his affairs on the day of the Sabbath. No man shall put on garments that are filthy or were brought by a gentile unless they were washed in water or rubbed off with incense. No man shall fast of his own will on the Sabbath. No man shall walk after the animal to feed it outside of the city more than two thousand cubits. None shall lift his hand to beat it with his fist. If it be stubborn he shall not remove it out of his house. No man shall carry anything from the house to the outside or from the outside into the house, and if it be in the gate he shall not carry out anything of it or bring in anything into it. None shall open the cover of a vessel that is pasted on the Sabbath. No man shall carry on him spices to go out and come in on the Sabbath. None shall move in the house on the day of the Sabbath rock or earth. No nurse shall bear the suckling child to go out and come in on the Sabbath. None shall provoke his man servant or his maid servant or his hireling on the day of Sabbath. No man shall deliver an animal on the day of Sabbath. And if it falls into a pit or ditch, he shall not raise it on the Sabbath. No man shall rest in a place near to Gentiles on the Sabbath. No man shall profane the Sabbath for the sake of wealth or gain. And if a person falls into a gathering of water he shall not bring him up by a ladder or by a cord or instrument. No man shall bring anything on the altar on the Sabbath, save the burnt offering of the Sabbath, for so it is written, "Save your Sabbaths." (1)

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(1) *ibid.* p.p. xlviil - xlix.

All of these passages from Apocryphic<sup>al</sup> and Pseudepigraphic works of the last decades of the second century B. C. E. fall within the same category of thought insofar as the Sabbath is concerned. Though not agreeing fully in all details on the subject of Sabbath rest, they all, nevertheless, draw basically from one common Halakic source. Their authority is the Halakah of the Soferim which, through interpretation of the Biblical law of Sabbath, remolded the ancient institution in terms of observance and prohibition. The authors of the passages quoted no longer struggle with problems of definition of fundamental concepts of "rest", "labor", "transportation" etc. in relation to Sabbath. The basic categories were no longer a matter of question.

The real problem with which the authors of these passages, and particularly the authors of Jubilees and the Zadokite Fragments, are concerned with is that of impressing upon the people not the ritual law but rather the character and spirit of the Sabbath. They constantly emphasize that Sabbath is a day on which one is to eat and drink and be satisfied; that it is a festival day and not a day on which one may fast or make war; that it is a day observed by the angels in heaven; that the Sabbath is an honor conferred by God upon Israel. In the constant repetition of the festive nature of the day we find a link in the chain of development of the institution. In the practices of the masses there probably still prevailed the influences of the foreign, Babylonian sabbath of two or three centuries earlier. The old superstitions, which

the Babylonian religion associated with the days of the calendar on which their sabbath fell, found their way into the religious habits of the common folk of Israel in the early days of the Second Commonwealth. While observing the rites of Sabbath as institutionalized by the Soferim, the conduct of the illiterate עם הארץ was influenced in the main by imitation of the ways of life of his father and grandfather. Thus for several centuries after the return from the Babylonian exile, the tradition still persisted among the masses that Sabbath was not altogether the day of heavenly bliss which the prophets of the exile, and later the Soferim, described it to be. Here law was unable to eradicate the superstitious elements that had governed an institution over several hundred years.

Hence, the assumption that the ruins of the old "unfavorable" Babylonian Sabbath formed part of the final structure of the Halakic Sabbath, is not altogether without foundation. The Halakah was obliged to compromise with certain folk-ways (some undoubtedly of Babylonian origin) which were widely spread among the people, and in the minds of the people had the force of law. Those folk ways in the realm of Sabbath which the later Halakah found it possible to harmonize with its basic legal trends were finally absorbed by it, others which definitely conflicted were rejected. A close examination of the Mishna and Tosephta of Sabbath will shed light on this development.

