{495} The Fifth Discourse of “The Book of Lights and Watchtowers,” an Explanation of the Torah’s Legal Commandments Authored by Jacob son of Isaac al-Qirqisani.

“*Blessed art Thou, O LORD; teach me Thy statutes.*” (Psalms 119:12 )

**The fifth discourse regarding circumcision and the Sabbath, which is 40 chapters, of which 11 chapters concern circumcision and 29 chapters concern the Sabbath**.

The first chapter regarding the obligation of circumcision on the eighth day.

The second chapter regarding the obligations of one who is not circumcised.

The third chapter concerning whether it is obligatory to circumcise a child who died before the eight day.

The fourth chapter concerning the timing of circumcising adults, converts, and purchased slaves.

The fifth chapter concerning one who enters the religion circumcised and similarly one who is born circumcised, are they obligated in a second circumcision and similarly regarding a slave.

The sixth chapter regarding Anan’s argument that circumcision must be performed with scissors and the response to this.

The seventh chapter regarding whether circumcision may be performed by a gentile or not?

The eighth chapter regarding circumcision of a sick person.

The ninth chapter regarding whether a woman may circumcise or not?

The tenth chapter regarding Anan’s view that only an Israelite may create the tools for circumcision.

The eleventh chapter regarding the desert generation and their deviation from circumcision.

The twelfth chapter regarding the verse (Exodus 20:7) “Remember the Sabbath day” and the discussion regarding the preparation.

The thirteenth chapter regarding the verse (Exodus 20:7) “...to keep it holy.”

The fourteenth chapter regarding the prohibition on sex on the Sabbath.

The fifteenth chapter regarding the verse (Exodus 20:9) “...thou shalt not do any manner of work (*melakha*)...” and the interpretation of what is “work” (melakha) and how many things are prohibited upon us during the Sabbath.

The sixteenth chapter regarding permissible actions on the Sabbath amongst the five general prohibitions. {496}

The seventeenth chapter regarding “skilled labor” (*melakhot*).

The eighteenth chapter regarding exiting from homes.

The nineteenth chapter regarding the intention of the verse (Jeremiah 17:22) “your houses:” does this verse refer to the totality of homes or merely each house separately.

The twentieth chapter regarding is there a limit for which it is forbidden to remove something?

The twenty-first chapter regarding what is included under the category of “carrying.”

The twenty-second chapter regarding exiting from “the place.”

The twenty-third chapter regarding the prohibition of fire existing in our homes during the Sabbath.

The twenty-fourth chapter regarding circumcision on the Sabbath--- is it permitted or obligatory or not? And included in this additionally is the work of Passover with other kinds of obligations.

The twenty-fifth chapter regarding “Is it permitted to desecrate the Sabbath to save lives or not?”

The twenty-sixth chapter regarding traveling by sea on the Sabbath.

The twenty-seventh chapter regarding the permissibility of a river in the Home, and its flowing from outside to inside the house, and similarly a well.

The twenty-eighth chapter regarding commanding gentiles before the Sabbath to complete work for us on the Sabbath, including in this sending money or commodities or books in their hands to circulate on the Sabbath, and similarly delivering tools to skilled workers such as garments to a tailor for weaving, or a ring to a jeweler for forging, or shoes to a shoemaker or a dress to a tailor, and everything that is similar to this, and similarly participating and partnering with them, and dispatching money in their hands to sell and purchase on the Sabbath, and including in this also renting homes and shops to them and similarly contracting bathhouses, and hand mills, and gardens and what is similar to them.

The twenty-ninth chapter regarding profiting by teaching on the Sabbath, or reading the Torah, or leading prayer, or sermonizing before them; and similarly vows on the Sabbath, and safeguarding the poor and others such as charity and what is similar.

The thirtieth chapter regarding work done on the Sabbath for after the Sabbath.

The thirty-first chapter regarding using tools on the Sabbath day.

The thirty-second chapter regarding wearing a ring on the Sabbath and other ornaments.

The thirty-third chapter regarding drinking medicine on {497} the Sabbath day.

The thirty-fourth chapter regarding washing on the Sabbath to cool down.

The thirty-fifth chapter regarding reading scripts other than Hebrew on the Sabbath.

The thirty-sixth chapter regarding “is it permissible for food to remain hot on the Sabbath or not?”

The thirty-seventh chapter regarding extinguishing fire on the Sabbath.

The thirty-eighth chapter regarding the discussion of one who rejects the idea of “withholding.”

The thirty-ninth chapter regarding the question of “general and specific.”

The fortieth chapter regarding [the 39 categories of work] that the Rabbanites argue are the sources of [forbidden works].

**The first chapter regarding the obligation of circumcision on the eighth day.**

1. God commanded this commandment to Abraham and repeated it to Moses, peace and mercy upon them. In the story of Abraham, are mentioned details not included in the story of Moses, because he condensed the first report regarding circumcision. For the first reference of circumcision to Abraham says (Genesis 17:9) “And God said unto Abraham: 'And as for thee, thou shalt keep My covenant, thou, and thy seed after thee throughout their generations.” and afterwards (Genesis 17:10) “This is My covenant, which ye shall keep, between Me and you and thy seed after thee: every male among you shall be circumcised.” Then he repeats this with the verse (Genesis 17:11) “And ye shall be circumcised in the flesh of your foreskin; and it shall be a token of a covenant between Me and you.” It is possible that his first verse “​​​​every male among you shall be circumcised” is an obligation for someone with a male child to circumcise him, while the verse “And ye shall be circumcised in the flesh of your foreskin” is an obligation for any uncircumcised person himself to circumcise. Subsequently the Torah says (Genesis 17:12) “And he that is eight days old shall be circumcised among you, every male throughout your generations, he that is born in the house, or bought with money of any foreigner, that is not of thy seed” and this obligates circumcision to occur specifically on the eighth day. Then it says (Genesis 17:13) “He that is born in thy house, and he that is bought with thy money, must be circumcised; and My covenant shall be in your flesh for an everlasting covenant” and this obligates us to circumcise our slaves, either born or purchased, even while they themselves are not obligated by the law. The Torah further teaches that circumcision is a covenant between us and God and a circumcision of the flesh as it says (Genesis 17:11) “And ye shall be circumcised in the flesh of your foreskin; and it shall be a token of a covenant between Me and you.” and (Genesis 17:13) “He that is born in thy house, and he that is bought with thy money, must be circumcised; and My covenant shall be in your flesh for an everlasting covenant.” We learn from these two verse that the reason for the obligation of circumcision is to create this covenant in our flesh between us and the Creator, may he be blessed. {498}

**The second chapter regarding the obligations of one who is not circumcised.**

1. After He obligated circumcision in many clear and consecutive versus, he emphasized that one who is uncircumcised is obligated in death as it says (Genesis 17:14) “And the uncircumcised male who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people; he hath broken My covenant.'” Then He repeats with teachings that the reason for this is the covenant, and if one transgresses the covenant he is obligated in death. And this is derived from the verse (Genesis 17:14) “that soul shall be cut off from his people; he hath broken My covenant.” We already mentioned above that reason prevents us from concluding that a child who is uncircumcised past their eight day is obligated to be killed, or that he is obligated to circumcise himself, for such would be an impossible command for a child to fulfill and its unfulfillment is guaranteed. Thus, the verse (Genesis 17:14) “And the uncircumcised male who is not circumcised in the flesh of his foreskin” only applies to adults who are uncircumcised and who are self-conscious and aware of the commandment and still do not fulfill it, he is obligated with death. Indeed both reason and analogy both obligate death upon whomever is responsible for a child, whether his father or another person, to be circumcised on the eighth day and neglects this responsibility.

2. And if one were to argue that one is obligated to be killed only if he does not circumcise the child at all, and not merely for only missing the eight day, behold such an argument is not acceptable. For if such a view was correct, the individual responsible for the child would never be killed, for he could say on the eighth day I will circumcise him on the ninth day to save himself from death. And then on the ninth day, and each subsequent day, he can keep promising to circumcise the child the next day to save himself, and continue delaying until the day of his natural death. Clearly this is not what the verse intends, and the obligation of death certainly begins once the eighth day has concluded unless he has failed due to extenuating circumstances.

**The third chapter concerning whether it is obligatory to circumcise a child who died before the eight day.**

1. The Rabbanites obligate circumcision upon one who died, and none of our companions, neither from the Ananites nor amongst any of the sects of the Qaraites, agrees with this. One of the Rabbanites who engages in speculation argues that this obligation is derived from the Torah’s description of circumcision in a general manner that does not {499} delimit circumcision to those alive and none else. If so, we cannot exclude the dead from the commandment of circumcision if the Torah did not do so. In response to this, we can point out first that the Torah also commands that circumcision be performed on the eight day without distinction. Thus, according to them, if a child dies on the first or second day, they should wait until the eighth day to circumcise him according to this commandment. However, if “eighth-day circumcision” does not apply to the dead, it follows that circumcision in all of its aspects does not apply to the dead. If they suggest that such a circumcision occur prior to the eighth day, such as the decomposition and rotting of the body, these considerations cannot cancel the general obligation for eighth-day circumcision that has no exceptions. For there are ways to preserve [the child’s corpse] until the eighth day or even beyond as is practiced in some communities for years, like was done with our Master, Joseph.

2. Furthermore, one must respond to them that the Creator, blessed and exalted, said to us (Exodus 34:20) “And the firstling of an ass thou shalt redeem with a lamb; and if thou wilt not redeem it, then thou shalt break its neck...” and also said (Exodus 34:20) “...​​ All the first-born of thy sons thou shalt redeem. And none shall appear before Me empty.” None of these versus specifies if the animal is alive or dead, but is stated generally. Therefore, they must say that if the donkey dies before his redemption, he must still be redeemed as they claim regarding humans that a dead child must be circumcised. If however, they argue that a dead animal cannot be redeemed, say dead humans cannot be circumcised! For there is no difference between these cases, and in a similar manner respond to them with the verse (Leviticus 22:27) “When a bullock, or a sheep, or a goat, is brought forth, then it shall be seven days under the dam; but from the eighth day and thenceforth it may be accepted for an offering made by fire unto the LORD.” If the animal dies after two or three days after its birth, it must be kept until the seventh day next to its mother until the end of the eighth day because the Torah does not specify that the animal is alive on the seventh day. And if they want to distinguish between the two verses since it says (Exodus 22:29) “ Likewise shalt thou do with thine oxen, and with thy sheep; seven days it shall be with its dam; on the eighth day thou shalt give it Me” and thus the animal must remain with his mother seven days until he is fit to God on the eighth day,[[1]](#footnote-1) say this is a second commandment that does not undermine the first commandment which obligates the animal to be redeemed generally on the seventh day as they argued regarding circumcision’s generality. In any event, a similar defense can be made undermining their view on circumcision. For after the He says (Genesis 17:11) “And ye shall be circumcised in the flesh of your foreskin...” it says (Genesis 17:11) “... and it shall be a token of a covenant between Me and you.” Thus, circumcision is obligatory for those for whom it will mark a sign of the covenant on the flesh; however, a dead person’s flesh cannot be a sign and there is no difference.[[2]](#footnote-2)

3. Similarly, one must respond to them with the verse (Leviticus 13:2) “When a man shall have in the skin of his flesh a rising, or a scab, or a bright spot, and it become in the skin of his flesh the plague of leprosy, then he shall be brought unto Aaron the priest, or unto one of his sons the priests” and also with (Leviticus. 13:9) “When the plague of leprosy is in a man, then he shall be brought unto the priest” and other similar verses. In all of these cases if they die, one must bring them to the priest! And in every case they attempt to distinguish, similar to their argument with respect to circumcising the dead and what is mentioned regarding the “covenant in the flesh,” they are obligated. Thus the *zav* and menstruant woman and parturient, if they die prior to being washed, must still be washed and a sacrifice brought on their behalf for what they are obligated. And like this there are countless other examples that argue against them such as pouring the “water of *niddah*” on a corpse-impure if they die before the completion of seven days and shaving the head of the *metzora* and taking two live birds. If they reply that one who must {500} be circumcised is a child, who is not responsible, and another adult must fulfill the commandments for him, ask them regarding an adult who is uncircumcised! Furthermore, ask them if a child who touches a corpse and then dies and therefore he who is responsible for the child must pour the “water of *niddah*” on him! If they say that the “water of *niddah*” is used only to purify an individual, and how can a dead child be purified whose impurity is above all other impurities, say to them that circumcision is intended to be a covenant in the flesh and the dead have no covenant in their flesh! Moreover, say to them do you not argue that if a *zav* is struck by a seminal emission[[3]](#footnote-3) he must wash in water in order to fulfill the commandment even though he will not be purified?[[4]](#footnote-4) In the same manner, they must pour the “water of *niddah*” on the dead even though he will not be purified, and there is no difference!

4. Furthermore, say to them additionally: if circumcising the dead is obligatory because God does not distinguish between the alive and not others, they must say therefore that one who is obligated to be burned or stoned and then dies before their punishment must still be burned or stoned while dead. If they say that burning and stoning are only punishments applicable to those who are alive, since what punishment can be imposed on the dead, challenge them with the example of the covenant of circumcision. ُThis is a strain on their neck, as we presented in the seventh chapter of the fourth discourse that every commandment has a purpose and reason, and if the reason is canceled the conclusion is canceled as well. And if it is correct that the purpose of circumcision and its reason are the covenant, once the covenant is canceled the circumcision is canceled as well. And like this example we prove against them with (Deuteronomy 25:12) “then thou shalt cut off her hand, thine eye shall have no pity” and (Exodus 21:6) “then his master shall bring him unto God, and shall bring him to the door, or unto the door-post; and his master shall bore his ear through with an awl; and he shall serve him for ever” and shaving the head of the *nazir* and all that is similar to that.

**The fourth chapter concerning the timing of circumcising adults, converts, and purchased slaves.**

1. Regarding Anan, he obligated that these individuals be circumcised on the eleventh day of the month and proved this with the story of the children of Israel and their entry to the land, and they crossed the Jordan river on the tenth day of *Nisan* according to (Joshua 4:19) “And the people came up out of the Jordan on the tenth day of the first month, and encamped in Gilgal, on the east border of Jericho” and then it says (Joshua 5:2) “At that time the LORD said unto Joshua: 'Make thee knives of flint, and circumcise again the children of Israel the second time'” and he took the tools on the same day and circumcised them the next day the eleventh and they remained in pain three days as it says (Genesis. 34:25) “And it came to pass on the third day, when they were in pain, that two of the sons of Jacob, Simeon and Levi, Dinah's brethren, took each man his sword, and came upon the city unawares, and slew all the males” and regarding them (Joshua 5:8) “And it came to pass, when all the nation were circumcised, every one of them, that they abode in their places in the camp, till they were whole” and they healed and recovered on the fourteenth day at the end of which they offered the Passover offering.

2. And this is not proof that they circumcised then because it was obligatory to be held on that day and not another day, but rather it occurred on that day in the same way it occured in that month and not another month. If they challenge you regarding the month, say to them {501} “behold if circumcising adults and converts is permitted only on the eleventh of the month since the children of Israel did thusly, say circumcision is only permitted in *Nisan* since such is what the children of Israel did!” And they say in response that circumcision is obligatory on a specific day and not obligatory in a specific month, and we say to them that circumcision is obligatory on the eighth day of something, which is after the birth and not the the eighth day of the month or the eleventh. For them, according to what they argue that circumcision is obligatory on the eleventh day of a month, if that is obligatory according to tradition[[5]](#footnote-5) the month is also obligatory according to tradition!

3. What is required according to us is that an adult circumcise himself at the first available opportunity he is self-aware and understands the commandment and the opportunity is in his control. And our proof for this is the same as their argument used as a proof for them, which is that God, blessed and exalted, obligated the children of Israel in circumcision and commanded the prophet to perform it at the first available time and opportunity and did not delay it at all. And similarly one who enters the religion this is obligatory at the time of his entry and the time it is available for him. Regarding a slave however, it is obligatory upon the purchaser to circumcise him on the eighth day after the purchase and the proof for this is the verse (Gen. 17:13) “He that is born in thy house, and he that is bought with thy money, must needs be circumcised; and My covenant shall be in your flesh for an everlasting covenant” for birth is compared to purchase and like circumcision is obligated on the eighth day after birth, so too after his purchase circumcision is obligated on the eighth day. And if someone asks regarding Israel’s lack of circumcision in the desert, we will discuss this subsequently.

**The fifth chapter concerning one who enters the religion circumcised and similarly one who is born circumcised, are they obligated in a second circumcision and similarly regarding a slave.**

1. The Rabbanites obligate circumcision for them, and argue it is for the sake of drawing the “blood of the covenant.” Anan agreed with them on this point, and proved it as above with the case of the children of Israel, that they were circumcised a second time upon their entry into the land. Thus, God, blessed and exalted, said to the Prophet, may he be blessed, (Joshua 5:2) ”At that time the LORD said unto Joshua: 'Make thee knives of flint, and circumcise again (*veshuv*) the children of Israel the second time (*shenit*).'” He said that the statement “again” (*veshuv*) proves a return to something already done, and the word “the second time” (*shenit*) emphasizes this for there cannot be something second without something occurring first. He says that we learn from this that the children of Israel were already circumcised on the eighth-day, according to what was commanded from Abraham and Moses together, and additionally that it was impossible that they would not fulfill for forty years such an important commandment whose punishment is *karet*, while Moses and Aaron {502}, peace be upon them, were with them and they were not punished. And it was the case that when they transgressed they were punished. Thus, we learn from what is reported in Joshua that they were commanded a second circumcision for a specific purpose which is that their first circumcision was not complete, but rather only partial, necessitating a return to it.

2. And he and the Rabbanites agreed that the nation were “circumcised but not uncovered”[[6]](#footnote-6) meaning that their foreskin was cut such that the skin underneath the foreskin was not uncovered. And if one was circumcised but not uncovered, he has foreskin and is not circumcised and according to all of them this is the meaning of the verse (Joshua 5:7) “And He raised up their children in their stead; them did Joshua circumcise; for they were uncircumcised, because they had not been circumcised by the way.” And Anan adds to this verse other verses that obligate a second circumcision and these refer to one who was not circumcised by a Jew and one who was not circumcised by means of scissors, and one who was not circumcised according to all the conditions that are obligatory such as the scissors additionally being made by a Jew and using nut oil and two pieces of cotton and other conditions of his. And he treats one who has not fulfilled all these conditions as uncircumcised and obligates him in a second circumcision.

3. And we say that we are resolute that the matter is like he says, and we say that “circumcised but not uncovered” means that returning to the circumcision is required for the purpose that some of their foreskin still remains, and if some of what is obligated to be removed remains, the commandment is not fulfilled and must be repeated. But regarding the rest of what he mentions and adds to this, from where can we learn that you remove and cut when no foreskin exists and this is nothing but a false argument.[[7]](#footnote-7)

4. The Ananites were already asked, and we said to them “did God not obligate us to remove the tithes and first-born animals from the produce and fruit and flock and similarly other donations?” And if they reply positively, say to them “and what do you say regarding one who has no piece of land, nor sheep nor cattle, nor vegetation or fruit, is he obligated to remove the tithe or other donations or the first-born animal or what is similar to this?” And from their words, these things are impossible since if one doesn’t have them to begin with from what can he tithe and what is similar! Say to them “and similarly your argument regarding second circumcision is impossible, since circumcision is the removal of the foreskin and when no foreskin exists the obligation to circumcise is nullified!”

5. ُAnd this obligates them to argue that eunuchs who [removed their penis] without circumcision to be circumcised. And if you say “this too is impossible since circumcision is the removal of existing foreskin at the head of the male’s penis, and if the penis at its tip does not exist, behold what can be circumcised and cut?” They must concede, similarly with the foreskin, the impossibility of circumcising one with no foreskin is like the impossibility of circumcising one with no penis and there is no difference.

6. Furthermore, they must agree with what we obligated the Rabbanites’ regarding their view on circumcising the dead, and this is like the verse regarding the slave (Exodus 21:6) “then his master shall bring him unto God, and shall bring him to the door, or unto the door-post; and his master shall bore his ear through with an awl; and he shall serve him for ever.” For if the slave’s ears were cut off is he obligated to do this? If they say “Scripture says his ears must be pierced and {503} if he has no ears what can be pierced?” Say to them “Scripture says to circumcise the flesh of his foreskin, and if he has no foreskin what can be circumcised?”

7. Furthermore, say to them: “if he has no foreskin, you are leaving a scar with a sharp tool in the place in order to draw blood. Thus do the same with a eunuch and the slave’s ear, and similarly the leper and *nazir* who are bald and has no hair at all, you must pass a razor over his head to fulfill the commandment (Leviticus 14:9) ‘And it shall be on the seventh day, that he shall shave all his hair off his head and his beard and his eyebrows, even all his hair he shall shave off; and he shall wash his clothes, and he shall bathe his flesh in water, and he shall be clean!’” If this is not necessary since he has no hair, similarly what they practice with the blade on one who is circumcised is not obligatory if there is no foreskin to be cut off, and there is no difference.

8. Regarding their justification of “covenantal blood” behold the Torah does not mention in circumcision “covenantal blood” but rather teaches circumcision is itself the covenant; and when foreskin exists it must be cut off and this is the covenant, and when there is no foreskin this does not determine.[[8]](#footnote-8) If “blood of the covenant” was also mentioned[[9]](#footnote-9) it would be obligatory if the foreskin was present but if the foreskin was not present it would not be required to draw “blood of the covenant.”

9. And regarding what they justify with the verse (Joshua 5:2) “At that time the LORD said unto Joshua: 'Make thee knives of flint, and circumcise again (*veshuv*) the children of Israel the second time '” for this returns to an action occurring[[10]](#footnote-10) and does not necessarily imply something done to a specific person and then repeated on him again. And this is parallel to the Torah’s verses regarding Isaiah (2 Kings 23:25) “And like unto him was there no king before him, that turned (*shav*) to the LORD with all his heart, and with all his soul, and with all his might, according to all the law of Moses; neither after him arose there any like him.” He did not sin after he received authority and returned to obey, but rather it means how people habitually speak like one person saying to his friend “return to God, blessed and exalted, meaning fear him.” And the Torah may use this word at the beginning of events as in the verse (Joshua 10:38) “And Joshua turned back (*vayashav*), and all Israel with him, to Debir; and fought against it” and he was not there prior and then returned. And similarly (Joshua 11:10) “​​And Joshua turned back at that time (*vayashav*), and took Hazor, and smote the king thereof with the sword: for Hazor beforetime was the head of all those kingdoms”--- he did not “take Hazor” twice, but rather the words “turned back” means that Joshua was ordered to attack a second time given Moses’ command, peace upon him. Thus the verse’s “twice” (*shenit*) returns to the verse (Joshua 5:2) “At that time the LORD said unto Joshua: 'Make thee knives of flint, and circumcise again the children of Israel the second time,” not to his statement “circumcise.”[[11]](#footnote-11) And Binyamin argues this is “second” to the Exodus,[[12]](#footnote-12) since they were not circumcised from the Exodus until their entry to the land according to the verse (Joshua 5:5) “For all the people that came out were circumcised; but all the people that were born in the wilderness by the way as they came forth out of Egypt, had not been circumcised.”

10. And thus the Ananites determined themselves, collectively with their teacher Anan, as uncircumcised since he was circumcised according to the Rabbanite custom. And there was none before him since the exile who was circumcised with scissors, and none according to his view has made scissors for circumcision, and they are in this state until today. They are embarrassed by this and do not know what to say. And they are forced to say like this additionally that Abraham was circumcised by one who was uncircumcised, and an uncircumcised person made the tool of his circumcision. They justify by saying there that Shem was present and he was circumcised and this was inherited {504} since the time of Adam. If you say to them, “who circumcised Adam? And if he was born circumcised and that was sufficient, the rest of your comments are void.” And if one asks the reasons why the desert generation deviated from circumcision, behold this is not germane to the debate regarding the commandant but is one of the ambiguous teachings in the Torah, however we will discuss it subsequently.

**The sixth chapter regarding Anan’s argument that circumcision must be performed with scissors and the response to this.**

1. He argues that God’s words to Joshua (Joshua 5:2) “At that time the LORD said unto Joshua: '**Make thee knives of flint**, and circumcise again the children of Israel the second time'” refers to scissors, and this is because “knives” (*harvot*) proves the plural, meaning there was more than one, since the singular is “knife” (*harv*). And his word “flint” (*tsurim*) means bound, meaning they are united, connected with a knot and tightness and these are scissors and not another tool, since they are made and created from two sharp pieces and strengthened with a hammer.

2. Say to him regarding this that God did not command Joshua to circumcise one or two or three people and thus say “make for yourself a knife,” and the command was not for one person to make one tool. Rather, he was commanded to circumcise a mass number of people, and a group of people to circumcise them, and thus it was needed to create many tools and knives and this is the meaning of the verse’s “knives.” And regarding their argument regarding “flint” (*tsurim*), that this means bound, this is an example of something we do not find any trace at all in the language, meaning that “flint” means “bound.” “Bound” (*tsrurot*) is found in the Torah as “bound” such as the verse (Exodus 12:34) “And the people took their dough before it was leavened, their kneading-troughs being bound up (*tsrurot*) in their clothes upon their shoulders.” However the verse’s “flint” (*tsurim*) is simply the plural of “flint” (*tsur*) and this has three meanings: one of them is the Creator, blessed and exalted, (Deuteronomy 32:18) “Of the Rock (*tsur*) that begot thee thou wast unmindful, and didst forget God that bore thee.” The second is flint which is a hard place in the earth as in (Exodus 17:6) “Behold, I will stand before thee there upon the rock (*tsur*) in Horeb; and thou shalt smite the rock, and there shall come water out of it, that the people may drink.' And Moses did so in the sight of the elders of Israel.” And the third is something sharp (Psalms 89:44) “Yea, Thou turnest back the edge (*tsur*) of his sword, and hast not made him to stand in the battle.” Some say “sharpen his sword” and some say “pierce the sword” [from the language of completion].[[13]](#footnote-13) And the verse “knives of flint” means sharp, pierced swords” since thus the tool of circumcision must be very sharp in order that it is done quickly and does not pain the one circumcised. {505}

**The seventh chapter regarding whether circumcision may be performed by a gentile or not?**

1. Nobody disagrees that only Jews are permitted to circumcise, since this is one of the most esteemed commandments. And if one questions regarding a male who has a child and he is in a place where no Jewish circumciser exists, and he does not know how to circumcise, what must he do? Is it better that a gentile circumcise him, not a member of the religion, or to leave the child uncircumcised until an Israelite can be found to circumcise him? We say that such a person is already transgressing by living in such a location and predicament. However, we say that this is one of the obligations that includes two prohibitions that cannot be performed together, and one cannot cancel the other. We already explained in the thirty-seventh subchapter of the fourth discourse that when this happens, the stricter of the two overrides the other, and there is no doubt that leaving the child uncircumcised is worse than circumcision by a gentile. Since uncircumcision is punishable by death as we noted earlier, and if such is the case circumcision by a gentile is esteemed and preferable and better than leaving him with foreskin.

