

2. Rabbi Yehoshua Yeshaya Neuwirth, *Shemirath Shabbath Kehilchathah*

Rabbi Yehoshua Yeshaya Neuwirth, *Shemirath Shabbath Kehilchathah*, English edition, New York: Feldheim Publishers, 1984

Rabbi Yehoshua Yeshaya Neuwirth (1927–2013) was a rabbi in Jerusalem.

In his mind's eye, Moses saw the people of Israel being swallowed up among the nations and totally disappearing, and this even while they were in their own land, let alone when they were scattered in exile. What did he do? "Moses assembled the whole congregation of the Children of Israel" (Exodus 35:1) and emphasized to them the importance of observing Shabbath. The Midrash (Yalkut Shim'oni at the beginning of *parsath vayakhel*) notes that the only time the Pentateuch expressly tells us that Moses assembled the people to give them a mitzvah is in connection with Shabbath. God told him to gather the people together and lecture to them in public on the laws of Shabbath, so that future generations of leaders would learn from this to gather their congregations together every Shabbath to teach them the Torah, to instruct them in the "do's and don't's" of life as a Jew. Shabbath was, thus, the instrument chosen by the Almighty to lift His children up spiritually to the level where they would sing praises to the glory of His Name.

The Mishna (Chagiga: Chapter 1, mishna 8) likens the laws of Shabbath to "mountains hanging by a hair," in that a multitude of precepts and rules, entailing the most severe penalties for their breach, depend on the slightest of indications given by a biblical verse. This is probably one of the reasons why the detailed observance of the Shabbath tends to be neglected by the populace at large more than other mitzvot. The complications involved in the principles underlying the concept of Shabbath and in their practical application can be daunting not only for the man in the street. The Jerusalem Talmud (Tractate Shabbath: Chapter 7, halacha 2) tells us that Rabbi Yochanan and Rabbi Shimon ben Lakish spent three-and-a-half years on one chapter of Tractate Shabbath (Chapter 7, which deals with the thirty-nine major activities forbidden by the Torah on Shabbath). The Sifra (at the beginning of *parsath bechukothai*) points out that we are commanded not only to observe

the Shabbath and remember it in our hearts, but also to refresh our memory by keeping it constantly on our lips. Unless one has been through the laws relating to the observance of Shabbath several times and continues to study them regularly, one has no hope of avoiding even the most elementary of pitfalls week after week. (xxx–xxxi)

COMMENTARY BY DAVID BASHEVKIN

In nearly any Judaica store where rabbinic books are sold, there is a section of works on Halakhah, Jewish law. On these shelves you will find a veritable treasure trove of compendiums on almost every aspect of Jewish life ranging from the laws of prayer to the laws related to sneezing. This proliferation and range of books suggest no halakhic topic is beyond the parameters of a book-length treatment. The renaissance of halakhic publishing in the late twentieth century owes much of its existence to the work *Shemirath Shabbath Kehilchathah*, by Rabbi Yehoshua Neuwirth, first published in 1965 by Feldheim Publishers. The work is a three-volume (as of the newest 2002 edition) digest of all the laws of Shabbat observance, with particular emphasis on the halakhic implications of modern technology. Now a staple of modern halakhic literature, this work ushered in a new age of halakhic digests as it reimagined Shabbat observance in the modern world.

In the introduction to the first printing, Neuwirth emphasizes that he does not intend to begin any sort of revolution. “This book,” he writes, “did not arrive in order to innovate halakhic novelties.” Rather, he explains, he is gathering all the relevant laws for Shabbat and Yom Tov (holidays) for those who are unable to study the relevant laws of Shabbat adequately on their own. His concern is that they do not forget *Torat ha-Shabbat*, the Torah of Shabbat. His phraseology is striking. It is not just the laws of Shabbat, which would have warranted the term *Hilkhhot Shabbat*, that this work is coming to preserve; rather, his goal is far more overarching. The term *Torat ha-Shabbat* implies a grander set of values and traditions that the author hopes will emerge when the laws of Shabbat are properly observed in exacting details.

Following the publication of *Shemirath Shabbath Kehilchathah*, Rabbi Yaakov Yisroel Kanievsky (1899–1985), popularly known as the Steipler, penned a searing critique of this halakhic compendium in his work *Chaye ‘Olam* (vol. 2, ch. 8). While acknowledging that some halakhic digests were already widely accepted, Kanievsky argues that *Shemirath Shabbath Kehilchathah* was treading into halakhic discussions that it was not equipped to handle. Kanievsky

presents a startling analogy to those who would use such a work to resolve their Shabbat-related queries:

Imagine for a moment if you were completely certain that one who desecrates Shabbat, whether biblically or rabbinically, would immediately develop cancer—how scared would such a person be?! They would never rely on just any person who comes along to tell you that something is permissible.

