

The Development of Halakhah and its Role in the New Testament

Before anyone studies the New Testament, some serious preparation needs to be undertaken or many of its statements and terms will be misunderstood and continue to be ongoing misperceptions and error-filled Church doctrines that are spoken from the pulpit. So, my goal today is to give you, the serious Bible student, a new tool along with a new perspective to use when studying the New Testament in general. This will not apply to any Old Testament study for reasons that will soon be apparent.

Our subject is: The development of Halakhah (Jewish Law) and its role in the New Testament. What we are about to discuss is a subject that on the surface might sound as though it belongs in a Jewish Yeshiva or perhaps at a Theology School. That this subject is utterly absent in the thoughts, writings and conclusions of even the highest-level Bible commentaries, modern or ancient, makes it all the more important that we address it and try to get the ball rolling on including it in a Believer's proper understanding of the New Testament. I submit to you that any Believer of average intelligence and education can understand what we're about to undertake; so, don't let the title or the subject cause you any anxiety. For any Believer in Yeshua who wants to truly understand Messiah's commandments and principles as He intended them, and who wants to comprehend and respond appropriately to the theology spoken by the Bible character whom the Constantinian Church relies upon the most for her doctrine... the Apostle Paul... the subject of Halakhah (Jewish Law), as it was and as it developed during the 2nd Temple period, is the lynchpin for comprehension. This is because the latter part of the 2nd Temple period (when Yeshua, John, and Paul were alive) is when the subjects and writings of the New Testament were composed.

Let's begin by defining some terms that we'll use extensively today. **The 2nd Temple period** refers to the time of the existence of the Jerusalem Temple that was re-built after the Babylonians invaded Judah, destroyed the Temple, and exiled the people. The 1st Temple built by King Solomon was destroyed shortly after 600 B.C. by Nebuchadnezzar after it had stood for a little over 300 years. The building of the 2nd Temple was sufficiently completed to consecrate it back into service in 516 B.C. So, the 2nd Temple period can be said to begin in 516 B.C.

and it ran until it, too, was destroyed in 70 A.D. this time by the Romans. The 2nd Temple period, then, continued for 6 centuries although there were many additions, repairs and remodels along the way such that some scholars think that the final remodels by Herod the Great were so extensive that the Temple that the Romans finally destroyed ought to be called the 3rd Temple. Be that as it may, for our purposes today we shall call it the 2nd Temple.

The next term we need to know is **Halakhah**. This Hebrew word means “the way”. So, when we find Yeshua or the Apostles or the earliest Believers refer to the Jesus movement as “The Way”, it is but employing that ancient Hebrew term **halakhah**. There are several alternative and approximately synonymous terms for this Hebrew word as used in Judaism such as Oral Law, Rabbinic Law, and Traditions of the Elders (a term used by Yeshua in the Gospels). But the most popular English term is Jewish Law. Put simply, **Halakhah**, Jewish Law, is NOT the same as the biblical Law of Moses; it is a different set of laws. It is a manmade fusion of some interpretations of the Laws of Moses along with ancient Jewish/Hebrew cultural customs, and with Oral Traditions and religious rulings handed down by the Jewish elders (later on these elders gained the name Rabbis). Oral Traditions are just as the word implies; they are behaviors and rulings and ways of doing things that were decided upon by Sages and elders and handed down from generation to generation NOT in written form, but by word of mouth. Generally speaking, these Traditions equate to what Christianity would call doctrines. They are rulings and interpretations of Bible passages that purport to properly explain the meanings of biblical statements and principles (whether they actually do or not is another matter). They were then transformed to required societal rules and behaviors. In fact, most Rabbis would tell us that these Oral Traditions were given to Moses on Mt. Sinai (or maybe after he came down from the mountain) by God, but they were not written down and have been transmitted mouth to ear ever since. The reality is that the Torah itself, those first books that we find in our Bibles, were also at first mostly oral and handed down by word of mouth, although clearly some of it was written down right away. In Jewish thought these Oral Traditions, then, carry a great deal of authority and generally are seen as carrying about the same weight as Holy Scripture. This is why they are often called **Oral** Torah as opposed to the **written** Torah (meaning the first 5 books of the Bible).