2. And if he asks “you say that such a circumcision is favorable or not favorable?”[[14]](#footnote-14) We say that such a question lacks foundation, for it is like a case of on the verge of starvation being permitted to eat a forbidden animal (*neveilah*) in order to remain alive. For the prohibition of murder is stricter than the prohibition against eating forbidden animals. And if someone asks “are you thus saying that eating a forbidden animal is a favorable action?” Such a question is void, since the eating of something forbidden cannot be described as a favorable action. And if one makes such a claim and argues that the necessity and obligation of keeping the soul alive thus transforms the action to be favorable, we also do not reject the notion that such a circumcision is favorable since the necessity and lack of one amongst Israel to circumcise him makes the action favorable.

3. And if one of the Ananites asks and says “is it not the case that an animal slaughtered by a gentile, such a slaughtering is not favorable and it is not permissible to eat it? So too, one who is circumcised by a gentile, his circumcision is not favorable and it is not possible to call this circumcision a ‘covenant’ (*brit*) and an Israelite must do it again in order to be a ‘covenant?’” We say “Your analogy is not a proper analogy and the proof for this is that if circumcision and slaughter were comparable, permit or obligate a second slaughter if a gentile slaughtered first, as we repeat circumcision completed by a gentile.” If they say “how is it possible to slaughter, when we are talking about cutting the veins of the animal’s neck, and taking its blood, and spilling its blood. If the veins are already cut and the animal is already dead and the blood is spilt, what is left to be returned to?” We say “and likewise how is it possible to repeat the circumcision when circumcision is cutting the existing foreskin, for if the foreskin is already cut and removed, what is there left to cut such that circumcision can be repeated? And there is no difference.” {506}

**The eighth chapter regarding circumcision of a sick person.**

1. The Rabbanites do not permit circumcising a child if he is ill and allow him to wait until he is healed. And a group of our companions disagree with them on this point, and require his circumcision in every case. ّI believe that if the child is sick, and there is concern that circumcision will harm him, it is not permitted to circumcise him until he is healed. And this is also derived from our position that the more stringent requirement of the commandments supersedes weaker considerations, and destroying a soul is more stringent than circumcision. And if such is the case, delaying the circumcision is preferable to harming the child in the same way that feeding him milk during *Yom Kippur* is preferable than withholding it from him and abandoning him such that he is harmed.

**The ninth chapter regarding whether a woman may circumcise or not?**

1. The Rabbanites do not permit this, while some of our companions permit it. And Binyamin proves the permissibility of this from the verse (Exodus 4:25) “Then Zipporah took a flint, and cut off the foreskin of her son, and cast it at his feet; and she said: 'Surely a bridegroom of blood art thou to me.'” And this verse, in my view, is not proof since there was nobody other than her to do it. However, if it is the case that circumcision is a commandment in which it is not forbidden if done by a woman since the Torah does not forbid this and does not specify circumcision by a man and not a woman, but rather this issue is dependent on consensus, the ruling is doubtful.[[15]](#footnote-15)

**The tenth chapter regarding Anan’s view that only an Israelite may create the tools for circumcision.**

1. This is another distinct view of his that no one agrees with, and there is no proof for it, and is premised on the parallel verse in which God, blessed and almighty, says to Joshua (Joshua 5:2) “At that time the LORD said unto Joshua: '**Make thee** (*‘aseh*) knives of flint, and circumcise again the children of Israel the second time.'” Thus, “make thee” obligates a Jew make it[[16]](#footnote-16) and forbids a gentile from doing it. As we argued previously in the thirty-fourth chapter of the fourth *discourse*, this is an example of his arguments of words and expressions that have no basis in the language, considering that the Creator, praised and exalted, already said to Noah (Genesis 6:14) “**Make thee** an ark of gopher wood; with rooms shalt thou make the ark, and shalt pitch it within and without with pitch” and we know certainly that he did not {507} forbid gentiles from working on the ark with him. Rather, it was permitted for his family to work with him, without Jews working with him, and the necessity[[17]](#footnote-17) requires this, since there were no believers at the time of Noah except his sons and it is impossible that he and his sons built the ark. However, it was built by heretics, and thus scripture’s verse (Joshua 5:2) “Make thee knives of flint…” does not obligate that only a believer can make it.

2. We already said enough regarding the obligation of circumcision and our views on it, and all that remains is what we promised to mention regarding the desert generation’s deviation.

**The eleventh chapter.**

1. The explanation for this and the purpose of its being reported are very difficult. And we already said what the Rabbanites and Anan say, that they were circumcised but the skin was not removed underneath the foreskin and thus their circumcision was not complete. And if their circumcision was not complete, it was as if they were uncircumcised. Anan does not say why they did not completely remove the foreskin and why they withheld this. However, the Rabbanites, if they are asked regarding the purpose of this say it is because they were on a journey and their travel was dependent on the rising of the clouds, and they did not know when they would travel. Thus, they were not sure if suddenly the clouds would rise when they removed the foreskin before the baby healed, and if they traveled in this condition it could cause the baby damage.

2. And this is the answer of one of our companions who says that they were not circumcised at all, and he supports this with the same reason. In this way, his view is more justifiable than the Rabbanites, and this is because if the Rabbanites say this reason prevented them from removing the foreskin, why was any part of circumcision not prevented? Why would they want to perform part of circumcision, which has some danger to the children, for behold they are exposing the child to risk without fulfilling the commandment? And they have no answer prepared for this, beyond saying that removing the foreskin completely is more difficult.[[18]](#footnote-18)

3. And one of the “people of speculation”[[19]](#footnote-19) says that the children of Israel who were born in the desert are of two kinds. Amongst them are those born while they were camped, and those who were born while they were traveling. For those who were born during their encampment were circumcised, for there is no other acceptable possibility other than this. And those who were not circumcised, they were born during the travels and this is proved from the verse (Joshua 5:5) “For all the people that came out were circumcised; but all the people that were born in the wilderness **by the way** as they came forth out of Egypt, had not been circumcised.” He says, behold the verse’s “by the way” teaches that they were born on the journey, meaning while they were walking along the way. This is what is said regarding this, and only Allah knows best. And we already prefaced our discussion by noting that this is one of the difficult and obscure passages in the Torah. {508}

**The discussion regarding the Sabbath:**

**The twelfth chapter regarding the verse (Exodus 20:7) “Remember the Sabbath day” and the discussion regarding “preparation” (*hachanah*).**

1. Benjamin argues that His word “remember” (*zakhor*) is intended as a reminder for something earlier, meaning what was already commanded prior and this is the verse (Exodus 16:5) “And it shall come to pass on the sixth day **that they shall prepare that which they bring in**, and it shall be twice as much as they gather daily.'” This means that what you eat and drink on the Sabbath must be prepared and ready from Friday such as the baking and cooking and roasting according to the verse (Exodus 16:23) “ And he said unto them: 'This is that which the LORD hath spoken: Tomorrow is a solemn rest, a holy sabbath unto the LORD. **Bake that which ye will bake**, and seethe that which ye will seethe; and all that remaineth over lay up for you to be kept until the morning.'” For it says bake and cook on Friday everything you like! Thus he says it is forbidden to cook anything or roast from sunset on Friday until sunset on Saturday. And his words in this subject obligate the preparation of everything eaten on Shabbat that requires treatment, like cooking and roasting according to what we explained from his view. And Anan already preceded with the obligation of “preparation” before the Sabbath everything eaten and drunk except water, for according to him[[20]](#footnote-20) it is permitted to be drawn from any location on the Sabbath and his companions drink water on the Sabbath from any location including the river, rainwater and what is similar. And they wash with the water also, since according to them “preparation” applies to what is eaten and not water.

2. Let us to return to the verse’s “remember,” for some ask and say “what is the meaning of this ‘remember’ (*zakhor*) and in another place (Deuteronomy 5:12)[[21]](#footnote-21) ‘observe?’ (*shamor*)” And I already answered that the verse “remember” means to remember the Sabbath before its appearance to be concerned with it and safeguard that there be no negligence or carelessness, and His verse “observe” means to protect the Sabbath once it has begun. And some others argue that “remember” and “observe” have an equivalent meaning and this is like the verse (Psalms 98:3) “He hath remembered (*zakhar*) His mercy and His faithfulness toward the house of Israel; all the ends of the earth have seen the salvation of our God” and he says (Psalms 89:29) “For ever will I keep (*eshmor*) for him My mercy, and My covenant shall stand fast with him” and similarly (Ezekiel 16:60) “Nevertheless (*ve-zakharti*) I will remember My covenant with thee in the days of thy youth, and I will establish unto thee an everlasting covenant” and he says (Deuteronomy 7:9) “Know therefore that the LORD thy God, He is God; the faithful God, who keepeth (*shomer*) covenant and mercy with them that love Him and keep His commandments to a thousand generations.”

3. Let us return to Benjamin’s teaching regarding preparation, for Benjamin said after this erroneous words and argued that everything that has been harvested is forbidden on the Sabbath, from the vineyard or garden or field or path or courtyard or everything outside of his domain (*reshut*) meaning from his property. He said this is like the prohibition of harvesting the manna and similarly the rain and  hail and everything that falls down on the Sabbath. It is forbidden to harvest it even if the wind blew it down, for this is like the manna and the quail,[[22]](#footnote-22) but rather what falls down in his house or in his garden or his courtyard is permissible to be harvested and eaten on the Sabbat since it comes from his home and not from the rain and wind.

4. In the beginning of his discussion, he ponders the same harvesting as forbidden, and in the end permits what is harvested on the Sabbath from what falls from the tree in his home, and does not mention water from the river or other places at all. However, from his prohibition of rain water, he must forbid drinking river water {509} and well water and what is similar to this.[[23]](#footnote-23) And from his permitting of what falls from the garden or tree in his house, he must disagree with the Ananites’ view on “preparation,” since preparation according to him applies to baking and cooking and what is similar to this and to the exclusion of other things, despite the fact that he already said this explicitly. And regarding the Ananites, they are contradictory as well with their obligation to prepare food and not water, since they permit drinking and washing with water beyond what has been set aside for the Sabbath[[24]](#footnote-24) and also drinking water that has flowed from outside their homes into the inside on the Sabbath and do not permit food that has fallen from the tree on the Sabbath inside their home which has been set aside and does not come from the outside.

5. Furthermore, say to them it cannot be that water does not need to be prepared before the Sabbath, and is permitted to be drunk during the Sabbath from any location since it is a drink and not food or since it is not processed.[[25]](#footnote-25) If this was the case since it is a drink, permit using any drink like [wine][[26]](#footnote-26) and other drinks without preparation before the Sabbath and do not obligate these with preparation! And if it doesn’t require preparation since it is not processed, permit a person walking on a path and finding a beehive to eat from it, since the honey is not processed, just like it is permitted to drink from a river! And if there is another reason, beyond these two reasons, what is it? And we do not find this.

6. If they say “Scripture obligated preparation for the manna, which is not processed and is thus like honey, how can you not require preparation for honey?” There are two objections to this: firstly, say to them “if the manna and honey are both unprocessed, and yet preparation is required for them and only what has been prepared prior to the Sabbath is permitted to be used, why is this not the law regarding water requiring preparation and forbidding its use except what has been prepared before the Sabbath?” And the other objection is to say to them “you do not deny that preparation is applicable to manna since it must be brought from the outside before the Sabbath, and carrying on the Sabbath is forbidden, and also since it is cooked and baked and thus must be prepared and brought and carried and cooked and baked before the Sabbath. And honey from a beehive, and fruit that falls from a tree in his home and what is similar to this, for these do not require to be carried or cooked or baked and thus preparation is not required for them like it is not required for water that is not carried or processed. For, the law regarding water is more certain and stricter than honey, and we previously noted it enters from outside the place designated for Sabbath use, like a river or rain and there is no difference.”

7. And a group of our companions agree with the Ananites regarding the obligation of preparation for what is eaten on the Sabbath, however they obligate this additionally for water, that it must be prepared before the Sabbath like foods and they do not permit drinking or using what has not been prepared. And they also do not permit food that has fallen from a tree on the Sabbath if they were not prepared and were not set aside as prepared. Their reason for this is what the Ananites justify from the verse {510} (Exodus 16:5) “And it shall come to pass on the sixth day **that they shall prepare that which they bring in**, and it shall be twice as much as they gather daily.'” When the Torah obligates fixing and preparing before the Sabbath what is eaten during the Sabbath, anything which is not prepared before the Sabbath is forbidden to be eaten on the Sabbath.

8. And what they justify in this verse is not obligatory but is rather is an extremely weak point, and this is since the Torah’s “prepare” does not relate merely to the Sabbath, but rather to the two days together, since it says (Exodus 16:5) “**And it shall come to pass on the sixth day** that they shall prepare that which they bring in...” and the “preparation” applies to everything they bring in, and this is the food for the two days together, meaning Friday and Saturday. And if someone asks “if such is the case, what do we learn from his words ‘prepare (*hekhinu*)?’” Say to him “it is possible that it is used in the colloquial meaning of the people who use the language,” and this is like the verse (Genesis 43:25) “And they made ready (*hekhinu*) the present against Joseph's coming at noon; for they heard that they should eat bread there.” The meaning here is that they put it in a utensil and fixed and cleaned it, and it is possible this is the meaning also what we noted previously regarding cooking and baking for two days together, since it says (Exodus 16:23) “ And he said unto them: 'This is that which the LORD hath spoken: To-morrow is a solemn rest, a holy sabbath unto the LORD. **Bake that which ye will bake**, and seethe that which ye will seethe...'” and then says (Exodus 16:23) “... and all that remaineth over lay up for you to be kept until the morning.” Meaning, the surplus of what you ate and used leave aside to be eaten the next day. Thus, “prepare” relates to what is eaten both days together while “lay up for you” relates to what is eaten and drunk on the Sabbath and we do not say related to this “prepare.” And the meaning of “lay up for you” is place and leave aside in its condition and protected since the verse says (Exodus 16:23) “to be kept”[[27]](#footnote-27) and thus their argument regarding “preparation” is nullified.

9. Moreover, say to them regarding their view that it is only permitted to eat on the Sabbath what is prepared beforehand, “say to us regarding a man who had in his house goods he already purchased for sale, from dates to nuts to almonds to hazelnuts and other foods, and he relaxed to eat some some of them on the Sabbath, and he did not estimate doing this before the Sabbath, and did not think of it or intend it, is he permitted to eat some of this and to feed his family and guests!?” For if they permit this, they contradict the purpose of “preparation” since they permit eating on the Sabbath something that was not prepared for the Sabbath. And if they do not permit this, they remove themselves from the custom that is accepted by the entire nation from east to west.

10. And if what we said is correct and stable, it is permitted to drink rainwater and eat hail and what falls from the tree in the home on the Sabbath and drinking water from the river and well and everything that is similar to this. And the summary of the matter is that the meaning of “preparation” and its obligation is for a person to not do any work on the Sabbath with food[[28]](#footnote-28) and not to bring anything from the outside. And it is possible that the meaning of (Exodus 16:5) “prepare” means “and weighing” according to what some argue, since it says afterwards (Exodus 16:5) “and it shall be twice as much” meaning that when they weighed it they found its weight was double what it was before then. {511}

**The thirteenth chapter regarding the verse (Exodus 20:7)[[29]](#footnote-29) “...to keep it holy.”**

1. This word, “holiness,” its meaning and what it requires is preservation and cleanliness and purity and what is similar to this. And since the day is a time and these cannot apply to it, meaning time cannot be cleaned or purified, it must be that the verse’s “to keep it holy” refers to the people. And they should be holy and pure and clean and preserved from pollution and impurity from things that pollute and cause impurity, with the exception of what is unavoidable such as menstruation and bodily impurities and what is similar to this from the impurities that appear necessarily since these are not from his actions or his choice. Rather, it is forbidden on him the impurities that he acquires upon himself voluntarily, and not out of necessity requiring this, and this is like sexual intercourse, and approaching things that are impure and polluted and what is similar to these. And the Rabbanites permit sexual intercourse on the Sabbath and even exagerrate in mockery one who withholds from this and practically consider this an obligation. Thus let us now discuss the prohibition on sexual intercourse on the Sabbath.

**The Fourteenth chapter on this.**

1. If we condensed the prohibition of sexual intercourse on the Sabbath by virtue of our preceding statement regarding the obligation of “holiness” on the Sabbath, that would be sufficient, but we will not be satisfied until we have discussed everything relevant to this. And additionally if it was correct that purification and sanctification on the Sabbath are applicable to people and not time, it is obligatory to sanctify themselves and keep clean and pure from all impurity. This is in addition to what the Torah explicitly says regarding sanctification (*qiddush*) that it refers to distancing oneself from approaching a woman as it says (Exodus 19:10) “And the LORD said unto Moses: 'Go unto the people, and sanctify them (*v’kidashtam*) to-day and to-morrow, and let them wash their garments” and then explains this verse by saying (Exodus 19:15) “And he said unto the people: 'Be ready against the third day; come not near a woman'” and this too is very clear.[[30]](#footnote-30)

2. And additionally what confirms this prohibition is the verse (Isaiah 58:13) “**If thou turn away thy foot** (*raglecha*) because of the sabbath, from pursuing thy business on My holy day; and call the sabbath a delight, and the holy of the LORD honourable; and shalt honour it, not doing thy wonted ways, nor pursuing thy business, nor speaking thereof” and this means the genitalia since genitalia is called foot (*regel*) as in the verse (2 Kings 18:27) “But Rab-shakeh said unto them: 'Hath my master sent me to thy master, and to thee, to speak these words? hath he not sent me to the men that sit on the wall, to eat their own dung, and to drink their own water (*meimei regleihem*)[[31]](#footnote-31) with you?'” and additionally (2 Samuel 19:25) “And Mephibosheth the son of Saul came down to meet the king; and he had neither dressed his feet (‘*asah raglav*), nor trimmed his beard, nor washed his clothes, from the day the king departed until the day he came home in peace” meaning he did not shave his pubic hair and like this are many more examples. Next, this is confirmed in his verse (Isaiah 58:13) “If thou turn away thy foot because of the sabbath, **from pursuing thy business on My holy day**...” and similarly the verse “nor pursuing thy business (*drakhekha*)” refers to sexual intercourse. {512} And this is parallel to the words of Lot’s daughters (Genesis 19:31) “And the first-born said unto the younger: 'Our father is old, and there is not a man in the earth to come in unto us after the manner (*derekh*) of all the earth” and this verse (Isaiah 58:13) confirms the prohibition of sexual intercourse with three ideas.

3. And moreover what proves this is that [sexual intercourse] is spilling seed (*zer’a*), and there is no difference between this and sowing seeds (*zeri’ah*)[[32]](#footnote-32) on the Sabbath day. This is witnessed by the senses and all the more so by the intellect. And what is even clearer than all this is that [intercourse] is tiring with lots of motion and all tiresome activity and movement that is not essential, or required for the Sabbath itself, is forbidden according to all. And the Rabbanites argue (b.Shabbat 73a) regarding the "39 forms of work" (*avot melakhah*) that one of them is “extinguishing” and what is worse: one who blows out a flame and extinguishes it, or one who has intercourse which has the three notions mentioned of impurity, intense movement, and sowing seed? And is this not against their view regarding *a fortiori* (*qal v’homer*)?[[33]](#footnote-33) And what is more surprising than this and confirms their contradiction is that they permit intercourse with a virgin on the Sabbath that releases the “blood of virginity” even while they argue that one who strikes his friend and draws blood from his nose or ear that this is a *melakhah*! And additionally, they forbid clapping and dancing and what is worse, these or sexual intercourse?

4. And they may ask and say “does the Torah not forbid us from allowing the stranger[[34]](#footnote-34) to perform *melakhah* on the Sabbath in our places and villages?” And if you say “yes,” they say “thus if sexual intercourse was forbidden on the Sabbath, it would be incumbent upon us to separate between our neighbours and their wives on the Sabbath to prevent them from having intercourse on the Sabbath and this is impossible.” Say to them “If what you say is obligatory, we cannot leave them alone but they must be jailed with us and guard them and their wives and children and animals to prevent them from desecrating the Sabbath! And moreover, it would be obligated to seal their mouths from saying anything that is forbidden to speak about on the Sabbath.” And all of these are more severe than what they obligate us regarding sexual intercourse, and if they obligate all of this, we obligate that also. But if they make a distinction, we also make a distinction regarding sexual intercourse.[[35]](#footnote-35)

5. And regarding what we believe answers their question is that the prohibition of *melakhah* for the stranger is professional and occupational activities,[[36]](#footnote-36) which are explicit and pronounced, and not labour that is unskilled. And sexual intercourse is not occupational labor, but rather an action, and therefore it is not required for us to separate between the stranger and his wife in order to prevent them from having intercourse. And subsequently we will clarify what we said regarding “skilled labor” and “actions” and the distinction between them.

6. And they have another challenge of the same kind and this is their view that if sexual intercourse was forbidden on the Sabbath, it would be obligated to separate between the male and female animals so that they do not have relations, given that animals are included with us in the prohibition of *melakhah* on the Sabbath. Say to them “if we are obligated in this, you are also obligated to seal the mouths of {513} cats on the Sabbath to prevent them from hunting mice since hunting and killing are prohibited on the Sabbath.” And our answer with this issue is like our answer in the previous issue. And if they say “if we concede that sexual intercourse is not skilled labour according to your view but merely an action, is not hunting the skilled labor of a hunter? Thus why do you compare hunting which is a skilled labor with intercourse which is an action?” We say that the skilled labor of hunting is not hunting of a mouse, but the labour of hunting beasts and birds and fish as the skilled labour of “washing” is not washing a cup or dishes but rather the labour of washing clothes. Therefore, it is permitted to wash a cup but not permitted to wash clothes and this is something that we will discuss subsequently.

7. And amongst the discourse of the Rabbanites is a statement that generates a prohibition on sexual intercourse on the Sabbath and even more so proves it is a very strict prohibition. They say the intention of the Torah’s verse regarding the Israelite slave (Deuteronomy 15:18) “It shall not seem hard unto thee, when thou lettest him go free from thee; **for to the double of the hire of a hireling** hath he served theesix years; and the LORD thy God will bless thee in all that thou doest” refers to a slave whose master gave him a wife and they had children born as slaves to the master and the children are not freed together with him since the verse says (Exodus 21:4) “If his master give him a wife, and she bear him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself.” They say the verse (Deuteronomy 15:18) “for to the double of the hire of a hireling” means a slave who has already been enslaved and worked for him double the labor of a hireling, since the hireling works by day but not night and the slave works with you night and day. Therefore, if the slave has intercourse with his wife at night and she gives birth, the children were labored upon during the night and thus belong to the master. It must be from this view of theirs that sexual intercourse is labor without a doubt, and labor is above any “action” and stricter than all *melakha*. And if *melakha* is forbidden on the Sabbath, thus labor which is above and more strict than *melakha* is even more appropriate to be forbidden.

8. And it is wondrous what al-Fayyumi brings as proof for permitting sexual intercourse on the Sabbath with the verse (Isaiah 58:13) “If thou turn away thy foot because of the sabbath, from pursuing thy business on My holy day; **and call the sabbath a delight** (*‘oneg*), and the holy of the LORD honourable; and shalt honour it, not doing thy wonted ways, nor pursuing thy business, nor speaking thereof” and the verse from Solomon (Ecclesiastes 2:8) “I gathered me also silver and gold, and treasure such as kings and the provinces have as their own; I got me men-singers and women-singers, and the delights (*ta’anugot*) of the sons of men, women (*shidah*) very many (*ve-shidot*)” and that this is derived from breast (*shadi*) whose meaning is a woman’s breast. He says that this is “delight” and according to him obligates sexual intercourse, for the verse regarding *‘oneg* on the Sabbath thus not only permits sexual intercourse on the Sabbath but obligates it.

9. Come and see the ways in which one who hears this stumbles in two ways or the ignorance or stubbornness of who says this, for we will suffice with one statement which accepts all of our preceding remarks. And even if what we said earlier fails, we say that the meanings of “delight” (*‘oneg*) which is the main proof are many, and if the Torah’s verse regarding delight (*‘oneg*) permits and even obligates sexual intercourse on the Sabbath since it is delight, similarly permit and obligate everything else on the Sabbath that is included in that. Thus, let one to light a fire in the extreme cold as permissible on the Sabbath in order to delight in it, and similarly use incense and listen to music and play the oud and drums and other instruments and dance and what is similar to this. All of this will be permissible, and even obligatory, and similarly entering the bathhouse! And the worst of all this is its requirement that licentiousness and promiscuity are permitted on the Sabbath for those who are unmarried, since this is “delight.” And if he says that licentiousness is a general prohibition, we say “thus your proof is nullified {514} completely, since not all ‘delight’ is permitted, thus too intercourse between a man and his wife is forbidden,” [even if there is a clear analogy between “delight” and the prohibition on sexual intercourse on the Sabbath and there is no difference.][[37]](#footnote-37)

**The fifteenth chapter regarding the verse (Exodus 20:9) “...thou shalt not do any manner of work (*melakha*)...”[[38]](#footnote-38) and the interpretation of what is “work” (*melakha*) and how many things are prohibited upon us during the Sabbath.**

1. I do not know of any amongst the “people of examination” amongst our companions who does not err in the notion of “work” and this is because they define all motions as “work” and do not exclude anything from this category and subsequently discuss its components and parts. And the matter according to our view is different from their view and this is what we will explain. We say that the Creator, exalted and praised, forbade upon us five things on the Sabbath: the first is “work” and this is the verse (Exodus 20:9) “but the seventh day is a sabbath unto the LORD thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates” meaning in this verse skilled labor and the known professions which are related to them, and this is like a silversmith and carpenter and tailor and weaver and welder and trader and perfumer and what is similar to this since the verse says (Exodus 36:4) “And Moses gave commandment, and they caused it to be proclaimed throughout the camp, saying: **'Let neither man nor woman make any more work (*melakhah*) for the offering of the sanctuary.'** So the people were restrained from bringing” meaning of his profession, and the verse (Jonah 1:8) “Then said they unto him: 'Tell us, we pray thee, for whose cause this evil is upon us: **what is thine occupation (*melakhtekha*)**? and whence comest thou? what is thy country? and of what people art thou?'” meaning what is your profession, and this is one of the five.

2. And the second is “doing” (*‘asiyah*) which are the actions that are not the skilled labors aforementioned, and this is referenced in the verse (Exodus 23:16) “Six days thou shalt do thy work (*ma’asekha*), but on the seventh day thou shalt rest; that thine ox and thine ass may have rest, and the son of thy handmaid, and the stranger, may be refreshed.” For the verse’s “shalt rest,” (*tishbot*) which means to stop doing, refers to what is mentioned before which is the actions in the verse’s “thy work.” And all the motions included under this category of “doing” and not the prior category of “work” (*melakhah*). And this includes walking and standing and sitting and sleeping and eating and drinking, etc… And the opposite of all the skilled labors are “doing” such as unraveling which is the opposite of weaving, and tearing which is the opposite of tailoring and upholstering etc… and breaking which is the opposite of several skilled labors such as construction and carpentry and welding and glasswork and pottery and what is similar to this, and destroying which is the opposite of building.

