**PARASHAT HASHAVUA**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**PARASHAT VAYAKHEL - PEKUDEI**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Dedicated by Mr. and Mrs. Leon Brum for the Refua Sheleima of

Dana Petrover (Batsheva bat Gittel Aidel Leba)

and Marvin Rosenberg (Meir Chaim ben Tzipporah Miriam)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

In memory of six friends and family,   
strong pillars of the Montreal Jewish community,   
who have left us in the past 7 years.   
All were אוהבי עם ישראל, אוהבי ארץ ישראל, אוהבי תורת ישראל.

Joseph (Yosie) Deitcher

Avrum (Avy) Drazin

Rabbi Joseph Drazin

Leibel Frisch

Israel (Mutch) Yampolsky

Dr. Mark Wainberg

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

### The 39 Labors Prohibited on Shabbat:

### From Where are they Derived?

**Rav Yoel Bin-Nun**

It is clear from all of the discussions concerning the labors that are prohibited on Shabbat – in the Mishna (*Shabbat*, chapter *Kelal Gadol*), in the Midrash Halakha (*Mekhilta*, *Ki-Tisa* and *Vayakhel*), and in the two Talmuds (Babylonian Talmud, *Shabbat* 73-75b; Yerushalmi, *Shabbat* 7:2) – that the number "forty minus one" – 39 prohibited labors – is iron-clad.

In many cases, the labors that are known to be prohibited on Shabbat are forced to fit into the frame of 39. To do so, several categories of labor are included under one name. (For example, the *melakha* of *hotza’a* includes: *hotza'a*, taking an object out from a private to a public domain; *hakhnasa*, bringing an object in from a public to a private domain; *hoshata*, handing over an object from one domain to another; *zerika*, throwing an object from one domain to another; see *mishna* and *gemara*, *Shabbat* 96b). Several similar labors are included under one roof. (For example, *boneh*, building; *mesatet*, chiseling; *kode'ach*, drilling.) In contrast, several similar labors are separated into multiple *melakhot* (e.g., *borer*, separating; *zoreh*, winnowing; *meraked*, sifting).

In the end, the number of labors must accord with the all-inclusive, sanctified number of 39.

"Forty minus one" was the iron-clad number mainly according to the teachings of R. Akiva and his disciples. According to R. Eliezer, it would appear that no importance was attached to this number, as he would impose liability for a secondary labor (*toleda*) even when performed together with its principal labor (*av*). In R. Eliezer’s view, there are only labors that are prohibited on Shabbat (many dozens of them), unconnected to a numerical list of any kind. It is possible that the position of R. Eliezer reflects an earlier stage of the Halakha.[[1]](#footnote-1) In any event, our *mishna* follows the view of R. Akiva, who in many contexts established measures, definitions, and numbers as foundations of the Halakha.

But from where did they derive the number 39 as the iron-clad number of prohibited labors on Shabbat?

Many years ago, I counted the items found in the detailed list at the beginning of *Parashat Vayakhel* (*Shemot* 35:10-20) and the parallel list at the end of *Parashat Pekudei* (*Shemot* 40:33-43), and I found a clear and explicit source for 39 vessels, materials, and garments in the *Mishkan*,[[2]](#footnote-2) corresponding to which *Chazal* enumerated the 39 categories of prohibited labor.

It seems to me that this is also the meaning of the words of R. Yehuda Ha-Nasi, as they are cited in the *Mekhilta* (*Vayakhel*). The 39 vessels, materials, and garments in the *Mishkan* are spelled out in the Written Law, under the heading: **"This is the thing** (*zeh ha-davar*)which the Lord commanded" (*Shemot* 35:4) … "And let every wise-hearted man among you come, and make all that the Lord has commanded" (*Shemot* 35:10). Commenting on this heading, the *Mekhilta* states: "'These are the things' – Rabbi [Yehuda Ha-Nasi] says: To include the 39 prohibited labors that were told to Moshe orally." Corresponding to the list of vessels in the Written Law, there is an allusion to another list that was transmitted orally, under the heading: **"These are the things** (*eileh ha-devarim*) that the Lord has commanded, that you should do them" (*Shemot* 35:1), and it relates to the labors that are prohibited on Shabbat, about which it is stated: "Whoever does any work therein shall be put to death" (35:2).

