The Public Shabbat in the State of Israel—Halakhic Perspectives

Book Review: David Aronovsky & Gideon Sapir, *The Story of Shabbat: the Public Shabbat in the State of Israel*, 2022, Miskal–Yedioth Ahronoth Books

When the Israelites left Egypt, the Holy One, blessed be He, took a precious gift from his treasury and gave it to them, and its name is Shabbat (the Jewish Sabbath).[[1]](#footnote-1) Over the last few decades, the Jewish people received another precious gift when they returned to their homeland: a Jewish State in the Land of Israel: the State of Israel. Much of the State of Israel’s population believes that Shabbat and the State of Israel are of great value, and wish to wholeheartedly embrace both of them; What is to be done when accepting one conflicts with the other? This fraught question is at the heart of the fascinating and important book which Rabbi David Aronovsky and Professor Gideon Sapir have written.

Much has been written about the Jewish State in the Land of Israel, and no less about Shabbat but the intersection between the Jewish Sabbath (henceforth: Shabbat) and the State of Israel has received very little attention.[[2]](#footnote-2) Aronovsky and Sapir’s book begins to fill this void and it does so thoroughly and comprehensively with great clarity and penetrating insight. The first part of the title, “The Story of the Shabbat,” cogently describes the experience of reading this book. Even though the book is analytical and academic, it reads like a story.

We live in an era of polarization where people with conflicting opinions have lost the ability to engage in dialogue. The tensions between religion and state and between religious and civil law are constantly growing. This is true in the wider world as well as in the particular Jewish sphere.

In this context, the book’s greatest contribution is its engagement in a discourse between various rival, social and political factions. By their very nature, matters of religion and state are charged and even give rise to animosity. A significant part of the poisonous atmosphere that surrounds issues of religion and state stems from the suspicion and alienation that accompany each side’s lacking a clear understanding of the other’s position. Aronovsky and Sapir address the particularly explosive topic of Shabbat in the public sphere in Israel and their in-depth, methodological, and clarifying discussion invites the readers to consider, weigh, discuss, and, perhaps, even reach agreement on some matters. This appears to be the most expedient and effective way to handle extremely controversial issues, not only in Israel but in other countries as well.

The book is divided into three parts. The first part is composed of two chapters and is devoted to a conceptual discussion. These chapters describe the many diverse reasons provided over the centuries for the institution called Shabbat, and they paint a picture of the ideal Shabbat as it has been envisioned in both traditional and modern writings. The second part is composed of four chapters and is devoted to a description of various campaigns waged over the character of Shabbat. The authors begin by pointing out that these battles did not begin recently—they have always been part of the Jewish people’s discourse. They then delineate the various approaches that were adopted over the years to cope with this conflict. Following this, the book addresses the dispute over Shabbat in the State of Israel, by focusing on several main flashpoints: transportation, labor, commerce, and leisure. The authors consider changes that took place in these contexts and delineate the roles played by various factors in shaping the character of Shabbat in these areas. The second part concludes by focusing on the city of Tel Aviv. The authors compare and contrast two similar Shabbat-related affairs that occurred in the city about a century apart, one between the 1920s and mid-1930s and the other in the 2020s. The third part of the book, which is composed of three chapters, examines how the religiously-observant demographic handles Shabbat observance in the context of the modern Jewish state. One question they address is how, in the context of modernity, Shabbat can be observed within the confines of Jewish law. Another question they delve into is whether, from a religious perspective, the observant community can reach a compromise with the non-observant one, thus enshrining in law certain pragmatic policies concerning Shabbat. This review will focus on the first and third chapters of the book.

As we have mentioned, the central question addressed in the third part of the book is what Shabbat is going to look like when it is kept by the State of Israel’s Jewish population. Or, to bluntly ask the question from the Shabbat-observant community’s religious perspective: How can Shabbat be desecrated in Israel within the boundaries of Jewish law? This question itself has two components. One is the issue of how various governmental agencies and public institutions are going to continue functioning on Shabbat. In particular, How are the army, police force, and electric companies going to continue functioning when this may entail desecrating Shabbat? Can Jewish law permit this? The other is what legal arrangements can be reached in the Jewish State enabling both Shabbat observers and non-observant people who still “remember Shabbat” to co-exist? The common denominator linking both these components is enshrined in the second half of the book’s title: “The Public Shabbat in the State of Israel.”

What exactly does the phrase, “public Shabbat” mean? A quick review of Jewish law and thought seems to indicate that Shabbat observance is a private affair. Shabbat is a day for turning inwards: the Bible decrees, “Let everyone remain in place: let no one leave the vicinity on the seventh day,”[[3]](#footnote-3) and the Sages added, “No man shall carry out of his place.”[[4]](#footnote-4) The interdiction forbidding carrying objects between the private and public domains symbolically reflects the distinction between the private home and the public square. The private nature of Shabbat notwithstanding *The Story of* *Shabbat* highlights the national Shabbat, both in the story it tells and in the legal impact it discusses.