## Chapter IV

### THE SABBATH IN THE MISHNA

#### A - Traces of the Backgrounds of Some Sabbath Prohibitions

Before attempting to trace the foreign influences which made their way into the body of the Halakic Sabbath as found in the Mishna, we must pause to consider in more detail the nature of the Babylonian religious calendars which influenced conduct in Babylonia at the time the ancient Hebrew institution of Sabbath underwent its last phases of reinstitutionalization. We must again refer to the work of Pinches which gives the practices of the day in connection with the favorable and unfavorable periods of the month.<sup>(1)</sup> We are grouping the various days of the months with special emphasis on the different categories of conduct.<sup>(2)</sup>

#### (A) Worship and Sacrifice

<u>Month</u>	<u>Day</u>	<u>Prescribed Conduct</u>
4 .....	1	..... Anger of the Sun god. No sacrifice.
5 .....	2	
6 .....	30	
11 .....	19	

(1) Pinches, T. G., P.S.B.A., Dec. 1881.

(2) In the classification I am following Friedrich Bohn, Der Sabbat im A. T.



(B) Waging War

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
2	21	Enemy successful.
6	8	Wage no war.
9	20	Enemy is favorable.
6	4	Defeat.

(C) Movement and Travel

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
3	21	Do not sail on ship.
5	4	Do not go on journey.
5	20	Do not cross river.
10	24	Do not board wagon.
4	18	Do not travel.

(D) Food

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
2	9	Eat no fish.
5	30	Eat no pork.
11	10	Eat no dates.
12	27	Eat no beef.

(E) Marriage

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
2	4	Do not marry.
2	6	Marry.
2	25	Do not marry.
6	9	" " "
10	28	" " "
11	5	" " "

(F) Trading

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
4	30	Do not sell crop.
11	16	Sell neither crop
10	3	nor clothing.
11	12	Sell no fish.

(G) Dressing

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
10 .....	12 .....	Do not put on clothing of bright colors.

(H) Litigation

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
2 .....	10, 12 .....	Favorable for
4 .....	17, 27 .....	holding court.
2 .....	11 .....	Not favorable.

(I) Speaking Aloud and Making Noise

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
4 .....	21 .....	Favorable.
4 .....	12 .....	Favorable.

For purposes of comparison we shall also dwell for a moment on a similar calendar<sup>(1)</sup> taken from Egyptian religion. An examination of the practices will show to what extent the same superstitious elements of religious observance dominated the cults of the Eastern world. Here again we shall divide the calendar into categories of conduct.

(A) Eating, Drinking and Bathing

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Tybi .....	17 .....	Do not bathe in water.
Thoth .....	22 .....	Eat no fish.
Thoth .....	23 .....	Eat no goose.
Thoth .....	25 .....	Drink no beer.
Choiak .....	19 .....	Eat no cake; drink no beer.
Tybi .....	24 .....	Drink honey.
Phamenoth ..	16 .....	Taste nothing.
Pharmuti ...	25 .....	Eat nothing that comes out of water.

(1) Chabas, P., Le calendrier des jours fastes et nefastes de l'année égyptienne.



(B) Prohibition of Labor

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Thoth .....	20 .....	Do no labor.
Thoth .....	26 .....	Do nothing.
Paophi .....	8 .....	Do not lay foundation for house, touch no stone, think of no work.
Paophi .....	12 .....	Anyone who does work on this day will not be happy.

(C) Prohibition of Traveling

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Thoth .....	25 .....	Do not leave the house towards evening.
Thoth .....	29 .....	Do not leave house at night.
Paophi .....	4,5 .....	Do not leave the house at all.
Pharmuthe ..	10,13,21 .....	Same.
Phamenath ..	14, 19,20,24 .....	Same.
Choiak .....	6, 12 .....	Do not go out
Athyr .....	17, 21 .....	Do not go out in daytime.
Tybi .....	26 .....	Do not leave house till sunset.
Paophi .....	22 .....	Do not travel on water.
Mechir .....	19 .....	Same.

(D) Prohibition Against Fire

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Thoth .....	23 .....	Place no incense on fire.
Thoth .....	29 .....	Do not kindle fire with the hand.
Tybi .....	7 .....	Keep the flame burning in your house.
Tybi .....	11 .....	Touch no fire.
Athyr .....	5 .....	Kindle no fire in your house; see no fire.
Choiak .....	20 .....	Do not make light with oil.

