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Much Ado about Nothing?

Jesus' Sabbath Healings and their Halakhic Implications Revisited*

1.

For many years, views on Jesus' stance toward the Sabbath have been dominated by approaches seeing Jesus critical, some of them extremely critical, of the Sabbath. Especially for Protestant scholars the Sabbath was, alongside ritual purity and the antitheses, main proof of Jesus' critical attitude toward "the Law." Thus, to take but one example, Ernst Käsemann stated in his influential article "The Problem of the Historical Jesus":

"Jesus felt himself in a position to override, with an unparalleled and sovereign freedom, the words of the Torah and the authority of Moses. This sovereign freedom not merely shakes the very foundations of Judaism and causes his death, but, further, it cuts the ground from under the feet of the ancient world-view with its antithesis of sacred and profane ..."¹

The "criterion of difference," argued for by Käsemann in this article, did an impressive job: It yielded a Jesus who not only stood against "the foundations of Judaism," but finished off the *Weltanschauung* of antiquity as well. Characteristic of Käsemann as of others – who may in detail and emphasis otherwise differ from him² – are two claims: that Jesus himself *transgressed* the Sabbath law, and that he thereby *criticized* it – either its administration in ancient Judaism or even its foundation in the Torah.

Recently, however, a completely different approach has won broader sympathy, which claims that by healing with a mere word Jesus *did not*

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¹ E. Käsemann, The Problem of the Historical Jesus, in: idem, Essays on New Testament Themes, London 1964, 15–47: 40 (German: Das Problem des historischen Jesus [1954], in: idem, Exegetische Versuche und Besinnungen I, Göttingen 1960, 187–214: 208).

² For typologies of approaches see S.-O. Back, Jesus of Nazareth and the Sabbath Commandment, Åbo 1995, 2–13; L. Doering, Schabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum, TSAJ 78, Tübingen 1999, 399 f.

transgress mainstream first century Sabbath halakhah at all. Argued by scholars thoroughly familiar with Ancient Judaism, this view merits close attention. While others have followed suit, its main proponents are the late Phillip Sigal, David Flusser and Hyam Maccoby, as well as Geza Vermes and Ed Parish Sanders.³ It seems that particularly the circulation of the latter's theses has secured this approach an important place in British and North American academia (while in continental Europe Flusser seems to play a significant role). Nevertheless, this approach has also prompted occasional criticism. In view of its popularity in Anglophone scholarship it is presumably not by chance that the interpretation of Sanders (and, to a lesser degree, of Vermes) is the main target of Tom Wright's critique in his alternative reading of the controversy stories.⁴ Since this critique, however, is a very general one and reveals more about Wright's own agenda than about healing and Sabbath law in first century Judaism, I deem it appropriate to re-open the issue here.⁵ I shall examine and critique in detail the arguments put forward for what may be termed the "no serious conflict" approach and ask for a viable alternative to this view while appreciating its efforts to understand Jesus as firmly grounded in first century Judaism.

