LEHRHAUS Over Shabbat

Vayeshev

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Legal Fictions III: A Narrative Reflection on Yevamot 1:4

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Even though these forbid and these permit, these invalidate and these validate, the school of Shammai did not refrain from marrying women from the school of Hillel; nor did the school of Hillel from the school of Shammai.[1]

– *Yevamot* 1:4[2]

Ever since reaching the age when the female form began to request his attention with strange

[1] The school of Shammai would notify the school of Hillel which women from among their own members were, according to the school of Hillel's own legal rulings, prohibited for marriage. The school of Hillel did the same in return. This mutual accommodation made it possible for the two schools to intermarry, but only in cases where there was no conflict according to their respective standards.

insistence, Natanel had known two great truths: first, that he must someday marry Rivka, daughter of Rav Elazar; and second, that Rav Elazar would never permit it. The first truth might have elated him, if not for the mysterious and immovable nature of the second.

Rivka had always been a cloud-like presence in young Natanel's life—light, cheerful, necessarily beyond reach. He had watched her grow in the house across from his: once forming cakes and castles in the mud, now patiently scrubbing her younger siblings after their own muddy play. She laughed easily. She danced with the milk goat when she thought no one was watching. And now that they had both reached marriageable age, she suppressed a smile of greeting when they passed in the street, modest but unmistakable. There was no mystery to Natanel's certainty that they belonged together, especially given their families' closeness.

Rav Elazar and Natanel's father often spent long nights in conversation, and Natanel as a boy would tuck himself just out of sight in the doorway, drinking in their voices. The evening would always begin with Torah—the exploration of some sacred subtlety of experience—and slowly dissolve into laughter, the two graying men trading memories from a shared childhood. If the hour grew late, a bottle of strong drink would join them at the table and invite a different sort of conversation: one of hopes, doubts, and tenderly silenced regrets. Rav Elazar would often leave in tears, his arm around his friend, the two men staggering gently into the sobering dark.

Those nights had laid the world before Natanel. They had mapped the topography of life with such delicateness and clarity that even a young boy could begin to trace its contours. He had absorbed their lessons quickly: the love of Torah, the sweetness of memory, the inevitability of error. Both men had watched his growth with approval. And yet, how to explain Rav Elazar's sudden distance?

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[2] "One of the most striking features of the Torah — and of the Judaic heritage generally — is insufficiently commented on, namely its combination of law and narrative. … Why then does the Torah contain both? The answer goes to the heart of the Judaic enterprise. Law is not, for Judaism, a series of arbitrary rules even though it comes from God himself. Nor is Judaism a matter of blind obedience — obedience, yes, but blind, no. Law is rooted in history and cosmology. It reflects something other and older than the law itself. It speaks to us out of the heart of the human situation."
– Rabbi Jonathan Sacks, *Covenant & Conversation: Numbers* (Maggid, 2017).

"Most legal texts tend to favor a single literary form or a small set of forms. These texts thus implicitly advocate a single position along the spectrum from narrative to apodictic approaches to law. The Mishnah, on the other hand, is one of the few legal texts that actively and aggressively mixes literary forms. This creates an open dialog between the various approaches to law. The Mishnah insists that law must emerge both from fundamental universal principles and at the same time from the idiosyncratic demands of a particular case relating to specific people and a particular time and place in history."
– Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford University Press, 2012), 227.

Natanel could still recall the beginning of it. He and Rav Elazar had just finished their morning prayers and were walking home. Natanel's father, recently fallen ill, remained bedridden, and Rav Elazar was gently reassuring him.

“A very strong man, your father. Wouldn’t surprise me if we found him chopping wood by the time we got back!”

“Yes, of course,” Natanel replied. “It just makes me worry about my mother. I can’t imagine what she’d do without him.”

“Your mother’s twice as strong as your father,” Rav Elazar chuckled, ruffling Natanel’s hair and resting a hand on his shoulder.

“It’s funny,” Natanel said. “My brothers were teasing yesterday that Rivka is stronger than I am. They said I’ll be the one cooking while she runs the mill!”

Rav Elazar’s hand slipped from Natanel's shoulder. For a moment, he opened his mouth, and an unseen force seemed to seize his jaw and throat. Then he recovered, breathed deeply, and the moment passed. The conversation drifted back to his father’s recovery.