(E) Marriage

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Paophi .....	5 .....	Do not go near to a woman.
Tybi .....	4 .....	Anyone meeting a woman will stay sick.
Tybi .....	7 .....	Do not have intercourse with woman.

(F) Making Noise - Music

<u>Month</u>	<u>Day</u>	<u>Conduct</u>
Paramuthe ..	24 .....	Do not speak aloud the name of Seth.
Thoth .....	23 .....	Hear no singing on this day.
Mechir .....	30 .....	Do not speak to anyone in loud voice.

These calendars give us an idea of the extent to which certain categories of conduct were connected with fixed days of the months of the year. The marked resemblance that exists between the prohibitions in these calendars and some of the prohibitions in the Halakah of Sabbath leads to the belief that the non-Hebrew influences on the final institutionalization of the Sabbath must have been quite great. The fact that not all prohibitions in these calendars refer to Sabbath is not important. These prohibitions, if not referring to a sabbath, do bear on conduct during certain days of the month that are definitely different from the other ordinary days of the calendar month. The thing that impressed itself upon the mind of the common folk of Israel

in Babylonia was the fact that on certain days -- on the extraordinary ones of the Babylonian calendar -- certain observances obtained. On their own extraordinary day - the Sabbath - similar rules of conduct, they felt, were to obtain. Thus foreign codes of conduct became associated with the more simple laws of Sabbath observance as prescribed by the Mosaic Law. The mixture of the older Hebrew elements together with the cultistic elements which adhered during the period of the Exile and early Second Commonwealth, constitute the Halakah of Sabbath as we find it in the Mishna.

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B - The Mishna of Sabbath.

The order of the Halakot as found in the Mishmot of Sabbath indicates that the editor had before him several sources from which he derived his material without grouping the material according to a topical arrangement. The tractate begins in Chapter I<sup>1</sup> with the prohibition against carrying a load on the Sabbath, this prohibition being based on an old tradition that the verse in Exod. 16<sup>29</sup> refers to the act of removing an object from place to place (  $\text{לָקַח מִמָּוֶלַע וְשָׂם בְּמָוֶלַע}$  ) on the day of rest. The law then resolves itself into a differentiation between "private" and "public" places, as well as into a definition of "removing" which includes the two basic principles of  $\text{לָקַח}$  i.e. lifting the object from its original place and  $\text{שָׂם}$  i.e. setting it again in its new place. Here we have a basic law which in various forms and interpre-

tations occupies practically half of the tractate of Sabbath. But the editor leaves the law of carrying or removing objects, and passes on to a consideration of those things which a person may not do on Friday close to the advent of the Sabbath, dwelling on the differing viewpoints of the Hillelites and Shamaites in those of the 18 principles of law which have bearing on the Sabbath. The second chapter of the tractate deals with the Sabbath light and with the materials, liquids and oils out of which the Sabbath light may be kindled.

After completing the consideration regarding the Sabbath lamp, the tractate, in the third and fourth chapters, enters upon a discussion of the various heating instruments, ovens and stoves, in which food could be kept warm on the Sabbath. Among the problems treated are:

(a) to what extent the food has already been cooked before it is placed in the stove. (b) the construction of the heating instrument and (c) the manner in which the instrument is heated. As far as the materials are concerned, in which food may be stored to retain its heat, the problem considered is whether the particular material adds heat or merely helps to retain whatever heat there is in the object stored.

In the fifth and sixth chapters, the editor returns to his original theme, namely, carrying a load on the Sabbath. Here, specific prohibitions are enumerated for domestic animals, for women, men and children. Every possible situation in reference to dress and personal effects is taken up.

