

Comparing the Traditions: New Testament and Rabbinic Literature

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Data from Rabbinic Literature have often been used to illuminate details of New Testament thought and the realia of the texts. Arguments over the proper method for interpreting and using Rabbinic Literature in New Testament study have gradually forced New Testament scholars to take Judaism seriously in its synchronic and diachronic diversity. The increasingly critical and full historical picture of Second Temple and early Rabbinic Judaism and of the Jesus movement and early Christianity emerging from Judaism invites interpreters to read the texts valued by each tradition in the light of one another. This requires recognizing the sharp theological and polemical boundaries erected by thinkers in each tradition as significant claims to truth and authenticity which gave shape to their communities. Equally, we must recognize that such boundaries, with their conflicting theological, ideological, and historical claims, reflect human ideals, needs, and conflicts that emerged from a more homogeneous and shared tradition of thought and practice. Reading texts from both the Rabbinic and early Christian tradition together, with full attention to the integrity of each, does justice to the shared context and valued particularities of each.

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Data from Rabbinic literature have long been used to illuminate details of New Testament life world and thought. John Lightfoot's *Horae Hebraicae et Talmudicae* (Hebrew and Talmudic Exercitations) and the six volumes of Paul Billerbeck's *Kommentar zum Neuen Testament aus Talmud und Midrasch* clustered hundreds of Rabbinic passages around New Testament texts and topics for the convenience of New Testament scholars.¹ However, three problems with this approach have arisen.

1. John Lightfoot's *Horae Hebraicae et Talmudicae*, written in Latin, were published in parts from 1658-74 with additional portions published just after his death. H. L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (Munich: Beck, 1924-28) appeared in six volumes. It was really the work of Paul Billerbeck.

Up until the 1960s Rabbinic traditions about the Second Temple period were uncritically accepted as historically accurate. Even if the problem of dating was mentioned in the discussion, it was ignored in the argument. In recent decades, however, many scholars have subjected Rabbinic traditions to rigorous historical-critical analysis in their literary contexts.² Secondly, in mid-century standard treatments of early Judaism retrojected a later, normative Rabbinic theology and polity into the Second Temple and the early Rabbinic periods. Since then scholars have become much more respectful of the varieties of Jewish biblical and legal interpretations and customs in antiquity.³

Finally, in the last two decades, some New Testament scholars have begun to recognize a more pernicious problem with "using" Judaism as New Testament background. The integrity, vitality and legitimacy of the Jewish community and tradition is lost in the Christian quest for facts to clarify New Testament passages. More seriously, Christians often create a caricature of Judaism as a foil, contrast or support for Christian interests.⁴ Devotion to Torah may be evaluated as casuistry or legalism. Jewish messianic expectation may be homogenized and exaggerated as a foundation for New Testament Christology. "The Jewish view or experience" of any number of things may be contrasted or compared to Christian views. In the end the variety of Jewish communities, literary works, ways of life and intellectual worlds are often facilely reduced to a simplistic synthesis convenient for Christian argument, but irrelevant to Judaism.

An adequate historical and comparative method requires that early Jewish and Christian writings be analyzed within a very broad framework which registers the significant similarities and differences among documents, their traditions and their historical contexts. When similarities and differences are precisely clarified diachronically and synchronically, using both indigenous and modern categories in dialogue, Jews and Christians, their literature, history, practice and

2. See Anthony J. Saldarini, "Reconstructions of Rabbinic Judaism," in *Early Judaism and Its Modern Interpreters* (ed. Robert Kraft and G. W. E. Nickelsburg; Atlanta: Scholars, 1986) 437-77. The work of Jacob Neusner has been fundamental in this area.

3. Numerous recent books published on Second-Temple Judaism have stressed its diversity. See, for example, Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster, 1987); Alan F. Segal, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge: Harvard University Press, 1986); Richard A. Horsley and John S. Hanson, *Bandits, Prophets, and Messiahs: Popular Movements in the Time of Jesus* (Minneapolis: Seabury/Winston, 1985); Anthony J. Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach* (Wilmington, DE: Glazier, 1988).

