

Section 3

Shabbat

The laws of Shabbat, along with those of impurity and of incest, are among the more difficult laws to master. More so than other precepts, these laws rely heavily on an underlying general theory which is then applied to a broad range of specific cases. I will therefore take some time to outline the layout of this section before jumping into the details. I have divided this section into 3 parts to help further facilitate understanding the laws in question.

Part I will cover the fundamentals of what is considered “work” on Shabbat. The Torah forbids 3 types of general actions on Shabbat: *avodah*, *melacha*, and *ma’aseh*. Each one of these will be formally defined in §3.2.

The classical Karaite definition of these three terms is quite broad. If all instances of *avodah*, *melacha*, and *ma’aseh* were truly forbidden, Shabbat would become impossible to keep. As we shall see, there are many actions which are included in the terms *avodah*, *melacha*, and *ma’aseh*, but are nevertheless permitted on Shabbat. For instance, performing certain Temple sacrifices on Shabbat is not only permitted but required despite the fact that preparing sacrifices is *melacha*. In §3.3 we will enumerate the actions exempt from the prohibition on *avodah*, *melacha*, and *ma’aseh*.

Part II will discuss direct work vs. indirect work. Direct work is something a person or a group of people do on their own. Painting a house is an example of direct work. Indirect work is something that a person accomplishes by using an intermediary that acts on its own. Leaving a washing machine running on Shabbat is an example of indirect work. Telling someone else to turn on a washing machine during Shabbat is another example of indirect work. The different kinds of indirect work will be enumerated and we will determine in what capacity each is forbidden.

Part III will discuss whether specific actions are forbidden or required on Shabbat. In this section we discuss two important concepts. First, we discuss specific instances of *avodah*, *melacha*, and *ma’aseh*. For instance, we discuss the specifics of riding an animal on Shabbat and of burning fire on Shabbat.

Second, we address other verses which forbid or require actions on Shabbat that are independent of the laws regarding *avodah*, *melacha*, and *ma’aseh*. For example, we know from Genesis 2:3 that Shabbat is a holy day. The legal implications of this status, while closely related to the prohibition on *melacha*, are an independent set of requirements.

The last two specific cases we study will be modern ones –namely that of electricity and modern plumbing. Naturally, no analogous section is included in the *Adderet* but I will nevertheless discuss how electricity fits into the broader Shabbat theory.

Finally, I should note that the system of Shabbat laws embraced by Rav Bashyatzi (and described herein), which I will call the “Classical Shabbat System”, is not universally accepted among the classical Karaite Sages. Other sages offer slightly different definitions for *avodah*, *melacha*, and *ma’aseh*. However, based on the summary of the opinions of dissenting sages provided in *Adderet Eliyahu* and *Gan Eden*, it seems to me that none of the alternative systems would lead to great differences in practice – though, admittedly the summaries of these alternative systems accessible to me are very brief. Furthermore, the

Classical Shabbat System over the years has become the standard system and was adopted by not only Rav Bashyatzki but many other great sages. Some of its other major proponents include Rav Aharon ben Eliyahu the younger and Rav Levi ben Yefet. Thus, the Classical Shabbat System serves as an ideal way to study and synthesize the laws of Shabbat.

The following are the topics covered in this section:

Part I (Fundamentals):

1. Standard Terms vs. Torah Terms
2. The Three Classes of Forbidden Actions: *Avodah, Melacha, Ma'aseh*
3. Exemptions to the Prohibition on the three classes

Part II (Indirect Actions):

4. Types of Direct and Indirect Actions
5. Indirect Actions one Performs through an Intermediary by touching it once
6. Indirect Actions one Performs by Way of Commands

Part III (Specific Requirements and Prohibitions):

7. Requirements derived from "keep the Sabbath day"
8. Requirements derived from "Remember the Sabbath day"
9. Shabbat begins at 1st erev
10. Requirements derived from the holiness of Shabbat
11. Fasting on Shabbat
12. Requirements derived from the preparation of Manna
13. Travelling
14. Riding animals and ships
15. Carrying
16. Fire
17. Benefiting from others' *melacha*
18. Saving a life
19. Desecrating Shabbat
20. Electricity
21. Plumbing
22. Israeli Karaite Practice Regarding Electricity and Plumbing
23. Conclusion

"Know that the remembrance of the Sabbath day to keep it holy is a great matter for all believers. For he who remembers the Sabbath day to keep it holy will understand and know the existence of God and his oneness as well as God's role in the renewal of the world, his role in maintaining the physical world and in all acts of creation. And he who does not remember the Sabbath will be ignorant regarding all these essential principles of the faith." –Adderet Eliyahu Inyan Shabbat Chapter 9

Part I: Fundamentals

§3.1 Standard Terms vs. Torah Terms

There are two types of words used in Tanakh: 1) Standard Terms and 2) Torah Terms.

Standard Terms are terms that developed naturally as part of normal human language. We know the meaning of Standard Terms through linguistic tradition and consensus just as we know the meaning of any other regular word in any other language. Standard Terms generally describe one primary concept, but can be expanded to apply to other, similar concepts. For example, the Standard Term “leg” primarily refers to a “leg” of a living creature. However, its meaning can be extended to refer to the leg of a table.

By contrast, Torah Terms were introduced to the Hebrew language through revelation at Sinai. Thus, they are explicitly defined in the text of the Torah. Most often (but not always) this definition is found right next to the usage of the Torah Term. For example, we find that the Torah Term “Shabbat” is explicitly defined in the text as the seventh day on which *melacha* is forbidden (Exodus 20:8-9).¹

Because Torah Terms are explicitly defined in the text, their meaning is highly specific and only describes precisely what is encompassed by their exact definition. When the Torah uses these terms it does not use them loosely, and so the exegete cannot assume that they refer to something which is close to but slightly different from their primary meaning. Thus, unlike standard terms, Torah Terms cannot be informally expanded past their primary meaning to encompass other vaguely defined concepts. For instance, Shabbat always means precisely the seventh day of the week and a very precise set of laws is associated with Shabbat.

Sometimes a term can be either a Torah Term or a Standard Term depending on the context of its usage. Thus, the Torah Term Shabbat refers to the seventh day. However, “shavat” (written with the same consonants of Shabbat) means “ceased”. This latter usage (“shavat”) is a Standard Term, since the verb “to cease” is not a precise technical term that was explicitly defined at Sinai. Although shavat and Shabbat differ slightly in their vocalization, even completely identical terms can be either Torah Terms or Standard Terms depending on their context.

Notes on §3.1:

The difference between Torah Terms and Standard Terms is a very useful distinction that is used repeatedly in *Adderet Eliyahu* and will be used repeatedly in *Mikdash Me'at*. Already, we can use this distinction to reject two popular but flawed explanations for what is *melacha* (usually translated as “work”) on Shabbat.

The Rabbanite Definition

The Rabbanite definition of *melacha* is a highly specific list of 39 categories of actions. This list is not explicitly found anywhere in the text of the Torah. Thus, from a Karaite standpoint, this definition could not have been introduced at Sinai. In other words, because *melacha* is not expressly defined in the Torah, *melacha* must be a

¹Other examples of Torah Terms include the names of the holidays, the names of some of the sacrifices, the word *yovel*, the word *shatnez*, and the names for many of the sacrifices.

Standard Term, *i.e.*, a term that developed naturally among the Hebrew speaking population, and is not a Torah Term, *i.e.*, a term whose precise definition was revealed at Sinai.

Melacha as defined by Rabbanites, however, is an improbable Standard Term. Why would a highly specific list of 39 actions develop naturally as part of the Hebrew language? The Israelites prior to Sinai did not keep Shabbat so there would be no reason to develop such a word. In this light, the Rabbanite definition of *melacha* seems untenable.

The Arbitrary List System

Some modern day Karaites, like Rabbanites, seem to believe that *melacha* is a highly specific list of actions. Unlike Rabbanites, however, their list is comprised of the specific actions described in Tanakh as *melacha* or otherwise forbidden on Shabbat. Thus, *melacha* for these Karaites is a list of unrelated actions including artistic work (Exodus 31:2-5), commercial activity (Nehemiah 10:31), burning fire (Exodus 35:3), judging (Ezra 10:13), driving ships (Psalms 107:23), *etc.*

This “arbitrary list” definition of *melacha* has the same shortcomings as the Rabbanite definition. Namely, if this highly specific list of forbidden actions was given at Sinai (*i.e.*, if *melacha* is a Torah Term), it should have been defined as such in the first 5 books. Otherwise, how would post-Sinaitic Israelites (like Nehemiah, Ezra and the Psalmist) know that certain actions not listed in the five books (like buying and selling, see Ezra 10:13) were included in the highly specific list of actions supposedly comprising *melacha*?

Since *melacha* is not defined in the first five books, then we must conclude that it is a Standard Term developed naturally by human language prior to Sinai. This explains how Nehemiah could know that buying and selling was prohibited as *melacha* without referring to an explicit written definition in the text of the first five books. Yet it seems unlikely that a highly specific list of actions could be a standard term. Surely, pre-Sinaitic Hebrew would not develop a word for a highly specific list of actions that would have seen no usage until the mitzvah of *Shabbat* was commanded at Sinai.

The Classical Shabbat System

Since no explicit definition of *melacha* is included in the Torah, the Classical Shabbat System holds that *melacha* is a Standard Term whose definition is known through the natural transmission of language. As we shall see, the classical definition of *melacha* is very intuitive and would have had broad use even before Sinai. The classical definition of *melacha* thus avoids the shortcomings of the other two theories discussed above. Even those Karaites who do not adhere to the precise definitions of *avodah*, *melacha*, and *ma'aseh* discussed herein, believe that *melacha* is a Standard Term whose meaning developed naturally among the ancient Israelites.

§3.2 The three classes of forbidden actions: *avodah*, *melacha*, *ma'aseh*

§3.2A The three classes

The following are the three classes of actions forbidden on Shabbat:

1. *Avodah*. As it is written: “six days you shall work (*ta'avod*) and on the seventh day you shall cease” (Exodus 34:21).
2. *Melacha*. As it is written: “six days you shall work (*ta'avod*) and do (*ta'aseh*) all your work (*melacha*) and the seventh day is *Shabbat* to *Hashem* your God; do not do any work (*melacha*)” (Exodus 20:8-9).

3. *Ma'aseh*. As it is written: "six days you shall do (*ta'aseh*) your work (*ma'asecha*) but on the seventh day you shall cease". (Exodus 23:12)

As we shall see, each of these three classes becomes progressively more general. Thus *Ma'aseh* encompasses *melacha* which encompasses *avodah*. For instance, while every instance of *avodah* is also *melacha* every instance of *melacha* is not necessarily *avodah*.

§3.2B *Avodah*

Avodah is the most specific class of actions. *Avodah* is defined as any task which one does out of obligation or necessity. Thus, worshipping or serving God is referred to as *avodah*: "and you shall serve (*ve'avadetem*) Hashem your God" (23:25). Similarly, working the land to produce food, a clear necessity, is also referred to as *avodah*: "and you shall work (*ve'avadeta*) the land" (2 Samuel 9:10).

Notes on §3.2B:

It is also worth noting that slave labor is referred to as *avodah* (see Exodus 1:13-14) further supporting the idea that *avodah* refers to mandatory tasks.

