

## Exodus 35:1-3

## “Capital Punishment for Sabbath Violators in Ancient Israel”

“Then Moses assembled all the congregation of the sons of Israel, and said to them, “These are the things that the LORD has commanded you to do: For six days work may be done, but on the seventh day you shall have a holy *day*, a sabbath of complete rest to the LORD; whoever does any work on it shall be put to death. You shall not kindle a fire in any of your dwellings on the sabbath day.”

Previously in Exodus (31:12-17), the Israelites were told about the need to rest on the weekly Sabbath, direction that had been given to them following the delivery of the instructions for how to build the Tabernacle and its various components. Now, just before the actual construction of the Tabernacle, the significance of the weekly Sabbath or *Shabbat* is once again emphasized. Readers witness how Sabbath violation can be met with capital punishment (35:2), and also how the kindling of a fire is prohibited (35:3). The issue of what it means to kindle a fire, has certainly been met with a wide degree of applications in ancient and more modern Judaism. People within today’s Messianic movement will certainly encounter various discussions about what kindling a fire involves.

35:1 This instruction opens with the word, “And Moses assembled all the community of Israelites and said to them, “These are the things that the LORD has charged to do” (Alter). While no timing is explicitly stated in the text as to when this took place, various Jewish sources have traditionally placed it on 11 Tishri, or on what would later become *Yom Kippur* or the Day of Atonement.<sup>1</sup>

The direction is issued to *kol-adat b’nei Yisrael* (כָּל־עַרְח בְּנֵי יִשְׂרָאֵל), “the whole Israelite community” (NJPS, TNIV), rendered by the LXX as *pasan sunagōgēn huiōn Israēl* (πάσων συναγωγῆν υἱῶν Ἰσραηλ), “the entire congregation of the sons of Israel” (NETS). Interpreters tend to be agreed how this is inclusive of everyone in the broad community. The *Soncino Chumash* notes that this involved “Men and women, because both were expected to contribute.”<sup>2</sup> J.H. Hertz also states, “The Sanctuary was the concern of every individual in Israel.”<sup>3</sup> Walter Brueggemann takes the identification of the audience in the direction, “Moses assembles the congregation of Israel. The reference, both as a verb (*assemble*) and as a noun (*assembly*), is thoroughly ecclesiological. This is a religious body, without reference to any state official.”<sup>4</sup> One does not get the impression in v. 1 that there is any intended distinction between native Israelites, slaves, sojourners, or any others in the community; this direction is to be observed by all.

35:2 The direction continues, asserting, “Work is to be done for six days, but the seventh day is a holy day for you, a *Shabbat* of complete rest to ADONAI. Whoever does any work then will die” (TLV). The admonition to rest on the seventh day or *Shabbat*, and with it the threat of capital punishment for those who violate it, notably follows the aftermath of the incident with the golden calf (chs. 32-33). It has been suggested how there could very easily have been a sincere desire on the part of many to put the rebellion behind themselves, and get on with the building of the Tabernacle for the One True God.

<sup>1</sup> Hertz, 373; Cohen, *Chumash*, 573; Scherman, *Chumash*, 516; Sarna, *Exodus*, 222.

<sup>2</sup> Cohen, *Chumash*, 573.

<sup>3</sup> Hertz, 35.

<sup>4</sup> Brueggemann, in *NIB*, 1:960.

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*The weekly Sabbath, though, still needed to be remembered.* R. Alan Cole indicates, “Even in their newfound eagerness to construct the Tent, Israel must remember to observe the sacred day.”<sup>5</sup> J.A. Motyer further observes, “There could so easily have been a tendency to reason that ‘holy’ work was surely permissible on the ‘holy’ day or, at a lower level of thinking, to allow enthusiasm for this great and God-given task to sweep his word aside, to ‘feel right’ about working seven days out of seven.”<sup>6</sup>

It has also been interjected, given the clause *kol-ha’oseh melakhah yumat* (מְלֹאכָה יוּמָת) in v. 2, that there is an intended difference between this application of capital punishment, and what is witnessed earlier in Exodus 31:14-15. Richard Elliot Friedman details,

“When God tells Moses to give this commandment to the people, He commands him to say that anyone who works on the Sabbath shall be ‘put to death’—using the Hebrew emphatic form *môt yûmāt* [מֹת יוּמָת] (31:14, 15). But Moses just says ‘put to death’ (*yûmāt* [יוּמָת])—leaving out the emphatic particle *môt*. That is, Moses softens the wording of the commandment. The convicted person might not feel any different to know that he is just being put to death, and not being *put to death!* But it is as if Moses cannot bring himself to pronounce the powerful, fearful condemnation.”<sup>7</sup>

Perhaps this softening serves as an indication of how there may have been some honorable intentions of working on the Sabbath to construct the Tabernacle, but activity that was prohibited nonetheless.

