

## Meshech Chochmah Parshas Vayakhel

### Shabbos and the Mishkan

וַיְבִיחַ הַשְּׁבִיעִי הֲיִהְיֶה לָכֶם קֹדֶשׁ... כָּל הָעֹשֶׂה בּוֹ מְלָאכָה יוּמָת

*The seventh day shall holy for you... whoever does work on it shall be put to death (35:2)*

#### Between “Yumas” and “Mos Yumas”

The Meshech Chochmah prefaces his comments to this pasuk by observing that on certain occasions the Torah describes a person’s liability to be put to death with the double expression “מות יומת”, while at other times it uses the single term “יומת.” The resolution of this matter, says the Meshech Chochmah, is as follows:

- When the Torah uses the double expression “מות יומת,” it refers to a death penalty that is carried out by Beis Din – an earthly court.
- When the Torah uses the single term “יומת,” it refers to *misah b’yedei shamayim* – death at the hands of Heaven.<sup>1</sup>

Thus, for example, the pasuk states that in a case where a person’s ox gored and killed another person, “השור יסקל וגם בעליו יומת” – the ox shall be stoned and the owner, too, shall be put to death.”<sup>2</sup> There, the term “יומת” is used since the owner is liable at the hands of Heaven.<sup>3</sup>

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<sup>1</sup> Perhaps one may explain the background to this distinction based on Yosef’s words to Pharaoh regarding the repetition of his dream about the years of plenty and famine, “כי נכון הדבר מעם האלקים וממהר האלקים לעשותו” – For the matter is established before God and God is hastening to perform it.” (Bereishis 41:32) Here, too,

- 1) The death as administered by an earthly court is carried out swiftly, while death at the hands of Heaven can be implemented at a later time.
- 2) Additionally, while death at the hands of Heaven can be rescinded through teshuvah, death by an earthly court is “established,” i.e. irrevocable, for although the person is required to do teshuvah, this does not revoke his sentence.

<sup>2</sup> Shemos 21:29.

<sup>3</sup> See Mechilta, Mishpatim sec. 10. The Meshech Chochmah likewise refers to Vayikra 24:21 “ומכה אדם יומת” – one who strikes a person shall be put to death,” which the Gemara (Sanhedrin 79b) interprets as referring to scenarios beyond those where the person is liable to be put to death by an earthly court.

All this should lead us to a problem in our pasuk, for, as we know, violating Shabbos is punishable by death in an earthly court. Indeed, an earlier pasuk states “מִוֹת יוֹמָת” – whoever does work on the Shabbos day shall be put to death.”<sup>4</sup> There, appropriately, the double expression is used. Why then, does our pasuk rather use the singular term “יומת”?

### **Text and Context**

To understand the phraseology of our pasuk, the Meshech Chochmah reminds us of the context in which it is stated. The beginning of our Parsha describes Moshe commanding the Bnei Yisrael regarding the construction of the Mishkan. This command is preceded by a reference to the prohibition against doing melachah on Shabbos and the penalty of violating that prohibition. In this regard, Chazal state<sup>5</sup> that this discussion concerning melachah on Shabbos is not merely general in nature, rather, it comes to address the specific issue of not performing melachah on Shabbos *even for purposes of making the Mishkan*.

Bearing this in mind, we can understand why the pasuk used the singular term “יומת.” The Gemara<sup>6</sup> states that a Sanhedrin is only authorized to administer the death penalty at a time when the avodah is being performed by the Kohanim in the Mikdash. Thus, the pasuk states,<sup>7</sup> “וּבֹאֲתָ אֶל הַכֹּהֲנִים... וְאֶל הַשֹּׁפֵט” – You shall come to the kohanim and to the judge,” from which the Gemara derives, “בזמן שיש כהן יש משפט” – In a time when there is a Kohen [performing the avodah], there is judgment.”

Therefore, since our pasuk is specifically discussing the question of doing melachah on Shabbos for purposes of making the Mishkan, by definition, such an act will take place when the kohanim are not yet performing the avodah. In these circumstances, the death penalty cannot be carried out by a Beis Din, and thus, the pasuk uses the single term “יומת,” denoting death at the hands of Heaven. In contrast, the earlier pasuk which uses the double expression “מוות יומת,” indicating punishment at the hands of Beis Din, states specifically that this is the halachah “לדורותיכם” – for your generations,” i.e. in a time when the avodah is being performed by the kohanim and the Beis Din are liable to judge capital cases.

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<sup>4</sup> Shemos 31:15.

<sup>5</sup> Cited in Rashi to our pasuk.

<sup>6</sup> Sanhedrin 52b.

<sup>7</sup> Devarim 17:9, in the context of the case of a *zaken mamreh* (rebellious elder) who is to be put to death.