Of course, parts of the Temple service are not forbidden on Shabbat even though they are mandatory and thus considered *avodah*. As I explained above, there are instances of the three forbidden classes that are exempt from the general prohibition. These will be discussed below in §3.3.

§3.2C *Melacha*

Melacha encompasses *avodah*. Every *avodah* is a *melacha* but not every *melacha* is an *avodah*. One indication that *melacha* and *avodah* overlap is that we find the phrase "*melacha* of the sanctuary" and the phrase "*avodah* of the sanctuary" implying either that the two phrases are synonymous or that the one encompasses the other.

Another hint that the two phrases overlap can be found in Exodus 20-9:

"Six days you shall work (*ta'avod*) and do all your work (*melacha*) but the seventh day is Shabbat for Hashem your god do not do any work (*melacha*)"

The first half of the verse permits both *avodah* and *melacha* on the six days of the week. The second half of the verse, however, only expressly forbids *melacha* on the seventh day, and makes no mention of *avodah*. We know, however, that the purpose of permitting *avodah* and *melacha* on the six days is to emphasize the fact that they are forbidden on the seventh. It is then surprising that *avodah* is not explicitly forbidden on the seventh day in this verse. If, however, *melacha*, is understood to include *avodah* the verse reads very smoothly since both *melacha* and *avodah* are included in the injunction against *melacha*.

More precisely, the Classical Shabbat System defines *melacha* as any task which one does to accomplish some goal or intent. This broad definition of *melacha* is supported by the diverse range of actions which

are called *melacha*² in Scripture. Furthermore, messengers and angels are called “*malachim*” because they fulfill the intent of their master. We also see that God’s creation of the world is described as *melacha* not because it is work that he was required do but because in doing so he was fulfilling his intent. Finally, we see that God tells Israel “if you turn your foot because of Shabbat from pursuing your desires on my holy day...and you honor [Shabbat] by not going after your ways and seeking your desires.... Then you will delight yourself in *Hashem* and I will make you ride upon the high places of the earth” (Isaiah 58:13-14). God’s statement that pursuing ones desires on Shabbat is forbidden is consistent with the definition of *Melacha* as any action which one does with the intent to accomplish some goal, or in the wording of Isaiah, some “desire” (“*chafetz*”).

Notes on §3.2C:

The Karaite definition of *melacha* is very simply stated and would easily find common usage even prior to Sinai. It is therefore consistent with our expectations of *melacha* as a standard term. It is most analogous to the English standard term “task” which finds wide-ranging secular usage even in today’s secular society.

The Karaite definition of *melacha* is quite broad, encompassing most– if not all – tasks. This raises two potential challenges. The first is that this definition is so broad that it makes Shabbat impossible to keep in any practical way. This issue will be resolved in §3.3 where certain tasks that are *melacha* are nevertheless shown to be exempt from the prohibition.

The “Relaxation Theory”

A second, more challenging issue is that this broad definition of *melacha* destroys the spirit of Shabbat. Indeed, based on verses such as “and he (God) rested on the seventh day and made it holy” (Genesis 2:2), Shabbat is often understood to be primarily a day of rest. Thus, according to some, forbidding all tasks, even relaxing ones, seems to be against the spirit of Shabbat and therefore an unlikely definition of *melacha*. I shall refer to the theory that Shabbat is primarily about relaxation as the “Relaxation Theory”.

Before answering the challenges of the Relaxation Theory, it may be useful to give a representative case where the two theories would differ. Whereas the classical system would forbid any sort of painting on *Shabbat* as *melacha*, the Relaxation Theory would likely permit painting for the purpose of amusement or artistic expression. So long as one is not painting primarily for the sake of employment as opposed to amusement or tiring oneself out when painting, enjoyable painting is not considered *melacha* according to the Relaxation Theory.

There are several reasons why the Relaxation Theory is unsatisfying. First, it is heavily based in translating *melacha* as “work” in the English sense of the term. While this translation causes the Relaxation Theory to appear superficially intuitive or even obvious to many English speakers who consistently see all three terms (*melacha*, *ma’aseh*, and *avodah*) being erroneously translated as “work”, this appeal would not necessarily be found amongst speakers of ancient Hebrew. When the Torah was given at Sinai, the Israelites likely associated a unique concept to each of these words. Indeed, as we have already seen *avodah* refers to mandatory tasks and is pretty close in meaning to the English term “work”. *Melacha*, therefore, likely means something other than “work”.

Another weakness with the Relaxation Theory is its vagueness. The line between what is work and what is fun is often hard to draw. Laborious work for one person can be very enjoyable and relaxing for another. For instance, people are sometimes paid for their hobbies. Consider an amateur painter who every so often sells his work. Would he be working or relaxing? Although he is being paid for his work, this is not the primary reason for his

² See for example the incomplete list of seemingly unrelated actions provided in “Notes on §3.1”.

painting he is painting only as a form of relaxation. Can he claim that he should be allowed paint on Shabbat and then sell what he paints on these grounds? The laws of Shabbat are not a matter of personal preference, in ancient Israel they were enforceable by a system of courts and thus had to be reasonably unambiguous.

By contrast, the Classical Shabbat System is quite decisive. Since basically all tasks are considered *melacha*, there is little ambiguity as to what is forbidden. *Ma'aseh* (which is described below) is an even broader term than *melacha* that leaves absolutely no ambiguity. Furthermore, the exemptions to the initial prohibitions that we will cover in §3.3 are all quite specific. Thus, the Classical Shabbat System achieves decisiveness by casting a very broad initial prohibition and then making a very specific set of exemptions to that prohibition.

Another weakness with the Relaxation Theory is that it stands in contradiction to Isaiah 58:13-14. These verses specifically tell us not to go after our desires on Shabbat:

"If you turn away your foot because of Shabbat from pursuing your desires on my holy day; and call Shabbat a delight, and the holy day of Hashem honorable and honor it by not doing your ways or pursuing your desires nor speaking thereof; then you will delight in Hashem and I will make you ride upon the high places of the earth..."

Whereas the Relaxation Theory permits and encourages what we as individuals find pleasurable on Shabbat, Isaiah 58:13-14 seems to forbid at least some of these things. This apparent austerity, while contradicting the Relaxation Theory, is consistent with the Classical Shabbat System.

Yet how do we understand the austerity of Isaiah and of the Classical Shabbat System in light of Shabbat being an enjoyable day of rest? The answer is that while we are meant to relax and enjoy *Shabbat* we are not allowed to do this through just any means we deem relaxing or enjoyable. When God asks us to "call Shabbat a delight" he is asking us to find pleasure in obeying the laws of *Shabbat* themselves and not to use *Shabbat* as a day to find pleasures in other activities (be they painting, video games, sports, etc.). Indeed, *Shabbat* is a "day of Hashem" not a day to be spent lusting after our own hearts or earthly pleasures. If one follows the Classical Shabbat Theory in its entirety, one finds that he has dedicated a day of his week primarily to prayer, the study of Torah, and talking with friends and family (these things being permitted as shown in §3.3). Such a day is in itself "a delight" and does not require other diversions to be enjoyable. God asks us to find rest, to enjoy Shabbat specifically through these most holy of activities.

In his short work, *The Sabbath*, Rabbi Abraham Joshua Heschel (an American Rabbanite) does an excellent job of expressing the joy that one experiences when keeping Shabbat. Although the Rabbanite system differs greatly from the Karaite system especially in terms of its derivation and although there are some important differences in practice, both the Karaite and Rabbanite system yield a similar Shabbat experience. Thus, I recommend *The Sabbath* as further reading for those interested in the spiritual and experiential aspect of keeping Shabbat or for those interested the deeper philosophical reasons for the Shabbat commandment. Of course, the best way to understand the effect of the Shabbat laws is to keep them as part of a community who also observes Shabbat. Note that since one of the major exemptions from the prohibition is spending time talking or learning with friends and family, I doubt Shabbat can be fully appreciated if kept outside such a community.

§3.2D *Ma'aseh*

The term *ma'aseh* includes all actions whether done consciously to achieve some goal or otherwise. *Ma'aseh* thus includes both *melacha* and *avodah*. We find written "six days you shall do (*ta'aseh*) your work (*melacha*)" (Exodus 20:9) suggesting that the definitions of *ma'aseh* and *melacha* overlap.

Notes on §3.2C:

Further Evidence for the Classical Definition of Ma'aseh

Ma'aseh translates roughly to the English word “action”. The classical definition of *ma'aseh* is further supported by the fact that it is derived from the verb “*la'asot*” meaning simply “to do” implying that *ma'aseh* simply means “action” (*i.e.*, anything which can be done).

Why forbid ma'aseh?

The injunction on *Ma'aseh* appears to forbid actions that are not consciously done to achieve some goal. However, short of subconscious body movements (which as we shall see are in any case exempt from the prohibition in §3.3) it does not seem clear what, practically speaking, this injunction is forbidding. Do not most of our conscious actions have an intended purpose? In other words, are not most our actions *melacha* anyway? What is added by forbidding *Ma'aseh*?

I can think of three practical outcomes of forbidding *ma'aseh*.

First, there are some tasks which might technically be a *melacha* because they accomplish a conscious purpose but require so little conscious effort that one might assume they are permitted. One example would be flipping on a space heater. Another example would be transporting objects in public (an act which many of the sages forbade). Although carrying light objects requires no conscious effort, it does accomplish a clear goal. Explicitly prohibiting *ma'aseh* makes it clear that we are to interpret the prohibition quite broadly.

Second, there are some actions which arguably have no goal. For instance, scribbling randomly on a piece of paper or mashing the keyboard on a computer. Because these actions do not achieve a goal they are not technically a *melacha* even though they resemble one – such as writing an essay, which the Classical Shabbat Theory deems to be a clear example of *melacha*. These pointless actions are quite clearly *ma'aseh*, however.

Third, prohibiting *ma'aseh* makes it very clear that achieving a goal halfway is not allowed. For instance, one might begin baking a cake but not finish and claim that this is not *melacha* because they did not achieve any useful result. The prohibition on *ma'aseh* makes it irrevocably clear that this too is forbidden. Please note that I am not endorsing the argument that accomplishing a goal halfway is not in fact *melacha* and counts only as *ma'aseh*, I am simply claiming that the additional prohibition on *ma'aseh* makes it clearer that this argument cannot be used to permit anything in practice.

Why forbid melacha and avodah if they are included in the prohibition of ma'aseh?

Ma'aseh encompasses both *melacha* and *avodah*. Why then, would the Torah forbid all three terms? Would it not suffice to forbid *Ma'aseh*? It seems to me that there are several reasons why the prohibition is clearer if all three terms are mentioned explicitly.

First, it seems to me that forbidding only *ma'aseh* might lead one to think that only actions which are *ma'aseh* but not *melacha* or *avodah* are forbidden. (Note that all *avodah* and *melacha* are *ma'aseh*; but not all *ma'aseh* are forms of *melacha* or *avodah*.) Since *ma'aseh* is a Standard Term, its usage is fluid and sometimes imprecise. Using it to the exclusion of *melacha* and *avodah* might heavily imply that the latter two sub-classes are permitted despite the literal definition of *ma'aseh* including them.

I will give an English example of this phenomenon. If I tell you “I *think* he is in the living room”, I am implying that the statement “I know he is in the living room” is false even though there is no inherent contradiction

between these two statements. Even though the word “think” has a literal definition which encompasses the meaning of the word “know” using “think” to the exclusion of “know” implies that I mean “think but not know”³⁴.