The next term I want to define is ***synagogue***. Synagogue is not the early New Testament word for "Church". Synagogue comes from the Greek ***synagoge***, which in English means to gather. Congregation or assembly comes from the Greek word ***ekklesia***. The term Church is a much later term that is nowhere found in the New Testament. So immediately we see that these are different words denoting different things. Synagogue did not originally mean a building people met in. Rather synagogue represented an entire system of religion in the same way that we think of Church as representing an entire system of religion. It's only that in time the building where the people met who belonged to each system gained the name of synagogue in one case, and Church in the other. What is pertinent for our discussion is that synagogue applies to a Jewish religious system that wasn't in existence prior to the Babylonian exile. And, it was only about the people who observed and practiced the Jewish religion (popularly known as Judaism) and has no connection to Church, which is an exclusively gentile faith.

So, what I want to talk with you about today is the development of Jewish Law, best called ***Halakhah***, during the 2nd Temple period because of its significant impact on the actual meaning of the activities and speeches and words and instructions that form the New Testament. The vocabulary of the New Testament reflects the 1st century A.D. Jewish culture that lived within the rules and boundaries of Jewish Law. However, delving into this subject is fraught with difficulties due to the indirect nature of the ancient sources that deal with it. Also, because Jewish scholars give little credence to the Christian source of history for the 2nd Temple period, the New Testament, and Christian scholars give little credence to Jewish sources of history for this same period; a sort of academic tit-for-tat. Thus, it has been tough to put the two pieces together to form a more thorough understanding.

I shall rely largely on the outstanding works of Joseph Shulam, Aharon Shemesh, David Flusser and Steven Notley, along with a smattering of others and my own research.

From a biblical chronological standpoint, the Old Testament only covers the first hundred years or so of the 2nd Temple period, and we read about those times in the books of Ezra and Nehemiah, and in the Prophet Malachi. The next time our Bibles will deal with the 2nd Temple period is at the opening of the New Testament,

which chronologically begins just a few years before Christ's birth. Thus, when speaking about what the Bible can tell us, we know little of the goings on in the Temple or in the Holy Land in general during about a 400-year time span that Pastors and theologians like to call the Silent Period because it lies in between the end of the Old Testament and the beginning of the New Testament. What we do know of this 400-year time period has, until recently, come mostly from the Books of the Apocrypha that the Catholic Church and the Eastern Orthodox Churches have retained as part of their Bibles, but which Western Christianity has long since eliminated from our Bibles as unworthy of inspired status. The other two ancient sources are Philo of Alexandria, Egypt, and Josephus, both of who were Jews by birth. Thus if, as Western Christianity has done, we refuse to acknowledge anything but the New Testament as authoritative or even merely informative about this era, we have a sizeable void in our knowledge of the development of the religion of the Jewish people and in the development of the theology presented in the New Testament.

Why should this be that import to us? How that does this reality impact modern day Believers in Christ and what we believe and tell us about how we ought to live our redeemed lives? First and foremost is that in all eras a culture of people is defined by several elements. Things like their customary dress, the way their society is ordered, their family value systems, the sorts of occupations that are desirable versus those that are shunned, and the local language all work together to define a group as a unique and recognizable culture. But perhaps the most significant elements that define any culture are their language and their religion. It has been that way throughout antiquity and remains so through modern times (even though secular humanism has as its goal to remove religion as one of the defining elements of a culture of people).

The entire cultural backdrop of the New Testament, then, is a Jewish/Hebrew society including, of course, the religion that the Jews universally practiced: what we will call Judaism. The only reason I added "what we will call" to end that sentence is that technically the term Judaism didn't exist in the New Testament era. Better it was known as the religion of the Judeans. But, to simplify our communication, it works to call it Judaism.

Our understanding of the development and enormous influence on Jewish society of **Halakhah** (Jewish Law) is also important because all the characters of the Bible who are defined as Jews belonged to that same core religious faith; Judaism. Whether we're talking about the infamous Herod or even about Yeshua, Paul, Judas, John the Baptist, John the Revelator, the High Priests, or the lowliest leather tanners and fishermen, if one identified themselves as a Jew they automatically practiced one form or another of Judaism, belonging to one or other of its several sects. If they did not practice Judaism, they disqualified themselves as cultural Jews regardless of any claim they might make to their genealogy or heritage and so were viewed (generally speaking) as having apostatized and converted to gentiles.

