

# Plucking on the Sabbath and Christian-Jewish Polemic

by Menahem Kister

Study of the Gospels makes it increasingly clear that their fundamental stratum must be read as a Jewish text, to be understood within the context of Second Temple Judaism, its halakhic outlook, its beliefs and concepts, its midrashic techniques and ways of argumentation, and the vocabulary and style of the texts it produced. However, the original Jewish outlines of the traditions from which the Gospels are formed have become blurred in the Christian version of these traditions.<sup>1</sup> The following pages will examine a passage that pro-

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1. This is true of those sayings of Jesus which may be "authentic," of the sayings of John the Baptist, and of sayings originating in the early Christian community. For an analysis of the sayings of John the Baptist, see D. Flusser, "Tevilat Yohanan we-khat Midbar Yehudah," *Mehqarim ba-megillot ha-genuzot* (Jerusalem, 1961), pp. 209–239.

The statement by John the Baptist in Mt. 3:9 and parallels — "And do not presume to say to yourselves, 'We have Abraham as our father,' for I tell you, God is able from these stones to raise up children to Abraham" — is clearly based on a midrashic interpretation of Is. 51:1–2: "Hearken to Me, you that follow after righteousness, you that seek the Lord; look to the rock from which you were hewn, and to the hole of the pit from which you were dug. Look to Abraham your father, and to Sarah who bore you...." John the Baptist concludes that Abraham is the father of all those "who follow after righteousness," even if they are not from his seed but were "raised up from stones," as it were, to "look to the rock from which they were hewn." The plentiful terminology of the Dead Sea sect makes itself clearly felt in several verses, as, for example, in Mk. 10:7. See my article, "The Sayings of Jesus and the Midrash," *Immanuel* 15 (Winter 1982/83), p. 45, n. 24.

Note also Mt. 16:18: "and on this rock I will build my community"; a striking parallel appears in the Thanksgiving Scroll 6:24–27: "for you will lay a foundation [Heb. *sod*] on a rock." As O. Betz pointed out in *Zeitschrift für die neutestamentliche Wissenschaft* 48 (1957), 49 ff., the verse quotes a literary source close to the Thanksgiving Scroll. Indeed, *sod* in the Dead Sea Scrolls means both "community" and "foundation" (compare Manual of Discipline 11:8 with Thanksgiving Scroll 7:1, 9). Thus word-plays based on this dual meaning appear in the writings of the Dead Sea Sect. Accordingly, the phrase just quoted from the Thanksgiving Scroll could be in-

vides a good example, namely the story of the plucking of grain on the Sabbath. In the version of Matthew 12:1–8, it reads:<sup>2</sup>

At that time,<sup>3</sup> Jesus went through the grainfields<sup>4</sup> on the Sabbath;<sup>5</sup> his disciples were hungry, and they began to pluck heads of grain and to eat. But when the Pharisees saw it, they said to him, “Look, your disciples are doing what is not lawful to do on the Sabbath.” He said to them, “Have you not read what David did, when he was hungry, and those who were with him: how he entered the house of God and ate the bread of the

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terpreted: “for you will find a community on a rock.” See also Is. 28:16–18, on which the whole passage is based; note especially the words *yesod musad* in v. 16.

Traces of rabbinic sayings (i.e., of the Pharisees) are of course to be found in the Gospels as well. Mt. 18:18–20 is a good example:

Truly, I say to you, whatever you *bind* on *earth* shall be bound in *heaven*, and whatever you loose on *earth* shall be loosed in *heaven*. Again I say to you, if two of you agree [συμφωνήσωσιν] on earth about anything they ask, it will be done for them by my Father in heaven. For where [οὐ] two or three are gathered *in my name* [or: for my sake — εἰς τὸ ἔμὸν ὄνομα], there am I in the midst of them.

Compare Avot 3:6 (in the Kaufman manuscript):

Wherever ten sit together and study Torah, the presence of the Lord is amongst them...and how do we know that this is true even of three? From the verse [Amos 9:6]: “[It is He that builds His upper chambers in the *heaven*] and has founded His band [*aguddato*] upon the *earth*” [cf. v. 18]. How do we know that it is true even of two? From the verse [Mal. 3:16]: “Then they that feared the Lord *spoke with one another*, and the Lord hearkened and heard, and a book of remembrance was written before Him, for them that feared the Lord and that thought upon His name” [cf. v. 19]. How do we know that it is true even of one? From the verse [Ex. 20:21]: “in every place where I cause *My name* to be mentioned [MT *azkir*; the Mishnah, however, is based on an alternative reading: *tazkir*, i.e., where *you* mention my name], I will come to you and bless you” [cf. v. 20].

The connection between Mt. 18:20 and this mishnaic homily is mentioned in many commentaries on the Gospels. From a line-by-line comparison, however, the relationship between the biblical verses used as the basis for the homily and the actual wording of the Gospel also seems clear. Thus the parallel between “in my name” in v. 20 and “where you mention my name” in Ex. 20:21 is striking; see D. Flusser, *Judaism and the Origins of Christianity* (Jerusalem, 1988), p. 521. There is also a parallel between v. 19 and the part of the homily which cites Mal. 3:16. As for v. 18, the idea of “His band” [*aguddato*] may have evoked the association of binding, or it may be that the verse was read as though it meant that the “community” founds [*yasda*] something upon earth. In short, it would seem that Mt. 18:18–20 is based upon a Jewish saying similar to that quoted from Avot — including its exegetical sections; in Matthew, however, the exegesis of the same verses is developed in a different direction.

2. Parallels: Mk. 2:23–28; Lk. 6:1–5. The translation is that of the Revised Standard Version.
3. A connective phrase added by the editor for the purpose of the narrative; absent in the parallels.
4. διὰ τῶν σπορίμων.
5. In Lk. 6:1, ἐν σαββάτῳ δευτεροπρώτῳ, a peculiar and obscure phrase (indeed, δευτεροπρώτῳ is omitted in many MSS and in Nestle-Aland 25 and 26, but may be genuine).

Presence, which it was not lawful for him to eat nor for those who were with him, but only for the priests? Or have you not read in the law how on the Sabbath the priests in the Temple profane the Sabbath, and are guiltless? I tell you,<sup>6</sup> something greater than the Temple is here. And if you had known what this means, 'I desire mercy and not sacrifice' [Hos. 6:6], you would not have condemned the guiltless.<sup>7</sup> For the son of man is lord of the Sabbath."

## The Hunger of David

The key to understanding this difficult passage<sup>8</sup> and its Synoptic parallels ought to be an analysis of the circumstances in which the incident took place. The text, however, does not provide a clear picture of those details which would be determinative from a halakhic point of view. The words "his disciples were hungry" (v. 1) — a vital fact — appear only in the version of Matthew; they are absent in Mark and Luke. If Jesus' disciples indeed profaned the Sabbath, as it might seem at first glance, was it because they were starving? That this was so would seem to be confirmed by verse 3, for the fact that David was hungry — which appears in all three Synoptic accounts as part of Jesus' argument — is not mentioned at all in the Old Testament version of the episode. If it is added here as an explanation and justification of David's action, then it presumably also explains and justifies the action of Jesus' disciples, and this (rather than some other halakhic argument, or a Christological argument) is apparently the crux of Jesus' reasoning.