The first two chapters in this book tell the story. They set forth the ideas Shabbat embodied from biblical until contemporary times and the values which the seventh day teaches us, some relating to the relationship between humanity and God, some to relations between human beings, some to the individual’s relationship with himself, and some to the individual’s relationship with his nation. We will focus on the latter two. The Bible commands the children of Israel to keep Shabbat “throughout the ages as a covenant for all time.”[[5]](#footnote-5) And simultaneously in the next verse, it declares Shabbat to be “a sign for all time”[[6]](#footnote-6) “for this is a sign between Me and you throughout the ages, that you may know that I the Lord have consecrated you.”[[7]](#footnote-7)

On Shabbat, the nation affirms that God created the world and ceased His labors on the seventh day. Similarly, God declares that the children of Israel are His people and He chose them out of all the nations to imitate Him and to desist from labor like He did on the seventh day: “for this is a sign between Me and you…that you may know that I the Lord have consecrated you.”[[8]](#footnote-8) This is how Shabbat transcends the sphere of an individual’s personal beliefs to attain national and international importance through the notion of covenant.[[9]](#footnote-9) Shabbat is a covenant because it is affirmed by both parties: by the people to its deity and by the deity to His people.

Until the last few decades, the concept of the covenant in the Bible and Jewish tradition was religious, and the deity was the primary party to it. Secular Zionism remained faithful to the concept of the covenant but changed its parties: the covenant was no longer between God and Israel but between the individual and the nation. Thus, Ahad Ha’am famously wrote: “You do not have to be a Zionist or punctilious about observing the commandments to recognize the value of Shabbat. Whomsoever feels a genuine connection with the life of the nation throughout its history would not…ever be able to envision a reality in which the nation of Israel [was] with[out] the Shabbat Queen.”[[10]](#footnote-10) And, as A.D. Gordon put it differently, there are “moments when the nation feels itself to be one collective soul connected to the soul of the entire world…[these are] moments when the national soul is elevated.”[[11]](#footnote-11)

In 1933, then mayor of Tel Aviv, Meir Dizengoff, was inspired by his conceptualization of Shabbat observance as a national obligation to call upon the city’s inhabitants—a significant number of whom had recently emigrated from Germany—to punctiliously observe “the customs of this city,” as he put it, and not desecrate Shabbat in public: “Remember, Shabbat has been the most wondrous sign of national unity from generation to generation, and anyone one who impugns it—impugns the unity of Israel.”[[12]](#footnote-12)

Having been convinced of the national and public nature of the Shabbat story, we need to ask whether such a story is corroborated by normative Jewish law. The authors respond in the affirmative, citing the Jewish legal category of “one who desecrates Shabbat in public (*be-farhesia*)” as proof positive. This category appears as early as the Tannaitic period and it denotes an especially egregious transgression. Thus, for instance, we find that one who desecrates Shabbat in public is comparable to one who engages in idolatry, and if he brings a sacrificial offering to the Temple, it is to be rejected.[[13]](#footnote-13) *Parhesia* in its original Greek means free speech in the public square.[[14]](#footnote-14) Its Hebrew derivative means “public,” and in legal Hebrew, *parhesia* is a group or congregation comprised of at least ten people.[[15]](#footnote-15) So, what makes public Shabbat desecration so heinous a crime?

Traditionally someone publicly desecrating Shabbat in a religiously-observant society was perceived to be acting in defiance of societal norms—he or she was taking an ideological stance proclaiming that they deny the fundamental religious beliefs underlying Shabbat. Furthermore, taking such action implies that one is separating one’s self from the community, or at the very least, that one does not feel a sense of belonging to it. From this perspective, the public Shabbat is not in essence different from the private one. The religious narrative is the same for both, it is just that public observance or desecration of Shabbat, respectively, sends a stronger religious message than private observance does.

Moving on from this traditional understanding, the book provides us with another possibility from a Tannaic midrash. Inspired by a verse from Isaiah, the homiletical interpretation cited therein compares one who does not observe Shabbat to a non-Jew:[[16]](#footnote-16) “As for the foreigners, who are joined to the Lord to render service...All who keep Shabbat and do not profane it, and who hold fast to My covenant.”[[17]](#footnote-17) That is to say: One who observes Shabbat is like the foreigner (the foreigner who is joined to God)—because he holds fast to the covenant with God in contrast to a Shabbat desecrator who does not hold fast to the covenant. From this we may conclude that one who does not observe Shabbat in the marketplace is a public Shabbat desecrator and likewise violates the covenant. According to this interpretation, public Shabbat desecration impugns the public Shabbat, the Shabbat that functions as the sign of the covenant between God and His people. This serves as a clear halakhic foundation for the public Shabbat that can be distinguished from the well-known private Shabbat.