Just as Moshe spoke to Israel about the 39 items on the list connected to the *Mishkan*, and this was written down, so too he transmitted to them orally the 39 categories of labor that are prohibited on Shabbat. This is based on the correspondence between "this is the thing" and "these are the things," as "these are the things" are not followed by any specification, and it is not at all clear to what they refer. Indeed, explicit mention is found there only of the prohibition of lighting a fire on Shabbat (*hav'ara*): "You shall kindle no fire throughout your habitations upon the Sabbath day" (*Shemot* 35:3). That prohibition should therefore be understood not only as an example, and not just a special case,[[3]](#footnote-3) but rather the opening or closing of the list of "these are the things," which was transmitted orally.

This is precisely what is stated in the *Mekhilta* in the name of R. Yehuda Ha-Nasi: "'These are the words'… To include the 39 prohibited labors that Moshe transmitted to them orally."[[4]](#footnote-4)

A careful examination of the passage in the Yerushalmi (*Shabbat* 7:2) indicates that R. Yose ben Chanina follows in the same path: "R. Yose ben Chanina said: 'This is the word' – is not written here [in the command regarding Shabbat] but rather: 'These are the words' – *davar*, *devarim*, *ha-devarim* – from here [we derive] the principal and secondary labors." This means as follows: Just as there is a correspondence between the 39 vessels, materials and garments in the list of "this is the thing" in the command regarding the *Mishkan* and the 39 prohibited labors on Shabbat, according to the derivation of R. Yehuda Ha-Nasi, so too it can further be derived from the fact that the Torah distinguishes between "this is the thing" in the singular and "these are the things" in the plural that in the case of Shabbat, there are many additional labors. This is the source for "principal and secondary labors."

Below are the two lists of the various items that were made for the *Mishkan*, as they are counted in the Torah:

|  |  |  |
| --- | --- | --- |
|  | ***Vayakhel* (35:11-19)** | ***Pekudei* (39:33-41)** |
| 1 | the tabernacle | And they brought the tabernacle to Moshe |
| 2 | its tent | the tent |
| 3 | and its covering | *and all its vessels* |
| 4 | its clasps | its clasps |
| 5 | and its boards | its boards |
| 6 | its bars | its bars |
| 7 | its pillars | and its pillars |
| 8 | and its sockets | and its sockets |
| 9 | the ark | and the covering of rams' skins dyed red |
| 10 | and the staves thereof | *and the covering of sealskins* |
| 11 | the ark-cover | and the veil of the screen |
| 12 | and the veil of the screen | the ark of the testimony |
| 13 | the table | and the staves thereof |
| 14 | *and its staves* | and the ark-cover |
| 15 | and all its vessels | the table |
| 16 | and the showbread | all the vessels thereof |
| 17 | the candlestick also for the light | and the showbread |
| 18 | and its vessels | the pure candlestick |
| 19 | and its lamps | the lamps thereof, even the lamps to be set in order |
| 20 | and the oil for the light | and all the vessels thereof |
| 21 | and the altar of incense | and the oil for the light |
| 22 | *and its staves* | and the golden altar |
| 23 | and the anointing oil | and the anointing oil |
| 24 | and the sweet incense | and the sweet incense |
| 25 | and the screen for the door, at the door of the tabernacle | and the screen for the door of the tent |
| 26 | the altar of burnt-offering | the bronze altar |
| 27 | with its grating of brass | and its grating of brass |
| 28 | its staves | its staves |
| 29 | and all its vessels | and all its vessels |
| 30 | the laver | the laver |
| 31 | and its base | and its base |
| 32 | the hangings of the court | the hangings of the court |
| 33 | the pillars thereof | its pillars |
| 34 | and their sockets | and its sockets |
| 35 | and the screen for the gate of the court | and the screen for the gate of the court |
| 36 | *the pins of the tabernacle* | the cords thereof |
| 37 | and the pins of the court | and the pins thereof |
| 38 | and their cords | *and all the instruments of the service of the tabernacle of the tent of meeting* |
| 39 | the plaited garments, for ministering in the holy place | the plaited garments for ministering in the holy place |
| 39a | [which are]  the holy garments for Aharon the priest | [which are]  the holy garments for Aharon the priest |
| 39b | and the garments of his sons, to minister in the priest's office | and the garments of his sons, to minister in the priest's office |

