

The Punishment of the Sabbath Breaker in Numbers 15:32-36

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Introduction

Numbers 15:32-36 describes the stoning of a man who was found gathering wood on the Sabbath day. This passage recalls the Fourth Commandment which requires rest on the Sabbath from routine work (Exod 20:8-11) including the gathering of manna (16:22, 26-27), cooking (vv. 23-25, 29-30), and the kindling of fire (35:2-3). A violation of the Sabbath regulation attracted the death penalty (31:14-15). The incident of the wood-gatherer is one of several instances in the book of Numbers where the penalty is inflicted on persons who disregard the covenant relationship of Yahweh with Israel.¹ The death penalty law and its implementation in the Old Testament have received several interpretations. For many the regulation seems harsh or even unjust, but the present study argues that to seek to understand the law solely from the viewpoint of ethics means to lose sight of its covenantal significance (cf. Exod 19-24).

Numbers 15 has long been considered one of the difficult passages in the book of Numbers.² The scholarly discussion centers around three

¹ For example, Num 11:31-33 narrates the death of a multitude of the Israelites when they despised the manna and demanded meat (vv. 4-6). The ten spies who brought discouraging report (14:1-12) fell in the plague (vv. 36-38). The death of Korah and company, who rebelled against Moses and Aaron, is recounted in 16:1-40. Finally, 25:1-18 records the death of twenty-four thousand at Baal Peor. In the first two instances, punishment is inflicted through divine plague, whereas in the last instance the people inflict the punishment.

² Jonathan Burnside, “‘What Shall We Do with the Sabbath-Gatherer?’ A Narrative Approach to a ‘Hard Case’ in Biblical Law (Numbers 15:32-36),” *Vetus Testamentum* 60 (2010): 60.

main questions: How does chapter 15 relate to chapters 13-14 and 16-17? What connection is there between the discernable units within chapter 15? And how should the statement *כי לא פרש מהייעשה לו* (“because it had not been explained what should be done to him,” 15:34)³ be understood? The first two questions require some analysis of structure as well as the thematic connections within chapters 13-17. The third question requires grammatical analysis of 15:32-36 within its immediate context as well as the larger context of the Fourth Commandment. A fourth question that this study raises borders on theodicy:⁴ why would a Sabbath breaker be stoned to death, and what continuity/discontinuity is there between the Christian church and the Old Testament regarding the death penalty? In what follows, an attempt is made to answer these questions.

Numbers 15 and Its Context

The book of Numbers covers a period of about thirty-nine years and records select events and interventions of Yahweh that colored the Exodus from Egypt, particularly the journey through the desert from the foot of Mt. Sinai to their encampment in the plains of Moab (Num 1:1; 10:11; Deut 1:3). These narratives depict both the history of the exodus and the centrality of the covenant. Overall, the book underscores the necessity of obedience as well as the tragedy of disobedience to Yahweh and His word.

D. T. Olson has proposed that the two censuses in Numbers 1 and 26 provide the major indicators of outline and theme in the book,⁵ with

³ Unless otherwise indicated, quotations from Scripture are taken from NKJV.

⁴ For the purposes of this study, the term “theodicy” is used with reference to how God deals with the problem of evil rather than confining it to the question of why there is evil and suffering in the world. For a recent discussion of theodicy, see for example Edward P. Meadors, “‘It Never Entered My Mind’: The Problematic Theodicy of Theistic Determinism,” *Bulletin for Biblical Research* 19.2 (2009): 185-214.

⁵ On the difficulty in discovering the structure of the book of Numbers, see Thomas Römer, “Egypt Nostalgia in Exodus 14-Numbers 21,” in *Torah and the Book of Numbers*, ed. C. Frevel, Th. Pola, and A. Scharf, *Forchungen zum Alten Testament* 2, Reihe 62 (Tübingen: Mohr Siebeck, 2013), 68. Some scholars would organize the material around three major geographical markers—Sinai, Kadesh, and the plains of Moab, e.g., Dennis Cole, *Numbers*, The New American Commentary, vol. 3B (Nashville, TN: Broadman & Holman, 2000), 36; G. B. Gray, *A Critical and Exegetical Commentary on Numbers*, International Critical Commentary (Edinburgh: T & T Clark, 1903); Philip J. Budd, *Numbers*, Word Biblical Commentary, vol. 5 (Waco, TX: Word Books, 1984); Elmer A. Martens, “Numbers: Theology of,” *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem A. VanGemeren (Grand Rapids, MI: Zondervan, 1997), 4:985.

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respect to its immediate audience: chapters 1-25 (first generation)⁶ and chapters 26-35 (second generation).⁷ Within chapters 1-25, chapters 11-25 constitute a cycle of rebellion and death, with the events of chapters 13-17 occupying a central place.⁸

Source-critical scholars generally hold that chapter 15 has little connection with what precedes (chaps. 13-14) and what follows (chaps. 16-17), a conclusion that is influenced by the assumption that chapter 15 is a late accretion from the postexilic period based either on Leviticus 4-5, 17-26, or Ezekiel 46.⁹ But a closer look at the narratives reveals strong

⁶ The first section begins with the census of the generation that left Egypt and their organization for the wilderness sojourn (chaps. 1-10). Then follows a series of rebellions (11:1-14:45; 15:32-36; 16:1-17:13; 21:4-9) interspersed with Yahweh's provision for forgiveness and cleansing through the ministrations of the priests (15:1-31; 18:1-19:1-22), as well as assurance of hope through military success (21:1-3, 21-35) and prophetic blessings (chaps. 22-24). Although much of chaps. 11-25 records the complaints, rebellions, and punishments of the first generation, these chapters also imply that Yahweh had "great compassion" for that generation (cf. Neh 9:16-21). The story of the first generation ends with the final rebellion of the people and the death of the remainder of its members in chap. 25.

⁷ D. T. Olson, *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch*, BJS 71 (Chico, CA: Scholars Press, 1985), 55; idem, *Numbers*, Interpretation: A Bible Commentary for Teaching and Preaching (Louisville, KY: John Knox, 1996), 3-7; idem, "Numbers, Book of," *Dictionary of the Old Testament: Pentateuch*, ed. T. Desmond Alexander and David W. Baker (Downers Grove, IL: InterVarsity, 2003), 612. Cole, *Numbers*, 37-65, has proposed a three-part structural outline of the book with in-depth thematic and theological analyses, but his structure basically builds upon the bi-partite division proposed by Olson.

⁸ Cf. Cole, *Numbers*, 240.

⁹ E.g., Gray, *Critical and Exegetical Commentary*, 169-170; Budd, *Numbers*, 166-173; Reinhard Achenbach, "Complementary Reading of the Torah in the Priestly Texts of Numbers," in *Torah and the Book of Numbers*, ed. C. Frevel, Th. Pola, and A. Scharf, *Forchungen zum Alten Testament* 2, Reihe 62 (Tübingen: Mohr Siebeck, 2013), 202-222; J. Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin, 1963), 175-178; A. Kuenen, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch* (London, 1886), 96; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Augsburg, 1995), 53; C. Nihan, "The Priestly Laws of Numbers, the Holiness Legislation, and the Pentateuch," in *Torah and the Book of Numbers*, ed. C. Frevel, Th. Pola, and A. Scharf, *Forchungen zum Alten Testament* 2, Reihe 62 (Tübingen: Mohr Siebeck, 2013), 109; P. Grelot, "La Dernière Étape de la Rédaction Sacerdotale," *Vetus Testamentum* 6 (1956): 174-189; M. Noth, *A History of Pentateuchal Traditions* (Englewood Cliffs, NJ: Prentice-Hall, 1972), 114; idem, *Numbers*, Old Testament Library (Philadelphia, PA: SCM, 1968), 116; J. Sturdy, *Numbers* (Cambridge: Cambridge University Press, 1976), 108-112; Baruch A. Levine, *Numbers 1-20: A New*

thematic connections within chapters 13-17. In these chapters, ten out of twelve spies incite Israel to rebel against Yahweh and His appointed leadership (chap. 13). Consequently, Yahweh destines the first generation to death in the wilderness (chap. 14) while reiterating His promise of the land of Canaan, with whose produce the second generation will worship Him (chap. 15). Although the first generation “will not see the land” (14:23), they are still required to be faithful to the covenant relationship and to instruct their children in the law (cf. 14:20, 40-43; 15:37-41). As such, any open rebellion was punishable, be it a direct infringement of the covenant stipulations as exemplified by the Sabbath (15:32-36) or insurrection against the appointed leadership (chaps. 16-17).

