

## The Sabbath in the Torah Sources

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As most of you know I advocate a simplified, modified version of the classical, four-source, documentary hypothesis: I am convinced that the penultimate stage in the creation of the canonical, five-scroll Torah was the independent existence of four independent literary sources, J, E, P and D, and I see this as the comprehensive solution to the otherwise insoluble literary problems that make the Torah in its present form unintelligible. I differ from the classical source critics in that I believe that the four documents are actually fairly easy to disentangle, even J and E, and that when this is done correctly it emerges that they have, for the most part, been preserved fairly well, with relatively few gaps and only minor redactional insertions. I also hold that the key to disentangling them is not literary style or theology (although these elements do emerge as one proceeds with the dissection) but rather the story-line itself, and I believe that the classical critics were mistaken in their assumption that the four documents told essentially the same story. In my view, despite the obvious similarities of overall genre and purpose and of the period of time covered, and despite the numerous points of contact—episodes contained in more than one of the four—the sources tell very different stories. Most important, I do not see any relationship between the documents: they are independent, and except for E and D, they are mutually ignorant. I also see no evidence whatsoever for multiple redactional stages; in my opinion the four documents were all combined into one at the same time.

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Each of the Torah sources speaks of the weekly cessation from labor, and each one calls it by the same name: שבת. Each one, by including the Sabbath in its narrative and/or its legal code, expresses in its own characteristic way that this institution was, in its view, a divinely sanctioned imperative – like regular pilgrimages, asylum for accidental homicides, the prohibition of worshiping other deities, the obligation to support the poor and a host of other things. The obvious inference from this fact is historical: in ancient Israel, a weekly cessation of labor

called שבת was practiced, or at least believed to be in force – and this is confirmed here and there by some non-legal texts.

Despite the fact that all four sources mention the Sabbath, the scholarly attempt to speak of “the biblical law” regarding it, or regarding anything else for that matter, is bound to be a failure—or a midrash. No more can the scholar consider adultery, or manslaughter, or worship, or the Sabbath, “according to the Torah” than he can consider the birthplace of Abraham, the route of the exodus, the sequence of events at creation or what happened at the Red Sea “according to the Torah.” For on all such questions, the sources diverge widely in what they have to say. The Sabbath is no exception; each of the sources has something different to say about it and there is no such thing as “the” Sabbath-law in the Bible.

Classical source critics, along with their modern-day descendants, who assume that the legal texts in the Torah are reliable records of what was in force at the time they were composed and who take the differences between them as evidence for the evolution of Israel’s religion, take it for granted that the Sabbath texts represent stages in the gradual development of the Sabbath. But by now it is, or ought to be, well-known that there is no evidence that the legal codes in the Torah were ever in force, or even that they reflect accurately the state of legal affairs as practiced when they were written. Moreover, the evolutionary scheme is an assumption, an external construct; except for E and D, I do not see any literary evidence for a relationship between the documents, developmental or other. For these and other reasons, I think that the attempt to trace the evolution of Israel’s laws and religious institutions, even, or perhaps, especially, when more than one of the documents treats the same or similar topic, is often problematic.

Mattityahu Tsevat believed that the best way to deal with the differences between the Sabbath texts was to collect the differing statements found in each of the sources, to dismiss and disregard whatever seemed “obviously” secondary, and thus to arrive at some “basic meaning” of the biblical Sabbath. Now there is nothing wrong with looking for a common denominator, but this is not what Tsevat did. Rather, he simply took a concept expressed in a particular priestly text and pronounced it be *the* underlying idea of the Sabbath in Israel – much as Moshe Greenberg, a few years earlier, took an idea expressed in Genesis 9 and simply pronounced it to be *the* motivating factor in “the” biblical laws of

homicide. But this method, along with the inevitably selective way that a scholar differentiates between supposed theologically motivated accretions and “basic” ideas, is questionable.

Moreover, discarding the unique features of each literary source impoverishes our understanding, both of the final form of the Torah and of the individual texts, rather than enriching it. It would be more appropriate simply to recognize that the common denominator is to be found at the *practical* level, in the simple fact of the customary weekly cessation from labor, and to proceed to examine what each of the sources has to say about this fact, not as presumptive stages in a theoretical process but rather as different ways of understanding, presenting, and, most crucially, accounting for the existence of the same institution.

