

# A New Yavneh Publication

12 Elul 5768 // 12 September 2008

## Obscure Halacha

### How Frum are You?

By Jeff Mensch

So, I was learning *Shemirat Shabbat Kehilchetah* with Yosef at Mishmar (Yay Mishmar!) when we came across a very odd halacha. Apparently, one is not allowed to sleep on Shabbat afternoon with the intention of not being tired after Shabbat is over, so one could do work. Why, may you ask, does this halacha, which seems to contradict the essence of Shabbat, hold? Because if one sleeps on Shabbat with this intention, it appears as if one is preparing for after Shabbat.

I have a couple of issues with this. First of all, wouldn't sleeping on Shabbat be a *lav sh'ain bo ma'aseh*? After all, isn't sleeping just doing and thinking nothing, sliding off into sweet oblivion? True, there are several examples of a *lav sh'ain bo ma'aseh*, but they seem to be at a lower level of *issur* (i.e. you can't get makkot for them). What is lower than a d'rabbanan, though? And in any case, doesn't the idea of preparation have an active connotation? *Tzarich iyun*.

The stronger challenge, I think, is from the Biblical sources on the purpose of Shabbat. The *Aseret Hadibrot* in *Va'etchanan* state that the purpose of Shabbat is "so your servant and maidservant shall rest like you." We also have the idea that God rested on Shabbat and was refreshed. Even if this is only a metaphor, it still would be mentioned to denote the purpose of the day. It seems that one is meant to rest up from the work during the week, so one is refreshed. But if one is so tired from work that one requires this refreshment, does this not mean that one needs the refreshment to continue one's work?

I'll close off by saying that that one is allowed to sleep on Shabbat with the intention of being awake after Shabbat, as long as the intention is not so one will be awake enough to do work.

## Want to Write?

Have a good idea for a column? Contact Greg Burnham (gburnham@) if you are interested in writing for this publication. We'll publish most anything relating to Judaism or Judaism at Princeton.

## Announcements

- Kiddush this week is sponsored by Leah Isseroff. If you are interested in sponsoring a Kiddush, please contact Mendy Fisch (mendy@princeton.edu).
- Tonight after CJL dinner winds down (around 9PM) there will be an oneg in Brown 420. All are invited!
- This Sunday is Yavneh's annual Welcome Back Brunch. It will be from 11AM to 1:30PM in the Whitman Common Room. Bagels and lox, rugelach and friends!
- The Talmud Shiurim start this coming week. The beginners shiur will meet from 8PM to 9PM this Monday and the advanced shiur will meet from 7:30PM to 8:30PM this Tuesday.
- Lunch-n-Learn starts again this week too! Just this once it will be Tuesday lunch—still free for upperclassmen and grad students, though! The talk will be about the history and philosophy of halacha, the first in a series on the subject.
- Mishmar will happen this coming week, as always! 6PM to 7PM in the CJL library, lots of pizza. Somewhere near mishmar (maybe after davening) Rabbi Wolkenfeld will also be giving a short class on halachic questions likely to come up on a college campus, so stick around for that too!

## Minyan Times

Friday Mincha	6:30 PM
Kabbalat Shabbat	After Mincha
Saturday Shacharit	8:45 AM
Saturday Mincha	6:40 PM
Saturday Maariv	8:00 PM

## A Quick Thought

By Rabbi David Wolkenfeld

*Devarim* 21/22-23 says (according to the JPS translation),

If a man is guilty of a capital offense and is put to death, and you impale him on a stake, you must not let his corpse remain on the stake overnight, but must bury him on the same day. For an impaled body is an affront to God: you shall not defile the land that the Lord your God is giving you to possess.

Although the verses speak of a condemned criminal, *Hazal* derived the mitzvah to bury the dead and the prohibition against leaving dead bodies unburied from these very verses. Because the Torah locates these mitzvot in the context of a condemned criminal - the sensitivity with which we must treat other dead bodies is emphasized.

Rashi (France 11th century) translates the words, “*ki kil’lat elokim talu’i*,” which was translated above as, “an impaled body is an affront to God,” as “the disgrace of God is hanging.” Rashi explains that human beings, created in the image of God evoke God - not only through our intellectual or moral attributes, but through our physical bodies as well. Rashi offers a shocking analogy: A king has a twin brother who is put to death for being a highwayman. Passersby who see the dead highwayman will say, “the king is hanging.” Anyone who sees a condemned criminal hanging in public will see God Himself, as it were, hanging in disgrace.

Abarbanel (Spain 15th century) summarizes two major trends among his rabbinic predecessors before offering his own preferred approach. The public hanging of the blasphemer and the idolator are part of their prescribed punishments. Indeed, Abarbanel claims that this is the most fearsome part of their punishment. But, the Torah only calls for a temporary hanging, and not an overnight hanging. Only this short-term hanging is part of the Torah’s punishment, anything more is only the cruelty of the judicial officials. Abarbanel is translating the verse, “it is God’s curse [of the condemned] that he hang [but only if it is brief].” For Abarbanel, the Torah is warning the judicial official wreaking vengeance upon the criminal to remember that he is meant to be an instrument of Divine justice, and not allow his own violent urges to influence his conduct.

Rashbam (France 12th century) also turns his attention towards the judiciary. For Rashbam, the word, “*elohim*” refers not to God, but to the judges - a common meaning of that word in Biblical Hebrew. Rashbam explains that the display of executed criminals causes passersby to curse the judges who are responsible for his execution. Rashbam reminds us that executed criminals have families who mourn their deaths, and further notes that in a society where criminals are executed for minor crimes, all executed criminals can arouse sympathy in the eyes of passersby. For Rashbam the verse is to be translated, “the sight of the hanging criminal will cause the cursing of judges.”

However we read these verses, the place of human dignity within a system of criminal justice, the risk of a judicial official corrupting his mission of justice with a personal vendetta or personal feelings of rage, and the dynamic of a society in which punishments are severe - and the relationship that creates between a people and its judges - are all issues that modern states continue to grapple with. In the centuries since Rashi, Rashbam and Abarbanel struggled to understand these words, the ideas they found in these verses continue to be highly relevant to contemporary efforts to achieve justice and social stability.