Natanel had planned to speak to his father about the incident once he recovered, but the illness proved unexpectedly severe. By the time his father regained his strength, word had already spread: Rivka was in need of a husband. And yet no one had approached Natanel about the match. He watched helplessly as young suitors were welcomed into Rav Elazar’s home, each one vying for the bride that Natanel had always known to be his.

What had he done wrong? Had Rav Elazar taken offense—thought him too forward, too sure of what he had never been promised? Or perhaps he had judged Natanel’s Torah learning and found it wanting? On the day that Natanel was finally ready to pose his questions to his father, another voice, darker and more wounded, rose up inside him: *It is Rav Elazar who owes you an explanation.*

Natanel crossed the narrow road that divided their homes. At the far end of the lane, he spotted a young man approaching—another suitor, no doubt, arriving to take his turn. But there would be no more turns, Natanel told himself. Not until Rav Elazar explained.

Rav Elazar opened the door with a look of surprise—but his welcome was warm, even tender, and for a moment, Natanel forgot his resentment. His shoulders slumped, his gaze dropped to his hands, and he exhaled softly.

“I would like to marry Rivka,” he said.

Again, that strange tension took hold of Rav Elazar.

“But you—” he began, then stopped. A long sigh escaped him. “Please speak to your father,” he said at last.

Natanel nodded, his frame still folded in on itself, and turned to go.

“Natanel.”

He turned back.

Rav Elazar’s eyes were brimming now, some raw and unmendable wound breaking open inside him.

“I love you,” he said. “Like a son.”

Natanel turned—and found the new suitor standing just behind him, face flushed, eyes darting between Natanel and Rav Elazar. Without a word, Natanel stepped past him and walked home, while Rav Elazar wiped his eyes and gently beckoned the young man inside.

The explanation was short and technical.

“As you know, we follow the school of Shammai,” his father began, “and according to this school, your mother is permitted to me. But according to the school of Hillel, she is forbidden. And in their view”—he paused to swallow—“you are a *mamzer*.”

The words dropped into Natanel's stomach with a terrible finality.

“And Rav Elazar follows the school of Hillel,” said Natanel, sparing his father the final blow. His father simply nodded, but when he lifted his eyes back to his son, they were red and shimmering.

And suddenly Natanel glimpsed what had been hiding within those nightly conversations of his youth—two old friends who could never become family. A vast and unbridgeable chasm, staring up at them each day in the faces of their children.

In a sense, nothing had changed—Rivka remained like a cloud, drifting high above the world. Only Natanel had been rendered earthbound, impure.

The next day, his father gently told him that Rivka was engaged. And many days after that—he had stopped counting—Natanel stood at her wedding, trying not to meet her gaze, sensing that it rarely left him. He turned to see Rav Elazar dancing with his father.

The two old friends clasped hands and began to spin—first slowly, then desperately—until only Natanel could see their wet cheeks. They whirled faster, their hands beginning to slip, the celebration threatening to hurl them utterly and irretrievably apart.

Then Natanel stepped forward, caught their hands, and joined the dance.

"That Your Slave May Rest With You" – Rethinking Oneg Shabbat

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One of the most well-known discrepancies in the Torah is the difference between the two versions of the Shabbat commandment in the *Aseret ha-Dibrot*. In the first version, in Parashat Yitro, Shabbat is presented as a means of remembering God's creation of the world; God worked for six days and rested on the seventh, so we do the same:

> Remember the Sabbath day and keep it holy. Six days you shall labor and do all your work, but the seventh day is a Sabbath of the Lord your God; you shall not do any work—you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your midst. For in six days God made the heaven and the earth and the sea—and all that is in them—and then rested on the seventh day; therefore God blessed the Sabbath day and hallowed it. (Shemot 20:8-11)

In the repetition of the *Aseret ha-Dibrot* in Parashat Va-ethanan, we find an entirely different reason given for the institution of Shabbat:

> Observe the Sabbath day and keep it holy, as the Lord your God has commanded you. Six days you shall labor and do all your work, but the seventh day is a Sabbath of the Lord your God; you shall not do any work—you, your son or your daughter, your male or female slave, your ox or your ass, or any of your cattle, or the stranger in your midst, so that your male and female slave may rest as you do. Remember that you were a slave in the land of Egypt, and the Lord your God freed you from there with a mighty hand and an outstretched arm; therefore the Lord your God has commanded you to observe the Sabbath day. (Devarim 5:12-15)