In my opinion, the only way to find out how the Pentateuchal sources related to the Sabbath is to examine each one in isolation from all of the others and in the context of the literary source as a whole. Only thus will we avoid precariously hypothetical evolutionary schemes on the one hand, and arbitrary, tendentious and ultimately ahistorical generalizations that come from trying to discover something like “the basic meaning of the biblical Sabbath” on the other.

## J

If one were to ask an ancient Israelite why something is the way it is, chances are pretty good that he would answer by saying, “It didn’t use to be, but such-and-such happened and that’s why....” This way of accounting for reality – for law and custom no less than for facts on the ground of every other sort, including the very existence of the Israelite people and its way of life – is particularly characteristic of J. The significance of this will become clear as soon as we recognize that the only place in J where the Sabbath is mentioned is in the non-priestly version of the manna story, in Exodus 16.

Without going into the details of the source-critical analysis, let me simply state that the chapter consists of two continuous narratives, one priestly and one non-priestly; each of them belongs precisely where it is in the context of the document of which it is a part; each of them is a single stratum and shows no evidence of having grown incrementally (such as P + H); the redactor’s hand can

be detected only in very minor adjustments; the priestly narrative (vss. 1–3, 6–15a and 31–36) has been preserved unchanged and in its entirety; when it is subtracted, what remains is the continuous, non-priestly narrative on your handout, from which nothing is missing except for the notice of the actual arrival of the manna. Except for the name מן which necessarily belongs to both traditions, and the word עֶמֶר, which P employs in the commemoration section, all terms and motifs belonging to one account are separate from those belonging to the other.

When the source division is conducted correctly, we immediately realize that the Sabbath theme belongs exclusively to the non-priestly narrative. The language of the relevant verses (5, 22–27) is not characteristic of P and is quite reminiscent of acknowledged non-P passages. Without the Sabbath-theme, the P narrative is consistent and well focused: it is concerned solely with the complaint and God’s response; the Sabbath has nothing to do with this. Moreover, as we shall see and as you all know, P already has an etiological narrative accounting for the Sabbath; it does not need, nor can it accommodate, another one. The Sabbath verses do fit into the non-priestly narrative and are in fact an indispensable part of it: the melting, the turning foul, the maggots on weekdays, and of course the idea that the manna was intended as a test to determine whether the Israelites were inclined to obey God or not, are all necessary in order to appreciate what did not happen on the Sabbath. Without all this the non-priestly account has no point at all.

This non-priestly narrative belongs to J. It belongs to J because it fits much more comfortably into the continuous J narrative at this point than it does into E, which really has no room for it here, and because it exhibits expressions and ideas exclusive to J. Furthermore, if this passage is not J, then J contains nothing about the Sabbath whatsoever, which is something that all critics, and especially the late J-ers among us, will be hard-pressed to explain. A fourth reason will become clear below. The only real challenge to this attribution is the apparent reference to this episode in Deut 8:2 and 8:16, which, when referring to the manna, use the phrase “to test you” (לְנִסּוֹתְךָ or לְמַעַן נִסּוֹתְךָ) and even “to find out what was in your hearts, whether you would keep his commandments or not” (8:2). This verbal similarity to Exod 16:4 לְמַעַן אֶנְסֶנּוּ “that I may thus test them, to see whether they will follow My instructions or not” poses a difficulty for those who are convinced

that D makes use *only* of the narrative traditions of E and is totally unaware of those reflected in P and J, for this would indicate that our attribution of Exod 16 to J is mistaken. But as argued by Baden, there are a few exceptions to D's absolute reliance on E, and this may be one of them. Alternatively, we might note that in the D passages, despite the use of the verb נסה, the manna is not the test. The test consisted of depriving them of food and subjecting them to hunger, and the manna came thereafter, to let them know whom they depend on for their survival. In fact, the verb נסה is probably used in D in its sense of "to give an experience," and not "to test" – as it is used in E, but never in J. D would then not be based on the narrative under discussion at all, rather on another one, one that he may have found in his version of E, although it is not in ours, in which the manna was indeed mentioned but had no connection with the Sabbath. Viewing it as a demonstration of YHWH's providence designed to instill an awareness of the level of obedience that securing this providential care entails would then simply be the normal Deuteronomic reworking of E.