Further elements underscore the thematic unity of the material in chapters 13-17. First, the statement in 15:2—“when you have come into the land you are to inhabit”—provides a link with the events of chapters 13-14 where, after the rebellion following the scouting of the land (13:2), Yahweh still promises the land to their “little ones” (14:31).¹⁰ Notwithstanding Israel’s rejection of the land and the consequent condemnation of the first generation (chap. 14), chapter 15 emphasizes Yahweh’s grace in giving the second generation the hope of inheriting the land (vv. 2-3, 18-19).¹¹ Second, the delineation of the various sacrifices in vv. 1-21 picks up and builds on the theme of the land as one “flowing with milk and honey” (13:27; 14:8).¹² In this land, Israel will be blessed so abundantly that they will accompany the animal sacrifices with bounteous produce of the land (15:1-21). Third, verses 22-31 imply that while Yahweh graciously offers forgiveness of sins through animal sacrifices, these sacrifices do not expiate deliberate and defiant sin such as that of the spies in chapters 13-14 (cf. Lev 6:1-7).¹³ Fourth, the tassel

Translation with Introduction and Commentary, Anchor Bible, vol. 1A (New York, NY: Doubleday, 1993), 103-108.

¹⁰ Cf. Budd, *Numbers*, 168; Cole, *Numbers*, 56; Ronald B. Allen, “Numbers,” in EBC, vol. 2 (Grand Rapids, MI: Zondervan, 1990), 823.

¹¹ Martens, “Numbers,” 990; Budd, *Numbers*, 167; Olson, *Death of the Old*, 170-174; idem, “Numbers, Book Of,” 615; Roy Gane, *Leviticus, Numbers*, The NIV Application Commentary (Grand Rapids, MI: Zondervan, 2004), 620.

¹² For example, Achenbach, “Complementary Reading,” 209, has observed that the motif of an immense grape cluster in chap. 13:23 is picked up by the gift of wine in chap. 15:5, 7, 10, 24.

¹³ “The thrust of the entire passage reaches its climax in the broader context of Israel’s rebellion in rejecting the Promised Land and hence rejecting God. The nation’s defiance was an example of a sin of ‘a high hand’ in that they had symbolically raised

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regulation in 15:37-41 evokes the narrative of the spies through the use of certain words. In 15:39 Israel is called to look (ראה) at the tassels and remember God's law so that they do not explore (תור) and promiscuously pursue (זנה) after their own eyes (עין). This recalls 13:32-33 and 14:33 where the spies are said to have explored (תור) the land, seen (ראה) the giants, felt as grasshoppers in their own eyes (עין), and led Israel astray (זנה).¹⁴ Thus, the instruction on the use of tassels (vv. 37-41), while following directly from the wood-gatherer's incident, concludes both chapter 15 and chapters 13-15.¹⁵ Fifth, it has been suggested that by gathering wood on the Sabbath the man openly rejects the freedom from slavery and prefers a life of servitude in Egypt,¹⁶ a choice that Israel had already made in 14:2-4. The decision to gather wood on the Sabbath may serve to express the man's displeasure with the condemnation of the first generation and his choice to reject the covenant relationship (14:22-29). Sixth, the two acts of rebellion in chapters 15-17 seem to illustrate further the twofold theme of chapters 13-14: breaking of the covenant (13:31; 14:9-11) and rejection of the leadership (14:4). As the wood-gatherer's incident (chap. 15) is a demonstration of dissatisfaction with Yahweh's judgment in response to the breaking of the covenant, so the rebellion of Korah and company (chaps. 16-17) expresses dissatisfaction with Yahweh's chosen leaders. Roy Gane has noted that chapter 15 "with its thematic balance between God's justice and mercy and its strong warning against disloyalty, simultaneously makes Korah's revolt (ch. 16) appear more shocking and unreasonable to the listener/reader and places the Lord in a better light than if the narrative moved directly from one rebellion and divine judgment (ch. 14) to the next (ch. 16)."¹⁷ Together,

their fists in defiance of God, and for this there was no means of sacrifice that could deliver them from judgment" (Cole, *Numbers*, 252).

¹⁴ See also Jacob Milgrom, *Numbers*, The JPS Torah Commentary (New York, NY: The Jewish Publication Society, 1990), 126.

¹⁵ Cf. Budd, *Numbers*, 178; Joel S. Baden, "The Structure and Substance of Numbers 15," *Vetus Testamentum* 63 (2013): 361; David L. Stubbs, *Numbers*, Brazos Theological Commentary on the Bible (Grand Rapids, MI: Brazos Press, 2009), 141.

¹⁶ Tzvi Novick, "Law and Loss: Responses to Catastrophe in Numbers 15," *Harvard Theological Review* 101 (2008): 5, 13; Mathilde Frey, "The Sabbath in the Pentateuch: An Exegetical and Theological Study" (PhD. Diss., Andrews University, 2011), 125, 130. Frey has also summarized her observations on Num 15:32-36 in "The Woodgatherer's Sabbath: A Literary Study of Numbers 15:32-36," *Journal of Asia Adventist Seminary* 13.1 (2010): 1-11.

¹⁷ Gane, *Numbers*, 620; idem, "Loyalty and Scope of Expiation," *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 16 (2010): 261.

the three acts of rebellion in chapters 13-17 serve as examples of defiant sins (15:29-31),¹⁸ all of which occurred during the sojourn in the wilderness of Paran (cf. 13:3, 26; 15:32; 20:1).

Scholars have also questioned the unity within chapter 15.¹⁹ Some consider the chapter as a strange collection of cultic laws,²⁰ part of which is “the displaced conclusion of another legal section.”²¹ However, there is thematic unity within the chapter.

The introductory clause of Numbers 15:32 (“while the children of Israel were in the wilderness”) should not lead to the conclusion that the Sabbath narrative (vv. 32-36) is a late accretion and, therefore, out of place in time.²² Although the phrase “in the wilderness” can be used in the generic sense (e.g., Exod 5:1; Num 14:33), it often refers to a specific wilderness (e.g., Gen 21:20; Exod 15:22; 16:2; 18:5; Num 10:12; 20:1). In Numbers 15:32 the reference is probably to the “wilderness of Paran” (cf. 13:3, 26). Moreover, the transitional statement of verse 32a seems necessary because of the switch in genre from legal instructions in verses 3-31 to a narrative/story in verses 32-36. The transitional statement implies that the instructions of verses 1-31 were given in the wilderness of Paran where the incident of the spies occurred, and that while still in that wilderness the wood-gatherer rebelled despite earlier warnings (vv. 22-31).

¹⁸ See also Budd, *Numbers*, 174; Gane, *Numbers*, 622; Stubbs, *Numbers*, 140.

¹⁹ For a summary of views, see Baden, “Structure and Substance,” 351-354; Achenbach, “Complementary Reading,” 205; Novick, “Law and Loss,” 3-5; Frey, “The Sabbath in the Pentateuch,” 119; A. Noordtjij, *Numbers*, Bible Student’s Commentary, trans. Ed van der Maas (Grand Rapids: Zondervan, 1983), 138.

²⁰ Levine, *Numbers 1-20*, 386; Gray, *Critical and Exegetical Commentary*, 168; Noth, *Numbers*, 114; Sturdy, *Numbers*, 108; Gordon J. Wenham, *Numbers* (Leicester: InterVarsity Press, 1981), 126; S. Chavel, “Numbers 15:32-36—A Microcosm of the Living Priesthood and Its Literary Production,” in S. Shectman and J. S. Baden, eds., *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, AThANT 95 (Zurich: Theologischer Verlag, 2009), 45-56; Eryl Davies, *Numbers*, New Century Bible (Grand Rapids: Eerdmans, 1995), 149-150.

²¹ Milgrom, *Numbers*, 405. See also Novick, “Law and Loss,” 8. Recently, Baden, “Structure and Substance,” 356-357, has argued that the manna story of Exod 16 originally stood before Num 15:17-21, but see n. 29 below. See also Joel S. Baden, “The Original Place of the Priestly Manna Story in Exodus 16,” *Zeitschrift für die alttestamentliche Wissenschaft* 122 (2010): 491-504; cf. Achenbach, “Complementary Reading,” 225.