The public Shabbat attains significant additional meaning when the public square in question is located in the Jewish State. Rabbi Shlomo Goren affirmed this when he asserted that establishing a day of rest for the civil service “in a certain sense determines the Jewish-spiritual character of the State and its distinctiveness among the global family of nations.”[[18]](#footnote-18) Rabbi Shaul Yisraeli also made a similar claim: “Religious Judaism… demands only that the public character of the public domain be imbued with the spirit of the Shabbat …We come… demanding that the character of the national, Israeli way of life, remain consonant with the way it has developed over the entire history of the nation’s existence.”[[19]](#footnote-19) In the State of Israel, the public domain is more than just the public sphere, it is the state’s public face, and as such, according to Rabbis Goren and Yisraeli, it is only right that the Jewish State observes the public Shabbat.

Thus, the first part of the book lays the foundations for discussing the Israeli public Shabbat. In terms of its narrative, *The Story of Shabbat* relates the tale of a national-public Shabbat, a narrative that is transformed into law via the laws of one who observes his Shabbat in the public sphere and via the religious demand that the public Shabbat be observed in the State of Israel.

At this point, we need to discuss the actual practices. How is the public Shabbat going to be observed in Israel? The public face of Shabbat has two dimensions: One concerns the citizenry of the State of Israel, the vast majority of which does not observe Shabbat. How can the public observance of Shabbat even be considered, if only a minority of the citizenry is invested in doing so? The second dimension concerns various governmental agencies and institutions that serve the public: for instance, the army, the police force, and the electric company. How will these public bodies continue functioning on Shabbat when a significant portion of their activities seem to entail Shabbat desecration?

Let’s begin with the first dimension—establishing Shabbat observance in the public sphere—which, among other things, relates to public transit on Shabbat. Aronovosky and Sapir chose to explore this issue by studying the fascinating 1961 Coalition Agreement between two political parties: Mapai and Mafdal. This agreement, first and foremost, demanded that the status quo, which had been the norm for many years, be anchored in law. Thus, public transportation would be available on Shabbat in Haifa but forbidden everywhere else. This agreement was the source of intense halakhic debate[[20]](#footnote-20) about a fundamental ethical question of halakhic decision-making: May a rabbinic decisor compromise and permit a transgression in order to prevent other transgressions? Similarly, may the decisor sacrifice one particular community’s experience of Shabbat by permitting increased Shabbat desecration in it to minimize Shabbat desecration elsewhere? These types of questions are familiar to us from various fields in ethics where this phenomenon is commonly referred to as the tension between the deontological and utilitarian approaches.[[21]](#footnote-21) This philosophical tension may also fuel the debate at hand: the utilitarians are willing to sacrifice a little—the city of Haifa—in order to gain a lot, an entire country keeping Shabbat in public. The deontologists reject such a quantitative distinction. To use a Talmudic metaphor, the blood of the entire country is no redder—has no greater importance—than the blood of the Haifaites.

From another perspective, one might argue that the entire polemic is fueled by two opposing deontological positions. Perhaps the tension arises from two fundamental questions related to public Shabbat observance. The first question concerns whose Shabbat observance we are trying to protect. If we are concerned about the rights of Shabbat-observant communities, perhaps each community must stand up for its own rights, and we cannot ask any one community to sacrifice its Shabbat experience to benefit the public Shabbat of other communities, even if the latter is greater in number. On the other hand, perhaps we are concerned about the entire Jewish population of the State of Israel, and if this is the case, the public Shabbat should be evaluated by the overall Shabbat atmosphere in the public domain throughout the country. In the latter case, it would be worthwhile sacrificing the quality of the Shabbat experience in one particular region, to enable the state-wide observance of Shabbat in the public sphere.

The debate over Shabbat observance in Haifa raises another question concerning the religious demographic’s responsibility of ensuring the secular population’s Shabbat observance. The question is whether it is enough for the religious population to ensure that its own Shabbat observance remains undisturbed by those who are not observant, or whether it must aspire to bring the non-religious population closer to Shabbat and its values. The first conceptualization of the question ultimately leads to various plans and proposals that promise to decrease Shabbat desecration as much as possible. Having achieved this, the Shabbat-observant Haifaites can then take full advantage of this new reality by increasing the Shabbat atmosphere throughout the city. The second conceptualization, obligating the religious to bring those who are not religiously observant closer to Shabbat, requires all the residents to reach a broad agreement about Shabbat observance and desecration. Such an agreement would involve the non-religious community in Shabbat observance by having them identify with and honor Shabbat values.

