

Rabbinic Halacha

Weight

Kol V'chomer is the First Rule of Hillel, it is a method of exegesis that involves presenting an argument from one of even greater weight. For example if X is true or Y then it must also be true of Z because Z is of even greater weight than Y.

Pikuach Nefesh

(Hebrew: שִׁמּוּר נַפְשׁוֹ 'watching over a soul') is the principle in Jewish law that the preservation of human life overrides virtually any other religious rule. When the life of a specific person is in danger, almost any negative commandment of the Torah becomes inapplicable.

Basis:

*You shall therefore keep My statutes, and My ordinances, which, if a man do, **he shall live by them**: I am YHWH.*
(Lev. 18:5 HRV)

*And I gave them My statutes and taught them My ordinances: which if a man do, **he shall live by them**.*
(Ezek. 20:11 HRV)

Rabbi Mattiah ben Harash said, "He who has a pain in his throat, they drop medicine into his mouth on the Sabbath, because it is a matter of doubt as to danger to life. Any matter of doubt as to danger to life overrides the prohibitions of the Sabbath."
(m.Yoma 8:6)

However Pharisaic Halacha only permitted the Sabbath regulations to be loosed when a life was in doubt, but not for healing where no life was at stake, as the Mishna says:

*They anoint and massage the stomach.
But they do not have it kneaded or scraped...
They do not induce vomiting.
And they do not straighten [the limb of] a child
or set a broken limb.
He whose hand or foot is dislocated
should not pour cold water over them.
But he washes in the usual way.
And if he is healed, he is healed.*
(m.Shabbat 22:6 the Gemara is in b.Shabbat 147).

Essene Halacha

Man is Beneath the Torah

"...they [Essenes] are stricter than any other of the Jews in resting from their labors on the seventh day; for they not only get their food ready the day before, that they not be obliged to kindle a fire on that day, but they will not remove any vessel out of its place, nor go to stool thereon."

(Wars 2:8:9)

There is a lengthy discussion of the Sabbath in the Damascus Document, I will include here only some key points:

*"No man shall eat on the Sabbath day aught save that which is prepared or perishing (in the field). Nor shall one eat or drink unless in the camp. (If he was) on the way and went down to wash he may drink where he stands, but he shall not draw into any vessel. ... No man shall walk after the animal to pasture it outside his city more than two thousand cubits. None shall lift his hand to smite it with (his) fist. If it be stubborn he shall not remove it out of his house. No man shall carry anything from the house to the outside or from the outside into the house, and if he be in the vestibule he shall not carry anything out of it or bring in anything into it. ... Let not the nursing father take the sucking child to go out or to come in on the Sabbath. ... No man shall help an animal in its delivery on the Sabbath day. And if it falls into a pit or ditch, he shall not raise it on the Sabbath. ... **And if any person falls into a place of water or into a place of... he shall not bring him up by a ladder or a cord or instrument.** No man shall offer anything on the altar on the Sabbath, save the burnt-offering of the Sabbath, for so it is written 'Excepting your Sabbaths'."*

(Damascus Document 10:14-11:18)

Yeshua's Halachah
Torah Created for the Benefit of Man

“The Sabbath was created for man and not man for the Sabbath.”
(Mk. 2:27)

The Pharisaic view is revealed in the Talmud as follows:

*R. Jonathan b. Joseph said: **For it is holy unto you (Ex. 30:22; 31:14)**; I.e., it [the Sabbath] is committed to your hands, not you to its hands.*
(b.Yoma 85b)

This halachic argument is based on the phrase “for it is holy unto you” which is found in reference to the Sabbath in Exodus 30:22 & 31:14. This phrase is also found in relation to the Jubilee year in Lev. 25:12. Based upon the fourth rule of Hilel (building a rule on two or more passages) we can now generalize this principle from the Sabbath in specific, to the Torah in general.

In the Hebrew the phrase “to you” in these passages is לַכֶּם which, in Hebrew, which can also indicate possession or ownership. For example, If I want to say “Yochanan’s book” in Hebrew, I would say literally הספר אשר ליוחנן “The book that is to Yochanan”.

Thus we derive the halachic principle that the Torah is “under man” and that man is not “under the Torah”.

Chesed Outweighs Sacrificial Offerings

7 But if you had known what it means, For I desire mercy, and not sacrifice, (Hosea 6:6) you would not have condemned the guiltless.

8 For the Son of Man is Adonai; even of the Sabbath.

9 And when He had passed over from there, He entered into their synagogue.

10 And behold, a man which had his hand withered. And they asked Him, saying, Is it lawful on the Sabbath to heal the sick? And all this was, that they might accuse Him <before the beit din.>

11 And He said to them: What man among you, having one sheep that shall fall into a pit on the Sabbath, will not lay hold on it, and lift it out?

12 And is not a man better than a sheep? Therefore it is lawful to do good on the Sabbath.

13 Then said He to the man: Stretch out your hand. And he stretched it out, and it was restored to health, like as the other.

(Matt. 12:7-13)

*For I desire mercy (Hebrew: CHESED), and not sacrifice:
and the knowledge of Elohim, rather than burntofferings.*

(Hosea 6:6)

*“If a man is circumcised on the day of the Sabbath that the Torah
of Moshe be not loosed, do you murmur against me because I have healed
a whole man on the Sabbath day?”*

(John 7:23)

*“R. Eleazar answered and said: If circumcision, which attaches to one only of the two hundred
and forty-eight members of the human body, suspends the Sabbath, how much more shall [the
saving of] the whole body suspend the Sabbath!”*

(b.Yoma 85b)

The Knowledge of Elohim Outweighs Offerings

*For I desire mercy (Hebrew: CHESED), and not sacrifice:
and the knowledge of Elohim, rather than burntofferings.
(Hosea 6:6)*