This account differs from that in Yitro. There is no mention in Va-ethanan of God's creation of the world; rather, the focus is entirely on the cessation of labor. The Midrash (*Shemot Rabbah* 2:11) states that Moshe, as a prince in Egypt, convinced Pharaoh to allow the people one day of rest during the week, on Shabbat. Shabbat here is presented not primarily as a religious institution, but a

[1] Many thanks to R. Akiva Weisinger and R. Yonah Lavery-Yisraeli for their insightful comments and suggestions as this piece developed.

practical earthly one. Indeed, Hazal tell us that the word *shamor* (guard), which introduces the passage in Va-ethanan, refers to the negative commandments of Shabbat, while the word used in Yitro, *zakhor* (remember), refers to the positive commandments (*Berakhot* 20b). It would seem that the two passages respectively refer to these two aspects of Shabbat: the physical rest and the spiritual reflection.

There is nothing new in our presentation of these two aspects of Shabbat. Indeed, Hazal themselves recognized this discrepancy, and believed the two points to be intimately related – "*Zakhor* and *shamor* were said in one act of speech, something which the human mouth cannot say and the human ear cannot hear" (*Rosh Ha-Shanah* 27a). Understanding the precise relationship between these two ideas, however, is more complex than it may initially seem.

II

There are many models for understanding the value of the 'earthly' Shabbat which we are describing. On the most basic level, Shabbat provides an opportunity for rejuvenation from a long week of work and allows for a productive reset for the upcoming week. This justification was given by Philo (*De Specialibus Legibus*, II,60 (*Loeb Classics*, Philo, VII)) in describing the value of Shabbat to his Greek readers: "On this day we are commanded to abstain from all work, not because the law inculcates slackness… its object is rather to give man relaxation from continuous and unending toil and by refreshing their bodies with a regularly calculated system of remissions to send them out renewed to their old activities." In this model, the rest of Shabbat is telos-oriented, serving to better prepare us for more productive and creative activity through the week.

R. Abraham J. Heschel, meanwhile, firmly rejected Philo's formulation as reflecting "not the spirit of the Bible, but the spirit of Aristotle" (Heschel, *The Sabbath*, 14). For Heschel, Shabbat represents more than a chance to rest one's tired bones. The leisure provided by Shabbat gives a chance for spiritual reflection and carves out a space for religious activity. This is also how Rambam (*Moreh Nevukhim* 2:31) explains the difference between the two versions of the Shabbat commandment: "*shamor*," abstaining from work, provides fertile ground for "*zakhor*," the God-oriented content of Shabbat. Such an understanding is certainly well founded in classical sources. When Moshe and Aharon come to Pharaoh to demand that he allow the Jews to travel to the desert to serve God, he responds incredulously, "*hishbatem otam mi-sivlotam*" – "would you have them rest from their work (Shemot 5:4)? *Midrash Rabbah* (ad loc.) informs us that it was the opportunity of rest, through the institution of Shabbat, which allowed the people the opportunity to reflect upon their religious lives and their connection to God. This approach elevates the rest of Shabbat from being merely an opportunity for physical rejuvenation to a crucial aspect of the religious construction of the day. However, it still relegates the "*shamor*" to a handmaiden of the "*zakhor.*" This approach is as

telos-oriented as Philo's formulation, simply replacing the functionality of productivity with the productivity of religious opportunity.

I would like to suggest a third approach to understanding the physical rest of Shabbat, through the lens of the *mitzvot* of *kevod Shabbat* and *oneg Shabbat*. Rambam begins the final chapter of his *Hilkhot Shabbat* (30:1) with the following classification of the laws of Shabbat:

> Four things were said [in the Scriptures] with regards to Shabbat, two from the Torah, and two from the Rabbis, which were expressed by the Nevi'im. In the Torah, it is stated "remember" (Shemot 20:7) and "guard" (Devarim 5:11). Those which are stated through the Nevi'im are *kibbud* (honor) and *inug* (delighting), as the verse states, "and you should call the Shabbat 'delight'" (Isaiah 58:13), "and to the holy [day] of God 'honored'" (ibid.).