Both lists place "the plaited garments (*bigdei ha-serad*), for ministering in the holy place" in the thirty-ninth place on the list. It is not by chance that it is the only item in the list that branches into two: "the plaited garments, for ministering in the holy place, [which are] the holy garments for Aharon the priest, and the garments of his sons, to minister in the priest's office." This seems to be the plain meaning of the verse, for with respect to the coverings of the vessels that are used during the journeys, there is no "ministering in the holy place." This seems also to be the understanding of Onkelos.

However, Rashi,[[5]](#footnote-5) Ibn Ezra, and the Rashbam explain that the "*bigdei ha-serad*" are the coverings of the vessels that were used when the camp was in transit, even though these coverings are nowhere mentioned in the book of *Shemot* in the *parashiyot* dealing with the *Mishkan*, but only in the book of *Bamidbar* (chap. 4), in the passage dealing with Israel's journeys in the wilderness.

It is possible that the disagreement about the meaning of *bigdei ha-serad* led some of the *Amora’im* to a different position regarding the Biblical source of the number 39 with respect to the labors that are prohibited on Shabbat.[[6]](#footnote-6)

It should be noted that the two lists – *Vayakhel/ Pekudei* – differ with regard to three items on each side. The summarizing list in *Pekudei* adds at the beginning "and all its vessels," and at the end "and all the instruments of the service of the tabernacle of the tent of meeting"; the one covering appears as two coverings – "the covering of the rams' skins dyed red" and "the covering of sealskins," apparently because of the tendency in the summarizing list to specify the items according to the material used, just as the incense altar is referred to as "the golden altar" and the burnt-offering altar is referred to as "the bronze altar." On the other hand, the summarizing list omits "the staves" of the table and of the golden altar (as they too are made of acacia wood), and it unites the pins of the tabernacle and the pins of the court (as they are all of brass).

Thus, we have proof that the Torah itself preserves the holy iron-clad number – three items are added while three other items are removed. The final number remains precisely the same – 39, or 40 if we count the two branches of the *bigdei serad*. It is amazing to reveal that in the list of the principal labors that are prohibited on Shabbat, the last one also branches into two – *hotza'a* and *hakhnasa* – and both of them are equal in status as a principal labor.

At the end of the second list (*Pekudei,* *Shemot* 39:42-43), there is a complicated verse, part of which seems to be extraneous:

According to all that the Lord commanded Moshe, so the children of Israel did all the work. And Moshe saw all the work, and, behold, they had done it as the Lord had commanded, even so had they done it. And Moshe blessed them.

This is the way these verses should be understood, in accordance with the original Midrash Halakha, which we reconstructed above:

According to all that the Lord commanded Moshe [with regard to Shabbat and the *Mishkan*], so the children of Israel did [in the *Mishkan*]all the work. And Moshe saw all the work [which he had been commanded regarding Shabbat and the *Mishkan*], and, behold, they had done it [in the *Mishkan*]as the Lord had commanded, even so had they done it. And Moshe blessed them.

Both Shabbat and the *Mishkan* are holy – the temporal sanctuary (from the time of creation) and the spatial sanctuary (from the time of Sinai), and it is prohibited to build the spatial sanctuary while desecrating the temporal sanctuary.

The expression that runs throughout all of these passages, from the beginning of *Vayakhel* to the end of *Pekudei*, is: "which the Lord has commanded." It appears in the command regarding Shabbat, under: "These are the things which the Lord has commanded, that you should do them" (*Shemot* 35:1).