3. And this is because we do not say “Moses the tearer” as we say “Moses the tailor” and we do not say “Moses the unweaver” like we say “Moses the weaver and stitcher” and we do not say “Moses the breaker” like we say “Moses the builder or welder or glassblower.” And similarly we do not say “Moses the eater or drinker” and if someone asks “what is he doing?” we say “he is breaking that or tearing that or destroying that or eating that or drinking that or saying that or looking at something or talking about something.” And similarly if one asks what he completed, we say he stood or sat or walked or ate {515} or tore or slept and what is similar to these activities. And in the same category are also games and entertainment like dice and chess and dance and playing the drum and oud and tambour and everything similar to this, and swimming and riding. And included in this are using makeup and looking in a mirror and combing hair and what is similar to this. And this is an expansive topic and clear enough not to expand upon it.

4. And this topic has many disputes and debates and quarrels. And the difference between it and between “skilled labor” (*melakha*), which is the profession as we noted prior, is that the profession describes a person like a carpenter or welder or tailor and what is similar to this. And these do not refer to his actions independent of him, like a person doing an action may be described as not a profession, like we say “a person playing chess or a person swimming.” We do not mean in these that this is a profession, but rather that he is skilled in this, like we say a person is an orator[[39]](#footnote-39) intending that he is skilled in talking. And we also call a person “an eater or drinker” or the opposite “non-eater or non-drinker” meaning that he eats and drinks a lot. And if one increases in some of these actions and turns it into a profession, we do not need to mention it, since every profession is composed of actions but not all actions are a profession. Our companions conflate the notion of “*melakha*,” because they include “actions” in this category,[[40]](#footnote-40) and thus there are many differences between them in distinguishing which actions are permitted or forbidden on the Sabbath.

5. And the third of the five prohibitions on the Sabbath is the removal of small items from homes and the Sabbath area and the entry into it from the outside. And this is learned from the prophetic verse which says (Jeremiah 17:22) “**neither carry forth a burden out of your houses on the sabbath day**, neither do ye any work; but hallow ye the sabbath day, as I commanded your fathers” and the verse (Jeremiah 17:21) “ thus saith the LORD: Take heed for the sake of your souls, **and bear no burden on the sabbath day, nor bring it in by the gates of Jerusalem.**” And the fourth is leaving the defined Sabbath area and this is in his verse (Exodus 16:29) “See that the LORD hath given you the sabbath; therefore He giveth you on the sixth day the bread of two days; abide ye every man in his place, **let no man go out of his place on the seventh day**.'” And the fifth is leaving fire to allow it to remain lit during the Sabbath, and this is from the verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day.'” And this is a general summary and we will discuss each topic separately.

**The sixteenth chapter regarding permissible actions on the Sabbath amongst the five general prohibitions.**

1. Additionally, we say that five things are permitted for us amongst these five prohibitions: the first is what necessity obligates, such as sleep and bodily needs[[41]](#footnote-41) and sitting and standing and talking and looking and what is similar to this; the second is what the Torah excludes[[42]](#footnote-42) explicitly such as the Sabbath sacrificial offering since it says (Numbers 28:10) “This is the burnt-offering of every sabbath, beside the continual burnt-offering, and the drink-offering thereof” and similarly the holiday offering and eating as it says (Exodus 16:25) “And Moses said: **'Eat that to-day**; for to-day is a sabbath unto the LORD; to-day ye shall not find it in the field” and the Shofar on Yom Kippur; and the third are actions whose obligation is above the obligation of the Sabbath and are thus more obligatory, such as saving a life which is above every obligation. And this is like saving someone from drowning, or putting out a fire, and running away from an enemy, and cutting the umbilical cord and what is similar to this. {516} And the fourth is what is analogical to these things, such drinking which is an analogy of eating, and the offering of the new month which is an analogy of the holiday offerings and breaking the fast of an emaciated person on Yom Kippur which is an analogy of breastfeeding a child to prevent them from harm.

2. And the fifth is what is an active custom that is accepted and practiced by young and old alike, and not merely what is allowed by the leaders of specific communities. And some of these are based in tradition, such as closing and opening doors, and storing and protecting property from an enemy and others, and changing clothes, and using perfume and preparing the bed for sleep, and spreading a carpet or mat for sitting and a pillow for reclining and lying down and watching the face and hands before and after eating, and opening a book for reading and closing it afterwards, and preparing dishes and cups for washing and putting them away, and taking out food from a pot, and bread from a basket and water from a barrel or jar and filtering water for drinking and what is similar to this.

**The seventeenth chapter regarding “skilled labor” (*melakhot*).**

1. We say that the above-mentioned things in which necessity obligates do not belong in the category of “skilled labor” (*melakha*) at all, since sleep and urination and defecation and none of these are “skilled labor.” Conversely, “skilled labor” does not fall under the category of “necessity” since construction and carpentry are not obligated by necessity as sleep and defecation and sitting and standing and what is similar to this. However, the second category of the exceptions does include some “skilled labors”, such as what we described with sacrificial offerings which does include some kinds of “skilled labor” such as slaughtering which is the profession of a slaughterer, and flaying the animal which is the profession of a flayer and roasting the animal which is the profession of a roaster and butchering and other similar professions.

2. And the third topic of saving life is similar, such as the profession of midwifery that delivers from women, and one who cuts the umbilical cord, and there is no doubt that all of these are necessary. And wet-nursing and the foster mother are also the profession of midwifery, according to what we will describe subsequently. And the Torah mentions these[[43]](#footnote-43) in several places such as (Genesis 35:8) “**And Deborah Rebekah's nurse died**, and she was buried below Beth-el under the oak; and the name of it was called Allon-bacuth” and (2 Samuel 4:4) “ Now Jonathan, Saul's son, had a son that was lame of his feet. He was five years old when the tidings came of Saul and Jonathan out of Jezreel, **and his nurse took him up**, and fled; and it came to pass, as she made haste to flee, that he fell, and became lame. And his name was Mephibosheth.” And similarly, rescuing a drowning person which is an action of a diver. And thusly, other arts which are the work of a doctor such as an enema for one who we fear may die from colic sickness, and bloodletting one who fell from high and it is known that he will die without bloodletting, and like one who was bit by a viper and it is known that if the infected organ {517} is not cut off he will die, and like one who consumed poison if he does not take the remedies to remove the poison will die.[[44]](#footnote-44)

3. However, the fifth topic of active custom that is accepted by all creation, some of these include “skilled labor” in some respects, such as protecting homes from thieves which is from the profession of guarding according to the verse (Song of Songs 5:7) “**The watchmen that go about the city found me**, they smote me, they wounded me; the keepers of the walls took away my mantle from me” and like this guarding vineyards and fields which is the profession of guarding[[45]](#footnote-45) as in the verse (Song of Songs 8:11) “Solomon had a vineyard at Baal-hamon; **he gave over the vineyard unto keepers**; every one for the fruit thereof brought in a thousand pieces of silver.” And similarly making the bed for sleep and the chair and carpet for sitting which is the profession of an attendant, even while it is hard to find one who does this labor as a general profession, but is usually done by an honorable person’s servants and attendants who work for him alone and not others.[[46]](#footnote-46) And sometimes people create things that are not skilled labor but turn them into a profession and source of sustenance. And this is like those who cool water and store it in a [cooler[[47]](#footnote-47)] and serve water for a price and we call such a person “a seller of cool water.” And similarly, one whose body is very strong and wrestles, we call him a wrestler.

4. And things of this nature which are accepted by tradition and accepted as custom, we do not forbid upon people because some have created a profession out of them. And this is like not forbidding a person from guarding their house and vineyard and field from thieves on the Sabbath because these actions are performed by a professional guard and watcher. And even another guarding another person’s house because this is assistance and help, however these actions are forbidden for a person for whom it is their profession and receives a salary from it. And additionally, we see the ruler who established guards for the gates of Jerusalem to prevent the entry of gentiles carrying goods on the Sabbath according to the verse (Nehemiah 13:19) “And it came to pass that, when the gates of Jerusalem began to be dark before the sabbath, I commanded that the doors should be shut, and commanded that they should not be opened till after the sabbath; and some of my servants set I over the gates, that there should no burden be brought in on the sabbath day.” And similarly it is not forbidden to give water to his friend on the Sabbath, since this is the profession of the “water seller” and it is not forbidden to make his or another’s bed since this is the work of an attendant. Rather, the analogy applies to each of these topics.[[48]](#footnote-48)

5. And if “skilled labor,” which is the strictest prohibition on the Sabbath, is permitted in these aspects, all the more so the “actions” are permitted in the same manner and similarly what we will say subsequently concerning carrying items and walking and exiting the designated area. And all of the “skilled labors” and their components, small and large, are forbidden on the Sabbath as long as they do not include one of the five things we mentioned. However, there are things that are similar to a certain profession or part of a profession and these are not forbidden, such as striking a [metal cast[[49]](#footnote-49)] with a hammer which is part of the labor of construction, and similarly striking iron with a hammer is an aspect of welding, and similarly striking laundry with a wooden hammer is an aspect of laundering, and these are similar to striking an almond and hazelnut to remove and eat what is inside and these are not forbidden since they are not “skilled labor” {518} in full or in part. And similarly slicing strips of meat is an aspect of the profession of butchery, and slicing roasted and cooked meat for eating is similar to slicing cucumbers and melon and other fruits and *zamaward*[[50]](#footnote-50) and this is not prohibited since it is not a “skilled labor” in full or in part. And similarly it is not forbidden to squeeze a boil or wound since it is similar to squeezing sesame which is the occupation of a [sesame extractor[[51]](#footnote-51)] and similarly it is not forbidden to squeeze a pomegranate for drinking.

6. However, what is forbidden which is similar to this, is like the case of a stained garment in which it is forbidden to wash the stained area since this is a kind of the “skilled labor” of the launder. And similarly a lock that is difficult to open, it is forbidden to strike it with a hammer since this is a kind of the “skilled labor” of an ironsmith. And regarding “completing labor” this is like the launderer drying clothes and it is not permitted for one whose clothes got wet during the Sabbath to dry them. And similarly a shoemaker tying the straps of a sandal is the completion of the labor of shoemaking and therefore one who tore the strap of his sandal on the Sabbath is forbidden from tying it since this is a type of the labor of the shoemaker. And this is similar to tying and undoing a waistband and belt but these are not forbidden. And thus untying a knot of a bundle of food and untying a knot of a kerchief in order to read a codex and re-tying it afterwards are not forbidden.[[52]](#footnote-52) And gathering as well has an aspect of “skilled labor” since it is like the profession of gatherers during the harvest, and this is similar to gathering fruit that has been dispersed in one’s home and this is not prohibited. And this is a summary of “skilled labor” and “actions” in which we will subsequently discuss their details in which there is disagreement after we complete our discussion of the five prohibitions.

7. However, the Rabbanites argue that it is permitted for one to complete part of a “skilled labor” and not complete it, according to the verse (Leviticus 4:24) “And if any one of the common people sin through error, **in doing any of the things which the LORD hath commanded not to be done**, and be guilty” meaning to do an action completely and not partially. They say if two people complete a skilled activity together, and each completed half of it, thus both are innocent. Come and see how many kinds of sins are involved in this notion, if it would thus be the case that one who stabs another, and the victim does not die but is close to death, and subsequently if another comes and mercifully kills him, both are innocent since neither of them committed the action of killing completely. And similarly for theft and profaning the Sabbath and holidays and using impure objects and what is similar to this. And their view in this contradicts the verse in Scripture[[53]](#footnote-53) (Leviticus 4:2) “I Speak unto the children of Israel, saying: If any one shall sin through error, in any of the things which the LORD hath commanded not to be done, **and shall do any one of them**” meaning some of a melakha or part of it, just as they contradicted this verse in their teaching on the “Avot Melakhot”[[54]](#footnote-54) for they constitute “any one of them” a complete melakha and we will discuss this at the end of the discourse.

[**The eighteenth: missing in the Nemoy Edition, Currently In Progress**]

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**The** **nineteenth chapter regarding the intention of the verse (Jeremiah 17:22[[55]](#footnote-55)) “your houses:” does this verse refer to the totality of homes or merely each house separately.**

1. …[[56]](#footnote-56) A person is forbidden from removing anything from the house he is residing in into another home that another lives in. And they support this from the verse (Jeremiah 17:22) “your houses” as if this verse obligates every person not to remove anything from their home. Say to them regarding this, “does not a person’s residence, that he resides in, refer to the totality of his home?” And from their agreement on this, say “and similarly if the residence includes several homes, they together comprise his residence” [… and there is no difference.][[57]](#footnote-57)

2. And if His verse (Jeremiah 17:22) “your houses” was according to their view, it would not be required to forbid the removal from one room in the home into another room, or from a room to the courtyard, and similarly it is not forbidden to remove from one home to another home since the entire area is within the “designated Sabbath area.” And the meaning of the verse (Jeremiah 17:22) “your houses” intends in this from all our rooms together to outside of them where we are not the owner and not in our domain and outside the “designated Sabbath area” with us. And similarly, the entry from such a place into any of our rooms designated for the Sabbath. Our view on this is proved from the verse (Jeremiah 17:21) “ thus saith the LORD: **Take heed for the sake of your souls, and bear no burden on the sabbath day, nor bring it in by the gates of Jerusalem,**” since the entire town of Jerusalem is the “designated Sabbath area,” and thus it is forbidden to bring anything from the outside inside the town and thus desecrate it. For if it was prohibited within the town to move objects from one room to another room, since it is a designated Sabbath area, it would not be necessary to prevent the entry into the entire city something that is external since this is unnecessary and not needed. And from this prohibition, it is proven that carrying within the city from one home to another home is permitted, as it is permitted to carry within a home from room to room on the Sabbath.

3. And if someone says “is it not forbidden to exit the town or city gate?” we say “indeed.” And if he says “if exiting is prohibited, why is it mentioned the prohibition of entering,[[58]](#footnote-58) while exiting is greater and more strict?” We say “the intention of this is to prohibit us from allowing anyone from bringing in or removing anything, and it is obligatory for us to prevent one who desires to do this through gentiles, for if we allow this and do not prevent it, we are the ones bringing in or removing. And this is the meaning of the verse (Nehemia 13:19) “And it came to pass that, when the gates of Jerusalem began to be dark before the sabbath, I commanded that the doors should be shut, and commanded that they should not be opened till after the sabbath; **and some of my servants set I over the gates, that there should no burden be brought in on the sabbath day” and additionally the verse**” and additionally the verse (Nehemia 13:21) “Then I forewarned them, and said unto them: **'Why lodge ye about the wall?** if ye do so again, I will lay hands on you.' From that time forth came they no more on the sabbath.” And it is established that (Jeremiah 17:22) “your houses” intends the collective of homes in the “designated Sabbath area” and thus that[[59]](#footnote-59) is permitted within the Sabbath area.

**The twentieth chapter regarding is there a limit for which it is forbidden to remove something?**

1. Anan argues that the prohibited burden is what is [possible to carry] on the shoulder, and he does not set a limit for this. And he finds support for this in Scripture’s verse regarding the sons of Kohath (Numbers 7:9) “But unto the sons of Kohath he gave none, because the service of the holy things belonged unto them: **they bore them[[60]](#footnote-60) upon their shoulders**” and his followers differ with this, for some of them allow removing light burdens from their homes and carry the Torah and food and dishes to be cleaned from dirt, while others among them do not allow this and argue that this verse intends to allow carrying light objects within homes but does not intend their removal. And they interpret this verse out of the repulsiveness attached to them and his teaching removed himself from the entire nation, [and if not his teaching only proves that it is permitted to remove a “light burden” from the house.][[61]](#footnote-61)

2. And the proof that he tried to bring and relies upon is a false proof and this is because when the Torah describes a group carrying on their shoulders, this does not prove that carrying only occurs on the shoulder, since it is possible to carry on the shoulder or not on the shoulder and this is something existing in the language. And regarding his ruling that the Torah’s reporting of their carrying on their shoulders obligates that carrying is only on the shoulders, behold Scripture explicitly describes that carrying occurs prior to being on the shoulder, since it says (Judges 9:48) “And Abimelech got him up to mount Zalmon, he and all the people that were with him; and Abimelech took an axe in his hand, **and cut down a bough from the trees, and took it up, and laid it on his shoulder**; and he said unto the people that were with him: 'What ye have seen me do, make haste, and do as I have done.'” For it reports that he first carried it and then put it on his shoulder, and carrying is also described on the bosom as it says (Numbers 11:12) “Have I conceived all this people? have I brought them forth, that **Thou shouldest say unto me: Carry them in thy bosom**, as a nursing-father carrieth the sucking child, unto the land which Thou didst swear unto their fathers?” and (Isaiah 40:11) “Even as a shepherd that feedeth his flock, **that gathereth the lambs in his arm, and carrieth them in his bosom**, and gently leadeth those that give suck.” And also on the side according to the verse (Isaiah 66:12) “For thus saith the LORD: Behold, I will extend peace to her like a river, and the wealth of the nations like an overflowing stream, and ye shall suck thereof: **Ye shall be borne upon the side**, and shall be dandled upon the knees.” And also in the hand as it says (Ezekiel 10:7) “**And the cherub stretched forth his hand**” and then he says (Ezekiel 10:7) **“**from between the cherubim unto the fire that was between the cherubim, **and took thereof**” and says regarding this (Ezekiel 10:7) “and put it into the hands of him that was clothed in linen, **who took it and went out**.” And everything which is separate from the body[[62]](#footnote-62) and distinct from it is forbidden to carry with it on the Sabbath from the perspective of “removing” and “entering,” anything from the smallest thing possible to what is larger. {521}

**The twenty-first chapter regarding what is included under the category of “carrying.”**

1. When Scripture prohibits us from carrying in order to remove or enter, it includes in addition to the prohibition of carrying with our bodies the prohibition of carrying on our animals for ourselves and others additionally, according to the verse (Genesis 31:17) “Then Jacob rose up, and set[[63]](#footnote-63) his sons and his wives upon the camels.” And similarly on water, like a ship and what is similar, according to the verse (Genesis 7:17) “And the flood was forty days upon the earth; and the waters increased, **and bore up the ark[[64]](#footnote-64)**, and it was lifted up above the earth.” And from this it is forbidden additionally to swim, since swimming is carrying ourselves on the water.

2. And we already said that prohibited carrying applies to what is external to the body, and thus the category “burden”[[65]](#footnote-65) is removed from things not of this nature for they are not forbidden upon us like (Genesis 18:2) “**and he lifted up his eyes[[66]](#footnote-66)** and looked, and, lo, three men stood over against him; and when he saw them, he ran to meet them from the tent door, and bowed down to the earth,” (Leviticus 9:22) “And Aaron **lifted up his hands[[67]](#footnote-67)** toward the people, and blessed them; and he came down from offering the sin-offering, and the burnt-offering, and the peace-offerings,” (Deuteronomy 24:15) “In the same day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor, and **setteth his heart upon it[[68]](#footnote-68)**: lest he cry against thee unto the LORD and it be sin in thee,” (Genesis 32:21) “and ye shall say: Moreover, behold, thy servant Jacob is behind us.' For he said: 'I will appease him with the present that goeth before me, and afterward I will see his face; peradventure **he will accept me[[69]](#footnote-69)**'” and everything that is similar to this, since raising one’s view in order to see is not prohibited, nor is lifting one’s hands for prayer and what is similar to this, nor is lifting one’s self out of desire or modesty or respect for one who deserves this.

3. And if one asks regarding the amount that is permitted to carry inside one’s home, we say to him this is something that we don’t find a precise way to measure the amount, apart from that it it is permitted to carry anything that is not burdensome. And according to our view, this differs between people according to their respective strength. And this notion does not apply to us and not others, but rather applies to everyone[[70]](#footnote-70) and we are not able to answer more than what we have said, and this issue is known through trial and observation.

**The twenty-second chapter regarding exiting from “the place.”**

1. Scripture says (Exodus 16:29) “See that the LORD hath given you the sabbath; therefore He giveth you on the sixth day the bread of two days; abide ye every man in his place, **let no man go out of his place on the seventh day**.'” Thus Binyamin argues that “abide ye every man in his place” and “let no man go out of his place” means that “his place” is the size of the area where a person sits,[[71]](#footnote-71) and it is not possible to say a person cannot leave his seated area since he has to walk to the bathroom and to eat and drink. He says the proof that the verse’s “his place” means the size of a person’s seat is the verse (2 Samuel 18:9) “And Absalom chanced to meet the servants of David. And Absalom was riding upon his mule, and the mule went under the thick boughs of a great terebinth, and his head caught hold of the terebinth, and he was taken up between the heaven and the earth; **and the mule that was under him went on**,” (Isaiah 46:7) “He is borne upon the shoulder, he is carried, and set in his place, **and he standeth, from his place he doth not remove**; yea, though one cry unto him, he cannot answer, nor save him out of his trouble.” And the second proof is correct, since it means “his place” and similarly the verse (Exodus 16:29) “every man in his place” means “his place,” however (2 Samuel 18:9) “that was under him” is unrelated to his, since its meaning is “under him” and most of our companions err in this.

2. He says a person is obligated to sit in his place during the Sabbath and not to leave it, except for what is required during the Sabbath such as eating and drinking and praying and reading the Torah and what is similar to this. And the majority of our companions permit visiting the sick and those on the verge of death. And he says that (Exodus 16:29) “the place” (*maqom*) means the place he lives meaning the village and town, according to the verse (Genesis 38:21) “Then he asked **the men of her place** (*meqomah*), saying: 'Where is the harlot, that was at Enaim by the wayside?' And they said: 'There hath been no harlot here,'” (Genesis 26:7) “ **And the men of the place** (*maqom*) asked him of his wife; and he said: 'She is my sister'; for he feared to say: 'My wife'; 'lest the men of the place should kill me for Rebekah, because she is fair to look upon,'” (Judges 19:16) “And, behold, there came an old man from his work out of the field at even; now the man was of the hill-country of Ephraim, and he sojourned in Gibeah; **but the men of the place** (*maqom*) were Benjamites,” (Genesis 20:11) “And Abraham said: 'Because I thought: **Surely the fear of God is not in this place** (*maqom*); and they will slay me for my wife's sake.”

3. He says it is forbidden to leave the village or town for any reason whatsoever for any human need. However, for a need of the divine, praised and exalted, it is permitted to exit the village gate two thousand handbreaths according to the verse (Exodus 33:7) “**Now Moses used to take the tent and to pitch it without the camp, afar off from the camp**; and he called it the tent of meeting. And it came to pass, that every one that sought the LORD went out unto the tent of meeting, which was without the camp” and he argued that “afar off (***harcheq***) from the camp” is the distance of a fired arrow according to the verse (Genesis 21:16) “And she went, and sat her down over against him a good way off (***harcheq***), as it were a bow-shot; for she said: 'Let me not look upon the death of the child.' And she sat over against him, and lifted up her voice, and wept” and he said (Joshua 3:4) “ **Yet there shall be a space** (*rachoq*) **between you and it, about two thousand cubits by measure**; come not near unto it, that ye may know the way by which ye must go; for ye have not passed this way heretofore'” and he said the distance has a known area and size, and we do not set up more than this. And thus are the villages of Israel according to the verse (Numbers 35:5) “**And ye shall measure without the city for the east side two thousand cubits**, and for the south side two thousand cubits, and for the west side two thousand cubits, and for the north side two thousand cubits, the city being in the midst. This shall be to them the open land about the cities.”

4. He said, know also that the divine will does not permit surpassing these two thousand handbreaths. And more cannot be said on this topic than what he already said, and nothing can be concluded that he did not conclude, even while most of what he said on this subject was preceded by him by Anan, and the majority of our companions follow them with this. However, amongst them are those who do not permit exiting the “designated Sabbath area” on the Sabbath and this is without any evidence or proof. And a person asks regarding the distance permitted to walk within the city and how much is permitted, and if it is permitted to walk two or three Parasangs[[72]](#footnote-72) within the city, the answer to this is like the answer regarding what is permitted to carry within a house and the matter is clear.[[73]](#footnote-73)

**The twenty-third chapter regarding the prohibition of fire existing in our homes during the Sabbath.**

1. Scripture says (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the Sabbath day” and we must know the purpose {523} of this verse and what it forbids for us, and if it is forbidden for a person to light something that requires the kind of activity like a bow drill to release the fire, or breaking and organizing wood in the fire such that the fire lights with blowing or another method. And it is not possible that this is the intention of Scripture in its verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day'” since all of what just mentioned is included in the forbidden actions.[[74]](#footnote-74) And if the *Hakim*[[75]](#footnote-75) needed to specify the prohibition of “lighting a fire,” even while it is already considered an action that is forbidden completely, let him be required to mention all the forbidden actions and labours individually by its name! And say “do not sew and do not tear and do not weave and do not tear and do not attach and do not break!” And since this is impossible, and the prohibition includes all “skilled labor” and “actions,” without needing to mention each one individually, it must be that the verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” does not refer to the things we just mentioned but rather intends something other which is that no fire can exist for us on the Sabbath.

2. Say if someone asks “if the matter was such, the verse would say (Exodus 35:3) ‘Ye shall [**not find**] fire throughout your habitations’ in the same way that when the Torah forbids upon us finding leaven in our houses seven days it says (Ex. 12:19) ‘**Seven days shall there be no leaven found in your houses**; for whosoever eateth that which is leavened, that soul shall be cut off from the congregation of Israel, whether he be a sojourner, or one that is born in the land.’ And since it does not say this, but rather (Exodus 35:3) ‘**Ye shall kindle no fire** throughout your habitations upon the sabbath day’ and this means ‘do not light,’ the argument is null that no fire that is already lit which is present on the Sabbath is forbidden. But what is forbidden on the Sabbath for us is lighting a fire.” We say that the phrasing may differ[[76]](#footnote-76) and the meaning is the same, and we have already seen that the Torah says (Exodus 20:2) “I am the LORD thy God, who brought thee out of the land of Egypt, out of the house of bondage. **Thou shalt have no other gods before Me**” and also says (Deuteronomy 25:13) “Thou shalt not have in thy bag diverse weights, a great and a small” and it is not said there “Thou shalt not find...” as is said regarding leaven and like it says in (Deuteronomy 18:10) “**There shall not be found among you any one that maketh his son or his daughter to pass through the fire**, one that useth divination, a soothsayer, or an enchanter, or a sorcerer” and the meaning of the verse “thou shalt not find” and “there shalt not be”[[77]](#footnote-77) are two expressions that refer to the same interpretation, since “existing” and “finding” teach a common meaning. And just because the expressions are different does not imply that the meaning differs, since the expressions together return to the same notion. Similarly, when the verse says (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” it does not permit “finding fire” since it does not say “you shalt not find” since the verse “Ye shall kindle no fire” is in the place of “you shalt not find.”[[78]](#footnote-78)

3. And if this objection was correct, it would be similarly be obligated to object and say that the verse which says (Deuteronomy 25:12) “then thou shalt cut off (*ve-qatsotah*) her hand (***kafah***), thine eye shall have no pity” does not obligate to cut off her hand since it does not say “cut of her hand” (*kartah et* ***yadah***). But since the meaning of *kafah* and *yadah* are equivalent and similarly *qatsotah* and *kartah*, and the meaning of “you shall find no fire” and “you shall kindle no fire” are the same, it is possible to mention one of them in place of the other. And if he says “how is this possible since the verse says ‘it shall not be burnt on the Sabbath day?”’ We say this is necessary for what was previously mentioned in the verse and since fire cannot be found unless it has been lit, and has no existence {524} apart from what it is burning, and this can only occur from a “burner” who connects between the fire and the object lit and the connector is the burner. And if the fire remains because of this, thus the one who began the connection is the “burner” the entire time that it is burnt. And if a fire is found burning on the Sabbath, thus the one who connected between the flame and burning object is the “burner” of it on the Sabbath. And the verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” forbids that fire remains burning during the Sabbath, and when we do this we are burning on the Sabbath. And the verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” is sufficient without saying “ye shall not find” and the verse’s “ **throughout your habitations**” teaches that it is forbidden merely where we sit[[79]](#footnote-79) however in His house and Temple the Menorah and offerings were lit on the Sabbath.