Similarly, using *ma'aseh* to the exclusion of *melacha* might imply that I mean “*ma'aseh* but not *melacha*”. The Torah thus lists both these terms to avoid this potential confusion.

Second, *melacha* as we have shown covers most actions forbidden on Shabbat. Only the boundary cases discussed above are *ma'aseh* but not *melacha*. Thus, it makes sense for the Torah to explicitly forbid *melacha* since it is the essence of the Shabbat prohibitions. Indeed, a majority of the *Shabbat* prohibitions found throughout the Torah specifically forbid *melacha* as opposed to the other two terms. Furthermore, the primary Shabbat prohibition found in the Ten Commandments (Exodus 20:9) explicitly forbids *melacha* but not the other two terms, further supporting the idea that *melacha* is the essence of the Shabbat prohibition.

Third, if the text did not explicitly forbid *melacha*, it would make it easier to read the “Relaxation Theory” into the text. One could argue that only *avodah* was intended in the prohibition since that refers to work which is not done by choice and therefore not relaxing. Forbidding both *melacha* and *avodah* prevents this confusion.

Fourth, if *avodah* were not explicitly forbidden (*see* Exodus 34:21), one could argue that *avodah* (required work) should be permitted since the Torah would not forbid something which is a necessity. Explicitly forbidding *avodah* thus prevents this potential misinterpretation.

§3.3 Exemptions to The Prohibition on the three classes

There are numerous actions that, despite being considered *ma'aseh*, *melacha*, and/or *avodah* are nevertheless permitted on Shabbat as “exemptions” from the Shabbat prohibitions. These exemptions are derived through the three pillars of Karaite law (*see* §1.5). Some of them are listed below along with the proof for their permissibility:

1. **Walking:** since we find written that people would walk to see the prophets on Shabbat (2 Kings 4:23).
2. **Bodily Movements:** if walking is allowed all the more so are minor bodily movements. Also they are unavoidable.
3. **Eating:** since Moshe tells the Israelites to eat manna on Shabbat (Exodus 16:25).
4. **Drinking:** since it is analogous to eating.
5. **Carrying within one's private domain:** Moshe tells Israel to prepare the manna to be eaten on Shabbat in advanced (Exodus 16:5). From a latter verse it is clear that the preparation he is referring to is limited to baking and boiling (Exodus 16:23). Thus, all actions which are generally performed on food after this baking or boiling stage are permissible. This includes carrying the food to the table.
 - a. These actions also include cracking open nuts, setting and clearing the table, serving food to guests, and rinsing the dishes or utensils needed to have a meal.
6. **Getting dressed.** No proof offered in *Adderet Eliyahu*⁵.

³ I thank my friend Morris Alper for providing me with this example.

7. **Opening and closing gates and doors.** No proof offered in *Adderet Eliyahu*⁶.
8. **Speaking.** No proof offered in *Adderet Eliyahu*⁷.
9. **Washing ones face.** Since one must be presentable for the Sabbath which is holy.
 - a. Some sages permit completely bathing one's body since the Sabbath is holy and purity is achieved through bathing. Most of the sages, however, forbid it.
10. **Wearing perfume, cologne, or deodorant.** This is permissible to honor the Sabbath which is holy. Interestingly, Rav Bashyatzi says it is forbidden in places where it is forbidden to carry (see §3.15 for more on carrying).
11. **Studying Torah.** Since Shabbat is a holy day and since people would go to see the prophets on Shabbat (2 Kings 4:23).
12. **Performing mandatory Temple sacrifices.** Voluntary sacrifices, however, are forbidden. Sacrifices required as part of purification rituals are also forbidden since they can be delayed after their set times.
13. **Temple sacrifices done on behalf of the general public.**
14. **Circumcision.** The earlier sages forbade circumcision on Shabbat. The latter Sages, however, require it.

Notes on §3.3:

A major strength of this list is that the exemptions are quite specific. Thus, by using a very general prohibition with very specific exemptions the Classical Shabbat System removes most ambiguity from the laws of Shabbat. Another major strength is that these exemptions all share similar reasons. Either something is permitted because it is needed to get through a normal day (items 1-8), because it is needed to make Shabbat holy (items 9-11), or because it is explicitly commanded elsewhere (items 12-14). The fact that these exemptions are brought together by similar reasons grants credence to the theory. Indeed, in the Classical Shabbat System both the prohibited classes of actions and the permitted actions have a very intuitive basis.

While these exemptions may share an intuitive basis, the permissibility of many of them is proved in an unintuitive way. Thus this list of exemptions nevertheless raises several exegetical issues.

Implicit Exemptions

First, an explicit list of exemptions never appears anywhere in Tanakh. Even the exemptions above that are proved directly from the text are not explicitly stated in the text to be exemptions. For instance, Moshe tells the people to "eat" only because he is telling the people to eat the manna gathered on the sixth day as opposed to the manna gathered on the seventh day. The primary purpose of his statement does not seem to be to explicitly permit eating in general. We merely glean this as secondary information. Is it a stretch to claim as the Classical Shabbat System does that the Torah wants us to learn the permissibility from such secondary information? The exemptions learned from *hekeish* are even more perplexing. Why would Moshe not simply give a plain list of exemptions?

⁵ *Adderet Eliyahu* does not offer a proof for this claim. However, We have already seen that Moses speaks to the people on Shabbat and that it was customary to see the prophets on Shabbat. Presumably this was done in clothing and not in the nude.

⁶ *Adderet Eliyahu* does not offer a proof for this claim. However, we see from the verses already discussed that leaving ones house was allowed on Shabbat. This requires opening and closing doors.

⁷ Among many other reasons Moshe speaks to the people on Shabbat (Exodus 16:25).

I will begin by noting that this problem is shared by any Karaite theory at least to some degree. This is because the work necessary for performing sacrifices (which include burning things in fire) are considered forbidden by any theory. And yet there is even a sacrifice which is offered specifically for Shabbat with no mention that it is an explicit exemption (Numbers 28:9).

A simple answer to this problem is that most of the exemptions listed are quite obvious. They include extremely basic things like body movements, walking, and eating. Thus, the fact that they are not explicitly listed is not so problematic. They are obvious and their status as exemptions are in reality derived according to the dictates of reason. Although we can confirm their permissibility from the text, these implicit proofs are not really “required” since they are dictated by reason. In short, the “proofs” offered above are not the source of the exemption, they are simply evidence for the exemption.

Proofs brought from Nach

Another issue is that the proof for walking and for studying Torah is brought from outside of the five books of Moses (specifically from 2 Kings 4:23). Indeed, we argued above in our refutation of the “arbitrary list theory” that any action explicitly prohibited in the Prophets or the Writings should have a source in the Torah (see “Notes on §3.1”). Similarly, any action explicitly permitted outside the five books should have a source in the Torah. This issue, however, is more easily resolved. Regarding studying Torah there are examples of Moshe giving laws on Shabbat (*i.e.*, Exodus 16:25) so it seems reasonable that we should be allowed to study them. It is also clear from the story of the man who is caught gathering sticks on Shabbat that walking was permitted, since the men who caught him were themselves walking outside (Numbers 15).

Of course, one can ask how did the men who caught the stick gatherer know walking was permitted? As we suggested above, perhaps they knew through the dictates of reason (*hekeish*) since walking is needed to get through a normal day. The fact that they were walking merely confirms that our own reasoning is correct since these men were under prophetic supervision.

At this point one has to ask why the Torah would require the use of *hekeish* when it could have just stated something explicitly. True, often *hekeish* amounts to a logically rigorous way of protecting the intent of the text (see “notes on §1.5”), but in cases such as this it seems to be more distant from the text. The question of why the Torah requires *hekeish* in cases like this applies to many *halakhic* topics and is not just restricted to the Classical Shabbat System. Perhaps I will explore this question when we discuss the laws of incest, although as of now a completely satisfying explanation is out of my reach. In general, it is much simpler to determine what the Tanakh requires of us than to determine why the Tanakh uses the language that it does to explain a requirement. Answering latter questions often requires a good deal of supposition.

Issues with exemptions made from hekeish

Whenever *hekeish* involves generalizing from a specific case to a general rule there is a certain ambiguity involved as to how far to generalize. This is certainly true for the exemptions above derived from *hekeish*. For instance, when we conclude that carrying within the home is permissible based on the fact that the Israelites were allowed to carry food that has already been baked or cooked, we are assuming that we should generalize this one instance to all forms of carrying (not just for food). Furthermore, most sages believed carrying outside the home was forbidden. How do we know to generalize as far as carrying any type of (lightweight) object within the home and no further?

As with other *hekeish*, the argument made to permit carrying of all sorts of objects within the home is based on certain rational external assumptions (*see* §1.5). In this case, I believe it is quite reasonable to generalize to carrying all types of objects because carrying within one’s house is something which is needed to get through the

day. This exemption thus fits in nicely with the very reasonable assumption that the Torah would permit certain acts which are absolutely required to get through a normal day (eating, drinking, getting dressed, etc.). Furthermore, there are many other permitted acts (like getting dressed) which would also require carrying. Thus, it seems reasonable to assume that the permissibility of carrying within one's home applies to more than just food.

A more challenging issue is the permissibility of washing one's face. The argument made for its permissibility is that it is to honor Shabbat. Yet many other actions which are forbidden (such as lighting "Shabbat candles") could also be used to honor Shabbat. Most poignantly, washing one's body could also be done to honor Shabbat, yet Rav Bashiya holds this is forbidden. How can we know to draw the line specifically at washing one's face?

A possible argument for permitting washing only the face is that while one can be sufficiently presentable by bathing one's whole body before Shabbat, one usually needs to wash one's face to look presentable at the very least once after waking up during Shabbat. Thus, in general one "needs" to wash one's face at least once on Shabbat.

Regarding the issue of other acts which can be used to honor Shabbat but are forbidden (such as lighting "Shabbat candles"), one could argue that these acts are not required to honor Shabbat. Although they might add honor, it would not be disrespectful to refrain from performing them. Thus, they remain forbidden.

It seems to me, however, that the argument that something should be permitted to "honor" Shabbat is weak. What is considered to be "honor" is too vaguely defined. Different individuals or environments demand a different degree of honor (a peasant requires much less than a king, for example), and it is unclear to what extent we should "honor" Shabbat. Rather, I would argue that full body bathing should be permitted because Shabbat is called holy and purity is achieved through bathing. Washing one's face is then also permitted by a form 5 *hekeish* (*a fortiori* argument) since it is a lesser form of bathing. While one might argue that one will not achieve purity until after Shabbat (at the end of the day), this is not actually true. If purity is achieved at 1^{st} *erev* then since Shabbat doesn't end until 3^{rd} *erev* one can still wash to become pure for Saturday at twilight. If purity is achieved at 3^{rd} *erev* then one can wash to become pure for Friday at 3^{rd} *erev*.

Part II: Indirect actions**§3.4 Types of direct and indirect actions**

There are several types of direct and indirect actions:

1. Actions one performs directly with their body, such as kneading dough.
2. Actions one performs with their body through an intermediary, such as writing with a pen.
3. Actions one performs indirectly with an intermediary by touching something once and then leaving it, such as watering a field during Shabbat by opening a gate before Shabbat to let water flow through a system of canals.
4. Actions one performs indirectly with an intermediary without touching it once. These are actions which are performed by commanding an intermediary, such as telling a servant to do some task.

