



Volume 2. Issue 4.

## The Fortieth Melacha

The second *Mishnah* of the seventh *perek* of *Messechet Shabbat* deals with what is commonly referred to as “the 39 *melachot*”. This *Mishnah* lists the 39 activities prohibited to perform on *Shabbat* by the *Torah*.

As we know, these activities are prohibited due to the fact that they were all connected in some way to the building of the *Mishkan* – a project that stopped on *Shabbat* and continued during the other six days of the week. This idea is learnt from the juxtaposition of the laws pertaining to the building of the *Mishkan* and the laws pertaining to *Shabbat* in *Shmot* chapter 31.

However, if we examine the wording of this *Mishnah* we will see very clearly that the *Mishnah* does not mention the number 39 at all. Rather, the *Mishnah* states that “the primary labours (*Avot Melachot*) are forty less one.” Why would the editor of this *Mishnah* have used such convoluted wording and not simply stated that there are 39 primary labours?

The most common answer to this question is that our *Mishnah*, which deals with the 39 *melachot* of *Shabbat*, follows the language of a *Mishnah* in *Messechet Makkot* (3:10). That *Mishnah* begins by asking how many lashes a person sentenced to lashes receives, and answers that they receive “forty less one”. However, if both *Mishnayot* use the same language, how do we know that the *Mishnah* in *Messechet Shabbat* follows the language of the *Mishnah* in *Messechet Makkot* and not the other way around?

This is due to the fact that the *Mishnah* in *Messechet Makkot* quotes a verse from the *Torah* (*Devarim* 25:2-3): “with the number forty”. The Rabbis learn from here that the next number you count after giving someone lashes should be forty. In other words, the Rabbis learn from this verse that you stop after 39 and before forty. Our *Mishnah*, which is not based on any

specific *Torah* verse, therefore utilises the same language as the *Mishnah* in *Messechet Makkot* to portray the number 39.

However, based on the *Gemara* (*Shabbat* 74a), we are able to find another reason as to why the *Mishnah* wrote “forty less one” and not 39. The *Gemara* examines the activities related to baking bread – the first eleven primary labours – and asks why the *melacha* of “*kotesh*” (pounding the dough) is not included, as it is surely an important part of baking bread? *Abaye* answers this question by stating that despite the fact that pounding may have been done in the *Mishkan* to make the bread, it is not an activity that is done by the poor when they make bread and therefore not essential to the process.

Had *Abaye* not come up with this solution, it would seem that there would have in fact been forty *Melachot*. It is possible that the wording in the beginning of our *Mishnah* is alluding to this fact.

The “*melacha*” of pounding may also be at the centre of another dispute. Rabbi Steinsaltz brings down a dispute where *Rashi* and the *Tosfot* hold that the 39 *melachot* only include labours used in the actual making of the *Mishkan* and not the *korbanot* - so the process of baking was used for the making of dyes and not bread. Therefore pounding the dough was not an activity related to the building of the *Mishkan* and not included in the primary labours. However, *Rabbeinu Channanel* and *Rabbi Hai Gaon* hold that the primary labours include those activities required for anything related to the *Mishkan*, including *korbanot* so pounding may well have been included.

All of these ideas could have been expressed in the choice of language undertaken by the editor of this *Mishnah*. Rather than seemingly wasting words, the editor may have been teaching us critical ideas related to the origin of the *melachot*.

**Ben-Zion Hain**

**Revision Questions**

שבת ו' ח' – ח' :א'

- What aids may a leg amputee wear in the public domain on *Shabbat*? (ו' ח')
- Who can wear bells on their clothing on *Shabbat*? (ו' ט')
- Explain the debate regarding whether one can wear a fox's tooth on *Shabbat*? (ו' י')
- Provide two scenarios when one performs multiple *melachot* on one *Shabbat be'shogeg* yet is only obligated to bring one *chataf*? (ו' יא')
- How many *avot melacha* are there? (ו' יב) [Hard: list all the *melachot*.]
- What is the general rule presented in the *Mishnah* regarding the minimum measure of any object that if one carries this measure from the private domain to the public domain they performed a *melacha*? (ו' יג')
- Regarding the previous question, what is the minimum measurement for: (ו' יד)
  - Wheat?
  - Food fit for human consumption?
- The *Mishnah* (7:4) lists many different measurements for different objects. If someone carried two different objects, when do they combine to add up to the minimum quantity? (ו' יו')
- What is the minimum measurement for:
  - Wine?
  - Milk?
  - Honey?
  - Oil
  - Water?
  - Any other drinks?(ו' יז)
  - Rope?
  - Paper? (ו' יח)
  - *Klaf*?
  - Ink? (ו' יט)
  - Glue?
  - Wax? (ו' כ)
  - Reed? (ו' כא)
  - Bone?
  - Glass? (ו' כב)
- Which opinion is the most strict regarding the minimum measurement for pottery? (ו' כג')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
25 <sup>th</sup> September כ"א אלול	26 <sup>th</sup> September כ"ב אלול	27 <sup>th</sup> September כ"ג אלול	28 <sup>th</sup> September כ"ד אלול	29 <sup>th</sup> September כ"ה אלול	30 <sup>th</sup> September כ"ו אלול	1 <sup>st</sup> October כ"ז אלול
Shabbat 9: 1-2	Shabbat 9: 3-4	Shabbat 9: 5-6	Shabbat 9:7 – 10:1	Shabbat 10: 2-3	Shabbat 10: 4-5	Shabbat 8: 10:6 – 11:1