³ P. Sigal, *The Halakah of Jesus of Nazareth according to the Gospel of Matthew*, Lanham 1986, 138–140; D. Flusser, *Jesus*, 2nd ed., Jerusalem 1998, 61–64 (cf. the original German ed. *Jesus: Mit Selbstzeugnissen und Bilddokumenten*, Reinbek bei Hamburg 1968, 47 ff); H. Maccoby, *Early Rabbinic Writings*, Cambridge 1988, 170 f; G. Vermes, *Jesus the Jew: A Historian's Reading of the Gospels*, London 1973, 25; idem, *The Religion of Jesus the Jew*, London 1993, 23; E. P. Sanders, *Jesus and Judaism*, London 1985, 264–267; idem, *Jewish Law from Jesus to the Mishnah: Five Studies*, London 1990, 21; idem, *The Historical Figure of Jesus*, London 1993, 212–218; E. P. Sanders/M. Davies, *Studying the Synoptic Gospels*, London 1989, 157. Cf. C. Burchard, *Jesus von Nazareth*, in: J. Becker et al., *Die Anfänge des Christentums: Alte Welt und neue Hoffnung*, Stuttgart 1987, 12–58: 48; A. J. Saldarini, *Matthew's Christian-Jewish Community*, Chicago 1994, 133; G. Dautzenberg, *Jesus und die Tora*, in: E. Zenger (ed.), *Die Tora als Kanon für Juden und Christen*, HBS 10, Freiburg 1996, 345–378: 350 (but relativizing 355: "Sabbatkonflikte mögen sich ursprünglich im Zusammenhang mit Heilungen am Sabbat ergeben haben ..."); W. Kahl, *Ist es erlaubt, am Sabbat Leben zu retten oder zu töten? (Marc 3:4): Lebensbewahrung am Sabbat im Kontext der Schriften vom Toten Meer und der Mischna*, NT 40, 1998, 313–335: 331; A. J. Mayer-Haas, "Geschenk aus Gottes Schatzkammer" (bSchab 10b): *Jesus und der Sabbat im Spiegel der neutestamentlichen Schriften*, NTA NS 43, Münster 2003, 198, more subtly 672 f. Support has also come from an otherwise different camp: A. Lindemann, *Jesus und der Sabbat: Zum literarischen Charakter der Erzählung Mk 3,1–6*, in: S. Maser/E. Schlarb (ed.), *Text und Geschichte: Facetten theologischen Arbeitens aus dem Freundes- und Schülerkreis D. Lührmann zum 60. Geburtstag*, Marburg 1999, 122–135: 131, although he seems to assume a *breach* of the Sabbath later (133 f).

⁴ Cf. N. T. Wright, *Jesus and the Victory of God: Christian Origins and the Question of God*, Vol. 2, London 1996, 369–442, on the Sabbath in particular: 390–396.

⁵ Cf. the brief remarks in Doering, *Schabbat* (n. 2), 446–450, following B. Schaller, *Jesus und der Sabbat: Franz-Delitzsch-Vorlesung 1992*, in: idem, *Fundamenta Judaica: Studien zum antiken Judentum und zum Neuen Testament*, ed. L. Doering/A. Steudel, StUNT 25, Göttingen 2001, 125–147: 132 f.

2.

As already indicated, this position claims that by healing with a mere word Jesus did not transgress contemporary halakhah, at least not of Pharisaic provenance. So, are the Sabbath conflict stories in the gospels merely “much ado about nothing”? These scholars would either answer that Jesus wanted to provoke extreme hard-liners, “bigots” (Flusser), or that his opponents were Essenes or held an Essene-like position (Maccoby, Sigal), or that the controversy was mainly the result of later “retrojection” of early Christian conflicts to the life of Jesus (Sanders). We will deal with these explanations later. In this paragraph we merely assess upon what evidence the thesis that Jesus did not transgress Sabbath law is built.

Some of the scholars concerned do not produce any ancient evidence for their claim but simply refer back to either Flusser or Sanders.⁶ Flusser, in turn, does not give any references from primary sources either. Rather, after indicating in general terms that danger to life or the suspicion of such a danger allowed for any form of healing – the principle of *piqquah nefesh*, on which later –, he merely states: “Moreover, even when the illness was not dangerous, while mechanical means were not allowed, healing by word was always permitted on the Sabbath.”⁷ What is the base for such a judgment? In a footnote Flusser refers to Jacob Nahum Epstein’s seminal “Introduction into Tannaitic Literature” from 1957.⁸ It seems that Epstein’s deliberations have indeed prepared the ground for the approach taken by Flusser, Vermes, Sanders and others. They had in part been anticipated by Yehezkel Kaufmann in his monumental “Golah we-Nekhar” (1929–30).⁹ But do Epstein’s and Kaufmann’s observations prove, as Flusser states, that “healing by word was always permitted on the Sabbath”?

Epstein argues that Jesus’ healings “were of the kind of ‘whispering over a wound’, and this is allowed on the Sabbath also according to the [sc. rabbinic] Halakhah.”¹⁰ As evidence he adduces three rabbinic texts.¹¹ The most foundational of these is tShab 7[8]:23 [Ms. Erfurt].

