

'The Traditions of the Elders'¹

(ST. MARK VII. 1-23).

BY THE REV. G. MARGOLIOUTH, M.A., BRITISH MUSEUM, LONDON.

I PROPOSE to single out for this occasion three points for special treatment:—

I. Who are meant by the 'Elders'?

II. In how far are the special traditions mentioned in this section of St. Mark in agreement with the evidence offered by Talmudical literature?

III. What was—so far as we are able to realize it—our Lord's exact attitude towards these traditions?

I. *Who are meant by the 'Elders'?*—Edersheim (*Life and Times of Jesus the Messiah*, vol. ii. p. 13), thinks that Hillel and Shammai, the founders of the two great rival schools named after them, are meant. Swete (edition of St. Mark, with notes, *in loco*), less Rabbinically learned, but more circumspect in the critical sense, says: 'Two great teachers such as Hillel and Shammai, or the scribes of former generations'; and one may add to Swete's remark, that there are some cogent reasons why it is preferable to think here of the scribes of former generations rather than of Hillel and Shammai. The theory prevalent among the Rabbis was that all their legislation dated back in one form or another to very ancient times, even to Moses himself, who was held to have received the oral law from Mount Sinai at the same time as the written law. As is well known, the Talmudic authorities were in the habit of finding a peg in the Biblical text for every ordinance which any new phase of development prompted them to make; and when driven into some unanswerable difficulty as to the ultimate source of their tradition, their answer was that Moses received it so from Sinai (הלכה למשה מסיני). But as Hillel and Shammai flourished no earlier than the time of Herod the Great, it is hardly likely that they were referred to as the ultimate authority for these traditions. It is true that it was they who introduced some fixed legislation on the 'washing of hands,' but they must themselves have referred the ordinance, in germ at any rate, to previous times. In the Talmudical passage, indeed (the tractate

Shabbath, fol. 14^b), where this ordinance of Hillel and Shammai is recorded, another authority declares that King Solomon instituted it. This looks something like confusion, and it also seems to conflict with the general principle that all Rabbinic legislation was delivered orally to Moses on Mount Sinai. But a reconciliation of the different statements could easily be found in the supposition that only the general idea of every kind of later legislation was delivered to Moses, and that the details were, like everything else, to be developed gradually. Herein lies, of course, a great philosophic truth, and the great question is—as it indeed was in the time of Christ—whether the development proceeded on moral and spiritual lines, or whether formalism of a more or less rigid kind was the result.

But to return to Hillel and Shammai. It is true that each of these two leaders was styled 'the Elder' (הזקן). But it must not be forgotten that the opening passage in the Mishnah tractate *Aboth*, known as 'The Sayings of the Jewish Fathers,' reads as follows:—'Moses received the *Torah* (*i.e.* in the Rabbinic sense both the written and the oral law) from Sinai, and he delivered it to Joshua, and Joshua delivered it to the "Elders" (*i.e.* the Elders spoken of in Nu 11¹⁶ and Jos 24³¹), and the "Elders" delivered it to the prophets, and the prophets delivered it to the men of the Great Assembly (*i.e.* according to tradition, the Great Assembly formed in the time of Ezra and Nehemiah).' The suggestion here made is therefore that, in a vague sense, the 'Elders' in Mk 7^{3, 5} are the highest authorities who from generation to generation transmitted the traditions down to the time of the discussion here recorded.

II. *The special traditions named in Mk 7¹⁻²³ and the evidence of the Talmudical writings.*—Under this heading I desire to draw attention to a difficulty connected with the phrase *οἱ φαρισαῖοι καὶ πάντες οἱ Ἰουδαῖοι* in v.³, which has rather recently been accentuated by Dr. Büchler, the Principal of Jews' College, London, in a

¹ A paper read before the Lewisham Branch of the Central Society of Sacred Study, on January 24th, 1911.

paper read by him before the Cambridge Theological Society in May 1909, and published in *THE EXPOSITORY TIMES* for October 1909.