Moreover, this same justification of David's action is used by the rabbis,<sup>9</sup> that he was suddenly overcome by overwhelming hunger (*bulmus*) and acted to save his life on the principle of *piquah nefesh*, by which it is permissible to violate a commandment if this is necessary in order to preserve life. The Jerusalem Talmud contains the following statement by Rav Huna: "David ate those twenty-four *issarons* on account of his hunger" (jYoma 8:5, 45b). Rav Huna speaks simply of *ra'avon* — hunger — but it is clear that his usage is equivalent to *bulmus*.<sup>10</sup> In light of this terminology, we may well ask whether the case of Jesus' disciples was also one of *piquah nefesh* — of overwhelming hunger — or whether, as is quite possible, this was a case in which Jesus

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6. λέγω δὲ ὑμῖν — opposition or addition? See my article (note 1 above), p. 43, n. 14. Also see note 23 below.

7. οὐκ ἄν κατεδικάσατε τοὺς ἀναίτιους. The same word ἀναίτιοι appears at the end of v. 5. In Mishnaic Hebrew, this phrase would probably read: *lo biyyavtem et ha-zakka'im* (cf. Sifrei Zuta, Horovitz ed., p. 277), *zakkay* meaning both "guiltless" and "having the right to [do something]." Note, however, that the biblical expression *we-yatzdiq rasha' we-yarshi'u tzaddiq* (which accords with Delitzsch's translation) is used almost as a technical term in Damascus Covenant 1:19 and 4:7 (both passages are clearly based on Prov. 17:16).

8. For a detailed survey of the current state of research, see F. Neiryneck, "Jesus and the Sabbath," J. Dupont ed., *Jesus aux origines de la christologie* (Louvain, 1975), pp. 227–270.

9. See Billerbeck, ad loc.

10. I wish to thank Dr. David Rosenthal for drawing my attention to this important passage.

expanded the limits of the Halakhah.<sup>11</sup> One way or the other, it seems strange that precisely the basic fact of the disciples' hunger should have been left out of the other Gospels. Their emphasis that the issue was not one of hunger is perhaps a result of the general trend in the Gospels toward authorizing the performance of labors on the Sabbath.

It is also not clear how the action of the disciples is to be understood. S. Pines<sup>12</sup> has noted an Arabic version of the text which reads: "And they began to *rub* heads of grain and eat them." As Pines has pointed out, the Diatessaron, too, would seem to relate only that they rubbed the heads of grain, not that they plucked them.<sup>13</sup> He compares this text with Luke 6:1: "his disciples *plucked* and ate some heads of grain, *rubbing* [ῥύχοντες] them in their hands."<sup>14</sup> It would seem from this comparison that Luke's version combines two traditions: one in which the disciples plucked the heads of grain, and a second in which they only rubbed them. Pines notes (citing D. Flusser and S. Safrai)<sup>15</sup> that rubbing heads of grain may well be permissible on the Sabbath.<sup>16</sup>

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11. See Y.N. Epstein, *Mevo'ot le-Sifrut ha-Tannaim* (Jerusalem 1957), pp. 280–281, on whether plucking grain on the Sabbath can be justified: "According to the Halakhah, it depends upon the degree of hunger and of danger." It is accepted almost axiomatically by scholars, however, that the hunger of Jesus' disciples did not involve danger to life; see D.N. Cohn-Sherbok, "An Analysis of Jesus' Arguments Concerning the Plucking of Grain...", *Journal for the Study of the New Testament* 2 (1979), 31 ff. See also S. Lieberman, *Tosefta Ki-Fshutab: Moed*, p. 260; for this reference, too, I am indebted to Dr. Rosenthal. On the other hand, Abd al-Jabbar (tenth century C.E.), asserts in *Dala'il al-Nubuwwa*, Abd al-Karim Uthman ed. (Beirut, 1966), vol. 1, p. 196, that the disciples were in "a state of compulsion" (*hal idtirar*). See also S. Pines, "The Jewish Christians of the Early Centuries of Christianity According to a New Source," *Proceedings of the Israel Academy of Science and Humanities* 2 (1966), p. 241, n. 12. On Jesus' expansion of the limits of the Halakhah, see B.H. Branscomb, *The Gospel of Mark* (London, 1964), p. 57 and elsewhere; he seems, however, to have exaggerated its degree.
  12. See Pines, p. 299. Abd al-Jabbar states (op. cit.): "Matthew says in his Gospel that Jesus was walking among the grainfields on the Sabbath day, and his disciples were hungry; so they began to rub ears of corn and to eat them." Ali ibn Rabban al-Tabari (ninth century), who antedates Abd al-Jabbar, cites similarly from Matthew in his *Al-din wal-Dawla* (Beirut, 1973), p. 203; my attention was drawn to this source by my father, Prof. M.J. Kister. Both texts explicitly cite Matthew; that they indeed draw upon it is further attested by their wording. One possibility might have been that the Arabic verb *faraka* translates the Syriac *melag*, which can mean both "rub" and "pluck"; see Payne-Smith, *Thesaurus Syriacus* (Oxford, 1901), p. 2131. The evidence of the Diatessaron, however, seems to rule this out (see next note).
  13. Pines (op. cit.) refers to the Arabic Diatessaron edited by A.S. Marmardgi, *Diatessaron de Tatian* (Beirut, 1935), p. 66: "Once Jesus was walking on the Sabbath day among the grainfields, and his disciples were hungry, so they rubbed [*kana yafrakuna*] ears of corn with their hands and ate." While the authentic text of the Diatessaron might be in doubt, that its version originally read "they *rubbed* [*prakhū*] ears of corn" seems proved by a passage in the Syriac commentary of Ephrem, which reads: "in another passage one finds that when his [Jesus'] disciples were rebuked because they *rubbed* ears of corn, he said to them...." See D.L. Leloir, *Saint Ephrem: Commentaire de l'Évangile concordant, texte syriaque* (Dublin, 1963), p. 104. I thank Prof. Pines for this suggestion.
  14. Cf. also Marmardgi (note 13 above).
  15. Pines, p. 265.

The distinction between these two traditions, however, would seem to make no difference to Jesus' argument, with its specific emphasis on David's hunger. He attempts to justify the performance of an activity that is forbidden on the Sabbath — at least in the opinion of his antagonists — by citing an example from the activities of David, who did something forbidden by the Torah (though it was not a profanation of the Sabbath!)<sup>17</sup> in a time of pressing need.

