

Handbook of the Study of the Historical Jesus

Rabbinic Writings in New Testament Research

The Use of Rabbinic Literature

The use of rabbinic literature for the study of the Gospels has been hugely influenced, for good and ill, by John Lightfoot's *Horae Hebraicae et Talmudicae*.¹ He used the model of a commentary to collate passages from rabbinic literature which contained parallels and background material. This was successful at adding colour and context to the Gospels with regard to the Temple cult and, to some extent, the manner of Jewish teaching, but fell short on theological background. This deficiency was partly due to Lightfoot's self-conscious rejection and reaction against Jewish theology, but it was also due to the nature of the available texts which were largely concerned with rules for life rather than the meaning of life.

New Testament scholars have largely inherited Lightfoot's program, his attitude to rabbinic theology and the limitations of the literature which is available. Edersheim's works² can be regarded as a useful popular reformulation of Lightfoot's findings. During the last century the amount of available information has increased monumentally, with the massive projects by Emil Schurer revised by Vermes,³ Paul Billerbeck,⁴ George Foot Moore,⁵ and Safrai's *CRINT* project.⁶ Schurer succeeded in putting rabbinic literature into an historical context, while Billerbeck pulled together the strands in a first attempt to show historical development within Jewish traditions and Moore highlighted the variety of Judaisms in the first century. The recent *CRINT* project attempts to use rabbinic materials in a more historico-critical way, though in practice it falls short of this aim. It does, nevertheless, represent a tremendous compendium of the information which has been amassed so far. Ongoing studies include revisions of Billerbeck (by the Orion centre and by Neusner, Chilton etc. al) and the *TRENT* project.⁷ The revisions of Billerbeck aim to complete the task of Lightfoot and to address the problem of dating, as well as applying historico-critical criteria to the choice of texts and to the method of applying 'parallels' for illustrating

¹ Easily accessible in English as John Lightfoot, *A commentary on the New Testament from the Talmud and Hebraica, Matthew -- I Corinthians* (Peabody: Hendrickson, 1989).

² Principally Alfred Edersheim, *The life and times of Jesus the Messiah* (London: Longmans, 1900). Also useful for New Testament studies: *The Temple: Its ministry and services* (Peabody: Hendrickson, 1994) and *Sketches of Jewish social life*. (Peabody, Mass: Hendrickson, 1994).

³ Emil Schürer, *The history of the Jewish people in the age of Jesus Christ* (Edinburgh: T. & T. Clark, 1986).

⁴ Hermann Leberecht Strack, von Hermann L. Strack und Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (München: Beck, 1922-1961).

⁵ George Foot Moore, *Judaism in the first centuries of the Christian era: the age of the Tannaim* (Cambridge, Mass: Harvard University Press, 1927-1930).

⁶ S. Safrai and M. Stern, eds, *Compendia rerum Iudaicarum ad Novum Testamentum*, (Assen: Van Gorcum, 1974-76).

⁷ D. Instone-Brewer, *Traditions of the Rabbis in the Era of the New Testament* (Eerdmans, 2005-).

the New Testament. The *TRENT* project does the reverse, by systematically dating the early rabbinic material and presenting it in its own context, whether or not a 'parallel' can be demonstrated with the New Testament.

The pursuit for a theology of Judaism has proved much more difficult than working out the laws and practices of Judaism, because classical rabbinic literature contains so little theology. This task was helped vastly by the rediscovery of apocalyptic Jewish texts, Qumran documents, Nag Hammadi texts and others which were much more concerned with theology than the classical rabbinic literature was. These discoveries have been somewhat distracting because they presented scholars with a bewildering variety of Judaisms, mostly from the fringes of mainstream society. It was tempting to extrapolate a theology of normative Judaism from the vast treasures preserved by the Qumran community, by apocalyptic sects or by second and third century Jewish Gnostic groups. The theologies of these fringe groups have therefore exerted an undue influence on New Testament scholarship simply because, by an accident of history, their documents were preserved. While these documents undoubtedly provide invaluable insights into the theology of the New Testament, it has been too easy to ignore the beliefs of those against whom these minority groups were campaigning so loudly.

Some scholars have attempted to present the theology of those Jews who did not go off into the desert to keep pure, or into secret circles to await the imminent end. This task is much more difficult because the documents preserving the theology of the majority were edited much later than the first century and the earlier documents are largely concerned with how to interpret the legal codes of the Old Testament. Montefiore and Lowe⁸ collected rabbinic texts which give indications concerning rabbinic theology and categorised them into subjects for easy use. Their aim was more apologetic than historical, to counter the crass caricatures of rabbinic theology which were too often perpetrated by New Testament scholars, so they largely ignored the problems of dating other than stating the time when named authors were living. This work has been repeated in a more dispassionate way by Neusner.⁹ Urbach in his *Sages*¹⁰ attempted to isolate the theology of the sages living before 70 CE (i.e. the 'rabbis' before they were called "Rabbi", which is roughly equivalent to the 'Pharisees'). He succeeded in giving a believable presentation of their theology largely because he approached them with sympathy and understanding, which enabled him to stand beside them and view the world through their eyes. In a task like this one, which involved reading between the lines as much as interpreting actual texts, and where imagination is more important than analysis, Urbach's sensitive and sometimes uncritical approach is perhaps necessary. However, it is often difficult to know when the influence of later orthodoxy helps him project future theological tidiness into the variety of first century schools and sects.

Most of these studies, of both Jewish practice and theology, have failed to present Judaism within its own context, either because they were written from the perspective of the New Testament, or because they have consisted of a list of texts rather than a study of the literature as a whole. Also, they often fail to distinguish between sources

⁸ C.J.G. Montefiore and H. Loewe, *A Rabbinic anthology* (London: Macmillan, 1938).

⁹ Jacob Neusner, *The theology of the oral Torah: revealing the justice of God*, McGill-Queen's studies in the history or religion (Montreal: McGill-Queen's University Press, 1999).

¹⁰ Ephraim E Urbach, *The sages: their concepts and beliefs*, trans. by Israel Abrahams, (Jerusalem: Magnes Press, 1979).

originating after 70 CE and the minority of traditions which originated before 70 CE. The destruction of the Temple and near extinction of all Jewish leadership marked a cataclysm which not only forced Judaism to change its view of the cult (now that sacrifices and many other rites were impossible) but encouraged a consolidation of theology and practice. Virtually all of the few Jewish leaders who survived this tragedy were Hillelite Pharisees. This meant not only that all of Judaism came to resemble that of the Hillelites, but also that the history of Judaism was recorded in terms of agreement or disagreement with what now became orthodoxy.

There was also a new effort after 70 CE to rein in the diversity of opinions, and work towards a unified consensus. There is little indication that non-Hillelites were coerced into uniformity, though it is difficult to be certain because history is written by the victors. It seems that unity was literally voted for by the majority. Although a majority can tyrannise minorities through democratic processes, the process of voting was not simply to oppress the few Shammaites or Sadducees which remained, because even a venerable scholar like Eliezer ben Hyrcanus was punished with temporary excommunication for failing to follow a majority vote. This emphasis on unity was probably a popular effort to overcome the disunity which they perceived to be one cause of their downfall, so that it was in everyone's interest to have a common theology and practice.

One consequence of all this was an unconscious rewriting of history. No-one set out to write a history of the majority viewpoint, but it was inevitable that all the records of the past (which were written for the first time only after the end of the second century), were interpreted through the eyes of the new orthodoxy. This makes it very difficult to know which beliefs and particularly what variety of beliefs existed before 70 CE.

Clearly, the only traditions which might be said to have influenced the writers of the gospels or their readers were those which originated before 70 CE. Later traditions can still be useful if they represent beliefs or practices which continued unchanged before and after 70 CE, but in order to use later traditions we need to know how ideas and practical situations changed over time. The task of unravelling this history is very different for the four major forms of rabbinic literature: halakhah, aggadah, parables and targums, which will now be addressed in turn.

Sources of Rabbinic Traditions

Halakhic traditions

Halakhic literature is concerned with the interpretation and application of the laws of the Torah. The separation of this from aggadic literature (which is concerned with stories and exegesis of non-legal portions of Scripture) is often untidy and apparently arbitrary, because the two forms of tradition were usually transmitted together and by the same people, but the distinction is useful because of the different ways in which these traditions were treated. When there was a dispute about the accuracy of a halakhic tradition, it was common for another scholar to interrupt and state his version, and the ensuing debate was often recorded. Before 70 CE each school could have a different interpretation of legal scripture texts, though no individual or school could live with indecision about their own interpretation, but after 70 CE a single interpretation had to be accepted by all of Israel.

The exact wording of aggadic traditions, by contrast, was a matter of indifference, and a different version was merely regarded as an interesting variation, without any concern about which one was correct. A non-legal scripture could have a large number of interpretations, and they were often collected together in a list where each is introduced as simply "Another interpretation...".

These differences between halakhah and aggadah were due mainly to their different purposes and partly due to the different realms in which they were discussed. Halakhah belonged in the realm of the schoolhouse or courthouse, where debate was encouraged as a learning method, while aggadah belonged in the realm of the synagogue where one listened politely to sermon illustrations without interrupting. Aggadah was often used to spice up halakhic teaching, and halakhot were included in sermons, so they were usually mixed together, but they remained distinctive because they had different purposes. Halakhah determined the specific way in which Scripture should be obeyed, and even accidental disobedience necessitated a sin offering (while the Temple stood) plus repentance on the Day of Atonement. Aggadah determined ethics and theology which, according to some, determined one's standing in eternity, but there was no immediate consequence for disobedience.