The expression is also found in the command regarding the contributions that were to be made, at the beginning of the commands regarding the *Mishkan*: "This is the thing which the Lord commanded, saying" (*Shemot* 35:4). And it reappears in the commands in the detailed list: "And let every wise-hearted man among you come, and make all that the Lord has commanded" (*Shemot* 35:10). This is directly followed by the list of 39 items that must be made. In all these places, emphasis is placed on the doing in different ways: With regard to the command of Shabbat, it says: "that you should do them"; in the detailed list of the 39 items it says: "let them come and make"; at the end of the second list we find: "so they did… they had done it… even so had they done it."

The concept of "all the work (*melakha*)" (*Shemot* 39:43) penetrates the doing, and alludes once again to the commandment regarding Shabbat (in the Ten Commandments): "You shall not do any manner of work (*melakha*)."

The two detailed lists at the beginning and at the end of the work done for the *Mishkan* create the framework of 40 (minus 1) manners of work as an "iron-clad number," to which all the laws of Shabbat are subject. This is the way we understood the words of R. Yehuda Ha-Nasi cited in the *Mekhilta* and the words of R. Chanina bar Chama (*Shabbat* 49b): "That which we have learned: The principal categories of labor are forty minus one, to what do they correspond? R. Chanina bar Pappa said to them: To the labors in the *Mishkan*." And this is the way we also understood the words of R. Yose bar Chanina in the Yerushalmi (*Shabbat* 7:2): "'This is the thing' – is not written here [in the command regarding Shabbat] but rather: 'These are the things' – from here [we derive] the principal and secondary labors."

This is all one, clear and illuminating tradition of learning.

How did this tradition become lost from the majority of commentators on the Talmud, both early and modern?

At a later stage, an after-course of *gematriya[[7]](#footnote-7)* (using the numerical value of the letters of the alphabet) on the words "these are the things" (*eileh ha-devarim*) was added to the clear derivation, and this after-course remained as the explanation, in place of the original exposition, which is the bread and main course of the meal.

Surely this is what *Chazal* said about R. Yehuda Ha-Nasi, in their explanation of his redaction of the Mishna, in violation of the ancient prohibition to commit the Oral Law to writing, in addition to the Written Law: "R. Yehuda Ha-Nasi saw that the Torah is destined to be forgotten in Israel" (*Shabbat* 138b).

Many *midrashim* have become lost to us in their original form; they remain mere after-courses of remembrance and sophistication, which have often turned into the main course. People keep souvenirs of their dear ones who have perished, even if during their lives these souvenirs bore no meaning. One should not marvel about the *midrashim* which have become lost. One should be exceedingly happy about every allusion that has survived and try to reconstruct what has become lost.

Indeed, we are amazed by the intense stubbornness to preserve the "forty minus one" labors that are prohibited on Shabbat as an "iron-clad number," even after its clear and simple source disappeared.

After having written all of this, and having lectured about it, and having discussed the issue with important Torah scholars and Roshei Yeshiva (who could not recall such a derivation in any *midrash* or commentator), R. Shaul Baruchi showed me that this idea was already revealed by R. M.M. Kasher[[8]](#footnote-8) in *Midrash Ha-Gadol[[9]](#footnote-9)* on *Parashat Vayakhel*.

Indeed, *Midrash Ha-Gadol* brings the list of the 39 vessels, materials, and garments in the *Mishkan*, precisely as we brought them above (though only the first list in *Parashat Vayakhel*). At the end, two explanations are brought for *bigdei serad*: “These are the priestly garments. And some say these are the cloths that are spread… when they are being transported.” The first explanation accords with Onkelos and our interpretation, while the second is like that of Rashi and most commentators.