Back to the J-narrative itself: what does it communicate? J tells of YHWH's attempt to ascertain the Israelites' commitment to following His orders. In this narrative, YHWH reasons quite plausibly that there is a connection between trust and obedience, so that one way to test the latter is to press the former to the limit. The way to test someone's obedience is to command him to do something counterintuitive and illogical, something already proven to involve risk or hardship, thereby creating uncertainty, without ever assuring him that everything will be fine. Something like this: provide him with precisely enough food for one day at a time, demonstrate to him that no attempt to gather any more will succeed, because no matter how much you thought you took, when you get home and measured it, it still turned out to be one 'omer per person, prove to him that all attempts to hoard some for tomorrow will be foiled due to the highly perishable nature of this food, and then, after six such days, suddenly reverse all this: cause the gathered amount suddenly to double in quantity on the one hand, and order the recipient to save half for tomorrow, in utter contrast to all his proven experience thus far, on the other.

By telling us that this is how Israel first learned of the weekly Sabbath, J is expressing his idea of what the weekly cessation from labor is all about. In his

mind, the reason that we observe the Sabbath is to express and inculcate absolute reliance on divine providence. The Sabbath for J is the supreme expression of Israel's willingness to do as they are bidden and to trust in YHWH's care.

Presumably J arrived at this understanding of the Sabbath experientially: the essential character of the Sabbath for him, as for all Israelites, was the abstinence from all productive activity, refraining even from engaging in the most elemental and essential task, the preparation of food. He reasoned that this must therefore be the purpose of the Sabbath – to remain inactive, making do on what one has accomplished in advance, and to trust in God that this will suffice. He viewed this as representative of the essence of Israel's relationship with God: the expectation that they do His bidding and rely on Him for the outcome. All of this is typical of J, with its pervasive theme providential, often miraculous, salvation.

This is all that J has to say about the Sabbath. J says nothing about a “commandment” given as part of a law-code, either before or after this event. More remarkably, he does not even incorporate in his tale any statute or legislation, or even customary observance, for the future. Nowhere in this story is Moses told that “from now on” the Israelites are expected to abstain from labor every seventh day, and nowhere is the reader told that they did so.

This is actually a characteristic feature of J, though it has not been noticed in scholarship. J does precisely the same thing with such things as circumcision, the *maṣṣôt* festival, the prohibition of murder and the establishment of worship, and he does almost the same thing regarding the prohibition of eating the sciatic tendon, the establishment of the priesthood and more. And if Bar-On is correct in his analysis and the so-called Minor Book of the Covenant in Exodus 34 is an interpolation rather than an original J law-code, then J has no law-code at all. The implication of this, as research now being conducted will show, is that this is in fact the only way that J conveys normative practice, and the only way that he even alludes to Israel's obligation to abide by it: by telling etiological tales of something that happened way back when. The element of commanded law was probably never a part of J – not to begin with, and not later on.

J does not claim to know why the Sabbath occurs every seven days instead of, say, every ten; for J, the Sabbath has nothing to do with creation. It also has nothing to do with social welfare. It is only an act of abstinence, of reliance, of

obedience. True to his colors, J expresses this by retrojecting: by telling a story of something that happened in the time Moses, in the days when Israel's daily sustenance depended on direct, manifest, miraculous divine intervention on a daily basis. He tells that the Sabbath became known to Israel as a test of their obedience, and he affirms that, after some initial bumps, they passed the test.

## E

Moving on to E: As I have explained in the past, the Decalogue is an integral part of E's account of the theophany and covenant at Horeb, and it has no connection to J or P whatsoever. I also contend that the Decalogue was composed originally for this context and had no prior, independent existence. The purpose of the Decalogue was not to communicate laws per se; these were given subsequent to the theophany, to Moses, in private. The Decalogue was pronounced in the hearing of the entire Israelite people, in order to establish Moses' credibility as God's messenger by forcing them to overhear, once only, and briefly, but for all time, how God speaks to him. The text that they were forced to overhear was a representative sampling of the legislation soon to be given, thus establishing in advance the truth of Moses' claim that the laws were in fact received from God – since they resemble what the people heard with their own ears a day earlier.

The Sabbath-command was chosen as part of this representative sample, and it is thus included not only in the covenant laws (where it is perfectly at home despite a few recent critics' claim that it is an interpolation) but also in the Decalogue – as you see in your handout.