Dating Halakhic traditions

The earliest written collections of halakhic traditions are the Mishnah and Tosephta which were edited about 200 and 400 CE respectively.¹¹ These works contain many traditions which are attributed to people who lived before 70 CE. The Jerusalem and Babylonian Talmuds are later commentaries on these works, edited about 400 and 500 CE respectively,¹² though they occasionally contain early traditions which were not included in Mishnah or Tosephta. The so-called halakhic midrashim (the earliest are Mekhilta, Sifra and Sifré,¹³ edited about 250 CE) are less reliable for dating because their realm is closer to the synagogue than the courthouse or schoolroom.

Mishnah is a collection of legal traditions which appear to be summaries of debates ending in conclusions decided by a majority vote or by consensus. A single topic may be as short as one unchallenged ruling or as long as a debate extending for several generations. The final decision or summary might be stated by a respected rabbi, or as

¹¹ Mishnah has been translated into good flowing English by Herbert Danby, *The Mishnah* (London: Oxford University Press, 1933); in conformity with Jewish traditions by Philip Blackman, *Mishnayoth*, 7 v. 2nd rev. ed. (New York: Judaica Press, 1963-64); and into literal American by Jacob Neusner, *The Mishnah: a new translation* (New Haven: Yale University Press, 1988). Tosephta has only been translated into English by Jacob Neusner, *The Tosefta*, 6 v (New York: Ktav, 1977-1986).

¹² English translations of the whole are by Isidore Epstein, *The Babylonian Talmud*, 18v (London: Soncino Press, 1948-1952), often known as the 'Soncino Talmud', and by Jacob Neusner, *The Talmud of Babylonia*, 16 v (Atlanta: Scholars Press, 1984). The Jerusalem Talmud is only fully available in English by Jacob Neusner, *The Talmud of the land of Israel, a preliminary translation and explanation*, 35 v, (Chicago: University of Chicago Press, 1982), though another good flowing translation is becoming available by Heinrich W Guggenheimer, Edition, translation and commentary by Heinrich W. Guggenheimer, *The Jerusalem Talmud*, (Berlin: Walter de Gruyter, 2003-).

¹³ These and almost all other non-Talmudic rabbinic collections edited up to the end of the 3rd C are translated in the series by Jacob Neusner, *The components of the Rabbinic documents: From the whole to the parts*, 32 v (Atlanta: Scholars, 1997). *Midrash Pirke de Rabbi Eliezer* is missing from this series – this is translated by Gerald Friedlander, *Pirke de Rabbi Eliezer: (The chapters of Rabbi Eliezer the Great) according to the text of the manuscript belonging to Abraham Epstein of Vienna* (London: Bloch. Paul, Trench, Trubner, 1916).

an anonymous consensus or, if it is contrary to a ruling by a named rabbi, it is stated as a decision made by "the Sages" – i.e. a majority vote.

The traditions in Tosephta are similar to those in Mishnah, though the debates are not so structured and often do not end with a clear conclusion. This has led to the conjectures that it is a commentary on Mishnah, or (more likely) a Mishnah-like project put together by a school which disagreed with the Mishnah's conclusions, or (most likely) a collection of 'left-over' traditions which have been set within a structure identical to that of Mishnah so that the reader can identify their original context.

The stages in these debates are difficult to date because a large proportion of the opinions are anonymous and the attributions to named individuals cannot be accepted uncritically. Jacob Neusner, who has been the most vocal critic of pre-critical methodology,¹⁴ has also done much of the groundwork which eventually provided some validation for these attributions. Through voluminous and detailed work on the structure of arguments and progression of debates in Mishnah, he showed that the relative chronology represented by the attributions were essentially accurate. By analysing the form and progression of individual units he showed that traditions which were attributed to earlier authorities were virtually always antecedent to traditions which were attributed to later ones.

A relatively secure conclusion from studies by Neusner and others is that traditions attributed to a particular scholar in Mishnah can normally be assumed to originate from that scholar or possibly another scholar from the same time. This conclusion has two major caveats: it only holds true for halakhic traditions, and it becomes less reliable with time. Long periods of time make it less likely that rulings have been transmitted faithfully, and this problem was exacerbated by the practice of attributing important anonymous ruling to a highly revered individual from the distant past - such as handwashing before meals which is attributed to Solomon (b.Shab.14b). Therefore it is unsafe to accept an honorific story concerning a famous rabbi (though a story which is the sole basis for a halakhah may perhaps be safe, with supplementary evidence), or a ruling by someone before the first century CE, or a ruling by someone in the first century CE which is recorded in Talmud but not in Mishnah or Tosephta.

Many anonymous halakhic traditions can also now be dated by fitting them into the logical progression of other rulings which can be dated on the basis of attributions and Neusner has even stated the expectation that the majority of anonymous material can one day be dated.¹⁵ The *TRENT* project is making a first attempt at systematically identifying all the halackhic material which can be dated before 70 CE, and it is likely that, on the basis of these findings, a more detailed chronological development of legal traditions will be built up by means of which many more anonymous traditions can be dated. Occasionally even lost rulings can be dated, such as the suspension of Sabbath prohibitions in situations of mortal danger, which is found nowhere in rabbinic literature though it is referred to by R. Mathia b. Heresh (m.Yom.8.6, early

¹⁴ A seminal statement of this criticism was his on "The Use of the Later Rabbinic Evidence for the Study of First-Century Pharisaism" in William Scott Green, ed., *Approaches to Ancient Judaism: Theory and Practice*, Brown Judaic Studies 1 (Missoula, Mont.: Scholars Press for Brown University, 1978), pp. 215-25.

¹⁵ Neusner, *A History of the Mishnaic Law of Purities*, Studies in Judaism in Late Antiquity, vol. 3 (Leiden: Brill, 1974-97), vol. 4, p. 244

2nd C) and Eliezer b. Hyrcanus (t.Shab.15.16, just after 70 CE). They both refer to it as a principle which everyone accepts, so it must be older than both of them, and this is confirmed by the Qumran ruling that one can rescue "a living man who has fallen into water" though not a corpse (4Q265 6.6).¹⁶

However, one must always be aware that editing can take place at several stages before the final written form, so even a tradition which appears to be datable may contain layers from more than one time period. These layers have to be examined by form critical and tradition history methods which can help to identify a core from which the rest of the tradition developed. Fortunately the legal editors worked with the motive of preservation not emendation, because rabbinic law was built up in the manner of case law, where more recent rulings rest and rely on the foundation of former rulings. Therefore, although editors might shorten a tradition by removing redundant elements, they were keen to keep former opinions intact because even if they disagreed with them, these opinions were necessary for the understanding and framework of later rulings.

The first example illustrates some of the problems of edited layers within a tradition, while the second shows the impact which an understanding of the development of halakhic traditions can have on our understanding of the Gospels.

Example of Halakhah: Stone Jars

The ruling about stone jars at Mishnah Kelim 10.1 is an interesting test case for these dating techniques, because although the dating of this ruling is extremely difficult and tenuous, the result of this dating finds remarkable confirmation in archaeology. It is also an interesting test case for the pervasiveness of rabbinic rulings, because although it is expensive and difficult to apply this ruling the archaeological findings suggest that first century Palestinians generally obeyed it.

The following shows the likely history of this tradition by separating out different stages of editing.

|¹ |² |³ - stages of editing

These utensils protect [from impurity if they are closed] with a tight lid:

Utensils of dung, utensils of stone, utensils of soil

utensils of earthenware,
utensils of alum crystal,
or of fish bones or skin {this line is absent from some eds}
or of sea mammal bones or skin
or utensils of wood which are clean.

They protect whether [the lid] is at their [top] opening or at the side;

whether [the utensil] is standing on its base or leaning on its side.

[If] they are inverted on their opening, they protect everything under them as far as the deep.

R. Eliezer [b. Hyrcanus] [rules in this case that] they are impure.

And [so] they protect everything, except for earthenware utensils which protect nothing except the foods and liquids [inside them] and the earthenware utensils [themselves].

¹⁶ Details in *TRENT II* chapter on Shabbat.

The whole of this tradition is anonymous, except for the disagreement by Eliezer, whose comments normally date from soon after 70 CE. The tradition appears to have been enlarged by editing in at least two stages (and probably more) from a core ruling which is marked in bold.

The first three types of utensil can be identified as unit of tradition by themselves because they occur in other traditions, including later ones, without any of the rest of the list (m.Oh.5.5; 6.1; m.Par.5.5; m.Miq.4.1; m.Yad.1.2). At Qumran there is also evidence of a three-fold list, but it is slightly different: wood, stone and dust (CD.12:15-17). This may indicate that there was a point of contention on this matter between Qumran and rabbinic Judaism, or (more likely) that the rabbinic three-fold list developed after the Qumran sectarians had separated from the rest of Judaism. The rest of the list probably grew gradually when scholars debated this passage. It is noteworthy that glass and metal vessels are not listed, because by the first century these were already declared unable to protect against impurity (though this is not recorded in any work earlier than the Talmuds - b.Shab.14b; y.Shab.1.4 = y.Pes.1.6 = y.Ket.8.11).