The seventh chapter lays down the general principle concerning the violation of Sabbath. Atonement for such violation depends not so much on the number of prohibitions violated as on the basic error which led to the violation. If one forgot the law, or was totally ignorant of it in the first place, then one sin-offering suffices for any number of violations. However, if one knew the laws but violated them because he was confused as to the time of Sabbath, then he must atone for the violation of each individual Sabbath. Again, if one was aware of the fact that it was Sabbath and repeated many prohibited acts on many Sabbaths, he must atone once for each major category of work. Furthermore, if he violated the Sabbath by repeating any number of acts within any major category of work, he is to bring only a single sin-offering. This principle is followed in the chapter by an enumeration of the major categories of prohibited acts (אבות מלאכה). The remainder of the chapter, together with chapter eight, is an elaboration of the laws of carrying loads on the Sabbath with emphasis on the quantities which define violation.

After a brief interruption brought about by introducing several laws not affiliated with Sabbath at all, the editor returns in chapter nine once more to the basic theme of the tractate, namely, the violations of Sabbath through carrying objects. Here, cases are considered when not the quantity of the object matters but its quality,



as for instance objects that are used for medical purposes. A further consideration of the basic theme is found in chapter ten when "carrying" is defined in terms of the natural execution of the act. Chapter eleven takes up the case of "throwing" an object, an act which basically falls within the same category as "carrying".

Chapters twelve to fifteen serve as a commentary on the 39 major categories of labor as enumerated in chapter seven. Chapters sixteen to eighteen return to the basic theme again, dealing with problem of carrying a load with specific reference to saving objects by removing them from place to place in the event of conflagration. Here also the problem of extinguishing a fire is treated. There is further discussion of removing an object from one locality to another within the same room, the specific cases being given in chapters seventeen and eighteen.

Chapter nineteen discusses various cases of circumcision on the Sabbath. The remaining chapters, namely, twenty through twenty-four serve as a sort of appendix, consisting of unattached laws related to the Sabbath. Being much later additions, the laws contained in this appendix are not grouped with the earlier categories with which they are legally affiliated. Their relation to the earlier laws in the tractate of Sabbath may be traced as follows:

Chap. XX, 1-3	affiliated with Chap. I, 4-10.	
" XXII, 1 b,c,d	affiliated with Chap. II	
" XXII, 1 a	" " "	XVI, 2.
" XXII, 6	" " "	XIV 2 ff.
" XXIII, 2	" " "	I, 3.
" XXIV, 1	" " "	XVII

Upon final analysis, the tractate of Sabbath resolves itself into a discussion - and in certain cases codification - of the basic categories of the Sabbath law. These categories are:

- (A) The laws and prohibitions in connection with the carrying or moving objects on the Sabbath, as contained in Chapters I, <sup>1</sup>; V; VI; VII, 3, 4; VIII; IX; X; XI; XVI; XVII; XVIII.
- (B) The laws and prohibitions in regard to kindling fire and cooking on the Sabbath as contained in Chapters II; III; IV.
- (C) The Laws relating to the major divisions of labor ( <sup>שני</sup> ), as contained in Chapter VII, 1, 2; as well as the commentary to the in Chapters XII; XIII; XIV; XV.
- (D) Appendix
  - (1) The differences in interpretation, in respect to certain laws of Sabbath, between the Hillelites and Shamaites Chapter I, 3-11.
  - (2) Circumcision and the Sabbath, Chap. XIX.
  - (3) General additions to the Sabbath laws, Chapters XX - XXIV.

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### C - Summary

Let us now pause to examine the Mishna of Sabbath in an effort to cull the evidence it may contain in reference to the transition from the Biblical to the Halakic Sabbath. The fact that the major theme of the tractate deals with <sup>הנשאת וההנחה</sup>, namely, the laws of carrying, moving, transporting etc. is very significant. The prohibitions by which this major category of the Sabbath is governed define the basic concept of "rest" in terms of the early

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tribal philosophy which gave rise to the institution of Sabbath: that "rest" means a "standstill" of all life. But, whereas in tribal days, because of the relatively simple civilization, this "standstill" involves desistance from relatively few activities, in the period of the Babylonian Exile when the Sabbath becomes institutionalized, the "standstill" involves also those activities which are the product of a more complex civilization. However, the common folk with whom the rigid observance of the reinstitutionalized Sabbath begins, have no standard by which to differentiate between one type of activity and another insofar as determining its character as "labor" is concerned. In fact, their practices follow the Babylonian prohibitions of the dies nefasti, examples of which we have outlined in the previous chapter. The common folk desist from certain activities on the Sabbath not because they too regard Sabbath as a dies nefastus, but simply because desistance from such activities is to them the highest expression of Sabbath "rest".