## Capital Punishment at the Time of the Egel

As the Meshech Chochmah proceeds to point out, this idea will also provide us with a very straightforward answer to a question raised by the commentators regarding the punishment for those who worshipped the *Egel* (Golen Calf). As the pesukim describe,<sup>8</sup> those who were found guilty were killed by the sword. However, as we know, the sin of idol-worship is punishable by stoning;<sup>9</sup> why then did Moshe not administer the appropriate form of punishment?

The answer is as per the above. Since the *Chet Ha'egel* took place prior to a time when the avodah was being performed in the Mishkan, conditions did not yet allow for the administering of the Torah-mandated penalty of stoning for *avodah zarah*. On the other hand, some form of death penalty was appropriate even at that time, for *avodah zarah* is a sin which is punishable by death even for non-Jews. Specifically, the penalty for a gentile who worships *avodah zarah* is death by the sword; hence, this was the form of punishment administered to those among the Jewish People who worshipped the *Egel*.

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## The Chet Ha'egel and the Entrance to the Mishkan

כָּל קַלְעֵי הַחֲצָר... וְהָאֲדָנִים לְעַמֻּדִים נְחֹשֶׁת  
וּמִסְדֵּי שַׁעַר הַחֲצָר... וְאֲדָנֵיהֶם אַרְבָּעָה נְחֹשֶׁת

*All the lace hangings of the Courtyard... The sockets of the pillars were copper.*  
(38:16-17)

*The screen of the gate of the Courtyard... and their sockets were four, of copper.*  
(Ibid. 18-19)

## Together or Separate?

The Parsha of Vayakhel is often taken as one simply of repetition, detailing the construction of the Mishkan as commanded in Parshas Terumah. However, as the mefarshim explain, it is specifically the differences between the two *parshiyos* –

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<sup>8</sup> See Shemos 32: 27-28.

<sup>9</sup> See Devarim 17:2-5.

some of them very nuanced in nature – which should command our attention, and which make Parshas Vayakhel its own study. Many of these differences are a result of the episode with the *Egel*, which features in-between the two *parshiyos*.<sup>10</sup>

An example of such a difference is the Torah's description of the entrance gate to the Courtyard of the Mishkan. In Parshas Terumah,<sup>11</sup> its specifics are discussed in the same pasuk as the rest of the partitions enclosing the Courtyard, while in our Parsha it is mentioned in a separate pasuk.

What is behind this difference?

### **Nikanor's Gate**

The Meshech Chochmah explains that the separate discussion of the gate in our Parsha reflects the fact that its status differed from the other partitions. The Gemara<sup>12</sup> states that the gate known as Nikanor's gate was not sanctified with the *kedushah* of the Courtyard. This was done in order to allow a *metzora* to receive purification from his *tumah* state. The background to this idea are two halachos which appear to conflict with each other:

1. The *metzora* needs to present his hands in the airspace of the Courtyard in order for the blood of his korbanos to be sprinkled on his thumbs.<sup>13</sup>
2. Since a *metzora* is *tamei*, it is forbidden for him to enter the Courtyard – even part of him, such as his hands!

In order to resolve this situation, the airspace of the eastern gate was not sanctified, allowing for him to insert his hands in its airspace in a permissible way. The part of the Mishkan which parallels Nikanor's Gate is the eastern Gate of the Courtyard, which was likewise not sanctified for this reason. This difference in status is denoted by its appearance in a separate pasuk to the other partitions of the Courtyard.

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<sup>10</sup> In this regard, the Meshech Chochmah adopts the approach of the Ramban, namely, that the command for the Mishkan preceded the making of the *Egel*, as the sequence of the Parshiyos indicates. This is unlike Rashi who understands, invoking the principle of "אין מוקדם ומאוחר בתורה," that the *Chet Ha'egel* preceded both the command and the construction of the Mishkan. See Rashi Shemos 31:18 s.v. *va'yiten*.

<sup>11</sup> Shemos 27:17.

<sup>12</sup> Pesachim 85b.

<sup>13</sup> See Vayikra 14:14.

## **Before and After**

It is for this reason, says Meshech Chochmah, that in Parshas Terumah, all the partitions are mentioned together in the same pasuk. The commands mentioned in Parshas Terumah were given prior to the making of the *Egel*. However, the Midrash states<sup>14</sup> that the condition of *tzoraas* came to the Jewish people as result of the *Egel*! As such, at the time when the command was given, there was no need to differentiate between the *kedushah* of the entrance-partition and the rest of the partitions, and hence, they are all mentioned together in the same pasuk. It is only with the advent of *tzoraas* that the entrance-way was given a different status, as reflected in the division of these items in our Parsha among two pesukim.

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<sup>14</sup> Bamidbar Rabbah 7:4.