

Numbers 15:32-36

“Now while the sons of Israel were in the wilderness, they found a man gathering wood on the sabbath day. Those who found him gathering wood brought him to Moses and Aaron and to all the congregation; and they put him in custody because it had not been declared what should be done to him. Then the LORD said to Moses, ‘The man shall surely be put to death; all the congregation shall stone him with stones outside the camp.’ So all the congregation brought him outside the camp and stoned him to death with stones, just as the LORD had commanded Moses.”

The incident of the man who was caught gathering wood or sticks on the Sabbath, demonstrates how seriously the institution of *Shabbat* was taken by Ancient Israel in the wilderness. While conservative readers of Numbers will consider this to have been a genuine incident, although they may concede that there were other, similar incidents in Israel’s sojourn—liberal readers of Numbers, holding to the JEDP documentary hypothesis, instead may consider this scene to represent questions pertaining to the Sixth-Fifth Centuries B.C.E., and consign it to a so-called Priestly writer or P source.¹ What concerns readers who are reading the record of the Torah, is how it has been previously stated that the penalty for Sabbath violation was death (Exodus 34:14-15; 35:2), but without any specific examples provided. Here, in the scene of an Israelite man gathering sticks or wood, a case is provided that merited capital punishment.

15:32-34 It is recorded that “Once, when the Israelites were in the wilderness, they came upon a man gathering wood on the sabbath day” (v. 32, NJPS), with some versions rendering the verb *qashash* (קָשַׁשׁ) as “gathering sticks” (RSV, ATS) or “picking wood” (Fox).² Noting the presence of Ancient Israel in the wilderness (*b’midbar*, בְּמִדְבָּר), the *Soncino Chumash* claims, “It was because of their compulsory detention in the wilderness brought about by the treacherous sins of the spies, that the following incident occurred.”³ Dissenting from this is the view noted by the *ArtScroll Chumash*, “Because of the vital place of the Sabbath in the constellation of Jewish belief, the Torah places this incident here, although it did not necessarily happen immediately after the rebellion of the spies [see *Rashi* to v. 41].”⁴ Perhaps what is most important for readers, as directed by Timothy R. Ashley, is how “unlike the laws of vv. 1-21, the basic commandment of Sabbath keeping is not reserved for the new land, but is in force at all times.”⁵

It is frequently deduced that the man collecting sticks had a probable intention to light a fire (Exodus 35:2-3),⁶ but was such a fire going to be lit on the Sabbath?

¹ Philip J. Budd, *Word Biblical Commentary: Numbers*, Vol 5 (Nashville: Thomas Nelson, 1984), 176 holding to a critical view of the composition of Numbers, argues that “This particular question was probably one of high contemporary relevance in the latter part of the fifth century.”

Also Thomas B. Dozeman, “The Book of Numbers,” in Leander E. Keck, ed., et. al., *New Interpreter’s Bible*, (Nashville: Abingdon, 1998), 2:128 who makes reference to “priestly writers.”

² Fox, *Five Books of Moses*, 735.

³ Cohen, *Chumash*, 873.

⁴ Scherman, *Chumash*, 815; also R.K. Harrison, *Numbers: An Exegetical Commentary* (Grand Rapids: Baker Books, 1992), 228.

⁵ Timothy R. Ashley, *New International Commentary on the Old Testament: Book of Numbers* (Grand Rapids: Eerdmans, 1993), 290.

⁶ The Talmud notes a tradition that the man gathering the sticks was actually Zelophehad, whose daughters would later go to Moses, inquiring over how his property was to be inherited, since he had no sons (Numbers 27:1-11):

Or, was the act of gathering the sticks or wood itself considered to be work (cf. Exodus 31; 35)? Philip J. Budd has noted how this scene could represent “something of the Rabbinic principle of setting a fence around the Torah...In other words there is a prescription of acts which, though harmless in themselves, may lead to the violation of very fundamental principles. The gathering of wood is a prelude to the kindling of fire, and thus reveals a culpable intent. The dilemma of Moses consists in working through to this conclusion.”⁷ Yet, even with many often concluding that sticks or wood were gathered to light a fire, the intention of what is stated in the Torah is to focus more upon the intentions of the individual, than the purpose. As R.K. Harrison directs,