⁶ E.g., Vermes, *Jesus the Jew* (n. 3), 231 n. 68, referring to Flusser; Kahl, *Ist es erlaubt* (n. 3), 331 n. 40, referring to Sanders.

⁷ Flusser, *Jesus* (n. 3), 62.

⁸ J. N. Epstein, *Mevo’ot le-sifrut ha-tanna’im: Mishnah, tosefta’ u-midreshei halakhah*, ed. E. Z. Melamed, Jerusalem & Tel Aviv 1957, 280 f.

⁹ Cf., in C. Efroymson’s translation, Y. Kaufmann, *Christianity and Judaism: Two Covenants*, Jerusalem 1988, 62 n. 16, referring to bSan 101a (see below). See Schaller, *Jesus* (n. 5), 132 f n. 26.

¹⁰ Epstein, *Mevo’ot*, 280 (translation is mine).

¹¹ tShab 7[8]:23; yShab 14.3 [14c]; bSan 101a. Cf. Epstein, *ibid.* n. 41; the last reference already in Kaufmann, *Christianity and Judaism*, 62 n. 16.

- A לוחשין על העין ועל הנחש ועל העקרב
 B ומעבירין את העין בשבת
 C רבן שמעון בן גמלי' אומ' בדבר שניטל בשבת
 D אין לוחשין בדבר [שרים]
 E ר' יוסי או' אף בחול אין לוחשין בדבר שרים

- A One may whisper over the eye and over the snake and over the scorpion.
 B And one may stroke the eye¹² (with an implement) on the Sabbath.
 C Rabban Shim'on ben Gamli'el says: (Only) with something that may be handled on the Sabbath.
 D One may not whisper with a word (or: in an issue) [add with MSS: of demons].
 E R. Yose says: Even on an ordinary day one may not whisper with a word (or: in an issue) of demons.

In the mss. there is some confusion about the reading “the eye”: Ms. London replaces the first occurrence with “the bowels” but retains the second one; Ms. Vienna retains the first occurrence but replaces the second one with *מעין* and has also an inverted order of the rulings, with statements B and C coming before A. Both mss. construe *עבר* hi. in statement B with the preposition “over,” not with the *nota accusativi* *את* as in Ms. Erfurt. The parallel in yShab 14:3 [14c] [Ms. Leiden] combines both “the eye” and “the bowels” in its opening statement¹³ and adds to the permission of stroking over the eye a *ma'aseh* (a practical case from which *halakhah* may be derived) as well as an aphoristic saying:

- A לוחשין לעין ולמעיים ולנחשים ולעקרבים
 B ומעבירין על העין בשבת
 C' מעשה ביר' עקיבה שאחזתו העין והעבירו עליו כלים בשבת
 D' רב ור' חייה רבה תריהון אמרין תשעים ותשעה מתים בעין ואחד בידי שמים

- A One may whisper for the eye and the bowels and the snakes and the scorpions.
 B And one may stroke over the eye (with an implement).
 C' *Ma'aseh*: R. Aqiba had an attack of the eye, and they stroked him¹⁴ with implements on the Sabbath.
 D' Both Rav and R. Hiyyah Rabbah said: Ninety-nine die because of the eye, but one through Heaven.¹⁵

¹² Or perhaps: “remove the (evil) eye.” See discussion below.

¹³ However, a Yerushalmi quotation in Tashbetz Qatan has “the worms that are in the bowels,” according to S. Lieberman(n), *Hayerushalmi Kiphshuto* [...], 2nd ed., New York 1995, 184 (in Hebrew) a possible reading (> [לתן] לעין).

¹⁴ Thus the grammatically correct reference of the masc. preposition; see R. Ulmer, *The Evil Eye in the Bible and in Rabbinic Literature*, Hoboken, N.J. 1994, 25: “used vessels on his body.” However, the German translation in F. G. Hüttenmeister (transl.), *Shabbat–Schabbat, Übersetzung des Talmud Yerushalmi II/1*, Tübingen 2004, 372 renders “darüber,” apparently referring the preposition to the eye. J. Neusner, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation*, 35 vols., Chicago 1982–93, XI, 389 leaves both alternatives open. See below.