You will also see that the authentic Elohist section of the Decalogue does not contain v. 11 (“For in six days YHWH made heaven and earth and sea, and all that is in them, and He rested on the seventh day; therefore YHWH blessed the Sabbath day and hallowed it”). The evidence that this verse is an insertion is well-known and overwhelming: the verse refers to an event reported not in E but in P: the initial sanctification of the seventh day at creation; it paraphrases the rationale given for the Sabbath command in P as we shall see below; it diverges sharply from the Decalogue's formal features; it is absent from the Deuteronomic version of the Decalogue, which means that it was absent from the version of E from

which the Deuteronomic author copied; most important, it introduces a motif foreign to what E is trying to say here about the Sabbath. But the verse is not a part of P either, because there is nothing in the priestly document anywhere nearby for it to connect to, either above or below. It was added here by the compiler when the Torah sources were being combined. The compiler's fingerprints are perceptible in the word וינח "He rested"; נוח in the qal conjugation is unknown in P and is in any case not something P could possibly say about God; in using it, the compiler has simply drawn on the words למען ינוח in the covenant law just below. If I had time I would also explain exactly why the compiler inserted this verse – it has to do with the fact that he was aware that D had also made an insertion here – but I will leave that for another occasion.

The Elohist Sabbath-command in the Decalogue thus read as you have it on your handout, and this should immediately draw our attention to the fact that E, both here and in the covenant-law, views the Sabbath in a way very distinct from what we found in J. This is so despite the fact that, from what E has written, we may be certain that the two authors were familiar with precisely the same reality: a divinely imposed cessation from daily labor observed every seventh day, called by the name שבת. E, however, experienced this weekly event, or non-event, in a manner different from J. Rather than sensing it as an act of obedient abstinence, with all its attendant anxiety, as an expression of trust no matter what, he saw it as a day of *rest*. What is more, he saw this humanitarian purpose as a social one, aimed at all sectors of the work-force, including aliens and beasts of labor and burden. And because this is how E experienced it, this is how he imagined God had ordained it: by commanding the Israelites to give each other a day off, to refresh and rejuvenate. Commanding, because, unlike J, E held that Israel's normative institutions were indeed commanded and not merely learned from experience.

Is this all that E has to say about the Sabbath? Well, these are the only E passages in which it is mentioned. Evidently, he too knows nothing at all about why it is observed every seven days; the connection with creation is absent here as well. But what of the word לִקְדָּשׁוֹ in the first verse of the Decalogue command? Of course one could simply attribute it too to the compiler, but there is no warrant for this. In fact, the root קד"ש is a respectable part of E's vocabulary and the

notion it expresses is an acknowledged part of E's conceptual world. A קָדַשׁ is an object set apart for a deity, and the piel קָדַשׁ is factitive: to make something into such an object. Thus, לְקַדְּשׁוּ in v. 8 is elaborated upon by the words שִׁבְתָּ לָהּ אֶל־הַיְיָ “a Sabbath for YHWH your God” in v. 10. From context, we are to understand that for E, this day of rest and rejuvenation is “day set apart for YHWH” in the sense that it is not only divinely ordained but also time belonging not to humans but to Him. This concept, that the Sabbath is a קָדַשׁ, is very rudimentary in E, but it is at the root of the priestly Sabbath texts, as we shall see.

## D

But first a few brief words on D. D's historical treatment of the events surrounding the giving of the laws is based exclusively on that of E (although, as has been shown by Haran, it is not identical to it). And so it is no surprise that D imports the Decalogue and presents it verbatim, precisely at the same point in the story as E does and for essentially the same purpose. The differences in the story are internal to D's own agenda, and I have discussed them on other occasions.

The embellishment of the Sabbath-command in D is the typical Deuteronomic one, the reference to the bondage in Egypt: “Remember that you were a slave,” etc. This has been mentioned so many times that we tend simply to relegate it to the stock of stereotype Deuteronomic phrases and we barely remember (!) to read it. I would still like us to bear in mind that this is not an alternative rationale, nor even an additional one. For D, the appeal to the memory of slavery serves to enforce the social, humanitarian rationale inherited from E, not to replace it. It's not that the Sabbath is supposed to remind us of the bondage or of the exodus. The Sabbath is not a commemoration, and the word זָכַרְתָּ does not mean “remember each week” (although it was understood this way midrashically, and by some scholars as well). Rather: D depicts Moses as saying, as he repeats the Decalogue and adds a bit of elaboration here and there: Just keep in mind – right now, while hearing this – that you were slaves and were set free, and you will understand fully the the humanitarian, social rationale that was stated at Horeb.