The final reason that we must learn about the impact of Halakhah on the interpretation of New Testament books is that (because of the first two points I just made) the words, terms, expressions and phrases chosen by the writers of the New Testament (all of the books were written by Jews except perhaps Luke and Acts) reflect a Jewish culture, Jewish mindset and Jewish worldview. Although the earliest manuscripts of the New Testament that we have are written in Greek, the culture and thoughts and the expressions that are attempting to be expressed are entirely Jewish (even if the Greek necessarily masks this reality). So, this use of Greek language to transmit Hebrew thought and culture means we, as Bible students, have to do some extra digging (more than simply a word for word translation can allow for) in order to ascertain what certain words and phrases meant to the people of that day because the bottom line is that what those words meant to those Jews are intended to impart the same information to us in modern times or in any age. And since the New Testament and the Old Testament were written by and for a Jewish culture, it is intellectually dishonest, and a hindrance in our walk with God, to go on pretending as though we can treat the words of the Bible as representing some kind of mystical universal or generic culture that transcends every age and society. Scripture passages must be interpreted from the perspective of the people who thought them, spoke them, and wrote them. And as regards the New Testament, those people were Jews who lived in a Jewish society, under huge social pressure from their gentile Roman occupiers to assimilate into a pagan Hellenistic culture in the first few decades of the 1st century A.D.

Therefore, the first question on the table is: where did **Halakhah**, Jewish Law, come from and when did that happen? **Halakhah** had its origins in the synagogue system. Since **Halakhah** was orally transmitted and not written down, we only have indirect evidence to find its starting point. Since the Book of Nehemiah takes us to roughly 400 B.C. and there is no hint of an organized religious structure apart from the Temple and Priesthood at that time in history, then it seems that whatever form there was of a secondary Jewish religious system (that eventually came to be known as the synagogue) at first must have been informal. That is, we know from the books of Daniel and Ezra that certain elite leaders of Judah worked to keep the Jewish people connected to the God of Israel during their exile in the foreign land of Babylon. We know that the Jews were urged by their leaders to meet together, and that there was communal prayer and worship, but there is no evidence that it could be labeled as a newly designed formal system with its own name. What else is significant is that the former Temple priests played no significant role in this secondary religious system that a long time later came to be called Judaism.

However, a synagogue building discovered in Delos (a Greek island) has been dated to sometime before 150 B.C. Thus, a unique and readily identifiable building that has the standard features still found in synagogues built at a much later date makes it clear that the synagogue system of Jewish religion had become formal and well ordered not long after the time of Alexander the Great. So, it seems that fairly soon after the deaths of Ezra and Nehemiah a new form of Jewish religion...or perhaps it is better to say that a new addition to the Jewish religion... was created: the synagogue. Its purpose was apparently **not** to replace the Temple and the Priesthood but rather to supplement it. The synagogue seems to have been the result of a practical need for the Jews living in foreign lands (the Diaspora Jews) to have an identifiable system of religion and behavior, as well as an identifiable place to meet together to pray and worship, in order for the Jews to resist assimilation into the pagan gentile world. That is, they did this by maintaining Jewish cultural centers for the vast majority of Jews who now permanently made their homes among gentiles, hundreds and hundreds of miles away from the Holy Land and the Jerusalem Temple. But who would run this new institution and who would make the rules? It certainly would not be priests because they had no interest in creating a secondary Jewish religious system apart from the Temple. The synagogue would inevitably become a competitor in

some ways to the Temple system over which the priests already held exclusive control. So, the synagogue leadership would necessarily have to come from the non-Levites, non-Priests, and Jewish laymen and indeed that's what happened.

But now we have a problem. We know from archaeological discoveries that synagogues (representing a religious system completely apart from the Temple) existed at least 2 centuries before New Testament times. We know from the New Testament and other sources that in Yeshua's era **Halakhah** was already well established and accepted as a normal and usual part of Jewish society, and that there was even a religious/social/political party called the Pharisees who based their beliefs and behaviors entirely on **Halakhah**. So where are the documents that have the doctrines of the Pharisees written down so that they could teach them and enforce them? Answer: they didn't come into existence until after 200 A.D. when a document called the Mishna was created by Rabbi Judah the Prince. Up until that time **Halakhah** was a strictly oral practice. At least no one thought a written-down **Halakhah** existed until the finding and deciphering of the Dead Sea Scrolls.