²² E.g., Novick, “Law and Loss,” 8; Milgrom, *Numbers*, 405; Noordtjij, *Numbers*, 138;

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Numbers 15:1-21 records various sacrifices and offerings. Verses 22-31 contain legal prescriptions for inadvertent sins (vv. 22-29) and defiant sins (vv. 30-31) applicable to both native and alien (vv. 29-30). Inadvertent sins, committed either by the congregation (vv. 22-26) or by an individual (vv. 27-29), can be atoned for (vv. 25-28). However, defiant sins are not expiable through animal sacrifices (vv. 30-31).²³ Verse 30 defines such sins as high-handed (ביד רמה) and blasphemous (גדף).²⁴ Defiance and blasphemy constitute an affront against Yahweh—a rebellion against His authority and His covenant.²⁵ Since atonement is not available for such sin, the perpetrator is to be “cut off” (כרת) bearing their own guilt (v. 31).²⁶ Within the context of cultic legislation of

²³ As Gane, *Numbers*, 625, has noted there are two kinds of intentional sins, namely (1) nondefiant deliberate sins that are expiable by mandatory purification or reparation offerings preceded by voluntary confession and any required reparation (Lev 5:1, 5-6; 6:1-7; Num 5:5-8), and (2) “high-handed” defiance against God and His covenant that are inexpiable by sacrificial offerings (Num 15:30-31). See also R. Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005), 204-213; Timothy R. Ashley, *The Book of Numbers*, New International Commentary on the Old Testament (Grand Rapids, MI: Eerdmans, 1993), 288; A. Schenker, “Das Zeichen des Blutes und die Gewissheit der Vergebung im Alten Testament,” *Münchener theologische Zeitschrift* 34 (1983): 205; idem, “Interprétations récentes et dimensions spécifiques du sacrifice *ḥattāt*,” *Biblica* 75 (1994): 65, 69.

²⁴ On the metaphor of “high hand,” Milgrom, *Numbers*, 125, notes: “The original setting of this metaphor is seen in the statues of ancient Near Eastern deities who were sculpted with an uplifted or outstretched right hand, bearing a spear, war ax, or lightning bolt. Similarly, the mighty acts of the God of Israel are described as being performed ‘by a mighty hand and an outstretched arm’ (Deut 4:34; 5:15; 26:8) or by this very expression, ‘with an upraised hand’ (33:3; Exod 14:8). The upraised hand is therefore poised to strike; it is a threatening gesture of the Deity against His enemies or of man against God Himself. Thus, this literary image is most apposite for the brazen sinner who commits his acts in open defiance of the Lord (cf. Job 38:15). The essence of this sin is that it is committed flauntingly.”

²⁵ Cf. Gane, *Numbers*, 625; Caspar J. Labuschagne, “The Meaning of *beyad rama* in the Old Testament,” in *Von Kanaan bis Kerala: Festschrift for J. P. M. van der Ploeg*, ed. W. C. Delsman et al., AOAT 211 (Neukirchen-Vluyn: Butzon & Bercker/Neukirchener, 1982), 146.

²⁶ There is no unanimity with regards to the nature of כרת “cut off” punishment (e.g., Milgrom, *Numbers*, 125; Stubbs, *Numbers*, 140; Dale A. Brueggemann, “Numbers,” *Cornerstone Biblical Commentary*, ed. Philip W. Comfort (Carol Stream, IL: Tyndale, 2008), 320; Cole, *Numbers*, 253). Whatever specific meaning it carried, כרת could involve death (e.g., Exod 31:14; Lev 20:17). In Num 15:31, the use of the phrase “bear his guilt” may imply that here כרת punishment refers to the death penalty. In Lev 20:2-3 a person is both stoned to death and “cut off,” showing that the latter could go beyond the former, likely indicating loss of an afterlife, which could include loss of his line of

offerings for the expiation of inadvertent sins versus death for defiant sins (vv. 22-31), the incident of the wood-gatherer (vv. 32-36) provides an example of defiant rebellion and the application of the death penalty (vv. 30-31).²⁷ As an example of the terminal punishment resulting from defiant violation of the covenant (vv. 22-31), this incident provides immediate basis within chapter 15 for the prescription of the use of tassels (vv. 37-41).²⁸ Although verses 37-41 evoke the narrative of the spies (chaps. 13-14),²⁹ the wearing of the tassels would serve as a constant reminder for Yahweh's covenant and His law, including the Sabbath (vv. 32-36), and thereby deter Israelites from rebellion either as individuals (vv. 30-36) or as a nation (chaps. 13-14).³⁰

The foregoing description of the thematic unity within chapters 13-17 in general and within chapter 15 in particular argues against conceiving chapter 15 as an anthology of scarcely related legal

descendants. See Donald Wold, "The Biblical Penalty of Kareth" (Ph.D. diss., University of California, Berkeley, 1978).

²⁷ So also Ashley, *The Book of Numbers*, 291; Cole, *Numbers*, 47, 254; Gane, *Numbers*, 622; Olson, *Death of the Old*, 95; Budd, *Numbers*, 175-176; Allen, "Numbers," 830; Baden, "Structure," 360; W. H. Bellinger Jr., *Leviticus and Numbers*, New International Biblical Commentary (Peabody, MA: Hendrickson, 2001), 237; Glen S. Martin, *Exodus, Leviticus, Numbers*, Holman Old Testament Commentary (Nashville, TN: Broadman and Holman, 2002), 319. Cf. Frey, "The Sabbath in the Pentateuch," 120.

²⁸ See also Stubbs, *Numbers*, 141; Adriane Leveen, *Memory and Tradition in the Book of Numbers* (Cambridge: Cambridge University Press, 2008), 107.

²⁹ Cf. Novick, "Law and Loss," 8.

³⁰ There are further explicit thematic connections within chap. 15. Yahweh assures Israel that they will inherit the land of Canaan (vv. 2, 18) and will worship Him with the produce of the land (vv. 1-21). It is unnecessary, therefore, to suppose (as does Baden, "Structure," 356-357) that Num 15 makes logical flow only when we place Exod 16 between Num 15:16 and v. 17. The reference to grain and drink offerings in the section dealing with inadvertent sins and the corresponding sacrifices (vv. 22-29) clearly presupposes vv. 1-21 (Cf. Gray, *Critical and Exegetical Commentary*, 179; Cole, *Numbers*, 61). The stoning of the wood-gatherer in vv. 32-36 is an example of the penalty resulting from defiance as pronounced in vv. 30-31, while the tassel regulation in vv. 37-41 is intended to discourage defiance as in the case of the wood-gatherer. So Yahweh not only wishes that Israel observe כל־מצות האלה ("all these commandments") (v. 22), He also provides the tassels to remind them of כל־מצות ("all the commandments") (v. 39). The references to אֹרֶחַ "native," גֵר "alien," כל־העדה "all the congregation," as well as the use of the verb עָשָׂה "made/do" are further markers of textual unity in the chapter. Finally, Frey has demonstrated that Num 15:22-36 displays a chiasmic structure that attests to the unity of these verses. In this structure the phrase כל־העדה "all the congregation" occurs six times: once each in A and A¹ and twice each in B and B¹. The center of the chiasm emphasizes the singularity of the law for both native and alien (X and X¹).

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material.³¹ The issues involved in the Israelites' rebellion are multi-faceted, so Numbers 15 provides an effective multi-faceted response. We now turn to the punishment of the wood-gatherer.

Dealing with the Wood-Gatherer

As Jonathan Burnside has noted, "Numbers 15:32-36 has long been regarded as problematic. The decision seems, at face value, to be grossly *unjust* and there are questions as to why it was seen as a *hard case* in the first place and why an oracular procedure was needed to resolve it."³² The discussion in the previous section has shown that verses 32-36 is a case of deliberate rejection of Yahweh and His commands. The stoning of the wood-gatherer cannot be deemed "unjust," given that he presumptuously disregards Yahweh's authority despite the stern warning against defiance (cf. vv. 30-31).

As to why the incident is treated as a "hard case," scholars have answered in diverse ways.³³ Jacob Milgrom suggests this incident provides the precedent for the principle that all work on the Sabbath is punishable by death,³⁴ implying that the prescription in Exodus 31 is based on Numbers 15:32-36.³⁵ Earlier, J. Weingreen similarly thought that Numbers 15:32-36 "presented a new situation for which no legal precedent or principle could be invoked."³⁶ This passage then constitutes an elementary form of a later Rabbinic principle known as "fence around the law" which sought to prohibit acts which though not harmful in themselves, could lead to breaking the law.³⁷ However, the internal historical claims of the biblical text disallow the conclusion that Numbers 15 predates Sabbath laws in the book of Exodus.³⁸

³¹ See also Gane, "Loyalty," 248-262, who has also indicated that there is cohesion both in Num 15 and within chaps. 13-17, and that the literary cohesion can be described as reflecting the contrast between loyalty and disloyalty.

³² Burnside, "'What Shall We Do with the Sabbath-Gatherer?'" 60. Emphasis supplied.

³³Cf. Novick, "Law and Loss," 2-3 (footnote 4).

³⁴ Milgrom, *Numbers*, 408-409.