4. Two sustained critiques of Christian anti-Jewish prejudice in the 1970s moved the field to serious self-reflection: E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977) and Charlotte Klein, *Anti-Judaism in Christian Theology* (Philadelphia: Fortress, 1978; German original 1975).

thought, may be compared fairly with one another without false constructions of a convenient and superficial "other." Diverse texts may illuminate one another without caricature or subordination.

Treatments of the Sabbath will serve as a test case. The most sophisticated discussion of Sabbath in the New Testament is found in Matthew where Jesus defends his disciples who have been rebuked for picking and eating kernels of grain while walking through a field on the Sabbath and defends himself for curing a crippled man on the Sabbath (12:1-14). Matthew's Jesus uses a story about David and an argument drawn from Sabbath law. The story is clearly polemical, pitting Jesus the popular teacher against an established group, the Pharisees, to Jesus' advantage. A contentious first-century legal topic, Sabbath observance, is the field of battle.

One would hardly know this in reading many recent New Testament commentaries. Anti-Jewish polemics, unknown to Matthew, obscure the Matthean discussion. Sentences from five commentaries since 1980 will illustrate the problem. In reference to Matthew's citation of the principle of mercy on the basis of Hos 6:6 ("I desire mercy, not sacrifice") Robert Gundry says that mercy stands over against "persecution arising out of ritualistic consideration"⁵ and John Meier rhapsodizes that "mercy is the yoke . . . that brings true rest and freedom from Pharisaic casuistry about the sabbath rest."⁶ W. D. Davies and Dale C. Allison read this controversy as an "attack upon a perceived casuistic interpretation of God's will and work."⁷ Specifically citing *Mišna Šabbat*, David Hill claims that "the legalism and fastidiousness of Judaism concerning the Sabbath can be seen from M. Shabbath." He proceeds to save Judaism from itself by citing T. W. Manson's *The Sayings of Jesus* (1947 [*sic*]; the correct publication date is 1949)⁸ on the great Sabbath themes which made Sabbath a joy (and presumably saved Judaism from its legalism and fastidiousness).⁹ Hill gives no hint that learning and observing Sabbath regulations against work might itself be a joy. To him the *Mišna* is a collection of onerous regulations. Benedict Viviano understands Jesus to be "against the Pharisaic overdevelopment of Sabbath legislation to the

5. Robert H. Gundry, *Matthew: A Commentary on His Literary and Theological Art* (2d ed.; Grand Rapids: Eerdmans, 1994) 224.

6. John Meier, *Matthew* (NT Message 3; Wilmington: Glazier, 1980) 130.

7. W. D. Davies and Dale C. Allison, *The Gospel according to St. Matthew* Vol. 2, Chs. 8-17 (ICC; Edinburgh: T. & T. Clark, 1991) 307.

8. Manson's *The Sayings of Jesus* was originally part two of *The Mission and Message of Jesus* (London: Nicholson and Watson/New York: Dutton, 1937).

9. David Hill, *The Gospel of Matthew* (NCBC; Grand Rapids: Eerdmans, 1972) 209. Eduard Schweizer, *The Good News according to Matthew* (Atlanta: John Knox, 1975), in a rather better treatment nevertheless notes that "mercy transcends legalism" (p. 279).

point where it becomes, in their own words, 'mountains hanging by a hair, for they are very little Bible and a great many rules' (m. Hag 1:8)." Viviano contrasts unfavorably the Bible's "simple commands to keep the sabbath holy" with the 39 kinds of work forbidden by *m. Šabb. 7:2*.¹⁰

Is this really the Sabbath we are talking about here? Do we understand Matthew? The Mišna? What Christian prejudices, what modern western biases are at work here? What theology is being laid on the Matthean narrative? Modern Christians who look into Mišna tractate *Šabbat* are sharply disappointed when they find no inspiring words about prayer, the meaning of Sabbath and divine worship. When Matthew's Jesus disputes some interpretations of the Sabbath rest, modern Christians read it as an attack against Judaism and its laws in general.