The rules and principles discussed in part I, *supra*, apply to the first two types of actions listed above. However, the third and fourth types of actions, *i.e.*, indirect actions, warrant further discussion.

§3.5 Indirect actions one performs through an intermediary by touching it once*§3.5A Source of Prohibition on indirect actions performed with a single touch*

Example of indirect actions one performs with a single touch include: opening a dam to allow a canal to water a field on Shabbat, lighting a fire before Shabbat such that it burns during Shabbat, hanging up clothing to dry on Shabbat, or sowing a field before Shabbat such that the seeds grow on Shabbat.

Anyone who performs an indirect action by touching an intermediary once is considered to be doing that *melacha* even after he is no longer directly performing it. Thus starting such an indirect process before Shabbat such that it continues on Shabbat is in general forbidden (there are exceptions as we shall see in §3.5B).

It is clear that this sort of indirect action is forbidden because we find written “six days *melacha shall be done* and on the seventh day shall be for you a holy day, a Shabbat of complete cessation to Hashem, everyone who does *melacha* on it shall die” (Exodus 35:2). Since the verse speaks in the passive voice regarding the six days (*i.e.*, it uses the phrase “*melacha shall be done*” as opposed to “you shall do *melacha*”) and the intent of mentioning the six days is only to forbid work on the seventh, it stands to reason that *melacha* that “is done” is just as forbidden on Shabbat as *melacha* that “one does”. Thus, indirect *melacha* is forbidden on Shabbat even if one is not actively involved in doing it.

Furthermore, we find the same passive language regarding the holidays: “no work [*melacha*] shall be done on them save that which every man must eat” (Exodus 12:16). Since Shabbat is more severe than the holidays, this is further evidence that indirect work is forbidden on Shabbat.

§3.5b Exceptions to this prohibition

There are some cases where the prohibition on indirect work caused by a single touch does not apply. First, if something is a natural process it is not forbidden. For instance, sowing seeds before Shabbat with knowledge that they will grow on Shabbat is not forbidden since the growth of seeds is a natural process.

Second, Rav Yeshua ben Yehudah, a Karaite sage from the 11th Century, lists 12 types of actions where the prohibition on indirect actions does not apply, *i.e.*, such actions are not considered violations of Shabbat. These types of actions are listed below. Note that in many cases these actions are not given a formal definition but rather an example case is given for each type. Cases analogous to the example case are considered to be part of the same type.

These types of actions are permitted because their association to the responsible party is indefinite. Thus even though the party is for certain purposes responsible for the act and for these purposes he can be said to have done the act, he is not responsible for the act for the purpose of the Shabbat prohibition. He may begin any one of these types of actions before Shabbat and if it takes place or is completed on Shabbat he is not held responsible for breaking Shabbat. It is important to note that this does not necessarily mean he may begin the action on Shabbat, since the issue would then be one of direct *melacha*.

1. The first case concerns situations like “and Shlomo constructed the house” (1 Kings 6:14). Even though he did not build it himself, he built it by way of a command. Although this is not an instance of indirect *melacha*, accomplishing something by way of commands is in many cases forbidden under a separate prohibition (see §3.6).
2. The second case is when an action is associated with someone simply because he wanted it done. For example when Eliyahu tells Achav, regarding the murder of Navot at the hands of Achav’s wife Izevel, “you have killed and also taken [his] possessions” (1 Kings 21:19). Significantly, it was Achav’s wife who killed Navot without his bidding or knowledge, but because Achav wanted Navot’s field, he “caused” Izevel to kill Navot and the text informally associates the murder with Achav.
3. The third case is when an action is associated with someone simply because he did not prevent it. For instance, when it says “and Shlomo built shrines” (1 Kings 11:7) even though he simply allowed his foreign wives to build the shrines.
4. The fourth case is when one is responsible to investigate some action but fails to do so, he is sometimes considered to be responsible for that action. For instance, the Israelites are punished for the sin of Achan ben Zavdi which they did not properly investigate (Joshua Ch 7).
5. The fifth case is when someone kills a man through poison or by sending him out into the cold to die.
6. The sixth case is when one gives advice to do some action he is sometimes held responsible for that action. For instance if someone advises to kill so and so he may be considered to some degree responsible for the death.

7. The seventh case is when someone does something unintentionally one can say informally that he did that thing. For instance, when David tells Eviatar “I have brought about the death of all persons of your father’s house” even though he did not kill them. It was their offering help to David that caused them to be killed at Shaul’s hands.
8. The eighth case is when one causes someone else to accomplish his own ends.
9. The ninth case is when one withholds help from someone it is sometimes informally said that he is doing whatever bad results from withholding help.
10. The tenth case is when one sends some living creature in front of wild animals to be torn apart, it is informally said that he killed that creature.
11. The eleventh case is when one withholds food or drink from some creature, it is informally said that he killed that creature.
12. The twelfth case is when one shoots a man with a bow and then after some time has elapsed the man dies from wounds, it is informally said that he killed the man even though he died from the wounds.

In all these cases a man may have said to have done some act and may be responsible for it for the purposes of some other prohibition. For instance, killing someone through poison is given above as the example of the fifth type of case enumerated above. Rav Yeshua ben Yehudah’s intent is not that he who administers the poison is not liable for murder; rather it is that he who administers the poison is not liable for breaking Shabbat even though killing through poison is indirect *melacha*. However, for the purpose of the Shabbat prohibition he who administers the poison is not responsible for it since his association to the act is indefinite.

Notes on §3.2C:

Natural Actions

As we have seen above, Rav Yeshua ben Yehudah holds that the prohibition on indirect actions does not apply to natural actions, such as the growth of seeds sown on Friday. This exception for natural actions appears very problematic to me. It is difficult to decide when an action ceases to be natural and becomes man made. For instance, in the case of opening a dam before Shabbat to water a field on Shabbat (which the sages forbid) the watering of the field is completely natural and is simply caused by the pull of gravity and the diffusion of water into the ground. Only the opening of the dam is “unnatural”. However, this case then seems analogous to the case of sowing a field before Shabbat which is permitted. The sowing is unnatural, but the growth is completely natural. The distinction between these two cases seems rather arbitrary.

Rav Yeshua ben Yehudah does note that only slow acting natural processes are permissible explaining perhaps why he forbids watering a field but permits sowing a field. Yet this distinction also seems arbitrary. Why would slow natural processes be permitted and rapid ones forbidden? Perhaps, Rav Yeshua ben Yehudah’s focus was on the amount of indirect work that would happen on Shabbat relative to other days.

Furthermore, most if not all of the “natural process” exceptions would anyways be exceptions under Rav Yeshua ben Yehudah’s list of twelve as will be explained below. Thus, the “natural process” exception rule seems unnecessary.

Rav Yeshua ben Yehudah's list of 12

The only reason Rav Bashyatzi gives for Rav Yeshua ben Yehudah's list of 12 permitted forms of indirect work is that the "association of the act to the actor is indefinite". Understandably, the reader may be confused as to what this means and suspect that Rav Yeshua ben Yehudah's list is somewhat arbitrary. After all, what exactly makes an association "indefinite"?

It seems to me, however, that Rav Yeshua ben Yehudah's list is actually quite logical. It would seem that an action with "indefinite association" to an actor is an action where the indirect actor is unsure of how exactly the action will take place. The precise way in which the action happens is out of his control. For the purposes of the Shabbat prohibition, he cannot then be considered to be performing said action. He does not have complete "ownership" over the action. Why, though, does one need complete "ownership" over an action for the purposes of the Shabbat prohibition? I deduce that it is because when one does not have complete "ownership" over an action one does not control when exactly it will occur. Thus, one cannot be held responsible for its occurrence on Shabbat. Even to say that an action would almost definitely occur on Shabbat is insufficient, one must control the time at which the action is performed to be held responsible for performing it on Shabbat.

For example, when a murderer sends his victim out to die in the cold before Shabbat (item 5 in Rav Yeshua ben Yehudah's list), he does not know exactly when the victim will die. The victim may survive for a day, or for two days, or even for a week. The time of death depends on factors which are out of the murderer's control: including the weather and the actions the victim chooses to take to combat the cold (he might try and build shelter, or run to keep himself warm, or he might not think to do either). Because the time of death is not controlled by the murderer, he cannot be held responsible for killing his victim on Shabbat. Nevertheless he is certainly still responsible for the act of murder.

As one might imagine, the rule of indefinite association will be very important when we discuss the use of certain automated electronic devices on Shabbat. I will argue that certain electronic devices, such as allowing an email account to be active over Shabbat are permissible (see §3.20A). Even though one knows almost definitively that the email account will receive and process messages over Shabbat, he does not control exactly when the email account receives those messages. Thus, he cannot be held responsible for the email completing these tasks on Shabbat.

Finally, one can now see how many "natural process" exceptions would also fall under the "indefinite association" category. When a man grows seeds he has no idea how fast and at what times of day they will actually be growing. That is out of his control. By contrast, when a man opens a dam to water a field he knows exactly when and where the water will flow.

§3.6 Indirect actions one performs by way of command

Some of the sages held that for the purpose of the Shabbat prohibition one is considered to be doing the actions that one has commanded someone else to do. These sages understand the verse "do not do any *melacha* neither you nor your son nor your daughter nor your man servant nor your maid servant nor your cattle nor the stranger that is within your gates" (Exodus 20:9) to mean that you are responsible for the work that all these other people do. Their doing work is as if you were doing work.

Rav Yeshua ben Yehudah and other sages, however, held that this is not the case. As we have already seen, Rav Yeshua ben Yehudah holds that work done through command does not have a definite association with the person who gives the command (see items 1 and 6 in the list of 12 given in §3.5B). These sages argued, rather, that the prohibition was forbidding each of these sets of people (*i.e.*, sons,

daughters, servants, etc.) to do *melacha*. And of course because these sets of people are forbidden from doing *melacha*, one cannot command them to do *melacha* specifically on Shabbat. When these people choose to do *melacha* on their own, however, it is not considered as if one is doing it⁸.

Rav Yeshua ben Yehudah further stipulates that when giving a task to a non-Jew one must give him enough time to complete it before Shabbat starts. Otherwise, one would be telling the non-Jew to work on *Shabbat*.

Furthermore, Rav Yeshua ben Yehudah notes that non-Jews living under a legitimate Jewish theocratic state are permitted to work on Shabbat so long as they do it outside the public sphere. It is for this reason that the verse says “the stranger that is within your gates”. The stipulation that he be “within your gates” indicates that he is forbidden from doing work only in the public sphere. It is permissible for him to do work in the privacy of his own home and at his own discretion.

The sages said that when sharing a business with a non-Jew one should not set up the contract such that the Jew would benefit from work a non-Jew does on Shabbat. However, if the non-Jew ends up choosing to work on Shabbat on something related to the shared business and the Jew was previously unaware that he would do this, the Jew may benefit from his work after Shabbat.

One cannot set up a contract such that the Jew is paid for all the profits made on Sunday and none of the profits made on Saturday, and the non-Jew is paid for all the profits from Saturday and none of the profits from Sunday, since it is known that the purpose of such a contract is so that the non-Jew can work on Saturday. By agreeing to such a contract, the Jew is still requiring the non-Jew to work on Saturday since that was what was agreed upon in the contract which the non-Jew is now bound to follow⁹.