³⁵ *Ibid.*, 126.

³⁶ J. Weingreen, "The Case of the Woodgatherer (Numbers 15:32-26)," *Vetus Testamentum* 16 (1966), 362.

³⁷ The gathering of wood is prelude to the kindling of fire, and thus reveals a culpable intent (*ibid.*).

³⁸ In fact, recent critical scholarship tends to accept that Num 15 presupposes the Sabbath laws in Exodus and Leviticus. Refer to the recent volume edited by C. Frevel,

Anthony Phillips finds Weingreen's view to be anachronistic and, instead, suggests the question in Numbers 15:34 was whether the gathering of wood constituted labor, which was prohibited on the Sabbath.³⁹ Several versions of this view have been espoused.⁴⁰ Timothy R. Ashley, for example, thinks the issue was "whether a man who was *gathering sticks* . . . on the Sabbath, presumably to make a fire in contravention of the law, was as guilty as if he had actually built the fire."⁴¹ Still, some suggest that though the congregation understood that wood-gathering profaned the Sabbath, they could not tell whether it was punishable by death or by some lesser penalty.⁴² In other words, "the deliberation would have been to determine whether this sin might be covered by an offering so they did not have to execute the man or if it was a brazen sin for which no offering was possible."⁴³ Quite apart from the incongruity of such interpretation with Exodus 31 which enjoins the death penalty for the profanation of the Sabbath,⁴⁴ a close reading reveals that the issue in Numbers 15:32-36 was neither whether wood-gathering constituted work nor whether some penalty lesser than death could apply.

Numbers 15:32 reports that some people found the man "gathering wood/sticks" (מקשש עצים) on the Sabbath. The verb קשש "gather" may be related to the noun קש "stubble." In Exodus 5:7, 12 קשש is used for the gathering of stubble (לקשש קש), and in 1 Kings 17:10-12 it is used in connection with the gathering of firewood (מקשש עצים). Zephaniah 2:1 uses the verb with reference to the coming together of people. The use of קשש in Numbers 15 is closer to its use in Exodus 5 and 1 Kings 17. In

Th. Pola, and A. Scharf, *Torah and the Book of Numbers*, Forschungen zum Alten Testament 2, Reihe 62 (Tübingen: Mohr Siebeck, 2013).

³⁹Anthony Phillips, "The Case of the Woodgatherer Reconsidered," *Vetus Testamentum* 19 (1969): 125-128, who finds Num 15:32-36 as an illustration of the extension of Sabbath principles to all forms of domestic activity. Cf. Noth, *Numbers*, 117.

⁴⁰Budd, *Numbers*, 175; Richard Elliott Friedman, *Commentary on the Torah with a New English Translation* (New York: HarperCollins, 2001), 479.

⁴¹Ashley, *The Book of Numbers*, 291; Stubbs, *Numbers*, 140-141. Cf. Noordtzi, *Numbers*, 139.

⁴²Novick, "Law and Loss," 2 n. 4, cites Y. Gilat, *Meqerei Talmud 2: Talmudic Studies Dedicated to the Memory of Professor Eliezer Shimshon Rosenthal*, ed. M. Bar-Asher and D. Rosenthal (Jerusalem: Magnes, 1993), 208-210. See Olson, *Numbers*, 95; Levine, *Numbers 1-20*, 399.

⁴³Brueggemann, "Numbers," 320.

⁴⁴Since the profanation of the Sabbath was punishable by death (Exod 31), it is unthinkable that the congregation would consider sacrificial offering as a possible solution. Cf. Novick, "Law and Loss," 14; J. Stackert, "Compositional Strata in the Priestly Sabbath," *Journal of Hebrew Scriptures* 11 (2011): 19.

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each instance, gathering stubble or wood is physical work. The arrest of the wood-gatherer and placing him under guard are indications that the congregation understood his activity to have constituted a direct infraction of the Sabbath regulation regarding work, even if it was near-domestic work.⁴⁵ Whereas of his own will the man refused to rest on the Sabbath from labor, he was now caused, against his will, to “rest” (נוח) in “custody” (משמר) (v. 34). In the *Qal* stem, the verb נוח means “settle” or “rest” as one rests on the Sabbath day (Exod 20:11). It is suggested that by the use of the *Hiphil* form of נוח, Numbers 15:34 identifies the Sabbath as the day of rest; the culprit is made to rest “for, indeed, it was Sabbath, the day of rest.”⁴⁶ However, the use of the same verb form outside of Sabbath contexts makes it difficult to maintain such a conclusion (e.g., Lev 24:12). While there is a link between Sabbath rest and נוח, Numbers 15:32-36 does not indicate that the culprit was made to rest because it was a Sabbath day. In the *Hiphil*, נוח often means “to place” or “to put,” and when it is used together with משמר, as in Leviticus 24:12, it means to “put” in “custody.”⁴⁷

While the gathering of sticks would generally be intended for fire in biblical times, the reason for the gathering of sticks in Numbers 15 is not stated. If the intent was to build a fire,⁴⁸ then the wood-gatherer was arrested and detained on two counts—‘working’ and intending to ‘kindle fire’—neither of which would be allowed on the Sabbath day.⁴⁹ Gane has

⁴⁵ Even domestic work was forbidden by the Sabbath commandment (“You shall not do any work,” Exod 20:10; cf. 16:22-23; 35:2-3) by contrast with the ceremonial sabbaths (except for the Day of Atonement) on which only occupational work was forbidden.

⁴⁶ Frey, “The Sabbath in the Pentateuch,” 125.

⁴⁷ The noun משמר may refer to a “guard house” (Gen 40:3-4; 41:10; 42:17,19), placing someone under guard (Lev 24:12; Num 15:34), or may denote “guarding” or a “guard” (Num 3:7; 2 Kgs 11:5; Jer 51:12).

⁴⁸ Weingreen, “The Case of the Woodgatherer,” 362; Levine, *Numbers 1-20*, 399.

⁴⁹ The prohibition of the kindling of fire in Exod 35:3 seems to have been applicable only during the wilderness sojourn. In 16:22-30 where Yahweh prohibits preparation of food on the Sabbath, He miraculously preserves the food prepared on Friday from decay. After Israel entered Canaan and the manna ceased, there is no direct evidence that the people refrained from cooking and/or heating their food on the Sabbath. Nonetheless, Friday has always been known as the preparation day (Mark 15:42). The preparation for the Sabbath must have included preparation of food. Sabbath-keeping Christians would do well to finish the preparation of food on Friday where necessary. What should be avoided on Sabbath is work that could be done before Sabbath, such as gathering firewood or parts of cooking that are laborious, whereas heating it up in a cold climate would be acceptable. Moreover, it appears that the kindling of fire referred to in Exodus

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noted that the man did not need to build a fire, whether for cooking or for warmth:

This happened sometime during the period when the Israelites were in the desert (15:32), where the climate was warm and the people had manna to eat (Ex. 16:35). So a fire for warmth or cooking would not have been urgent even if it were not Sabbath. It looks as though this man was going out of his way to violate the Sabbath command of the Decalogue (Ex. 20:8–11), of which the people were reminded every weekend when they received a double portion of manna on Friday and none on the Sabbath (16:22–30).⁵⁰

It would appear that the wood-gatherer had no good reason to engage in the activity. The larger context of rebellion against Yahweh and His covenant (chaps. 13-17), and the immediate context of warning against defiant sins (15:29-31) suggest that the incident of verses 32-36 is a case of rebellion by which the man expresses dissatisfaction against Yahweh's judgment in chapter 14. Matilde Frey has observed a connection between the gathering of wood on the Sabbath (Num 15) and the gathering of stubble in Egypt (Exod 5), especially on the basis of the use of *שִׁבֵּץ* in both passages and Israel's preference for a life of slavery in Egypt in Numbers 13-14: "The telling link that Num 15 draws between the Israelite slaves who were forced to gather straw to make bricks and the man gathering wood on Sabbath reveals the intention of the text to show that the Israelite man, even though freed from slavery, consciously chose to act against the law of freedom and thereby placed himself back into the position of a slave."⁵¹ The bold defiance of the wood-gatherer constituted an affront against the authority of Yahweh for which no animal sacrifice was possible (Num 15:30-31).

If the gathering of wood constituted a violation of the Fourth Commandment (Exod 20), and if such a violation—including the gathering of manna (Exod 16), cooking (Exod 16), and the building of fire (Exod 35) on the Sabbath—was punishable by death (Exod 31),

35 is not necessarily for the preparation of food; fire was also kindled to give warmth (Isaiah 44:16; 47:14). Ellen White writes, "During the sojourn in the wilderness the kindling of fires upon the seventh day had been strictly prohibited. The prohibition was not to extend to the land of Canaan, where the severity of the climate would often render fires a necessity; but in the wilderness, fire was not needed for warmth" (PP 408).