The second half is a discussion about closing the vessel, and the whole of it can be seen as a discussion of the words, “They protect whether [the lid] is at their opening or at the side”. The wording is curious because one would expect it to say “at the top or the side”, but instead of “top” it says “mouth” or “opening”. Presumably it originally referred to a vessel with its main opening at the top but also one at the side, such as a vessel with a side spout which was commonly used in the 1st C (see illustrations in Magen). Later generations interpreted this ruling in two different ways: first, it did not matter whether the container was standing upright (with the opening at the top) or leaning (with the opening at the side); second, it did not matter at all where the opening was, so the vessel could even be upside down. This last point is the one which Eliezer disagreed with, so it was probably being debated shortly after 70 CE.

We might expect the summary at the end to be the latest element of this tradition, but it is actually taken from the Shammaite position in a debate with the School of Hillelites (see m.Ed.1.14). Although this School debate does not appear to have been preserved in its original form, there is no reason to doubt that it represents an actual debate, because if it had been invented (i.e. mis-remembered) at a later date we would expect the Hillelite position to conform with the accepted view here. It is therefore likely that this summary was already well-accepted by 70 CE so that it was impossible to change it. Therefore it is likely that this summary comes from the mid first century at the earliest. The summary contains a reference to earthenware utensils, so it presumably originated from a time after this type of utensil was added to the original list of three. This helps to confirm that the original list of three date from the early first century.

This detailed and somewhat tenuous reasoning which is needed to substantiate the dating of this tradition is not typical, because most datable traditions can be identified with far less complexity and guesswork. At the end of this process we have a ruling which is likely to come from the early first century:

Utensils of dung, utensils of stone, [and] utensils of soil protect [from impurity] whether [the lid] is at their [top] opening or at the side.

This ruling is very significant because it enables a householder to draw water before a Sabbath or a Holyday (a *Yom Tov*) and then keep it safe from impurity. If the water was in an earthenware vessel and someone with impurity (such as someone who had had sexual relations in the previous night) walked past and overshadowed it, they could render the whole day's water supply unfit for use. If this happened on a Sabbath, it was impossible to fetch replacement water. This rabbinic ruling says that a tightly stoppered utensil could keep the water safe from such impurity if it was made of these specific materials. Also, when these vessels came into contact with impurity, they could be cleansed by immersion, whereas earthenware ones had to be smashed.

This concern for purity was only necessary if the meal included holy food, such as a Passover lamb, a peace offering, fellowship offering or food bought with second tithe (i.e. the one tenth of one's income which was spent on food during festivals at Jerusalem). Although such purity was not strictly necessary at other times, many households tried to live up to these standards of purity for all special meals (such as Sabbath meals or when guests were present, cf. the stone jars at the Cana wedding, John 2.6), and some households tried to maintain these standards at all times (cf. m.Dem.2.1-3).

These concerns about purity at meals were only important during the time of the Temple, because after its destruction there were no meals which included holy things. Some people would still have continued to try and eat every meal in purity, but this started to become meaningless when the ashes of the red heifer ran out, which were needed to purify from death – the prime source of impurity, and one which could be passed from person to person. Very soon all of Israel would have shared the same impurity as the Gentiles, so there was little point in using expensive vessels to guard from this ceremonial and now largely theoretical impurity.

Stone utensils were very expensive, so this rabbinic ruling was probably an attempt to enable poorer people to keep these standards of purity by allowing the use of utensils which were made from dry moulded dung (as still used in some Arab villages) or unfired clay. These were probably allowed because neither of them were specifically named in Torah as being susceptible to impurity, and later scholars found other exceptions which were added to the list. The list at Qumran includes “stone utensils” but the other two categories are different (though perhaps the Qumran “dust” means the same as the rabbinic “earth”¹⁷). Stone vessels were therefore undisputedly the best way to guard from impurity because they were acceptable to all Jews.

The use of stone vessels has been confirmed by archaeological finds of limestone or chalk vessels throughout Palestine in the first century and (to a lesser extent) in the second century up to the Bar Kokhba revolt, but not before or after this period. Extensive excavations have also been carried out at quarries and workshops for manufacturing limestone vessels near Jerusalem. Magan, who has carried out and written up much of this work¹⁸ pointed out the significance of it:

¹⁷ See “CD 12:15-17 and the Stone Vessels Found at Qumran” by Hanan Eshel at <http://orion.mscc.huji.ac.il/symposiums/3rd/papers/Eshel98.html#fnref2>. Eshel points out that although Qumran documents indicate that oil can make a stone vessel impure, they still believed that they otherwise guarded from impurity.

¹⁸ Yitzhak Magen, *The Stone Vessel Industry in the Second Temple period: Excavations at Hizma and the Jerusalem Temple Mount* (Jerusalem: Israel Exploration Society, 2002), based on the Hebrew version, *The Stone Vessel Industry in Jerusalem during the Second Temple Period* (Jerusalem: Society

“Unlike other elements of the Jewish material culture during the Second Temple period, such as pottery, wooden, metal and glass vessels and other implements that were conceived in previous periods and that remained a part of the material culture after the destruction of the Temple, chalk vessels are the only components of the material culture that appear suddenly in the late first century BCE and vanish after the destruction of the Second Temple and the Bar Kokhba Revolt, without remaining in use and without returning to the material culture of the Land of Israel in succeeding periods.... all the industrial areas engaged in chalk vessel production are connected with Jewish regions and settlements, both in Judea and in Galilee. ... [and] chalk vessels were found in every Jewish settlement in Galilee that was excavated.”¹⁹

These archaeological findings demonstrate the importance of rabbinic rulings for ordinary people in first century Palestine. Even in Galilee, where it might have been easy to ignore the stringent demands of rabbinic Judaism, every Jewish domicile which has been excavated employed stone vessels, even though it would have been far cheaper to use earthenware. The use of stone was not a matter of using materials which were more hardy or better looking because these chalk vessels were thicker, heavier, more fragile, and less easy to decorate than their earthenware equivalents. The only advantage of using stone vessels was to enable the keeping of halakhah.

We cannot conclude that the Mishnah represents precisely the halakhah which was kept by these householders, because Qumran and presumably other Jewish groups also agreed that stone vessels provided protection from impurity, but it does mean that the general population was concerned with such issues. And the fact that stone vessels were used during this narrow timeframe confirms the dating of the rabbinic rulings which gave rise to this use, and thereby help to confirm the methods by which those rulings were dated.

Example of Halakhah: Healing on the Sabbath

Sabbath rulings developed greatly during the first century. It is significant that the Sabbath controversies in the Gospels mirror the same concerns which were developing during the first century before 70 CE, i.e. harvesting (Mk.2.23 //Mt 12.1), carrying (Jn.5.10 – see the discussion in *TRENT 2*), bringing up from a pit (Mt.12.11; Lk.14.5), whether God works on a Sabbath (John 5.17), Temple cult on a Sabbath (Mt.12.5), and (overwhelmingly) the matter of healing on the Sabbath.²⁰

The prohibition of healing on a Sabbath presumably developed from the prohibition of any labour which was involved in healing, such as straightening a limb or any washing which was more than normal (m.Shab.22.6) but it gradually included anointing or taking medicine (m.Shab.14.3-4), and later even included taking normal food or drink which had a curative property (m.Shab.14.3-4). The Shammaites were strict about this from the start, and forbade even praying for the sick on the Sabbath

for the Preservation of Nature, 1988). The significance of this for Biblical Studies was first pointed out by Roland Deines in *Jüdische Steingefäße und pharisäische Frömmigkeit* (Tübingen: J. C. B. Mohr, 1993).

¹⁹ Magan, Eng. ed. pp. 1-2.

²⁰ See details in Lutz Doering, *Sabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum* (Tübingen: Mohr Siebeck, 1999), and in *TRENT* vol.2, forthcoming. On whether or not God works on the Sabbath, see also Doering, "The concept of the Sabbath in the book of Jubilees" in *Studies in the Book of Jubilees* ed. Matthias Albani, Jörg Frey, Armin Lange, (Tübingen: Mohr Siebeck, 1997) 179-205.

(t.Shab.16.22a), which suggests that it was part of the debate about whether God should be made to work on the Sabbath (cf. Philo *de Cher.* 86–90).

The fact that “healing” is not listed among the 39 categories of forbidden ‘labour’ (m.Shab.7.2) and the presence of mildly contradictory rulings and even counter-arguments in rabbinic literature about healing on a Sabbath, all suggest that this prohibition was in the process of development and consolidation in the early first century. New doctrines often become a touch-stone of orthodoxy, so it is not surprising to find that Pharisees express severe anger at Jesus’ rejection of this teaching (Mk.3.6 //Mt.12.12 //Lk.6.11; Jn.5.16; 7.23).

However it is likely that Jesus was not the only one to criticise these new regulations, because some rabbis after 70 CE tried to find ways to relax these rulings. One early second century rabbi even allowed treatment of a sore throat by applying the principle that mortal danger overrides the Sabbath (m.Yom.8.6). Eliezer b. Hyrcanus (just after 70 CE) reasoned that if circumcision overrides the Sabbath then surely healing did too (t.Shab.15.16). He argued that: “Circumcision overrides the Sabbath because neglect of it is liable to extirpation. If one may override the Sabbath for a single part of a person, is it not logical that one may override the Sabbath for the whole of him?”.