One cannot pay rent for property used on Shabbat if the contract involves paying rent in days even if the rent money is given before or after Shabbat. However, if the contract involves paying rent in weekly or monthly intervals one can still pay for the full week or month.

One cannot lend his animals to a non-Jew prior to Shabbat to perform work on Shabbat since it says directly that your animals must not do *melacha* and that they are to rest. However, one can lend his tools to a non-Jew prior to Shabbat for use on Shabbat since the non-Jew is permitted to complete his own work in private. Even though when a Jew uses a tool either through continuous touch or by way of a single touch the Jew considered to be doing *melacha*, it is permitted for somebody else to use our tools since our tools are not directly commanded to rest.

⁸ This distinction, while subtle, is non-trivial. A practical case where these sages would give different rulings: I ask on Monday for my non-Jewish employee to get something done by next week. Then, according to the first set of sages if he does it on Shabbat it is as if I myself am doing work on Shabbat. However, according to Rav Yeshua ben Yehudah I am not violating any prohibition because I did not force him to do it on Shabbat. He could have completed it at any other time, but chose to do so on Shabbat.

⁹ The Rabbanites permit such a contract.

Part III: Specific Requirements and Prohibitions

§3.7 Requirements derived from “Keep the Sabbath day”

The commandment to “keep the Sabbath day” (Deuteronomy 5:11) is a commandment reinforcing that we should not do any *melacha* and that we should follow all the laws of Shabbat.

§3.8 Requirements derived from “Remember the Sabbath day”

The commandment to “remember the Sabbath day” (Exodus 20:7) requires us to continually count the days of the week until Shabbat so that we always remember when the proper time for Shabbat is.

§3.9 Shabbat begins at “1st erev”

Although the calendar day begins at 3rd erev, that is nightfall (see §3.2B), the Sages held that Shabbat and holidays should begin at 1st erev (sunset). This is based on the idea that we should prolong the holiness of Shabbat.

Some of the sages argued for this practice by saying that just as there was extra space surrounding the sanctuary in the form of the courtyard (Exodus 27:9) so too there should be an extra period of time surrounding Shabbat. This is because the Torah connects the sanctuary and Shabbat: “you shall keep my Shabbatot and revere my sanctuary” (Leviticus 19:30).

Others claimed that Shabbat should start at 1st erev because it is called “a holy *shabbaton* Shabbat” (Exodus 16:23). They argue that the term “Shabbat” refers to the seventh day that starts at 3rd erev. They further argue that the term *shabbaton* refers to the added period of time before Shabbat.

Still others argued that starting Shabbat at 1st erev is derived from the fact that we see that Yom Kippur, which falls on the 10th of the month (Leviticus 23:27), is said to start “on the 9th of the month in the erev” (Leviticus 23:2). Since the 10th of the month starts at 3rd erev (see §2.2B), Yom Kippur must start on the erev that is part of the 9th of the month. Namely, Yom Kippur must start at 1st erev. A similar argument can be made regarding the 7 days of *Chag Hamatzot* (Exodus 12:18). Thus, it would seem that Shabbat and holidays start at 1st erev¹⁰.

§3.10 Requirements derived from the Holiness of Shabbat

We know that Shabbat is holy, as it is written “and God blessed the seventh day and made it holy” (Genesis 2:3). The meaning of making something holy (*kadosh*) is to separate it and make it special. In the case of Shabbat, this is achieved through refraining from doing *melacha* and in several other ways.

¹⁰For more on this final proof and a potential refutation see my “notes on §2.2A”

First, one should refrain on Shabbat from excessive idle conversation to single it out from the rest of the week. Instead one should discuss holy matters. In general, one should act differently on Shabbat in order to single it out from the rest of the week.

One should also make an extra effort pray and learn Torah on Shabbat on account of its holiness. Indeed, we find written that it was customary to go see the prophets on Shabbat as it is written: “Why are you going to him (the man of God) it is neither new moon nor Shabbat?” (2 Kings 4:23).

Finally, one should purify themselves before Shabbat. On Shabbat one should do their best to refrain from becoming impure (*tameh*) and for this reason one should refrain from sex on Shabbat since sex causes impurity^{11 12}. This is similar to when Moshe told the people to be pure (*tahor*) for the giving of the Torah and to this end told them “do not come near a woman” (Exodus 19:15) . Moshe was telling the people not to have sex since that renders both partners temporarily impure.

§3.11 Fasting on Shabbat

Some of the sages permit fasting on Shabbat and others forbid it. Rav Aharon ben Eliyahu the Younger (*Gan Eden*) is amongst those who permit fasting while Rav Bashyatzi is amongst those forbid it.

In general, those who permit fasting do so only for the required fast days (the Four Fasts and *Yom Kippur*) and forbid the declaration of optional fasts on Shabbat. This is based on the Isaiah’s words: “and you shall call the Shabbat a delight” (Isaiah 58:13) which suggests that we should neither mourn nor fast on Shabbat.

According to these sages, however, fasting is still permitted on Shabbat for the sake of the Four Fasts in remembrance of the destruction of Jerusalem since it is written regarding the destruction of Jerusalem: “I will cause all mirth to cease, her feasts, her new moons, and her Shabbatot and all her appointed seasons” (Hosea 2:13). According to these sages, Hoshea’s prophecy implies that the destruction of Jerusalem is reason enough to mourn even on “Shabbatot and appointed seasons (holidays)”.

By contrast, those who forbid fasting on Shabbat understand Hoshea’s words to be referring to the general sadness that would be experienced during the exile. They read Hoshea’s words to mean that while the holidays and the Sabbaths would not be as joyful as they once were, they should still be considered happy days on which acts of mourning are forbidden.

Those who forbid fasting further point out that no precise date is given for the Four Fasts in *Tanakh*. While they may serve to commemorate a specific event that occurred on a specific date, they are referred to only by their month: “the fast of the fourth month, the fast of the fifth month, the fast of the seventh month, and the fast of the tenth month” (Zecharia 8:19). Thus, they argue that the fast can be

¹¹ See Leviticus 16:17-18

¹² Presumably sex is also independently prohibited as a *ma’aseh*. Neither *Adderet Eliyahu* nor *Gan Eden* state this explicitly, but it follows from their definition of *ma’aseh*. Rav Levi ben Yefet who holds the same general Shabbat theory explicitly states that sex is forbidden as a *ma’aseh*.

pushed off to the following day should it fall on a Shabbat since they would still be within the proper month.

However, since Yom Kippur must fall on the tenth day of the month and since it is the holier even than Shabbat, even those sages who forbid fasting on Shabbat require fasting on Yom Kippur should it fall on Shabbat.

Notes on §3.11:

One could argue that because the fasts were required by a lower source of authority than the Torah they should not supersede Shabbat which the Torah directly commanded. Interestingly, neither *Adderet Eliyahu* nor *Gan Eden* records this argument. Perhaps neither book mentions this argument because it would require discussing the precise legal status of the Four Fasts. The question of by what authority they are required, if at all, is a very complicated one. I hope to discuss the legal status post-Sinai religious practices at some later time (perhaps in the section on Yom Kippur and the Four Fasts, or perhaps in the section on Oaths).

§3.12 Requirements derived from the preparation of the Manna

Moshe tells the people not to gather manna on the seventh day, and to bake and boil the manna on the sixth day (Exodus 16:23). Indeed it would seem that the Israelites needed to have the manna prepared before Shabbat as it is written: “and it shall be on the six day and they shall prepare the manna that they bring in” (Exodus 16:5). Just as the manna needed to be ready to eat before Shabbat, so too many other things should be prepared in advanced before Shabbat.

For instance, we cannot gather fruit fallen from a tree nor fruit that is still on a tree. Neither can we press fruit to gather their juices. However, we can season our food by pressing fruit such as lemons. We cannot gather honey from beehives.

Furthermore, we cannot draw water from a well or a spring. We cannot even use rain water collected on Shabbat since it was not ready to use before Shabbat. Similarly, we may not use water which is brought in from the public domain to our household by the opening of a dam.

The fact that the Israelites needed to have their manna baked and boiled before the seventh day shows us that leaving something in the oven to bake or to heat up over Shabbat is forbidden even if the coals are no longer burning (and the food is being cooked by way of the remaining heat). Thus cholent is prohibited.

However, one may put food in an oven to insulate it so it does not lose its heat. One can also put cold food or water in a warmer place in order to warm it up on Shabbat so long as one does not boil the water or cook the food so that it changes its form.

In conclusion, we are forbidden from preparing or producing anything constructive on Shabbat.

Notes on §3.12:

There are two potential interpretations of the prohibition on preparation. The first interpretation is that it is a subset of the prohibition on *melacha*. In other words, only preparation which is also *melacha* is forbidden. *Gan*

Eden holds that this is the proper interpretation. I too believe this to be the correct interpretation since the command to prepare is not given to Moshe as a general commandment; rather it seems to have been brought up specifically to address the case of the manna. This suggests that the case of the Israelites preparing the manna was violating a different general command, namely the one on *melacha*.

The second interpretation is that the prohibition on preparation is distinct from the prohibition on *melacha*. Rav Bashiatzki does not state explicitly that he holds by this interpretation. However, it is likely that he holds this view because he forbids as “preparation” certain actions that are not forbidden as *melacha*. For instance, he argues that using rain water that has gathered on Shabbat is forbidden.

Nevertheless, the second interpretation of the prohibition on preparation overlaps greatly with the injunction against direct and indirect *melacha*. Since *melacha* is any act done to accomplish some goal, most *melacha* is in fact equivalent to the preparation of some useful result. The case of not using rain water gathered on Shabbat appears to be a distinction since in that case no one is doing any *melacha* in order to gather the rain water whether direct or indirect. It is simply gathering on its own.

§3.13 Travelling

We find written regarding the Manna:

“see that Hashem has given you the Shabbat; therefore he gives you on the sixth day the bread of two days. Abide every man in his place, let no man go out of his place on the seventh day” –
(Exodus 16:29)

The sages present many divergent opinions regarding the precise command included in this verse. In particular, they debate what is meant by “Abide every man in his place” versus “let no man go out of his place”, or if the two are in fact referring to the same command.

In any case, the majority of the sages agree that from this verse we may conclude that travel outside the outskirts of one’s camp, city, or state is prohibited¹³. The outskirts of a city are defined as 2000 *amot* from the edge of the city (see Numbers 35:5). The prohibition is not dependent on distance and is considered the same for small villages and large towns. Furthermore, even if two states are close together, one may not cross the border between them. If, however, one lives in a large town, even within the town’s borders one may not travel so far as to become exhausted since Shabbat is a day of joy and of rest. If two towns overlap as if they were one city then it is permitted to walk between these towns.