⁵⁰ Gane, *Numbers*, 622.

⁵¹ Frey, "The Sabbath in the Pentateuch," 125.

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would the wood-gatherer's fate still be unclear to Moses and the congregation, so as to require the intervention of Yahweh? The meaning of the clause *מה־יעשה לו* ("because it had not been explained what should be done to him," v. 34) needs to be understood within the specific context of verses 32-36. The verb *פרש* in *Qal* may mean "clarify" or "give a clear decision" (Lev 24:12).⁵² It occurs two times in the *Pual*, and seems to convey the meaning "to be explained" or "to be made clear" (Num 15:34; Neh 8:8; cf. Ezra 4:18). The use of the same root in Leviticus 24:12 in a similar context (though in the *Qal* stem) allows the observation that in Numbers 15:34, the wood-gatherer was held in custody because "what should be done to him" was yet to be "explained," "made clear," or "decided."⁵³ The clause *מה־יעשה לו* occurs also in Exodus 2:24, where Moses' sister is said to have stayed behind to see what would happen to the baby.⁵⁴ In itself, *מה־יעשה לו* in Numbers 15:34 could imply an uncertainty on the part of the congregation either regarding the fate of the man or the kind of punishment to be meted out, or it could express the congregation's anticipation for Yahweh's verdict.

A Rabbinic interpretation, as for example in *b. Sanh* 78b, is that while Moses and the elders knew that the death sanction had to apply, they were not certain about the mode of execution. Some modern commentators espouse this view,⁵⁵ while others find it unconvincing.⁵⁶ Tzvi Novick seems to read too much into the text when he suggests that the congregation's uncertainty resulted from their own doubt whether the covenant law which prohibits work on the Sabbath was still valid and applicable to the first generation, who had already been condemned to death (Num 14:20-23). Thus, "although the wood-gatherer acts alone, he gives expression, through his action, to the doubt of the entire people."⁵⁷ The judgment in Numbers 14 could have roused a spirit of rebellion among the people as exemplified by the wood-gatherer in chapter 15, yet there is no textual basis to interpret verse 34 to mean that the entire

⁵² *HALOT* (2 vols.) 2:976.

⁵³ Cf. Levine, *Numbers* 1-20, 399.

⁵⁴ Cf. 1 Sam 17:26 where the similar construction *מה־יעשה לאיש* means "what should be done for the man."

⁵⁵ E.g., Martin, *Exodus, Leviticus, Numbers*, 319; Clyde M. Woods and Justin M. Rogers, *Leviticus-Numbers*, The College Press NIV Commentary (Joplin, MS: College Press, 2006), 273-274. Cf. Achenbach, "Complementary Reading," 226.

⁵⁶ Cf. Weingreen, "The Case of the Woodgatherer," 361-364; Novick, "Law and Loss," 2 n. 4; Wenham, *Numbers*, 131-132.

⁵⁷ Novick, "Law and Loss," 5.

congregation doubted the relevance and applicability of the covenant law to the first generation.⁵⁸

One could argue that placing the wood-gatherer under guard was unavoidable because the elders of the congregation would not be in the position to judge the case immediately, since the incident occurred on the Sabbath. While this is reasonable, it must be pointed out that there is no indication in the text that the leadership of the congregation intended to judge the case after the Sabbath hours. It is thus instructive that the congregation does not make any attempt to formally judge the case. Perhaps rather than ask *why* the leaders could not decide on the case despite the apparent clarity of the already known Sabbath-profanation penalty, we may ask *whether* they intended to take a decision other than Yahweh's specific pronouncement on the case. Not in a single instance in the book of Numbers did the congregation apply the death penalty as a result of their own judgment (cf. Num 14:10). The profanation of the Sabbath and defiant sin in Exodus 31:14 and Numbers 15:30-31, respectively, require the application of the כרת "cut off" punishment, which was a divinely exacted terminal punishment for certain sins against Yahweh (cf. Num 9:13; 19:13, 20).⁵⁹ The congregation may thus have known that the wood-gatherer deserved the death penalty, but decided to wait for the pronouncement of Yahweh as in the case of the blasphemer in Leviticus 24. Since there is no indication of the congregation's trial of the man, the *Pual* form פִּרְשׁ may best be understood as a divine passive—he was put in custody 'because it had not been declared *by Yahweh* what should be done to him', not necessarily because the elders/judges could not reach a consensus on his fate or the mode of punishment. Pragmatically, even if the congregation was supposed to decide on the case and the mode of punishment based on earlier legal prescriptions, certain factors may possibly have discouraged the attempt. First, as a case of defiant affront against Yahweh, the congregation may have so wondered at the wood-gatherer's blatant profanation of the Sabbath that they would only think of referring the case to Yahweh. Second, given the context in which the authority of Moses and Aaron is specifically questioned (Num 14:4; 16:2-3), their

⁵⁸ For further refutation of Novick's view, see Frey, "The Sabbath in the Pentateuch," 129-130.

⁵⁹ Milgrom, *Numbers*, 405-408; Gane, *Numbers*, 621; Stubbs, *Numbers*, 140; Chavel, "Numbers 15:32-36," 50.

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reliance upon Yahweh's judgment in a case of defiance against Himself was only appropriate.

That in Numbers 15:34 the congregation anticipates Yahweh's verdict, as suggested by the use of פָּרַשׁ,⁶⁰ is confirmed by verse 35, where He directs that "the man must surely be put to death."⁶¹ The mode of punishment then follows: "the whole congregation" (כָּל־הָעֵדָה) must "stone" (רָגַם) the man outside (חוּץ) the camp.⁶² The fact that Yahweh's verdict in verse 35 spells out both the penalty and the mode of execution could be further indication that the congregation had not decided on the case. Verse 36 reports the execution of the sentence. The verb רָגַם, whose infinitive absolute is used with imperatival force in verse 35, always involves the use of stones and probably depicts the vivid casting of stones. The Old Testament prescribes stoning as the mode of executing the death penalty in many instances.⁶³ It usually took place outside (חוּץ) the camp or the city probably to avoid contamination or to signify the horribleness of taking human life.⁶⁴ It could also signify rejection from the community. Although it is commonly understood that stoning was prescribed "because it supposedly does not shed blood, and thus does not bring blood-guilt on the community,"⁶⁵ it appears such was the most appropriate mode of inflicting the death penalty as a communal activity. The entire congregation participated in the execution of the wood-gatherer, signifying thereby their corporate identity and responsibility as a covenant community, poised to obey Yahweh and to fulfill His demands (Exod 24:7). The threefold repetition of כָּל־הָעֵדָה in

⁶⁰ HALOT (2 vols.) 2:976, translates פָּרַשׁ as "to be explained, decided" in Num 15:34. This may support the idea that the congregation may have waited for the Lord's decision.

⁶¹ This statement, which conveys the death penalty, is recurrent in the Pentateuch (e.g., Exod 19:12; 21:12; Lev 20:2; 24:16; Num 35:16-18).

⁶² As with the Rabbinic interpretation (cf. *b. Sanh.* 78b), Chavel, "Numbers 15:32-36," 50, has argued that vv. 32-36 adds the new information that the people are to punish the man, by stoning him; the law in vv. 30-31 tells only how he will be punished by God through כָּרַת punishment. It is for this reason that Israel had to wait for the declaration by God. See also Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985), 100.

⁶³ See e.g., Exod 21:28-32; Lev 20:2-5; 20:27; 24:15-16; Deut 13:7-11; 21:18-21; 22:23-24; Josh 7:25.

⁶⁴ Cf. Levine, *Numbers 1-20*, 399-400; Budd, *Numbers*, 176.

⁶⁵ Ashley, *The Book of Numbers*, 292. See also Budd, *Numbers*, 176; Milgrom, *Numbers*, 126.

Numbers 15:32-36 conveys the covenantal implications of the sin of the wood-gatherer.