We note, first of all, that these texts deal with a special form of verbal utterance, “whispering.” Before asking what this means, we conclude that this evidence does not substantiate Flusser’s claim that healing by word was *always* permissible on the Sabbath. Instead, the rabbis’ concession here refers to the *particular* case of “whispering.”

Secondly, we observe some ambiguity, both in the texts themselves and in subsequent rabbinic tradition, whether the objects mentioned denote the damage or the cause of (possible) damage, i.e., whether the conceded treatment is *curative* or *preventive*. In the first case, one would whisper over a *sore* eye or a *wound* caused by a snake or scorpion. In the latter, one would take apotropaic means in order to *keep off* snakes and scorpions or the *evil* eye (the latter is borderline between preventive and curative since it may have already taken possession of the human being).¹⁶ For snakes and scorpions, both options are equally conceivable and also attested in ancient literature, Jewish and Christian as well as Greco-Roman.¹⁷ Regarding the “eye,” it is quite likely impossible to recover any “original” meaning here: Both the reference to eye disease and to the evil eye seem to be reflected in the textual and redactional history of the passages in question. On the one hand, the reading in statement B of Tosefta Ms. London and Yerushalmi Ms. Leiden (ומעבירין על העין בשבת) suggests that implements, perhaps metallic ones with cooling properties, were stroked “over” a *sore* eye.¹⁸ On the other hand, Tosefta Ms. Erfurt’s reading (ומעבירין את העין בשבת)

¹⁵ The parallel in bSan 101a prefixes the first rule with a regulation familiar from mShab 22:6 “The rabbis teach: One may anoint and massage the bowels on the Sabbath,” relates whispering only to “a whisper (over) snakes and scorpions,” and offers an addition to Tosefta’s part C: “but with an implement that may not be handled it [sc. stroking] is forbidden.”

¹⁶ Cf. S. Lieberman, Tosefta ki-Fshutah: A Comprehensive Commentary on the Tosefta, 10 vols., New York 1955–88, III, 102 ff (in Hebrew). For the preventive understanding regarding snakes and scorpions see Rashi on bSan 101a: “so that they may not do harm”; for the curative notion see Maimonides, Mishneh Torah, ‘Avodah Zarah 11:11–12; cf. G. Veltri, Magie und Halakha: Ansätze zu einem empirischen Wissenschaftsbegriff im spätantiken und frühmittelalterlichen Judentum, TSAJ 62, Tübingen 1997, 164. As to the ambiguity regarding the eye as either affected organ or evil eye, see the medieval rabbinic debate recorded in the Responsa of Meir ben Baruch of Rothenburg; cf. Lieberman(n), Hayerushalmi Kiphshuto, 184. A mixture of warding off (snakes and scorpions) and healing (eye disease) is suggested by J. Preuss, Biblisch-talmudische Medizin: Beiträge zur Geschichte der Heilkunde und der Kultur überhaupt, Berlin 1911, 165.

¹⁷ Preventive: Pliny nat. 28:5:24: a scorpion can be checked by saying *duo* “two,” and it will not sting; tYev 14:4, mentioning a snake-charmer (תִּכְרֵר) (fallen into a pit full of snakes and scorpions!); bBer 62a: decency on the toilet saves from snakes, scorpions or ghosts (R. Tanhum b. Hanilai); cf. a Christian prayer with an incantation against a “snake called scorpion” (A. A. Barb, Der Heilige und die Schlangen, MAGW 82, 1952, 1–21: 6); Luc. Philopseudes 12: (satirical remarks on) a Babylonian snake-charmer gathering and killing snakes by his spell (πρὸς τὴν ἐπωδήν); cf. also Luke 10:19. Curative: Luc. Philopseudes 11: the same Babylonian cures a snakebite by a spell (ἐπωδῆν τινι); Galen, *apud* Alexander Trallianus 11:1 (II 475 Th. Puschmann) on usefulness of incantations (τὰς ἐπωδάς), e.g., with scorpion bites.