Let us turn to the other dimension of public Shabbat observance, the ways that public institutions—the army, the police force, the fire department, and the electric company, for instance—function on Shabbat even though their fundamental responsibilities seem to involve Shabbat desecration. In these cases, the rabbinic decisors need to decide if, when, and how this desecration may be permitted. This dimension also touches upon a fundamental and far-reaching issue of halakhic policy: the desirability of promoting and developing rabbinic allowances to desecrate Shabbat. This question was at the heart of a dispute between Rabbi Moshe Zvi Neriyah[[22]](#footnote-22) and Professor Yeshayahu Leibowitz[[23]](#footnote-23) that took place in the State of Israel’s early years.[[24]](#footnote-24) Leibowitz maintained that it was incumbent upon the rabbinic decisors to find solutions and provide the legal cover to enable public institutions to maintain their routine functions on Shabbat. He believed that the rabbinic decisors’ foot-dragging or clear discomfort with providing the allowances they would in the end cheapen Jewish law in the eyes of both the religiously-observant community and even more so in the eyes of the non-observant. Both the observant and the non-observant would conclude that Jewish law was incapable of accommodating itself to modernity. Rabbi Neriyah, in contrast, argued that giving wholesale license to Shabbat desecration would both cause massive, widespread Shabbat desecration and would cheapen the reputations of Jewish law and the rabbinic decisors.

In this dimension, as in the first, in addition to halakhic policy, we must address the fundamental question of what an appropriate halakhic framework for conceptualizing and ruling upon matters concerning public Shabbat is. There are three possible approaches to doing so. In the first approach, the laws of Shabbat are generally understood to be the responsibility of the individual and they should be applied to the public without any accommodations. The second approach regards the public as a collective composed of many individuals. This approach maintains that while the Jewish law applied to public Shabbat is the same Jewish law applied to the private individual since the circumstances have changed—the law is being applied to many individuals—it must be adapted to this sphere. In this context, the principle of “preserving the lives of the many” takes center stage. Following this Talmudic principle as it was interpreted by the Geonim, when something occurs that threatens the many, one may desecrate Shabbat to remove that threat even according to those scholars who would be more stringent if the danger only threatened an individual.[[25]](#footnote-25) The third approach sees the public, and especially the state, as an autonomous legal entity, distinct from the individuals who comprise it. According to this approach, new halakhic norms need to be created that appropriate to this unique entity.

Let’s apply these three approaches to the different public institutions the book discusses. First, the army.[[26]](#footnote-26) The Hazon Ish adopted the first approach.[[27]](#footnote-27) In his opinion, the law applied to Israeli soldiers is no different than the law applied to any individual who must desecrate Shabbat to save a life.[[28]](#footnote-28) A private individual is required to minimize the extent of his Shabbat desecration to whatever degree possible, and, therefore, the soldier must perform a task that is forbidden on Shabbat in an abnormal fashion, such as carrying the weapon backward. The Hazon Ish’s legal ruling is highly problematic, and one might say that, at the very least, the ruling is strange.

Many rabbinic decisors have adopted the second approach, among them Rabbis Isaac Halevi Herzog[[29]](#footnote-29) and Shaul Yisraeli. They maintain that even when the army’s actions to protect the public are not directly focused on saving the life of a particular person, they are life-saving for the general public and will presumably save at least one person and so should be permitted.

The third—highly innovative—approach was proposed by R. Goren and later adopted by R. Yisraeli. They maintain that the laws pertaining to the army on Shabbat are not subsumed under the category of saving a life on Shabbat as it was designed for individuals. The army should be subsumed under the Laws of Warfare which were designed to apply to public and state affairs. A halakhic midrash teaches us that one may perform a military operation, such as besieging a city, on Shabbat during a war.[[30]](#footnote-30) The military operation itself is permitted, even though it fails to comply with the standard parameters required to permit desecrating Shabbat to save a life.

These three approaches can also be employed similarly to handle the question of how the police force may function on Shabbat. In this context, Rabbi Herzog adopted the first approach. He allowed police activity involving Shabbat desecration only when it was permitted under the laws pertaining to saving the life of individuals. Therefore, R. Herzog had difficulty permitting the police to arrest a thief on Shabbat after he had been caught by civilians. After he has been caught, the thief presents no danger to anyone’s life, so the process of arresting him cannot take place on Shabbat. Likewise, Rabbi Herzog required policemen to patrol on bicycles on Shabbat in order to minimize Shabbat desecration as much as possible. Rabbi Yisraeli, in contrast to Rabbi Herzog, adopted the second and third approaches to police work, just like he did with the army. He maintains that if the police have to deal with a conflict, they may desecrate Shabbat even though the risk to human life is slight. He argues that the parameters of “saving the lives of the many” should be applied here; the danger being that sometimes, even if it is only once in a million, the skirmish may get out of hand and endanger lives. This constitutes the second approach.