Burnside has lamented the inadequacy of earlier studies on Numbers 15:32-36 as these attempt to understand the text from the viewpoint of the modern legal system, and have yielded only “anachronistic results.”⁶⁶ He discards the ‘semantic and literal’ approach to biblical Sabbath-profanation laws in favor of a ‘narrative and visual’ approach, and then reads Numbers 15:32-36 against Exodus 5:7-19. As to why “gathering materials on the Sabbath [was] regarded so seriously,” he answers that “‘gathering’ on the seventh day of the week evoked the Israelites’ regular activity under the lordship of Pharaoh.”⁶⁷ Suffice it to say that this alternative approach to reading biblical Sabbath laws disregards Genesis 2:1-3 as the backdrop of subsequent Sabbath laws (e.g., Exod 20; 31; 35).⁶⁸ With the earlier Sabbath texts in the books of Genesis and Exodus in view, the incident of the wood-gatherer evokes a ‘literal’ rather than an ‘imagistic’ regulation. For that matter, Numbers 15:32-36 deserves a ‘semantic and literal’ reading as done in this study.⁶⁹

Death Penalty, the Sabbath, and the Christian Church

The Old Testament prescribes the death penalty by stoning in several cases, including (1) profaning the Sabbath by working (Exod 31:14-15; 35:2), (2) idolatry (Lev 20:2; Deut 13:6-10; 17:2-5), (3) sorcery (Lev 20:27), (4) blasphemy (Lev 24:16; cf. 1 Kgs 21:10), (5) rebellion against parents (Deut 21:18-21), (6) sex with a woman betrothed to another man (Deut 22:20-24), (7) failure to confine a dangerous ox that consequently gores a human (Exod 21:28-29), and (8) taking things that are dedicated to God through the ban (Josh 7:24-25). A cursory reading of the death penalty passages indicates that stoning was a major form of capital punishment required by the law.⁷⁰ However, death by stoning may not have been a special form of punishment, aside the fact that it could involve as many people as possible—sometimes “all the congregation”—in inflicting the punishment (Lev 24:16; Num 15:36). The New

⁶⁶ Burnside, “‘What Shall We Do with the Sabbath-Gatherer?’,” 60.

⁶⁷ *Ibid.*, 55. Cf. On the relationship between Num 15:32-36 and Egyptian slavery, see also Novick, “Law and Loss,” 5, 13; Frey, “The Sabbath in the Pentateuch,” 125, 130.

⁶⁸ See Burnside, “‘What Shall We Do with the Sabbath-Gatherer?’,” 56.

⁶⁹ In fact, Burnside’s ‘imagistic’ reading of Num 15:32-36 into Exod 5 seems influenced by semantics, particularly the use of the verb *שָׁבַע* in both texts.

⁷⁰ Other modes of capital punishment included shooting with arrows (Exod 19:13), burning (Lev 20:14), hanging (Deut 21:22-23; Ezra 6:11).

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Testament also contains references to stoning. Jesus saved an adulteress from being stoned to death (John 8:3-11). While the Old Testament does not specifically state that the adulterer/adulteress must be stoned (cf. Lev 20:10), the incident in John 8:3-11 suggests that stoning was understood as the mode of punishment in some other cases where capital punishment was instructed (e.g., Exod 21:16; 22:19; Lev 20:13; 24:17-20). Several attempts were made to stone Jesus for blasphemy (John 8:59; 10:32-33). And Stephen was stoned to death on grounds of blasphemy (Acts 6:11-14; 7:59-60).

In general, the death penalty instruction is connected to infringements on the commandments of God, especially the Ten Commandments. The worship of other gods, disregard for the *name* of Yahweh, profaning His Sabbath by working, and disregard for human dignity (including murder, attacking parents, and wrongful sexual acts), these are the areas covered by the death penalty law.⁷¹ The Pentateuch appears to be harsh in its institution and application of death penalty.⁷² However, this is to be understood in at least two ways. First, as God creates a new people for Himself and for a unique mission, there is the need to tighten the boundaries in the covenant relationship (Gen 9:6; Lev 24:16; Num 15:36).⁷³ In this covenant relationship, the Ten Commandments stand at the center, and this would explain why the death penalty regulation centers around these commandments. Although after Israel's possession of the land of Canaan we find examples of

⁷¹ The list includes (1) worship of false gods that includes witchcraft and sorcery (Exod. 22:18; Lev. 20:27; Deut. 13:15; 1 Sam. 28:9) and human sacrifice (Lev. 20:2-5); (2) blasphemy (Lev. 24:14-16, 23); (3) false prophecy (Deut 18:20); (4) profaning the Sabbath by working (Exod. 31:14; 35:2); (5) disregarding human dignity, including murder (Exod 21:12-14; Lev. 24:17, 21), kidnapping (Exod. 21:16), attacking, cursing or disobeying a parent (Exod. 21:17-17; Deut. 21:18-21), failure to confine a dangerous animal that subsequently kills a human (Exod. 21:28-29), human sacrifice (Lev. 20:2-5), perjury in capital cases (Deut. 19:16-19), and disrespect for the decision of a judge or a priest (Deut. 17:12); and (6) some wrong sexual acts, including bestiality (Exod. 22:19; Lev. 20:16), incest (Lev. 18:6-18; 20:11-12, 14, 17, 19-21), adultery (Lev. 20:10; Deut. 22:22), homosexual acts (Lev. 20:13), prostitution by a priest's daughter (Lev. 21:9), false claim of virginity (Deut. 22:13-21), sex between a man and a lady betrothed to another man (Deut. 22:23-24).

⁷² On the theodicy issue of such punishments, see Roy E. Gane, *Old Testament Law for Christians: Original Context and Enduring Application* (Grand Rapids, MI: Baker Academic, 2017).

⁷³ Interestingly, this seems to be the case at the beginning of the Christian church, where Ananias and his wife Sapphira are struck dead for lying to God and the church (Acts 5:1-11).

infringements that should have attracted the penalty of death but which was not effected (e.g., Judg 17:4-5; 20:12-13), there are instances where the sentence was meted out as required (e.g., 1 Sam 28:9; 1 Kgs 2:29-32; 2 Kgs 23:20). Second, and in light of the theocratic leadership in Israel, the death penalty instruction has crucial theodical significance: by requiring the congregation to stone the culprit, God both intended to curb defiant sins among His covenant people and to grant the desire of the perpetrator, per his/her act, to be removed from the covenant community. From the viewpoint of the covenant and God's mission, the death penalty also demonstrated God's grace in preserving His covenant and working through humans to save humanity.

Within the context of Numbers 13-17, the narrative of the wood-gatherer needs to be understood in connection with the significance of the Sabbath in the covenant relationship and Yahweh's dealing with the problem of sin. This has implications for the Christian church.

Significance of the Sabbath. The significance of the Sabbath is marked by it being the universal symbol of Yahweh's creatorship, ownership, and redemption/blessing (Gen 2:1-3; Exod 20:8-11; Isa 58:13-14). Israel is thus required to remember the Sabbath in order to keep it holy (Exod 20:8-11). Numbers 15:32-36 demonstrates that Sabbath-keeping is the litmus test for Israel's loyalty toward Yahweh's covenant. Frey has observed that:

The focus of the text [Num. 15:32-36] is placed upon the specific role of the whole congregation, with one law for both the native and the alien The Sabbath narrative involves the whole congregation, despite the fact that the rebellious act of wood-gathering on Sabbath was the sin of one individual person and not that of the community. This shows that the Sabbath contains a decisive meaning for the covenantal relationship between the whole congregation and YHWH. The sin of one individual performed on the Sabbath affected and disturbed the life of the whole community.⁷⁴

As the sign of the covenant, the Sabbath constitutes the essence of the relationship between Yahweh and Israel (Exod 31:12-17; Jer 17:21-27).⁷⁵ The abuse of the Sabbath was decried throughout the history of

⁷⁴ Frey, "The Sabbath in the Pentateuch," 123.

⁷⁵ Cf. Gerhard F. Hasel, "The Sabbath in the Pentateuch," in *The Sabbath in Scripture and History*, ed. Kenneth A. Strand (Washington, D.C: Review and Herald, 1982), 21-37.

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Israel by prophets such as Amos, Hosea, Isaiah, and Jeremiah. Jeremiah 17 indicates that the Sabbath plays such a central role in the covenant relationship that the national fate of Israel depends on the observance of the Sabbath (cf. Lev 26). Not only is the Sabbath the day to remember the covenant relationship, it is also the ultimate example of Yahweh's faithfulness in delivering Israel from Egypt (Deut 5:15).⁷⁶ Indeed, "Israel as a community is in part defined by its adherence to the Sabbath."⁷⁷

The introductory clause of Numbers 15:32 ("while the children of Israel were in the wilderness") impresses upon the reader that only one example of defiant sin is here being cited, and, in light of the breach of the covenant in the immediate context, the choice of a Sabbath incident testifies to the central position it occupies in the covenant relationship.⁷⁸ S. Chavel is correct in his observation that the placement of the Sabbath narrative between the laws regarding sins in verses 17-31 and that of tassels in verses 37-41 is determined by the "ultimate significance of the Sabbath."⁷⁹ The reason for the tassel regulation that follows the Sabbath narrative is for Israel to "remember" the commandments (v. 39), as they would "remember" the Sabbath day (Exod 20:8). Considering the significant role of the Sabbath, one can conclude that the wood-gatherer's decision to profane it signified his determination to despise the authority of Yahweh as the covenant Lord in the most presumptuous way. Thus, in the words of Robert Alter, "the vehemence" of the death penalty relating to the Sabbath "is predicated on the notion that the Sabbath is the ultimate sign of the covenant between God and Israel, so that one who violates the Sabbath violates the covenant and renounces solidarity with the covenanted people."⁸⁰

Yahweh's dealing with the problem of sin. The Pentateuch, as seen also in Numbers 13-17, shows that Yahweh deals with the problem of evil by making Himself accessible among humans which means entering into a covenant relationship with them (Exod 19-24) and dwelling among

⁷⁶ See also Cole, *Numbers*, 254.