Moreover, Jesus had good reason to choose a story related to David, for the Bible says explicitly of David that he "did that which was right in the eyes of the Lord, and turned not aside from any thing that He commanded him all the days of his life, except only in the matter of Uriah the Hittite" (1 Kings 15:5). At least one of the Tannaim adduced this verse in order to infer legal principles from the actions of David, even against Tannaim arguing from the Torah on the basis of the *qal wa-homer* principle (i.e., *a minori ad maius*).<sup>18</sup> This verse compelled the Dead Sea sect, too, to offer rather forced excuses for certain actions of David<sup>19</sup> which contradicted the Halakhah of the sect.<sup>20</sup>

16. See S. Lieberman, *Tosefta Ki-Fshutab: Moed*, pp. 237–238 and pp. 936–937, and the commentaries cited there.

17. Note, however, that he uses the David story *only* as an example, and certainly not as a *gezerah shawah* (Cohn-Sherbok, p. 34, has a different opinion). The argument would appear to be based only upon the general resemblance between the two cases. There is no need to insert into the Gospel details which were not originally there; see W.L. Lane, *The Gospel According to St. Mark* (Michigan, 1974), pp. 116–117.

18. tKilaim 5:6 (Lieberman ed., p. 222):

Issi of Babylon said: "It is forbidden to ride upon a mule, as may be proven by a *qal wa-homer* argument." ...They said to him: "But it is written [that David commanded]: 'cause Solomon my son to ride upon mine own mule....'" He said to them: "One may not bring a refutation from *taqo'a*" [the meaning of this Hebrew word is obscure — M.K.J.]. They said to him: "But it is written: 'David did that which was right in the eyes of the Lord, and turned not aside from any thing that He commanded him all the days of his life, except only in the matter of Uriah the Hittite.'"

19. Damascus Covenant 5:1–6, the translation following Ch. Rabin, *The Zadokite Document* (Oxford, 1954), pp. 18–19, but revised in a few places:

But David had not read in the sealed Book of the Law which was inside the ark, for it had not been opened in Israel since when Eleazar and Jehoshua and the elders died, when [Heb.: *asher*; the particles *she* in Mishnaic Hebrew and *de* in Aramaic are used in the same temporal sense] they [i.e., Israel] worshipped the Ashtoret, and the revealed [commandments — *nigleh*] were hidden until Zadok arose and the deeds of David were wiped away [*wa-ya'alu* — see below], and God forgave him for them [*wa-ya'azevem* — a calque of the Aramaic root *sh-b-ql*].

The word *alab* (*wa-ya'alu*), which usually means "ascend," can also be used in the sense of "disappear": see H. Yalon, *Pirqei Lashon* (Jerusalem, 1971), pp. 478–9; Z. Ben-Hayyim, *Lesbonenu* 35 (1971), 247; M. Bar-Asher, *Mehqarei Lashon Mugashim li-Ze'ev Ben-Hayyim* (Jerusalem, 1983), pp. 89–90. According to my interpretation, "the deeds of David" must refer to his bad deeds (committed unintentionally), as would also seem from the following words: "and God forgave him for them."

20. My understanding of this passage is opposed to that presented by D. Daube in *The New Testament and Rabbinic Judaism* (London, 1956), pp. 67 ff. Daube stresses the "aggadic" quality of the argument; he holds that it is not a strong argument from a legal point of view because the supporting passage is not taken from the Pentateuch.

## Lord of the Sabbath

All three Synoptic accounts ascribe to Jesus an additional argument (which in Mark and Luke immediately follows the one about David): “For the son of man is lord of the Sabbath.” This argument appears in its proper context only in Mark’s version (2:27–28): “The Sabbath was made for man, not man for the Sabbath; so the son of man is lord even of the Sabbath.” Scholars long ago recognized that the expression “son of man” — *ben (ba-)adam* — here means simply “man,” pointing to the relevance of a well-known tannaitic midrash: “[You shall keep the Sabbath therefore,] for it is holy to you’ [Ex. 31:14] — to you the Sabbath is given, and you are not given to the Sabbath.”<sup>21</sup> There seems to be no connection between this second argument of Jesus and the one based on the example of David. It should be noted that the rabbinic midrash appears in Jewish sources in connection with the issue of *piquah nefesh* on the Sabbath. Possibly, an additional argument is offered here to justify the action of the disciples<sup>22</sup> on the basis of *piquah nefesh*. In the context of Mark, however, the argument seems to have a more general character and not to refer only to a time of danger. Uncertainty about its scope thus parallels the uncertainty attaching to the previous argument. Matthew and Luke, on the other hand, already seem to have understood the expression “son of man” in a Christological sense.

The delimitation between cases of true *piquah nefesh* and those in which there is no danger to life seems to disappear entirely in Luke 6:6–11 (and see Mark 3:1–6). There Jesus heals a man with a withered hand, though without violating the Sabbath, since he did no more than “whisper over the wound,” and this is permissible on the Sabbath. He prefaces his action, however, with a question (Lk. 6:9): “Is it lawful on the Sabbath to do good or to do harm, to save life or to destroy it?” The concept expressed by the words “to save life” — ψυχὴν σῶσαι — is practically synonymous with that of *piquah nefesh*. Jesus extrapolates, however, that it is also permissible “to do good” in general on the Sabbath, and this does not accord with the Halakhah.<sup>23</sup> At all events, it would seem that “to do good” is the main point of his teaching in Luke. The

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D.E. Nineham, in *The Gospel of Mark* (London, 1963), p. 105, on the other hand, intuitively arrived at the correct interpretation of the passage.

21. Mekhilta de-Rabbi Ishmael, Horowitz-Rabin ed., p. 341, and parallels. In Jewish literature, too, the word *adam* (man) is not always used in a universal sense, and there thus seems to me to be no reason to interpret the Mekhilta’s homily differently from the saying of Jesus on this account; and see Neiryck (op. cit.).

22. If this saying was really originally attached to the story under discussion.

23. It is unclear whether the Halakhah in Jesus’ time and place would have permitted him to heal (i.e., with medicines) the man with the withered hand on the grounds of *piquah nefesh*. In the Amoraic view, the Halakhah would permit such healing (bShabbat 109a; jShabbat 14:4, 14d), but this may have been a lenient ruling handed down after Jesus’ time (cf. Epstein, op. cit.). Whatever the case, Jesus’ audience, as implied in the passage, regarded such healing as a violation of the Sabbath.

parallel in Matthew 12:13, moreover, has only: "So it is lawful to do good on the Sabbath."<sup>24</sup>

24. D. Flusser, *Jewish Sources in Early Christianity* (Hebrew) (Tel Aviv, 1979), pp. 34–35, offers the opinion that the saying as it appears in Luke is secondary, the redactor having decided against including a more authentic statement regarding the duty to lift out an ox or an ass (or a sheep) that has fallen into a pit on the Sabbath (Mt. 12:11–12 and parallels). "This case is discussed in the Talmud," Flusser continues, "and it is ruled there that one does, indeed, have a duty to save a beast that has fallen into a pit on the Sabbath (Shabbat 128b). Jesus' instruction in this case in no way differs from the opinion of the sages, though his conclusion, 'So it is lawful to do good on the Sabbath,' cannot of course be derived directly from the case of a beast that has fallen into a pit. Yet it was precisely this superfluous addition that made the redactor...add this to the passage on *piquab nefesh* on the Sabbath."