Some critics have found it surprising that other than this Decalogue reference, D has no Sabbath-law. No where in the Deuteronomic law-code is the Sabbath

mentioned, despite the fact that it does have extensive seventh-year legislation. But it has to be recalled that D is in no way bound, as E was, to the claim that each of the commands pronounced in the Decalogue at Horeb was echoed somewhere in the substantive legislation presented thereafter. That was E's way of constructing the tale, but it is precisely on this point that D decided to revise history. In D's view, the Decalogue stands alone, a covenant in its own right, the first of two. Its pronouncements are commands in their own right and not samplings of things to come. And so the fact that the Sabbath is not mentioned thereafter is unobjectionable. D has no legislative need to mention the Sabbath in its law code, and no compelling reason to do so either. D's program of centralization and purification of the cult has no ramifications for the weekly cessation of labor: no questions arise, and no solutions need to be offered. On this topic the Deuteronomic author has nothing to say beyond what he has already included in his account of what transpired at Horeb. D's Sabbath is the same as E's: it has nothing to do with creation or anything else in history, nor does it express obedience or trust in God, and D has no idea why it is observed every seven days, nor, apparently, does he care.

## P

The key to the priestly conception of the Sabbath is to realize that the living reality behind the priestly texts is precisely the same as that behind all of the others: a weekly cessation from all productive labor customarily observed throughout Israel and believed to be divinely ordained. I often ask my students: All right, how do you say that in P-talk? The answer is: the whole of reality is divided into two categories: קֹדֶשׁ and חֹל; the holy and the common; that which belongs to the particular realm of the deity, and everything else, which is in the realm of the mundane. The whole of reality, which is composed of five dimensions: persons, objects, space, words – and time. Desecrating the sacred, which is to be avoided at all cost, consists of violating the restrictions imposed on what belongs to the deity, by making mundane use of it. Just as the mundane use of a sacred object desecrates it, the mundane use of time belonging to YHWH desecrates it. Or, to put another way: since “normal time” is when one does all of

one's productive activity, a day on which all such activity ceases must therefore be "sacred time," time that belongs to the deity. Thus, the priestly writers reasoned, if we Israelites abstain from productive labor every seventh day, it must be that every seventh day is a sanctum – time that belongs to YHWH. And just as all desecration of sanctums in P is a severe, and – at least potentially – capital offense, the performance of daily activity on the Sabbath is in the same category.

What for E and D was a day of rest, and for J was a day of abstinence and self-negation, was for P a sanctum: a time belonging to God Himself, time not to be used by humans. These are three descriptions of the same thing, as experienced, interpreted and conceptualized by three schools of thought.

Because for P the Sabbath was divinely-owned time, it is only natural that the regular regimen of worship, both within the tabernacle and on the altar in its courtyard, be augmented appropriately, and this too is more than adequately expressed in the priestly texts that enumerate the regularly required offerings. But all of this concerns rituals performed by the priests, and by them alone, at the altar and in the outer sanctum, and has anything to do with the Sabbath as observed by humans. As observed by humans, the Sabbath in P is identical to that in the other Pentateuchal sources.

Now in priestly thought, nothing can be a *שְׁבִיטָה*, a sanctum, simply by definition. As I have explained elsewhere, in order to be in the category of the sacred, the person, place, or thing must undergo an active consecration: something must be done to it to transform it into a *שְׁבִיטָה*. The tabernacle and the priests—by application of the anointing oil and associated acts. Offerings—by being presented and coming in contact with the sacred space. The Israelite people as a whole, according to H—by performing the commandments. Time—by pronouncement: certain annual dates were dictated to Moses, and they are "YHWH's times".