⁷⁷ Robert Alter, *The Five Books of Moses: An Translation with Commentary* (New York, NY: Norton, 2004), 759.

⁷⁸ Cole, *Numbers*, 242-243; Chavel, "Numbers 15:32-36," 50-51; Frey, "The Sabbath in the Pentateuch," 123.

⁷⁹ Chavel, "Numbers 15:32-36," 51. See also Achenbach, "Complementary Reading," 227, who has observed that "the Sabbath is the basis of the whole of the sacral regulations in the Torah and the Sabbath Commandment is valid everywhere at every time (Gen 2:2-3)."

⁸⁰ Alter, *The Five Books of Moses*, 491.

them (Exod 25). Explicit commands and warnings were intended to discourage the perpetration of evil and thereby maintain the purity of the divine-human relationship (Exod 19-24; Num 15:30-31, 37-41). Sacrificial offerings in the sanctuary served as means both of worship and expiation for non-defiant sins and cultic impurities (Num 15:3-29). However, defiant sins were too serious to be expiated through animal sacrifices (vv. 30-31). In such cases, the covenant community of Israel was to be purged of the evil through the infliction of the death penalty on the perpetrator (Deut 17). The death penalty is thus to be understood in the context of the covenant relationship.

As enshrined in the covenant provisions, wilful deviations on the part of Israel were punishable. This explains, for example, the judgment of Yahweh against the first generation that rejected the covenant by refusing to go into the land of Canaan (Num 13-14). Similarly, the incidents of the wood-gatherer and Achan are typical examples illustrating that, as a covenant community, the sin of the individual affected the congregation as a whole, and thus needed to be dealt with (Num 15:32-36; Josh 7:1, 10-26). In both cases, the involvement of the entire congregation in inflicting the penalty underscores the detrimental effect these incidents had on the well-being of the covenant community.

In the case of Numbers 15:32-36, the divine intervention through retributive punishment served to curb the contagion of defiance among God's people, thereby saving generations of Israel from following the destructive path of the wood-gatherer, as the covenant community learns at first-hand the harsh consequence of intentional straying from the authority of God. In fact, the wood-gatherer knew that union with God in a covenant relationship that is marked with the Sabbath observance means life and freedom and disunion with the covenant God means death. Again, he was aware that in the covenant relationship, rebellion meant utter rejection of divine sovereign rule over the perpetrators and the covenantal communal life. Consequently, the act of gathering wood on the Sabbath was an outward expression of his desire to remove himself from the covenant relationship. A high-handed sin, such as the wood-gatherer's, could only be dealt with through the death sentence, cutting off the perpetrator from the presence of God and the covenant community.

Israel and the Christian Church. The Israelite nation was a theocracy, a system of state organization and government in which God was the supreme authority who exercised His authority through His agents, priests, prophets, or kings. In a theocracy, there is no distinction

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between religion and state, so that in ancient Israel all legal, political, and social provisions were essentially religious, with the Torah serving as the basic law of the nation. A key aspect of the theocracy in Israel included the physical presence of God through His sanctuary (Exod 25:8) and, with it, the physical holiness of the covenant land (Lev 18:24-30; 25:23; Isa 24:5; Jer 2:7; Ezek 36:17; Zech 2:16). In a sense, the death penalties that were inflicted in response to defiant sins were done to cleanse the land and its people (Num 35:33-34; Deut 21:1-9).

The Old Testament death penalty was a legal requirement applicable within the Israelite theocratic kingdom. For this reason, a move away from the theocratic structure would imply discontinuation of the application of this penalty. And this is the picture we find from the beginning of the New Testament church. Jesus' proclamation of the kingdom of God/heaven pointed towards a break away from the physical, Israelite kingdom to a spiritual Israel without political boundaries, the Christian church (e.g., Matt 5-7, 18). Consequent to Jesus's first advent, there is a separation of church and state, even though believers have obligations towards the state (Matt 22:21; John 18:36; Rom 13:1). In His reaction against the Pharisees, Jesus seems to imply that although capital punishment could be inflicted by the state, it would not prevail within the community of His believers, given His impending sacrifice and the effects it would cause (John 8:3-12). Jesus' comments regarding the 'eye-for-eye' and 'tooth-for-tooth' regulation (cf. Exod 21:22-27) may also be understood in similar light (Matt 5:38-48).⁸¹ Finally, Jesus' death and the influx of Gentile believers that followed marked the transition from theocracy in the experience of the new community of faith.⁸² Indeed, the death of Jesus ended the requirement not only for blood sacrifice (i.e., animals) but also blood recompense (i.e., capital punishment) in the community of faith (Heb 9:14), though those who reject the gift of salvation in Jesus or wilfully disobey Him shall face the "fiery indignation" (10:26-31). Thus, the picture of God's dealing with evil in the Old Testament reaches the climax in the New Testament in Christ's substitutionary death that atones for human sins (Mark 10:45;

⁸¹ See also Craig L. Blomberg, *Matthew*, NAC (Nashville, TN: Broadman & Holman, 1992), 113-114.

⁸² See Richard Davidson, "Israel and the Church: Continuity and Discontinuity—II," in *Message, Mission, and Unity of the Church: Studies in Adventist Ecclesiology-2*, ed. Angel Manuel Rodriguez (Silver Spring, MD: Biblical Research Institute, 2013), 411.

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Heb 9:28) and requires the ultimate destruction of those who reject the offer of forgiveness through Him (John 3:16-18; Rev 14:9-12).

In the new covenant community that Jesus inaugurated, the application of the death penalty is discontinued, following both the atoning sacrifice of Jesus and the church's discontinuity with the theocratic structure of Israel.⁸³ Thus, while the church treats sins—including defiant sins—with repulsion, in the New Testament the legislation of the death penalty which was instituted in the Old Testament is not applicable within the church. Outside the church, however, Paul may imply that secular governments inflict death penalty against persons who have committed crimes deserving death (Acts 25:10-11; Rom 13:1-4).

The discontinuity of corporal punishment relating to an Old Testament commandment is not to be interpreted to mean that the church, as the new community of faith, does not have to keep that commandment. As noted earlier, the death penalty regulation is related to infringements on the law, especially the Ten Commandments. Yet the New Testament is clear that these commandments are still in force, even beyond Christ's death (Matt 5:17-20; Rom 3:31). Jesus commands, "If you love Me, keep My commandments" (John 14:15)! He also warns, "Whoever therefore breaks one of the least of these commandments, and teaches men so, shall be called least in the kingdom of heaven; but whoever does and teaches them, he shall be called great in the kingdom of heaven" (Matt 5:19). The worship of other gods, blasphemy, adultery, and homosexuality are still considered sinful acts in the church (e.g., 1 Cor 6:9-11; 1 Tim 1:8-11). And as Christ Himself observed the Sabbath, so did the disciples after His ascension, even as He expected all His followers to keep observing the Sabbath (Matt 24:20). What this means is that while there is continuity between the New Testament church and the Old Testament congregation with regards to seventh-day Sabbath-keeping (Luke 4:16-17; Acts 13:14-15, 42-45; 16:11-15; 17:2; 18:4; Heb 4:4-9), there is discontinuity in the application of the death penalty that resulted from Sabbath-breaking.

Believers in Christ constitute a covenant community, though this community is not a religio-political entity as the nation Israel (2 Cor 3:4-

⁸³ The instant deaths of Ananias and Sapphira do not constitute cases of death penalty in the Christian church. The incident constituted a direct affront against the Holy Spirit and resulted in death (Acts 5:1-11), comparable to the instant deaths of the youths following Elisha's curse (2 Kgs 2:23-24).