4. And if one asks “this is correct only if we are considered ‘doing’ actions derived from our actions, and logic says other than this, since a plant derives from the actions of seeding and planting but is not the same action. And a child is born from the action of copulation, but birth is not the action of the copulater but rather the creation of God, praised and exalted. And especially according to your school’s view regarding the ‘actions of nature’ which contradicts the view on ‘actions derived from other actions,’ and thus how does your view obligate us?” We say “our view regarding the ‘actions of nature’ and our proof for it that we explained in *Tafsir Bereishit*[[80]](#footnote-80) refers to what logic necessitates, and are mentioned in the Torah but not under the category of obligation. However, the subject of obligation and commandments, if you follow after it, you find that it includes the obligation of derivative actions in the meaning of ‘intention’ and we will explain this later.

5. For we in our discourse on the commandments move towards the direction of Scripture, for we obligate what the Torah obligates and prohibit what it prohibits. And thus when we see the texts and traditions in every place regarding fire and otherwise obligating derivative actions, since the “beginner” is the “doer” and he intends the derivative action which is forbidden to do, we describe him according to what the text forbids. And this is like the case of a person hitting another with a sword or another deadly object and he knows he is killing him, for if he dies he is the murderer and nobody else, and similarly if he damages a limb and what resembles this. And similarly if one lights another’s property on fire and knows that it will burn, and then it burns, he is the “burner” without a doubt, even if it was going to be burnt in a few days, and this is impossible to deny. Similarly if one lights a fire on Friday and intends for it to remain burning on the Sabbath, he is the “burner” of it on the Sabbath without a doubt. What we say confirms the words of Scripture (Exodus 22:5) “If fire break out, and catch in thorns, so that the shocks of corn, or the standing corn, or the field are consumed; **he that kindled the fire shall surely make restitution**.” And even if the fire is burning the next day or after five days the judgment obligates him according to the verse (Exodus 22:5) “...**he that kindled the fire shall surely make restitution**.”

6. And now let us clarify our view on this topic and our answer. Say to them “tell us your view on one who lights a fire in the property of a person or his home and it burns. Who burnt that field or that home? The one who lit the fire or someone else?” And if they argue that the one who lit the fire did not burn the field, then there is nobody in the whole earth who burnt anything, and this goes against common sense. And if they say the one who lit the fire is the {525} “burner,” we say “and if he lit the fire on Friday and it burns on the Sabbath when does the burning occur, on the Sabbath or before that?” And if they say before the Sabbath, this too goes against common sense and experience together, since burning requires a “burner” and the “burner” is named when the burning occurs as a result of his actions. And if they argue that he burnt before the Sabbath, but the burning occurred on the Sabbath, they are arguing that he burnt before any burning occurred, just as there is to say to them “if he burnt before the Sabbath, tell us does burning not start with lighting the fire?!” And if they agree, say to them “and if the fire is put out after it is lit, before burning anything, do we say that something was burnt?” And if they say “yes,” they are obligating someone as burning who did not burn and this is hypocrisy, and like this one is obligated in cooking and roasting as we will discuss subsequently.

7. And if one opposes this and says “if one lit a fire and then dies before any property is burnt, and the fire burns on the Sabbath while he is dead, do we say that he burnt on the Sabbath while he is dead? If so, it follows that the dead are able to act and desecrate the Sabbath.” We say that this issue does not apply merely to us, but to all who follow Judaism, since the Creator be praised teaches us in his book that one who strikes another man with a deadly blow is the murderer and the one who caused his death. And it is possible that the murderer will die before the one murdered, and the dead person is a “doer.” And the case of the burner and one who cooks and roasts is like the murderer and the teaching for all of these cases is the same and what is obligated for the murderer we obligate for the burner.

8. And regarding our answer to these two issues, we say that one who kills and burns and is alive at the time of the death or burning, we call him a murderer or burner in these situations where burning and death occurred. And if he dies before these events occur, we do not call him a “doer” in this situation since the dead cannot act. However a group of the philosophers of the *Mu’atazila* argue that the dead can act in terms of derivative actions, while we do not agree with this but say that this death or burning were the result of the dead person since he performed what mandated this, and he was the one who intended its occurrence and nobody else, and we nor others can respond more than this.

9. And if one says that this view obligates one who strikes a person and the one struck dies on the Sabbath, thus he killed him on the Sabbath.[[81]](#footnote-81) We say that if he intended for this to occur on the Sabbath then this is the case, but if he did not intend this and he randomly died on the Sabbath it is not done on the Sabbath. However, one who lit a fire and left it to burn on the Sabbath intends for it to burn on the Sabbath and thus he is burning during the Sabbath. And this is parallel to what we preceded with the verse (Exodus 22:5) “If fire break out, and catch in thorns, so that the shocks of corn, or the standing corn, or the field are consumed; he that kindled the fire shall surely make restitution” since he left the fire and did not prevent it from escaping and thus is obligated in the fine like one who burnt intentionally. And we will see in the explanation of (Exodus 20:12) “Thou shalt not murder” regarding one who intended an action but did not complete it, confirms what we said here. And of the most incredulous statements {526} of the Rabbanites is their forbidding of planting in the earth during the sixth year so that it does not grow in the seventh year. And does one with intelligence not question that like this obligate one for fire which is forbidden to be left from the sixth day to the Sabbath in order not to burn during the Sabbath?

10. And another issue of theirs is that they say “Scripture forbids upon us to do work on the Sabbath while you with your prohibition of the lamp and what is similar to this are prohibiting work on Friday, and this is opposed to word of God (Exodus 20:8) ‘Six days shalt thou labour, and do all thy work.’” Say to them “this also obligates you similarly, since you forbid leaving seeds in a hand-mill strainer[[82]](#footnote-82) so that they will be ground on the Sabbath and thus are forbidding work on Friday, and similarly your prohibition of releasing water in a field at the end of Friday in order not to water the field on the Sabbath.”

11. And our answer in these three issues is that we are not forbidden from lighting a fire nor leaving seeds in a hand-mill strainer nor opening a stream at any time during the six days of the week, but rather this is permitted the entire week until close to Friday at sunset. However, it is forbidden to leave it in such a state that the fire will remain burning on the Sabbath, or the hand-mill will grind on the Sabbath, or the stream will water on the Sabbath, since all of these are forbidden. For work is not forbidden on Friday but merely during the Sabbath.

12. Next they ask regarding cooking, is it permitted during the Sabbath or not, and similarly roasting? And if they permit this, they leave the religion and if they forbid this we say to them “tell us regarding one who heats his oven before the Sabbath and places a pot or skewer with meat and it is cooked and grilled during the Sabbath, who cooks and roasts it?” For there is no choice but to say that the one who placed it there is the one who cooks and roasts on the Sabbath. And if not thusly, for there is nobody on the earth who cooked or roasted, since every one who cooks or roasts connects between the fire and the pot and skewer which is cooked and roasted. And one who disagrees with this ignores reality.

13. And al-Fayummi shamelessly argued that cooking and roasting are permitted on the Sabbath and this is opposed to what God, praised and exalted, commands in his esteemed book since it says (Exodus 16:23) “And he said unto them: 'This is that which the LORD hath spoken: To-morrow is a solemn rest, a holy sabbath unto the LORD. **Bake that which ye will bake, and seethe that which ye will seethe**; and all that remaineth over lay up for you to be kept until the morning.'” For God commanded them to precede their baking and cooking on Friday and to do this since cooking and baking are forbidden on the Sabbath.

14. And one of them argued that “burning” (*bi’ur*) applies only to the beginning of the action, which is connecting between the fire and wood and what is similar to this.[[83]](#footnote-83) However, the burning and eating of the flame after it is lit we do not call “burning.” And if this was the case, the Torah’s verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” prohibits only lighting which is the beginning of the action and not burning and what follows. And the one who holds this view is mistaken to the highest degree, and is because there are two kinds of “burning” (*bi’ur*) which are “lighting” and “burning.”[[84]](#footnote-84) Lighting, as in the verse (2 Chronicles 13:11) “and they burn unto the LORD every morning and every evening burnt-offerings and sweet incense; the showbread also set they in order upon the pure table; and the candlestick of gold with the lamps thereof, **to burn (*le-va’er*) every evening**; for we keep the charge of the LORD our God; but ye have forsaken Him” and like this are many examples. And burning is like the verse {527} (Exodus 3:3) “​​And Moses said: 'I will turn aside now, and see this great sight, **why the bush is not burnt (*yiv’ar*)**’” and He already said (Exodus 3:2) “And the angel of the LORD appeared unto him in a flame of fire out of the midst of a bush; and he looked, and, behold, **the bush burned (*bo’er*) with fire**, and the bush was not consumed” meaning lit. And if “*bi’ur*” only had one meaning, Scripture would contradict itself and the Wise one does not contradict himself. And what is correct with this is that His first verse (Exodus 3:2) “the bush burned (*bo’er*) with fire” means “was lit” and the following verse (Exodus 3:3) “why the bush is not burnt (*yiv’ar*)” means that it was not burnt, and this returns to his words (Exodus 3:3) “and the bush was not consumed.” And like this is the verse (Judges 15:5) “**And when he had set the torches on fire**, he let them go into the standing corn of the Philistines, and burnt up both the shocks and the standing corn, and also the oliveyards,” for this is lighting, and afterwards it is said (Judges 15:5) “... and **burnt up both the shocks** and the standing corn” and this is burning, and it is not the beginning of the action. And this is another of the clear proofs that one who starts a fire which continues to burn, the one who started the fire is the “burner” the entirety of the time it is lit and burning. Thus, Samson is identified as the burner[[85]](#footnote-85) and there is no doubt that this occurred after two or more days since the fire was lit with torches and the flames were released on the fields and olive yards.

15. And sometimes they challenge other things,[[86]](#footnote-86) such as vinegar and wine and *labane*[[87]](#footnote-87) and what is similar to this, for they say that if connecting between the fire and the substance before the Sabbath is forbidden in order to stay lit during the Sabbath, thus similarly it is must be forbidden to connect other substances that are “passively made” in order to avoid from this “passive action” during the Sabbath, and thus preparing vinegar and *labane* and other drinks and what is similar to this, which are passively made by the sun and air, would be forbidden. We say “this obligates you as well with the millstone and the river as well similarly.” However, our answer to this is that we say “the tradition and texts already permit the making of vinegar and *labane* and everything else that you highlighted, and Scripture did not forbid what is passively made by the sun or air, and forbade leaving a lit flame with the proofs that we mentioned. And if Scripture had distinguished between what is passively made by the sun and air and lighting a flame, and forbade one of them and permitted the other, it would not be permitted to oppose this nor join them.”[[88]](#footnote-88) And this obligates one who forbids fire from the basis of “derivatives” as opposed to following the text, however we are not obligated by this since we already forbade this on the basis of the text, since we said that it says (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” and this prohibits that there should be for us a burning flame during the Sabbath, in addition to what else we said regarding one who is obligated who lights a fire and does not prevent it from burning, for he is the “lighter” and “burner” of what is lit and burnt when this happens.

16. However, one of our companions distinguishes between preparing these things, such as vinegar and *labane* and pickled vegetables and similar things fermented in honey and vinegar and other substances, whose preparation is permitted even if it is passively made on the Sabbath, versus what we mentioned previously is forbidden on the Sabbath like leaving a flame and leaving the river to water on the Sabbath and leaving food to cook on the Sabbath. He says that what is forbidden of these is that it is possible to separate and interrupt before the Sabbath without causing its destruction. And this is since it is possible to separate between fire and a wick and wood without destroying them, and similarly separating between food and the hand mill without causing its destruction, and similarly stop the flow of water in our property without causing its destruction. However, the rest of what we said is permitted, {528} for some of these cannot be separated at all, and this is like *labane* and vinegar and pickled vegetables, and some can only be separated by destroying them, such as things which are being fermented in vinegar or honey, for if you remove them from the vinegar and honey and similar substances, they dry and ruin since the separation between them and all these is not possible since part of it has entered them and drinks from them.

17. And this is a concern also for one of the “renewers” who said if Scripture says (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day,” and according to your view the one who connects between fire and wood or a wick and leaves this burning during the Sabbath is the “burner” of fire on the Sabbath. Similarly, say that when it says (Leviticus 6:5) “And the fire upon the altar shall be kept burning thereby, it shall not go out; **and the priest shall kindle wood on it every morning**; and he shall lay the burnt-offering in order upon it, and shall make smoke thereon the fat of the peace-offerings” that if the Priest places the wood before the morning such as in the middle of the night or the beginning of the night and they are left burning until the afternoon, thus he has fulfilled the commandment since he is the “burner” during the time of the morning as one who lights a fire before the Sabbath and leaves the flame burning during the Sabbath is the “burner” of it during the Sabbath. And what we preceded from in our discussion defeats this notion, which is what we saw that “*bi’ur*” has two aspects, one of which is the beginning with lighting, and the second with burning. And since this is the case, and the verse of Scripture (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” is a general statement that is not combined with any specifications, both kinds of “burning” are prohibited together. However, we already showed that the intention is to the second kind and not the first, since the first which is the beginning is not necessary to mention.[[89]](#footnote-89) And when it says (Leviticus 6:5) “...and the priest shall kindle wood on it every morning,” he did not state this carelessly as a general statement, but rather connected it with its specifications, and taught us that he desires the first lighting which is the beginning and the connection between the fire and wood and this is in His word (Leviticus 6:5) “wood.**”** And additionally He said previously (Leviticus 6:5) “And the fire upon the altar shall be kept burning thereby…” which reports that the fire burns eternally and then it says (Leviticus 6:5) “...and the priest shall kindle wood on it every morning” and teaches that this is renewing the lighting by placing wood and connecting between it and the fire,[[90]](#footnote-90) and this is clear with praise to God exalted.

18. And if one asks regarding his verse (Exodus 35:3) “Ye shall kindle no fire throughout **your habitations** upon the sabbath day” and if this specifically applies to “our habitations” and not other places, thus it is permitted outside of “our habitations.” We say that we do not deny that if a Jewish person is rented as a laborer to one outside of the religion, and he is commanded to light a fire in an oven or underneath a pot or what is similar on Friday at the end of the afternoon, and subsequently the fire remains until the Sabbath, that this is not forbidden on the Jewish laborer and he is not obligated to extinguish the fire since this occurred outside of “our habitations.” And the purpose of His verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” is what we mentioned that it is forbidden for there to be for us a burning flame on the Sabbath, and this does not refer to the beginning of lighting since this is included within the prohibition of “actions.”[[91]](#footnote-91)

19. And one of our companions seeks proof for the prohibition of “passive actions” on the Sabbath, such as fire and what is similar, based upon a feature of the language.[[92]](#footnote-92) And this is Scripture’s verse in the place (Exodus 31:15) “**Six days shall work be done**; {529} but on the seventh day is a sabbath of solemn rest, holy to the LORD; whosoever doeth any work in the sabbath day, he shall surely be put to death” and also (Exodus 35:2) “**Six days shall work be done**, but on the seventh day there shall be to you a holy day, a sabbath of solemn rest to the LORD; whosoever doeth any work therein shall be put to death” and we discuss this at the end of the discourse. And he is stubborn and brazen, and this causes him to argue that the verse (Exodus 35:3) “Ye shall kindle no fire throughout your habitations upon the sabbath day” means not to remove the fire. For this argument obligates that lighting a fire is an obligation during the Sabbath, since removing it is forbidden.[[93]](#footnote-93) And does one who says this remain in error and deny what God exalted commands and turns it upside down?

20. Moreover, I return and say that the matter of the verse (Exodus 35:3) “Ye shall kindle no fire throughout **your habitations** upon the sabbath day” obligates them and not us, since if the verse (Exodus 35:3) “Ye shall kindle no fire...” intends the beginning act of starting a fire as opposed to our view, thus only this is forbidden in “our habitations” and it is permitted to start a fire in the homes of gentiles. We already discussed the five sources that the verse teaches us are forbidden on the Sabbath, and now we return to discuss the details of the “actions” and “skilled labors” in which there is disagreement.

**The twenty-fourth chapter regarding circumcision on the Sabbath--- is it permitted or obligatory or not? And included in this additionally is the work of Passover with other kinds of obligations.**

1. The Rabbanites and the community[[94]](#footnote-94) permit circumcision on the Sabbath, while Anan goes against this and prohibits circumcision on the Sabbath. And a group of our companions agrees with him on this, while others disagree. And after Anan prohibited circumcision on the Sabbath, he said things that contradict his own views, such as he obligated circumcision if the eight day is the Sabbath to circumcise the child at the time of sunset on Saturday “between the evenings.”[[95]](#footnote-95) And he believes that this time the Sabbath has not ended, and thus he removes the obligation in its time, since he does not believe in doing it on the Sabbath, yet does it anyways on the Sabbath! And a group of our companions, when they obligate this, confuse and say “we circumcise ‘between the evenings’ not because circumcision is forbidden on the Sabbath, but rather because the treatment of the circumcised child is forbidden on the Sabbath. Thus, we circumcise ‘between the evenings’ so that the treatment will occur after the completion of the Sabbath.” And I do not have the energy to show the absurdity and failure of this teaching, since it is clear to everyone and there is no purpose to engage with it.

2. And he who permits and obligates circumcision on the Sabbath relies on the verse from Scripture (Leviticus 12:3) “And on the eighth day the flesh of his foreskin shall be circumcised.” For according to their view, every commandment that is designated for a specific day cannot be moved from that day even if it occurs on the Sabbath or another day. And those who prohibit circumcision on the Sabbath rely {530} on Scripture when it forbids “skilled labor” and “actions” on the Sabbath whose obligation applies to everything except what the text explicitly excludes such as the verse (Numbers 28:10) “This is the burnt-offering of every sabbath, beside the continual burnt-offering, and the drink-offering thereof” and similarly the holiday sacrifices and what is similar to that.

3. And my view is that the teaching on circumcision on the Sabbath is very doubtful and both sides have some merit, and I will explain some of it which demonstrates the correctness of what I said. And this is that there is to say to one who obligates circumcision on the Sabbath “from where do you say that?” And their answer is “because it is connected specifically to the eighth day.” Say to them, “and similarly the Sabbath is specifically the seventh day, and thus why do you obligate fulfilling the commandment of circumcision since it is specified on the eighth day and do not obligate the commandment forbidding ‘actions’ on the Sabbath which is specified for the seventh day?” And they split into two answers with regards to this obligation. For one of them argues “I believe Scripture’s teaching on the seventh day (Exodus 20:9) ‘but the seventh day is a sabbath unto the LORD thy God, **in it thou shalt not do any manner of work**, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates’ permits ‘actions’[[96]](#footnote-96) such as the verse (Exodus 16:25) ‘And Moses said: '**Eat that today**; for today is a sabbath unto the LORD; to-day ye shall not find it in the field.’ and the verse (Numbers 28:10) ‘**This is the burnt-offering of every sabbath**, beside the continual burnt-offering, and the drink-offering thereof.’ And I do not believe at all that what is obligated to be done on a specific day like the seventh or eighth or another day can be pushed off its day to the next day, and given that this is the case it is not permitted to me to move circumcision to the day after the eighth day, since I do not believe that what is obligated on a specific day can be pushed to the next day. And thus I circumcised on the Sabbath because it is permitted to me, and even more so it is obligated upon me to perform this action on the Sabbath.” And among the other group are some who answer with the argument “we are obligated in circumcision on the Sabbath since it is said (Leviticus 12:3) ‘And in the eighth day the flesh of his foreskin shall be circumcised’ and circumcision is not forbidden on the Sabbath, even if it is said (Exodus 20:9) ‘but the seventh day is a sabbath unto the LORD thy God, **in it thou shalt not do any manner of work**…’ since the commandment of circumcision preceded the commandment of the Sabbath.”[[97]](#footnote-97) They say “and since the commandment of circumcision on the eighth day precedes, and after that it is said ‘do not work on the Sabbath,'’ circumcision is not included in ‘the forbidden work’ since the commandment to circumcise on the eighth day precedes, and this is a general teaching and not specific[[98]](#footnote-98) and circumcision is outside of the prohibition.”

4. Regarding the first group, they are challenged by the shaving the head of a *nazir* or leper and washing clothes, since it says (Numbers 31:24) “And ye shall wash your clothes on the seventh day, and ye shall be clean, and afterward ye may come into the camp” and similarly the offering of the *zav* and *zavah*[[99]](#footnote-99) and the parturient and the offerings which are eaten on a specific known day. And one of them accepts this and permits all the above mentioned, and one of them looks down upon this and does not permit it and makes a distinction based on consensus, [which nothing comes from.][[100]](#footnote-100) And regarding the verse (Numbers 31:24) “And ye shall wash your clothes on the seventh day, and ye shall be clean, and afterward ye may come into the camp,” they say that this is said a specific group, meaning the people of the war with Midian, and it was said to them since the seventh day was not the Sabbath. However, one for whom the seventh day is the Sabbath is not obligated by it and it is not permitted to wash clothes on the seventh day, since Scripture did not obligate this. And it must be that he who holds this view did not learn anything all all about the “people of the Midian war,” since He resumes afterwards with all that obligated them and this is like {531} (Numbers 31:23) “**​​every thing that may abide the fire, ye shall make to go through the fire**, and it shall be clean; nevertheless it shall be purified with the water of sprinkling; and all that abideth not the fire ye shall make to go through the water” and the rest of the story. And this astonishes reality, since this story is foundational in which we learn from it many of the obligations pertaining to corpse impurity.[[101]](#footnote-101)

5. Moreover, challenge them regarding their permitting what we just mentioned from shaving the head and otherwise. And they are obligated with what we first highlighted, which is that if what is designated on a fixed day it is not permitted to leave or move it, thus is not the prohibition of “actions” on the Sabbath obligatory? And they must agree. Say “thus, why do you argue that shaving the head of the *nazir* is permitted on the Sabbath even while it is a ‘*melakha*,’ since you see that some actions are permitted on the Sabbath, and does this not contradict what you argued? Since if you argued if that which is fixed for a specific day is not permitted to be moved or delayed from its day, and furthermore argued that the prohibition of ‘actions’ determined on the seventh day has some exceptions, thus your view is contradictory.” And if they return to the foundation of what we quoted in their name, which is their statement “we saw that it is permitted for us on the Sabbath ‘actions,’” we say that “this is a contradiction that cannot be disavowed, since if you said that what is contingent on a specific day it is not permitted to be moved to another day and subsequently you said that the prohibition of ‘action’ on the seventh day of creation, but permits some actions on this day, thus you contradicted your view.” And it is possible for their opponent to say “if it says ‘on the seventh day do not do work’ and then permits some specific actions, thus the verse (Exodus 20:9) ‘but the seventh day is a sabbath unto the LORD thy God, **in it thou shalt not do any manner of work**, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates’ is specific, and does not contradict therefore the verse (Leviticus 12:3) ‘And in the eighth day the flesh of his foreskin shall be circumcised’ which is also specific for a certain reason. And similarly each of what you said including shaving and what else and there is no difference.”

6. And when some of them are forced to permit shaving the head of a leper on the Sabbath when it is falls on the eighth day say “this is impossible to occur on the eighth day, because in order for this to be the eighth day the priest must rule over it and purify him and ‘ruling’ is not permitted on the Sabbath.” And if the ruling cannot occur on the Sabbath, the Sabbath cannot be the eighth day. And this forces him even more stringently from what they run away from, which is the verse of Scripture (Leviticus 14:2) “This shall be the law of the leper in the day of his cleansing: he shall be brought unto the priest” and it is obligated to bring him to the Priest on the day of his purification from leprosy and its removal. And if it is forbidden to bring him on that day to the Priest, even while Scripture connects it with that day, thus everything that they connect with the notion of a specific day is contradictory and our view is confirmed.

7. Moreover, say to those who argue that circumcision is obligated on the Sabbath since its commandment precedes the commandment of the Sabbath, “if circumcision was permitted since it precedes the Sabbath, say that what does not precede the Sabbath but is commanded on a specific day cannot be done on the Sabbath.” And this goes against what Scripture commands in terms of offering holiday offerings on the Sabbath since it says (Numbers 28:24) “**After this manner ye shall offer daily, for seven days**, the food of the offering made by fire, of a sweet savour unto the LORD; it shall be offered beside the continual burnt-offering, and the drink-offering thereof” including the Sabbath necessarily, and similarly the offerings of Sukkot. And if it was obligated to offer {532} on the Sabbath that which did not precede the Sabbath, what do you deny by prohibiting what precedes the Sabbath, while what we said obligates also the additional Sabbath offering which is offered on the Sabbath and which does not precede it. And one of them says regarding this “to what he believes that the Sabbath and holiday offerings precede the Sabbath, even if the Torah does not explicitly mention offerings, since we see evidence of offerings from the time of Noah, peace upon him.” Say to him “and what you deny additionally that the Sabbath precedes circumcision, since we first see it taught at the beginning of creation (Genesis 2:3) ‘And God blessed the seventh day, and hallowed it; because that in it He rested from all His work which God in creating had made’ as it says (Exodus 20:7) ‘Remember the sabbath day, to keep it holy’ and there is no difference,” just as his view that the Sabbath offering precedes the Sabbath is impossible, since if there is no Sabbath how can there be a Sabbath offering?

8. And everything we said agrees with what we said that the two views are equal. And if both schools are equal, the most correct according to me is to follow the practice of the masses of the nation. And we already said in our introduction regarding the clash between commandments that the more stringent one overrides what is less stringent than it, and that this is learned from rational necessity or from the punishments. And we do not find in these two commandments something that proves one is more stringent than the other, neither from the view of rational necessity nor from the punishments since both require the death-penalty for transgressors,[[102]](#footnote-102) and both are symbolic of the covenant, and both are contingent on a specific day. And thus neither adversary has anything to rely upon, but the other is like him (Joshua 10:12)[[103]](#footnote-103) “...till He come and cause righteousness to rain upon you.”