The organized Halakah, on the other hand, does not attempt to revolutionize the practices that obtained for many generations among the masses of the people. To the contrary, the Halakah of Sabbath takes the practices that it finds in vogue - irrespective of their origin - and reads "meaning" and "system" into them, formally formulating guiding principles for the observance of the particular institution. Furthermore, in systematizing the

practices of the past generations, the Halakah attempts to adjust them to the needs of the particular generation.

We have noticed in the preceding section that the prohibitions on the Babylonian dies nefasti centered about several general categories of activity. They can be briefly enumerated to include: (1)- movement and transportation (2)- eating (and, therefore, also cooking and the preparation of food) (3)- waging war (4)-marital relationships (5)- doing business (6)- conducting court sessions (7)- dressing and personal effects (8)- producing sound.

That the spirit of these prohibitions of the Babylonian dies nefasti influenced the Jewish common-folk in Babylonia, and later in Palestine, in determining the prohibitions for their Sabbath rest-day, can be easily seen from the development of the Halakah of Sabbath. The prohibition against free movement on the Sabbath is partly done away with by the institution of ערוב. However, those who adhered to the older folk-tradition, as for instance the Sadducees, protested against the ערוב (Erubin VI, 1, 2). Also the Essenes refused to adopt completely the Halakic scheme in regard to movement and refused to move about unnecessarily on the Sabbath, (Josephus, Bell. Jud., II, 8,9). We find, furthermore, that even in later days there were some who adhered to an older tradition in regard to movement on the Sabbath. The case of the four scholars on the ship (Erubin IV, 1,) is significant in that it gives us a picture of the pre-Halakic

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interpretation of the prohibition of movement in the observance of Rabbi Joshua and Rabbi Akiba who followed the "stricter aspect of the law". A similar case of an older practice we find in reference to the witnesses who reported the signs of the new moon. At first (according to the Mishna in Rosh Hashanah II, 5) they were not to leave their places if they reported on the Sabbath. In a later period, however, Rabbi Gamliel allowed them free movement of 2000 measures in either direction. Still another significant example of the older folk-practice is to be found in the rumor that in an early period riding on the Sabbath was punishable by death. The Halakah of the later period, being more lenient on this point, attempts to explain historically the severity of the penalty in the earlier days (Jebamath 90<sup>b</sup>).

Also in the category of kindling fire and cooking on the Sabbath we find, in the Mishna, traces of original folk-practice. The Halakah finds an adjustment in the matter of keeping the food warm on the Sabbath. Chapters III and IV of the tractate deal with the subject in detail. The Shammaites, however, who represent the elements adhering to older folk-tradition, protest against the newer practice of keeping the food warm, lest the question of cooking should arise in connection with the warming process. Most they concede is keeping water warm (Sabbath III, 1). Again, in regard to the question of reading by candle light on the Sabbath, the Shammaites stress the older tradition. The sixteenth of the eighteen controvertial issues between the Hillelites

and Shammaites is quoted in Sabbath I <sup>3</sup>, - that one shall not read by candle light on the Sabbath.

It was a clever manipulation on the part of the editor of the Mishna to place the laws of kindling the Sabbath lamp and of keeping the Sabbath food warm immediately after the controversies of Hillelites and Shammaites in reference to work begun on the eve of Sabbath. There is the possibility that the Shammaites, in following the older folk tradition, were opposed to deriving any use from fire on the Sabbath, whether that use be in form of light or heat. As pointed out above, they conceded very little both in regard to using candle light or keeping food warm. For them the historic development of the institution of Sabbath - despite the influences exerted upon it by the Babylonian dies nefasti - was to be kept intact with as little change as possible. The Halakah, however, digressed from the historic development of the institution and remolded its character in keeping with the needs of the living faith.

