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## INTRODUCTION TO TRACT SABBATH.

WITH this tract we commence the translation of the section of the Talmud called *Moed* (Festivals), containing the following tracts: Sabbath, Erubhin, Rosh Hashana, Yuma, Shekalim, Sukkah, Megillah, Taanith, Pesachim, Betzah, Hagigah, and Moed Katan. All these tracts are entirely devoted to precepts pertaining to the observance of the festivals and Sabbath, such as the performance of the different ritual ceremonies on feast-days, the manner of sanctifying the Sabbath, and the ordinances relating to mourning for the dead both on Sabbath and week-days.

The commandments on which these precepts are founded, or from which they are derived, are contained in various portions of the Pentateuch. The fourth commandment of the Decalogue enacts (Exod. xx. 8-11 and Deut. v. 12-15): "The seventh day shall ye keep holy." In various other parts of the Pentateuch the due observance of the Sabbath is repeatedly ordained; in some instances merely mentioning the day as one to be kept inviolate and holy; and in others employing greater emphasis, referring to the history of creation, and establishing the observance as a sign of the covenant between the Lord and Israel. Such texts are Exod. xiii. 12; xvi. 15; xxxi. 13-17; xxxiv. 21; xxxv. 1-3; Lev. xix. 29; xxiii. 32; Num. xv. 9, etc. While the general principle is thus frequently inculcated, its special application, however, and specific enactments as to what constitutes a violation of the Sabbath, are nowhere fully carried out in the Pentateuch, and thus but few texts of the Scriptures serve as a direct basis for the minute and numerous enactments of the rabbinical law.

The Mishna enumerates thirty-nine "Abhoth" or principal acts

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of labor, the performance of any one of which constitutes a violation of the Sabbath. Every other kind of work becomes illegal only if it can be classified under one or any of these principal acts of labor. Thus, for instance, under the principal act of ploughing, every analogous kind of work, such as digging, delving, weeding, dunging, etc., must be classified. In addition to these thirty-nine principal acts and their accessories and derivatives, there are other acts which are especially prohibited by the rabbinical law as tending to violate the Sabbath rest (Shbhuth). For the violation itself various degrees of culpability are established, and various degrees of punishment awarded. All these subjects relating to the due observance of the Sabbath, and pointing out its violation in every possible way, form the contents of the treatise Sabbath.

In order properly to understand the Mishna, and to avoid tedious repetitions, it is necessary to commence with the explanation of certain general principles and technical expressions predominating in the text.

Wherever throughout the Mishna the expression guilty, culpable (Hayabh), or free (Patur) is used, the meaning of the former (guilty) is that the transgressor acting unintentionally must

bring the sin-offering prescribed in the law; of the second expression (free), that the accused is absolved from punishment.

If through the performance of an unprohibited act some other (prohibited) occupation is inadvertently entered upon, it constitutes no offence, providing the latter is not done intentionally nor the lawful occupation entered upon with the covert purpose of making it serve as a subterfuge to do that which is prohibited.

In the degrees of violation the nature of the occupation must be considered, as various kinds of labor may be required to perform and complete one act, and thus the offender may become amenable to several penalties. On the other hand, the rule is laid down that such occupations as only destroy, but do not serve an end in view, do not involve culpability (in the rigorous sense of the word); nor yet does work which is but imperfectly or incompletely performed involve culpability.

The prohibition to carry or convey any object from one place

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to another, which in Chap. I., § 1, of this treatise is called "Yetziath (Ha) Shabbath" (which means transfer on the Sabbath) and forms the thirty-ninth of the principal acts of labor, requires particular attention and explanation from the complexity of cases to which it gives rise. All space was by the Tanaim divided into four distinct kinds of premises, explained in the Gemara of this chapter. When in the text of the Mishna the question is about carrying and conveying from one place to another, it does not apply to the "free place," as that is subject to no jurisdiction. Moreover, the open air above private property has no legal limitation, whereas that over public property or unclaimed ground (carmelith) only belongs thereto to the height of ten spans (see explanation of the Gemara). The carrying or conveying from one kind of premises to another does not constitute a complete or perfect act, unless the same person who takes a thing from the place it occupies deposits it in another place.