The passage cited by Flusser from bShabbat, however, is less explicit than he claims. It cites a *baraita* that "if a beast should fall into the sewer on the Sabbath, one may provide for it in the place where it is so as to prevent it from perishing." The same ruling is given in tShabbat 14(15):3 (Lieberman ed., p. 65). In bShabbat, however, this anonymous *baraita* is confronted with a source attributed to the Amora Rav (third century) by R. Judah: "If a beast should fall into a sewer, one may bring cushions and quilts and place them under it, and if it gets out, this is acceptable." None of the sources, however, states that it is permissible to lift the beast out with physical effort on the Sabbath.

Actually lifting the beast out of the pit comes up for discussion only in connection with the laws applying on festivals. See tYom Tov 3:2 (Lieberman ed., p. 293):

If [a beast] and its offspring should fall into a pit, R. Eliezer says: "One may lift out the first in order to slaughter it, and one may slaughter it, and as for the second, one may provide for it where it is so as to prevent it from perishing." R. Joshua says: "One may lift out the first in order to slaughter it, but if he does not slaughter it, and by some ploy lifts out the second, and then wishes not to slaughter [either ?] one of them, this is permissible."

It is clear, in all events, that one may lift out the beast only if one intends or at least demonstrates an intention to slaughter it, and indeed only on festivals but not on the Sabbath (slaughter being forbidden on the Sabbath). It is difficult, moreover, to suppose that Jesus would bring as an example of healing and doing good on the Sabbath the case of lifting a beast out of a pit in order to slaughter it! For a further discussion of the passage quoted, see the Hebrew version of this article.

As for Flusser's proposal regarding the redaction of the NT passage, it may well be that two separate passages, Lk. 6:6–11 and 14:1–6, have been combined in Mt. 12:11–12. Accordingly, the parallel passage in Luke does not seem to me a "superfluous addition." Of course, Flusser would seem to be correct in interpreting Lk. 6:11 — "But they...discussed with one another what [i.e., if anything] they might do with Jesus" — in accordance with similar expressions occurring in Jewish literature, such as mTa'anit 3:8 (Acts 4:16 may also be added to the passages he cites — and note the beginning of v. 21 there). It is only in light of this interpretation that we can gain a proper understanding of the chapter and solve the difficulty posed by Epstein (note 11 above, p. 281): "But Jesus' healings are brought about by 'whispering over the wound,' and this is permissible on the Sabbath even according to the halakha" (his own proposed solution: "the law may have been interpreted more severely in that time"). The Pharisees, according to Flusser's interpretation, wanted to see if Jesus would really heal on the Sabbath, but Jesus, after first affirming that it is proper to do good (i.e., to heal) on the Sabbath, went on to heal the man in a way which was not forbidden. The Pharisees thus could not do anything about him, since everything he had done (if not what he had said) was in accordance with the Halakhah. For this reason, too, it would seem that we should accept the Lukan version as the basis for the others.

The term  $\psi\upsilon\chi\eta\nu$   $\sigma\omega\sigma\alpha\iota$  itself, incidentally, is perhaps a translation of the rare rabbinic expression *qiyyum nefesh*.<sup>25</sup> This wording is used synonymously with *piquab nefesh* in a passage in an important Geniza manuscript of Mekhilta de-Rabbi Ishmael.<sup>26</sup> The original Hebrew behind Luke 6:9 thus ought probably to be reconstructed: *leqayyem nefesh o le'abbedah*. Compare, for example, mSanhedrin 4:5: "anyone who preserves one life [*meqayyem nefesh abai*]...anyone who destroys one life [*me'abbed nefesh abai*]."

Elsewhere,<sup>27</sup> I have shown that the justification for Sabbath healing given by Jesus in John 7:23 ("If on the Sabbath a man receives circumcision, so that the Law of Moses may not be broken, are you angry with me because on the Sabbath I made a whole man well?") is based on a known halakhic inference found in Tosefta Shabbat 15(16):16 (Lieberman ed., p. 74, and parallels):

How do we know that the necessity of saving life [*piquab nefesh*] supercedes the Sabbath? This may be explained using the *qal wa-homer* principle: if the Sabbath must be abrogated for the sake of one limb, it is only right that it should be abrogated for the sake of the whole man.

The action to which John 7:23 refers, however, is the cure described in John 5:1 ff. The man in question "had been ill for thirty-eight years" when Jesus came to cure him; Jesus said to him, "Rise, take up your pallet, and walk" — and "at once the man was healed" (vv. 8–9). This story is similar — albeit different in detail and representing an independent tradition — to that related in Matthew 9:1–8 and its parallels. In the Gospel of John, however, the narrator adds "Now that day was the Sabbath..." (v. 9) — quite a significant fact to mention only at the end! — and goes on to relate rebukes of Jews against the man's carrying his pallet on the Sabbath (but not against the cure itself!). He concludes by saying: "And this was why the Jews persecuted Jesus, because he did this [healed? — see v. 15] on the Sabbath" (v. 16). All this seems to be appended to an earlier tradition about the cure which did not mention the Sabbath. Also in John 7:23 the saying attributed to Jesus is not concerned with the issue of *piquab nefesh*, which is at the heart of the passage quoted above from Tosefta Shabbat. Rather, it exploits the rabbinic teaching on *piquab*

25. See Bauer-Arndt-Gingrich, *Greek-English Lexicon of the New Testament* (Cambridge, 1957), pp. 805–806. The word is thus best translated "to preserve [life]" rather than "to save life."

The Hebrew root *q-y-m* (as used in this context) would also seem to be that used in the underlying Hebrew of the saying: "For whoever would save [or: preserve — *q-y-m*] his life will lose [-*b-d*] it; and whoever loses his life...will save it" (Mt. 16:25). Parallels are Mk. 8:35, Lk. 9:24 and 17:23, and see likewise Jn. 12:25; these verses all seem to render, literally or more freely, a Hebrew sentence such as:

הַמְבַקֵּשׁ לְקַיֵּם אֶת נַפְשׁוֹ יֵאבְדָהּ  
וְהַמְאֲבִיד אֶת נַפְשׁוֹ יִקְיִמֶנָּה.

