

Two Sources for the Laws of Shabbat

By: Stephen G. Wald

Introduction

The Mishnah tells us (Hagigah 1 8) that the laws of Shabbat are like "mountains hanging by a thread," having few biblical sources to support an immense superstructure of traditions and rulings. Some years ago I took upon myself the equally enormous task of composing a new critical and historical commentary to Massekhet Shabbat of the Babylonian Talmud for *the Society for the Interpretation of the Talmud*. The first volume of this commentary (*Talmud Ha-Igud*, ed. Shamma Friedman, *BT Shabbat VII*, Jerusalem 2007) was published earlier this year. As part of this ongoing project I have been attempting to uncover the earliest sources of these talmudic traditions, both in the Bible and in pre-rabbinic halakhic traditions. This search led me to one of the most ancient collection of Shabbat laws known, contained in the so-called *Damascus Document*, first discovered in the medieval Cairo Geniza, and afterwards found among the Dead Sea Scrolls. (For text, translation, and background, see: *The Damascus Document Revisited*, ed. Magen Broshi, Jerusalem, 1992.) Here, in the context of Chidushei Torah @ NDS, I would like to set out a few ideas concerning the biblical sources for the laws of the Shabbat – ideas that have emerged from my preliminary analysis of the opening chapters of Massekhet Shabbat.

The Biblical Sources and the Damascus Document

A primary biblical source for the laws of Shabbat can be found in the instructions given to Moses in Exodus 16. These instructions tell the Israelites to gather a double portion of manna on the sixth day. They also include an explicit demand that all work involved in preparing manna for use on the Shabbat, namely cooking and baking, must be completed ahead of time, as Exodus 16:23 states: "Tomorrow is a holy Sabbath day for the Lord – bake whatever you wish to bake and cook whatever you wish to cook." Numbers 11:8, in a related passage, adds a third form of household labor, namely the

grinding and milling of manna, mentioned there as a necessary prerequisite for cooking and baking. These three forms of household labor are understood as falling under the general rule laid out in Exodus 16:5: “And on the sixth day they should *prepare* whatever they gather in.” In context, this command to “prepare” clearly implies that all gathering, grinding, cooking, and baking necessary for Shabbat must be completed by sundown of the sixth day, prior to the arrival of the Shabbat.

This very same notion of “preparation,” as expressed in Exodus 16, apparently lies at the root of a number of rulings found in the *Damascus Document*:

No one may eat on the Sabbath day except what has been prepared; and what is lost in his field he should not eat, nor should he drink except from what is already within the camp. While on the road, if he goes down to bathe, he should drink where he stands, but he should not draw water into a vessel (DD X 22-XI 2, Dead Sea Scrolls Student Edition, p. 569).

These rulings explicitly require all food and drink intended for Sabbath use to be “prepared” ahead of time, a transparent reference to Exodus 16:5: “And on the sixth day they should prepare whatever they gather in.” The *Damascus Document* applies this rule not only to food preparation in the ordinary sense (cooking food, roasting meat, boiling water), but also to objects that do not, strictly speaking, require any preparation at all, such as fresh fruits and vegetables, and spring water. For example, it prohibits eating food left out in the field and not brought into the camp ahead of time, as well as water not “already within the camp.” Water found in nature may indeed be drunk *in situ*, but one may not fill up a vessel, possibly because drawing water into a vessel is a form of “preparation.”

Clearly, this single principle, if applied rigorously, would be capable – in and of itself – of determining most aspects of Shabbat observance, in so far as they affected the actual home environment. All food would have to be prepared ahead of time; all foodstuffs gathered in and water drawn; all vessels and clothing set out and made ready; all water heated and all fires lit. At the same time, alongside this positive notion of “preparation,” there is another

equally important *negative* principle, namely the obligation to refrain from all work and business related activities on the Shabbat itself. This obligation was clearly expressed in the Ten Commandments (Ex. 20:7-10, Deut. 5:11-14), which also explicitly prohibited all *melakhah* – a word that includes various kinds of professional and skilled labor, and probably other work and business related activities as well.