The tracts Sabbath and Erubhin will contain the laws for the observance of rest on Sabbath, and these laws can be divided into two separate parts. Firstly, the part prohibiting labor on the Sabbath day, at the same time defining what is to be termed labor and what does not constitute an act of labor; and secondly, the part ordaining how the day is to be sanctified and distinguished from a week-day in the manner of eating, drinking, dress, lighting of candles in honor of the Sabbath, and incidentally the lighting of candles in honor of the festival of 'Hanukah (the Maccabees).

It has been proven that the seventh day kept holy by the Jews was also in ancient times the general day of rest among other nations, [1](#) and was usually spent by the people of those days in much the same way as it is spent now, wherever local laws do not restrict buying and selling, namely: In the forenoon prayers were recited and the necessities of life for the day were bought, while

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the afternoon was devoted to pleasure-seeking, merrymaking, visiting, and so forth. The Jews

living prior to the time of Ezra and Nehemiah, and even during the latter's régime, were wont to spend the Sabbath in the same manner as their pagan neighbors. It was this fact that caused the sages of Nehemiah's time to fear that should the Jews, who were always in the minority as compared with other nations, continue this method of keeping the Sabbath and join in the merrymaking and pleasures of their neighbors, mingling freely with their sons and daughters, assimilation was almost inevitable, especially as the Jewish race was scattered over all the known world and was nowhere in very large numbers.

The sages then devised means to keep the Jew from mingling with the Gentile and from participating in the pleasures and carousals of his neighbors. This can be seen from Nehemiah, xiii. 1-26: "In those days saw I in Judah *some* treading wine-presses on the Sabbath," etc. "In those days also saw I Jews that had married wives of Ashdod, of Ammon, and of Moab," etc. "Ye shall not give your daughters unto their sons nor take their daughters unto your sons, or for yourselves." Thus we see that Nehemiah began by prohibiting traffic and the carrying of burdens on the Sabbath [ibid. xiii. 19] and ended by prohibiting intermarriage with foreign women. About this time also another prophet, the second Isaiah--who, though not possessing the temporal power of Nehemiah, was gifted with that persuasive eloquence that appealed to the heart--preached against indulging in pleasures on the Sabbath day. He says [Isaiah, lviii. 13-14]: "If thou turn away thy foot from the Sabbath" (meaning if thou keep away from drinking-places, dancing-houses, etc., on the Sabbath and follow not the custom of other nations), "and call the Sabbath a delight" (meaning the *rest* on the Sabbath shall constitute thy pleasure), "the holy of the Lord, honorable; and shalt honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words. Then shalt thou delight thyself in the Lord; and I will cause thee to ride the high places of the earth, and feed thee with the *heritage* of Jacob *thy father*; for the mouth of the Lord hath spoken it." (The inference is very

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plain. The prophet wishes to impress the Jew with the fact that the Lord will reward those with the heritage of Jacob who have kept away from mingling with the pleasures of other nations. Read ibid. lvii., especially verses 10, 11, and 12.)

After the establishment of a permanent government among the Jews, however, it was found that the exhortations of the prophets after the manner of Isaiah were of no avail; the people still continued seeking pleasures on the Sabbath, after the manner of other nations, and were still wont to enjoy the pastimes of their neighbors. The enforcement of the prohibition of carrying burdens was then decided upon to act as a check upon the people by defining minutely the meaning of burdens, and the prohibition was interpreted to include not only heavy burdens, but all portable articles, such as money, trinkets, eatables, etc., while only necessary articles of clothing and apparel were permitted to be worn. To such an extent was the matter carried that even the wearing of rings, with the exception of such as had the name of the wearer engraved upon them, was not permitted. In fact, everything that could be converted into money was included in the definition of burdens. Beggars were not permitted to solicit alms on the Sabbath, contrary to the customs of other nations, so as not to afford any one an excuse for carrying money on that day.

The enforcement of such a law, however, was practically impossible in the case of people who remained in their houses, and certain modifications were made. These modifications were as follows: The laws were made to apply only on public grounds but were not valid on private

grounds, so that in a private house a person was permitted to carry whatever was necessary. Private grounds were also established by the institution of Erubhin, *i.e.*, where a street or a public place was inhabited by Jews alone a small amount of meal was collected from each household; from the meal a cake was made and hung conspicuously in that locality. The point where the street inhabited by Jews alone commenced and the point where it ended were joined by a piece of twine, and thus definitely marked. Thus public grounds were turned into private grounds, from the fact that each household

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contributing a share of meal made them all in a manner copartners in one object. The walking of more than two thousand ells outside of the city limits was also prohibited. Within the city limits, be the city ever so large, walking was permitted.