9. And regarding what we said regarding shaving the head of a leper and *nazir* and the offering of the *zav* and *zavah* and the parturient and washing clothes and what is similar, all of these are known by rational necessity that the Sabbath is more stringent than them and that the Sabbath displaces all of them. Similarly is the case if a High Priest raped a virgin woman and damages her, he is not obligated to marry her since the obligation (Leviticus 21:7) “They shall not take a woman that is a harlot, or profaned; neither shall they take a woman put away from her husband; for he is holy unto his God” is known by necessity to be more stringent than the commandment (Deuteronomy 22:29) “then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife, because he hath humbled her; he may not put her away all his days.” And similarly, the fast of *Kippur* is known by necessity to be more stringent than the obligation for a priest to eat the sin offering, and similarly if a person is found to be impure from the impurity of a *sherets*, at the time he wants to eat the Passover offering, the prohibition of eating sanctified offerings in a state of impurity displaces the obligation to eat the Passover. And this is additionally something known by rational necessity, and it is said regarding Priests (Leviticus 21:5) “They shall not make baldness upon their head, neither shall they shave off the corners of their beard, nor make any cuttings in their flesh” and if a Priest showed signs of leprosy, it would be that the commandment of (Leviticus 14:9) “And it shall be on the seventh day, that he shall shave all his hair off his head and his beard and his eyebrows, even all his hair he shall shave off; and he shall wash his clothes, and he shall bathe his flesh in water, and he shall be clean” supersedes the commandment of (Leviticus 21:5) “...neither shall they shave” and this too is known by rational necessity.

10. We move on now to a different topic, the kind of which we discussed that is disputed, which is whether or not Sabbath desecration is permitted to save lives or not, and within this we include our discussion of many other commandments. {533}

**The twenty-fifth chapter regarding “Is it permitted to desecrate the Sabbath to save lives or not?”**

1. Regarding what we stated previously that the more stringent commandment supersedes what is less stringent, what indicates and explains this view,[[104]](#footnote-104) since the prohibition of killing is above all the commandments, and this is from the perspective of logic and tradition together, since all of the commandments are less stringent than killing which supersedes all the commandments. However, a group of our companions demonstrate with their tongues the opposite of this, and what leads them to this is [innocence].[[105]](#footnote-105) And if something happened to them which is likely not to cause death, perhaps they will do it in opposition to what they demonstrate.[[106]](#footnote-106) For they argue that one presented with a commandment such as the Sabbath, and with the fulfillment of this commandment he will lose his life, it is not permitted for him to abandon the commandment to stay alive but rather is obligated in the commandment’s fulfillment even if it takes his life.

2. Amongst what disproves their view we already explained in our introductions regarding what is foundational for knowledge of the commandments that one who sees someone kill wrongly, and it is possible for him to save him and he does not save him, it is as if he killed him. And we proved this with various proofs including the verse to Ahav (1 Kings 21:19) “And thou shalt speak unto him, saying: Thus saith the LORD: **Hast thou killed, and also taken possessions?** and thou shalt speak unto him, saying: Thus saith the LORD: In the place where dogs licked the blood of Naboth shall dogs lick thy blood, even thine.'” And His verse (Proverbs 24:11) “**Deliver them that are drawn unto death**; and those that are ready to be slain wilt thou forbear to rescue?” etc... And we emphasized more than any of this His verse (Ezekiel 33:6) “But if the watchman see the sword come, and blow not the horn, and the people be not warned, and the sword do come, and take any person from among them, he is taken away in his iniquity, but his blood will I require at the watchman's hand” parallel to His verse (Genesis 9:5) “**And surely your blood of your lives will I require**; at the hand of every beast will I require it; and at the hand of man, even at the hand of every man's brother, will I require the life of man” and it says that he died by his sin, and that he requires his blood in two ways[[107]](#footnote-107) since he did not warm or alert them. And this is the most emphatic of the proofs for what we said, since if one who was not warned regarding murder is liable with his blood, one who it is possible to save someone and does not save him, is even more deserving of being liable. And nobody disagrees that it is forbidden for a person to kill themselves and we will explicate this with proofs subsequently.[[108]](#footnote-108) And one who allows himself to be killed, it is as if he kills himself. And it is forbidden to allow oneself to be killed, and when this is done his ruling is as one who killed. And if this is the case, saving a life and preventing one from facing danger is the most obligatory of the obligations and more stringent than any of them. And it is obligated to do work to save life on the Sabbath and not to allow killing to occur, which is more obligatory than fulfilling the Sabbath when that would cause killing to occur.

3. And another perspective[[109]](#footnote-109) is that a person is permitted to kill one who is trying to kill him, since it says (Exodus 22:1) “If a thief be found breaking in, and be smitten so that he dieth, there shall be no bloodguiltiness for him” and it is permitted for one who runs into a thief in his home to kill him since he is not able to protect {534} himself since the rest of the story proves this. And like this is the verse on Yoav (1 Kings 2:5) “Moreover thou knowest also what Joab the son of Zeruiah did unto me, even what he did to the two captains of the hosts of Israel, unto Abner the son of Ner and unto Amasa the son of Jether, whom he slew, **and shed the blood of war in peace**, and put the blood of war upon his girdle that was about his loins, and in his shoes that were on his feet” and this is because Avner killed Asael since he tried to kill him, and when Yoav killed him on his brother’s behalf, he is culpable for killing since he killed one who was not obligated to be killed. And this proves that one who seeks to kill a person, the one being sought is permitted to kill the seeker in order to save himself. And from this it is established that preserving one’s own life is above all the commandments and is the most obligatory of the obligations since it is permitted for him to kill another in order to preserve his own life. And if this is the case, preserving his life by means of desecrating the Sabbath is preferable, and there are many other proofs for this that we mention in our teaching of (Exodus 20:12) “Thou shalt not murder.”

4. And the Rabbanites and Anan and Binyamin already agreed that Joshua, peace be upon him, surrounded the walls of Jericho on the Sabbath day, and in our view the matter is not like their view, and we will explain this subsequently. However regarding the Rabbanites, we already said that they argue that they violate the Sabbath to keep a child alive, and do not violate the Sabbath for the sake of David,[[110]](#footnote-110) King of Israel, because the child will keep many Sabbaths. Oh, glorious God, how clearly erroneous is this teaching, and how blind is the heart of who said it, since it is possible that the child will die one day later and not fulfill a single Sabbath, while David and the rest of the people and the elders may live many years and thus fulfill hundreds of Sabbaths. Just as they additionally contradict themselves with this teaching in other places, such as they argue in some of their teachings that if enemies head towards the houses of Israel to take from them straw, it is permitted to fight them on the Sabbath to prevent them from this. And from [their erroneous teachings is] their permitting to heal a person from illness and sickness in any way except for three things which are idolatry, murder, and sexual immorality, and from [their erroneous teachings is] their teaching that Joshua fought on the Sabbath.

5. However, Binyamin argued that David, peace upon him, ran away on the Sabbath according to the verse (1 Samuel 21:7) “So the priest gave him holy bread; for there was no bread there but the showbread, that was taken from before the LORD, **to put hot bread in the day when it was taken away**” and that day was the Sabbath according to the verse (Leviticus 24:8) “**Every sabbath day he shall set it in order before the LORD continually**; it is from the children of Israel, an everlasting covenant” since the bread is not hot except in its time[[111]](#footnote-111) and that is the time he ran away according to the verse (1 Samuel 21:11) “And David arose, and fled that day for fear of Saul, and went to Achish the king of Gath.” And he made a clear error in this, since Scripture said (1 Samuel 21:7) “So the priest gave him holy bread; **for there was no bread there but the showbread, that was taken from before the LORD**, to put hot bread in the day when it was taken away” and taught that there was no bread other than that bread. And subsequently his words “to put hot bread in the day when it was taken away” does not teach that it was taken that day and replaced with new bread, but rather teaches us what is his responsibility to do if the bread is taken, and that when it is taken he puts a replacement of hot bread, and it is permitted that the bread after it is taken to remain on top of the table for two or three days until the end of the week.

6. And what additionally nullifies Binyamin’s argument that it was the Sabbath day, if such were the case, Ahimelekh would have disapproved of this and we do not see his disapproval. And David, peace upon him, also did not inform him that he was running away and that Saul was seeking his life such that he forgive him, but rather tricked him to believe that he was passing by on behalf of Saul’s business according to the verse (1 Samuel 21:3) “And David said unto Ahimelech the priest: '**The king hath commanded me a business**, and hath said unto me: Let no man know any thing of the business whereabout I send thee, and what I have commanded thee; and the young men have I appointed to such and such a place” and the rest of the story. And the most wondrous of this teaching {535} is that he carried a weapon on the Sabbath, in other words (1 Samuel 21:10) “And the priest said: '**The sword of Goliath** the Philistine, whom thou slewest in the vale of Elah, behold, it is here wrapped in a cloth behind the ephod; if thou wilt take that, take it; for there is no other save that here.' And David said: 'There is none like that; give it me.” And if he was running away on the Sabbath out of fear of being killed and carried a weapon, why? If this was the case because he was not safe that an enemy would meet him on his path, anyone who is unsafe with an enemy is permitted to violate the Sabbath. And this is also nullified since violating the Sabbath is only permitted when there is no doubt that if he does not violate it he will be destroyed without a doubt with a high degree of probability. And additionally if it was according to what he said,[[112]](#footnote-112) Ahimelekh would have disapproved strongly, but rather he led him to this. And let us assume that David, peace upon him, believed it permitted to take a weapon and carry it out of fear, how would Ahimelekh lead him to this, since it says (1 Samuel 21:10) “And David said: 'There is none like that; give it me”? And this also nullifies that it was the Sabbath, but rather it was Friday according to what we explained.

7. And regarding the teaching of everyone that Joshua surrounded the walls of Jericho on the Sabbath according to the verse from Scripture (Joshua 6:3) “**And ye shall compass the city**, all the men of war, going about the city once. **Thus shalt thou do six days**” and His verse (Joshua 6:4) “And seven priests shall bear seven rams' horns before the ark; **and the seventh day ye shall compass the city seven times**, and the priests shall blow with the horns,” this too is nullified from the perspective that there was no rational necessity for this and the enemy did not come to them to fight them and thus make it permissible to fight them to save themselves. Rather, the whole people were inside at the time and the gates were locked for them with nobody entering or exiting as it says (Joshua 6:1) “Now Jericho was straitly shut up because of the children of Israel: none went out, and none came in.” And it is permitted to work on the Sabbath to save lives if there is something threatening present, but if it [the fear] begins from us without a reason that obligates it, that is impossible. And if one argues that they did this because they were not certain that if they sat and the enemy learned that they were sitting for the Sabbath they would exit and wage war against them, we say it was necessary for them to not start but rather to sit and watch and anticipate, and if they sensed something from them to rise against them with weapons since they were just a small group and villagers, while they were many, innumerable people.

8. And the false interpretation of this verse from Scripture that ّI oppose amongst our companions is from their false assumption that these seven days are consecutive days. And this is not the case, but rather His verse of six days and seven days are to the occurrence of an event. And this is parallel to the dedications of the Heads of the Tribes[[113]](#footnote-113) in which it says first, second, third until twelfth and these are not consecutive days since the Sabbath interrupts them, since the purpose is that these dedications were whole offerings which are not permitted on the Sabbath. We learn from this that the verse’s seven days and eight and nine and ten and eleven and twelve are not consecutive but rather the seventh day to an action,[[114]](#footnote-114) and similarly the eighth and ninth and what follows this. And even more certain than this is the story of the children of Benjamin with the children of Israel since it says that they fought the first and second and third day, and the third was not the third consecutively but rather the third day of the war, since there was a gap between the second and third. And this is His verse that after the second day {536} they came to God, blessed and exalted, and cried and fasted and asked “should we repeat or not” and he commanded them to return and promised to deliver the children of Benjamin into their hands. And it is correct that His verse third is the third merely to an action, not consecutively, and similarly the seventh of Joshua.

9. And these two teachings, meaning the teaching of Binyamin regarding David running away on the Sabbath and the teaching of everyone that Joshua fought in war on the Sabbath, even if they emphasize what we say regarding the permissibility to violate the Sabbath in order to save lives, we do not strengthen our view with void arguments, since what is void cannot establish what is correct nor strengthen it. And what is correct is what we highlighted earlier and brought proofs for it. And what additionally proves this is the story of the raped betrothed woman[[115]](#footnote-115) in which it was possible for her not to allow herself something which could kill her. And since the prohibition of sexual immorality was less than taking a life, it was permitted to her to offer herself to sexual immorality and not offer herself to be killed. This is confirmed also by the husband of a concubine who is forced to deliver his wife to sexual immorality to prevent his own life being taken, since it says (Judges 20:5) “And the men of Gibeah rose against me, and beset the house round about upon me by night; **me they thought to have slain**, and my concubine they forced, and she is dead.” And if one argues that he was mistaken with this, say to him “how can one be mistaken who was just with his word on the entire town completely, and was killed by his words, along with seventy thousand men?” And is this any more than denying the truth?

10. And if one opposes with the story of Hananya, Misha’el and Azarya, peace upon them, and their surrender to a fiery furnace and did not bow to the idols, and similarly Daniel, peace upon him, who surrendered himself to the tiger pit without stopping to pray, we say in response to this that Hananya, Misha’el and Azarya were summoned for idol worship and this is heresy towards the exalted Creator and one who denies the Creator, praised and exalted, and worships an idol has abandoned all the commandments. And we forbid sacrificing one’s life for commandments below the prohibition of murder, but heresy and worshiping idols are above all the obligations, even including all the commandments, thus it is preferable to surrender all the people’s lives and not commit heresy.

11. And if one argues that heresy is just belief, and it was possible for them to appear externally to bow to what they were asked to save their lives, while believing the truth, we say that heresy is not merely belief, but rather it is obligatory for external appearance to match with the internal. And they were a loyal group to God, praised and exalted, and it was not permitted for them to appear to bow to the idols and have others imitate them who perhaps do not know the faith and thus allow this to themselves despite the humiliation of this towards the enemies and gentiles. However, a group of our companions answered with this story an argument that they were friends of God and were confident with no doubt or suspicion that the exalted God would not deliver them but rather would save them from that fire and from that enemy. And they attempt to prove this from their statement to him (Daniel 3:17) “If our God whom we serve is able to deliver us, He will deliver us from the burning fiery furnace, and out of thy hand, O king.” {537} And if one argues that this verse reports that God is able to save them, and not a report that he has no choice but to save them, say to him they said two statements. Firstly, they said that God is capable of saving them with their statement “is able” and secondly they said that he will save them certainly and this is in their statement “and out of thy hand, O king.” And this reports certainly that he will save them from his hand,[[116]](#footnote-116) and this is also is also confirmed by what precedes it with the miracle that He showed them and this is the statement (Daniel 1:12) “'Try thy servants, I beseech thee, ten days; and let them give us pulse to eat, and water to drink” and it says at the end of the story (Daniel 1:15) “And at the end of ten days their countenances appeared fairer, and they were fatter in flesh, than all the youths that did eat of the king's food.” And this is an incredible proof and sublime sign that what Daniel reported occurred to them as He said. And he learned from this that he did not say that or report it, except out of complete trust. And if this occurred and was completed from the withholding of food, which is a lesser command than bowing to idols,[[117]](#footnote-117) their confidence from withholding from bowing to idols which is doubly as grievous was even stronger and more appropriate.[[118]](#footnote-118) And similarly is the teaching regarding Daniel’s prayer and his lack of attention to the King’s command.

12. And perhaps one will respond to our view that we stated previously and say “if it is permissible for a person to kill another to save himself, perhaps it is permissible even to send another person to their death in similar circumstances?” We say that what is proved is that it is permitted for a person to act in such a way towards one who seeks his life, and to put the life of the seeker in place of his own life. And this is what we cited from the story (Exodus 22:1) “If a thief be found breaking in, and be smitten so that he dieth, there shall be no bloodguiltiness for him” and the story of Yoav and Scripture’s words (1 Kings 2:5) “Moreover thou knowest also what Joab the son of Zeruiah did unto me, even what he did to the two captains of the hosts of Israel, unto Abner the son of Ner and unto Amasa the son of Jether, whom he slew, **and shed the blood of war in peace**, and put the blood of war upon his girdle that was about his loins, and in his shoes that were on his feet.” However, regarding this other issue we do not know what to say. We have already seen that Scripture reports that hunger forces the killing of children and eating their meat since it says (Deuteronomy 28:53) “And thou shalt eat the fruit of thine own body, the flesh of thy sons and of thy daughters whom the LORD thy God hath given thee; in the siege and in the straitness, wherewith thine enemies shall straiten thee” and also (Deuteronomy 28:57) “and against her afterbirth that cometh out from between her feet, and against her children whom she shall bear; for she shall eat them for want of all things secretly; in the siege and in the straitness, wherewith thine enemy shall straiten thee in thy gates.” And this warning was actualized, since He says (Lamentations 4:10) “The hands of women full of compassion have sodden their own children; they were their food in the destruction of the daughter of my people” and additionally (2 Kings 6:29) “ So we boiled my son, and did eat him; and I said unto her on the next day: Give thy son, that we may eat him; and she hath hid her son.” And with this are several kinds of weighty sins, including the removal of mercy towards children, killing persons who have committed no crime, and eating human flesh. And we do think that one who did this is worthy of criticism and rebuke, but rather it is said that the hunger pushed them until they were forced to do this. And we do not know if this is permitted to them with such a necessity, unlike any other necessity, or rather if it is not permitted since we saw He says (Lamentations 4:9) “​​**They that are slain with the sword are better than they that are slain with hunger**; for these pine away, stricken through, for want of the fruits of the field.” And if eating the children is permitted to save lives, thus sending another who is not a child to death to save lives is even more fitting to be permissible.[[119]](#footnote-119) {538}

**The twenty-sixth chapter regarding traveling by sea on the Sabbath:**

1. The Rabbanites permit this and some of the Qaraites follow them with this, and their main support for this is the story of the slaves of Solomon since it says regarding them (2 Chronicles 9:10) “And the servants also of Huram, and the servants of Solomon that brought gold from Ophir, brought sandal-wood and precious stones.”[[120]](#footnote-120) They say “God commanded our gentile slaves and the sojourner who is not amongst the religious community[[121]](#footnote-121) to observe the Sabbath since He says (Exodus 20:9) ‘but the seventh day is a sabbath unto the LORD thy God,in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, **nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates.**’ And this does not refer to a Jewish slave since the Jewish slave is included in the commandment and the group for whom it it said (Exodus 20:9) ‘in it thou shalt not do any manner of work,’ but rather intends the slave who has not entered into the religion like the resident that has not entered the religion.”[[122]](#footnote-122) They say “if traveling by sea is forbidden on the Sabbath, Solomon, peace upon him, would not have sent his slaves to the sea.” And they also erroneously cite the story of Jonah, since he is a Prophet and it says regarding him (Jonah 1:3) “But Jonah rose up to flee unto Tarshish from the presence of the LORD; and he went down to Joppa, and found a ship going to Tarshish; so he paid the fare thereof, and went down into it, to go with them unto Tarshish, from the presence of the LORD.”

2. And when you challenge them regarding sitting on a boat and traveling in a river on the Sabbath such as the Tigris or Euphrates and what is similar to this, they respond that the consensus has already prohibited this specifically and by tradition. And what is of this nature, it is not possible to say that it is forbidden, for their view obligates that there is no distinction between traveling by sea or by river on the Sabbath from the perspective of analogy and yet they distinguish and permit one and forbid the other on the basis that the tradition[[123]](#footnote-123) permits traveling by sea and the consensus forbids traveling by river. And this argument is similar to our teaching that when an analogy obligates something and the text makes an exception by removing some of what is obligated,[[124]](#footnote-124) in such a case we must investigate the foundation of what the analogy obligates. Does the prohibition of traveling obligate everything, meaning by river and by sea together, while tradition makes an exception by permitting travel by sea from the two; or rather, does the analogy obligate permitting riding both of them while the tradition makes an exception by forbidding traveling by river from the two?

3. We say that Scripture forbids exiting from the place on the Sabbath, according to what we previously said and this is general[[125]](#footnote-125) from every side from walking and riding on anything. And it is not possible to argue that [this prohibition] is specific and that traveling on a boat on the sea is not included in it. Because if is possible for one to argue this, it is possible for another to remove from [the prohibition] riding a ship also and argue that this does not enter the prohibition, and it is possible for another to argue similarly that a donkey and horse and mule and camel and wagon and remove that from from the prohibition and argue that it is permitted to him to exit from the place on the Sabbath on a donkey that does not belong to him but rather that he borrowed from a gentile. And it would be that His words {539} (Exodus 16:29) “See that the LORD hath given you the sabbath; therefore He giveth you on the sixth day the bread of two days; abide ye every man in his place, **let no man go out of his place on the seventh day**” apply only to walking by foot. And since all this is false and the prohibition of exiting is a general prohibition in every respect, it must be that exiting on the Sabbath from place to place on a boat or ship or the back of an animal on land or river or sea are all forbidden. And the Text and analogy obligate the prohibition of exiting without a doubt, and the consensus regarding the prohibition of traveling by river was not on the basis of tradition, but rather the basis of the Text and analogy like the rest of the textual and analogical commandments. And the teaching regarding the slaves of Solomon and with Jonah remains a branch,[[126]](#footnote-126) even if you find an explanation, the prohibition remains in its place. And even if it is completely unexplainable and it cannot be found what frees it to be permissible, it is an exception from what the Text and analogy obligate. And its nature is the nature of the rest of the exceptions and this is known from the Tradition that was fixed to the prophecy and authority according to what we explained earlier in our explanation of the Tradition.

4. Moreover, I say in summary that if it was correct that traveling by river is forbidden on the Sabbath, there is no doubt that this is according to the Text, analogy and consensus, and there is no contradiction at all in this, and there is no doubt that traveling by sea is forbidden. And this is because it must be that he who enters something produced by a prohibition enters [the prohibition], and it is not possible to avoid this, and entering something derived from a prohibition is forbidden without a doubt. And from what we see and observe is that one who travels by sea must travel by river and what is similar to a river, since most of the cities that lead towards the sea do not reach the sea except by entering via a river. And this is like the entrance to Basra in which the entry by sea is via the Tigris river. And travel by sea on this basis is forbidden without a doubt, and this is in addition to what applies to a person inside the boat from the kinds of Sabbath desecration.[[127]](#footnote-127)

5. And one who permits traveling by sea, is not satisfied to consider a boat, which is an “enduring object,” as “not an object,” until he must consider it above a house in which a person lives until he makes it in the place of a town.[[128]](#footnote-128) Since a Jewish person who travels on a boat, according to him, is in the place that he sits as a person who is in his house, and the rest of the boat and the other gentiles in it are the same as gentiles in a town, and their Sabbath desecration does not bother the one observing the Sabbath. And this is a serious and clear sin according to what we mentioned previously in the chapter on carrying, regarding the prohibition of a person carrying himself on the water and this prohibits traveling by sea. And this also prohibits riding an animal inside a home and similarly sitting on a river-boat inside the home, and this is already forbidden by consensus.

6. And regarding the interpretation of our companions of Solomon’s slaves {540}, one of them argued that even while we obligate gentile slaves to withhold from prohibited labor on the Sabbath in our domain and property,[[129]](#footnote-129) as we obligate like this the “stranger at the gate” to the exception of others. This is because Scripture says after mentioning to all the slaves and strangers (Exodus 20:9) “but the seventh day is a sabbath unto the LORD thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger **that is within thy gates**.” And we learn from this that “within thy gates” applies to all of them, meaning slaves and strangers. He said that it was permitted for the slaves of Solomon to travel by sea because they were far from the domain and gate. And he who makes this argument believes that the purpose of the prohibition of forbidden labor on them with regards to property is to avoid their violating the Sabbath on our behalf, when they violate it with our property in our Sabbath domain. And this interpretation appears correct, except that it implies a grievous matter that contradict what the masses of the nation has accepted, which is that a person is allowed to order his slave to plant for him and harvest and build and work with wood and perform all the forbidden labors on the Sabbath when this occurs outside of the Sabbath domain and property set aside for the Sabbath. And this discussion is included in the chapter that we will discuss subsequently.

7. And another one says that those who are called Solomon’s slaves were not slaves that he owned as property but rather slaves who submitted[[130]](#footnote-130) as in the verse (1 Chronicles 18:13) “And he put garrisons in Edom; **and all the Edomites became servants to David**. And the LORD gave victory to David whithersoever he went.” And those who are obligated to rest on the Sabbath are slaves owned as property and not slaves who submitted. And another group argued that the slaves of Solomon were slaves of a saint of the glorious Master of the Universe, and the Creator placed them and led them on a path through the sea to travel and a place was prepared for them each Sabbath to rest there, and only God knows how this occurred.[[131]](#footnote-131)

8. And they interpreted regarding Jonah that the place that he wanted to travel to was close and could be reached within two or three days. And this is something that [cannot be done in sea travel][[132]](#footnote-132) since the distance of two or three days possibly faces delays that interrupt the journey by a month. Indeed, it is even possible to face such a delay in the same coast one wants to anchor in that delays them twenty days or more. And one of them argues that if Jonah already refused what God commanded to send him[[133]](#footnote-133) it is possible that he sinned also with the Sabbath. And this argument is the most evil of all and we have no need to explain its failure.

**The twenty-seventh chapter regarding the permissibility of a river in the Home, and its flowing from outside to inside the house, and similarly a well.**

{541} 1. This too is one of the views that was invented by a group amongst our companions, which is that they do not permit drawing water from a well on the Sabbath. And their proof is their argument regarding our prior discussion on the obligation of “preparation” which according to them requires preparing everything used on the Sabbath before the Sabbath, and if the well water was not “prepared” (“*hakhanah*”) before the Sabbath, it is not permitted to use it during the Sabbath.

2. And I already mentioned the failures of such a view regarding “preparation” which nullifies this argument, in addition to our explanation here of this argument’s failure with another kind of discussion. Say to them “is not entering and exiting forbidden on the Sabbath?” And they must agree, and say to them “is it not that well water already increases and lessens on the Sabbath, and its increasing and decreasing is the result of water entering and exiting the well?” And since this is the case, say that “it is forbidden for a person to have a well in his house, lest something[[134]](#footnote-134) enter or exit his house which would desecrate the Sabbath.” And this opposes tradition and the words of Scripture additionally, since He says (2 Samuel 17:18) “But a lad saw them, and told Absalom; and they went both of them away quickly, **and came to the house of a man in Bahurim, who had a well in his court**; and they went down thither.” And one of them says in this regard that one who has a well in his house is obligated to cover it before the Sabbath in order for it to be equivalent to being removed from his property, or rented from his house or borrowed to gentiles and thus become outside his property and domain. Say to him “if this was the case, say that it is forbidden for a person to have in his house roof gutters to the outside, lest rain water exit from them on the Sabbath and it will be that he violated the Sabbath. And similarly, it is forbidden for him to have a drainpipe in his house in which water exits the house, and similarly it is forbidden for him to have an outhouse dug to the water lest water increase or decrease on the Sabbath. Obligate all these and forbid them!”