Simultaneously, R. Yisraeli also employs the third approach. He argues that dispensing with routine policing on Shabbat impinges upon the normal functioning of the state, and it may provide additional ammunition to those who claim that no modern state can be run under the strictures of Jewish law. The third approach gains even greater force in Rabbi Nachum Eliezer Rabinovitch’s writings,[[31]](#footnote-31) as he stresses that an active police force is a sine qua non of governance and it is an intrinsic symbol of sovereignty. Therefore, the very existence of the state demands routine and ongoing police enforcement on Shabbat. Rabbi Dr. Michael Avraham makes the point even more strongly: the lack of police enforcement reflects “a failure in public governance [and] it is [intrinsically] a case where life is at risk.”[[32]](#footnote-32) Perhaps, his words can be conceptualized in the following way: if the police do not enforce the law on Shabbat, this may very well undermine public order and even lead to anarchy. Such a development would put the state’s very existence at risk, and if the state is the legal entity under discussion here, endangering its existence as a political entity is comparable to endangering an individual’s actual life.

If we adopt this conception of what the State is permitted to do on Shabbat, then we have just witnessed the birth of a new halakhic phenomenon. The public Shabbat is not the same as the private Shabbat and it is not even the Shabbat of a collective composed of many individuals. It is an entirely different phenomenon. This Shabbat belongs to the public itself or the state. The body politic that keeps Shabbat is the public itself or the state, and this is the body to which Shabbat must be tailored both in terms of what is forbidden and what is permitted.

The issue of electricity on Shabbat affords us a third opportunity to discuss the application of the three approaches.[[33]](#footnote-33) The proponent of the first approach concerning the army, the Hazon Ish, also upholds the first approach in this case. In his opinion, the same halakhic categories that apply to the individual should be applied to a public institution, like the electric company. Therefore, we can only permit the creation and use of electricity on Shabbat when there is a particular life in need of saving. The second approach is championed by R. Shlomo Zalman Auerbach. He maintains that the electricity provided by the Israel Electricity Corporation on Shabbat may be used since at least some of the electricity was created in a permitted fashion, for the use of hospitals and other such institutions. His attempt to regard the patients and all the rest as one entity for which the electricity was made may be consonant with the category of “saving many lives.” In the case of electricity as well, R. Goren remains loyal to the approach he took to the army, the third approach. As he puts it, a country must provide its citizenry with a continuous flow of electricity, since at any moment there may be someone who needs it. The fundamental determinant is the country’s responsibility to its citizenry, for whom the permissive ruling is made.

What is the fundamental difference between these three approaches? We could suffice with a formal response, which is essentially how we have presented the approaches so far. Jewish law, in general, and the laws of Shabbat, in particular, mostly address the individual. Shabbat duties and interdictions, almost always relate to the private individual. Our discussion of public Shabbat requires a shift from the individual to the collective, and the formal, concrete fact that the legal entity under discussion has changed is reason enough for two dichotomic approaches and one intermediate one to surface. One end of the spectrum perceives the public or the state as a group of individuals. Therefore, the most suitable halakhic approach to employ is the same one we apply to the individual. The other end perceives the public and the state to be an autonomous legal persona. This approach requires a new type of law to be formulated for the public Shabbat, one that is unique and tailored to the collective. In the middle of this range, there is an approach that the public is a halakhic object that is distinct from an individual due to specific circumstances without there being an essential change. The public is composed of many individuals, but it is not a distinct legal entity.[[34]](#footnote-34)

The distinction described so far is merely formalistic; however, Aronovsky and Sapir dig deeper and they are quite right to do so. They argue that the fundamental distinction between the three approaches lies in a combination of the rabbinic decisor’s ideological identification as Zionist or not[[35]](#footnote-35) and his policies on rabbinic decision-making: Does he adopt a conservative and stringent approach to halakhic rulings, on the one hand, or does he take an innovative and lenient approach, on the other. R. Goren, for instance, adopts the third approach because he is a Zionist and an innovator.[[36]](#footnote-36) From his perspective, the object of Jewish law here is the state, and applying new halakhic norms to it is the appropriate step to take. In contrast, Hazon Ish adopts the first approach. He is not a Zionist and he usually tends to rule conservatively. Therefore, he applies the stringencies of the individual’s Shabbat to the public one.

Based on this analysis, the authors, like others, have had difficulty cracking the code behind R. Herzog’s position which they have described as “hesitant and irresolute.” As we have seen, R. Herzog vacillated between the first approach, with which he addressed law enforcement, and the second approach, with which he addressed military operations. Some have seen this as a reflection of R. Herzog’s tepid Zionism. Aronovsky and Sapir reject such a characterization. They maintain that R. Herzog’s Zionist credentials are spotless and that he perceived the State of Israel to be “the beginning of the flowering of our redemption.” This notwithstanding, they explain that his halakhic approach to the public Shabbat tends to be stringent because when it came to rabbinic decision-making he was a halakhic conservative.

