Why Are There 39 Types of Work Forbidden on Shabbat

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People familiar with the Sabbath laws know that the Torah does not list the activities prohibited on the Sabbath. However, rabbis in the Babylonian Talmud, Shabbat 49a, state that the Torah hints at the activities that are banned.
These hints are based on two rabbinical teachings that are applied by the rabbis at times: (1) When facts or incidents are placed near one another in the Bible, one can derive a lesson from the juxtaposition. (2) A halakhah can be learned from such things as counting the number of times an item appears in the Torah.
Thus the rabbis stated:
• Because the Sabbath is mentioned near the laws of the building of the Tabernacle, we are informed that those labors necessary to construct the Tabernacle are forbidden on the Sabbath.
• Since the term melakhah is found in the discussion of the Sabbath and appears thirty-nine times in the Bible, Scripture is teaching that there are thirty-nine categories of proscribed work on this holy day.
Some scholars who attempt to find reasons for the commandments, such as Rabbi Samson Raphael Hirsch, suggest that the thirty-nine categories are comprised of melekhet machshevet, a phrase found in Exodus 35:33 which they translate as "creative acts." Creative acts, they say, are forbidden on the Sabbath to remind Jews that God created the world, ceasing to perform acts of creation on the first Sabbath.
Critics of these views point out that no hint of the thirty-nine labors exists in the Torah itself, and that the register of prohibitions is clearly rabbinical in origin. If the Torah wanted to teach that work performed in the Tabernacle or creative acts

should not be done on the Sabbath, it would have stated this clearly.
Furthermore, the claim that the word melakhah appears only thirty-nine times in the Bible is incorrect. The word appears more than thirty-nine times - it is present in 166 verses throughout the entire Bible, including sixty-five in the Pentateuch alone.
Additionally, hundreds of jobs were performed by Tabernacle workers but were not included in the thirty-nine categories listed by the rabbis, such as carrying work instruments and other items in the Tabernacle structure, washing before and after work and before and after eating, setting the table to eat, using utensils in eating and drinking, cleaning the table after the meal, and clearing work areas when work were completed. Why were these activities not listed as acts prohibited on the Sabbath?
Many "creative acts" in the building of the Tabernacle are also not on the list of forbidden Sabbath activities, such as measuring boards and cloths and placing them in their proper places in the Tabernacle based on the measurements, as well as counting, reading, studying, giving directions to subordinates, and other activities for which a specialist is generally consulted.
Even rabbis who contend that the list of prohibited Sabbath labors was derived from the Torah recognize that there are more than thirty-nine categories of work that are disallowed on the Sabbath. Mekhilta d'Rabbi Shimon bar Yochai, for example, adds, in its concluding paragraph, acts unbecoming the tone of the Sabbath day, as well as buying, selling, loaning, placing an article in deposit, legal judgments, legal claims, appeals, other court activities, marriage, divorce, and accounting - eleven more. The Midrash cites what it considers to be scriptural proof for each of these items.
Why, then, if the sages themselves recognized that more than thirty-nine activities were prohibited on the Sabbath, were thirty-nine banned behaviors chosen and not another number? Also, why did the rabbis (in such places as Mishnah Shabbat 73a and the Babylonian Talmud, Shabbat 49b) call the number arba'im chaser achat, "forty minus one"? Why did they not simply say thirty-nine?
The Significance of the Number Forty
The number forty is a symbolic figure associated in Jewish thought with a long period or large number of difficulties. It reminds Jews, for example, of the forty years of struggle, exertion and challenges faced by the Israelites as punishment for accepting the wrong-headed assessment of the ten spies sent to evaluate the land of Canaan and for the Israelites' refusal to rely on the divine assurances and advance in armed battle to conquer the land.
The number also recalls the forty days and nights when the flood raged and destroyed all earthly inhabitants; only Noah, his family and the animals he sequestered on the ark were saved.