If time is consecrated by divine pronouncement, when did this take place regarding the constantly recurring, weekly Sabbath? To this question P replies: this constant regulator of the passage of time, which seems to be determined by the never-ending counting of sevens, a count that reaches back beyond all living memory, must simply be part of the created order. And yet it is not anchored in nature. Unlike the rest of P's appointed sacred times, it has no connection with the

seasons of the sun or the cycles of the moon; it is known only by counting. From this, P reasoned, it must have been instituted at Creation by divine declaration: God divided time into arbitrary units of seven.

The six-day priestly creation myth explains how it came about that He did so. When the world was created, P supposes, this was accomplished in six days. When the seventh day came, God, having completed all of his work, engaged in no more creative activity. He then declared the seventh day to be sacred time: that's how we got a weekly Sabbath, and its arrival has been counted uninterrupted ever since. Only for P is the Sabbath associated with creation, and only in P is there any explanation at all for the fact that the Sabbath occurs every seven days instead of every six or nine, because only for P is it necessary to account for the very existence of sacred time.

And yet, this etiological explanation was not sufficient, for the Sabbath is only incumbent upon Israel – and at creation, there was no Israel. P certainly had no notion that the prohibition of desecrating sacred time applied to anyone other than the Israelites. And so, P relates, this sanctification of the seventh day existed in potential, in the theoretical realm of the passage of time only, until someone appeared on the stage of humanity whose task it was to uphold the division between the sacred and the common, or, in P-talk, someone for whom violating the sacred was a severely prohibited act, at which time, the Sabbath-command was communicated to the appropriate party: the Israelites.

P thus imagines a transcendent reality established at Creation and then held in suspended animation until the appearance of the Israelites on the scene. If this seems a bit odd at first, I would remind you that P seems to have done precisely the same thing with the distinction between clean and unclean animals. The distinction is embedded in nature, but it, and the fact that it carries with it prohibitions, was unknown to humans, according to P, until this information was communicated to the only humans expected to abide by it, the Israelites, thousands of years later according to P's own chronology. And in a sense, this is what the priestly tradition has done with God and the worship of God, with its claim that although He existed, no humans worshipped him until the Israelites appeared.

Understanding this will enable us to answer the most pressing exegetical question regarding the Sabbath legislation in the Torah, a question that has plagued readers and commentators longer than almost any on record: why the Sabbath-command appears in Exodus 31, at the conclusion of the tabernacle instructions imparted to Moses, and in Exodus 35, at the beginning of the tabernacle instructions passed on by Moses to the Israelites. Was it perhaps to communicate, by means of the juxtaposition, that the definition of “labor,” of מלאכה, is to be derived from the labors needed to prepare the tabernacle and its furnishings, as supposed by some of the Sages? Or was it to teach that the building of the tabernacle does not override the Sabbath, as supposed by others, and by some modern commentators too, in their desperation? Or was it all just a matter of associated of ideas and motifs, a way of expressing the connection between Creation, kingship, royal rest and Temple-building – as supposed by most modern scholars, who think that the biblical authors read Cassuto rather than the other way around?

As soon as we realize that the Decalogue is unknown to P, and that the priestly-sounding verse in the Sabbath-command in the Decalogue is a redactional interpolation and not part of the priestly source, everything falls into place. This, we now realize, is the first time that the Sabbath-command is given according to P. It is not a repetition of a command already known; it is P’s primary account of how the Sabbath-law became known to the Israelites in the first instance. P’s story is that after eons of waiting in the wings, the sanctity of the seventh-day was proclaimed to Moses, who immediately transmitted it to Israel, at precisely the moment that they were to embark on their national destiny, the task for which they were called into existence: worshiping YHWH. At the moment that sacred space and sacred persons and sacred objects are first brought to their attention and the prohibitions and obligations they entail are first imposed upon them, that is when the command not to desecrate sacred time is first given to them too. Only when the Israelites are required to worship YHWH is there a Sabbath; from the very moment that the Israelites are required to worship YHWH there is a Sabbath. P cannot imagine it otherwise.

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I have used this example to illustrate that we would do well occasionally to accept the fact that one cannot speak of the biblical meaning of almost any law. One can only speak of a given topic as treated in each of the literary sources. When, as I have urged, the laws are considered in context, within the real literary documents of which they are a part, it usually emerges that the sources express distinct, independent, and vastly differing viewpoints on the matter at hand. Understanding these in splendid isolation, in contrast to one another, is what enables us to appreciate the Torah literature, including the laws, for what it is.