In reality neither the Gospel of Matthew nor any New Testament document uses the terms casuistry, legalism, ritualism or overdevelopment. Though Paul contrasts the law with Jesus Christ, he does not attack the law because of legalism or casuistry. Matthew's Jesus disputes numerous positions and practices of Jewish leadership groups but he does not deny the validity of the law. He affirms the law by giving his own interpretation of it. More tellingly, even the early second-century *Epistle of Barnabas*, which denies that the law ever was meant to be literally observed, does not appeal to legalism or casuistry in its vitriolic attacks on the Jews.¹¹ Nor does Justin Martyr attack Jewish law for being overdeveloped or ritualistic or legalistic. He recognizes the importance of Sabbath and a number of other common Jewish practices but rejects them as temporary rules for a sinful people and as contrary to the real goal of the Bible, a final, eschatological rest.¹²

Strangely but tellingly, the Gospel of Matthew and Justin Martyr agree with Second Temple Jewish literature and the Mišna that observance of the Sabbath rest was a common and important Jewish practice and that disputes over proper observance were common. So the question is: how can Jewish tradition help us to understand what Matthew seeks to accomplish by his polemics against Sabbath observance?

Time requires that we reduce the immense detail and tantalizing gaps in our knowledge of Sabbath law and observance to a few

10. Benedict Viviano, "The Gospel according to Matthew," in *The New Jerome Biblical Commentary* (ed. Raymond E. Brown et al.; Englewood Cliffs: Prentice-Hall, 1990) 653.

11. See the *Epistle of Barnabas*, chap. 15 for the treatment of Sabbath.

12. *Dialogue with Trypho*, chaps. 12, 19, 21, 23, 27, 46, 92.

broad strokes. The Bible forbids work on the Sabbath, but does not specify in detail the nature of work. Second-Temple Jewish literature and society disputed over more specific norms for Sabbath observance. For example, the *Book of Jubilees* and the *Damascus Document* promote their own peculiar norms for observance. *Jubilees* (chap. 2) prohibits normal domestic chores which would naturally be done by people to whom God gave the Sabbath "that they might eat and drink and keep the sabbath" (2:31), such as drawing water, preparing food and drink, and carrying things in and out of houses. In addition a list of Sabbath commandments in chap. 50 forbids sexual intercourse, discussing work that will violate the Sabbath (50:8),¹³ fasting, and making war (50:13). The *Damascus Covenant* has a more extensive and stringent list of prohibitions (10:14-11:18).¹⁴ One should not engage in idle talk, nor mingle with others; he should not walk abroad to do business, nor cause Gentiles to do business for him, nor discuss business, nor rebuke a servant. He should not go more than a thousand cubits from town (2000 to pasture a beast outside town). He may not carry a child from place to place, nor assist a beast to give birth, nor lift out an animal which falls into a pit. He can, however, use a ladder or rope to get a human out of water or fire. These rules testify to the variety of practices and disagreements which had arisen in the Second Temple Period. In general pre-70 discussions of Sabbath law revolved around what could be done on Sabbath and what had to be done earlier.¹⁵ Even the Mišna portrays the Schools of Hillel and Shammai disagreeing on whether peace offering could be made on a Sabbath or festival and on whether one could lay hands on them (*m. Besa* 2:4).¹⁶

The Gospel of Matthew fits into this developing tradition of specifying the nature of Sabbath observance.¹⁷ Matthew's group observes the Sabbath seriously enough to forbid Sabbath flight from

13. CD 12:1-2 forbids intercourse in the city of the Sanctuary, that is, Jerusalem because that would defile the holy city. This law comes right after the Sabbath laws and seems unconnected with them. This rule may pertain to pilgrims visiting Jerusalem (Chaim Rabin, *The Zadokite Documents* (Oxford; Clarendon, 1954) 59. CD 10:18-19 forbids Sabbath talk about work to be done the next day and about money and gain.