The *Damascus Document* expands this prohibition a bit, requiring one to stop all forbidden *melakhah* before sundown of the sixth day:

No one should do any *melakhah* on the sixth day from the time when the sun's disk is at a distance of its diameter from the gate [=horizon?], for this is what is said (Deut. 5:12): Observe the Sabbath day to keep it holy. (DD X 14-16, Dead Sea Scrolls Student Edition, p. 569).

Note that the *Damascus Document* only requires one to stop all *melakhah* a short time before sundown, placing no limitations on what kind of *melakhah* one may engage in up to that point. I would suggest, therefore, that in the earliest documented level of the laws of Shabbat, namely in the *Damascus Document*, there already exists a fundamental dichotomy between home related and work related prohibitions. The former are derived from Exodus 16, and reflect the positive demand of "preparation." The latter are derived from the Ten Commandments, and are rooted in a prohibition against *melakhah*, taking effect a short time before sundown, but not involving any additional requirement of "preparation." Since this dichotomy between home related and work related prohibitions seems to predate the developments and discussions recorded in the Mishnah and Tosefta, it may serve as our starting point for investigating these traditions.

The Earliest Rabbinic Traditions – Beit Hillel

The position of Beit Hillel, as recorded in the opening chapters of Mishnah and Tosefta Shabbat, reflects the very same dichotomy between home related and work related prohibitions that we found in the ancient halakhah of the *Damascus Document*. So, we find in the first chapter of Mishnah Shabbat that

Beit Hillel distinguished between two different groups of forbidden activities. The first group includes placing ink, dye, and animal fodder to soak; putting flax into an oven to dry and wool into a vat of dye; setting traps for wild animals, birds, and fish; selling goods to a gentile, and loading goods onto his wagon or onto his person; handing skins to a tanner or clothing to a gentile launderer. According to the Mishnah (1 8), Beit Hillel permitted one to engage in all these activities all day Friday, “so long as the sun is still in the sky,” even if they continue on by themselves into the Shabbat. To this list, Tosefta Shabbat (1 23) adds three more activities (without mentioning Beit Hillel explicitly) that one may begin late Friday afternoon, even if they continue on into Shabbat: irrigating a garden, bandaging wounds (medical treatment), and treating wool garments with sulfur fumes.

A second group of forbidden activities consists of activities that must be completed before Shabbat. The first two examples brought by the Mishnah (Shabbat 1 10) are roasting meat and baking bread. While the Mishnah does not explicitly mention the notion of “preparation” in this context, it is nevertheless quite striking that “roasting meat” and “baking bread” correspond quite closely to the activities singled out in Exodus 16:23: “Bake whatever you wish to bake and cook whatever you wish to cook.” Even more striking is the fact that the only activity explicitly added to this list in the Tosefta (Shabbat 1 23), is the milling of wheat in a water mill – corresponding almost exactly to the grinding and milling of the manna mentioned in Numbers 11:8! This triple correspondence can hardly be coincidental. We note further that the special ruling applied by Beit Hillel to these three cases – that they must be completed before sunset – corresponds precisely to the requirements of Exodus 16:5: “And on the sixth day they should prepare whatever they gather in,” as already understood at Qumran.

My own tentative conclusion from all of this is that the earliest level of rabbinic tradition, represented in the Mishnah and Tosefta by Beit Hillel, reflects the same fundamental dichotomy between a general prohibition against engaging in professional and business oriented *melakhah* on the Shabbat itself, and a separate set or sub-set of activities, mostly associated with food preparation

for the home environment, and involving an additional requirement that such activities be completed and ready for use on the Shabbat by sunset.

This latter requirement is almost certainly related to a series of early rabbinic Shabbat rulings, such as a general prohibition against leaving cooked food or hot drink on or in any heat source on Shabbat (Mishnah Shabbat chap. 3-4), as well as the ruling that any food that continued cooking on Shabbat and any water that continued heating up on Shabbat would be forbidden for use on the Shabbat itself (Mishnah Shabbat 3 4; Tosefta Shabbat 2 14, and cf. Tosefta Shabbat 3 1 and 3 2). It is quite possible, indeed likely, that, on the earliest levels of rabbinic tradition, the explanation for these rulings should be sought in Exodus 16:5: “And on the sixth day they should prepare whatever they gather in,” a suggestion supported by the first passage from the Damascus Document cited above.