3. Moreover, say to him after his astonishment ends at forbidding these things in contradiction to what the entire Nation accepts, “does Scripture not forbid entering and exiting Jerusalem, because it is a designated Sabbath area since He says (Jeremiah 17:27) “But if ye will not hearken unto Me to hallow the sabbath day, **and not to bear a burden and enter in at the gates of Jerusalem on the sabbath day**; then will I kindle a fire in the gates thereof, and it shall devour the palaces of Jerusalem, and it shall not be quenched” and moreover what is said regarding this.[[135]](#footnote-135) And if this is the case, it is not permitted for there to be in Jerusalem a flowing river nor an uncovered spring, and this opposes the famous “pool of Siloam” and the tradition regarding (2 Chronicles 32:30) “This same Hezekiah also stopped **the upper spring of the waters of Gihon**, and brought them straight down on the west side of the city of David. And Hezekiah prospered in all his works.” Moreover, say to him additionally “and if you forbid there to be roof gutters that drain rainwater external to your house, forbid also there to be a sewer[[136]](#footnote-136) for rainwater to flow to it on the Sabbath, and obligate covering it on the Sabbath as you obligate this with regards to the well.” Next, say to him that “the water of Jerusalem and al-Ramla that is drunk is water of reservoirs, and one who has a reservoir in his house is obligated to block it {542} before the Sabbath, lest rainwater enter it on the Sabbath day.”

4. And one of them argued that it is permitted for there to be a river and spring in Jerusalem, however we do not use this water on the Sabbath. Say to him “and is it not permitted for water to flow from the outside and enter and flow to the outside and exit, even with Scripture’s prohibition on entering and exiting? And if so why not permit it being used additionally even if it was not prepared?” If the preparation is obligatory, thus the ruling of water is different from the ruling for other kinds of food that obligate preparation. This too obligates them additionally to forbid using the well water and river water after the Sabbath, which flowed and increased during the Sabbath, as it is forbidden to use after the Sabbath what has been “done”[[137]](#footnote-137) on the Sabbath. And if they say that not everything which is “done” on the Sabbath is prohibited after the Sabbath, since Gentiles plant and harvest and pick on the Sabbath and we use these after the Sabbath, we say to them “you are not obligated what was completed by the nations and Gentiles, but rather you are obligated by what you accomplished and what you caused either intentionally or by negligence. For example, a pot which was forgotten in the oven and was cooked on the Sabbath, according to your view he is not permitted to eat its food. And for example ordering your Aramean laborer to harvest for you on the Sabbath, it is not permitted according to your view to be eaten after the Sabbath. And similarly if a Jew transgressed and completed something on the Sabbath, it is not permitted according to your view to benefit from that after the Sabbath. However, we ask you about the well and river that you dig and [caused water to flow from it], if water increased in it during the Sabbath, thus it is forbidden for you to use and drink water from it after the Sabbath, since you were the one who dug and caused it to flow, and you are the “one who caused flowing” on the Sabbath, as you are the “burner” of fire on the Sabbath if you light something before the Sabbath and do not extinguish it. And similarly, you are the “waterer” of plants on the Sabbath if you directed the water to them before the Sabbath and did not block it before the Sabbath enters. And since it is impossible to forbid these things that we just mentioned,[[138]](#footnote-138) it must be that the ruling for water is distinct from the ruling of other things and the requirement of “preparation” is not required before the Sabbath, and it is permitted to drink water and use it from a well and river and spring and rain and otherwise inside and outside the home.

**The twenty-eighth chapter regarding commanding gentiles before the Sabbath to complete work for us on the Sabbath, including in this sending money or commodities or books in their hands to circulate on the Sabbath, and similarly delivering tools to skilled workers such as garments to a tailor for weaving, or a ring to a jeweler for forging, or shoes to a shoemaker or a dress to a tailor, {543} and everything that is similar to this, and similarly participating and partnering with them, and dispatching money in their hands to sell and purchase on the Sabbath, and including in this also renting homes and shops to them and similarly contracting bathhouses, and hand mills, and gardens and what is similar to them.**

1. This is a long and deep subject, and perhaps deriving everything that it requires will not obtain what reason investigates and the truth obligated by analogy. However, we will discuss this according to our ability and rely on God for all goodness. And we say firstly that using what was completed by Gentiles on the Sabbath is permitted in Scripture’s narratives in many places, including Joshua and rest of the nation eating the produce that they found in Canaan[[139]](#footnote-139) and there is no doubt that it was harvested on the Sabbath and there are many similar examples. However, regarding sending commodities or books in their hands to circulate on the Sabbath, there was no dispute amongst the nation permitting this until recently, for a group appeared and disagreed with this and forbade it without proof via analogy nor the text.

2. However, delivering tools to a skilled laborer, such as fabrics to a weaver and shoes to a shoemaker and everything that is similar to this, for the entire nation completely does this as a *fait accompli*.[[140]](#footnote-140) As for the Rabbanites, they permitted this in one aspect and forbade it in another. And this is that they forbade a person to give a skirt to a tailor on Friday in order to pick it up on Sunday, for with such a command he necessarily tailors it on the Sabbath, however they permit giving it to him with more time. It is as if their desire in this is that a person not intend for work to be done on his behalf on the Sabbath, and not to command this, however if this occurs without his intention this is permitted, and this contradicts what they obligate regarding doubt.[[141]](#footnote-141)

3. As for partnership with gentiles and participating with them and dispatching money in their hands to sell and purchase on the Sabbath, the majority of the nation forbids this lest a person profit and benefit {544} from what was acquired on the Sabbath. And a deviant amongst them permits this and argues that its ruling is similar to what we mentioned previously regarding what they plant and harvest and pick on the Sabbath, and it is permitted for us to eat and purchase this. ُTheir adversaries say to them “what was picked and harvested is permitted for us to eat and purchase only because we had no involvement in it nor did we commission them with this, nor did we ask them to do this. However, if we ask them this it is as if we did something impermissible, and we are prohibited from using what they completed on the Sabbath. And if we partner with them and exchange our money in their hands and they purchase or sell on the Sabbath, it is as if we commanded them with this and intended to profit on the Sabbath and benefit and use what was profited on it, and this is forbidden.

4. As for one of the people of the opinions, Isma’il,[[142]](#footnote-142) argued that one who has a Gentile partner who sold and purchased on the Sabbath, he must see how much he profited during the year and remove one seventh of this for the Sabbath and one fiftieth for the holidays. And I already saw one of our companions from the “people of speculation” who sympathizes with this argument and argues that it is the most fitting of what has been discussed in this topic.

5. Regarding renting homes and shops and guaranteeing estates and bathhouses and handmills, the majority practice this and the minority forbid it lest it be that he receive a Sabbath wage. And I think what rids this [problem] is that a person rent the shop or house or bathhouse for a payment that the renter agrees with no exceptions or suspension but rather the payment is complete. And when he completes this and the deal is ratified he must investigate the amount that the Sabbath requires of this, and leave this, and thus none of his money will include Sabbath wages. And this teaching is similar to the teaching of Isma’il on partnership.

6. And the summary of the teaching is that God commanded us to rest on the Sabbath and to desist from working, us and our children and our slaves and our animals. And the obligation of resting and being idle on the Sabbath applies to the animals and not otherwise, and our other possessions do not enter this such as our immovable property or money or furniture.[[143]](#footnote-143) And we do not find in the Text, nor via analogy, what prohibits commanding Gentiles working on the Sabbath to complete for us something on the Sabbath except that Consensus has already prohibited this. And we do not see amongst any of the Jews one who orders a Gentile some command or to do work on his behalf. And we already argued previously in our discussion of Consensus that whenever we find something that has been prohibited and banned by the Nation, it must be adhered to if there is no challenge to it, or something that contradicts it, because we do not believe that this is correct, and when we contradict it[[144]](#footnote-144) we contradict the truth. And what is permitted in their hands,[[145]](#footnote-145) and subsequently is challenged, it is obligatory to grasp the most reliable support. And this is the sum of my view and teaching with everything that does not exit…[[146]](#footnote-146)

7. [As for… what desecrates the Sabbath…][[147]](#footnote-147) it is prohibited to benefit from it on the Sabbath and holidays alone, according to Scripture’s words (Nehemia 13:16) “There dwelt men of Tyre also therein, who brought in fish, and all manner of ware, and sold on the sabbath unto the children of Judah, and in Jerusalem” and He says (Nehemia 13:17) “​​Then I contended with the nobles of Judah, and said unto them: 'What evil thing is this that ye do, and profane the sabbath day?” And it is known that he reprimanded them only because of Sabbath desecration. And we learn from this that whenever the Sabbath is desecrated, whether by an Israelite or other[[148]](#footnote-148) because of an Isralite, it is forbidden {545} to benefit from it. However, if a Gentile violates for his own sake, it is not forbidden on the Israelite to benefit from this after the Sabbath. And he[[149]](#footnote-149) seeks proof from what we mentioned previously regarding Joshua and the children of Israel eating from the produce of the nations that was worked on the Sabbath and similarly Daniel and his companions, peace upon him. And his argument with this is not intelligible but is rather confused and closed.[[150]](#footnote-150) And this is because if a Gentile picked some fruit or something else on the Sabbath to give it to a Jew after the Sabbath, without the Jew commanding him nor desiring this from him, it is not forbidden upon the Jew to take and use this as it is not forbidden for him to use what was picked for another. Rather, this is permitted for him because he did not command him and had no reason for this. And whenever he did not command or order him[[151]](#footnote-151) is permitted for him.[[152]](#footnote-152)

**The twenty-ninth chapter regarding profiting by teaching on the Sabbath, or reading the Torah, or leading prayer, or sermonizing before them; and similarly vows on the Sabbath, and safeguarding the poor and others such as charity and what is similar.**

1. This additionally is amongst the contradictions of the Rabbanites, since they authorize and permit it, even while they prohibit “profiting.’[[153]](#footnote-153) And what leads them to this is because most of their profit occurs from the Sabbath, and if they do not permit this, they will lose much of their earnings and livelihood. And their judges and prayer leaders do not assemble for them their business, and gather the people, except for on the Sabbath. And their ruling in this is like their ruling in paying for the Sabbath on Friday.[[154]](#footnote-154) And there is no difference between profiting on the Sabbath in trade and profiting on it by reading the Torah and everything that is similar to this. And if profiting in trade is forbidden while teaching[[155]](#footnote-155) is permitted, it would be that writing papers and what is similar on the Sabbath is prohibited while writing a Torah for reading is permitted, and for this are many parallels.[[156]](#footnote-156) And if profiting itself is forbidden on the Sabbath, it is forbidden in every aspect, and for any reason and notion. And if it is forbidden for a person to profit, it is forbidden on him for another to profit[[157]](#footnote-157) in such a way that he safeguard and give and donate to him, as the community practices to safeguard the poor on the Sabbath and who are similar to them.

2. As for one of our companions from the “people of speculation,” for he permits this and argues via the verse from Scripture (Leviticus 25:9) “Then shalt thou make proclamation with the blast of the horn on the tenth day of the seventh month; **in the day of atonement shall ye make proclamation with the horn throughout all your land**” {546} and His words (Leviticus 25:10) “**And ye shall hallow the fiftieth year, and proclaim liberty** throughout the land unto all the inhabitants thereof; it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.” And he argues that emancipating slaves and returning estates and property to their owners occurs on Yom Kippur, whose manner is the manner of Sabbath with the prohibition of labor. And this allows the slave to gain himself and transfer ownership to himself, and allows the owners of property and possessions to gain via statement and guarantee. And if this is permitted, it is also permitted for me to safeguard the poor, to donate and give to him, just as I guarantee to return this estate to its owner and transfer ownership to him. And the thought of who makes this argument is erroneous, since His words “proclaim liberty” does not relate to something that I cause him to own, nor something that I donate to him, nor give to him, but rather is something that God already transfers ownership to him and He gives him the right and obligation. And with this [it is as if we are merely informing][[158]](#footnote-158) that the commandment is known to us and the obligation is fulfilled, and we did what is required for us. And the acquisition[[159]](#footnote-159) is what is not my right and obligation, but rather what is given, if we desire it we do this and if we desire we do not do it.[[160]](#footnote-160)

3. And if one asks “is it not possible for a person to invite another to his house, whether a poor person or otherwise, and feed and drink him?” We say “it is permissible.” And if he says “did he not profit from what he ate and drank? And if this is the case, he profited from what he ate and drank on the Sabbath!” We say “The language does not allow one who is invited and eats and drinks [to be considered][[161]](#footnote-161) ‘profited.’” And if he demands from us to agree on the meaning,[[162]](#footnote-162) even while the language does not allow it, we say “the manner of what is done on the Sabbath for the Sabbath is not like the manner of what is done on the Sabbath for after the Sabbath,” and this is according to what we will explain in the next chapter. And he who invites a poor person, or another, and feeds and drinks him on the Sabbath does not transgress the commands of the Sabbath and does not bestow nor profit him what he will use after the Sabbath. And for this reason, it is permitted to feed him during the Sabbath and not permitted to guarantee for him what he will eat after the Sabbath. And if he says “therefore it is permitted to him on the Sabbath to dress him with clothing as he fed him with food?” We say “That is not permitted, since the clothing will clothe him after the Sabbath, and its ruling is like the ruling of what he guarantees for him that he will feed him after the Sabbath.”

**The thirtieth chapter regarding work done on the Sabbath for after the Sabbath.**

1. Nobody disagrees amongst our companions regarding prohibiting what was completed on the Sabbath for after the Sabbath, except one of the Baghdadis. For he thought this was permissible and argued that everything permissible to work on the Sabbath for the Sabbath is also permissible to be worked for after the Sabbath, since the permission already occurred and since the same permission already occurred, it is not forbidden for another aspect. And thus it is permitted {547} to cool water on the Sabbath for after the Sabbath and similarly everything that is parallel to this from preparing food, spreading a carpet and everything that is similar to this.

2. And he who argued this argument erred a clear error and separated himself from what the people of the religion completely have accepted. And the intellect shows the contradiction of what he said, and this is because his argument implies that everything that is permitted to be worked on the Sabbath for one aspect is permitted for in all its aspects. And this argument is impossible since it is obligated from him to sacrifice and flay and light a fire and burn when bringing a sacrifice, thus it is permitted in all its aspects? How? And God did not permit even every sacrifice, but permitted rather just those to him, and only a specific offering to the exception of other sacrifices. And if what is permitted to God in one aspect and not permitted to him in every aspect, and it is not possible to analogize from some sacrifices to God to all sacrifices to God---[[163]](#footnote-163) how is it possible to analogize from what is completed on the Sabbath for the Sabbath with what is completed on the Sabbath not for the Sabbath, and say that it is permitted like it?[[164]](#footnote-164) And additionally, if it were the case that what is completed on the Sabbath for after the Sabbath is permitted because it is permitted to complete on the Sabbath for the Sabbath, it would be permitted to walk within the city for an outing, as it is permitted for the sake of reading the Torah and praying and eating and drinking.[[165]](#footnote-165) And similarly it would be permitted to carry tools inside the house and carry them and move them from place to place for no purpose of the Sabbath, and not to to sit on the Sabbath[[166]](#footnote-166) but rather for some reasons that are not for the sake of the Sabbath, as this is permitted for the sake of the Sabbath. And if he permits these, he exits the mutual agreement[[167]](#footnote-167) and permits frivolity and entertainment on the Sabbath. And if he says “if frivolity is not permitted on the Sabbath, what you mentioned is not permitted.” Say to him “and since work on the Sabbath is not permitted except for what it requires on the Sabbath, what you mentioned is not permitted.” And if he says “and from where is it not permitted to work on the Sabbath except for what it requires on the Sabbath?” Say to him “and from where is frivolity prohibited on the Sabbath?” And if he permits it according to the agreement and consensus, challenge him similarly with the prohibition[[168]](#footnote-168) of what is completed on the Sabbath for no Sabbath-purpose. Strengthening what we said is that the Rabbanites already declared this, and this is their teaching that it is permitted to make a bed on Yom Kippur for the Sabbath and not permitted to make a bed on the Sabbath for Yom Kippur, and they forbid doing work on the Sabbath for Kippur, which is parallel to the Sabbath. And since this is the case, work on the Sabbath for a profane day is even more appropriate to be forbidden.

3. And it is possible to include in this chapter “trickery” on the Sabbath, and this is like one who wants to move clothes from one place to another and thus schemes to wear clothes with no reason to be worn, beyond moving them. And like this are many parallels from the chapter on trickery, such as one who has a tree in his house and places his mouth on the fruit and eats from it, while it is still a part of the tree without being picked, for all of these are forbidden and it is said about them in Scripture (Jeremiah 9:5) “Thy habitation is in the midst of deceit; **through deceit they refuse {548} to know Me**, saith the LORD.”

**The thirty-first chapter regarding using tools on the Sabbath day.**

1. None of the ancients amongst our companions prohibited using tools on the Sabbath with the exception of a group of the contemporary Qaraites who forbade cutting fruit and what is similar to it with a knife and otherwise.[[169]](#footnote-169) And similarly they forbade breaking nuts and almonds with something other than the hand and mouth and body parts. And these require them not to remove anything from a pot with a ladle and not to take out water from a cistern with a cup and not to eat with clay plates and not drink with a cup and not eat on a plate, rather all their foods and drinks are prepared from Friday before the Sabbath in such a way that it is not required to use any tools, to the point that one who desires to drink has for him a prepared amount in a tool and he leans over and drinks in the manner of an animal and lifts the water with his hand and drinks it with his mouth from his hand without handling the cup or another tool.

2. And say to them “is there not a difference between the Sabbath and holidays with respect to prohibiting labor, with the sole exception of what is eaten?” And if they agree, say “and if what is permitted to work on the Sabbath is not permitted to be used with a tool, it would be also that what is permitted to be worked on a holiday cannot be used with tools. And thus it would be prohibited from this bread[[170]](#footnote-170) on the kitchen-table or baker’s rolling pin or another tool and not in an oven, and similarly it would be forbidden to cook in a pot or grill with a skewer and everything similar to this. And Scripture nullifies this, since it states (2 Chronicles 35:13) ‘And they roasted the passover with fire according to the ordinance; and the holy offerings sod they in pots, and in caldrons, and in pans, and carried them quickly to all the children of the people.’ And since what is permitted to be worked on a holiday may be worked with and in tools, also what may be worked on the Sabbath is permitted with tools.” Indeed, this even requires them to not knead dough in a large bowl[[171]](#footnote-171) nor something similar and this entirely is ignorance.

3. And since Scripture already permitted cutting a cucumber and cracking a nut, from where is this permitted via the mouth and hand and not permitted in another way such as beating it with a rock or otherwise. And since the same work, which is breaking, already occured, from where is it prohibited in one aspect and permitted in another aspect?[[172]](#footnote-172) Is not this argument and distinction between the two matters nothing but an opinion without a proof? And this is wondrous how they forbid using tools for eating and permit using tools for other things, since they sit {549} on a mat and rug and sleep on a bed and pillow and bring chairs and place upon it the Torah for reading and everything that is similar to this, and is this not a clear contradiction?

**The thirty-second chapter regarding wearing a ring on the Sabbath and other ornaments.**

1. As for the Rabbanites, their statements clearly stipulate the prohibition of wearing a ring[[173]](#footnote-173) on the Sabbath, even while their actions are like the actions of the rest of the community who violate this, since all of them entirely wear rings, and one may see children of a group of the community in synagogues wearing ornaments and none disavows this. And the majority of our companions in this period forbid wearing a ring and when you ask them regarding the proof for this, some of them say it is not clothing. And when you challenge them with shoes[[174]](#footnote-174) they do not find in this a distinction and are silenced.

2. And one of them already rejected this and argued that wearing shoes is not permitted on the Sabbath and one of them argued that wearing a ring is not permitted on the Sabbath only because it is not something that is required on the Sabbath, and this idea obligates shoes in the same way.[[175]](#footnote-175) Moreover, say “what do you say regarding one who wears two shirts for beauty?” And he will say “it is permitted.” Say to him “like this, wearing a ring is for beauty.” They do not know what to say, indeed even this requires them to wear any clothing on the Sabbath which is not required. And one of them argues that wearing a ring is not permitted on the Sabbath only because when a person washes their hands, they wash the ring with them, and washing tools is forbidden on the Sabbath. And say to him “is it not the case that when one wants to wash their legs they remove their shoes and wash their legs? Thus permit wearing a ring and obligate one who wants to wash his hands to remove the ring and then wash.” And until this time, none of them has decisive proof for their prohibition, however withholding from wearing it is preferable according to what we preceded of the things for which there is disagreement[[176]](#footnote-176) especially with regards to things in which withholding from it there is no effort or strain.[[177]](#footnote-177)

**The thirty-third chapter regarding drinking medicine on the Sabbath day.**

{550} 1. This too is amongst what the majority of our companions have prohibited without an obligatory proof, but all of them use this when they feel.[[178]](#footnote-178) And their contradiction with this is clear, and this is that their proof for allowing drinking medicine is what permits this on the Sabbath according to what we will explain in the next discourse after this one in the twelfth chapter which is the discussion on healing, and that is the explanation of (Exodus 20:2) “Thou shalt have no other gods before Me,” except that we will discuss here what is necessary from this.

2. And we say that the purpose of drinking medicine is either just to remove sickness or pain or preventing their occurence, and like this specific reason we have in food. And since eating food on the Sabbath for these two purposes is permitted, it is also permitted with medicine. Even moreso, the case of food is more severe since food can be used for more than these two purposes but some of it is used for pleasure and amusement, which are not for the sake of removing pain or suffering or preventing something. And this is like eating sweets and meat and fruit whose purpose is merely pleasure or amusement without removing suffering and pain, and drinking juice and wine whose manner is also above the manner of sweets, since some or most of it has no pleasure in it, and it is not intended for quench one’s thirst but rather is merely to please the soul. And since the amusement and pleasure with sweets and fruit, and drinking juice and wine is permitted on the Sabbath, drinking medicine to remove pain and suffering and illness, which is parallel to eating bones and drinking water to remove the suffering of hunger and thirst which is even more appropriate to be permitted. And one of them argues that drinking medicine is forbidden on the Sabbath because it stimulates the secretion of natural impurities and causes impurity on the Sabbath, and rather one must be holy and pure on it. And he is obligated in the same way with food and he must obligate himself to abstain from foods which cause the same thing even more.

3. Still, say to him also “not every medicine ‘releases’ but rather some medicines are used to block the secretion of natural impurities. Thus permit drinking medicine that has this nature! Even moreso, obligate yourself to drinking such drinks since they prevent impurity on the Sabbath!” And the majority of those who prohibit drinking medicine on the Sabbath allow drinking sekanjabin[[179]](#footnote-179) and jallab[[180]](#footnote-180) to reduce gall or fever, and similarly they use jullanjabin[[181]](#footnote-181) and what is similar to this. And when you challenge with this, they resort to arrogance and say “this is similar to food, and its manner is like a pomegranate that is used and eaten on the spit to remove with it fever, like we eat bread and drink water to remove hunger and remove gall and fever, and this itself ruins their argument prohibiting drinking medicine and demonstrates their contradiction.

4. And despite our argument and permission to drink medicine on the Sabbath, we do not permit drinking every medicine nor using them[[182]](#footnote-182) in a way other than drinking. We permit from this just two things, one of which is what removes suffering on the Sabbath like eating on the Sabbath that removes the suffering of hunger on the Sabbath. And the other is a sickness that one fears he may die from it if he does not use this medicine on the Sabbath. As for what is similar to a medicine that people drink during an epidemic to shake their body, we do not permit this according to our view, on the Sabbath, since there is no reason requiring this.

**The thirty-fourth chapter regarding washing on the Sabbath to cool down.**

1. This too is amongst what the majority of them prohibit, and their ruling in it is like their ruling in the previous chapter, which is that if it is not permitted to wash the body to cool off and for pleasure, it is also not permitted to wash part of the body for the same reason. And they obligate from this a prohibition on washing the face and arms and similarly anything beyond the feet and hand by a measure of an ‘*aqd*[[183]](#footnote-183) may not be washed. Moreover, they require from this additionally that washing hands and feet has a limit with the amount of water that may not be exceeded, and similarly washing from all the impurities has a known limit that may not be exceeded and one who uses more than this has transgressed the Sabbath and this is all ignorance and departs from the accepted practice.

2. With regards to what we mentioned additionally in the previous chapter regarding permitting using sweets and fruits for pleasure and juice, this nullifies their argument, and proves the permission of washing with cold water for pleasure in the heat.[[184]](#footnote-184) And if they say “we permit eating sweets and drinking juice only because the Text already permitted eating with His words (Exodus 16:25) ‘And Moses said: 'Eat that to-day; for to-day is a sabbath unto the LORD; to-day ye shall not find it in the field.’” We say “and similarly permit washing the rest of the body as an analogy to washing the face and washing what is beyond the hands and feet and the increase in this, since the prohibition for this has no proof and none of ‘owners of the tradition’ said anything in this regard.” And additionally they are obligated to prohibit rose water and other perfumes and similarly smelling scents on the Sabbath. As for he who forbids amongst them washing {552} the face on the Sabbath, and similarly the hand, for no reason, we have no reason to debate him and we already clarified this in the beginning of our discourse on the Sabbath which is the sixteenth chapter.

3. And the most wondrous regarding one who does not permit washing on the Sabbath to cool off is he who does not permit this additionally to purify, neither from a seminal emission[[185]](#footnote-185) nor what is parallel to this. And he who said this argued that by saying that if washing the body for purification was permitted, it would be permitted to wash a garment for the same reason. Say to him “is it permitted to clean up after urinating or defecating by washing one’s hands and legs?” And when he agrees, say to him “and why did you permit this?” He says “because Allah commanded us with prayers on the Sabbath, like the Priest is commanded to offer a sacrifice, and since the Priest is not permitted to offer a sacrifice while he is dirty from excrement or urine, it must be from this that cleaning up[[186]](#footnote-186) and washing the hands and legs is permitted and even required. If this is permitted to the Priest, nay required, in order to bring an offering before God, it is obligated on us also to pray and fulfill the commandment.”