35:3 The Sabbath prohibition highlighted in v. 3 involves ignition of a fire: *lo-teva’aru eish b’kol moshvotekhem b’yom haShabbat* (לֹא־תִבְעֵרוּ אֵשׁ בְּכֹל מוֹשְׁבוֹתֵיכֶם בְּיוֹם הַשַּׁבָּת), “not you-light fire in-any-of dwellings-of-you on-day-of the-Sabbath” (Kohlenberger),<sup>8</sup> “You are not to build a fire in any of your dwelling places on the sabbath day” (*WBC*).<sup>9</sup> The verb of note is *ba’ar* (בָּעַר), appearing in the Piel stem (intensive action, active voice), and mainly means either “kindle” or “burn” (*BDB*),<sup>10</sup> customarily being rendered as “kindle,” but also appearing as “light” (Moffat) or “burn” (Fox).<sup>11</sup> It is widely recognized how on various High Sabbaths, when animal sacrifices were to be burned, that kindling a fire would necessarily be permitted.<sup>12</sup>

Within Jewish history for certain, v. 3 has been taken as a widespread prohibition of lighting just about any kind of fire, on the Sabbath day. Jeffrey H. Tigay summarizes in *The Jewish Study Bible*, “Rabbinic exegesis holds that this prohibition does not forbid letting a previously kindled fire burn on the Sabbath, so long as it is not refueled on the Sabbath. The Karaite Jewish sect, however, took the law to prohibit use even of a previously kindled fire and spent the Sabbath in darkness.”<sup>13</sup> In view of 16:13 preceding, the prohibition on kindling a fire has often been associated with acts of cooking and

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<sup>5</sup> Cole, *Exodus*, 234.

<sup>6</sup> Motyer, *Exodus*, 318.

<sup>7</sup> Friedman, *Commentary on the Torah*, 296.

<sup>8</sup> Kohlenberger, 1:247.

<sup>9</sup> Durham, 470.

<sup>10</sup> *BDB*, 128.

<sup>11</sup> Fox, *Five Books of Moses*, 463.

<sup>12</sup> Hertz, 373; Cohen, *Chumash*, 573.

<sup>13</sup> Tigay, in *The Jewish Study Bible*, 192.

baking. Hertz describes, "This command has been understood by certain Jewish sects to prohibit even the *enjoyment* of light or fire on the Sabbath; the Rabbis, however, apply it only to cooking and baking."<sup>14</sup> Further noted by the *ArtScroll Chumash*, is the thought, "by specifying here that fire may not be kindled on the Sabbath, the Torah indicated that since food preparation is forbidden on the Sabbath, surely other work is prohibited, as well (*Rashbam*)."<sup>15</sup>

There is a general negativity demonstrated by Jewish examiners toward the Karaites, in their view of v. 3, given how they interpreted it as requiring widespread darkness for the Sabbath. Nahum M. Sarna does state, however, that this did change for some of them:

"The manner in which the prohibition against kindling a fire on the Sabbath is worded led the rabbis of the Talmud to understand that fire may not be kindled on the Sabbath itself; however, fire lit before the Sabbath and not refueled on the Sabbath is permitted. The Jewish sectarians known as the Karaites rejected this interpretation and spent the day in darkness, although some later adherents did accept the rabbinic practice."<sup>16</sup>

While the usage of actual fire (*esh*, עֵשׂ) is widely recognized as being the issue of v. 3, a more homiletic approach to the prohibition of not kindling a fire on the Sabbath has been witnessed in Abraham Joshua Heschel's famed work, *The Sabbath*. He directs how people are not to be engaged in fiery contests on *Shabbat*, and with it are to instead seek a condition of *shalom* and tranquility:

"...Ye shall kindle no fire—not even the fire of righteous indignation.

"Out of the days through which we fight and from whose ugliness we ache, we look to the Sabbath as our homeland, as our source and destination. It is a day in which we abandon our plebian pursuits and reclaim our authentic state, in which we may partake of a blessedness in which we are what we are, regardless of whether we are learned or not, of whether our career is a success or a failure; it is a day of independence of social conditions.