14. For a complete discussion, see Lawrence Schiffman, *The Halakhah at Qumran* (Leiden: Brill, 1975).

15. Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981) 55-59.

16. In *m. Hag.* 2:2 differences on this issue are attributed to the "Pairs" and used as a criterion for distinguishing different schools. Neusner (*Evidence*, 57) dates this dispute to the pre-70 period. See also E. P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia: Fortress, 1983) 8, 11-12.

17. This analysis of Sabbath law follows Anthony J. Saldarini, *Matthew's Christian-Jewish Community* (Chicago: University of Chicago Press, 1994) 126-34.

the dangers and horrors of the end of the world (24:20).¹⁸ Matthew's position here is rigorous but well within the bounds of the ongoing debate over what is allowed on Sabbath during war.¹⁹ In the dispute over Jesus' disciples picking some kernels from the heads of grain to allay their hunger, Matthew marshalls a series of arguments to defend their action as allowable on Sabbath. These arguments resemble legal arguments in Second-Temple and mishnaic literature in assumptions and hermeneutical method even as they differ in results. Matthew tries to justify picking the heads of grain against more strict interpretations that food for Sabbath should be prepared the day previous (Exod 16:22-30; *Jub* 2:29; 50:9)²⁰ and the tendency in mishnaic law to move all possible activities to the day before or the day after Sabbath.²¹ Matthew cites a biblical example, David taking the Loaves of the Presence²² from the Sanctuary at Nob to feed himself and his men as they fled Saul.²³ Matthew draws a parallel between the hunger of David and his men and that of Jesus' disciples. Though the solutions to the hunger (picking grain on Sabbath and

18. Joachim Gnllka, *Das Matthäusevangelium* (HTKNT; 2 vols.; Freiburg: Herder, 1986, 1988) 2.323-23; Ulrich Luz, *Das Evangelium Nach Mattheus (Mt 8-17)* (EKK; Zürich: Benzinger/Neukirchen-Vluyn: Neukirchener Verlag, 1990) 233; G. D. Kilpatrick, *The Origins of the Gospel according to St. Matthew* (Oxford: Clarendon, 1946) 116; Eduard Schweizer ("Matthew's Church," in *The Interpretation of Matthew* [ed. Graham Stanton; Philadelphia: Fortress, 1983] 129) says Matthew observes the Sabbath or at least it was kept for a long time in his community; G. Barth, "Matthew's Understanding of the Law," in *Tradition and Interpretation in Matthew* (ed. G. Bornkamm, G. Barth, H. J. Held; Philadelphia: Westminster, 1963) 91-92; and Gundry (*Matthew: A Commentary*, 483), following Hirsch and Schlatter, suggests that Matthew allows flight due to the crisis, but fears that other Jews will not recognize the crisis and that this will cause hindrances. This strained explanation is motivated by the unwarranted assumption that Matthew does not observe the Sabbath.

19. See 1 Macc 2:31-41 for an early stage of the debate about war on Sabbath. Much later *Num. Rab.* 23:1 *Masse* allows flight from dangers on the Sabbath. The temporal spread of these discussions, from the Maccabees to the midrash, encompassing the Qumran community and extensive talmudic debates, indicates that the precise requirements of Sabbath observance prompted an ongoing dialogue in which Matthew had a small part.

20. Even water should be drawn the day previous according to *Jub* 50:8. No claim is made that the disciples were fainting or in any danger, so the principle of "saving a life" could not be invoked. According to the *Damascus Document* one could not eat even something lying in the fields (CD 10:22-23), though this sectarian rule is not at issue here.

21. See *m. Šabb.* 19 on circumcision for a detailed example.

22. See Lev 24:5-9 for the laws concerning the Bread of the Presence or Showbread. Twelve loaves were to be laid out each Sabbath on a table in the sanctuary or Temple. The loaves which were removed were holy and eating them was restricted to the priests. This law is referred to in Exod 25:30 and 40:23. Its observance is assumed in 2 Macc 10:3 at the rededication of the Temple.