Rambam goes on to write that *kavod* encompasses all preparations for Shabbat, such as washing oneself (30:2), cleaning one's home (30:5), and preparing food (30:6). *Oneg* comprises delighting in Shabbat itself, with activities such as resting and eating festive meals. Many statements of Hazal praise one who exerts themself, both personally and financially, to procure the best food possible for Shabbat. Among these statements is a striking guarantee that the expenses one incurs by buying food for Shabbat are not included in the amount of money granted to them on Rosh Hashanah. Based on this, the instruction is given to "lend on My [i.e., God's] account, and I will pay!" (*Beitzah* 16b). This has generally been taken at face value by *poskim*, and there is much halakhic discussion around how this statement is to be implemented practically (*Mishnah Berurah* 242:4). In light of American Orthodoxy's material success, unprecedented in scope through Jewish history, this has resulted in a culture of materialism around Shabbat and Yom Tov. Shelves of kosher stores are lined with delicacies specifically made for the Shabbat table, and many people invest significant effort into ensuring that their Shabbat meals are as high-class as they can manage.

The source of the *mitzvot* of *kevod Shabbat* and *oneg Shabbat*, as we quoted from Rambam, are from a passage in Isaiah. The last three *pesukim* of this passage are often quoted as the *navi* exhorting the people towards proper observance of Shabbat; Rambam quotes the *pesukim* for this purpose at the end of *Hilkhot Shabbat* (30:15). A look at the entire *nevu'ah*, however, paints a more complex picture of what exactly is being encouraged by the *navi*.

III

The *navi* begins by describing a nation that feels abandoned by God. Why, they ask, has God failed to pay attention to our fasts and prayers (58:3)? The answer given is sharp and uncompromising: "Because on your fast day you see to your business

and oppress all your laborers!" The people's eagerness (*yehpatzun*) for God is undermined by their attention to their businesses (*heifetz*). The *navi* is drawing a clear parallel between the personal acts of penitence performed by the nation and their callousness to those in their power. They are "a nation that engages in *tzedakah* and *mishpat*," righteousness and lawfulness, in the religious sphere, while neglecting charity and justice towards each other. As they engage in their fast (*tatzumu*), they continue to sow strife (*matza*) among one another; as they strike their chests in repentance, they strike their fellow with wicked fists. This is not merely a case of hypocrisy, but a completely wrongheaded approach – rather than starve themselves, God would rather the people feed those among them who are actually starving. The 'fast,' the personal sacrifice which God desires, is not penitential self-flagellation, but meaningful sacrifice for the sake of others; giving them food, taking them into their homes, and clothing them. From here, the *navi* moves to his discussion of Shabbat. What is needed to seek God's favor is not a fast, but a Shabbat. Regarding Shabbat, the *navi* calls on the people not to "look to their affairs or strike bargains," but to delight in the day – that is, to eschew the economic realm, the locus of the oppression which plagues the community, and instead seek God, not through fasting, but through celebration with, and material support for, all members of society. The *oneg Shabbat* described in this *nevu'ah* is an antidote to the empty fasts; it is a way instead to use the material wealth with which they have been blessed to better life for everyone.

The call to delight in Shabbat does not exist in a vacuum. Rather, it is a specific call to eschew a model of religion which exists wholly separate from the economic sphere, and instead to create a space for celebration and community grounded within religion. The *navi* cries: *"ve-karata la-Shabbat oneg*" – call Shabbat a "delight." Ramban (Vayikra 23:2) relates the root k-r-a, used in relation to holy days, to "gathering" (as in Bamidbar 1:16, "*keru'ei ha-eidah*" ("the ones gathered from the assembly"); that is, on these days, the community gathers together to delight in God. Ramban cites the *pasuk* in Nehemiah (8:10), "Go, eat choice foods and drink sweet drinks, **and send portions to whoever has nothing prepared**, for the day is holy to our Lord. Do not be sad, for your rejoicing in the Lord is the source of your strength." There can be no Shabbat without helping those in need by calling them to join in the celebration.