In the category of waging war, we have further traces of the original folk practice as it developed under Babylonian influence. The passages quoted from the book of Maccabees (in Chapter III of this essay) indicate clearly to what extent the pious adhered to the original prohibitions against waging war on the Sabbath even in cases where life was endangered. Though during the Hasmonian period, war on the Sabbath was permitted, if waged in self-defense, yet the older practice persists for practically

another century, according to evidence found in Josephus (Bell. Jud. II, 21, 8; Antiq. XIV, 10, 12).

In the matter of sex relationships on the Sabbath, the original folk-practice came into being as a result of the influence of the Babylonian calendar prohibitions. The prohibition against intercourse we find in the Halakah of the Book of Jubilees and in the Zadokite Fragments (excerpt quoted in Chapter III of this essay). It was particularly against this earlier practice that the Halakah protested most violently.

Noise making and music also had its prohibitions under the old practice which originated under Babylonian influence. Though the Halakah has it that producing sound is a violation of the Sabbath, as in the case of Simchat Beth Hashoevah where the Halil was prohibited on the Sabbath, yet in certain cases of distress the sounding of the trumpet was permitted on the Sabbath (Taanit 3<sup>7</sup>). X

In regard to the matter of prohibited work, we have in Sabbath VII, 2, a list of all the major categories of labor ( עבודות ). This list includes only activities which are common in a relatively simple civilization, and are undoubtedly of early origin. The activities may be grouped under the following general headings: (1) agricultural e.g. sowing, plowing, reaping (2) preparation of food e.g. kneading, baking (3) household arts e.g. preparing wool, weaving, sewing (4) hunting for food e.g. hunting a deer, preparing its meat (5) writing e.g. even marking down several signs (6) building (7) the most basic of all prohibited X X



activities -- namely, moving objects from one locus to another.

Here we have enumerated and classified all the normal duties of a relatively simple state of existence. The Mishna for its purpose places these activities under its stock phrase *איבעיז ספרא* (as in the case of malkot), simply because this heading represents a totality and maximum. What the Mishna means to imply is that every conceivable type of activity which falls within the category of planned, purposeful labor is prohibited on the Sabbath.

גמרא בבבא מציעא דף כ"ד  
אין 2047

## Chapter V

### CONCLUSIONS

We can now summarize the historic development of the Sabbath, as well as the transition from the Biblical to the Halakic Sabbath, on the basis of our study.

(1) As for the origins of the Biblical Sabbath, we have attempted to prove that the Sabbath of the Bible is an Hebraic, tribal institution - a day of rest - which is either of Mosaic, or even pre-Mosaic origin; that in Palestine, during the period of the First Commonwealth, the original tribal Sabbath failed to take on any fixed form or even influence the conduct of the masses, since it was subordinated to practices and beliefs of foreign, imported cults to which Palestine fell prey, by reason of the country's unstable political situation; that foreign Sabbaths e.g. Assyrian, Egyptian etc. may have prevailed at one time or another in Palestine, but that the original Hebraic Sabbath of tribal days remained the heritage of the few pious of each generation; and that probably during periods of religious reform, the original Hebraic Sabbath (the day of rest) came to the fore.

(2) As for the permanent institutionalization of the tribal Sabbath, we have attempted to prove that during the Babylonian Exile, on foreign soil, the miracle happened; that every effort was exerted by the religious leaders of the Exile to emphasize the original, wholesome nature

of the Hebraic Sabbath in contradistinction to the Babylonian Sabbath which was a dies nefastus; that becoming the day of rest of the entire Exile, the Sabbath took on certain influences exerted by the Babylonian Sabbath; that through the practices of the masses, were incorporated categories of prohibitions from the Babylonian dies nefasti.

(3) As for the Sabbath of the early Halakah, we have attempted to point out that the Sabbath as developed and practiced by the masses both in the Exile and in the early days of the return to Palestine, was destined to become the basis of the Halakic Sabbath; that the early Halakah merely read meaning and system into a folk-institution and built upon it a super-structure which was to last for all generations.

- FINIS -

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