¹⁸ Thus Rashi on bSan 101a, referring to contemporary practice; cf. Veltri, Magie, 163.

may suggest the removal of the (*evil*) eye – but only if עבר hi. + *nota accusativi* indeed denotes removal.¹⁹ Particularly ambiguous is the *ma'aseh* in the Yerushalmi: Although it follows statement B immediately and takes up the catchwords “eye” and “stroke,” the verb in use seems to point rather to an “attack” by the *evil* eye, and the referent of the preposition עליו with masculine suffix is, provided the rules of grammar are kept, not the eye (as in B), which is feminine in Hebrew, but Aqiba himself, which makes us think of an “expulsion” of the evil eye by means of stroking the sage’s body. Finally, in the further course of yShab 14:3 [14c], statement D’ is explained with reference to Rav’s country of residence (Babylonia), since the *evil* eye (Aramaic עיינא בישא) was allegedly frequent there.²⁰

Taking this ambiguity into account, we ask, thirdly, whether the dangers mentioned should be considered *life threatening*, as has been suggested by some scholars.²¹ To be sure, this is *not* the opinion of Epstein, Flusser and those who follow them, since that would outright question the applicability of these rulings to the healings performed by Jesus (see below). Generally, it is conceivable to regard snakes and scorpions, as well as their bites, as causing suspicion of mortal danger.²² The Gemara mentions criticism by the so-called Early Hasidim of the practice of killing snakes and scorpions on the Sabbath (bShab 121b), thus testifying both to strong anxieties and pietist objections to the resulting practice. On the other hand, one could argue that snakes and scorpions as to be found in Palestine do not *generally* pose a threat to human life, since only a few snakes are dangerous and no species of scorpions is lethal for human adults (but some are for children).²³ As far

¹⁹ Thus Lieberman, *Tosefta ki-Fshutah* III (n. 16), 102. Cf. M. Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, 2 vols., London 1886–1903, [II] 1038 “to cause to pass; to remove, displace” (but suggesting the reading על for the passage in question). However, no difference between use of עבר hi. with *nota accusativi* and על is noted by J. Levy, *Neuhebräisches und chaldäisches Wörterbuch über die Talmudim und Midraschim*, 4 vols., Leipzig 1876–89, III, 610 [= ²1924], and E. Ben Iehuda, *Thesaurus totius hebraicitatis et veteris et recentioris*, New York 1960, V, 4285.

²⁰ Cf. Ulmer, *Evil Eye* (n. 14), 25 f. I doubt that the alternative translation given by Hüttenmeister, *Shabbat* (n. 14), 372, “kranke Augen,” is an appropriate rendition of עיינא בישא.

²¹ Schaller, *Jesus* (n. 5), 133: “Fälle unheimlicher bzw. lebensbedrohlicher Krankheiten”; “nur in wirklich lebensbedrohenden Fällen”; M. Becker, *Wunder und Wundertäter im früh rabbinischen Judentum: Studien zum Phänomen und seiner Überlieferung im Horizont von Magie und Dämonismus*, WUNT II.144, Tübingen 2002, 180: “offenbar als lebensbedrohliche Gefahren eingestuft.”

²² This is especially true for snakebites; cf. Pliny nat. 25:99: *ordiendumque a malorum omnium pessimo est, serpentium ictu* “and one must begin with the worst of all evils, the bite of snakes.” Cf. on snakes in ancient literature and religion the wealth of material in J. A. Kelhoffer, *Miracle and Mission: The Authentication of Missionaries and Their Message in the Longer Ending of Mark*, WUNT II.112, Tübingen 2000, 340–416.