Notes on §3.13:

It is likely that Moshe was telling Israel not to leave the camp when he said “let no man leave his place” since the manna would fall in the wilderness around the camp (Exodus 16:13-14). Nevertheless, I believe we should not rule out the possibility that God’s command in these verses was temporary, intended for a specific time and place. Indeed, the reason God gives this command is in response to some of the people who went out and gathered

¹³ This is supported by the fact that the manna would fall in the wilderness outside the camp (Exodus 16:13-14) and Moshe was telling Israel “let no man leave his place” in the context of Israel not needing to go outside to gather the manna. Thus, one can reasonably argue that when Moshe uses the ambiguous term “his place” when he says “let no man leave *his place*” and “abide every man in *his place*” he is referring to not leaving the camp.

manna. Gathering manna is clearly forbidden as preparation and as a *melacha*. Thus God may have been telling the people not to go out of the camp for the purpose of gathering Manna. For this reason he introduces this command by referring to the specific instance of gathering the manna: “How long will you refuse to keep my commandments and my laws? See that *Hashem* has given you the Shabbat and therefore he gives on the sixth day the bread of two days; sit every man in his place let no man go out of his place on the seventh day” (Exodus 16:29).

The fact that this command was a temporary response to a specific group of people who had sinned also explains the exaggerated language used in the command. Had the command been intended as part of the eternal law code then perhaps it would have been worded more precisely. However, because it was an encouragement to keep the law, it uses strong non-literal language (indeed, the sages go out of their way to show that we are not meant to literally not move from our place). This understanding is consistent with the rhetorical strategies of the latter prophets who would often use exaggerated, poetic language to encourage the people to follow the law.

§3.14 Riding animals and ships

We are forbidden from riding animals on Shabbat since it is written “do not do any *melacha* neither you.....nor your cattle” (Exodus 20:9). This verse even forbids us from riding the animal of a non-Jew; when we are riding the animal, it is considered to be our animal because it is under our control.

In general, it is forbidden to board or disembark a ship on Shabbat since the sea is considered to be a different territory from the land. Thus, one cannot board or disembark a ship in the ocean under the prohibition on travelling between states (see §3.13).

If already onboard a ship, however, the sages allowed riding ships in the ocean even on Shabbat since Yonah travelled by ship as did Shlomo’s servants (see 1 Kings 9:26) and since one cannot always choose when to land when travelling in the ocean. However, they forbade riding ships in the river, because one has the option to stop the ship before Shabbat and disembark when sailing in a river.

Notes on §3.14:

When discussing the “arbitrary list system” above Notes on §3.1, we mentioned that driving ships is referenced as *melacha* in Psalms 107:23. Why then do the sages derive the prohibition on riding ships from the prohibition on travelling between states (§3.13) and not from the prohibition on *melacha*?

This is likely because Psalms 107:23 reads “they that go down to the sea in ships; that do *melacha* in great waters”. The actors performing the *melacha* in this verse are those that would regularly “go down to the sea in ships” – in other words, this refers to sailors and their actions. Sailors actively drive boats whereas passengers passively travel in boats. Thus, the Tanakh does not explicitly refer to riding boats as *melacha* and Psalms 107:23 is not a strong source for the prohibition on riding ships. Furthermore, travelling at least by walking short distances is an exemption to the prohibition of *melacha* and one might argue that travelling by boat is similarly permitted. Thus, the prohibition on travelling between states and excessive travelling is the clearest way in which riding ships is prohibited.

§3.15 Carrying

§3.15a Source of the Prohibition

The majority of the sages forbid carrying objects, whether light or heavy, in the public domain. They bring the words of Jeremiah the prophet as support for this position: “neither carry forth a burden out of your houses on the Shabbat day”. (Jeremiah 17:22).

However, the sages disagree on what the Torah source for this prohibition is. The verse in Jeremiah is insufficient as a source for the prohibition because the sages believe that “every commandment which is explained in the prophets has its source and its essence in the Torah”.¹⁴ Thus the sages developed many different opinions as to where exactly this commandment is referenced in the law of Moses.

Some said it is derived from the verse “let every man dwell at his place” where they interpreted “his place” to mean one’s house and “dwell” to mean to carry. Thus, the verse reads that it is only permissible to carry in one’s own household.

Rav Yosef Ha-Roeh claimed that carrying in public is a *melacha* just as buying and selling is a *melacha* since in both cases one is transferring an object from one domain of ownership to another.

Rav Kirkisani argued against Rav Yosef’s position claiming that carrying could not be a *melacha*. He based this on the fact that Jeremiah said “neither carry for a burden out of your houses... nor do any *melacha*” implying that carrying and *melacha* are two distinct matters. Rather, Rav Kirkisani believed that the prohibition from carrying was known since the time of Moshe from *Sevel Hayerusha* and was only stated explicitly in the time of Jeremiah because the people had begun to violate this command¹⁵.

¹⁴ I am here directly translating Rav Bashyatzi’s language. He attributes this belief to the sages in general.

¹⁵ Rav Kirkisani’s use of *Sevel Hayerusha* is surprisingly different from its standard use. Unlike most cases of *Sevel Hayerusha* which amount to contextual information referenced in scripture (see §1.6), Rav Kirkisani seems to suggest that this mitzvah was based only in *Sevel Hayerusha* (independent of Scripture) at least until the time of Jeremiah (when it became part of scripture). This is highly problematic because it would suggest that something that was commanded at Sinai was never written down until hundreds of years later.

One possibility is that in fact Rav Kirkisani’s original position was that there was no commandment to carry until Jeremiah. This is supported by what I have heard that some of the earlier sages believed that the law is derived in the same way from both the Torah and the latter books. Rav Aharon ben Eliyahu the younger and Rav Bashyatzi, however, believed as a fundamental part of their exegetical theory that all God given commandments were extant since Sinai. Thus, they misunderstood Rav Kirkisani’s position to be that the prohibition on carrying was extant since Sinai but only written down in Jeremiah’s time. This reading of Rav Kirkisani would have been a less drastic departure from Rav Aharon and Rav Bashyatzi’s legal system since it can be attributed to *Sevel Hayerusha*.

Further support for this explanation lies in the fact that Rav Bashyatzi may have similarly misunderstood Rav Levi’s position on carrying to be utilizing *Sevel Hayerusha* when in fact it was not (see footnote 16).

I cannot confirm this theory, however, since I have access only to *Adderet Eliyahu’s* and *Gan Eden’s* brief summary of Rav Kirkisani’s position. No doubt more light would be shed about Rav Kirkisani’s original position by reading his actual work. I would be very grateful if someone who reads Judeo-Arabic could make Rav Kirkisani’s original position publicly available.

Rav Aharon ben Eliyahu the younger argued that carrying was included in the command not to desecrate Shabbat. Rav Aharon assumes that when Jeremiah said:

*“neither carry forth a burden out of your houses on the Sabbath day, **neither do you any melacha**; but hallow you the Sabbath day, as I commanded your fathers”*

He was paraphrasing the following verse from the five books of Moshe:

*“You shall keep the Sabbath therefore, for it is holy unto you; every one that profanes it shall surely be put to death; **for whosoever doeth any melacha therein**, that soul shall be cut off from among his people.”*

Clearly, the second (bolded) half of either verse refers to *melacha*. In this respect the verses are parallel. Assuming the rest of the verses are also parallel (since Jeremiah’s verse is a paraphrase), it would seem that “every one that profanes it” (underlined) thus refers to “neither carry forth a burden out of your houses on the Shabbat day” (underlined)¹⁶.

Rav Bashyatzi believes carrying both inside and outside one’s home is technically considered to be a *ma’aseh* and thus forbidden. However, carrying inside one’s home is exempt from the prohibition on *ma’aseh* because one cannot get through the day without moving things within their house and because of the proof given in §3.3. Thus, one is left with the prohibition to carry outside one’s home.

For those who uphold the prohibition on carrying outside the home, one’s “home” consists of one’s private property such as one’s yard. One may carry between one’s yard to a neighbor’s yard assuming there is no public property in between the yards. Interestingly, Rav Bashyatzi believes that the property of a non-Jew is considered to be “public” with regards to the prohibition on carrying.

§3.15b Rav Levi’s Position

Rav Levi ben Yefet holds that it is permissible to carry the things one needs on Shabbat even outside one’s home. However, he notes that in general it is better to refrain from doing so and if possible to have everything in its place before Shabbat.

Regarding the verses in Jeremiah, Rav Levi argues that Jeremiah was not berating the people for carrying objects in general, but rather for carrying merchandise to buy and sell. This is consistent with what is recorded in Nehemiah. Nehemiah notes that he saw people bringing in “burdens” to sell in Jerusalem (Nehemiah 13:15) and then tells the people “Did not your fathers do thus?” (Nehemiah 13:18). Rav Levi argues that the “fathers” referred to in this verse may in fact be the people that Jeremiah berated years earlier, implying that their sin was also carrying things to buy and sell on Shabbat not carrying in general. Thus, Rav Levi argues that the passage in Jeremiah does not support a general prohibition on carrying.

¹⁶ Rav Aharon’s assumption that Jeremiah is paraphrasing a verse from the Torah is further supported by the fact that Jeremiah ends his statement by saying “as I have commanded your forefathers” (Jeremiah 17:22).

Rav Bashyatzi notes that Rav Levi derives the prohibition on carrying from *Sevel Hayerusha*¹⁷.

Notes on §3.15:

Rav Anan Ben David's Position

Although not mentioned in *Adderet Eliyahu*, it is worthwhile to note that Rav Anan forbade carrying only those things which were heavy enough to be carried on the shoulders¹⁸.

§3.16 Fire

The Sages forbid both lighting a fire on Shabbat and leaving a fire burning on Shabbat that was lit before Shabbat. Each sage held this position for at least one of the following reasons (certain sages accepted some but not all of these reasons):

1. Fire is an instance of indirect work (see §3.5)
2. There are many instances throughout *Tanakh* where the actions of a fire are associated with the person who lit the fire. For instance, Shimshon ties burning torches to the tails of foxes which he then lets out into the Philistine fields. It is recorded that Shimshon “burnt up both the shocks and the standing corn” (Judges 15:5), even though he did not directly burn the fields himself
3. Exodus 35:3 reads “you shall cause no fire to burn throughout your habitations on the Shabbat day”

Rav Bashyatzi disagrees with the majority of the Sages and permits keeping a fire burning on Shabbat. He argues that although fire is an instance of indirect work, it is a natural process and thus permissible (see §3.5b). He also argues extensively against the arguments labeled 2 and 3 above.

Notes on §3.16:

Understanding arguments 2 and 3 and their counter arguments involves covering a lot of seemingly unrelated verses that happen to mention fire as well as some grammatical points. For the sake of brevity, because Rav Bashyatzi is the only sage to permit burning fire, and because his opinion is not widely accepted today, I will not summarize this debate here. This is consistent with my goal to provide a strong basis in the “standard” Karaite *halacha*.

§3.17 Benefiting from others' *melacha*

Whether it is permissible to benefit from a forbidden act is a complicated issue. We see that in some cases it is forbidden. For instance, despite the fact that the text of the bible forbids only “boiling a kid in its mother's milk” (Exodus 23:19), it is also forbidden to eat said kid since boiling is generally done for the sake of eating and this seems to be the intent of the verse.

¹⁷ I am not sure what R. Bashyatzi means by this statement. It seems to contradict the rest of the *Adderet's* summary of Rav Levi's position where he states that Rav Levi permits carrying. Furthermore, I looked up Rav Levi's position in his original work and he makes no mention of deriving any sort of carrying prohibition from *Sevel Hayerusha*.

¹⁸ see Leon Nemoy's *Karaite Anthology*, 1980 edition, page 17

In other cases, however, it is permitted to benefit from a forbidden act. We see that one may benefit from crossbreeds produced naturally or by a non-Jew even though the act of crossbreeding is forbidden (Leviticus 19:19). This is evident from the fact that Shlomo rode a mule (1 Kings 1:33) and the narrator does not decry him for this act.