Beit Shammai, Revolution and Counterrevolution

At this point in the story, things get a bit complicated. Beit Shammai, the latter day disciples of Shammai the Elder, renowned for their love of excessively strict halakhic rulings, simply outdid themselves. The position of Beit Shammai, as reported in the first chapter of Mishnah Shabbat, totally rejects the aforementioned dichotomy between work related and home related activities. According to Beit Shammai, not only roasting meat and baking bread must be finished before sundown, but also the soaking of ink, dye, and animal fodder; the drying of flax in an oven; the dyeing of wool in a vat; and the trapping of wild animals, birds, and fish. Moreover Beit Shammai prohibited selling goods to a gentile, loading goods onto his wagon or onto his person, handing skins over to a tanner or clothing to a gentile launderer – unless one could reasonably be assured that they would all finish their appointed tasks before sundown on Friday. From a structural perspective, one could say that Beit Shammai took the earlier requirement that all preparations for the Shabbat be finished ahead of time, originally applied only to small number of home related activities, and extended it to include all categories of forbidden *melakhah* – even those totally unrelated to preparations for the Shabbat itself.

Aside from the enormous hardships such an approach would pose for ordinary workers and craftsmen, Beit Shammai added insult to injury by exploiting an extraordinary parliamentary majority to impose their view upon the opposing camp of Beit Hillel as well (Mishnah Shabbat 1 4). The leading figures of Beit Hillel, at first forced to accept Beit Shammai's position in these matters (cf. Mishnah Shabbat 1 9), nevertheless protested that the results of this impromptu, and in some ways illegitimate, decision were “as hard for the Jewish people as the day on which the Golden Calf was made” (Tosefta Shabbat 1 16).

As one might imagine, such a traumatic event almost necessarily led to a backlash. During the later tannaitic period (2nd century CE) and the early amoraic period (3rd-4th centuries CE) the main practical results of Beit Shammai's parliamentary “*coup*” were largely reversed. The details of this process will be explained in the forthcoming volumes of my commentary to Massekhet Shabbat. In the present context, I would only like to point out that the backlash did not stop there. Beit Shammai's comprehensive and unequivocal halakhic position, requiring that *all melakhah* be completed by sundown Friday, elicited from Beit Hillel an equal but opposite halakhic position – namely that *all melakhah whatsoever* may be done all day Friday, even if it continues on into Shabbat itself (Tosefta Shabbat 1 20-21). Eventually this position was understood to apply, in principle at least, to cooking, roasting, and baking as well. Consequently the notion, originally accepted by Beit Hillel itself, that many home-oriented preparations for the Shabbat must be finished in advance, became obscured and distorted, and as a result one of the main biblical sources for the laws of the Shabbat, Exodus 16, became eclipsed and largely forgotten (cf. Bavli Betsa 15b).

Since, as suggested above, many of the most important laws contained in the first four chapters of Massekhet Shabbat may very well have originally been based on the biblical notion of “preparation,” the loss of Exodus 16 as a source for the laws of Shabbat introduced certain conceptual difficulties into the laws of Shabbat. It also led to certain fundamental shifts in the practical application of the laws of Shabbat. For example, as noted above, both the Mishnah and the Tosefta assume that food or hot water left on the stove over Shabbat would become forbidden and could not be used on the Shabbat.

On the other hand, the very latest literary layers of the Babylonian Talmud assert unequivocally that it is permissible to leave uncooked food on a stove over night and to consume it at the Shabbat meal the next morning (cf. Bavli Shabbat 18b).

Exodus 16 Lives on in Popular Consciousness

Despite all these transformations and changes, popular Jewish religious consciousness never seems to have lost sight of the original biblical insight with which this discussion began – that the Shabbat is holy, and that, in keeping with its holiness, all preparations for the celebration of the Shabbat should be completed and ready before sundown. This simple insight has found expression even in the Shabbat table song traditionally sung at the Friday night meal, *Ma Yedidut*. The second stanza of this song opens: “Before nightfall, all kinds of special foods are made ready / while still daylight, spiced fowl are prepared,” clearly echoing both the wording and simple understanding of God's instructions to the Israelites in Exodus 16:5 and 16:23.

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