26. The version of the Mekhilta (note 21 above) in the important Antonin manuscript no. 239 reads: "How do we know that the necessity of preserving life [*qiyyum nefesh*] overrides the Sabbath? ...thus, on the principle of *qal wa-homer*, the necessity of preserving life [*qiyyum nefesh*] precedes the Sabbath." In R. Akiva's saying, however, this MS too uses the term *piquab nefesh*. On the term *qiyyum nefesh*, see also D. Boyarin, "La-Leksikon ha-Talmudi," *Teudab* 4 (1986), 119–121.

27. In my article (note 1 above), p. 7, n. 1.

*nefesh* in order to justify any act of healing on the Sabbath — and in so doing neutralizes the main point of the teaching.

## The Priests in the Temple

Let us now turn our attention to the argument in Matthew 12:5–7, which does not appear in either Mark or Luke. Daube<sup>28</sup> holds that Jesus here uses the principle of *qal wa-homer*: the priests profane the Sabbath in the Temple, and the Temple service thus overrides the Sabbath, but “something greater than the Temple” (and thus also than the Sabbath) “is here” (v. 6). Moreover, a similar argument appears explicitly in the tannaitic literature, where R. Akiva offers the following explanation for why *piquah nefesh* overrides the Sabbath:

In which area was the Torah more rigid in its demands — that of the Temple service, or that of the Sabbath? It was more rigid in connection with the Temple service than it was with the Sabbath, for the Temple service supersedes the Sabbath, but the Sabbath does not supersede it [i.e., the Temple service]. We may thus argue on the principle of *qal wa-homer* that if, while the Temple service supersedes the Sabbath, it is itself superseded in a case where there is a possibility of danger to life [*sefeq nefashot*], then should not the Sabbath, which is superseded by the Temple service, also be superseded in a case where there is a possibility of danger to life? One may see, then, that a case where there is a possibility of danger to life supersedes the Sabbath.<sup>29</sup>

Daube does not explain, however, exactly from where Jesus had learned that there could be anything that supersedes the Temple service. One might think that this part of the argument is to be found in verses 3–6: David transgressed the laws of the Temple on account of his hunger (vv. 3–4), and since these laws override the Sabbath (v. 5), we learn from David’s action that “hunger” (see above) overrides the Sabbath as well (v. 6). This proposal, however, runs into three difficulties: (1) it fails to assign any role to verse 7 in the argument; (2) the function of “or” at the beginning of verse 5 is unclear; (3) most important, it follows that in the other two Synoptic Gospels the crux of the argument — verse 6 — has been left out, so that it is preserved in its original form only in Matthew. Yet precisely the authenticity of verse 6 is doubtful, at least in its present position.<sup>30</sup>

Therefore I would like to propose a different solution, namely that verses 5 and 7 constitute a separate unit in which the argument runs as follows: the Temple service supersedes the Sabbath (v. 5), while it may be understood from

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28. Op. cit. (note 20 above).

29. tShabbat 15(16):16 (Lieberman ed., p. 74). See also Mekhilta de-Rabbi Ishmael (Horowitz-Rabin ed., pp. 340–341), and bYoma 85a–b. Also Lieberman, *Tosefta ki-Fshutab: Moed*, p. 32. For the use of this type of argument in relation to other subjects, see, for example, bShabbat 131a–b.

30. As has been recognized from ancient times, a similar style of argument is found in Mt. 12:41–42 and Lk. 11:31–32; see Flusser, *Jewish Sources*, pp. 407–408, n. 8. In these verses, the declaration “something greater...is here” refers to Jesus himself, and this would also seem to be its intention in the present context, that is, Jesus supersedes the Sabbath in the same way as the Temple service had done.

the verse "I desire mercy, and not sacrifice" (Hos. 6:6, quoted in v. 7) that mercy supersedes the Temple service,<sup>31</sup> thus mercy supersedes the Sabbath too. This argument, drawing upon both the Torah and a prophetic verse, accords nicely with Jesus' affirmation that he has come "not to abolish the Law and the Prophets, but to fulfil them" (Mt. 5:17). In using it, Jesus is not expressing an opinion about the importance of the Temple service, but only taking it as a formal basis for extrapolating the possibility that the Sabbath may be abrogated in time of need. The three difficulties mentioned also vanish: verse 7 finds its place; the "or" in verse 5 introduces this new argument; and verse 6 is indeed seen to be secondary.

The way in which this *qal wa-homer* argument from the verse "for I desire mercy, and not sacrifice" is used resembles the arguments discussed above about healing on the Sabbath, which broaden the concept of *piquab nefesh* to include all kinds of acts of mercy and lovingkindness toward others. In the present context, however, the disciples were at most preserving their own lives,<sup>32</sup> and it would thus seem impossible to justify their action on the basis of this verse.<sup>33</sup> It is therefore likely that only its superficial resemblance to the preceding argument led to the inclusion of this unit (vv. 5–7) here. It seemed to the redactor that the preceding argument had shown that even a non-priestly Jew may, in time of need, do what is ordinarily permitted only to the priests, while here we learn that what is permitted in the Torah only to priests is now also permitted to the disciples of Jesus (v. 6) or to non-priestly Jews (v. 7). The resemblance between these two arguments is superficial and misleading, but it would nonetheless seem to be the reason for their juxtaposition. Indeed, this is not the only such juxtaposition in the Gospels (see the last section of this paper).

Here too, it would seem that the proof is principally derived from Jewish halakhic arguments adduced in proving the rule that the necessity of saving life supersedes the Sabbath. In the saying ascribed to Jesus, however, it is the deed of mercy, of good, of healing — not necessarily performed in order to save life — which supersedes the Sabbath.<sup>34</sup>

In the story of the disciples' plucking on the Sabbath, therefore, as well as in stories concerned with healing on the Sabbath, the Christian arguments are similar to those used in Jewish halakhic sources concerned with the issue of

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31. On the significance of the citation of this verse in Mt. 9:13, see my article (note 1 above), p. 8, end of n. 1.

32. The term *piquab nefesh* primarily signifies saving the lives of others; see, for example, tShabbat 15(16):12–15. See also Mekhilta de-Rabbi Ishmael (Horowitz-Rabin ed., p. 341): "Wherefore the children of Israel shall keep [*we-shamru*] the Sabbath, to observe the Sabbath throughout their generations' — save [*paqqeah*] him on this one Sabbath, so that he may observe many more Sabbaths." (This is the version given in Geniza fragment Antonin 293, and in Midrash Ha-Gadol, Exodus, Margulies ed., p. 669). Perhaps the verb *p-q-b* was understood as a synonym for *sh-m-r* in the verse.

33. Cf. D. Hill, "The Use and Meaning of Hos. VI:6 in Matthew's Gospel," *New Testament Studies* 24 (1978), 113 ff. His solution differs very much from mine.