The possibility of confinement in the house on the Sabbath becoming conducive to the performance of labor was offset by the establishment of a law prohibiting all the different modes of labor used in the construction of the tabernacle, besides all manner of agricultural labor. This again brought about the detailing of all the different modes of labor employed in the construction of the tabernacle and in agriculture, all of which is discussed in these treatises of Sabbath and Erubhin.

Naturally the institution of laws carries with it provisions for the penalties attending their infraction, and these penalties were divided into three classes:

First, the penalties for unintentional infractions.

Secondly, for intentional infractions.

Thirdly, for intentional violations where the violator had been previously forewarned of the penalty by two witnesses.

The penalty for the first class of infractions was simply the sacrificing of a sin-offering, which, however, involved a great many hardships, as the culprit had to bring the sin-offering to the temple in Jerusalem in person, and was frequently compelled to travel quite a distance in order to do so, besides sustaining the loss of the value of the offering.

For the second class, if two witnesses testified before the tribunal that the culprit had labored on the Sabbath, and the culprit admitted that he had done so intentionally, no penalty was inflicted by the tribunal, but the person was told that he would be punished by the heavenly power with the curse of Karath (shortening his allotted time of existence on earth). No penalty was inflicted, for the reason that, the culprit having made himself liable to severe punishment from superhuman sources, it served as an excuse to absolve him from human punishment. [1](#)

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For the third class, however, when the culprit openly defied the existing authority and in spite of forewarnings; persisted in violating the law, he was considered a traitor to the government, to be

sentenced to death by stoning, as was the wood-gatherer [Numbers, xv. 32].

It is upon these laws that the discussions in the treatises Sabbath and Erubhin are based, and in addition the reader will find many ethical laws, legends, and the enumeration of such enjoyments as are permitted on the Sabbath day and the festivals.

In addition to the above we would make the following citations from the text of the Talmud, as a necessary feature of the introduction:

I. We find in the Tract Sabbath, 61*b* and 96*b*, the story of the mysterious scroll which Rabh claimed to have found in the house of his uncle, R. Hyya. This scroll referred to the principal acts of labor prohibited on the Sabbath, which were forty less one. Rabh discovered in this scroll the statement of R. Issi b. Jehudah to the effect that although thirty-nine principal acts of labor are enumerated, only one of them makes a man actually culpable. The Gemara then amends this statement and declares that it should read: "One of the thirty-nine does not involve culpability," but does not mention which one it is. Consequently it remains doubtful which act it is that does not involve culpability, and where a doubt exists as to whether an act is prohibited or not no punishment can be inflicted for its commission. From this, two things may be inferred: First, that these acts of labor were prohibited for political reasons, because the mystery was extant, and we find the term mystery applied to political cases only; and second, that the Gemara declares in the same passage that the carrying of an object from public ground into private ground is not one of the doubtful acts and a penalty is prescribed in the event of its being committed. Hence the object was to prevent the assimilation explained above.

II. We find in Yebamoth, 90*b*: "R. Eliezer b. Jacob said: "I have heard that a man was found riding a horse on Sabbath in the time of the Greeks, and being brought before the tribunal for

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the crime was stoned to death.' This man was punished, not because his crime merited the penalty, but because the times made it necessary." The inference is therefore clearly established that the man was punished for political reasons, and that the violation of the Sabbath laws did not involve capital punishment.

III. In Yoma, 85*b*, it is written: "R. Jonathan b. Joseph said, 'The Sabbath is holy unto you,'" implying that the Sabbath is handed over to you and not you to the Sabbath. [1](#)

IV. R. Johanan states elsewhere that in Palestine, where the Jews were together, no public ground existed.

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## Footnotes

[xxiii:1](#) In a table compiled by Rev. A. H. Lewis, Alfred Centre, N. Y., 1884, in his work entitled "Biblical Teachings, concerning the Sabbath and the Sunday," it is shown that among nearly all nations the Sunday is the first and the Sabbath the seventh day of the week.

[xxvi:1](#) Because it is a rule of rabbinical law that, of two punishments incurred by one act, the severer one is meted out Qâm lêh bid'rabba minêh.

[xxviii:1](#) This is taken from Mechilta, an authority older than the Talmud, and stands in no connection with the Halakha. Furthermore, the mystic scrolls may in some instances have had reference to political necessities of the day, but by no means in all cases.--*The Reviser*.

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