I believe that this assertion is open to dispute. R. Herzog dealt extensively with halakhic matters concerning the state and his proposals in this area are often groundbreaking, departing significantly from the traditional, conservative stance. הפניה. פירוט. ואז להגדיל את הבעיה

Before I conclude, I will attempt to shed further light on the confusion surrounding R. Herzog’s position. I would argue that the attempt to situate rabbinic decisors on a continuum stretching from Zionist to anti-Zionist is still missing something. I believe we must add another distinguishing characteristic, the distinction between different types of Zionism: earthly-political-rational Zionism, on the one hand, and redemptive-metaphysical-mystical Zionism on the other.[[37]](#footnote-37) R. Herzog is a member of the former camp. In his opinion, Zionism had primarily wrought a dramatic change in the body of the nation; however, the spirit of Judaism remained unchanged. He believed that the change Zionism had wrought made no impact on the Torah and Jewish law. They must remain pure and unadulterated.[[38]](#footnote-38) Shabbat had to be observed in the State of Israel, just like it had been observed by Jewish communities throughout the Diaspora.

Rabbi Abraham Isaac Kook[[39]](#footnote-39) and his followers, for instance, Rabbis Yisraeli and Goren, chose the mystical Religious Zionist position. They maintain that Zionism heralded a revolutionary moment in the life of the nation—both in terms of the body of the nation, but more importantly also in terms of its spiritual side. The national spirit was reborn and this would be reflected in a new Torah, the Torah of the Land of Israel. By extension, this would mean that Jewish law would also be renewed so that it would be consonant with the salvific reality of a people living in its land and sovereign in its own state.[[40]](#footnote-40)