In the halakhic sources, the exhortations towards *oneg Shabbat* are immediately thrown into conversation with a statement of Rabbi Akiva which limits the obligation for those without the financial means necessary: "Make your Shabbat like a weekday, and do not rely on others" (*Pesahim 112a*). Much of the conversation among the *poskim* is therefore spent navigating the bounds of *oneg Shabbat* when one is in abject poverty. This is the breakdown point, the margin, of *oneg Shabbat*, when the community fails to live up to the ideal presented by Yeshayahu. Gra (*Orah Hayyim*. 242:1), interpreting Tosafot (*Beitzah* 15b, s.v. *lavu*), writes that Rabbi Akiva's advice applies only to someone who has nobody to borrow

money from; otherwise, there is a guarantee that should one borrow money, s/he can be assured that God will return it (ibid.). This should be read as an instruction to the lender as much as to the borrower. The *oneg Shabbat* which is envisioned is one outside the bounds of normal economic responsibility. It involves a vision of a world beyond financial structures, beyond economic power, where there are no slaves and no masters, only brothers and sisters.

This injunction also serves to remove the associations of guilt and blame which often accompany indulgement and luxury. People without money often feel the pressure to scrimp and save their money, and the enjoyment of any spending choice can be marred by the feeling of pressure associated with it. Likewise, those of higher class often point to instances of people spending more than the bare minimum on their lives as a reason for their economic situation, which can serve as an excuse to ignore the real, underlying social forces which contribute to the situation. Shabbat is a time when we step outside of these dynamics and engage with luxury without the pressures of class of status impeding on the experience.

IV

The vision of Shabbat in Parashat Va-ethanan is one of economic and social equality. Rest is not merely self-oriented, but a chance for communities to align outside the bounds of normal financial and power structures. The reason given for Shabbat here is not remembering creation, but rather remembering our time as slaves in Egypt. Ibn Ezra (5:14) explains: "And you shall remember that you were a slave in Egypt – and you shall allow your own slave to rest." We know what it is to be subject to the power of another, and we are therefore commanded to provide those within our power – our children, our workers, even our animals – a space outside of the economic sphere, where they may rest alongside us.

The two *parshiyot* of *Shabbat* begin with *zakhor* and *shamor*. In one sense, Shabbat calls on us to remember the Creator of the world, to turn our hearts and minds towards God, and to renew our awareness of, and commitment to, God's presence. But equally forcefully, Shabbat calls on us to guard the world as we have it; to take an active part in shaping the world we want to see, to take care not to destroy the world of which we are the only caretakers (*Kohelet Rabbah* 7:13). Shabbat provides a space in which we – through kindness to others, through commitment to justice, and through real, material aid – guard the world which God has created and carve out space for our vision of what humanity can be.

In describing God's creation of the world, the *pasuk* states: "And God finished on the seventh day all the work He had done" (Bereishit 2:2). Rashi, quoting the Midrash, picks up on an oddity in the *pasuk*: presumably, God's work was finished on the sixth day, allowing Him to fully rest on the seventh. Why, then, does the verse say that God rested on the sixth day? Rashi's second answer is well-known: the world was missing one thing –

rest – which was created when God ceased work on the seventh day. The first answer presented by Rashi is a bit stranger. Quoting R. Shimon (as cited in the Midrash), Rashi writes that God moves with a precision which human beings cannot perceive. God ceased work at exactly the moment when the sixth day ended, which would appear to human beings as the seventh day itself. This answer seems to beg the question: why would the *pasuk* frame this moment of creation from the perspective of human beings? Perhaps the point is twofold. For one thing, the *pasuk* is informing us here that Shabbat is fundamentally anthropocentric. It matters less the truth of the genesis of Shabbat than how human beings perceive it, because Shabbat is primarily about human beings. Bearing this in mind, the second point in Rashi is even more crucial. For human beings, Shabbat is not a cessation of creative activity; rather, Shabbat is the foundational point of human responsibility towards the world. The *menuchah* of Shabbat is not merely cessation from work. It is a chance to build something which cannot be built on the weekday, which can be accomplished specifically, and only, by means of human rest.

The vision of a messianic future can be found throughout the liturgy and *zemirot* of Shabbat. *Lecha Dodi* blends our welcoming in of Shabbat with a welcoming of the messianic era; it describes Shabbat as "*mei-ein olam ha-ba*," a reflection of the World To Come. Just as the Shabbat of *zakhor* reminds us of the world's beginning, the Shabbat of *shamor* reminds us of the world's end, the vision of a future that could be, free of oppression and free of strife. Just as forcefully, it reminds us that we are responsible for creating that world, and it reminds us that we can.

"The Messiah will come only when he is no longer needed; he will come only on the day after his arrival; he will not come on the last day, but on the very last day." - Franz Kafka