“If...the plain purpose of the passage is kept in view, it hardly seems necessary to indulge in exotic interpretations. The man’s activities were premeditated, and such defiance deserved the capital penalty prescribed by the law. God was not acting in a capricious or willful manner but was merely executing known judgments upon an obdurate transgressor. Had he repented and confessed, he would have been forgiven and restored.”⁸

What the scene of the man gathering sticks or wood prompted, in the view of the people witnessing, did concern a classification of this as “work,” but more so what to do toward those who were defiant toward God’s Instruction. Gordon J. Wenham observes, “By collecting sticks the man was demonstrating his clear intention of lighting a fire on the sabbath. His action prompted the query: Did premeditated preparation to break the law count as a high-handed sin and deserve the same penalty as actually breaking the law, or could it be overlooked?”⁹ The *ArtScroll Chumash* usefully observes how the offender had to have been warned as he was committing this sin, otherwise the crime would not have gone all the way to the enacting of capital punishment:

“Since the Torah stresses that he was found while committing the sin, the Sages derive that the witnesses had warned him that he was committing a capital offense and he persisted in doing it. This satisfied the halachic requirement that one is not liable to the death penalty unless he ignores a warning and his act is seen by two valid witnesses (*Rashi*).”¹⁰

While the man gathering sticks or wood was found committing a crime, the people who saw this—and seemingly also had issued warnings to him—did not just go out and execute the offender. It is described, “Those who found him gathering wood brought him to Moses and Aaron, and to the entire assembly” (v. 33, ATS), with *kol-ha’eidah* (כָּל־הָעֵדָה) or “the entire community” (HCSB) having to witness the deliberations which would ensue. It is stated, “They put him in custody, because it had not been made clear what should be done to him” (v. 34, ESV). One

“Our rabbis have taught on Tannaite authority: The gatherer of wood was Zelophahad. Here the word “wilderness” occurs, “and while the children of Israel were in the wilderness, they found a man gathering sticks” (Num. 15:32), and elsewhere the word ‘wilderness’ occurs, “our father died in the wilderness” (Num. 27:3). Just as in the latter context reference is to Zelophahad, so here the same meaning pertains,’ the words of R. Aqiba” (b.*Shabbat* 96b; *The Babylonian Talmud: A Translation and Commentary*).

⁷ Budd, pp 175-176; also noted by Harrison, *Numbers*, 229.

⁸ Harrison, *Numbers*, 229.

⁹ Gordon J. Wenham, *Tyndale Old Testament Commentaries: Numbers* (Downers Grove, IL: InterVarsity, 1981), 132.

¹⁰ Scherman, *Chumash*, 816.

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encounters some variance on how the verb *parash* (פָּרַשׁ), “make distinct, declare” (BDB),¹¹ may be rendered, including: “made plain” (RSV), “specified” (NJPS), “clarified” (ATS), “determined” (Alter). The issue of blasphemy that had arisen in Leviticus 24:12, and what to do about it, may be considered as a parallel case: “They put him in custody so that the command of the LORD might be made clear to them.”

15:35 The leaders of Israel had to be the ones who evaluated what took place, and it is God who then directed them to enact capital punishment against the offender: “HASEM said to Moses: ‘The man shall be put to death; the entire assembly shall pelt him with stones outside of the camp’” (ATS). Of course, it is not as though the offender was just taken before Moses and Israel’s leaders, and then God told them to execute him. They had to hear evidence, and in the process inquire of the Holy One about what to do. Nili S. Fox interjects, in *The Jewish Study Bible*, “It is possible that Moses here asks God what to do because earlier legislative texts note that the punishment is death, but are unclear about whether it should be carried out by people or God (Exod. 31.14-15).”¹² Richard Elliot Friedman also astutely concludes, “This account thus not only teaches a law about the Sabbath but also demonstrates the relationship between a legal *principle* and the application of that principle to each individual *case*. No case is to be prejudged. Every case deserves an inquiry and a decision.”¹³

15:36 The entire assembly of Ancient Israel, recognizing the offense, had to participate in the issuance of capital punishment against the sinner: “And all the community took him outside the camp and pelted him with stones and he died, as the LORD had charged Moses” (Alter). The reason for the sinner being executed *l’machaneh* (לְמַחֲנֵה) or “outside the camp,” perhaps was to represent expulsion from the community, but also for the community not to be contaminated by a corpse. The communal witnessing of the execution was to surely deter future violations (Deuteronomy 17:13). Harrison properly concludes,

“If the arrogant rebel had not been punished, the Israelite community would have degenerated quickly into the kind of self-indulgent society that arose at a later period (Judg. 19:30; 21:25). The death sentence was carried out in a locality that would not bring defilement upon the camp. Community participation in the execution ensured that everybody shared in the responsibility for it.”¹⁴

When encountering instructions in the Torah, or potential incidents, where capital punishment could be employed, the assertion of J.A. Thompson must be remembered: “Whether the law was applied in this exact fashion as a regular thing in Israel is doubtful.”¹⁵ One did not just witness a high crime in Ancient Israel and then enact a summary execution. An offender had to be taken before the leaders, evidence was to be evaluated, and then penalties (of some sort) could then be issued.