The *Midrash Ha-Gadol* says:

And from where do we know that he was commanded about all of these [i.e., in *Parashiyot Teruma-Tetzaveh*]? It says:

1. **The tabernacle.** This is what is stated (*Shemot* 26:1): "Moreover you shall make the tabernacle with ten curtains…"

2. **its tent.** This is what is stated (*Shemot* 26:7): "And you shall make curtains of goats' hair for a tent over the tabernacle…"

3. **and its covering.** This is what is stated (*Shemot* 26:14): "And you shall make a covering for the tent…"

4. **its clasps.** This is what is stated (*Shemot* 26:6): "And you shall make fifty clasps of gold…" "And you shall make fifty clasps of brass…" (*Shemot* 26:11).

5. **and its boards.** This is what is stated (*Shemot* 26:15): "And you shall make the boards for the tabernacle…"

6. **its bars.** This is what is stated (*Shemot* 26:26): "And you shall make bars of acacia wood…"

7. **its pillars.** This is what is stated (*Shemot* 26:32): "And you shall hang it on four pillars of acacia…" "And you shall make for the screen five pillars of acacia…" (*Shemot* 26:37).

8. **and its sockets.** This is what is stated (*Shemot* 26:19): "And you shall make forty sockets of silver…"

9. **the ark.** This is what is stated (*Shemot* 26:10): "And you shall make an ark of acacia wood…"

10. **and the staves thereof.** This is what is stated (*Shemot* 25:13): "And you shall make staves of acacia wood…"

11. **the ark-cover.** This is what is stated (*Shemot* 25:17): And you shall make an ark-cover of pure gold…"

12. **and the veil of the screen.** This is what is stated (*Shemot* 26:31): "And you shall make a veil…"

13. **the table.** This is what is stated (*Shemot* 25:23): "And you shall make a table…"

14. **and its staves.** This is what is stated (*Shemot* 25:28): "And you shall make staves of acacia wood…"

15. **and all its vessels.** This is what is stated (*Shemot* 25:29): "And you shall make the dishes thereof…" And it is stated (*Shemot* 37:16): "And he made the vessels which were upon the table…"

16. **and the showbread.** This is what is stated (*Shemot* 25:30): "And you shall set upon the table showbread before Me always."

17. **the candlestick also for the light.** This is what is stated (*Shemot* 25:31): "And you shall make a candlestick of pure gold…"

18. **and its vessels.** This is what is stated (*Shemot* 25:39): "Shall it be made, with all these vessels."

19. **and its lamps.** This is what is stated (*Shemot* 25:37-38): "And you shall make the lamps thereof, seven… of pure gold."

20. **and the oil for the light.** This is what is stated (*Shemot* 27:20): "And you shall command… that they bring you pure olive oil…"

21. **and the altar of incense.** This is what is stated (*Shemot* 30:1): "And you shall make an altar to burn incense upon…"

22. **and its staves.** This is what is stated (*Shemot* 30:5): "And you shall make the staves of acacia wood…"

23. **and the anointing oil.** This is what is stated (*Shemot* 30:25): "And you shall make it a holy anointing oil…"

24: **and the sweet incense.** This is what is stated (*Shemot* 30:35): "And you shall make of it incense…"

25: **and the screen for the door, at the door of the tabernacle.** This is what is stated (*Shemot* 26:36): "And you shall make a screen for the door of the tent…"

26. **the altar of burnt-offering.** This is what is stated (*Shemot* 27:1): "And you shall make the altar of acacia wood…"

27. **with its grating of brass.** This is what is stated (*Shemot* 27:4): "And you shall make for it a grating…"

28. **its staves.** This is what is stated (*Shemot* 27:6): "And you shall make staves for the altar…"

29. **and all its vessels.** This is what is stated (*Shemot* 27:3): "All the vessels thereof you shall make of brass."

30. **the laver,**

31. **and its base.** This is what is stated (*Shemot* 30:18): "You shall make a laver of brass, and the base thereof of brass…"

32.**the hangings of the court.** This is what is stated (*Shemot* 27:9): "And you shall make the court of the tabernacle… hangings for the court."