When we think of the Dead Sea Scrolls we think of the Bible; and we typically picture the various Old Testament books written down and rolled up and hidden in desert caves near the Dead Sea, many of which are on display in the Shrine of the Book museum in Jerusalem. But in fact, part of that trove of documents that was discovered in the mid-1940's includes what is commonly called the Community Documents. These are the societal rules and rulings that the Essenes, a Jewish sect that was the writers of the Dead Sea Scrolls, imposed upon their community. And essentially what we have then, for the first time, is written down, verifiable Jewish **Halakhah**. Of course, it was only **Halakhah** that was recognized as authoritative for the Essene community. The Jewish Law practiced by the Pharisees was a somewhat, but not entirely, different Jewish Law than the **Halakhah** that the Essenes practiced. In fact, because there was no standardized, written **Halakhah** of the Pharisees, then various groups of Pharisees (Josephus identified 7 different sects of Pharisees) taught somewhat different **Halakhah** about a number of important societal and religious issues.

In the New Testament we hear of the famous schools of the Pharisees created by Gamaliel and Shammai; Paul attended the academy of Gamaliel. And as one

would expect there were substantial differences in the **Halakhah** taught between these two schools. In the same cases the Halakhah had such great differences that members of those 2 schools had violent, even murderous, confrontations as the time of the destruction of the Temple by the Romans grew near.

But then there was the sect of the Sadducees who claimed that they accepted no Jewish **Halakhah** at all; rather they accepted only the written Biblical Torah, the Law of Moses, as their authority. In other words, they didn't follow Oral Traditions (Jewish Law), they only followed the actual Biblical Law of Moses as given on Mt. Sinai (at least that was their claim). Here's the important thing to understand: because the Biblical Torah was written down (the same one that forms the first 5 books of our modern Bibles), and had been written down for at least 1000 years by the time of Christ, then the Sadducees had great unity among themselves as there was a single authoritative document for all to consult. We don't read of various sub-groups of Sadducees existing nor even of any infighting among Sadducees over theological issues like we do among the Pharisees. However, no matter how we want to characterize it, the Sadducees still had to **interpret** the Laws of Moses in order to make and enforce rulings on countless issues. After all, they were in control not only of the Temple but of the Sanhedrin, the Jewish high court, so it was mostly their rulings that were enforced upon the Jewish society. So, in reality the Sadducees essentially created their own set of **Halakhah** (although they would have denied it), just as the Church, who also claims the written Word of God as their authority, creates its own doctrines and defends them mightily and imposes them without compromise.

So, in New Testament times it was not the Torah of Moses but rather **Halakhah**, Jewish Law, that formed the basis of the Jewish religion that the common, everyday Jewish people practiced; the religion we now call Judaism. Knowledge of the Biblical Torah was the province of the Temple and Priesthood, but for the Jewish people it was entirely secondary to following the accepted norms of Jewish society that were enforced in the synagogues by means of **Halakhah**. But, there was no single, standard **Halakhah** for all Jews to follow in unity, thus there were endless arguments and debates among Jewish Sages and Rabbis and we witness some of these especially between the Pharisees and Jesus.

I mentioned earlier that Jewish Law went by several names; unfortunately for us it often was merely called The Law or law for short, and we find that shortened term used especially by Paul, the student of Gamaliel. And yet the term The Law could (and did at times) refer to the Law of Moses (the Biblical Law) as well. In fact, I propose to you that many times that we find Paul speaking of the Law, he is not at all thinking of the Laws of Moses (The Bible), but rather of **Halakhah**, Jewish Law, the Jewish tradition-based code of conduct taught in the synagogue, which had been the foundation of Jewish society for at least 200 years by Paul's day, and likely a few decades longer.

This understanding then compels us to read Paul more cautiously (and certainly differently) when we understand that sometimes when he speaks of the Law he is referring to **Halakhah**, and at other times he more means the Biblical Law of Moses. Is there a way we can tell which is which? Probably not every time; but generally, it is self-evident in the context (if one knows what to look for) and at other times the phrasing itself is a dead give away.

For instance, in Acts 24:14 Paul says that he believes everything that is written in the Law and the Prophets. This phrase (the Law and the Prophets) exactly mirrors what Christ said in Matthew 5:17 when he said not to think that He came to abolish the Law and the Prophets. The Law and the Prophets are 2 of the 3 divisions of the Hebrew Bible...the Old Testament; the 3rd is called The Writings. So, we need to take the words "the Law and the Prophets" as a well known and common Hebrew phrase that means the Old Testament. Therefore, clearly Paul and Yeshua are, in this case, speaking of Holy Scripture: the Torah Law of Moses and **not** Jewish Law, **Halakhah**.