Eliezer’s logic is the same as that attributed to Jesus at 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 that on the Sabbath I made a whole man healthy?” Jesus’ phrase “whole man” (ὅλον ἄνθρωπον) and Eliezer’s “the whole of him” (*kulo*, כּוּלוֹ) are both used in exactly the same context to argue the same point of view, so this is very unlikely to be coincidental. Also, they both reasoned by means of *minor and major* and based this on the principle that if circumcision does not take place on the 8th day then the law has been broken and punishment is due. These exact parallels make it likely that this was a common argument which was ‘around’ at the time, though it was not the majority view.²¹

There has been much debate about Jesus’ central teaching on the Sabbath — did he deliberately heal on the Sabbath in order to put aside the law of the Sabbath, or did he merely disagree about the exceptions and definitions within Sabbath law?²² The history of the development of rabbinic rulings suggests that the discussions of the Sabbath in the Gospels can be regarded as criticisms of the developing Oral Law and not a rejection of the Sabbath law in the written Torah. This has profound implications for the question of Jesus’ central message and the core of his conflict with the various bodies of the Jewish establishment.

²¹ Barrett mistakenly thought that Eliezer was expressing the majority view that healing of a critically ill “whole man” was allowed – see C. K. Barrett ; translated from the German by D. M. Smith, *The Gospel of John and Judaism*, Franz Delitzsch lectures, 1967 (London: SPCK, 1975), 264-5. However, the context of the rabbinic debate shows the other rabbis thought that Eliezer (who was famous for his unorthodox rulings) was trying to find a loophole for people who were not critically ill. According to a later tradition, Eleazar b. Azariah made Eliezer’s argument orthodox by adding the stipulation that the man must be critically ill (b.Yom.85b), so perhaps Barrett thought that this accurately represented Eliezer’s view.

²² The various viewpoints of different Scholars is summarised well in Sven-Olav Back, *Jesus of Nazareth and the Sabbath Commandment* (Åbo: Åbo Akademis Förlag, 1995) pp. 3-13.

Aggadic traditions

Aggadic literature is probably best defined in the negative sense of not being halakhah. It consists of the biographical stories, moral guidelines, Scripture expositions and any other elements which are not directly concerned with the obedience of commandments in Scripture. These elements occur sparsely in Mishnah and Tosephta, more frequently in the Talmuds and Halakhic midrashim, and throughout the aggadic midrashim.

As stated above, the distinction between halakhah and aggadah is important because of the different way in which they were regarded and treated. It would be too simple to say that aggadah was not regarded as a vehicle of truth, though no-one expressed any concern when one aggadic tradition contradicted another. Perhaps the best modern equivalent would be the sermon illustration, which might not be true (because it contains a fictitious anecdote or a misquoted aphorism) but it is still expected to convey a truth. This makes it almost impossible to decide when an honourific story about someone is hagiography or biography, and when a moral teaching is based on generally accepted theology or on deliberately provocative ideas.

Dating Aggadic traditions

Transmission of aggadic traditions was not carried out with the same care afforded to halakhic traditions mainly (as suggested above) because of the different realm in which they were passed on, and also because they were not perceived to have the same importance. Nevertheless, the fact that they were preserved and passed on from generation to generation indicates that they were considered to be worth preserving and we may assume that many of them have survived relatively intact from the early first century. One difficulty is knowing whether to trust the attributions because, unlike halakhic traditions which can often be placed in a relative chronological order, there is usually no way to test the relative age of an aggadic saying. Another difficulty is that aggadic traditions are largely found in written works which were edited much later than Mishnah, so there was much more time for changes to occur.

Biographical stories about the rabbis are especially problematic, because almost none of them exist in the Mishnah so the earliest written versions are normally found in works which were edited at the end of the third century or later. Much more frustrating for the New Testament scholar, is the fact that the same problem exists for almost all theological discussions and statements. When, in the near future, we will have a collection of traditions which can be safely dated before 70 CE (like that being compiled in the *TRENT* project) it may be possible to identify some early characteristics of vocabulary or style which could be used to help identify early traditions. However, this method will always be relatively unsafe because there is always the possibility of editing, and because they are liable to be written in deliberately archaic forms.

Nevertheless, it is possible to find valuable indications of both theology and history in aggadic traditions, especially when they convey events which are unflattering to those who have preserved them. The following example shows that even seemingly apologetic propaganda can convey historical information.

Example of Aggadah: Jesus hanged on Passover Eve

A few passages in the Babylonian Talmud concerning Jesus and Christians were censored out of Bomberg's printed edition of 1520. This became the basis of all subsequent editions, so the only source of these censored traditions are the few surviving manuscripts, the most complete of which are found at Munich, Florence and the Vatican.²³ One of these censored passages contains what appears to be a very old historic tradition, mixed with later editing. It is normally cited as occurring at b.San.43a, which is where it would be in Bomberg's folio pages if it had not been omitted.

|¹ |² |³ - stages of editing

On the Eve of Passover they hung Yesu the Notzeri.

And the herald will go out before him for 40 days:

"Yesu the Notzeri will go out to be stoned

for sorcery and deception and enticing Israel [to idolatry].

Any who know [anything] in his defence
must come and declare concerning him."

But none was found in his defence
and they hung him on the Eve of Passover.

Ulla said: Would it be expected that
the revolutionary [had] a defence?

He was a "deceiver", and the Merciful said:

"You shall not spare and shall not hide him" [Dt.13.8(9)].

But it was not [so for] Yesu the Notzeri
for he was close to the kingdom.

Most of this tradition is late, but the words in bold probably originate from before 70 CE or soon after. The rest appears have been added in at least two stages. Stage "3" is attributed to the time of Ulla bar Ishmael at the start of the fourth century. There is no clue about the age of the second stage, but it appears to be added in order to deal with the difficulties posed by the oldest tradition (as detailed below).

The early origin of the first stage is suggested by the difficulties it caused, and also by the fact that it contains the same two charges recorded by Justin Martyr who said that the Jews "dared to call him a magician and an enticer of the people" (μάγρον.. καὶ λαοπλάνον – *Dial.* 69). The order of the charges is the same in both accounts, and this is significant because it is opposite to the order found in both Deuteronomy and in Mishnah (Dt.13.6-11; 18.10; m.San.7.10,11).²⁴ The wording of this earliest layer is also confirmed by two quotations of it in other censored Talmudic passages: "they hung him on the Eve of the Passover" (b.San.67a) and "sorcery and enticing Israel" (b.San.107b). It is therefore possible that the official Jewish charge which was publicly proclaimed against Jesus has been preserved by Justin and by this censored tradition.

The rest of the passage can be seen as an attempt to solve various problems which this early tradition raised, especially where it contradicted the rulings of Mishnah.

²³ These censored passages are collected in Hebrew/Aramaic by R. T. Herford in *Christianity in Talmud and Midrash* (Williams & Norgate: London, 1903). He has translated them into English (or occasionally Latin, when sexually explicit language is involved) and commented on them. The translations here are my own.

²⁴ This was first pointed out by William Horbury, "The Benediction of the Minim and Early Jewish-Christian Controversy," *Journal of Theological Studies* NS 33 (1982): 19-61, p.55.

Mishnah said that a herald had to call for defence witnesses for at least 30 days (m.San.3.8; 6.1). The herald was given 40 days in this tradition, which inspired a later debate about the reason for this leniency (at stage 3). They concluded that Jesus had friends among the Romans - "he was close to the kingdom" – a phrase which is used elsewhere to explain why Gamaliel's family were allowed to converse in Greek, because they had to speak with Roman officials (b.BQ.83a).

The Eve of Passover was a very unlikely day for Jews to choose to carry out capital punishment, so the editors would want to explain why Jesus was killed on this day, without admitting (or remembering) that the death penalty was totally outside their control. Perhaps the claim that Jesus had 40 days to find a defence was an early explanation – i.e. they allowed him extra time and waited till the very last moment before the start of the Passover week, in order to emphasise that he was given every opportunity to find mitigating evidence.

This early tradition says that he was "hung", but stoning was the punishment for both enticement to idolatry (m.San.7.10) and sorcery (m.San.7.4). Mishnah already helped to solve that problem because Eliezer said that those who are stoned, are hung (m.San.6.4). Eliezer either meant that those who are stoned are also hung afterwards, or he meant that they accepted Roman crucifixion as an equivalent to stoning because they did not have sufficient jurisdiction to carry out the death penalty. In later Talmudic times they assumed that he meant the former – they were stoned and then their corpse should be hung on a pole to indicate God's curse (b.San.45b). However, until at least the second century they assumed that 'hung' meant 'crucified' (cf. t.San.9.7 where Meir identifies crucifixion with the curse of 'hanging' in Dt.21.23). Whichever view prevailed at second stage of editing this tradition, they wanted to emphasise that Jesus deserved the Biblical punishment of stoning, so the herald proclaims that this is his sentence.

Another major problem with this early tradition is that it attributed Jesus with real power, because according to Mishnah the death penalty is only warranted if the sorcerer performed genuine wonders and not just illusions (m.San.7.11). The distinction between illusions and reality is not discussed in Mishnah, but even in the early third century, when belief in magic was rampant among Jews, they exhibited a healthy scepticism, as illustrated in b.San.67b: "Rab said to R. Hiyya: 'I myself saw an Arabian traveller take a sword and cut up a camel; then he rang a bell, at which the camel arose.' He replied, 'After that, was there any blood or dung? But that was merely an illusion.'"