23. 1 Sam 21:1-6 [Heb 21:2-7]. Matthew follows Mark here but omits Mark's misidentification of the priest Ahimelech as Abiathar (Mark 2:26).

eating the Bread of Presence) are very different, Matthew argues the general principle that the principle of mercy justifies suspending the sabbath law, specifically that prohibiting reaping and preparing food in the case of the disciples and that which restricted the sacred bread to the priests in the case of David and his men.²⁴

In the controversy over healing a crippled man on the Sabbath, Jesus' opponents have a *prima facie* stronger case.²⁵ The general principle is to put off or do in advance as much work as possible so as to safeguard the sanctity of the Sabbath. Since there is no question of saving the crippled man's life, the principle of saving a life (*m. Yoma* 8:6) does not apply. The question is whether healing is to be defined as work, which should be put off until the next day. Jesus proposes to allow healing on Sabbath by applying the practice of lifting a sheep out of a pit on Sabbath to the case of the man with a withered hand. He argues from the lesser to the greater (*qal we-homer*), as he did in the previous dispute: "Of how much more value is a human being than a sheep" (12:12a). The argument depends upon the assumption that both Matthew and his opponents permitted raising an animal out of a pit on Sabbath, a view which was probably accepted in Galilee during Jesus' time and Matthew's milieu, but which was not universally accepted. For example, in the second century BCE, the *Damascus Document* ruled (11:13-14): "If [a beast] should fall into a cistern or pit, he shall not lift it out on the Sabbath."²⁶ This matter

24. Since the Bread of Presence is changed on the Sabbath, some later Rabbinic traditions assumed that David had taken the loaves which had been removed on the Sabbath. But in 1 Samuel 21 the loaves that are on the table in, the Sanctuary seem to be the ones at issue. The priest inquires whether David and his men have abstained from intercourse as a condition for eating the holy bread. (See rules for soldiers engaged in holy war in Deut 23:10-15.)

25. Rabbinic discussions of these problems are extensive. For example, *t. Šabbat* 15:16-17 argues over whether Sabbath rest can be violated in a case when the threat to life from sickness is doubtful.

26. Thus Geza Vermes, *The Dead Sea Scrolls in English* (4th ed.; London: Penguin, 1995) 109. Rabin (*Zadokite Documents*, 57) reads this sentence in conjunction with the previous rule that one cannot assist in the birth of an animal on Sabbath and translates "Even if she drops her new-born young into a cistern or a pit, let him not keep it (the young) alive on Sabbath." (Sanders [*Law*, 8] wrongly attributes this interpretation to Vermes.) In either case the owner is expected to suffer financial loss rather than work on Sabbath. The Mišna affirms the general rule of CD but makes a distinction (*m. Šabb.* 18:3) between delivering the foetus (presumably extracting it) and helping out after the newborn emerges (catching the newborn to keep it from falling, blowing in its nostrils, and putting the teat into its mouth, according to Rab Judah in *b. Šabb.* 128b). Interestingly, the Mišna contrasts the case of an animal with that of a human birth. For a mother in labor, they may deliver the child, do other necessary things and "profane the Sabbath for her sake" (*m. Šabb.* 18:3). Similarly in CD 11:15 no work may be done for property or gain on Sabbath, but in 11:16 a human may be raised from a pit or pulled from water.

was still not resolved more than a hundred years after Matthew. In the Tosefta, during a discussion of what may not be done on a festival day, Rabbi Eliezer says that if a mother and young animal fell into a pit, the mother might be raised if she was to be slaughtered for the festival meal [meal preparation was permitted on festivals, but not on Sabbath].²⁷ Matthew assumes but does not argue for the practice of lifting an animal from a pit on Sabbath. He does not make a detailed application of this case to the cure of the man with a withered hand,²⁸ but he invokes a very general principle: "So it is permitted to do good on the Sabbath" (12:12b).²⁹ Jesus' appeal to the principle of doing good on the Sabbath is both ironic and polemical. No Jew would hold the opposite, that it is not permitted to do good on the Sabbath. The quarrel then is over exactly which types of good are permitted on the Sabbath when work is involved.