1. bShabbat 10b. [↑](#footnote-ref-1)
2. A notable exception is the polemic between Leibowitz and Neriyah. See below, n. 23. See too, Yisrael Rozen, “*Ha-Shabbat be-Medinah Yehudit Atzma’ait*,” in *Halakhah Tziyyonit: Ha-Mashma’uyot ha-Hilkhatiyot shel ha-Ribbonut* *ha-Yehudit*, eds. Yedidia Tz. Stern and Yair Sheleg, (Israel Democracy Institute, 2017) 370–393. For another approach, see Schweid, “*Ha-Shabbat be-Medinat Yisrael,*” in *Ha-Yom* *ha-*Shevi’i, eds. Eli Mirik Garizi and Be’eri Zimmerman, (Publisher, Year), 230–241. [↑](#footnote-ref-2)
3. Exod 16:29. [↑](#footnote-ref-3)
4. bEiruvin 17b, and see *Nachmanides’ Novellae*, *ad locum*: “And in our Gemara [=Babylonian Talmud], it seems obvious to the Sages that “let no man leave the vicinity” [means that] “no man shall carry out of his place.” [↑](#footnote-ref-4)
5. Exod 31:16. [↑](#footnote-ref-5)
6. Ibid., 17. [↑](#footnote-ref-6)
7. Ibid., 13. [↑](#footnote-ref-7)
8. Ibid. See Rashbam *ad locum* who explains that Shabbat is a sign of the covenant between God and Israel in that “you cease laboring as I do, since you are My people.” [↑](#footnote-ref-8)
9. This notion of covenant was emphasized, in this context, by Rabbi Chaim Hirschensohn in his comprehensive work “*Eleh Divrei ha-Berit*” (Jerusalem, 1825-1827). See too Daniel J. Elazar, *Ha-Berit ke-Yesod ha-Mesoret ha-Medinit ha-Yehudi*t (Ramat-Gan, 1979). For further bibliographical literature, see David Zohar, “‘*Ve-heveti Etkhem be-Mesoret ha-Berit’*–*Ra’ayon ha-Berit be-Mishnatam shel ha-Rav Chaim Hirschensohn, Daniel Elazar, ve-David Hartman*,” in *Ha-Mesoret ha-Datit ha-Politit le-Doroteyha*, eds. Moshe Helinger et al, (Ramat-Gan, 2009), 275–306. [↑](#footnote-ref-9)
10. Asher Ginsberg, *Kol Kitvei Ahad Ha’am* (1946), 286–287. Asher Zvi (Hirsch) Ginsberg (1856–1927), who was commonly known by his pseudonym Ahad Ha’am, was one of the central thinkers and the founder of “spiritual Zionism,” and one of the important articulators of the Jewish secular-nationalist identity. [↑](#footnote-ref-10)
11. Gordon, 1924, 122. Aharon David Gordon (1856–1922) was active in the Zionist movement. He was a *halutz* (pioneer) and an agricultural laborer, a thinker and a spiritual guide for the pioneers of the Second and Third Aliyot. He established an ethical philosophy referred to by his contemporaries and their successors as “the religion of labor.” [↑](#footnote-ref-11)
12. Municipal Notice, No. 36, Tel-Aviv Municipality Collection, System No. 700092157 [↑](#footnote-ref-12)
13. bHullin 5a. [↑](#footnote-ref-13)
14. For the etymological debate, see Roman Katzman, “‘*Nevu’ah Ketanah’: Kenut ve-Retorikah be-Ir u-Melo’ah* *le-Sh”Y Agnon*” (2013), 19. [↑](#footnote-ref-14)
15. See Aronovsky and Sapir*, The Story of Shabbat*, 73, n. 72. See too the earlier work of Ishay Rosen-Zvi, *Taking Space Seriously* (Ashgate Publishing, 2004), and Amos Israel-Vleeschouwer’s article published in Italian which disputes Rosen-Zvi. [↑](#footnote-ref-15)
16. *Midrash Hagadol*, Exod 31:17. [↑](#footnote-ref-16)
17. Isaiah 56:6. [↑](#footnote-ref-17)
18. Shlomo Goren, “*Le-Ba’ayot Dat u-Medinah*,” in *Hatziyyonut Hadatit*, *Kovetz Ma’amarim* 179, ed. Yosef Tirosh (Publisher, 1973), 175. Rabbi Shlomo Goren (1918–1994) founded the Israeli Defense Forces’ chief rabbinate and led it for over two decades before assuming the role of the State of Israel’s chief rabbi. [↑](#footnote-ref-18)
19. Shaul Yisraeli, *Ha-Rabbanut ve-ha-Medinah* (2000), 147–148. Rabbi Shaul Yisraeli (1909–1995) was one of Religious Zionism’s most import rabbinic figures. He was a judge in the Great Rabbinical Court, a member of the Chief Rabbinate Council, and a recipient of the Israel Prize in Jewish Studies. [↑](#footnote-ref-19)
20. Aronovsky and Sapir, *The Story of Shabbat,* 250–299. [↑](#footnote-ref-20)
21. For an overview of the two approaches in terms of their ethical and halakhic dimensions, see Y. Brand, “*Mitzvot ha-Re‘a le-‘umat Mitzvot ha-Makom: Etika, Mishpat, ve-Halakhah Datit: Iyyun be-Sifrut ha-Aharonim*,” *Shenaton ha-Mishpat ha-Ivri* 30 (2018–2019), 5–7. [↑](#footnote-ref-21)
22. Rabbi Moshe Zvi Neriyah (1913–1955) was a rabbi, Knesset member, and educator. He was one of the leaders of the Religious Zionist movement and he received the Israel Prize for special contributions to society and the State. [↑](#footnote-ref-22)
23. Yeshayahu Leibowitz (1903–1994) was an Israeli scientist and thinker. He served as an editor for the Hebrew Encyclopaedia and was a professor of biochemistry, organic chemistry and neurophysiology at the Hebrew University of Jerusalem. [↑](#footnote-ref-23)
24. For a summary of the dispute, see Aronovsky and Sapir, *The Shabbat Story*, 300–304. [↑](#footnote-ref-24)
25. Aronovsky and Sapir, *The Story of Shabbat*, 330–331. [↑](#footnote-ref-25)
26. Military routine requires various activities that involve desecrating Shabbat, including driving a motor vehicle, bearing arms and firing them, and more. [↑](#footnote-ref-26)
27. Rabbi Abraham Isaiah Karelitz (1878–1953), commonly known by the title of his series of books, *Hazon Ish* was one of the twentieth-century’s greatest rabbinic decisors and he shaped the course of Haredi Judaism in the Land of Israel. [↑](#footnote-ref-27)