Early Jewish apologists may have been content to accuse Jesus of sorcery, i.e. getting power from the Devil (cf. Mk.3.22 // Mt.12.24 // Lk.11.15), but this later introduced two problems. First, Jesus might be venerated by Jews in order to obtain healing or other miracles, and they might include his name among all the angels and other powers whom they called upon in magical papyri, incantation bowls and amulets.²⁵ Second, if this power was attributed to the Devil it implied that not all power resided with the Creator. In answer to this second problem, post-Talmudic traditions (as encapsulated in the Medieval *Toledoth Jesu*, 'Generations of Jesus'), said that Jesus

²⁵ One magical papyrus includes "I conjure you by the god of the Hebrews, Jesus" (PGM IV.3019-20). This suggests that "Jesus" was one of the names which Gentiles had learned from Jews – see W. L. Knox, "Jewish Liturgical Exorcism", *HTR* 31 (1938), 193-94.

used the power of God illegally by stealing the secret of the Name.²⁶ Already in the third century they appear to counter the claim of Jesus' resurrection by saying that it was done by stealing the name of God: "Woe to him who makes himself live by the Name of God" (Simeon b. Lakish, late 3rd C, b.San.106a²⁷).

In this tradition of b.San.43a, the editors at stage 2 attempted to downplay the power of Jesus by implying that he was "deceiving" people. They imported this word from Deut.13.6(7) which is where the charge of "enticing" comes from ("If he deceive you...saying 'Let us serve other gods'... you shall stone him... for he sought to entice you from the LORD" - Dt.13.6-8[7-9]), and in that context it carries the connotation of 'lead you into idolatry'. However, it is likely that they used the ambiguity of this word to imply that the miracles were part of a deception. This supposition gains extra weight by the the absence of "deceive" in the two other parallel accounts of these charges (Justin *Dial.* 69 and b.San.107b) which both list merely "sorcery and enticing".

Therefore it is possible that the official Jewish charge against Jesus has been preserved in this tradition, along with later glosses which were intended to address all the problems associated with it. Although this cannot be verified with any certainty, the parallel in Justin and the many problems which rabbinic authorities had with this tradition, help to confirm that it is very old indeed.

Parables

Parables are very common in rabbinic literature and although they are usually categorised as aggadah, strictly speaking they are a third category. Meir (mid 2nd C, b.San. 38b) used to divide his lectures into three parts: halakhah (also called *shema'etta*), aggadah and parables (*mashal*). A *mashal* can include anything from a simile or analogy to a long story with many points of reference, but it normally consists of a story with a single 'twist' (a point of surprise which is humorous or alarming) which is where the didactic point of the story lies. The most common subjects for parables are stories about kings, fables about animals, similes concerning plants, and illustrations from everyday life. The introduction to the following parable refers to all three types of teaching:

When R. Ammi and R. Assi were sitting before R. Isaac the Smith, one of them said to him: 'Will the Master please tell us some legal points [*shema'etta*]?' while the other said: 'Will the Master please give us some homiletical instruction [*aggadah*]?' When he commenced a homiletical discourse he was prevented by the one, and when he commenced a legal discourse he was prevented by the other. He therefore said to them: I will tell you a parable [*mashal*]: To what is this like? A man had two wives, one young and one old. The young one used to pluck out his white hair, and the

²⁶ This was based perhaps on t.Shab.11.15 "Eliezer: Did not Ben Stada learn only in this way [by cutting marks in his flesh]?" – i.e. he tattooed the secret Name which he would otherwise be forced to forget. "Ben Stada" is also used elsewhere as a cipher for Jesus at t.San.10.11; b.San.67a, 104b.

and b.San.106a, "Woe to him who makes himself live by the name of God").

²⁷ See the discussion in Herford, *Christianity in Talmud* p.47f. Jews of the 3rd C were well aware of Christian claims, e.g. "If a man says to you: 'I am God', he is a liar; if 'I am the son of man', in the end people will laugh at him; if 'I will go up to heaven', he says it but will not perform it" – Abahu, late 3rd C, y.Taan.65b).

old one used to pluck out his black hair. He thus finally remained bald on both sides. (b.BQ 60b, based on Soncino)

Dating parables

Like almost all parables in rabbinic literature, the example told by R. Isaac has been preserved in Hebrew, the language of the older Mishnah and Tosephta, despite the fact that most of the Talmud is written in Aramaic (including the story which introduces this parable). The use of Hebrew does not imply that every parable dates from pre-Talmudic times, but it does indicate a wish to pass on parables in a traditional form.

Unlike halakhic rulings, parables are not transmitted as the property or creation of individual rabbis, but they are regarded as community property. Scholars were not known for writing parables but for collecting them, like Yohanan b. Zakkai who was well known for collecting fox fables and other parables (b.Suk. 28a // b.BB 134a). This parable, for example, was not created by R. Isaac, but was adapted by him (or someone else) from Aesop's story of the man with two mistresses.²⁸ However, parables can be retold with subtle differences which mirror changes in theology or society. For example, R. Isaac changed Aesop's two mistresses into two wives, so it would be false to infer that the original parable came from a society where polygamy was permitted. We must therefore take great care when making theological inferences from undateable parables.

Unfortunately only a handful of rabbinic parables can be dated before 70 CE. This has not prevented scholars like Jeremias, Stern and Young²⁹ from doing useful work with them because, as indicated above, the origin of a parable may long predate the telling of it. There are probably no parables which can be dated before 70 CE with certainty, though there is some evidence for the following: the parable of the wholesale market traders (b.Hag.9b); the parable of earth as God's footstool (b.Hag.12a); the parable of the wise and foolish invited to a feast (b.Shab.153a); and the parable of the forgotten sheaf (t.Pea.3.8).

Early parables

Parable of the wholesale market traders

Bar Hé Hé [said] to Hillel: What [means] the text, "And you will return and distinguish between the righteous and the wicked, between him who serves God and him who serves him not." [Mal.3.18]. The "righteous" [appears to be] the same as "he who serves God" and the "wicked" the same as "he who serves him not".

Hillel said to him: "He who serves" and "he who serves not" are both [included in the category of] those who are perfectly "righteous". But one should not equate him who repeats his chapter a hundred times with him who repeats his chapter a hundred and one times [to memorise it better].

²⁸ See Brad H Young, *The Parables: Jewish tradition and Christian interpretation* (Peabody: Hendrickson, 1998) p.17.

²⁹ Joachim Jeremias; trans. S.H. Hooke, *The parables of Jesus* (London: SCM, 1963); D. Stern, *Parables in Midrash*, 2nd ed. (Harvard UP, 1994); Young, *Parables*.

[Bar Hé Hé] said to him: And because of a single [extra] time he is called “he who serves him not”?

[Hillel] said to him: Yes, go and learn from the market of the ass drivers – Ten portions for a single *zuz*; Eleven portions for two *zuz*. (b.Hag.9b)

Ben Hé Hé and Hillel (1st C BCE) both denied the concept of parallelism in Scripture, believing that God would not include redundant words or phrases.³⁰ Hillel explained this apparent parallelism by saying that the second line describes two different degrees of being “righteous”, though they are both “righteous”. The person “who serves not” is like a scholar who puts slightly less effort into memorising his lesson, though they have both memorised it. Even a small difference can make a large difference, like when you go to the wholesale market (where the ass drivers go) and try to buy eleven portions of something which is sold in bundles of ten.

The whole debate is recorded late, but the concern about parallelism faded after 70 CE, so it is likely that this originated before 70 CE, though it is uncertain whether it goes back to Hillel himself. The first parable (of the two scholars) is almost certainly part of the original tradition, though the second (of the ass-driver’s market) may have been added later.

Parable of earth as God’s footstool

The School of Shammai say: The heavens were created first and after that the earth was created, as it is said: “In the beginning God created the heavens and the earth” [Gen.1.1].

And the School of Hillel say: The earth was created first and then the heavens, as it is said: “In the day the LORD God made earth and heavens”.

The School of Hillel said to the School of Shammai: According to your words a man builds the upper-chamber and after that he builds the house, as it is said, “He who builds in the heavens his steps and founded his firmament over the earth” [Amos 9.6].

The School of Shammai said to the School of Hillel: According to your words, a man makes a footstool and after that makes a throne, as it is said: “Thus says the Lord: Heaven is my throne and earth the stool of my feet” [Is.66.1]. (b.Hag.12a)

The parables at the end of this dispute may be later additions, and the proof texts were almost certainly added later. Nevertheless, it is possible that these examples of *mashal* originated with these 1st century Schools

Yohanan’s parable of the wise and foolish invited to a feast

R. Johanan b. Zakkai said: This may be compared to a king who summoned his servants to a banquet without appointing a time. The wise ones adorned themselves and sat at the door of the palace. [‘for,’] said they, ‘is anything lacking in a royal palace?’ The fools went about their work, saying, ‘can there be a banquet without preparations?’ Suddenly the king desired [the presence of] his servants: the wise entered adorned, while the fools entered soiled. The king rejoiced at the wise but was angry with the fools. ‘Those

³⁰ See David Instone Brewer, *Techniques and assumptions in Jewish exegesis before 70 CE*, Texte und Studien zum antiken Judentum, 30 (Tübingen: Mohr, 1992), 56-57.

who adorned themselves for the banquet,' ordered he, 'let them sit, eat and drink. But those who did not adorn themselves for the banquet, let them stand and watch.' (b.Shab.153a, Soncino)

It is difficult to date this before 70 CE with any certainty because although Yohanan's ministry started before this, his main influence came after the destruction of the Temple. It is included because it is one of the few 'typical' parables which can dated this early, and because of the very clear Gospel parallels. Before Yohanan went to Jerusalem he spent some decades in Galilee (traditionally 40 years) which meant he may have met Jesus and certainly knew the same synagogue traditions and probably the same synagogue congregations as Jesus.