The biblical and Second-Temple emphasis on refraining from work on the Sabbath continues in the Mišna. Tractate *Šabbat* contains extensive lists of forbidden and permitted actions, that is, actions that do and do not qualify as work in terms of Sabbath prohibitions. But Tractate *Šabbat* contains only part of the Mišna's concern about Sabbath observance. Questions concerning permitted and forbidden behaviors, the definition of work, the intention of the user of utensils, the resolution of apparent conflicts between required duties and the Sabbath rest, the preparation of a valid erub, etc., permeate the Mišna. From the wealth of detail a number of principles that govern Sabbath observance emerge, various problems are worked out and connections with other topics of the Mišna are established.

27. In addition, the young is to be provided food (*t. Yom Tob* 3:2); later talmudic discussion defends this practice by the principle of relieving the suffering of a living animal. Rabbi Joshua is more permissive and allows a legal deception by which one then does not slaughter the mother and raises up the young also. The Talmud understands Joshua's view to be based on preventing the animal from suffering. For this motive in relieving an animal's burden, see *m. Baba Metzia* 2:10, *b. Baba Metzia* 32b and *b. Beša* 37a, based on Exod 23:5. Interestingly, the financial loss an owner might suffer does not enter into the discussion in the *Damascus Document* or later Rabbinic sources. CD 11:15 explicitly forbids work for property and gain on the Sabbath.

28. There may be an implied parallel between the limitations experienced by an animal in a pit and a human with a crippled arm, but Matthew does not make such an analogy. Luke (13:15-13) does; the cure of a crippled woman is justified by an analogy between untying an animal to bring it to water on the Sabbath and "untying" the woman from her eighteen-year handicap. But this analogy is weak because the life of the beast requires that it be watered daily and the woman's handicap does not endanger her life that very day.

29. Matthew derived this principle from the question which Mark had Jesus ask the Pharisees, abbreviated it and made it into Jesus' concluding teaching. Sanders (*Law*, 21) notes correctly that the principle is "too vague and might mean anything."

Because Tractate *Šabbat* is composed of lists and rules, detailed interpretations and sophisticated distinctions, it does not explicitly state its goals nor reveal its premises in an orderly way. Some inferences can be made from the arrangement of the tractate and its contents. Most of Tractate *Šabbat* moves in rough chronological order from the preparation for Sabbath on Friday afternoon through the Sabbath evening and day, treating the preparation of materials for the Sabbath, the lighting of the Sabbath lamps, the Sabbath meal, how far one may travel, restrictions on carrying burdens, especially between public and private domains, the specification of activities which violate the Sabbath rest and of allowable and necessary activities such as care of animals, saving human life and circumcision. Tractate Sabbath reflects serious and sustained Rabbinic attention to Sabbath observance by determining and forbidding any activity that might violate the biblical command to rest on the seventh day. The rather vague biblical prohibitions cry out for clarification and the Mišna carries out that task with energy and sophistication. In this the Mišna carries on the work of Second-Temple Jewish literature which began working out various disputes over Sabbath observance. Consequently it does not attempt to describe other possible Sabbath activities, such as prayer or study, nor does it give motives why Sabbath should be observed or the effects of such observance.

So how does a consideration of the whole tradition of Sabbath observance help us understand Matthew? Matthew does not attack Sabbath observance as such but rather certain interpretations of Sabbath law which are at variance with the interpretations handed on in the name of Jesus. This does not put him outside of the Jewish community nor make him and Jesus unique and different. Matthew does not level a blanket charge of rigorism, legalism, ritualism or casuistry against Judaism, as some commentators would have it. He disagrees with other Jewish teachers about the exact requirements of Sabbath observance. These arguments were common in Judaism as can be seen in the *Damascus Document*, the *Book of Jubilees*, and early Rabbinic material. Particularities of Sabbath observance probably differed according to local custom and certainly helped define the boundaries of various Jewish groups.