"All week we may ponder and worry whether we are rich or poor, whether we succeed or fail in our occupations; whether we accomplish or fall short of reaching our goals. But who could feel distressed when gazing at spectral glimpses of eternity, except to feel startled at the vanity of being so distressed?"<sup>17</sup>

One can presume that kindling a fire on the Sabbath, would have merited capital punishment for those in Ancient Israel—obviously dependent on an evaluation of the crime and a judicial ruling. More specifically, though, it cannot be avoided how there are a number of examiners of this passage, who think that the kindling of a fire is specifically related to the construction of the Tabernacle. Peter Enns observes,

"An unusual detail is added in 35:3. Work, of course, is the way in which the Sabbath day is desecrated. But why the cryptic reference to lighting a fire? Does lighting a fire constitute work, as if to say, perhaps, that one cannot cook on the Sabbath? In my opinion, 'lighting a fire' is too specific and unexpected a detail to refer simply to one particular type of work that might be done on the Sabbath...The Ugaritic story of the

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<sup>14</sup> Hertz, 373; also Scherman, *Chumash*, 517.

<sup>15</sup> Scherman, *Chumash*, 517.

<sup>16</sup> Sarna, *Exodus*, 222.

<sup>17</sup> Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus and Giroux, 1951), pp 29-30.

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building of Baal's palace speaks of fire consuming the structure for six days and subsiding the seventh."<sup>18</sup>

As is witnessed in *The Baal Cycle*,

"[Quickly] he builds his house, [Quickly] he erects his palace. He [se]nds to Lebanon for its wood, To [Sir]yon for its choicest cedar. In[deed (?) to Le]banon for its wood, To Siryon for its choicest cedar. A fire is set in the house, a f[la]me in the palace. There! For a day and a second, A fire burns in the house, a flame in the palace. For a third and a fourth, [A f]ire burns in the house, A flame in the palace. For a fifth and a si[x]th, A fire burns [in] the house, A flame a[mid the pa]l[ac]e. Then on the seventh d[ay,] The fire leaves the house, The f[la]me, the palace. The silver had turned to plates, The gold had turned to bricks" (IV.16-35).<sup>19</sup>

Enns details the possibility of how "the prohibition in 35:3 against lighting fires on the Sabbath reflects a story such as we see in the Ugaritic text. This is not to say, of course, that the Israelites read the Baal story and appropriated it for their own purpose."<sup>20</sup> So, some might conclude that a more restricted form of kindling a fire—for the purposes of metalworking or smelting, for example—might be more what v. 3 intends.

Of course, there would be those who would object to such an approach, given the presence of, "in any of your dwellings" (ATS). This would lend support to fire being used for household chores and food preparation. In Orthodox Judaism today, the prohibition on lighting a fire has been applied to modern technological inventions, most especially driving an automobile. Conservative Judaism has differed substantially from this, permitting the usage of many electronic devices, and the driving of a car, provided that the intention is to drive home to synagogue on *Shabbat*. V. 3 presents readers with a venue to consider how lighting a fire in ancient times, is a bit different than the conveniences of modern technology we have today. Furthermore, the intention of not kindling a fire in the arid Near East for Ancient Israel, is to be differentiated from those geographical locations where warmth from a fire would be necessary to prevent freezing and death.<sup>21</sup>

Even if it is to be conceded that there are some modern exceptions or excusions for "lighting a fire," the intention of v. 3 is to convey a difference of orientation between the six working days and the Sabbath. Friedman is broadly correct in concluding, "[I]t is a reminder that the Sabbath is not just about work and rest. There are things that one does not do on the Sabbath even if one can do them without the effort associated with work, such as lighting a fire. And there are things that one *does* do on the Sabbath, not just because it is permitted but because it is a spiritual joy, such as singing Sabbath songs. The Sabbath is about separation and sanctification of time. It is about peace and respite, about family, and about community."<sup>22</sup>

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<sup>18</sup> Enns, *Exodus*, 545.

Also noted by Alter, *Five Books of Moses*, 514.

<sup>19</sup> Simon B. Parker, ed., *Ugaritic Narrative Poetry* (Atlanta: Society of Biblical Literature, 1997), pp 135-136.

<sup>20</sup> Enns, *Exodus*, 546.

<sup>21</sup> A much more traditional and restrictive approach, is represented by D. Thomas Lancaster, *The Sabbath Breaker: Jesus of Nazareth and the Gospels' Sabbath Conflicts* (Marshfield, MO: First Fruits of Zion, 2013), pp 125-126.

<sup>22</sup> Friedman, *Commentary on the Torah*, 296.