In the case of Shabbat, if a non-Jew intentionally does *melacha* on Shabbat or a Jew accidentally does *melacha* on Shabbat, the sages held that it is forbidden to benefit from this *melacha* on Shabbat. However, after Shabbat one may benefit from this *melacha*. If, however, a Jew intentionally does *melacha*, one may not benefit from this *melacha* even after Shabbat.

Rav Bashyatzi says that the source of this rule with regards to Shabbat is *Sevel Hayerusha*.

Notes on §3.17:

It seems to me that Rav Bashyatzi's derivation of this rule is problematic. Most instances of *Sevel Hayerusha* refer to contextual information that would have been available pre-Sinai and thus were not re-commanded in the Torah. The laws of Shabbat, however, did not exist pre-Sinai so it is unclear how Rav Bashyatzi can attribute this rule to *Sevel hayerusha*. If this rule was given at Sinai, it should have been recorded in writing.

I have yet to research extensively what other sages say regarding the source of this prohibition. However, it seems to me that a possible alternative derivation of this rule is the more stringent interpretation of the commandment to prepare everything before the onset of Shabbat (That is the interpretation that holds that preparation is a separate prohibition from that on *melacha*. For more on this see "notes on §3.12"). Since work done on Shabbat was not prepared in advanced for Shabbat, it stands to reason that one cannot benefit from it on Shabbat. If I had wanted to use something on Shabbat, I should have prepared it myself before Shabbat.

Now one might argue that this reasoning would also forbid me from using things that others had prepared before Shabbat. Yet the command to prepare was given to the collective community and is even conjugated in the plural: "and it shall be on the sixth day **they** shall prepare..." (Exodus 16:5). Thus, I would argue that benefiting from such preparation would still be allowed. Moreover, if someone else is letting me use something he prepared before Shabbat, it should be permissible for me to use it because he prepared it and can use it however he wishes even if that means giving it to me.

This derivation from the prohibition on preparation would not explain why work intentionally done on Shabbat by a Jew should be forbidden even after Shabbat. I suppose one reason this might be forbidden is that permitting us to benefit from such work would encourage people to intentionally break Shabbat.

I find even the derivation from the prohibition on preparation problematic, because I think that the prohibition to prepare is simply an instance of the prohibition on *melacha* and is not intended as a separate command (see "Notes on §3.12"). Benefiting from *melacha* done by another is not itself *melacha*. It is not an indirect instance of *melacha* since your association with the action is indefinite. Furthermore, this does not fall under the prohibition of commanding another to do *melacha*, because he does it of his own free will. Determining the proper source for the prohibition on benefiting (if this prohibition is indeed valid), is an interesting problem that will require more work.

§3.18 Saving a life

It is permitted to break Shabbat to save a person's life. This is true even if one does not know for sure that the person will die. Thus, one is permitted to practice medicine or go to war on Shabbat.

In general one may break any biblical law to save a person's life since we are commanded to "live by them (God's laws)" (Leviticus 18:5). Thus, one should not die in order to avoid breaking God's law. The one exception to this rule is idol worship since we see that Daniel and his friends allowed themselves to be thrown into a fiery furnace rather than worship Idols (See Daniel Ch. 3).

Notes on §3.18:

The Karaite Anthology by Leonard Nemoy directly translates the full chapter in *Adderet Eliyahu* that deals with saving a life. I suggest reading the direct translation for more information.

§3.19 Desecrating Shabbat

There are three separate punishments for desecrating Shabbat by doing *melacha*, depending on the context in which the *melacha* is done:

1. If one intentionally desecrates Shabbat in public and in front of two witnesses the punishment is death by stoning (after a trial by a court).
2. If one intentionally desecrates Shabbat in secret the punishment is *karet* (spiritual excision) at the hands of God.
3. If one desecrates Shabbat accidentally then one must give a sin offering.

In today's day and age, however, where matters of life are not decided by religious courts, the punishment is *karet* both for one who does *melacha* whether in public and in secret. Furthermore, one who desecrates Shabbat should be excommunicated.

Notes on §3.19:

The death penalty as a repercussion for publicly violating Shabbat likely strikes some readers as unduly harsh. This section's focus is Shabbat and so we will not discuss in depth trial and punishment. However, the reader should not think that Karaite *halacha* takes the death penalty lightly. Recall that a caveat before applying this penalty is that the perpetrator must have acted intentionally. Matters of intent are quite difficult to prove.

Furthermore, there are many laws defining what a fair trial is and what valid witnesses are. If one is to be put to death it must be at the hands of a legitimate court in accordance with these laws. These laws are not to be found in *Adderet Eliyahu* but some are covered briefly in *Gan Eden*. Furthermore, Rav Bashyatzi makes reference to a "*Sefer Dinim*" ("Book of Judgments") which he was intending to write. It seems likely that his "*Sefer Dinim*" would discuss such laws as with Rav Binyamin Nahawandi's "*Sefer Dinim*" which discusses civil and criminal law.

§3.20 Electricity

§3.20A Introductory notes

The two following sections which discuss electricity and modern plumbing are obviously not summaries of information in *Adderet Eliyahu*. Rather, my treatment of these issues is based on my own understanding of how the Classical Shabbat System described above apply to plumbing and electricity. These comments may seem out of place in a summary of *Adderet Eliyahu*. However, the ubiquity of electricity and plumbing in our everyday lives as well as the constant questions that are raised regarding electricity on Shabbat have made these sections a necessary part of any book that hopes to be of practical use to those who keep Karaite *halacha*. Keep in mind that everything below is my own speculation.

Now it might be preferable if I were to summarize the formal opinion regarding these issues of a well respected modern day Karaite Rabbi or the opinion of the Council of Sages. Unfortunately, to the best of my knowledge no rigorous theoretical treatment of these issues has been performed. Israeli Karaites who keep Shabbat have adopted some sort of a standard practice that I will briefly summarize below in §3.22. While this practice was certainly guided by the Classical Shabbat System described above, I do not think it was ever rigorously developed or derived from the fundamentals of the Classical Shabbat System. Thus because I am unaware of any thorough development of conclusions that have been rigorously derived from the fundamentals of the classical Karaite Shabbat system, I will provide my own crude start to such a treatment.

There are several issues that I will cover regarding electricity:

1. Whether using electricity from a power plant is allowed given the extensive *melacha* performed at the plant.
2. Whether using electricity from a battery is allowed.
3. Whether directly operating any electric appliance is allowed.
4. Whether leaving an appliance running over Shabbat is allowed.
5. Whether leaving a “conditional machine” running over Shabbat is allowed. By “conditional machine”, I mean any machine that can “choose” to act in a certain way. For instance, a thermostat can “choose” to turn on depending on the surrounding temperature.

I will treat all of these issues completely separately. For example, even if I were to conclude that using electricity from a battery is absolutely forbidden, I will still discuss whether flipping on a flash light poses additional difficulties. In other words, I will discuss whether the act of flipping on a flash light is itself prohibited or if it is only prohibited because it uses the battery.

In general, to determine whether something is permissible I will perform 4 checks:

1. Is the action direct *melacha* (or *ma'aseh*)?
2. Is the action indirect *melacha* with definite association to the actor?
3. If preparation is interpreted as a distinct prohibition from that of *melacha*, is the action preparation?
4. Assuming the prohibition on benefiting from someone else's *melacha* has a valid source, does the action involve benefiting from *melacha* others do on Shabbat?

If the answer is yes to 1) or 2) then the action is clearly forbidden. If the answer is yes to 3 or 4, then the action is forbidden if the underlying prohibition is itself valid. The reader may recall that I question the validity on the prohibition of preparation on Shabbat even if that preparation is not *melacha* as well as the validity of the prohibition on benefiting from someone else's *melacha*. The questionable validity (in my opinion) of these prohibitions is discussed in “notes on §3.12” and “notes on §3.17”. Nevertheless, I address questions 3 and 4 as if these prohibitions were valid although I am not certain that they are.

§3.20B Power Plants

Is leaving something plugged into an outlet to draw power over Shabbat permissible? For example, is it permissible to leave a lamp plugged in and turned on during Shabbat?

1. **Direct work:** This is not an issue of direct work since most appliances automatically draw power on their own.
2. **Indirect Work:**
 - a. One might think that drawing power from an outlet causes the power plant to burn more fuel or increase the activity in the plant in some other way so as to match the increased energy needs of his household. This is not the case.. In general power companies decide in advanced

how much energy they will need to produce for a given region based on predictions made from prior data. The plants do not respond in real time to energy consumption by doing any more work than they otherwise would. Thus, when you leave an appliance plugged in over Shabbat your connection to the work done in the plant is indefinite (see §3.5b) and is not forbidden at least on these grounds.

Now, some electric grids have power storage facilities that store power when the plant produces a surplus and release power when the plant is producing less than is being consumed. Such storage facilities help prevent blackouts. Although these facilities may respond in real time, whether the storage facility releases power is dependent on more than just you having left an appliance plugged in. It depends on the collective energy consumption of everyone else on the grid. Thus, the work done even in this type of electric grid is indefinitely associated with you and is permissible.

- b. A more problematic issue is that you are charged for the electricity you use. As we have already noted, it is permissible to charge rent for a house if charged in weeks or months. However, if charged by day one cannot charge rent for a house on Shabbat. Similarly, since our electric bill is dependent on how much electricity we use at every instant including on Shabbat it would seem that drawing from the grid is forbidden.

Of course, some people do not pay their own electric bill. Rather, they pay a fixed rent and the landlord then pays the electric bill. Even then, however, leaving an appliance plugged in causes an electric meter to record how much energy is being drawn. Recording such useful information for the purposes of a business transaction (even if it is the landlord who ultimately pays the bill) is an indirect *melacha*. Furthermore, you have definite control over the exact amount of power drawn and thus affect the recording process in a definite way so this would suggest that drawing power is forbidden.

The exception to this rule is if you are running a conditional machine (see §3.20F) that does not draw a fixed amount of power. For example, an AC unit that runs only when the household reaches a certain temperature draws a variable amount of power depending on the external temperature and so your association with the recording of the power drawn is indefinite.

Now, what if you run both a conditional machine and a regular appliance over the course of Shabbat? Your control over the electric meter is indefinite as a result of the conditional machine which takes partial control over the meter. You cannot reliably predict what the meter will read because the conditional machine “makes its own decisions”. Should you then be permitted to run both machines despite our above argument against drawing power through regular appliances? It seems to me that since you still have definite control over the regular appliance and the amount of power it draws, you still contribute to the recording process in a definite way even if the conditional machine is simultaneously contributing in an indefinite way. Thus although you do not perfectly control the amount of electric usage being recorded, you still guarantee that the *melacha* of recording is being done on Shabbat.

This is analogous to a case where two people are building a fence together. The fact that neither has full control over the speed of the *melacha* because they are working with someone else, does not mean that either are exempt from the prohibition on *melacha*.

All this being said, it is baffling to me that the fact that using the meter is technically forbidden ends up forbidding any power drawn from the grid. In the analogous case of a water meter, it also ends up forbidding any use of plumbing. It is unusual that a minor feature of how the electric or water system functions should forbid such a broad class of actions when we are not even using the grid for the sake of the forbidden feature. Even though the recording of power usage is a task with a clear intent, this task is not the primary intent of the user of an appliance

when he allows something to run over Shabbat. Is this reason enough to permit drawing from the grid? I am not sure.