Dr. Büchler produces a considerable amount of evidence from Talmudical writings to show that the traditions named in vv.³⁻⁴ were at the time in question not binding on non-priestly Israelites, but that on the other hand the details given in these verses tally with the obligations that rested in the time of Christ on priests in connexion with their handling and eating of the priests' dues. Dr. Büchler's own summary of the result he arrived at is, as readers of *THE EXPOSITORY TIMES* may remember, as follows:—'The practice described by Mark can only have been that of priests, and not of lay Jews. The Pharisees in the report of Mark must have meant priests who had recently joined the ranks of the Pharisees, and had adopted the strict rules of purification instituted by the Rabbis for the priests in order to safeguard the levitical purity of the priestly dues. The Rabbis were the authors and expounders of these laws, but they had no occasion to observe them themselves. It is due only to Mark's generalizing statements . . . that scholars have formed an utterly erroneous view of the extent to which the rules of purification were observed in Galilee and in Judæa in the time of Jesus.'

Now, if Dr. Büchler's result had to be accepted as it stands, it is clear that *οἱ φαρισαῖοι καὶ πάντες οἱ Ἰουδαῖοι* would not only be too general a statement, but would stand impugned absolutely; for not even to 'the strictly orthodox minority, who supported the scribes'—as Dr. Swete explains the phrase—would the ordinances apply, if our Jewish friend's view had to be accepted without qualification.

But Dr. Büchler's main mistake lies in the double erroneous supposition, tacitly assumed by him, that, firstly, the evidence offered by the Gospel of St. Mark is in itself of no authority by the side of the Talmud; and that, secondly, the defilement spoken of in our Gospel is the full ceremonial uncleanness which is codified in the Talmudical passages to which he refers.

With regard to the first of these suppositions, it must not be forgotten that the Gospel of St. Mark and the Synoptic Gospels generally are at least as good an authority for the customs prevalent during, say, the first seventy years of the first century as the Talmud. The Gospel of St. Mark was, after all,

composed about 68 A.D.,¹ and the two other Synoptic Gospels probably only about ten years later, whilst the earliest part of the Talmud—the Mishnah—was not compiled before about 200 A.D. The statements in the Gospel are, moreover, set down in a clear and orderly form, whilst the Talmudic data are often involved in much obscurity, owing, no doubt, to the conflicting streams of tradition which had come down across the ages.

The second error inherent in the supposition in which Dr. Büchler's result rests is even more fatal to the soundness of his argument. Let it be granted that full ceremonial uncleanness, such as required strict codification at the time in question, applied only to sacred things and priests' dues, so that lay Israelites would be exempt from it, unless they voluntarily submitted themselves to severer forms of legalistic discipline than was in law required of them. But would it follow from this that a minor degree of uncleanness, not yet fully recognized in the codified system of ordinances, but nevertheless generally avoided by pious laymen with considerable strictness, did not attach also to ordinary articles of food if touched with unwashed hands, and also, under certain circumstances, to various kinds of vessels, etc., kept in the houses of non-priestly Israelites? Dr. Büchler, of course, agrees that the ordinances in question were, during the few generations that followed the destruction of the Temple, extended to ordinary persons and things. But does not this very fact prove the correctness of the theory here advocated? The strict codification of an ordinance is very often merely the final step in a course of development; and one has a right to assume that the formal extension of these rules of purification to the laity would not have been introduced, if they had not already taken root in the consciences and the conduct of the more pious of the people.²

Our argument concerning the double supposition on which Dr. Büchler's theory rests leads, therefore, to a result which may be briefly ex-

¹ Vv.³⁻⁴ in Mk 7 are, it is true, of the nature of an explanatory parenthesis, and may have been added by an editor of the original Mark; but even so, the high antiquity of the verses will hardly be disputed, and the main point is, besides, independent of vv.³⁻⁴.