28. Jewish law permits the violation of Shabbat in order to save the life of a person whose life is in danger. See *tShabbat* 15:17: “the law is that they should push off Shabbat to save a person’s life (even) [if the matter is in] doubt… the commandments were given Israel to live by them…” *Shulhan Arukh*, *OH* 329:1. [↑](#footnote-ref-28)
29. Rabbi Yitzhak Isaac Halevi Herzog (1888–1959) became pre-State Israel’s Ashkenazi Chief Rabbi in 1936 and continued in this position following the establishment of the State of Israel until his death in 1959. Prior to this, he was chief rabbi of the Jewish community in Ireland. He was awarded a doctorate and the Israel Prize for Torah Literature. His son, Chaim, was Israel’s sixth president, and his grandson and namesake is currently Israel’s eleventh president. [↑](#footnote-ref-29)
30. *Sifrei Deuteronomy* 204: “And you build the siege on the city….until it is subdued, even on Shabbat.” [↑](#footnote-ref-30)
31. Rabbi Dr. Nachum Eliezer Rabinovitch (1928–2020) was a Canadian-Israeli rabbi, the Religious-Zionist head of a yeshiva, a professor of mathematics and an outstanding Religious-Zionist rabbinic decisor. [↑](#footnote-ref-31)
32. Michael Avraham, “*Be-Din ‘Lo Taguru mi-Penei Ish’: Mabat Nosaf shel Hovat ha-Yahid be-Tafkid Tzibburi*” *Mahanekha: Biton ha-Rabbanut ha-Tzeva’it* C 241 (2007), 252. [↑](#footnote-ref-32)
33. The Israel Electric Corporation is the State of Israel’s major supplier of electricity and most of its employees are Jewish. Therefore, the creation and transport of electricity to the consumer in the State of Israel involve Shabbat desecration. Furthermore, there is a rabbinic prohibition forbidding Jews from benefitting from the consequences of Shabbat desecration, so this electricity would be forbidden to religiously-observant consumers on Shabbat. [↑](#footnote-ref-33)
34. For a discussion of the notion of the public as a legal entity, see R. Yaakov Ariel, *Be-Ohalah shel Torah 1*:3;R. Avraham Mordecai Ha-Cohen, *Shu”t Badei ha-Aron, “Pikuah Nefesh*,*”* 151–199; Yitzhak Brand, *“Filosofiyah be-Sherut ha-Halakhah: Iyyun be-Ba’ayat ha-Ishiyut ha-Mishpatit*,” in *Halakhah, Meta-Halakhah ve-Filosofiyah: Iyyun Rav Tehumi*,ed. Avinoam Rosenak (Publisher*,* 2011), 164–165. [↑](#footnote-ref-34)
35. The more Zionist a rabbinic decisor is, the greater the likelihood that he will impute religious value to the state and, therefore, the more likely he will presume that Jewish law must recognize and accommodate itself to this new reality. Such an accommodation might require considering the state, in and of itself, to be a new halakhic factor, separate and distinct from the traditional framework of the individual and his laws. [↑](#footnote-ref-35)
36. Yaron Zilbershtein, *Ben Adam le-Medinato: Medinat Yisrael be-Mishnato ha-Hilkhatit shel ha-Rav Shelomo Goren* (2020), 42–67. Aviad Yechiel Hollander, *Diyukono ha-Hilkhati shel ha-Rav Shemlomo Goren: Iyyunim be-Shikulei ha-Pesikah ve-Darkhei ha-Bisus be-Ma’amarav ha-Hilkhati’im,* PhD diss., (Bar-Ilan University, 2010), 346–350. [↑](#footnote-ref-36)
37. For these two perspective within the Religious Zionist camp, see Avi Sagie and Dov Shwartz, *Ha-Tziyyonut ha-Datit u-Milhemet Sheshet ha-Yamim* (Jerusalem: Carmel Press, 2017), 79–87; The authors present both positions, distinguishing them by their two different understandings of history: sacred history and realistic history. Alternatively, see Dov Schwartz and Asher Cohen, *Me-Romemut le-Haradah: Ha-Tziyyonut ha-Datit be-Asor ha-Rishon shel ha-Medinah*,” (Publisher, 5780), 98–104 (two approaches to applying Jewish law in the rubric of the State: sanctifying the new and loyalty to the old) [↑](#footnote-ref-37)
38. Chaim Bourgansky, “*Halakhah Tziyyonit be-Pesikato shel ha-Rav Herzog*,” in *Halakhah Tziyyonut: Ha-Mashma’uyot ha-Hilkhatiyot shel ha-Ribbonut ha-Yehudit*, eds. Yedidia Tz. Stern and Yair Sheleg (Israel Democracy Institute, 2017), 646–647; Moshe Hershkowitz, *Ha-Rav Herzog ke-Mishpatan: Darkei ha-Yetzira ha-Mishpatit be-Dinei Mamonot le-Or Ketivato ha-Hilkhatit Mishpatit shel ha-G”RYI* [Gaon Rabbi Yitzhak Issac] *Herzog*, PhD diss., (Bar Ilan University, 5774), 314–319. [↑](#footnote-ref-38)
39. Rabbi Abraham Isaac Hacohen Kook (1835–1935) was the first Ashkenazi Chief Rabbi in the Land of Israel, a rabbinic decisor, kabbalist, and thinker. He is considered one of Religious Zionism’s founding fathers. [↑](#footnote-ref-39)
40. Aviad Yechiel Hollander, “*Halakhah Tziyyonit-Meshihit shel ha-Rav Shelomo Goren ve-Hashpa’oteyah al Pesikotav ha-Hilkhatiyot*,” in *Halakhah Tziyyonut: Ha-Mashma’uyot ha-Hilkhatiyot shel ha-Ribbonut ha-Yehudit*, eds. Yedidia Tz. Stern and Yair Sheleg (Israel Democracy Institute, 2017), 646–647, 666–667; Yitzhak E. Ronnes, *Ide’ologiyah Tziyyonit Datit ve-Hilkhot Medinah be-Mishnato shel ha-Rav Shaul Yisraeli*, in Stern & Sheleg (eds.), *Halakhah Tziyyonit*, 739–744, 747–748; Hershkowitz, Phd Diss., p. [↑](#footnote-ref-40)