4. Say to him, “what do you say concerning a person presented with a situation in which his entire body is covered in urine or excrement--- is it permitted for him to wash his entire body in order to pray?” And he says “no,” and then say to him “Why not? Behold, the reason you permitted this and obligated it with some of the body is itself present in the whole body.”[[187]](#footnote-187) He says “I permitted this only for part of the body and did not permit it for the whole body because if washing the body is permitted, it would also be permitted to wash clothes according to what I argued previously.” Say to him “you contradicted what you attempted to prove.” Moreover, say to him “what you say regarding clothes that are stained with urine or excrement on the edge, is it permitted to wash the place that the filth has stained, if the owner has nothing else to pray in, as he washes part of his body after using the bathroom?” He says “no” and thus contradicts himself a second time since he makes prayer the reason that he permits washing part of the body, and this itself is present with clothing with no distinction.[[188]](#footnote-188)

5. Next, ask him regarding the washing of the Priest on Yom Kippur and he says “what is permitted for the Priest is not permitted to others.”[[189]](#footnote-189) Say “and why is this, since there is no difference between the Priest and non-Priest in worship generally, except what is specified for him which is known and famous such as the offerings and what is similar?” So too this argument of his contradicts what he highlighted firstly, which is what he argued as proof for the obligation of washing off urine and excrement on the Sabbath because of prayer, like the priest is commanded with offering sacrifices.[[190]](#footnote-190) And it is the case that as the Priest is permitted to wash from this and wash his body and hands and feet, similarly it is permitted for us like this. And his argument here that not everything permitted to the Priest is permitted to the non-Priest contradicts his first argument.[[191]](#footnote-191)

6. And ask him regarding (Leviticus 16:21) “And Aaron shall lay both his hands upon the head of the live goat, and confess over him all the iniquities of the children of Israel, and all their transgressions, even all their sins; and he shall put them upon the head of the goat, and shall send him away by the hand of an **appointed man** into the wilderness” and he is the one who sends the goat on Yom Kippur and is not a Priest but rather merely amongst the rest of the people, and he is commanded to wash and washes {553} his clothes on Yom Kippur even while he is not called a Priest. He must find a proof for this and will not find one. Next he is required with his answer for washing part of the body and prohibiting washing the entire body to delineate the part which must be washed. And for this, say to him “is it not if one’s foot is struck with urine, he is permitted to wash it?” And if he agrees, add to this the leg and thigh then each body part until nothing is left of the entire body except a small amount. And if he stops at one point, challenge him with addition and subtraction[[192]](#footnote-192) forever, for he cannot find a distinction at all. And he is obligated that the ruling one part of the body is the same ruling for the whole body with no difference. Moreover, he is obligated as well with his argument that washing the hands and feet after using the bathroom is permitted on the Sabbath only for the sake of prayers, that one who urinates or defecates after the midpoint of the afternoon, that he is not permitted to clean himself since the prayers have already occured and there are no prayers left for the Sabbath at all.

**The thirty-fifth chapter regarding reading scripts other than Hebrew on the Sabbath.**

1. This too is amongst what a group of our companions has forbidden without strong proof. And I say regarding this that languages and words were made merely to signify meanings i.e. the meanings of things and to identify and signify them. And similarly the scripts and letters were made as signs and symbols to signify the pronunciation which is the movement of the tongue and lips and the rest of the uvulas.[[193]](#footnote-193) And thus when Scripture says in the Hebrew language (Exodus 20:2) “ I am the LORD thy God…” this is a sign and symbol which indicates the meaning in the Arabic language “I am the Lord your God.”[[194]](#footnote-194) And similarly when we see these four letters, which is “I am” (*heb.* “Anokhi”) we know the location of each letter in the mouth and uvulas and we pronounce them in Arabic “Anokhi” (“*anokhi*”).[[195]](#footnote-195) And similarly, each of these four letters has another symbol and shape that indicates it, such as the letter *alif* א is the same letter as *alif* ا in Arabic, and the letter which is *nun* נ in Hebrew is the same letter that is *nun* ن in Arabic, and moreover from the other languages and letters in other scripts.[[196]](#footnote-196)

2. And if it is permitted for us to say in Arabic “I am the Lord your God” (“ana ar-rabb ‘ilahuka”) on the Sabbath to indicate the meaning of “I am the Lord your God” (i.e. in Hebrew “*anokhi Hashem elohekha*”), and that is not prohibited, similarly if we see these letters {554} (in Arabic) *anokhi* which indicates the meaning of “I am” (*anokhi*, in Hebrew) this is not forbidden for us to read it, and that is permitted. Or, if it is the case that looking at these letters which are ah-no-kh-ee is forbidden, and reading it is forbidden on the Sabbath, thus similarly saying (in Arabic) “I am the Lord your God” (“*ana ir-rab ilahuka*”) is forbidden on the Sabbath. For if it is forbidden to read in the Arabic script, whether in the Hebrew language[[197]](#footnote-197) or Arabic language, such as a commentary or analysis of Scripture, thus similarly it would be forbidden to speak in the Arabic language regarding a commentary or analysis of Scripture on the Sabbath. But if speech in the Arabic language or another language is not forbidden on the Sabbath for what the Sabbath requires, similarly reading the Arabic script or another script is not forbidden on the Sabbath for what it requires including commentary and analysis and what is similar to this.

3. If one of them argues “is it not permissible for us to talk and discuss on the Sabbath in the Arabic language, and other languages, with respect to what we eat and drink and report what occurred prior to the Sabbath, which is not related to the commentary and analysis of Scripture? And thus is it permitted to read these if they are written in a non-Hebrew script? And if you argue that is permitted, for this is removal from the religion. And if you argue that is not permitted, you have distinguished between speaking and reading that which is written in a language other than Hebrew.” We say that which is forbidden to read in a script other than the Hebrew script, such as discussing what is eaten and drunk, and speaking on what was and will be, which is not related to scriptural commentary and analysis, is not permitted to be read even if it is in the Hebrew language. For if you permitted reading it when it is in the Hebrew script, permit reading it in the other scripts! Our distinction between speaking and reading that which is written only applies in the aspect that we clarified[[198]](#footnote-198) and our argument is valid.

4. Furthermore we argue that if we had clothes and food that we had to use on the Sabbath, and others we did not have to use on the Sabbath, it would be permitted for us to put a sign on what we desire to use on the Sabbath, such that when we see [the sign] we distinguish between it and between what we do not desire to use and we infer from [the sign] what we want and discuss it and use it. Similarly, since the Arabic letters and other scripts are merely signs of a language, according to what we explained, it is not forbidden to look at them on the Sabbath and learn what they signify, concerning reading and commentary, and we can pronounce and discuss them.

5. And refute them with the vowel-signs and accents[[199]](#footnote-199) which are not from the Hebrew script, but are rather symbols for the manner of reading and singing the Torah, and thus he must forbid them from looking at or using these on the Sabbath! And one of them argued that since the Sabbath day is “holy” it is not permitted for us to read a script other than the one in which “holy” (Heb. “*qadosh*”) is written, which is the Hebrew script to the exception of others, and he obligates himself like this in speech {555} and everything else we utilize such as clothes and devices etc…[[200]](#footnote-200)

6. And one of them required by arguing that the verse from Scripture (Exodus 34:21) “Six days thou shalt work, but on the seventh day **thou shalt rest**; in plowing time and in harvest thou shalt rest” prohibits any action or movement except for which there exists a proof of its permission in another aspect. And since there exists proof permitting reading the books of Scripture in the Hebrew letters from the verse (Joshua 1:8) “**This book of the law shall not depart out of thy mouth**, but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein; for then thou shalt make thy ways prosperous, and then thou shalt have good success” and since there does not exist proof other than this it is not permitted for us to read except what there exists a proof and not otherwise. And if we challenged him similarly with speech in Hebrew, it would be difficult for him to find a distinction and it is not possible for him to argue to speak only in the Hebrew language on the Sabbath, since speaking in the Hebrew language has proof to the exception of others. However, we leave aside this and ask him regarding what is written in Hebrew script in another language, whether Arabic or otherwise, is it permitted to read that? And if he permits that, require the proof for it and he will not find it since the proof exists only to permit what is written in Hebrew letters in the Hebrew language, to the exception of everything else. This even requires him according to his reasoning to not permit reading anything of scientific literature or commentary, even if in the Hebrew language, since the proof permits reading the Torah to the exception of other [books] and this is His words (Joshua 1:8) “This book of the law shall not depart out of thy mouth…”

7. And there remains for us a chapter that we ought to have preceded[[201]](#footnote-201) the teaching on the presence of fire on the Sabbath and the debate on the prohibition of what has been cooked and baked. Is it permitted for what was cooked on Friday to remain warm until the Sabbath or not? However we delayed this until now for some reason, and we will now discuss this here in the next chapter which is…

**The thirty-sixth chapter regarding “is it permissible for food to remain hot on the Sabbath or not?”**

1. A group of our companions has already prohibited food remaining hot until the Sabbath day and require it to be cooled prior to the Sabbath, and that is due to their argument that if the pot remains hot the food inside lessens or increases as a result of the heat, which is forbidden on the Sabbath. And the discussion of Binyamin leads to this, because he argues that what is passively done on the Sabbath is forbidden even if you did not do with your hands, according to verse in Scripture (Exodus 31:15) “**Six days shall work be done (*te’aseh*)**; but on the seventh day is a sabbath of solemn rest, holy to the LORD; whosoever doeth any work in the sabbath day, he shall surely be put to death” and He did not say “do” (*ta’aseh*)[[202]](#footnote-202) and permit what “is done” on the six days and similarly forbids what “is done” on the Sabbath.[[203]](#footnote-203) And Binyamin said additionally before that, that he does not permit placing a container for bread or food in the oven or furnace[[204]](#footnote-204) or any other place heated by fire or the sun, since baking and cooking and grilling will occur either a little or a lot. He says one who places that[[205]](#footnote-205) prior to the Sabbath and takes it during the Sabbath, he has passively cooked and baked and grilled on the Sabbath either a little or a lot, and a change occurred and changing on the Sabbath is forbidden. And he includes with the heat of fire the heat of the sun and what is done with the heat of the sun, as he forbids what is done with the heat of fire. And he forbids additionally any changing, according to the plain meaning of his argument, in every aspect. And it is not possible to argue that he forbids merely just what is changed by fire,[[206]](#footnote-206) since he includes with fire the sun.[[207]](#footnote-207)

2. And what he argues with that is a failed and erroneous argument, because if it was as he argued, forbid the making of liquor and wine and vinegar and *laban* and *kamkha*[[208]](#footnote-208) since the sun affects all of them and causes them to increase or decrease and changes them! And if these are forbidden by virtue of the sun, forbid also [what is affected by the][[209]](#footnote-209) the air and forbid also from this cooling water with the air on the Sabbath, since this causes a decrease and change! And one who says that changing is forbidden on the Sabbath must be obligated to forbid a person sitting in the sun on the Sabbath, since this creates a change in his body, and he is passively affected, and he sweats, and the argument with this is very expansive.[[210]](#footnote-210)

3. As for one who forbids leaving a pot on its heating source until the Sabbath because of the occurrence of increase or decrease or passive action, the passive action is forbidden merely because of the fire itself and its existence. However, what is not an existing fire is not forbidden according to what we explained regarding the teaching on what is passively affected by the sun and air, and that is permitted. And if that is the case, it is not forbidden to store heat in a pot or otherwise, with straw and what is similar to this.[[211]](#footnote-211) And if one argues that the heat of the pot and grilled meat and bread[[212]](#footnote-212) are not comparable to the heat of the sun and cooling water with air, since the pot and the bread’s heat derived from fire, and that is prohibited. We say it is not correct that the presence of the heat of fire is forbidden, but rather it is correct that fire itself and lighting fire is forbidden and what fire cooks. And it is not, given that cooking and baking and grilling and lighting are forbidden, that the remaining heat is forbidden[[213]](#footnote-213) and the heat if it remains and stored in any respect is permitted, either with straw or something else, after the burning fire no longer exists. And if one argues that “if storing the heat for cooking is permitted in every respect after there is no existing flame, permit heating an oven a tremendous heat, then remove the fire completely until nothing remains, and put [in the oven] bread and dishes and meat such that it remains hot until the Sabbath day and we use it,” we do not deny that, since the analogy requires it.

**The thirty-seventh chapter regarding extinguishing fire on the Sabbath.**

{557} 1. We already discussed in the beginning of the book that one of the “contemporaries” amongst our companions argues that if one finds in his home a fire or a lamp on the Sabbath that he forgot, it is permitted nay obligated for him to extinguish it on the Sabbath. And he argues according to what we discussed previously that the presence of fire on our homes on the Sabbath is forbidden. He says “if we find it and leave it, it is like we caused it, since we did not remove its existence by extinguishing it, just as if we find in our homes leaven on the seven days of Passover and do not remove it, it is as if we caused it.” And when you say to them “is extinguishing not a forbidden labor on the Sabbath just as causing the fire is forbidden, and why do you prefer the prohibited extinguishing over leaving the existing flame, and extinguishing is a labor while leaving the flame is not a labor?” And they reply with a strained argument based upon the *kalam* on reason, arguing that leaving is an action just as extinguishing is an action. And this is the view of a group of the *kalam* philosophers, not held by all of the *kalam* philosophers, rather one of them explained its failure that we will discuss at the end of our discussion. And if this argument was correct, it would not be obligatory to rely on it for the subject of the commandments and the prohibition of labor on the Sabbath.[[214]](#footnote-214)

2. And we say to them “if Scripture’s verse (Exodus 20:9) ‘...thou shalt not do any manner of work…’ included in [work] taking and leaving together, since both are work, it would be prohibited for us all the opposite things, such as movement and stillness, sleeping and waking up, eating and urinating, and all that is similar to that, and that is absurd and impossible.”[[215]](#footnote-215) They say “the simple meaning of the verse is that all of these are obligatory, except when that is impossible, we resort to different means” and they bring from their insanity the consensus.[[216]](#footnote-216) And what they argue from the consensus contradicts their argument, since there does not exist on the earth one from the Ancients who argued this except for them, and the entire Jewish people from east to west agree with the prohibition of extinguishing fire on the Sabbath.

3. And what is obligatory with respect to the prohibition of work on the Sabbath is what is usually done by creation, which is movement not resting, taking and not leaving, acting and not abstaining from action. And that is like if a group of people left the presence of a person sitting, without any action or movement or behavior of any kind, and you asked them what did someone do? All of them will say to you that he did not do anything, from any class of people, and none of them will say that he did the action of leaving or resting or abstaining. And the prohibition of Scripture of labor does not intend anything other than {558} acting and taking and movement to the exception of leaving. And we now discuss what is argued by one who rejects “leaving.”

**The thirty-eighth chapter regarding this[[217]](#footnote-217)**

1. They said that the meaning of one who says a person “is leaving to that” [means he leaves][[218]](#footnote-218) something separate and external from him, bare of his action, that is not included in him, and not that he himself leaves as is the meaning of he arrived.[[219]](#footnote-219) They say this is not other than the statement “he was leaving” teaches that this was possible to occur from him and prepared for one like him.[[220]](#footnote-220) And this is not to the degree of the statement “he is bare from it” or “external from it” in all its aspects.[[221]](#footnote-221) And therefore, it is not possible for our opponent to say that a handicapped person is “leaving” an action, because he is removed and bare from it.[[222]](#footnote-222) And they say if this is the case, the statement “leaving” signifies the stripping of one’s self from an action even while it is something possible to occur from it.[[223]](#footnote-223) And his two statements “he is removed from it” or “he is bare from it” do not signify the possibility[[224]](#footnote-224) of what he is removed or bare from, even while he imagines something like this,[[225]](#footnote-225) and [the two statements] do not contradict that.[[226]](#footnote-226)

2. They say[[227]](#footnote-227) that if “leaving” were an action, it would be possible to leave it because every action it is possible to “leave,” since it is a choice that the self does not enter and not caused by the natural forces.[[228]](#footnote-228) And if it were possible to “leave leaving” it would be possible to “leave leaving of leaving” ad infinitum and this is flawed. And if this were possible, it would be possible to “desire desire” and “the desire of desire” ad infinitum. And they argue that this is not at the level of the statement of those who argue it is possible for desire to desire itself, because one who believes leaving is possible, does not leave himself in his action, and that is because doing something requires his presence and leaving it requires his absence and something cannot be both absent and present at the same time.

3. They say that what proves additionally what we said is that the masses of the gentiles, men and women, “leave” the kinds of heresy the practices they do not know, and it does not enter their minds the meaning that “they are not in it” and “it is possible for them.”[[229]](#footnote-229) If they understood this, if it were that leaving means choosing and completing as one chooses and completes an initiative, [this] would not be possible except after the understanding and knowing of what was left. And they also say if it was that [through the act of leaving][[230]](#footnote-230) one did not leave an action or bare himself from it except for one whose action was external or completed in him external, [it would be that God ِExalted was still comparing the meaning of his action or the action done to him because he is still external from the action and bare of it and leaving it].[[231]](#footnote-231) If our opponent refuses this argument that he continues to leave, he is obligated like this with the being bare, and removing, and seclusion until they argue that one who describes God in isolation from the action and bare of it prior to the Creation of the created is erroneous, and this is the key to the views of the Dahriya.[[232]](#footnote-232)

4. They said that if one of them argues that “we, even if we prevented the people from permitting these words, we already replaced for them what was expressed of the truth that they use as an explanation, and this argument that God is still not acting and not creating, and the argument that he still knows that he is not creating nor renewing, and there is nothing with him nor anything except him.” We say to them “and what creator other than Him is there in order to validate your argument that He is not in it and that He knows and still knows that he is alone? Is it possible for one to say ‘I am not a rock’ and ‘I am not Zeid,” and ‘I am except Omar” and he does not know who Zeid is nor who is Omar nor what is a rock? And if this is possible, why is it not possible for one who does not know what motion is to know he is without motion? And if they say that he is still not creating, why do you not say he is still not creating? And what is the difference between [being not creating what is created and being not creating what is known?][[233]](#footnote-233) Does the *alif* and *lam*[[234]](#footnote-234) not mark the definiteness of the Creator that you argued is other than Him? And if this Creator is not known according to a single aspect, nor comprehended by logic nor imagination, nor does He exist, nor can he be described, behold it is as if you said that he is still knowing that he is other than anything, and there is not in this a negation of what you desired to separate from. And they follow this with many discussions beyond our capacity here, and I highlighted from it a small sample to explain that a group of our companions listened and believed [this view] without proving its correctness from its failure, and built upon it[[235]](#footnote-235) without examination.[[236]](#footnote-236)

**The thirty-ninth chapter regarding the question of “general and specific.”**

1. We previously discussed in the introductions the subject of deriving knowledge of the commandments, in the thirteenth chapter of the fourth discourse, that if Scripture teaches something generally, and subsequently teaches that specifically, the general is explained by the specific.[[237]](#footnote-237) And thus it is upon us to answer a question regarding the teaching on the Sabbath, which is Scripture’s verse (Exodus 34:21) “Six days thou shalt work, but on the seventh day thou shalt rest…” and subsequently (Exodus 34:21) “... in plowing time and in harvest thou shalt rest.”[[238]](#footnote-238) And if what we said with respect to the “general and specific” is a correct teaching, it would be obligatory that the prohibition on work on the Sabbath applies only in the time of plowing and harvesting, or that the only prohibited work on the Sabbath is plowing and harvesting to the exclusion of other kinds of work, and if all the works are prohibited on the Sabbath at any time of the year, the rule that the specific explains the general is nullified.

2. And there are three answers for this. One {560} is that His words (Exodus 34:21) “... in plowing time and in harvest thou shalt rest” refers to summer and winter[[239]](#footnote-239) and that relates to the entire year from the beginning to the end because the word “harvest” refers to the summer time from beginning to end, which is parallel to his Words (Proverbs 6:8) “Provideth her bread in the summer, and gatherest her food in the harvest” and he defines “summer” completely as “harvest.” And since the “harvest” refers to the entire summer, his Words “plowing time” relates to the entire winter since plowing occurs in the winter, as the summer is called “harvest” because that is when harvesting occurs.

3. And the second answer is that His words (Exodus 34:21) “... in plowing time and in harvest thou shalt rest” does not relate to “thou shalt rest”[[240]](#footnote-240) on the Sabbath break, which is the seventh day, but rather intends resting the land on the Seventh year which is the Sabbatical year. And the proof for that is the end of *parashat* Mishpatim[[241]](#footnote-241) several commandments are mentioned including the commandment of the Sabbatical year and that is His words (Exodus 23:11) “but the seventh year thou shalt let it rest and lie fallow, that the poor of thy people may eat; and what they leave the beast of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy oliveyard.” And He commands ceasing on the seventh year from planting and harvesting, and follows that by mentioning the Sabbath in His words (Exodus 23:12) “Six days thou shalt do thy work, but on the seventh day thou shalt rest; that thine ox and thine ass may have rest, and the son of thy handmaid, and the stranger, may be refreshed.” And when we arrive to that section[[242]](#footnote-242) which includes these two commandments together in one verse, meaning the Sabbath and the Sabbatical year together and says (Ex. 34:21) “Six days thou shalt work, but on the seventh day thou shalt rest…” this is the obligation to desist from work on the Sabbath day and subsequently follows this with His words (Ex. 34:21) “...in plowing time and in harvest thou shalt rest” meaning ceasing to plow and harvest in the seventh year. And Scripture utilizes like this, meaning it discusses two or more commandments in one place in one verse and mentions them in another place each one in a verse. And that is like His words (Leviticus 19:19) “Ye shall keep My statutes. Thou shalt not let thy cattle gender with a diverse kind; thou shalt not sow thy field with two kinds of seed; neither shall there come upon thee a garment of two kinds of stuff mingled together” which mentions in this verse the prohibition of sowing two kinds of seed and the prohibition of wearing *shatnez*[[243]](#footnote-243) and these two commandments are mentioned at the end of the Torah in two verses, and like this are His words (Leviticus 19:11) “Ye shall not steal; neither shall ye deal falsely, nor lie one to another” etc…

4. And the third answer is that there are two kinds of “work,” one of which is completed by raising the hand over it, and the second is what is raised by the hand and remains afterwards in a derivative manner. And his Words (Ex. 34:21) “...in plowing time and in harvest thou shalt rest” refers to the prohibition of work that which is completed by raising one’s hand, and that is when the hand is lifted from the harvest the harvest is stopped and does not occur and similarly plowing. However, the works that remain in the same condition being completed when the hand is raised above it, such as what we discussed regarding lighting a fire and leaving food in a grinding bucket and releasing water to the field, for if the hand has already lit a fire the fire will remain burning, and similarly the food will remain grinding and the water will remain irrigating {561} the field. The one who makes this argument argues that this kind of “work” is prohibited from another verse, which are His words (Exodus 31:15) “**Six days shall work be done**; but on the seventh day is a sabbath of solemn rest, holy to the LORD; whosoever doeth any work in the sabbath day, he shall surely be put to death” and the intention of His words “be done” is only what is done via derivatives since He already preceded the prohibition on “performing”[[244]](#footnote-244) with His verse (Exodus 31:14) “​​ Ye shall keep the sabbath therefore, for it is holy unto you; every one that profaneth it shall surely be put to death; **for whosoever doeth any work therein, that soul shall be cut off from among his people**.” And when He returns to that with His words “be done” he teaches that what is intended is what is completed without “performing,” but rather via derivatives. And similarly, His words in another location (Exodus 34:2) “**Six days shall work be done (*“teaseh*”)**, but on the seventh day there shall be to you a holy day, a sabbath of solemn rest to the LORD; whosoever doeth any work therein shall be put to death” and He did not say “do work” (“*taaseh*”).

**The fortieth chapter regarding [the 39 categories of work][[245]](#footnote-245) that the Rabbanites argue are the sources of [forbidden works].[[246]](#footnote-246)**

1. They argued that the sources of the [forbidden works] on the Sabbath are thirty nine sources or actions, and they are[[247]](#footnote-247) “plowing,” “sowing,” “harvesting,” and these are clear, and “gathering,” which is binding sheaves of produce, “threshing” which is the thresher who steps on the harvest , “winnowing,” “sorting,” “grinding,” “sifting,” “kneading,” “baking” and these eleven deal with food specifically. “Shearing,” “bleaching,” “combing,” “dyeing,” “spinning,” “warping,” “making two loops” but if he made one that is permitted, “weaving two strings” but if he weaves one string that is permitted, and this is what we discussed about them at the beginning of the book. “Tying and untying,” “separating two threads” but one is permitted, “sewing two stitches” but one is permitted, “tearing for the purpose of stitching two threads,” but tearing the amount of one string is permitted, and these thirteen deal with clothing. “Trapping deer,” and “slaughtering” and “flaying” and “salting” and “tanning,” {562} and “smoothing,” and “cutting” and these seven [deal with] animals that are eaten. And “writing two letters” but one is permitted, and this too we already cited in their name. And “erasing in order to write two letters,” for example if the letter *het* ח was written it is permitted for him to erase it completely, but if he erased [the top of the letter] such that what remains is similar to two letters “*waw waw*” “ ו ו “ that is forbidden. And “building” and “destroying” and “extinguishing and burning” and “hitting with a hammer” and “[transfering between domains] and completing a work[[248]](#footnote-248)” and this is the final source that completes work, and contradicts what they say in (Shabbat 1:1) “The acts of carrying out from a public domain into a private domain or vice versa, which are prohibited on Shabbat, are primarily two basic actions that comprise four cases from the perspective of a person inside a private domain, and two basic actions that comprise four cases from the perspective of a person outside, in a public domain”[[249]](#footnote-249) and we discussed this in the third chapter of the first discourse, and discussed some of this additionally in the seventeenth chapter of this discourse.[[250]](#footnote-250)

*The Fifth Discourse is completed of the book, it is followed by the Sixth Discourse explaining nine of the ten commandments, and praise to God who is alone deserving praise.*