3. **Preparation:** I do not think this would fall under any interpretation of preparation.
4. **Benefiting from other's *melacha*:** Clearly when drawing from the grid one is benefiting from the work of those at the plant.

§3.20C Batteries

Is drawing power from a battery permissible?

1. **Direct work:** Most appliances run automatically and draw power on their own. There is no instance of direct work here.
2. **Indirect work:** Obviously a battery undergoes chemical changes if power is being drawn from it. However, it seems to me that these chemical changes are not *melacha*. These changes are not an end goal that produce something useful or constructive. On their own, they have no useful effect. Leaving a battery in a circuit is like opening a dam before Shabbat to let a river flow. The only concern mentioned by the sages regarding this act is if the water is used productively to water a field. In other words, the concern is the watering of the field not the flowing of the water. Similarly, the only concern raised by battery usage is not the chemical changes but the end appliance that they are powering. While the chemical changes in a battery may be a *ma'aseh* they are not a *melacha* because they do not inherently work towards a useful goal. Since only indirect *melacha* is forbidden by the Torah but not indirect *ma'aseh* I think leaving a battery connected poses no issue. Of course, a battery is usually connected to an appliance which does *melacha* but this is a separate issue dealt with in §3.20E below. The specific *melacha* being done depends on the appliance and is not a problem inherent to leaving batteries connected over Shabbat.
3. **Preparation:** It seems to me that a battery is already prepared and easy to use before Shabbat.
4. **Benefitting:** In no way is someone benefitting from the work of a non-Jew or a Jew on Shabbat when using a battery.

§3.20D Directly operating an Appliance

Can one directly operate an electric appliance? As is evident from the very wording of the question, the only potential issue here is direct *melacha*.

In general, appliances accomplish some sort of a task and operating them is therefore *melacha*. Furthermore, any operating of an appliance is clearly a *ma'aseh*.

A potential complication are appliances that perform one of the tasks that are exempt from the initial prohibition (see §3.3). For instance, one could argue that since studying Torah is permitted on Shabbat, one could use a Kindle to read the bible. I would argue that this is forbidden. Even in such cases, additional *melachot* are being performed that are not exempt from the prohibition. For instance, operating a kindle requires "writing" the pages of the bible on a screen, a task that produces something useful in and of itself. I argue that this intermediary "writing", even if done for the sake of Torah study, is sufficient to render the whole endeavor forbidden. This is just as cooking on Shabbat is forbidden even if it is done only for the sake of eating which is itself permitted.

Some extremely simple appliances could potentially be permitted for direct use. Using an electric door arguably accomplishes no intermediate *melacha* and opening a door is permissible.

§3.20E Leaving an Appliance Running

Can one leave an appliance running over Shabbat? Obviously the only issue that needs to be discussed here is indirect work. Furthermore, I would like to further specify that I am talking about “standard appliances” that are preprogrammed to take a very specific set of steps. For instance, let’s consider a washing machine or a space heater that is constantly running. These machines do not make “decisions” based on external circumstances. Thus, I am not here discussing machines that may choose to take different steps depending on outside circumstances. For instance, some space heaters will shut off or turn on based on the temperature of the surrounding room. I call this class of machinery “conditional machines” and I discuss them in the following subsection. For now, I focus only on standard appliances.

It seems to me that these standard appliances are generally forbidden as being instances of indirect *melacha*. Precisely how and when they will act over the course of Shabbat is entirely dependent on your turning them on before Shabbat, thus you have definite control over the indirect *melacha* and it is forbidden.

I believe, however, that leaving electric lights on over Shabbat is permissible. No task is being accomplished when the lights are on since the room is already lit. The *melacha*, the end goal of lighting the room is complete. Any remaining activity being taken by the light is an indirect *ma’aseh* which is permissible. By contrast, leaving a washing machine on over Shabbat is forbidden because the washing machine contributes to cleaning the clothing, a *melacha* which has not yet been completed. It is nevertheless forbidden to set lights on a timer to turn on and off over Shabbat since that would accomplish a *melacha* on Shabbat that was not yet done before Shabbat.

§3.20F Conditional Machines

A conditional machine is a machine that “makes its own decisions” based on conditional programming and external circumstances. Such a machine could be as simple as a refrigerator that starts running when the internal temperature rises past a certain point or as complicated and abstract as an email account which receives emails, sorts emails, and even sends auto replies over Shabbat.

It seems to me that leaving these machines running is permissible. One’s actions do not determine exactly when and how the machine will operate, so one has only indefinite control over the action. This is true even if your actions are partially responsible for the act. Thus, if I open the door to my refrigerator I am causing it to warm up and making it more likely to reach the threshold temperature at which it begins to run again. However, I do not have precise control over how fast it heats up and when it will start running again so I have only indefinite control over the refrigerator. Similarly, with an email account I do not know when people will send me emails even if it is almost definite that they will. I thus do not have definite control over the account’s actions.

§3.21 Plumbing

In general opening a faucet does not definitively cause a pump to start bringing water into your house. Rather, water is brought to your house through a system of pipes that operate through water pressure alone. Water towers are built to be very high (often they are built on hills) so that gravity will provide pressure to the water in the pipe system. It is true that pumps are sometimes engaged to carry water up into a water tower, but these pumps do not respond directly to your opening a faucet. They are dependent on the general water consumption of the local population, so you have no definite control over these pumps.

Another issue raised by plumbing is that when one opens a faucet one is still exerting definite control over the water meter recording the water usage of the household. This issue is identical to the problem presented by electric meters discussed above in §3.20B and I do not repeat my treatment of this problem here.

Therefore, it seems to me that the two novel issues relevant to plumbing are the prohibitions on preparation and carrying in the public domain. I discuss these issues below.

§3.21A Preparation with regards to Plumbing

Rav Bashyatzi argues that bringing in water from the public domain by way of opening a canal is forbidden since the water has not been prepared beforehand. As we have already noted, it is unclear whether preparation is a separate issue from the general prohibition on *melacha*. Rav Bashyatzi specifies that the water is being brought “from the public domain” suggesting the problem may be one and the same as carrying in the public domain.

When discussing instances of preparation, Rav Levi ben Yefet says water brought in by way of canal is permitted. Of course, perhaps this is because he also permits carrying in the public domain.

§3.21B Carrying with regards to Plumbing

If one holds like Rav Levi ben Yefet that carrying is permitted, then there is no issue with bringing in water from the public domain by way of pipes.

If, however, one holds like the majority of the sages then it could be argued that bringing water in or out by way of pipes is prohibited. Since one opens the faucet on Shabbat, one is liable for doing a direct *ma'aseh* even if the faucet acts as an intermediary since actions done through intermediaries are no different than a regular *ma'aseh* (see §3.4). Thus one could argue that operating plumbing whether for water or for waste disposal is forbidden.

Even so, one could still argue that because the pipe system is enclosed it does not count as being “outside” and in the public domain. Rather the water is inside a building and since it is permitted to carry within buildings it is permissible to carry water through the pipe system.

§3.22 Israeli Karaite Practice Regarding Electricity and Plumbing

As noted above, I am unaware of any thorough, rigorous treatment of the application of Shabbat laws towards plumbing and electricity. Thus, my description of the “standard” Israeli Karaite practice and its rationale is based on my observations and my speaking to various people with various levels of religious education (and of course with varying opinions) while I was living in Israel for a matter of months. This means that the information below is not necessarily complete, nor is the rationale behind the practice as expert, consistent, or detailed as the *halacha* outlined in the classical sources. In addition to summarizing the practice, at times I also compare it to the crude treatment I have outlined above.

In general, Israeli Karaites consider directly operating an electric device to be either *melacha* or *ma'aseh* regardless of whether that device is battery operated or relies on the power grid. Israeli Karaites who keep Shabbat do not directly operate electric appliances on Shabbat. Above, I suggest that there may be a distinction between electric devices that complete a forbidden task and those that only perform a permitted task (like an electric door, see §3.20D). I am unaware of any such distinction being made amongst Israeli Karaites.

A minority seems to equate electricity and fire, or between electric sparks and fire. It seems to me that this argument is baseless. The two natural phenomena differ in many ways even if they are sometimes used for the same purpose.

Israeli Karaites generally see relying on the power grid as a problem either because of the prohibition on indirect *melacha* or because of the prohibition on benefitting from somebody else's work. Some confuse the two prohibitions and work off the premise that they are one in the same. In any case, almost all Israeli Karaites in practice do rely on the power grid by letting some appliances run over Shabbat (most often fans, air conditioning

units, and electric lights). They argue that even though it is technically forbidden to do so, this is a technicality which is not so important to the essence of the Shabbat prohibition. Many minimize their reliance on the grid to the extent that they deem reasonable.

Israeli Karaites generally refrain from using a hot plate to cook on Shabbat. They see this as an instance of indirect work and more specifically of cooking which as we discussed is forbidden in Exodus 16.

Above I make a distinction between regular appliances and conditional machines. I have not seen Israeli Karaites make this distinction, nor have I seen widespread knowledge or application of Rav Yeshua ben Yehudah's concept of indefinite association of an indirect action.

I also make a distinction between indirect *melacha* and indirect *ma'aseh* and apply such a distinction when discussing the permissibility of drawing from battery power. I have not heard Israeli Karaites use such a distinction nor do I know of any classical sage who explicitly makes such a distinction. Nevertheless, I believe it follows from the biblical text since only *melacha* is forbidden in the passive as well as active voice.

Regarding plumbing, most Israeli Karaites treat it in the same way that they treat the power grid. Namely, many believe it raises a minor technical issue but they use it for practical reasons.

I do not express any judgment regarding the proper balance between practicality and the technicality of the law, although I do believe it is worthwhile at least study the law according to its deepest technicalities. I will note, however, that the only common discrepancy between Israeli Karaite theory and practice is regarding drawing from grid power and using plumbing which many forbid in theory but permit in practice. I also remind the reader of my argument that there may even exist sufficient reason to theoretically permit drawing from grid power and the water system (see §3.20B).

§3.23 Conclusion

The limited list of things permitted on Shabbat means Shabbat is primarily a day in which one focuses only on Torah and other people. Obviously, a day dedicated exclusively to such things can play a hugely important role in maintaining a religious community. After all, the two important aspects of any religious community are Torah and people.

This further means that it is difficult to keep Shabbat without a community and difficult to maintain a community without keeping Shabbat. Unfortunately this reality presents Karaites, especially those living outside Israel, with a problem. In today's day and age it may be difficult for many Karaites to fully keep Shabbat given (among many other things) the problem of physical distance from community centers. Perhaps in these dire circumstances, it is better to travel or use communication on Shabbat rather than to contribute to the dissolution of an already fragile community. Even if this is true, however, violation of Shabbat should only be done for the sake of the community and the ideal Shabbat practice must always be kept in mind since Shabbat itself is a most serious mitzvah. I do not express an opinion herein regarding these difficult problems.

However, I hope that this section of *Mikdash Me'at* clarifies the traditional understanding of Shabbat laws. I also hope that this section (especially Part I and in particular "notes on §3.2C") clarifies that the primary goal of the Shabbat laws is to create a system that protects the seventh day as a day dedicated to God, Torah, and community.