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6). As a covenant community, the church disciplines its erring members (1 Cor 5; cf. Matt 18:17; 1 Tim 1:20). The basis for church discipline recalls the basis for the death penalty in the Old Testament, namely the curbing of sin to cleanse the community and to deter others from evil (e.g., Deut 17:7-12; 19:19-20; 22:21-24; Josh 7:13). The metaphors of the body of Christ (1 Cor 12:12-27) and the body temple (1 Cor 3:16-17; 6:19) illustrate that, as was the case in ancient Israel, the impurity of one member affects the well-being of the whole (cf. 1 Cor 5:5-8). The church's way of dealing with such impurity is to expel the individual from membership (1 Cor 5). Thus, sins from which Israel was purged by means of the death sanction are by the church dealt with through expulsion from membership (e.g., Lev 20:10-11; 1 Cor 5:1-5).⁸⁴

Paul's instruction in 1 Corinthians 5 sets forth the church's practice of disfellowshipping. Although verse 5 has received differing scholarly interpretations,⁸⁵ Paul clearly states in this chapter that it was the responsibility of the Corinthian church to expel the member who had his father's wife (vv. 1-2, 4-5, 7, 13).⁸⁶ This goes to emphasize the fact that

⁸⁴ Beyond expulsion from the church, however, some cases are handled by state government through God-given criminal justice (e.g., Rom 13:1-7; 1 Pet 2:13-14).

⁸⁵ See e.g., Barth Campbell, "Flesh and Spirit in 1 Cor 5:5: An Exercise in Rhetorical Criticism of the New Testament," *Journal of the Evangelical Theological Society* 36 (1993): 331; Hans Conzelmann, *1 Corinthians: A Commentary on the First Epistle to Corinthians*, Hermeneia (Philadelphia: Fortress, 1975), 97; H. Olshausen, *A Commentary on Paul's First and Second Epistles to the Corinthians* (Minneapolis, MN: Klock & Klock, 1984), 90; Adela Yarbro Collins, "The Function of 'Excommunication' in Paul," *Harvard Theological Review* 73 (1980): 254-63; Gerald Harris, "The Beginnings of Church Discipline: 1 Corinthians 5," *New Testament Studies* 37 (1991): 1-21; A. C. Thiselton, "The Meaning of *SARX* in 1 Corinthians 5:5: A Fresh Approach in the Light of Logical and Semantic Factors," *Scottish Journal of Theology* 26 (1973): 218; Brian S. Rosner, "Temple and Holiness in 1 Cor 5," *Tyndale Bulletin* 42 (1991): 137-145.

⁸⁶ For example, F. F. Bruce, *1 and 2 Corinthians* (London: Oliphants, 1971), 55; John Ruef, *Paul's First Letter to Corinth* (Philadelphia: Westminster, 1977), 40; James T. South, "A Critique of the 'Curse/Death' Interpretation of 1 Corinthians 5:1-8," *New Testament Studies* 39 (1993): 539-561; R. C. H. Lenski, *The Interpretation of St. Paul's First and Second Epistles to the Corinthians* (Minneapolis, MN: Augsburg, 1961), 216-217; Brian S. Rosner, "'Drive Out the Wicked Person': A Biblical Theology of Exclusion," *Evangelical Quarterly* 71 (1999): 31-34; Jerome Murphy-O'Connor, *The First Letter to the Corinthians*, *New Jerome Biblical Commentary*, ed. Raymond E. Brown (Englewood Cliffs, NJ: Prentice Hall, 1990), 803; Leon Morris, *The First Epistle to the Corinthians: An Introduction and Commentary* (Grand Rapids, MI: Eerdmans, 1958), 88; Eugene Walter, *The Epistle to the Corinthians* (New York, NY: Crossroad, 1981), 54; Gordon D. Fee, *The First Epistle to the Corinthians*, *The New International Commentary on the New Testament* (Grand Rapids, MI: Eerdmans, 1987), 209; Nigel

the execution of discipline in the community of faith is a corporate responsibility (cf. Num 15:35).⁸⁷ The exhortations in 1 Corinthians 5 seem to be based on the concept of the church as the temple of God in 3:16-17, and prepare the believer to understand that church discipline is redemptive (2 Cor 2:5-11). Here, it is hoped that through disfellowshipping, with its accompanying disgrace and grief, the incestuous man may come back to his senses, turn away from evil, and ultimately be saved.⁸⁸ In this regard, church discipline is punitive-redemptive.

Beyond church disfellowshipping, however, the New Testament is replete with warnings against sins that will lead to eternal destruction by fire (Matt 13:41-42, 49-50; 2 Thess 1:9-10; Heb 10:26-31; 2 Pet 3:3-7; Rev 14:9-11; 19:19-21). The list includes idolaters, blasphemers, adulterers, homosexuals, murderers, etc., similar sins that attracted the death penalty (1 Cor 6:9-11; Gal 5:19-21; cf. Rev 22:14-15). The Old Testament death penalty was both punitive-destructive and redemptive—*punitive-destructive* because the perpetrator was sentenced to death and *redemptive* because this served to deter others from defiance in the community of faith as they participated in God’s mission (e.g., “and all Israel shall hear and fear,” Deut 21:21).⁸⁹ The eternal destruction of the wicked thus fulfils the punitive-destructive aspect of the death penalty associated with certain sins, including the profanation of the Sabbath (Exod 31; Num 15). Thus, the wood-gatherer’s experience, like those others who suffered similar destruction, foreshadows the eschatological punishment of individuals who, despite all warnings, reject or renounce the covenant relationship with God and are consequently eternally cut off from the presence of God and the community of believers. We could infer further that the predication of the death penalty upon disobedience regarding the Ten Commandments is indication also that the final, destructive judgment will involve those who deliberately infringe upon

Watson, *The First Epistle to the Corinthians* (London: Epworth, 1992), 49; Craig L. Blomberg, *1 Corinthians*, NIV Application Commentary (Grand Rapids, MI: Zondervan, 1994), 105.

⁸⁷ Martin, *Exodus, Leviticus, Numbers*, 319.

⁸⁸ See Daniel Bediako, “Spirit and Flesh: An Interpretation of 1 Corinthians 5:5,” *Cultural and Religious Studies* 1 (2013): 21-26.

⁸⁹ It also served to remove damage to the corporate community as consequences of one person’s or one group’s actions (cf. Deut 13).

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God's law (cf. Matt 13:41; Rom 3:31; 1 Tim 1:8-11; Rev 14:4-12), including the Sabbath commandment (Heb 10:25-31).⁹⁰

Conclusion

The narrative of the wood-gatherer in Numbers 15:32-36 appears in a context of warning against defiant sins (vv. 30-31, 37-41). Sandwiched between two incidents of corporate rebellion against the authority of Yahweh (chaps. 13-14) and His chosen leaders (chaps. 16-17), the narrative emphasizes that individual cases of defiance against Yahweh have adverse implications for the entire congregation. The death penalty was a covenant-related provision within ancient Israel through which to handle such cases. The narrative also demonstrates that defiant sins perpetrated within the covenant community are dealt with openly and require the participation of the congregation as a whole. This same principle underlines Paul's instruction to expel the evil doer from church membership in 1 Corinthians 5, though repentance was still possible. The punitive-destructive aspect of the death penalty foreshadows the final judgment where "those who practice lawlessness" (Matt 13:41) will be destroyed by the "everlasting fire" (Matt 18:8; 25:41). All said, Numbers 15:32-36 presents the gracious gift of the Sabbath commandment as having a decisive meaning for the covenant relationship, as it is the sign of the everlasting covenant (cf. Exod 31; Isa 58). In light of this study of the narrative of the wood-gatherer, it is suggested that the breaking of the Sabbath may be dealt with through church discipline, but also that disregard for the Sabbath, together with the other commandments, constitutes wilful disobedience to God that, if the perpetrator does not repent, is ultimately punishable by destruction in the everlasting fire at the eschaton.

⁹⁰ Interestingly, Num 15:22-36 forms the Old Testament background to Heb 10:24-31. This is demonstrated in Hebrews 10 by the use not only of key terminologies but also the concept of the death penalty as it was connected especially with the breaking of the Ten Commandments. Using the example of the narrative of the Sabbath wood-gatherer in Num 15, Heb 10 shows that "forsaking" Sabbath worship "gathering/assembling" constitutes an intentional sin (i.e., believers "sin willfully" by so doing) and that for such willful acts there is no "sacrifice for sins" but, like the wood-gatherer who died "without mercy," the perpetrator should expect "a fearful . . . judgment . . . a fiery indignation" on the coming "Day" of the Lord. Both Num 15 and Heb 10 present the Sabbath commandment as having a decisive meaning for the covenant relationship between God and His people and warn against deliberate infringement on God's law.

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