34. The borrowing from and reworking of Jewish halakhic sources seem very clear in Jn. 7:21–23.

*piquah nefesh*. It would seem, however, that the traditions on the Sabbath<sup>35</sup> in the Gospels took advantage of the path laid open before them to argue for a much broader interpretation than that to be found in the Halakhah. The element of *piquah nefesh*, even where it is present, is never clear or essential in its significance, and it is progressively phased out of the Gospels. Ultimately, in the uppermost stratum of the Gospels, these statements appear in a context — like that in the present instance — which is distinctly colored by antinomianism.<sup>36</sup> The whole force of the juxtaposition of the arguments in Matthew, together with the wording of verses 6 and 8, and perhaps also the omission of the disciples' hunger in the other Gospels — all testify to how far the Gospels — and perhaps their sources as well — had drawn away from the Jewish halakhic mode of thought in which the traditions they comprise were formed.

## An Apocryphal Parallel

The story in Matthew 12:1–8 has an extremely interesting “apocryphal” parallel, preserved in a polemic work against Judaism — *Ifbam al-Yabud* (“The Silencing of the Jews”).<sup>37</sup> Its author was Samau’al al-Maghribi, a Jewish convert to Islam who was born in the Maghrib and died in the Orient in the year 1175 C.E.<sup>38</sup> Among the main elements of the book is its attempt to prove the possibility of the abrogation (*naskh*) of the commandments. One chapter is devoted to Jewish refutations of the prophecy of Jesus. Entitled “Chapter on What They Relate of Jesus, Peace be upon Him,”<sup>39</sup> it can be quoted in full:

They [the Jews] claim that he [Jesus] was a sage, not a prophet; and that he healed the sick with medicines, and caused them to imagine that the remedy had come about on account of his prayer; and that he healed a group of sick people of their ills on the Sabbath. And the Jews rebuked him on this account, and he said to them: “Tell me, if a sheep of the flock should fall into a well on the Sabbath day, would you not go down to it and violate the Sabbath in order to save it?” They said, “Certainly.” He said: “Why is it that you would violate the Sabbath in order to save a sheep, but you would not violate it in order to save a man, who is more

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35. For an analysis of another argument existing independently of this one (though rooted in Jewish halakhic thinking) about healing on the Sabbath, see my article (note 1 above), pp. 41–42.

36. Characteristic of this trend is the additional passage appearing after this story in manuscript D: “On that day [Jesus] saw a man performing a labor on the Sabbath, and he said to him: ‘Man, if you know what you are doing, you are blessed; but if you do not know, then you are accursed and in violation of the Law.’” This passage, despite the arguments of J. Jeremias in *The Unknown Sayings of Jesus* (London, 1957), pp. 49–53, makes a “Pauline” impression in its distinction between those who are still governed by the authority of the Law and obliged to keep it — and are thus accursed on account of their transgressions of it — and those who are now governed by the mercy of the New Testament. It thus seems to me obviously antinomian, and its interpolation here testifies to a similar understanding of the preceding story. The same tendency manifests itself, however, upon close study of the chapter in Matthew itself.

37. M. Perlman, *Ifbam al-Yabud* (PAAJR XXXII; New York, 1964).

38. For details of his biography, see *ibid.*, pp. 15 ff.

39. *Ibid.*, Arabic text, pp. 27–28; English translation, p. 44. My translation differs from Perlman’s in some details.

important than a sheep?" [Thus] he silenced them,<sup>40</sup> but they did not believe.

They also relate of him that once, when he was with a group of his disciples on a mountain<sup>41</sup> and they had nothing to eat, he allowed them to eat herbs on the Sabbath. And the Jews rebuked him on account of this plucking of grass on the Sabbath day. And he said to them: "What is your opinion: if one of you were alone with a group of people not of his faith, and they ordered him to pluck plants on the Sabbath day and throw them to their beasts, not intending by this to violate the Sabbath, would you not allow him to pluck the plants?" They said: "Certainly." He said, "And now, as for this group — I ordered them to pluck the plants so that they might eat and take nourishment from them, not in order to violate the Sabbath."

[He said] all this because he took a gentle attitude toward their minds, which were not receptive to abrogation [of the commandments]. And even if what they tell of this be true, it would perhaps refer to the beginning of the ministry of the Messiah, peace be upon him.

In the amalgam of assertions of which this passage is composed, the first argument, while denying Jesus' prophetic character, assigns him an honorable status. There were indeed Jewish sects which took precisely this stand.<sup>42</sup> The very same sentence, however, introduces an argument whose source could well lie in some work of the genre of "Toledot Yeshu," a Jewish "biography" which presents Jesus as a charlatan. Immediately thereafter — and still in the name of the Jews! — comes a Sabbath story from the Synoptic Gospel tradition, complete with its characteristically Christian conclusion: "He silenced them, but they did not believe." Next comes a second Sabbath story, whose source is unclear, and then, finally, a tortuous argument concocted by Samau'al al-Maghribi in order to make all these assertions conform to his ideas regarding the possibility of the abrogation of the commandments.

Yet it was the use of just such halakhic justifications as these that led Abd al-Jabbar to conclude in his book that Jesus did not believe he had come to abrogate the commandments, since if he had, he would simply have said outright that he had revoked the commandment of the Sabbath.<sup>43</sup> Samau'al al-Maghribi's need for such a contrived argument makes it clear that he did not make up these stories or even their details. It would seem from the miscellany of arguments adduced here that he borrowed them all uncritically from an earlier Arabic source, which related statements concerning Jesus drawn from several different sources.

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40. Cf. Lk. 14:6; the text in general, however, exhibits more of a parallel to Mt. 12:11–12 (though in a very free rendering).

41. Arabic: *fi jabal* (on a mountain). According to the situation in the Gospels, we would have expected *fi baql* (in a field). Indeed, *jabal* and *baql* are rather similar graphically in Arabic. It is not necessary, however, to emend the text. Note, moreover, that at least in Palestinian Aramaic *tur* meant both mountain and field; see S. Lieberman, *Tarbiz* 7 (1937), 367.

42. See Pines (note 11 above), pp. 280–283.

43. See note 11 above.

The second Sabbath story somewhat resembles the plucking story in the Synoptic tradition, as the English translator of this work has noted.<sup>44</sup> It ascribes, however, different arguments to Jesus, who also ends by declaring that his instruction to the disciples was not intended to violate the Sabbath, a declaration which is hardly reconcilable with the accepted doctrines of Christianity, already manifested in what we found in the uppermost stratum of the Gospels.