The number forty brings to mind the forty days and nights that Moses spent on Mount Sinai, with no one but God, without food and drink. This was a period of deep mental and physical exertion, in which he obtained the Decalogue from God, learned its meaning and brought it to the Israelites.

The Meaning of the Words "Forty Minus One"

The unusual phrase "forty minus one" appears to have special meaning, for if it did not, the number thirty-nine would have been used. Aside from being employed in reference to the Sabbath in Mishnah Shabbat 7:2, "forty minus one" is also utilized as the count for the lashes inflicted as punishment upon certain criminals for certain crimes in Mishnah Makkot 3:1-10.

The rabbis were conscious of the severity of the thirty-nine lashes and the enormous strain and bodily destruction it produced, as they stated in Mishnah Makkot 3:10. Only a few rather strong men, undoubtedly, could endure so many harsh beatings. It is, therefore, more than likely that they rarely inflicted the full count of thirty-nine lashes. Indeed, the rabbis required that a doctor examine and evaluate a prisoner's physical condition before lashes were inflicted, and, if the doctor determined that the criminal could not stand the large number of whippings, the amount was reduced. Thus, it should be clear that the number "forty minus one" is more symbolic than real. Why, then, did the rabbis choose the phrase "forty minus one"?

It seems that the rabbis wanted to say two things. First, as indicated by the symbolism of the number forty, the criminal deserved a harsh and unpleasant punishment because of his misdeed. Second, by reducing the number and making it clear that they were decreasing it by using the phrase "forty minus one," they were teaching that people must not act ruthlessly without sensitivity and consideration - even with criminals.

Applying This Concept to Shabbat

Consistent with the usage of the phrase with corporal punishment, it appears that the rabbis were teaching two lessons. First, by mentioning forty, which denotes difficulty, they made it clear that Shabbat should be a day when Jews scrupulously abstain from creative acts. The abstention should be more than symbolic; it must be noticeable, clear, obvious, unambiguous - an unmistakable demonstration of a fundamental Jewish idea, that Jews are thinking of God and recalling that He created the world and ceased creative acts on the Shabbat. This demonstration can only occur when a significant number of acts are noticeably disallowed on the Shabbat.

But the rabbis also stressed a second lesson. The Sabbath is not a sad negative day devoted to abstentions and ascetic behaviors, a time, as the ancient Sadducees insisted, when Jews sequester themselves in their homes, set themselves apart from company, and sit in the dark and cold without light and

fire. The rabbis insisted that the Sabbath is a day of pleasures.
Beside thirty-nine seemingly negative certainly restrictive melakhot, the rabbis instituted sabbatical laws that emphasize the enjoyment and spiritual elevation of the holy day, such as eating delicious foods, imbibing tasty drinks, beginning meals with a blessing and wine, wearing one's best clothes, devoting time to study and self improvement, and starting the Sabbath with the lighting of candles, symbolizing the light, warmth and joy that mark the anti-Sadducean quality of the Sabbath.
Thus, the Sabbath labors are "forty minus one," marking a day in which Jews understand both the rigorous duty to remember God and the delightful duty to do so with joy.

Summary

The rule banning "forty minus one" types of activities on the Sabbath raises many questions, including why the rabbis selected thirty-nine labors and used the term "forty minus one" to describe this count when there are clearly more than thirty-nine prohibited categories of labor on the Sabbath.
Since many ancient arduous activities were associated with forty, the number came to symbolize difficulties and work performed with rigor. The rabbis may have used the word forty with the Sabbath as a symbol to challenge Jews to demonstrate the meaning of the Sabbath; the Sabbath reminds Jews that God created the world, and they mark it by abstaining from a list of creative activities, just as God ceased performing acts of creation on the original seventh day.
By reducing forty by one and phrasing the number of restricted Sabbath activities as "forty minus one" rather than thirty-nine, the rabbis were symbolically reducing the difficulties. They were emphasizing that despite the need to remember and demonstrate the fundamental lesson of the Sabbath, the Jew must also understand that the Sabbath is not a gloomy time, but a day of delights, joy and self improvement.