Numbers 15:32-35 application The presence of the death penalty associated with Sabbath violation, should serve to demonstrate how important the institution of the seventh-day Sabbath or *Shabbat* actually is—most especially to God, but

¹¹ BDB, 831.

¹² Nili S. Fox, “Numbers,” in *The Jewish Study Bible*, 314.

¹³ Friedman, *Commentary on the Torah*, 479.

¹⁴ Harrison, *Numbers*, 228.

¹⁵ J.A. Thompson, “Numbers,” in *NBCR*, 185.

also for His community. What is witnessed in Numbers 15:32-36 is a scene of intentional violation of Sabbath violation, not an unintentional violation or mistake made out of ignorance, omission, or just not thinking. To be sure, there are other crimes of defiance that can be committed against the God of Israel, which could have also merited capital punishment, but intentional Sabbath violation was targeted here. Dennis T. Olson summarizes,

“[T]he case of the wood gatherer in its present context seems to function as a concrete illustration of the immediately preceding law about sinning flagrantly or ‘highhandedly’ (Num. 15:30). The man’s blatant intention was to build a fire on the sabbath. This highhanded intention formed sufficient grounds to convict him of violating the law against kindling a fire on the sabbath, even though he had not yet actually built the fire. Such bold and defiant sin needs to be punished severely. Thus, this case of the wood gatherer and the laws that precede it share a common theme: the role of a person’s intention in determining the degree of guilt and punishment. Sins done unwittingly bear less guilt and so can be atoned for through sacrifice (15:28). On the other hand, an overt and intentional violation of the commandments done ‘highhandedly’ implies a high degree of guilt and the strictest penalty.”⁴⁶

Ronald B. Allen draws our attention to how “The breaking of the Sabbath was not akin to using one-third hin of oil rather than one-quarter or a two-year-old goat instead of a yearling. The point of the story is that Sabbath breaking is the act of a raised fist in defiance of the Lord.”⁴⁷

The death penalty for Sabbath violation was something in force up until the time of Yeshua the Messiah, as some of His activities on the Sabbath, in healing people, did make Him enemies (Matthew 12:14). Some have made a connection between the Sabbath violation of Numbers 15:32-26 and how the author of Hebrews directs, “Anyone who has set aside the Law of Moses dies without mercy on *the testimony of two or three witnesses*. How much severer punishment do you think he will deserve who has trampled under foot the Son of God, and has regarded as unclean the blood of the covenant by which he was sanctified, and has insulted the Spirit of grace?” If a sin like the Sabbath violation witnessed here, demanded capital punishment—**then how much more serious would be a dismissal of the Messiah who was sacrificed, so that the capital punishment for Sabbath violation might be absorbed onto Himself?**

When reading Numbers 15:32-36 as Messianic Believers today—who clearly benefit from the sacrifice of Israel’s Messiah for the sin of Sabbath violation—while this should give us some degree of relief, we still need to recognize the great significance that the Lord has placed on the institution of *Shabbat*. We should be making efforts to not work on *Shabbat*, not make preparations to do laborious activities for sure, but also be careful in how we might judge or evaluate others’ actions, not enacting summary conclusions about them.

⁴⁶ Dennis T. Olson, *Interpretation, A Bible Commentary for Teaching and Preaching: Numbers* (Louisville, KY: John Knox Press, 1996), 96.

⁴⁷ Ronald B. Allen, “Numbers,” in Frank E. Gaebelin, ed. et. al., *Expositor’s Bible Commentary* (Grand Rapids: Zondervan, 1990), 2:831.

Ibid. does conclude that the Sabbath was an institution for Ancient Israel, and notes his being critical to any kind of Christian “Sabbath keeping” on the first day of the week or Sunday, likely because of how it would need to be enforced with severity.