While perhaps jarring, this statement is a moving testimony of the determined sincerity with which the *charedi* community viewed Shabbat observance. Kanievsky, while the most notable, was not alone in his criticism. Rabbi Dov Landau (1930–), *Rosh Yeshiva* of Slobodka Yeshiva in Bnei Brak, wrote a ten-page pamphlet detailing issues and concerns he had with Neuwirth’s halakhic methodology and conclusions. The pamphlet, entitled *Birur Devarim* (*Clarification of Matters*), concludes by wondering: If Landau had so many concerns after only a cursory reading, how anyone could ever rely on this work?

Neuwirth never explicitly responded to his critics. In 1979, he published a second edition with a new introduction, in which he acknowledges that “beloved seekers of truth and pursuers of justice” had pointed out several issues with his first edition. Some of his language is also modified and some leniencies tempered. The book has been reprinted numerous times, and a third edition was released in 2010, suggesting that despite some the concerns, the work has been embraced by the *charedi* community for which he intended it. In America as well, the book has received widespread acceptance. First translated in 1984 by W. Grangewood and published by Feldheim, the work has become the first authority on many issues related to modern day Shabbat observance. It is not uncommon to hear an Orthodox Jew, considering whether to take advantage of some modern-day technological Shabbat convenience, say “does the *Shemirath Shabbath* discuss this?”

Indeed, in his first introduction to his work, Neuwirth notes the communal impact a work on modern Shabbat observance like his might have toward creating a set of uniform communal norms. He writes that Shabbat observance is the only commandment in the Pentateuch that is prefaced with the Hebrew word *va-yakel* [וַיַּקְהֵל], translated as “and he [Moses] gathered” (Exodus 35:1). This term was specifically used, he explains in his introduction, because of the power of Shabbat observance to build and sustain cohesive Jewish communities.

Others have been less critical of the work's contents and more critical of the effect that it has had on Orthodox communities. In his famed essay "Rupture and Reconstruction,"¹ Hayyim Soloveitchik laments changes in halakhic observance following the Holocaust. He argues that prior to World War II, halakhic observance was taught and preserved through a mimetic tradition and that since the Holocaust, halakhic observance had increasingly become a text-based tradition displacing much of the intuitive familial practice cultivated for centuries. In a footnote, Soloveitchik highlights the proliferation of topical halakhic compendia as evidence of this phenomenon. Referencing another popular English work on the laws of Shabbat, he writes:

The first large-scale, serious halakhic presentation in English was, to the best of my knowledge, that of Shimon D. Eider, *The Halachos of Shabbos*, 2 vols. (Lakewood, New Jersey: S. D. Eider, 1970) which went through five printings in as many years. This, however, might yet be understood as an attempt to grapple with halakhic status and permissibility on Sabbath of the hundreds of new products of the modern consumer market, parallel to the groundbreaking work of Y. Y. Neuwirth, *Shemirat Shabbat ke-Hilkhatah* which had appeared in Jerusalem some five years earlier. Whatever its nature at the time of publication, in retrospect it was clearly a harbinger.

And a harbinger it was. As Soloveitchik persuasively claims, the shift from a mimetic tradition to a text-based tradition has repercussions far outside of the world of halakhic observance. As the immediacy of God's presence becomes obscured in the modern world, we are forced to turn to text-based halakhic analysis to rediscover the majesty we once knew in our quotidian lives. As Soloveitchik wonders about our New World:

To what extent is there an ongoing experience of His natural involvement in the mundane and of everyday affairs? Put differently, the issue is not the accuracy of my youthful assessment, but whether the cosmology of Bnei Brak and Borough Park differs from that of the *shtetl*, and if so, whether such a shift has engendered a change in the sensed intimacy with God and the felt immediacy of His presence?

1 Hayyim Soloveitchik, "Rupture and Reconstruction," *Tradition* 28, no. 4 (Summer 1994): 64–130.

Absent a visceral mimetic tradition for God's intimacy, we are left with the details of halakhic observance with which we hope to find Godliness in the crevices of our lives.

The transition from the Old World to the New are at the center of *Shemirath Shabbath Kehilchathah*. At the end of his introduction for the third edition, Neuwirth recalls the travails his family faced while fleeing Nazi-occupied Berlin on their way toward Israel. Recounting the entire ordeal, he concludes with a story of being forced, contrary to normative Halakhah, to board a boat on Shabbat. "I accepted upon myself then," he writes, "that God should grant me the merit to do something on behalf of Shabbat." This book is the fulfillment of that promise he made in the aftermath of Shabbat desecration while fleeing to a new world. For his contemporary readers, that initial motivation remains the same. On any given shelf that houses Rabbi Neuwirth's work, the work continues to fulfill a promise of preservation of a certain kind, ensuring worlds Old and New continue to endure together.