Even more significant, however, is the fact that the argument here attributed to Jesus is based on a passage from the Babylonian Talmud. In Sanhedrin 74a–b,<sup>45</sup> after asserting that “In general, if a man be told to transgress a commandment of the Torah or be killed, let him transgress rather than be killed, excepting only the [sins of] idolatry, illicit sexual relations and bloodshed,” it relates:

When Rav Dimi came [to Babylonia from Palestine, he said]: “Rabbi Johanan said: ‘This is the case only if the instance is not one of forced conversion [i.e., that one should transgress rather than be killed]; but if it is an instance of forced conversion, then even if only a lesser commandment is involved, let him be killed rather than transgress.’” When Ravin came [to Babylonia from Palestine, he said]: “Rabbi Johanan said: ‘Even if it is not an instance of forced conversion, this is the case [i.e., that one should transgress rather than be killed] only in private; in public, however, even if only a lesser commandment is involved, let him be killed rather than transgress.’” ...How many people must be present for the circumstances to be considered public? Rabbi Jacob related that Rabbi Johanan said: “‘Public’ signifies no less than ten people.” ...But did not Esther transgress in public [i.e., by having sexual intercourse with a non-Jew — Rashi]? Abbaye said: “Esther was passive in that case.” Rava said: “When they [the persecutors] demand it for their own pleasure, it is different.” ...This concurs with Rava’s view expressed elsewhere, for Rava said: “If a gentile should say to a Jew, ‘Pluck grass on the Sabbath and throw it to the beasts,<sup>46</sup> and if you do not I will kill you’<sup>47</sup> — let him pluck rather than let himself be killed; [but if the gentile says,] ‘Throw it into the river,’ he must let himself be killed rather than pluck.” What is the reason for this? Because [in the latter case] his intention is to force him to violate his religion.

The argument ascribed to Jesus in the *Ifham al-Yabud* seems clearly to draw upon this passage. It, too, uses the example of plucking grass on the Sabbath specifically for the consumption of beasts, in order to clarify the distinc-

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44. Perlman (note 39 above), English text, and also p. 95, n. B15. There is also, of course, the motif of the comparison of the case of a man to that of a beast, as in the previous paragraph.

45. Following the version in the principal MSS of this tractate, which is basically the same as the printed version.

46. See Rabinowitz, *Diqduqei Sofrim* to Sanhedrin (Mainz, 1878), p. 210, note *pe*; *She'iltot*, She'ilta 42; *Halakhot Gedolot* (Vienna ed., 140d f.): *le-susay, le-susya* (“for my horses”).

47. On this situation, see bYevamot 121b (which would seem to be speaking of private circumstances).

tion between an order expressly *intended*<sup>48</sup> only to compel the Jew to transgress and one of which it may be said that they do not intend by this to violate the Sabbath. Moreover, its incorporation of the detail “if one of you were *alone* with a group of people not of his faith [= gentiles]” alludes to the distinction made earlier in the talmudic passage between “in private” and “in public.”<sup>49</sup>

Despite its faithfulness to detail, however, the text in the *Ifham al-Yabud* totally disregards the main point of the talmudic passage. The latter deals with a situation in which one’s life is threatened; it is a case, in other words, of *piquah nefesh*, and “no commandment stands in the way of *piquah nefesh*, except the prohibitions against idolatry, illicit sexual relations and bloodshed.”<sup>50</sup> This is certainly not true in the case of the disciples, for if the text had intended to imply that they were in danger, it would have had no need of the whole argument. The Talmud, moreover, speaks of a situation in which the Jew is threatened by a gentile, but this is not the case with the disciples. Astonishingly, therefore, the story in the *Ifham* uses a teaching of the Babylonian Talmud in order to prove that Jesus had no intention of violating the Sabbath — but does so by making complicated inferences from its details, while totally disregarding the main point. Moreover, hundreds of years after the composition of the stories in the Gospel, it attempts to legitimize Jesus’ actions from a halakhic point of view by drawing upon the Jewish laws relating to *piquah nefesh*.

In what circles could such a story have been composed? It hardly seems likely that it was originally composed for the purpose of Muslim polemics. Its sympathetic attitude toward Jesus notwithstanding, this is no ordinary Christian story, for Orthodox Christianity never sought to prove that Jesus did not violate the Sabbath. Nor can it be a Jewish story, for the Jews sought rather to show Jesus as one of the “sinners of Israel” (cf. bGittin 57a). Could it have a Jewish-Christian source? At all events, this story cannot be earlier than the end of the fourth century C.E., since it must postdate Rava and the composition of the tal-

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48. *She'iltot* and *Halakhot Gedolot* there (note 46 above) use the Aramaic verb *mikkawwan* (= intending).

49. To be sure, the rules governing “private” and “public” circumstances are interpreted otherwise here than in the commentaries to the passage in the Talmud. The latter take into account the context of Rava’s first statement in connection with Esther to conclude that one may transgress even in public if the intention of the order is “for their own benefit.” It may thus be inferred that in his example of plucking grass, too, Rava would permit the transgression not only in private, but even in public. In Samau’al’s source, however — with apparent disregard for Rava’s first statement (which the talmudic passage joins to the second with the words, “this concurs with Rava’s views expressed elsewhere”) — Rava’s second statement is put together with that of R. Johanan to conclude that if the order is issued solely for the benefit of the gentile, one may transgress in private, but not in public (“in public, however, even if only a lesser commandment is involved, let him be killed rather than transgress”); if it is intended to compel the Jew to transgress his faith, however, this is considered forced conversion and the act is forbidden altogether, whether the circumstances are private or public (“if it is an instance of forced conversion, then even if only a lesser commandment is involved, let him be killed rather than transgress”).

50. tShabbat 15(16) (Lieberman ed., p. 75) and parallels.

mudic passage, although the version of the Talmud on which it is based may not be the same as that which has come down to us.<sup>51</sup>

## The Dispute over Hand Washing

The dispute in the Gospels over the ritual washing of hands before partaking of bread (Mk. 7:1–23 = Mt. 15:1–21) is another example of the phenomenon discussed above at the end of the first section. Once again, there is a juxtaposition of arguments, the first of them somewhat obscure and the rest more learned and even apparently borrowed from ancient Jewish sources, yet which are not really concerned with the same issue.

In Mark's version, Pharisees and "scribes who had come from Jerusalem" saw that some of Jesus' disciples were eating with defiled hands (κοινᾶις χερσίν).<sup>52</sup> They asked Jesus why his disciples did not behave according to "the tradition of the elders" (τὴν παράδοσιν τῶν πρεσβυτέρων).

Jesus' first response (Mk. 7:6–7)<sup>53</sup> seems to be contained in his quotation of a biblical verse: "Well did Isaiah prophesy of you hypocrites, as it is written [Is. 29:13]: 'Because this people...honor me with their lips, while their hearts are far from me; and their fear of me is a commandment of men learned by rote [MT: *mitzvat anashim melummada*].'"<sup>54</sup> This verse would seem to provide a fitting, if somewhat obscure, answer to the charge. It will seem even sharper if the pre-supposed reading of the Isaiah text was in fact *mitzvat anashim melammedim*, i.e., "[their fear of me is] the commandments of men who teach." There are several indications that such a reading existed in ancient times.<sup>55</sup> Jesus is saying, in other words: "Your heart is far from God, while you are superficially strict in your observance of 'the commandments of men who teach' [i.e., the

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51. See note 49 above.