33. **the pillars thereof.** This is what is stated (*Shemot* 27:10): "And the pillars thereof shall be twenty…" And it is stated (*Shemot* 27:16): "And for the gate of the court shall be a screen… their pillars four…"

34. **and their sockets.** This is what is stated (*Shemot* 27:10): "and their sockets twenty…"

35. **and the screen for the gate of the court.** This is what is stated (*Shemot* 27:16): "And for the gate of the court shall be a screen…"

36. **the pins of the tabernacle,**

37. **and the pins of the court.** This is what is stated (*Shemot* 27:10, 19): "And all the pins thereof, and all the pins of the court…"

38. **and their cords.** This is what is stated (*Shemot* 27:19): "All the instruments of the tabernacle in all the service thereof…"

39. **the plaited garments, for ministering in the holy place.** This is what is stated (*Shemot* 28:2): "And you shall make holy garments…"

These are the thirty nine commands that Moshe heard from the Holy [God], and the likes of which Moshe commanded Israel, without adding or detracting. About this it is stated: "He is trusted in all My house" (*Bamidbar* 12:7), that he did not add or detract regarding the work of the *Mishkan.*

To all this the *Midrash Ha-Gadol* adds: **"These are the 39 commands, which correspond to the 39 principle labors that are prohibited on Shabbat."**

The additional novelty in the *Midrash Ha-Gadol* is the precise correspondence between each item in the list in *Parashat Vayakhel* and the parallel term of "doing" or "making" in *Parashiyot Teruma-Tetzaveh*.

However, "there is no Beit Midrash without some novelty." *Midrash Ha-Gadol* does not mention the parallel list in *Parashat Pekudei*, and it is precisely from that list that we see that that the number of items in lists regarding the *Mishkan* is in fact fixed and sanctified, as the Torah adds 3 items in *Pekudei*, and then removes 3 other items.

Here arises the great question concerning the list in the *mishna*, which spells out the forty minus one principal labors (*Shabbat* 7:2):

11 labors connected to the preparation of bread;

13 labors connected to the making of a garment;

9 labors connected to the production of a book;

2 labors connected to the construction of a house;

3 labors connected to fire and the manufacture of implements;

1 final dual labor (*hotza'a* and *hakhnasa*) connected to conducting business.

On the superficial level, it would appear that a list of about 70 labors that are prohibited on Shabbat must be made to fit into the sanctified number of 40 minus 1, and that this forced *Chazal* to be very brief with regard to labors connected to the house, fire, the manufacture of implements, and business. How is this possible? In the *Mishkan*,the labors connected to construction and to the manufacture of implements were primary! How is it possible that the Mishna specifies the 11 labors connected to the making of bread – from plowing and sowing to grinding and baking – and it goes into great detail regarding the making of clothing or books, to the point that there is no room for hewing and chiseling, for drilling and sawing, for plastering and whitewashing?

However, a deeper examination leads us to a most important moral lesson from the words of the Sages, without their having said an extra word.

Every person has too basic needs – food and clothing, and a Jew has one more basic need – a book from which to learn Torah. These three needs are spelled out in detail in the list of prohibited labors!

A house, manufacturing, and business – with which the entire world is occupied without a minute of rest – are a "second story," a luxury, and there is no need to deal with them in such detail.

This sounds amazing and far-fetched, but let us go back to the vow taken by Yaakov when he set out for Charan (*Bereishit* 28:20-22):

**If God will be with me,**

and will keep me in this way that I go,

and will give me **bread to eat, and raiment to put on,**

so that I come back to **my father's house** in peace, **then shall the Lord be my God,**

and this stone, which I have set up for a pillar, shall be God's house;

**and of all that You shall give me** I will surely give the tenth to You.

Food and clothing are our two basic needs, when God watches over us on the paths which we take, whereas a house (a permanent home for our families) and all the gifts of wealth are dreams and aspirations, which are referred to in brief with a commitment to set aside a "tenth of all" (*Bereishit* 14:20). Yaakov did not yet have a written book, but *Chazal* dealt at length with a book, because it is by way of a book that a Jew maintains a permanent connection with the One who gave the Torah. A Jew has 6 needs – 3 basic ones and 3 additional ones:

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" (*Shemot* 35:2)

Translated by David Strauss

**Visit our website:** [**http://etzion.org.il/en**](http://etzion.org.il/en)

1. Mishna, *Keritut* 3:10. See also *Bava Kama* 2a; and see also Y. Gilat, *Mishnato shel Rabbi Eliezer ben Horkanos*, *U-Mekoma Be-Toledot Ha-Halakha*. [↑](#footnote-ref-1)
2. This seems to be the intention of R. Chanina bar Chama (*Shabbat* 49b): "The principal categories of labor are forty minus one … They correspond to the labors in the *Mishkan*." R. Chanina was a disciple of R. Yehuda HaNasi; see B. Lau, *Chakhamim*, vol. 4, pp. 107-117. [↑](#footnote-ref-2)
3. As is expounded there in the *Mekhilta* in five different ways; there are more. [↑](#footnote-ref-3)
4. This is also the way to understand the words of R. Yehuda Ha-Nasi in the Babylonian Talmud (*Shabbat* 97b, and also in the similar passage in *Shabbat* 70a): "Rabbi [Yehuda Ha-Nasi] said: 'Things' [*devarim*], 'the things' [*ha-devarim*], 'these are the things' [*eileh ha-devarim*] – these are the 39 labors that were told to Moshe at Sinai." R. Yehuda HaNasi does not mention a *gematriya*; the explanation that is based on *gematriya* (see Rashi, *Shabbat* 97b) is merely a clever allusion, which was added to the primary derivation and whose source is the Yerushalmi, *Shabbat* 7:2, in the name of R. Chanina of Sepphoris and in the name of the rabbis of Caesarea. It is far more reasonable to understand R. Yehuda Ha-Nasi as his position is brought in the *Mekhilta.* [↑](#footnote-ref-4)
5. If we count like Rashi, there will be 41 items on the list, or 40, if we say that the first item, "the tabernacle," is a generalization followed by the specifics. The Ramban, in his commentary to *Pekudei* (39:33), rejects this idea, because it is clear from the continuation that the "tabernacle" refers to the first curtains, while the "tent" refers the curtains of goats' hair. It is possible that the position of R. Yehuda, who adds to the list of prohibited labors closing up of the web and beating of the woof (*Shabbat* 75b), is based on a count of 41 in the list of items that were made for the *Mishkan*. [↑](#footnote-ref-5)
6. In the passage mentioned above, especially in *Shabbat* 49a. Regarding the difficulties with the other position, which counts the instances of the term "*melakha*" in the entire Torah, as well as their solutions, see the full article on my website. [↑](#footnote-ref-6)
7. *Chazal* in *Avot* say that *gematriya* is an “after-course to wisdom.” [↑](#footnote-ref-7)
8. In the addenda to *Parashat Pekudei*, *Torah Sheleima* 23, pp. 118-119. R. Kasher cites this explanation as a new explanation of the position of R. Chanina bar Chama (*Shabbat* 49b, corresponding to the labors in the *Mishkan*), but he does not consider the possibility, which is so reasonable, that this itself was also the exposition of R. Yehuda Ha-Nasi (in the *Mekhilta* and in the Talmudic passages), nor that R. Yose ben Chanina followed this path. What is missing, therefore, from the words of R. Kasher is the startling conclusion that this count is the primary and unequivocal source for the 39 labors that are prohibited on Shabbat, as a fixed and sanctified number in the Torah. [↑](#footnote-ref-8)
9. *Midrash Ha-Gadol* on the Torah and on the book of Esther is twice as big as *Midrashei Rabba* on the Torah. It was apparently composed in Yemen (in the fourteenth century) by R. David Aladani, one of the great Yemenite Torah authorities, based on earlier *midrashim* – in the case of *Shemot*, primarily *Mekhilta De-Rashbi* and the *Baraita De-Melekhet Ha-Mishkan*. See Anat Reizel, *Mavo Le-Midrashim* (Alon Shevut, 2011), pp. 393-402. [↑](#footnote-ref-9)