1. I.e., the animal did not die prior [↑](#footnote-ref-1)
2. I.e., there is no difference between circumcision and the redemption of animals [↑](#footnote-ref-2)
3. *keri* [↑](#footnote-ref-3)
4. I.e. according to the Rabbanites, all Israelites in the diaspora are corpse-impure because of the cessation of the ashes of the red heifer that cleanses corpse impurity. Therefore, one may wash away *zav* impurity but not become “impure” because of the default corpse-impurity that attaches itself to all of Israel. [↑](#footnote-ref-4)
5. I.e. the story of Joshua [↑](#footnote-ref-5)
6. The phrase “circumcised but not uncovered” refers to two stages of circumcision, first referenced in early rabbinic literature: the first stage (*mila*) removes the prepuce, while the second (*peri’a*) removes the mucosal membrane from the glans. [↑](#footnote-ref-6)
7. I.e. the other reasons Anan includes for a second circumcision are invalid if no physical additional foreskin exists to be removed. Qirqisani agrees with Anan and the Rabbanites, however, for the dual requirement of circumcision of *milah* and *periah*. [↑](#footnote-ref-7)
8. That there is an additional requirement to draw blood. [↑](#footnote-ref-8)
9. As a biblical requirement of circumcision [↑](#footnote-ref-9)
10. I.e. “*shenit*” in the verse is understood as indicating a present activity (versus a repeated activity). [↑](#footnote-ref-10)
11. I..e. Joshua was commanded twice(the Lord said unto Joshua… twice), not that Israel were circumcised twice. [↑](#footnote-ref-11)
12. According to early Jewish sources, Israel were circumcised prior to the first Passover described in Exodus 12. [↑](#footnote-ref-12)
13. Translation in square brackets uncertain [↑](#footnote-ref-13)
14. I.e. is it favorable to God. [↑](#footnote-ref-14)
15. I.e. theoretically this is an issue dependent on consensus, because there is no clear answer in the Torah. However, there is no consensus because some prohibit (the Rabbanites) and others permit (i.e. likely the followers of Binyamin). [↑](#footnote-ref-15)
16. I.e. make the circumcision tool [↑](#footnote-ref-16)
17. I.e. what is a necessary conclusion of logic, e.g. if there is smoke there must be fire. [↑](#footnote-ref-17)
18. I.e. the child can more quickly heal from the first stage of circumcision if forced to suddenly travel, but not the second [↑](#footnote-ref-18)
19. Uncertain exactly who belongs to this group [↑](#footnote-ref-19)
20. Anan [↑](#footnote-ref-20)
21. Observe the sabbath day, to keep it holy, as the LORD thy God commanded thee. [↑](#footnote-ref-21)
22. I.e. they must be collected before the Sabbath--- see Exodus 16 and Numbers 11 [↑](#footnote-ref-22)
23. I.e. due to an analogy [↑](#footnote-ref-23)
24. I.e. what water has been designated for usage on the Sabbath [↑](#footnote-ref-24)
25. I.e. the distinction between food and beverage is not consistent, because there is an analogy between eating and drinking [↑](#footnote-ref-25)
26. Meaning of exact beverage uncertain [↑](#footnote-ref-26)
27. From the Hebrew root *sh.m.r,* which is equivalent to the Arabic root *h.f.z* , meaning to protect or safeguard [↑](#footnote-ref-27)
28. I.e. all food that requires preparation must be prepared prior to the Sabbath [↑](#footnote-ref-28)
29. “Remember the sabbath day, to keep it holy” [↑](#footnote-ref-29)
30. That the command in 19:10 “*v’kidashtem*” means to abstain from sex [↑](#footnote-ref-30)
31. Hebrew: water of their legs i.e. urine [↑](#footnote-ref-31)
32. I.e. sowing seeds for agriculture that is a category of forbidden Sabbath labor according to the Rabbanites [↑](#footnote-ref-32)
33. I.e. if blowing out a flame is prohibited (something minor), all the more so intercourse ought to be forbidden (something major) [↑](#footnote-ref-33)
34. I.e. the Torah’s non-resident stranger (*ger toshav*) [↑](#footnote-ref-34)
35. I.e. if the Rabbanites are consistent, and require all gentiles to be supervised from violating the Sabbath, we will accept their view regarding sexual intercourse--- but if they are hypocritical we will not accept their view. [↑](#footnote-ref-35)
36. I.e. skilled labor [↑](#footnote-ref-36)
37. Logical meaning of sentence uncertain [↑](#footnote-ref-37)
38. “but the seventh day is a sabbath unto the LORD thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates” [↑](#footnote-ref-38)
39. Arabic: *mutakalim* i.e. one who engages in the philosophy of *kalam* [↑](#footnote-ref-39)
40. I.e. they conflate “actions” in the first category of *melakha*, professional labor [↑](#footnote-ref-40)
41. I.e. using the bathroom [↑](#footnote-ref-41)
42. I.e. excludes from what is forbidden [↑](#footnote-ref-42)
43. I.e. the profession of midwifery= nurse [↑](#footnote-ref-43)
44. I.e. these are examples in which “necessity” obligates the skilled labor of a professional to save their life. [↑](#footnote-ref-44)
45. I.e. a distinct profession of guarding vineyards and fields [↑](#footnote-ref-45)
46. I.e. they perform these activities in the context of a broader occupation [↑](#footnote-ref-46)
47. Exact meaning uncertain--- in context, he clearly means an ancient mechanism for storing and cooling water. [↑](#footnote-ref-47)
48. I.e. it is permissible to make analogies with each of the five kinds of action that are permitted on the Sabbath. [↑](#footnote-ref-48)
49. Exact meaning of the kind of metal item intended here is uncertain. [↑](#footnote-ref-49)
50. According to dictionaries, this is a dish of eggs and meat. [↑](#footnote-ref-50)
51. For a video of traditional sesame extraction: <https://www.youtube.com/watch?v=ftoNxULQM64> [↑](#footnote-ref-51)
52. Perhaps because these examples fall under the exception of activities required for the Sabbath. [↑](#footnote-ref-52)
53. Nemoy edition incomplete: reconstructed from Ms. EVR ARAB II 550 and 1854: وينقض قولهم في ذلك قول الكتاب (Leviticus 4:2) "וְעָשָׂה מֵאַחַת מֵהֵנָּה" يعني بعض صناعة وجُزْء منها على إنّهُم قد نقضوا هذا القول ايضا في قولهم في אבות מלאכות فإنّهُم جعلوا أحدها المُكمل الصناعة وسنذكُر ذلك في آخر المقالة. [↑](#footnote-ref-53)
54. I.e. 39 categories of forbidden labor [↑](#footnote-ref-54)
55. “Neither carry forth a burden out of **your houses** on the sabbath day, neither do ye any work; but hallow ye the sabbath day, as I commanded your fathers.” [↑](#footnote-ref-55)
56. Nemoy edition missing --- translation of the missing text in progress: امّا ما عليه اكثر الأمة من الربانين والعاننية وجماعة من القرّايين فإنهم يقولون إنَّ قول الكتاب מבתיכם إنّما أراد به جملة البيوت أعني الموضع المُسبت وان مدينة من المدن مو إنّها باسرها مسبته لجاز لكل واحد من اهلها ان يخرج من منزله وداره شمى دارٍ غيرهِ ويدخل من دار غيرهِ شمى يشر غيره واحتجّوا لذلك بما سنذكره. وامَّا قومٌ من القرايين المُحدثين فلم يجيبو الى هذا القول وزعموا انه لو إنّ دار واحدةٍ فيها بيوتٌ ينزل في كُلّ بيتٍ من تلك البيوت رجل لم يجُز لواحدٍ منهُم ان يخرج من البيت.... [↑](#footnote-ref-56)
57. Nemoy edition incomplete--- completion of paragraph in progress. [↑](#footnote-ref-57)
58. In Jeremiah 17:21, above. [↑](#footnote-ref-58)
59. I.e. entering and exiting objects into homes [↑](#footnote-ref-59)
60. From the same verb as “burden:” בַּכָּתֵף **יִשָּׂאוּ** [↑](#footnote-ref-60)
61. Logical meaning of this final sentence uncertain. [↑](#footnote-ref-61)
62. In the introduction to *Kitab al-Anwar*, al-Qirqisani criticizes the Rabbanites for forbidding carrying within the body i.e. something in one’s mouth. [↑](#footnote-ref-62)
63. From the same root for carrying above: **וַיִּשָּׂא** אֶת-בָּנָיו [↑](#footnote-ref-63)
64. From the same root for carrying above :**וַיִּשְׂאוּ** אֶת-הַתֵּבָה [↑](#footnote-ref-64)
65. I.e. what is forbidden to carry [↑](#footnote-ref-65)
66. From the same root for carrying above: **וַיִּשָּׂא** עֵינָיו [↑](#footnote-ref-66)
67. From the same root for carrying above: **וַיִּשָּׂא** אַהֲרֹן אֶת-יָדָו [↑](#footnote-ref-67)
68. From the same root for carrying above: הוּא **נֹשֵׂא** אֶת-נַפְשׁוֹ [↑](#footnote-ref-68)
69. From the same root for carrying above: אוּלַי **יִשָּׂא** פָנָי [↑](#footnote-ref-69)
70. Perhaps he is referring to two people carrying something that is burdensome. [↑](#footnote-ref-70)
71. I.e. one cannot leave this small area. [↑](#footnote-ref-71)
72. Wikipedia: The parasang is a historical Iranian unit of walking distance, the length of which varied according to terrain and speed of travel. ... In modern terms the distance is about 3 or 3½ miles (4.8 or 5.6 km). [↑](#footnote-ref-72)
73. I.e. It depends on how burdensome such a walk is, and varies according to each individual’s strength. [↑](#footnote-ref-73)
74. I.e. it would already be forbidden to use a bow drill on the Sabbath [↑](#footnote-ref-74)
75. I.e. Sage or Wise one (perhaps a nickname for Moses) [↑](#footnote-ref-75)
76. Between finding leaven and finding fire [↑](#footnote-ref-76)
77. I.e. לא יהיה לך, the language of Exodus 20:2 and Deuteronomy 18:10, above. [↑](#footnote-ref-77)
78. I.e. They have the same meaning. [↑](#footnote-ref-78)
79. Habitations (מושבותיכם), from the root י.ש.ב. to sit -- possibly refers to synagogues, in contrast to the Temple. [↑](#footnote-ref-79)
80. Another work of *al-Qirqisani* (unpublished) [↑](#footnote-ref-80)
81. I.e. he struck him before the Sabbath and then he died on the Sabbath- and thus according to this argument he violates the Sabbath in addition to the prohibition of murder [↑](#footnote-ref-81)
82. Unclear exactly what instrument he is referring to [↑](#footnote-ref-82)
83. I.e. therefore it is forbidden to light a new fire on the Sabbath, but there is no prohibition for its continued burning [↑](#footnote-ref-83)
84. I.e. there are two meanings to the hebrew word *bi’ur* [↑](#footnote-ref-84)
85. Judges 15:6 “Then the Philistines said: **'Who hath done this?'** **And they said: 'Samson**, the son-in-law of the Timnite, because he hath taken his wife, and given her to his companion.' And the Philistines came up, and burnt her and her father with fire” [↑](#footnote-ref-85)
86. I.e. they try and challenge the view prohibiting a fire burning on the Sabbath with other examples, in order to reach an absurd conclusion and demonstrate that the former view is inconsistent [↑](#footnote-ref-86)
87. Likely the popular Iraqi yogurt dish [↑](#footnote-ref-87)
88. I.e. we would submit to the Torah [↑](#footnote-ref-88)
89. Because “lighting” is already forbidden in the general ban on Sabbath labor i.e. *melakha* [↑](#footnote-ref-89)
90. I.e. lighting a new fire [↑](#footnote-ref-90)
91. See above, 5.15 [↑](#footnote-ref-91)
92. I.e. that the kind of verb used “shall be done” implies passive actions are included in the prohibition. [↑](#footnote-ref-92)
93. I.e for it to be forbidden to remove the fire on the Sabbath, it must be that there is an existing fire on the Sabbath for which it is forbidden to remove [↑](#footnote-ref-93)
94. I.e. the rabbinic leadership and the lay-people who follow them [↑](#footnote-ref-94)
95. A term from rabbinic law distinguishing between the beginning and end of the sunset, in which it is considered “doubtful” which day it is. [↑](#footnote-ref-95)
96. I.e. in distinction to *melakha* or “skilled labor” which is prohibited by this verse [↑](#footnote-ref-96)
97. I.e. it is found in the book of Genesis, while the Sabbath is taught merely in the book of Exodus [↑](#footnote-ref-97)
98. I.e. the teaching prohibiting certain labors or actions on the Sabbath is general and does not exclude circumcision [↑](#footnote-ref-98)
99. Those with abnormal discharges (see Leviticus 15) [↑](#footnote-ref-99)
100. Meaning of idiom in square brackets uncertain. [↑](#footnote-ref-100)
101. Therefore, by limiting the normative example of the Midian episode, much of the edifice of impurity law is destabilized as well, which is an absurd conclusion [↑](#footnote-ref-101)
102. I.e. violating the Sabbath and violating the requirement of eighth-day circumcision [↑](#footnote-ref-102)
103. Sow to yourselves according to righteousness, reap according to mercy, break up your fallow ground; for it is time to seek the LORD, till He come and cause righteousness to rain upon you. [↑](#footnote-ref-103)
104. I.e. that it is permitted to violate the Sabbath to save a life [↑](#footnote-ref-104)
105. Exact meaning uncertain- innocence or naivete [↑](#footnote-ref-105)
106. I.e. they act hypocritically [↑](#footnote-ref-106)
107. I.e. Genesis 9:5 and 9:6 [↑](#footnote-ref-107)
108. See Ya’qub al-Qirqisani, “On Suicide” from The Book of Lighthouses and Watchtowers, ed. and tr. Leon Nemoy, The Journal of Biblical Literature, Philadelphia: vol. 57, no. 4, December 1938, pp. 414-420 [↑](#footnote-ref-108)
109. Demonstrating the same conclusion [↑](#footnote-ref-109)
110. See next paragraph for the example involving David [↑](#footnote-ref-110)
111. I.e. the Sabbath [↑](#footnote-ref-111)
112. I.e. Binyamin [↑](#footnote-ref-112)
113. Numbers 7 [↑](#footnote-ref-113)
114. I.e. the eighth day of the gift-offerings being brought [↑](#footnote-ref-114)
115. Deuteronomy 22:28-29 [↑](#footnote-ref-115)
116. I.e. the King in the story. [↑](#footnote-ref-116)
117. I.e. consuming the food of gentiles is less strict than bowing to idols [↑](#footnote-ref-117)
118. I.e. if God saved them miraculously for a minor infraction, all the more so he will save them from a serious infraction. [↑](#footnote-ref-118)
119. I believe he does not answer this question definitively, but leaves it as a doubtful matter [↑](#footnote-ref-119)
120. Presumably the verse is understood to imply that they traveled by sea on a journey whose length must include the Sabbath. [↑](#footnote-ref-120)
121. I.e. *ger toshav* [↑](#footnote-ref-121)
122. I.e. the “non-Israelite slave” (*eved canaani*) is similar to the “resident sojourner” (*ger toshav*) [↑](#footnote-ref-122)
123. I.e. the verses cited earlier from Chronicles and Jonah [↑](#footnote-ref-123)
124. By analogy [↑](#footnote-ref-124)
125. I.e. a general prohibition [↑](#footnote-ref-125)
126. I.e. a minor issue [↑](#footnote-ref-126)
127. I.e. boat travel includes other actions that violate the Sabbath. [↑](#footnote-ref-127)
128. I.e. he considers a boat as a city in which it is permitted on the Sabbath to move within [↑](#footnote-ref-128)
129. I.e. in contrast to the sea which is beyond our jurisdiction. [↑](#footnote-ref-129)
130. I.e. they voluntarily submitted themselves to Solomon and thus are not considered actual slaves. [↑](#footnote-ref-130)
131. I.e. it was miraculous [↑](#footnote-ref-131)
132. Paraphrase of vague line [↑](#footnote-ref-132)
133. I.e. to go to Nineveh [↑](#footnote-ref-133)
134. I.e. water [↑](#footnote-ref-134)
135. I.e. more verses that prohibit entering and exiting Jerusalem [↑](#footnote-ref-135)
136. The exact kind of hole with water referred to here is uncertain. [↑](#footnote-ref-136)
137. I.e. the product of Sabbath desecration. [↑](#footnote-ref-137)
138. [↑](#footnote-ref-138)
139. Literally: the “land of Sham,” perhaps referring to Joshua 5:12 “ And the manna ceased on the morrow, after they had eaten of the produce of the land; neither had the children of Israel manna any more; **but they did eat of the fruit of the land of Canaan that year**. “ [↑](#footnote-ref-139)
140. Even while the gentile will work on the Sabbath with these tools [↑](#footnote-ref-140)
141. I.e. I should not give the skirt even on Thursday, because I should doubt that the work will be completed on the Sabbath according to the principle of acting stringently in doubtful situations [↑](#footnote-ref-141)
142. ​​Ismāʿīl al-ʿUkbarī [↑](#footnote-ref-142)
143. By contrast, rabbinic law includes objects under the obligation to rest, hence the laws of “*muktzeh*” [↑](#footnote-ref-143)
144. I.e. the correct view not accepted by consensus [↑](#footnote-ref-144)
145. I.e. of the Nation [↑](#footnote-ref-145)
146. Text cut off in Nemoy ed. [↑](#footnote-ref-146)
147. Nemoy ed. fragmentary [↑](#footnote-ref-147)
148. I.e. a Gentile [↑](#footnote-ref-148)
149. Subject unknown (perhaps from missing section in the previous paragraph) [↑](#footnote-ref-149)
150. I.e. it is not possible to understand [↑](#footnote-ref-150)
151. I.e. a Gentile [↑](#footnote-ref-151)
152. I.e. it makes no difference if a Gentile transgresses the Sabbath for the sake of a Jew as long as the Jew had no active role commanding him to do so. [↑](#footnote-ref-152)
153. I.e. on the Sabbath [↑](#footnote-ref-153)
154. I.e. they will pay on Friday for work that is done on the Sabbath. [↑](#footnote-ref-154)
155. And earning a profit [↑](#footnote-ref-155)
156. I.e. the profiting/labor is forbidden even if done for the sake of a commandment [↑](#footnote-ref-156)
157. I.e. for him to cause another to profit [↑](#footnote-ref-157)
158. Paraphrase [↑](#footnote-ref-158)
159. I.e. what is prohibited to acquire [↑](#footnote-ref-159)
160. I.e. it is something done voluntarily, in contrast to the biblical commandment of freeing slaves and returning land [↑](#footnote-ref-160)
161. Paraphrase [↑](#footnote-ref-161)
162. I.e. of what it means to acquire/profit [↑](#footnote-ref-162)
163. I.e. one cannot analogize from the permitted offerings to God on the Sabbath to all other offerings. [↑](#footnote-ref-163)
164. I.e. like the former permissible activity. [↑](#footnote-ref-164)
165. I.e. if there are instances in which walking is permitted (one aspect) it ought to be generally permitted (all aspects) according to the logic of the interlocutor [↑](#footnote-ref-165)
166. I.e. perhaps referring to moving a piece of furniture to sit? [↑](#footnote-ref-166)
167. I.e. of what the rest of the community accepts [↑](#footnote-ref-167)
168. I.e. the consensus of the people that this is prohibited [↑](#footnote-ref-168)
169. I.e. other tools to cut [↑](#footnote-ref-169)
170. From context, he is referring to the multiple stages of making bread. [↑](#footnote-ref-170)
171. On a holiday [↑](#footnote-ref-171)
172. I.e. what is the source of such a distinction in forbidden vs. prohibited labor. [↑](#footnote-ref-172)
173. In additional manuscript (ornaments) [↑](#footnote-ref-173)
174. I.e. that shoes are not clothing but are worn on the Sabbath [↑](#footnote-ref-174)
175. I.e. not to be worn [↑](#footnote-ref-175)
176. I.e. in the first chapter of *Kitab al-Anwar* [↑](#footnote-ref-176)
177. I.e. stringency in this issue does not bother him like with other disputes discussed above, because it actually aligns with the rabbinic view and hence the communal norm (even if this norm is not always followed)--- by contrast, many of the other views he disagrees with separate from communal consensus [↑](#footnote-ref-177)
178. I.e. when they feel sick? [↑](#footnote-ref-178)
179. ًWikipedia: Sekanjabin (Persian: سکنجبین‎), one of the oldest Iranian drinks, is made of honey and vinegar. Sekanjabin is usually served in summer. It is sometimes seasoned with mint. [↑](#footnote-ref-179)
180. Wikipedia: Jallab (Arabic: جلاب‎ ) is a type of fruit syrup popular in the Middle East made from carob, dates, grape molasses and rose water. [↑](#footnote-ref-180)
181. Wiktionary: a conserve or drink of rose petals in honey [↑](#footnote-ref-181)
182. I.e. medicine [↑](#footnote-ref-182)
183. Not sure how much this is- something small [↑](#footnote-ref-183)
184. I.e. if an activity is permitted on the Sabbath, such as eating or washing hands, it is permitted even if done merely for the sake of pleasure [↑](#footnote-ref-184)
185. Heb. *qeri* [↑](#footnote-ref-185)
186. After using the bathroom [↑](#footnote-ref-186)
187. I.e. the whole body is just the sum of its parts? [↑](#footnote-ref-187)
188. I.e. if the reason for permitting washing part of body is X (in this case X=prayer), according to Qirqisani it must be that any time X is present the permission is also present. [↑](#footnote-ref-188)
189. I.e. the Priest must wash and change his garments several times on Yom Kippur [↑](#footnote-ref-189)
190. And thus must be in a state of purity prior to the offerings [↑](#footnote-ref-190)
191. I.e. his argument is that the Priest must be pure in order to bring sacrifices-- however, Qirqisani argues that since we are also obligated to pray it must be permitted to wash dirt off our body or clothing (like the Priest) in order to be pure for prayers [↑](#footnote-ref-191)
192. I.e. keep on changing the different body parts-- what about this combination or that combination? [↑](#footnote-ref-192)
193. I.e. the parts of the mouth used in speech [↑](#footnote-ref-193)
194. I.e. the same Hebrew expression has an equivalent expression in Arabic [↑](#footnote-ref-194)
195. I.e. in Arabic letters [↑](#footnote-ref-195)
196. I.e. the sound of *alif* and *nun* can be expressed in different scripts/languages. [↑](#footnote-ref-196)
197. I.e. a transcription of the Torah in Arabic letters [↑](#footnote-ref-197)
198. I.e. if it is permitted speech or reading, then it can be read regardless of language and vice-versa for impermissible mundane speech/reading [↑](#footnote-ref-198)
199. Of the Torah [↑](#footnote-ref-199)
200. I.e. if you cannot read in non-Hebrew you cannot discuss other things, such as food, in non-Hebrew (which is impossible since these topics have no Hebrew translation i.e. the Persian foods mentioned in the last chapter or tools that have no Hebrew equivalent) [↑](#footnote-ref-200)
201. I.e. it should have been before ---- [↑](#footnote-ref-201)
202. I.e. the difference is between *te’aseh*, which has a passive meaning and *ta’aseh* which has an active meaning. [↑](#footnote-ref-202)
203. I.e. the verse does not deal with active labor, but rather passive [↑](#footnote-ref-203)
204. Literally “house of fire” [↑](#footnote-ref-204)
205. I.e. places a pot in a hot place [↑](#footnote-ref-205)
206. And not the sun [↑](#footnote-ref-206)
207. I.e all sources of heat are considered equally [↑](#footnote-ref-207)
208. A fermented Babylonian drink made of “milk water” and grain [↑](#footnote-ref-208)
209. Paraphrase [↑](#footnote-ref-209)
210. I.e. there are many instances where air or sun cause minor changes, which cannot possibly be entirely forbidden [↑](#footnote-ref-210)
211. I.e. insulating the pot with some material, as long as there is no fire (referred to as *hatmana* in rabbbinic law) [↑](#footnote-ref-211)
212. In context, he seems to be talking about the container that these foods are in. [↑](#footnote-ref-212)
213. I.e. after the fire has been extinguished [↑](#footnote-ref-213)
214. Perhaps he means that even if this argument was correct in a philosophical context, it would not apply to the discussion of the commandments in which it is clear that extinguishing is forbidden and not equivalent to mistakenly allowing a flame to exist [↑](#footnote-ref-214)
215. As discussed above in his definition of forbidden Sabbath work (5.15.2), the opposite of skilled labor is merely an “action” and forbidden on a less stringent level than the skilled action itself (i.e. building) [↑](#footnote-ref-215)
216. I.e. they argue that consensus supports their argument [↑](#footnote-ref-216)
217. The translation and comprehension of this chapter is very difficult and thus tentative, given its philosophical nature for which the translator lacks context [↑](#footnote-ref-217)
218. Explanatory note, not in text [↑](#footnote-ref-218)
219. i.e. the distinction is that when I say “X arrived at Y,” he himself is there. By contrast, when “X leaves Y,” his self is not there by definition--- leaving is a passive action [↑](#footnote-ref-219)
220. I.e. if he left, it was possible for him to have been somewhere previously [↑](#footnote-ref-220)
221. I.e. “leaving” implies some connection with where he left, that is not the case with “he is bare from it” or “external from it” [↑](#footnote-ref-221)
222. I.e. it was never possible nor prepared for him, two conditions implied by “leaving,” and thus he cannot “leave” this action. In other words, given the previous example of “leaving a fire burning” on the Sabbath, it cannot be said that “I left it burning” if there was no possibility (e.g. I was in another town) to extinguish it [↑](#footnote-ref-222)
223. I.e. the opponents re-define “leaving” in order to challenge the previous argument [↑](#footnote-ref-223)
224. Or conceivability [↑](#footnote-ref-224)
225. Perhaps the opponents mean that there is a meaning to these two statements independent of his intent/imagination while speaking them [↑](#footnote-ref-225)
226. I.e. there is no contradiction between the statement “he is removed from X” and “X is possible” [↑](#footnote-ref-226)
227. I believe the subject here is a second group of philosophers, as mentioned in the previous chapter that the philosophers disagree over this subject [↑](#footnote-ref-227)
228. I.e. actions are voluntary behaviors, not forced by nature [↑](#footnote-ref-228)
229. I.e. another objection to the conception of “leaving” discussed above [↑](#footnote-ref-229)
230. For clarification, not in text [↑](#footnote-ref-230)
231. Meaning uncertain [↑](#footnote-ref-231)
232. An early islamic theological school--- see “Dahriya” in the Encyclopedia of Islam [↑](#footnote-ref-232)
233. Uncertain translation [↑](#footnote-ref-233)
234. I.e. the letters *al*- that mark definiteness in the Arabic language [↑](#footnote-ref-234)
235. I.e. they derived the legal practice discussed in the previous chapter regarding “leaving” the fire as worse than extinguishing it on the Sabbath [↑](#footnote-ref-235)
236. ֵEntire chapter difficult due to the content and difficult style [↑](#footnote-ref-236)
237. In this discourse, al-Qirqisani discusses each of the 13 hermeneutical principles attributed to Rabbi Ishmael-- this is one of the 13 principles that he accepts. See Aviram Ravitsky, “Yaqūb al-Qirqisānī’s Critique of Talmudic Legal Hermeneutics: A Hebrew Translation from the Arabic of al-Qirqisānī’s Kitāb al-Anwār w al-Marāqib,section 4, chapters 9-21” (Hebrew), Jerusalem Studies in Jewish Thought , 22, (2011), pp. 123-157 [↑](#footnote-ref-237)
238. I.e. a general teaching followed by a specific teaching [↑](#footnote-ref-238)
239. I.e. a hendiadys [↑](#footnote-ref-239)
240. Ex. 34:21 “Six days thou shalt work, but on the seventh day **thou shalt rest**; in plowing time and in harvest thou shalt rest” [↑](#footnote-ref-240)
241. Exodus 21:1 - 24:18 [↑](#footnote-ref-241)
242. I.e. Ex. 34:21 [↑](#footnote-ref-242)
243. I.e. “ neither shall there come upon thee a garment of two kinds of stuff mingled together” [↑](#footnote-ref-243)
244. I.e. active work [↑](#footnote-ref-244)
245. *Avot Melakhot*––– see Mishna Shabbat 7:2 [↑](#footnote-ref-245)
246. I.e. the forbidden *melakhot* [↑](#footnote-ref-246)
247. In the Arabic text, he lists each *melakha* in Hebrew followed by its Arabic translation. [↑](#footnote-ref-247)
248. ממלא למלאכה– not found in the rabbinic version of this list [↑](#footnote-ref-248)
249. Ed. Steinsaltz [↑](#footnote-ref-249)
250. See 17.6, above [↑](#footnote-ref-250)