But now let's take another example of Paul and his use of the word law. In a famous quote that is often to used by Christianity to claim that the Law of Moses has been abrogated, we read this in Galatians:

ESV Galatians 5: 1-3 *For freedom Christ has set us free; stand firm therefore, and do not submit again to a yoke of slavery. ² Look: I, Paul, say to you that if you accept circumcision, Christ will be of no advantage to you. ³ I testify again to every man who accepts circumcision that he is obligated to keep the whole law.*

This passage has always been contentious because nowhere in Jewish history have Jews ever thought of the Biblical Law of Moses as “a yoke of slavery”; rather this is but institutional defamation of the Old Testament by Christianity. And certainly, God the Father didn’t devise the Biblical Law to be a yoke of slavery and Yeshua never characterized it in such a way. The context is this: the people who Paul is thinking of are gentiles. And he says that if a gentile accepts circumcision (and in doing so they are formally converting to Judaism), then he must follow the “whole Law”. But what “law” is Paul talking about here? I maintain that in this context the “whole Law” that a former gentile must obey after having a circumcision (becoming a Jew) is **Halakhah**, Jewish Law; the rules and regulations that undergirds all of common Jewish society. Paul never says or implies that **God** demands that a gentile who becomes a Jew must obey all Jewish Law, because neither the Father nor the Son ever valid the authority of Jewish law...of Halachah...which is a manmade system. Rather it is that if one becomes a Jew, thereby taking on the societal obligation of the religion of Judaism, one has no other choice in Jewish society but to obey the locally accepted **Halakhah** (or they would be considered a heretic). Let me say this another way: in New Testament times Jewish society as a rule did NOT look to the Biblical Torah of Moses for its direction; rather it looked to **Halakhah**... Jewish Law formulated from centuries of traditions and customs.

If one asked a Pharisee a theological question, or inquired about a proper behavior or the right way to observe a holy day (such as Shabbat), that Pharisee would usually not consult or quote the Biblical Torah. Rather he would tell you to do thus and so, because that is how it has always been done. He would say that Sages from long ago decided this matter, and it has been handed down this way for a long time. So, the proof of the right thing to do is that it has been done that way since time immemorial. And by New Testament times the requirements of **Halakhah** had indeed become burdensome, at times confusing and conflicting, and was a constant cause for dissention and debate among the various sects of Judaism who competed for members. Often these traditions and rulings of Jewish Law resembled nothing like what the Scriptures commanded. Yeshua had this to say about **Halakhah**:

CJB Mark 7:5-8 ***⁵ The P'rushim and the Torah-teachers asked him, "Why don't your talmidim live in accordance with the Tradition of the Elders, but instead eat***

with ritually unclean hands?"⁶ Yeshua answered them, "Yesha'yahu was right when he prophesied about you hypocrites- as it is written, 'These people honor me with their lips, but their hearts are far away from me.'⁷ Their worship of me is useless, because they teach man-made rules as if they were doctrines.'⁸ "You depart from God's command and hold onto human tradition.

The Pharisees were numerous, they were the leaders of the synagogues, and so they were the leaders of the masses. When we understand that **Halakhah** was the unquestioned basis of Jewish society in New Testament times, then when we listen to Paul and to Yeshua, we learn that Christ did not set mankind free from the Laws of God, He set us free from the Laws of Man: **Halakhah**. For a modern Believer, then, we must do what Christ urged people to do in His day: set aside the long held manmade traditions and doctrines (what we might call Christian **halakhah**) that have pulled people far away from the intent and spirit of the Biblical Law of Moses, and instead we should go back to the Word of God and obey that. My brothers and sisters in the Lord, that is what we need to do in our day and time as well, as we wait expectantly for Messiah to return.

To that end my goal today has been to give you a new perspective and a new tool to read the New Testament. I regret that I don't have any kind of simple formula for determining with certainty when Paul or another New Testament writer uses the term "the law" that he means the Law of Moses, and when he means **Halakhah** (Jewish tradition). But now when you study you know to be aware that he could be, and will be, at times talking about **Halakhah** and other times is talking about the Law of Moses (the Torah). I also submit to you that when we find Paul speaking what Christian Bible commentators say is criticism about the Law of Moses... it means if that were true, Paul is running directly against his master Yeshua view point. Rather it is criticism of **Halakhah** trying override the Law of Moses.

Because the Synagogue and the Temple operated side by side, run by two different groups of people that at once acknowledged one another but also disagreed with one another on many issues, then what the New Testament tells us must be interpreted in that context.