Parable of the Forgotten Sheaf

Example of Parable: The Forgotten Sheaf

A certain pious man [*hasid*] forgot a sheaf in the middle of his field. He said to his son, "Go and offer two bullocks on my behalf, for a burnt offering and a peace offering." His son said to him, "Father, why are you more joyful at fulfilling this one commandment than all the other commandments in Torah?" He said to him, "The Lord gave us all the commands in Torah to obey intentionally, but he only gave us this one to obey accidentally."

For if we obeyed this deliberately before the Lord, we would not be fulfilling the command. He said to him: It says, "When you reap the harvest of your field, and have forgotten a sheaf in the field, you shall not go back and get it; it shall be for the stranger, the fatherless and the widow" [Deut.24.19]. Scripture thereby sets out a blessing. (t.Pea.3.8).

The law of the forgotten sheaf (Deut.24.19) was the only law which could not be fulfilled intentionally or deliberately, so this pious man is overjoyed to find that he has accidentally forgotten a sheaf which enables him to fulfil this law. His joy is so great that he offers a hugely costly sacrifice - one bullock for total consumption on the altar (the burnt offering) and one to share with his family and friends in a celebration meal (the peace offering).

The exceptional value of these sacrifices which he offered for this seemingly minor occurrence, puts this incident in the realm of story-telling. If an individual had really done this, it is unlikely that his name would have gone unmentioned. The original parable probably consisted of only the first paragraph, because this is complete in itself and it ends on the crux or the twist, like a short story or parable should. The second paragraph adds the explanation and gives the scripture, just like a preacher would do. But this addition spoils the structure and force of the parable, like preachers often do when they explain the moral too clearly at the end of a story.

This parable cannot be dated reliably, but it is likely that it originated from Palestine in Temple times because the man gave thanks by offering sacrifices rather than by donating something to the synagogue. A sermonic or moral story is much more powerful if it concerns normal contemporary events, because this makes it more relevant and less easy to dismiss by the hearer. Therefore it is unlikely that the person who invented this parable would have deliberately added archaic practices from Temple times. However, if the story was originally told in this form, it is unlikely to be updated – just as we still talk about the parable of the sower and not the parable of the tractor.

This parable has a very similar form to many Gospel parables. It concerns ‘a certain man,’ without any details to tie it to an individual, and it unfolds a puzzling scenario about the man’s strange behaviour which would have the listeners leaning forward to hear the explanation. The story builds up emotional tension by the huge size of the man’s offering (comparable to the value of two tractors today), by the joyful celebration which is implied by the peace offering (which would have been large enough to make a feast for most of the village to share) and by the extreme joy which he exhibits. The reason for his joy is given in the very last line, as in any good short story. The editorial addition, which has spoiled the ending somewhat, is similar to the comments and explanations which have been appended to many of Jesus’ parables.

The explicit message is that God has allowed us to experience the joy of obeying commandments and we should thank him for that privilege. However, the implicit theology and attitude behind this parable are much more interesting for gospel research, because they tell us what beliefs the parable’s author can assume that all of his hearers will already have. The implicit theology is that it is good to try and obey as many commandments as possible; and the implicit attitude is that it is fun to try and complete a full set, almost like collecting baseball cards. The man does not give thanks that God saved him from accidentally disobedience, but gives thanks that God allowed him to accidentally experience the joy of obedience. The author of this parable assumed that his hearers were legalistic, in the sense that obeying the law was at the heart of their religion, but their legalism was based on the joy of living out the Law rather than a fear of breaking it.

Targumic literature

Targums are Aramaic paraphrases which followed the reading of the Hebrew Bible in Aramaic-speaking synagogues. They mostly adhere to the Hebrew text but also contain glosses, additional phrases and even extra sentences in order to add explanations or avoid potential misunderstandings.³¹

The ‘official’ rabbinic targums are Targum Onkelos on the Pentateuch (sometimes known as ‘The Targum’) and Targum Jonathan on the rest of the Hebrew Bible. The Palestinian Targum to the Pentateuch, which was hardly known outside Palestine before the eleventh century, was published in two versions in the sixteenth century, the Fragmentary Targums (previously called the ‘Fragment Targum’) and Targum Pseudo-Jonathan (so called because it had been falsely called Targum Jonathan due to an early misunderstanding of the abbreviation T.J. – ‘Targum of Jerusalem’). More versions of the Palestinian Targum were found in the twentieth century in the Vatican Library (Targum Neofiti, covering the whole Pentateuch), in the Cairo Geniza (fragments of TgPsJon and fragments from a variant of the Fragmentary Targums) and Qumran (fragments from targums of Job and Leviticus).

Targum Onkelos adheres most closely to the Hebrew text, while Targum Pseudo-Jonathan has much more additional material and deviations from the Hebrew. Targum Neofiti is similar to Pseudo-Jonathan but it lacks much of the additional material, though some of it has been added in the margins.

³¹ The best English translations of the Targums is now the series edited by Martin McNamara, *The Aramaic Bible* (Edinburgh: T & T Clark, 1992-).

Dating Targumic traditions

Like other rabbinic literature, there was initially a reluctance to record targums in a written form, lest it became confused with “Written Torah” - cf. the story of Gamaliel II (beginning of 2nd C), who was happy to read a written targum of Job but he then buried it to destroy it, unlike his grandfather in the mid 1st century who buried it without reading it (b.Shab.115a). However, the transmission of targums was remarkably conservative and Targum Neofiti, which was copied in 1504, is often identical to quotations from targums in Genesis Rabba, including some by R. Nathan (late 2nd C, Gen.R.31.8) and R. Jonhanan (mid 3rd C, Gen.R.70.16) – though these may have been edited to conform to a well-known targum tradition. The Aramaic of the targums (which is still being studied) may give a clue to their dating. However, it is likely that the language would be updated at the time of copying because one of the aims of targum was to make the text accessible to unlearned congregations.

It is difficult to know whether the large number of interpretive additions in Targum Pseudo-Jonathan indicate that this version is late, or whether Targum Onkelos was a later revision which was corrected back towards the Hebrew text. Comparisons of these additions with rabbinic halakha have proved inconclusive.³² The only datable yardstick we can apply is the Qumran fragment 4QtgLev (4Q156) which follows Targum Onkelos very closely, but does not have any of the additions found in Targum Pseudo-Jonathan. This suggests that the additions are later, but they do not necessarily only incorporate later ideas. Therefore traditions in targums should only be identified as early if they mirror interpretations found elsewhere, such as in the LXX or early extra-biblical literature. But if these interpretations are only found in later rabbinic literature, the targums are likely to have been influenced by this, so an early date becomes less likely.

Example of Targum: Polygamy or monogamy

The Palestinian Targums of Genesis 2.24 read “and they two shall become one flesh” (i.e. Targum Pseudo Jonathan and Targum Neofiti), though the Masoretic text and Targum Onkelos read “and they shall become one flesh”. The reading of the Palestinian Targums is reflected in the LXX translations, Syriac translation, Samaritan Pentateuch, Vulgate and New Testament (Matt.19:5; Mk.10:8; 1Cor.6:16). Unfortunately there are no Qumran fragments covering this passage. Ancient rabbinic traditions follow the Masoretic text on the two occasions when this text is cited (by R. Akiba, early 2nd C, b.San.58a and by R. Issi, early 3rd C, Gen.R.18.5).

Therefore there is a strong tradition among the versions for inserting the word “two” into this verse, perhaps as an inference from the word “one”. The reason for doing this is not made clear in any of the versions, but it is likely to be part of a movement against polygamy which is seen at Qumran (CD.4.20-5.6) and in Jesus’ preaching (Mk.10.6-8 // Mt.19.4-6).³³ The Damascus Document argues from the phrase “male and female” which occurs both in the creation narrative (Gen.1.27) and with regard to the animals which went in to the Ark “two by two” (Gen.7.9). They conclude from

³² McNamara briefly lists the work in this area and warns against making firm conclusions from this uncertain data (*Aramaic Bible*, IA, 41-42).

³³ D. Instone-Brewer, “Jesus’ Old Testament Basis for Monogamy”, in *The Old Testament in the New Testament: Essays in Honour of J. L. North*, ed. Steve Moyise, JNTS Supp 189 (Sheffield: Sheffield Ac Press, 2000) 75-105.

this, by the rabbinic method of *gezera shavah*, that the “the foundation of creation” was also based on two. Jesus uses semantically identical terminology (ἀρχῆς κτίσεως, “the beginning of creation”) and cites one of these two proof texts (Gen.1.27). The similarities are too striking to be accidental, though there is no reason to believe that there is any dependency. In both cases the argument is stated in such an abbreviated form that it is unlikely to convince anyone who was not already familiar with it, so it is likely that this exegesis was already widespread and they were both referring to it.

Polygamy was allowed in Mosaic Law³⁴ and was still practised in Palestine in the first century (Josephus *Ant.* 17.14; *War* 1.477). The practice continued to be part of rabbinic law for several centuries, though only in special circumstances,³⁵ and was finally ended in the eleventh century.³⁶ Rabbinic teaching recognised that polygamy was sometimes necessary in order to fulfil the law of the levirate wife, though they tried to limit the burden of this law by finding circumstances which made it unnecessary.