52. κοινᾶις χερσίν is the term used in Mark, with an accompanying explanation: τοῦτ' ἔστιν ἀνίπτοις. The late Prof. S. Lieberman, as cited by M. Smith in *Tannaitic Parallels to the Gospels* (Philadelphia, 1951), p. 32, suggested that the underlying Hebrew expression here may have been *stam yadayim*. It seems more likely, however, that the Hebrew term was *yadayim mesu'avot (se'uvot)* ("defiled hands"). This expression is very common in tannaitic literature. (Note: henceforth *κοινῶς* = defile).

53. In Matthew, this response is placed after the second answer, perhaps in order not to interrupt the passage on vows.

54. The Greek form of this verse in the Gospel is very close to the translation of the Septuagint (RSV: "in vain do they worship me, teaching as doctrines the precepts of men"). See next note.

55. The Septuagint here reads: διδάσκοντες ἐντάλματα ἀνθρώπων καὶ διδασκαλίας, while the Gospel has διδάσκοντες διδασκαλίας ἐντάλματα ἀνθρώπων. There may have existed two variant readings apart from that of the MT, the first of these having *melammedim*, and the second perhaps something like *we-limmudim*. (Cf. Peshitta: "and their fear of Me is by the commandments and teachings of men." This translation is perhaps akin to καὶ διδασκαλίας in the Septuagint, but both may be free translations of the difficult MT version.) The Septuagint version seems to have combined both of these variants. The existence of the reading *melammedim* is confirmed by the Aramaic Targum: *wa-bawat dabalathon qodamai ke-tafqidat gavrin malfin* (= *melammedim*). Jesus' response would still make sense with the reading of the MT, but would be less perspicacious.

commandments of the elders — ἡ παράδοσις τῶν πρεσβυτέρων),<sup>56</sup> which are less important than the fear of God.” This kind of division into matters of primary and secondary importance occurs frequently in Jesus’ reported statements relating to the Halakhah.<sup>57</sup>

The passage continues with a purely halakhic polemic, the source of which is perhaps to be traced to some sect active during the Second Temple period, against the practices of the Pharisees in connection with vows.<sup>58</sup> The argument, whose structure resembles that of arguments used by the Dead Sea Sect,<sup>59</sup> emphasizes the laws of God as against “your tradition.”<sup>60</sup> It contrasts what may be

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56. It is difficult to reconstruct the underlying Hebrew for this term, despite the fact that the Hebraism in the passage (*gorban*) and the use of halakhic concepts (see note 52 above; also note 61 below) testify to a Hebrew source. The very use of the term “elders” to refer to the sages (i.e., the members of the Sanhedrin) may be traced to the Hebrew (e.g., mTa’anit 3:46). Might the term ἡ παράδοσις τῶν πρεσβυτέρων parallel the Hebrew expression *mitzvat zeqenim* in jSukkah 3:4, 53d? Here it appears in a statement attributed to R. Joshua b. Levi as an expression of blessing; see G. Alon, *Mehqarim be-Toldot Yisrael*, vol. 2 (Tel Aviv, 1970), p. 113 — although I am not quite convinced by his theory. Or could it be *ma’aseb zeqenim* (mYadayim 4:5), which is a “new precedent” (*ma’aseb hadash* — see the Mishnah there) presently under discussion in court (*ba-nidon she-le-fanenu ma’aseb zeqenim* — “what we have before us is a new precedent”)? If this is the case, Jesus’ response, which equates “the commandments of men who teach” with “the tradition of the elders,” would be extremely apposite. It is somewhat difficult to reconcile this, however, with the use of the term παράδοσις. But Mark, at any rate, interpreted ἐντάλματα ἀνθρώπων as equivalent to παράδοσις τῶν ἀνθρώπων, thus making the connection clear even without taking all these matters into consideration.

57. See, e.g., my article (note 1 above), pp. 48–49.

58. On the halakhic background here, see the statements by S. Abramson, cited by I. Baer in *Zion* 31 (1966), 120–121.

59. Confrontations between “the laws of God” and “the commandments of men” occur frequently in the Dead Sea Scrolls in a similar context (Damascus Covenant 5:20–21 and *passim*; Peshet Habakkuk 1:11; Manual of Discipline 1:7, 12; 3:8 and elsewhere), and in the related literature, such as The Testaments of the Twelve Patriarchs. See, in particular, Testament of Levi 14:4:

Because you want to destroy the light of the Law which was given to you for the enlightenment of every man, teaching commandments which are opposed to God’s just ordinances.

This verse is a polemic against the priests, as is the whole chapter in which it appears. Its content testifies to its originally Jewish source. The end of the verse is an allusion to Deut. 33:10 (the blessing of Levi): “They shall teach Jacob *your* laws.” The author states that the wicked priests, however, would teach laws opposed to the laws of God. Likewise the beginning of the verse alludes to a version of Deut. 33:8 found in Qumran: see my forthcoming article to appear in the volume *The Dead Sea Scrolls: Forty Years of Research*. On the historical background to such descriptions of the priests, see Charles, *The Testaments of the Twelve Patriarchs* (Oxford, 1908), ad loc. The wording of Testament of Asher 7:5 should be noted: “For I have known that you shall assuredly be disobedient, and assuredly act ungodly, not giving heed to the law of God, but to the commandments of men, being corrupted through wickedness.” In vv. 3–4 there are evident Christian interpolations, but in light of the preceding sources it seems possible that this wording reflects Jewish ideas related to the Dead Sea Sect.

60. The styling here, too, may merit attention — Mk. 7:10: “For *Moses* said...; but *you* say...” (Mt. 15:4: “for *God* commanded.... But *you* say...”). Cf. Damascus Covenant

derived by way of midrashic interpretation<sup>61</sup> from verses in the Torah with the “tradition” of Jesus’ opponents,<sup>62</sup> which is shown to be contradictory to Scripture. It has absolutely nothing to do with the issue of “defiled hands”! Instead, once again, two passages are juxtaposed which appear to use similar arguments, since both of them set “the commandments of men” against the word of God, but which in fact stem from entirely different backgrounds, such that their resemblance is no more than superficial.

## **Immanuel 24/25**

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5:7–8, Rabin ed. (note 19 above): “And they marry each man the daughter of his brother and the daughter of his sister, though *Moses* said: ‘You shall not approach your mother’s sister, for she is your mother’s near kinswoman.’”

61. See my article (note 1 above), p. 47, n. 31. Also another article of mine, “Be-Shulei Sefer Ben-Sira,” *Lesbonenu* 46 (1983), 129.

62. On the halakhic point of view, cf. Damascus Covenant 16:14–15, Rabin ed. (note 19 above), p. 77. Rabin compared this statement to the passage in Mark. The two, however, may not be concerned with the same problem, since the meaning of the Damascus Covenant is not sufficiently clear.