² 'Two occasions when vessels of a lay Israelite had to be purified,' according to the strict codification of even earlier times, are mentioned by Dr. Büchler on p. 37, col. 2, of his article in *THE EXPOSITORY TIMES* above referred to.

pressed as follows:—The Talmudical records, though partly confused and uncertain, do show that the full and strict codification of the traditions, referred to in Mk 7, applied in the time of our Lord only to priests in relation to the more or less sacred things which they had to handle. But it is, both on the authority of St. Mark's Gospel and from the inference to be drawn from the Rabbinic records themselves, equally true that pious Israelites generally did, even in those early days, observe the same laws of purification as a matter of religious duty, though not yet strictly enjoined to do so by codified ordinances. They no doubt thought—and, from their point of view, rightly so—that what a priest might not do in a matter of this kind, a pious Israelite should not do either.¹ All we have to admit is that the meaning of the word πάντες in Mk 7³ must not be pressed. The customs referred to were no doubt—as for the most part they are among the orthodox Jews of the present day—'general' rather than 'universal.'²

III. *Our Lord's attitude towards these traditions.*
—We may, I think, venture to analyze this part of the subject as follows:—

1. Our Lord would, of course, encourage cleanliness in the handling of food as the outward and visible sign of inward and spiritual purity.

2. As the representative and true embodiment of reality, He would be indifferent and even hostile to the mere formal and ceremonial character assigned to the 'washing of hands' before meals

¹ One important point in Dr. Büchler's argument may be here specially referred to. He thinks that in our Lord's saying concerning the inability of food to defile the person whom it enters, the opinion is implied 'that the Pharisees taught that unwashed hands defiled the food, and the food in turn defiled the body inside!' 'This,' Dr. Büchler says, 'is contrary to early rabbinic law.' But here again there is a confusion between strictly codified law and a certain natural shrinking from eating that which has been touched by hands which either law or custom considers defiled. The fear of personal defilement must surely lie at the base of avoidance to eat with unwashed hands, whether strictly codified in this sense or not.

² Mr. J. H. A. Hart (*Jewish Quarterly Review*, xix. p. 628) suggests that the meals partaken of by the disciples in Mk 7 are to be regarded as sacred and sacrificial. This suggestion is interesting, but it is hardly likely that the idea of a sacrificial meal would apply to the apparently ordinary occasions referred to.

by the Rabbinic authorities of His day, except, of course, in cases where a true and sufficiently realized spiritual motive underlay the outward act.

3. But though indifferent and even hostile towards the mere ceremony, He would probably not have attacked it on His own initiative. His method would be rather that of implanting reality, and of causing unreality to be pushed out by the reality thus implanted.

4. In the instance recorded in St. Mark and St. Matthew, He was attacked first by His opponents on account of the neglect of the tradition by His disciples.

5. This gave Him an opportunity to show that whilst they were so very zealous about a ceremonial custom to which—apart from a possible, and in their case absent, spiritual motive—no moral value could be attached, they were all the time, in their legalistic casuistry, departing from the moral and spiritual principle divinely implanted in man's higher nature, and in part explicitly laid down in their own Torah, and travelling towards a goal of formalism from which the truly moral and spiritual essence could be eliminated to the extent of permitting a man to evade his obligation towards parents by means of a quasi-sacred legal fiction.

A detailed consideration of 'Corban' (Mk 7¹¹⁻¹²), referred to at the end of this paper, would require an article to itself. The reader may be recommended to compare with the usual explanation of it Mr. C. G. Montefiore's serious discussion in *The Synoptic Gospels*, vol. i. pp. 164-166, and Mr. J. H. A. Hart's rather paradoxical attempt at a solution of the difficulty (real or supposed) in his article in *J.Q.R.* xix. already mentioned. To the present writer it seems that, in our Lord's view, a vow like the one here spoken of, originating as it did in nothing but spite and cruelty, and having no connexion whatever with the pursuit of an ideal, should be null and void *ab initio*, and not require the formal legalistic annulling which the Scribes permitted, and even recommended. It does not seem that the οὐκ ἐτι ἀφιετε, κ.τ.λ. of v. 12 need necessarily be taken to go against this view. Dr. Edersheim's statement of the Rabbinic data (*Life and Times*, vol. ii. p. 21) is unfortunately incomplete.