The conservative reading in Targum Onqelos may reflect a distancing from the new campaign against polygamy, though it is more likely to reflect the relatively literal translation of the Hebrew text which generally characterises this targum. Citations of Hebrew Bible in rabbinic literature almost always reflect the text preserved by the Masorites, so it would be surprising if they included the word “two”. What is surprising is the fact that the Damascus Document, unlike Jesus, fails to cite Genesis 2.24 with the word “two” when it is presenting arguments against polygamy. Perhaps they thought that the argument based on “male and female” was sufficient, while Jesus did not. More likely they were constrained by the fact that they were writing in Hebrew, so adding the word “two” might be perceived as an alteration to the divine text, whereas Jesus was speaking in Aramaic or Greek so the addition of a word would be perceived as a targumic interpretation. Qumran was not averse to quoting variant forms of the Hebrew text, and they seem to have made a habit of collecting variants, but perhaps they were reluctant to construct variants which did not already exist.

We may therefore come to the tentative conclusions that this reading in the Palestinian Targum reflected a growing rejection of polygamy which had already started at the time of the Damascus Document and was gaining momentum among some streams of Judaism before 70 CE. After 70 CE the orthodox position of Torah reasserted itself for a few centuries, albeit with some unease.

Example: Rachel weeping for children killed by Herod

Sometimes traditions which are impossible to date help us with texts which are difficult to understand, like the three Old Testament citations in Matthew 2. Modern

³⁴ Ex.21:10f; Deut.21:15-17.

³⁵ Justin Martyr says that Jews practised polygamy (*Dial.* 141). A few rabbis had more than one wife: Tarphon (early 2nd C, tKet.5:1), Rab, & R. Nahman (early 3rd and start of 4th C respectively, bYom.18b // bYeb.37b). Tarfon (from a priestly family) betrothed 300 girls so that they could eat priestly food in a time of famine. Rab and Nahman had a second wife in another city which they visited regularly, probably so that they could provide hospitality for visitors.

³⁶ The Herem of R Gershom of Mayence (960-1040) finally prohibited it (Responsa “Asheri” 42.1), probably in 1030 at Worms (the document has not survived).

readers find little connection between these citations and the story, other than isolated words or ideas, so they are generally dismissed as ‘proof texts’. But for readers who were familiar with the stories told in Aramaic-speaking synagogues, these three texts concerned an ancient story about Laban and highlighted its links with the star, the infanticide, the dream, and coming out of Egypt.

Laban was a supernatural enemy of Jacob and his children. He became his enemy probably because his daughter Rachel stole his idols when she fled from Laban with her husband Jacob (Gen.31.30-35). In Genesis, Laban and Jacob eventually part peacefully, but in the stories alluded to by Targum Pseudo-Jonathan Laban still had murderous intentions towards Jacob’s family (TgPsJon.Gen.32.3). When Rachel died at Bethlehem of Ephrath, Jacob’s family encamped nearby at the Tower of the Sheep (Gen.35.16-21), which is where the Messiah will be revealed (Mic.4.8; TgPsJon.Gen.35.18). To preserve the future Messiah, God told Jacob in a dream to take his family to Egypt for safety from Laban (TgPsJon.Gen.45.27–46.4). When they left Egypt, Laban (who was now called Balaam - TgPsJon.Num.22.5³⁷) attacked them and killed many of them, and Rachel wept over them (Jer.31.15[14]). She was, of course, long dead, so either she was resurrected (as suggested by some later rabbis³⁸) or she foresaw it when weeping on her deathbed.³⁹

We can piece the story together from the references to it in Targum Pseudo-Jonathan.⁴⁰ The translation is based on Michael Maher’s in the McNamara’s *Aramaic Bible* series in which italics indicate variation from the Hebrew text.

Gen.35.18: As [Rachel’s] soul departed—for death came upon her—she called his name “Son of my Agony”; but his father called him Benjamin. 19. And Rachel died and was buried on the way to Ephrath, that is Bethlehem. ... 21. *Jacob* journeyed on and pitched his tent beyond the Tower of the Flock, *the place from which the King Messiah will reveal himself at the end of days.*

Gen.45.27—46.4: When [Jacob’s sons] recounted to him all the words that Joseph had spoken with them, and when he saw the carriages that Joseph had sent to take him, the spirit of prophecy which had departed from him when they sold Joseph, returned and rested upon their father Jacob. 28. And Israel said, “*The Lord has done many good things for me; he delivered me from the hands of Esau and from the hands of Laban, and from the hands of the Canaanites who pursued me; and I have seen and expected to see many consolations. But this I did not expect: that* my son Joseph was still alive. I will go then, and see him before I die.” 46.1. Israel set out with all that was his, and came to Beer-sheba, and offered sacrifices to the God of his father Isaac. 2. *The Lord* spoke to Israel in a prophecy of the night and said, “Jacob! Jacob!” He said, “Here I am.” 3. And he said, “I am God, the God of your

³⁷ Later rabbis suggested that Balaam was Laban’s son (b.San.105a), perhaps in a vain attempt to overcome the chronological impossibilities of this story.

³⁸ See Gen.R.84.11. Rachael was dead even before they went into Egypt, but Joseph had dreamed that his mother and father would bow down to him, so she must have been resurrected by that time in order to fulfil the dream.

³⁹ Gen.35.17-18 says the midwife tried to comfort her, but she called her boy Son of my Agony (בן־אגוֹן). Jeremiah appears to create a midrash from this when he says she “refused (וְלֹא־קִבְּלָהּ) to be comforted for her children who are not (בְּנֵי־אִשָּׁה)”.
⁴⁰ This story was first pieced together by Daube who also used sources outside the Targum. See David Daube, “The Earliest Structure of the Gospels” in Calum Varmichael, ed. *New Testament Judaism: Collected Works of David Daube*, 2 vols (Berkeley, Ca: University of California, 2000) pp. 329-341.

father. Do not be afraid to go down to Egypt *because of the slavery which I decreed with Abraham*; for there I will make of you a great nation. 4. *It is I who in my Memra will go down with you to Egypt. I will look upon the misery of your sons, but my Memra will exalt you there; I will also bring your sons up from there.*

Num.22.5. [Balak] send messengers to *Laban the Aramaean, that is, Balaam (for he sought to swallow the people of the house of Israel)*, the son of Beor, who *acted foolishly from the greatness of his wisdom. He did not spare Israel, the descendants of the sons of his daughters;*

When God told Jacob in the dream to take his son to Egypt, he said “I will also bring *your sons up from there*” (TgPsJon.Gen.46.4). One particular son is in mind because at Exodus 1.15 the targumist has the Egyptian magician tell Pharaoh: “*A son is to be born in the assembly of Israel, through whom all the land of Egypt is destined to be destroyed.*” The messianic interpretation was prompted perhaps by the use of singular “seed” in 46.7,⁴¹ in the light of the collective singular “seed” (זרע) which God promised to Abraham (e.g. Gen.12.7; 15.5, 18; 17.7, 9; 22.17; 26.24; 28.14).⁴²

Matthew provides all the links for this story without having to tell it, because his readers would already be familiar with it, and he uses Old Testament quotations to remind them of the various scriptures which contribute to this story. The Laban story is linked to Matthew’s narrative by the star (which was prophesied by Balaam, Num.24.17), the prophecy about Bethlehem of Ephrath, the dream telling them to escape to Egypt till God calls his son out of Egypt, and Rachel bewailing the children killed by Herod who is like Laban. This last comparison is perhaps the whole point of the links with the story of Laban, because it suggests that the act of Herod himself has been prophesied.⁴³

Although dating these targumic traditions is impossible, their antiquity can be verified in a circular way. The fact that these traditions reveal a unified structure and message for a chapter which otherwise appears to contain disparate and unrelated citations, suggests that it is close to what was in the mind of the author. He presumably assumed that his readers would be familiar with these stories, so the allusions he made were sufficient for them to follow his line of thought. We do not know when Targum Pseudo-Jonathan was finally edited, but much of the editing was probably done soon after 70 CE. These traditions must be older than the editing of the Targum because the story is never told but only alluded to, so the readers of the Targum must have been already familiar with it. These traditions are also linked to the messianic expectations which had been identified in the collective singular “seed” in the promises to Abraham, which was already known by the time of Paul (Gal.3.16). Therefore it is likely that these traditions in Targum refer to a story which was already well known in the 1st C.

⁴¹ Other uses of singular “seed” with a messianic interpretation are found in 2Sam.7.12 and 4QFlor=4Q174.10f; cf. Gal.3.16.

⁴² Arguments based on the singular and plural of “seed” are also found in m.Shab.9.2, 7 in traditions which date from late 1st C and 2nd century, as well as Gal.3.16.

⁴³ Daube points out that Laban is often called “the Aramean” (as in TgPsJon.Num.22.5) while Herod was often called the Idumean (to remind everyone that he was only a Jew by annexation of a neighbouring country) and these two are very similar (לרומי and לרומי respectively).

Results so far, and the way ahead

It is too glib to complain, as Crossan does, that the use of Jewish background has merely resulted in a multitude of different versions of Jesus. He lists "Jesus as a political revolutionary by S. G. F. Brandon (1967), as a magician by Morton Smith (1978), as a Galilean charismatic by Geza Vermes (1981, 1984), as a Galilean rabbi by Bruce Chilton (1984), as a Hillelite or proto-Pharisee by Harvey Falk (1985), as an Essene by Harvey Falk (1985), and as an eschatological prophet by E. P. Sanders (1985)."⁴⁴ To this could be added presentations of Jesus as a peasant by Meier, as a sage by Ben Witherington, as a torah-observant rabbi by Crossley, and of course as a itinerant philosopher by Crossan himself!⁴⁵

It is not surprising that aspects of Jesus' teaching and lifestyle should be mirrored in a multitude of ways in the multi-faceted textures of Judaism which existed in early first century Palestine. If, instead, we found that Jesus was a straight-forward character with a single simple message and a lifestyle which clearly illustrated it, then we might suspect that his life story been invented as a vehicle for that message. But if Jesus was indeed an historical person, and not just a fictional construct by a sect, then we would expect to see him interacting with the various different subcultures and religious mindsets of this complex society. If he was a sensitive teacher, he would modify his language and actions to communicate to the audience he was addressing. And if he was a truly original thinker we would find him melding one concept from here with another from there in a unique and self-coherent way. In other words, the more we find out about the society he lived in, the more facets of his teaching and actions we are likely to recognise as interactions with and reflections of the thoughts and actions of others.

Rabbinic traditions have been previously neglected, mainly due to the problem of dating, but progress is now being made in this area, so the situation looks hopeful. Careful dating is especially important for studying rabbinic theology, as illustrated by the work of Young on the parables.⁴⁶ The theology which he found in rabbinic parables is so similar to that of Jesus in almost every respect, that one is left wondering why Jesus experienced any conflict with his contemporaries. But most of these parables come from after 70 CE, when Yohanan b. Zakkai had started the process of restating Jewish theology on the basis of "God requires mercy, not sacrifice" (Hos.6.6 cited at ARNa.4⁴⁷), exactly as Jesus had done forty years

⁴⁴ John Dominic Crossan *The Historical Jesus: The Life of a Mediterranean Jewish Peasant* (San Francisco: HarperCollins; Edinburgh: T. & T. Clark, 1991), xxvii-xxviii, referring to S. G. F. Brandon, *Jesus and the Zealots: a study of the political factor in primitive Christianity* (Manchester: Manchester U.P., 1967); Morton Smith, *Jesus the magician* (London: Gollancz, 1978); Geza Vermes, *Jesus the Jew: a historian's reading of the Gospels*, rev. ed. (Philadelphia: Fortress, 1981), and *Jesus and the world of Judaism* (Philadelphia: Fortress, 1984); Bruce D Chilton, Bruce Chilton, *A Galilean rabbi and his Bible: Jesus' Use of the Interpreted Scripture of His Time* (Wilmington, DE: Glazier, 1984); Harvey Falk, *Jesus the Pharisee: a new look at the Jewishness of Jesus* (New York: Paulist Press, 1985); E. P. Sanders, E.P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1985).

⁴⁵ John P Meier, *A marginal Jew: Rethinking the historical Jesus*, 3 v, (New York: Doubleday, 1991); James G Crossley, *The date of Mark's Gospel: insight from the Law in earliest Christianity*, *Journal for the Study of the New Testament Supplement Series (JSNTS)*, 266 (London: T & T Clark, 2004); Ben Witherington, *Jesus the seer: The progress of prophecy* (Peabody: Hendrickson, 1999)

⁴⁶ Young, *Parables*.

⁴⁷ ARNa.4: "Once as Rn. Johanan b. Zakkai was coming forth from Jerusalem, R. Joshua followed after him and beheld the Temple in ruins. 'Woe unto us!' R. Joshua cried, 'That this, the place where the iniquities of Israel were atoned for, is laid waste!' Rn. Johanan b. Zakkai said to him, 'My son, be

previously (Mt.9.13; 12.7). Comparing the theology of post-70 CE Judaism with that of Jesus is therefore like looking at the writings of the Catholic Counter Reformation and wondering why the Church had problems with Luther's teaching.

The pervasiveness of rabbinic law in Palestinian society has also been doubted in the past, because it was felt that peasants and traders would not be concerned with the minor disputes of insular and fanatical religious scholars. A greater awareness of the Islamic world has enabled us to see societies where religious topics are part of normal conversation and where scholars play a central role in guiding everyday decisions. Archaeology has demonstrated the presence of expensive stone vessels throughout Palestine, and immersion pools carved out of the limestone in the basement of almost every excavated dwelling, which suggest that the whole nation was concerned to keep purity laws, even in private.

The Mishnah, too, demonstrates the assumption that even non-pious individuals carry out the stipulations of the Written Torah, though not necessarily the Pharisaic Oral Torah. The tractate of *Demai* ('doubtful' tithing) is concerned to make sure that people set aside the 1% minor heave offering (i.e. a tithe of the first tithe), and helps the pious to cope with food where this may not have been done. However, the tractate assumes that the major heave offering (which is clearly demanded in Torah, unlike the minor heave offering) has been removed from all foodstuff grown in Palestine, even by the so-called 'people of the Land' (*am ha-eretz*), and not even those who practise extreme purity needed to worry about it.

It would be wrong to assume that the scholarly rabbinic disputes were of general interest to the population, except where they had public practical consequences, but these disputes tell us a great deal about what the general population *did* practice and believe. The fact that the Hillelites and Shammaites disputed about the latest date when one was allowed to work a field before the Sabbath Year (m.Shebi.1.1, 2.1; t.Shebi.1.5), suggests that only the details were disputed and the Sabbath Year itself was generally observed in Palestine (as confirmed by Jos.War.14.475). This may explain why Paul made a collection for a famine which would have been over by the time he delivered the money – if the famine occurred world-wide in a year before the Sabbath year, he would know that Palestine would be desperately needy during the next year. The fact that Hillel and Shammai disputed whether a dough offering was required from a small batch of loaves (m.Ed.1.2) suggests the general belief that large batches *were* liable. This general observance of putting aside a dough-offering may explain the 'fragments' which were carefully collected after feeding the thousands, because significant quantities of dough offering could not be destroyed or left for the birds but had to be taken to the Temple for distribution to the priests.⁴⁸

Some scholarly disputes were of great importance to the general population, such as whether or not one may rescue or heal people on a Sabbath (as discussed above). Many people would also be affected by the Shammaite criticism of the new ground

not grieved; we have another atonement as effective as this. And what is it? It is acts of loving-kindness, as it is said, *For I desire mercy, and not sacrifice* (Hos.6.6).” The saying is attributed to R. Johanan b. Zakkai [T1] by R. Joshua [T2]. The attribution is probably for polemic reasons and is unlikely to be accurate, and so it should be dated to R. Joshua who wished to discourage the coming war by those who wanted to rebuild the Temple—see Jacob Neusner, *Development of a Legend: Studies on the Traditions concerning Yohanan Ben Zakkai*, Studia post-biblica, no. 16 (Leiden: E.J. Brill, 1970), pp. 113-14.

⁴⁸ These issues are discussed in detail in *TRENT* 1, 221-258.

for divorce called “Any Cause” which started to be used almost universally during the early first century⁴⁹. It is not surprising that Jesus was specifically asked about this, nor that he sided with the Shammaite plain reading of the Torah against the atomistic exegesis of the Hillelites.⁵⁰ Other rulings of Oral Torah caused severe practical problems for poorer people, such as the rules about tithing herbs (m.Maas.4.5), which required separate tithing vessels to be kept pure for each tiny portion (t.Ter.2.5). This ruling was being introduced during the early first century, so it is not surprising that Jesus commented on it (Mt.23.23; cf. Lk.11.42), and on this occasion his view was closer to that of the Hillelites who looked for ways to limit the number of herbs which required tithing (m.MS.2.3-4).

In some matters, rabbinic traditions merely add colour to the Gospel accounts, and in others they are essential for understanding them. If we did not know that collecting boxes had a trumpet-shaped inlet on which you can bounce your coin into the hole (m.Sheq.2.1; 6.5), we might miss the significance of Jesus warning about ‘trumpeting’ your offering (Mt.6.2). If we did not know about the general belief that the reward for good deeds was ‘treasure in heaven’ plus an ‘interest payment’ of good things in this life (m.Pea.1.1; t.Pea.4.18), we would not notice the pointed absence of this ‘interest payment’ in Jesus’ teaching (Mt.6.19-21 // Lk.12.33-34; Mt.19.21 // Mk.10.21 // Lk.18.22).

These examples illustrate both the potential for rabbinic literature to flesh-out a historical Jesus of the Gospels, but also the danger of glibly using sources which originate after the writing of the Gospels. Although such dating of rabbinic traditions is often difficult, the attempt is necessary if we are to understand the historical Jesus in relation to the large sections of Jewish society which are revealed in this literature.

⁴⁹ Philo *Spec.Leg.*3.30 (II 304), “Another commandment is that if a woman after parting from her husband for any cause whatever...” (καθ’ ἣν ἂν τύχη πρόφασιν); *Jos.Ant.* 4.253 “He who desires to be divorced from the wife who is living with him, for whatsoever ground ...” (καθ’ ἄσδηποτοῦν αἰτίας); 1st C rabbinic dispute, “The School of Shammai says: A man should not divorce his wife except if he found indecency in her, since it says: For he found in her an indecent matter [Deut.24.1]. And the School of Hillel said: Even if she spoiled his dish, since it says: [Any] matter.” (Sifré Deut.269. See also mGit.9.10; ySot.1.2, 16b).

⁵⁰ David Instone-Brewer, *Divorce and remarriage in the Bible: The social and literary context* (Grand Rapids, Michigan: William B. Eerdmans, 2002), 110-117.