²³ Cf. J. F[eliks], *Snake*, EJ 15, 1971 [repr. 1996], 14 f; O. Kehl u. a., *Orte und Landschaften der Bibel, Vol. 1: Geographisch-geschichtliche Landeskunde*, Zürich & Göttingen 1984, 166 f. But would a person wounded by a snake or a scorpion differentiate?

as “stroking (over) the eye” is concerned (= B), we have already noted that it relates either to cooling an affected eye off with some metal implement (Ms. London and Yerushalmi) or to removing the danger created by the evil eye (perhaps Ms. Erfurt). Are these plainly cases of *piqquah nefesh*? At least the view represented by Rabban Shim‘on ben Gamli‘el in the Tosefta would not affirm this, since it provides the restriction that only implements *allowed for handling on the Sabbath* be used (= C). Thus, the measurement to be taken must remain *below* an infringement of the Sabbath regulations, a concern unnecessary in case of *piqquah nefesh*. As well, it is unclear whether R. Aqiba’s condition according to the Yerushalmi (= C’) implies acute mortal danger; however, the saying in D’ points to possible lethal consequences of affection by the evil eye.²⁴ It is therefore safe to conclude that the various conditions possibly envisioned are *acute* and *serious*, while some may even be life threatening.

Thus, we end up again with some ambiguity, but for our purpose of questioning the validity of Epstein and Flusser’s thesis this poses no problem. We conclude that the threats cured or warded off by “whispering” may constitute either mortal danger or at least a serious and acute affection. Whatever be the case, the diagnoses are *incomparable to the situations in the accounts of Jesus’ Sabbath healings* (a “withered” hand [ἐξηραμμένην Mark 3:1], a “bent” woman [συγκύπτουσα Lk 13:11], a man suffering from “dropsy” [ὕδρωπιζός Luke 14:2]; cf. someone “for 38 years in his illness” [John 5:5], or “born blind” [John 9:1]), which are typically neither life threatening nor acute in a strict sense.²⁵

Furthermore, we observe that “whispering” is a *specific* treatment against *specific* serious wounds and diseases (or their causes). In naming three (or four) exceptional situations in which this means on the Sabbath is allowed,²⁶ the rabbinic tradition takes a minimalist view on applicability of this practice. The reason lies in the nature of such “whispering,” which comes into relief as soon as we realize its clear *magical connotations*. Incantations against snakebites or other wounds, as well as charms of snakes and the like, are well attested in ancient literature.²⁷ The connection with magic is also reflected by the place of the Tosefta passage in its compositional con-

²⁴ Cf. Ulmer, *Evil Eye* (n. 14), 26: “In the rabbinic mind, the evil eye was the cause of inextinguishable deaths.”

²⁵ “Dropsy” is a serious condition that may finally lead to death (cf. Diogenes Laertius 4:27), but it is a long-term phenomenon (Arist. *problemata* 871b24f mentions it together with diseases like rheumatism). It was considered medically treatable (cf. Polybius 13:2:2; Dioscurides 1:103 [I 94 f Wellmann]; P. Oxy. VIII 1088:63[–65] with a recipe of a ‘draught for dropsy-patients’).

²⁶ Contrast the broader formulation “the one who whispers *over the wound*” (הלוחש על המכה), not specifically relating to the Sabbath, in mSan 10:1; tSan 12:10; see below.

²⁷ See above, n. 17; and Veltri, *Magie* (n. 16), 163; M. Becker, *Wunder* (n. 21), 179 f.

text: It belongs to tShab 6[7]–7[8], where, amongst other things, the so-called “ways of the Amorites” (דרכי האמורי) are discussed, i.e. forbidden magical practice.²⁸ The magical connotations are further evident in the possibility, raised but at the same time refuted in the Tosefta, that one might venture to “whisper” with “a word (or: in an issue) of demons” (= D), something prohibited in general, thus also on ordinary days (= E). In the context of our passage, both the parallels in the Yerushalmi and Bavli mention another form of magical “whispering,” namely over oil, and discuss its modalities. And finally, how close “whispering over the wound” comes to forbidden magic is evident from mSan 10:1 and tSan 12:10, which prohibit it generally when it is accompanied by recitation of Exod 15:26²⁹ or, according to the Tosefta, by spitting.³⁰ In sum, “whispering over the eye, the snake, and the scorpion” on the Sabbath appears to be magical practice (incantation or charm) that is permissible, though in an area treated with much suspicion by the rabbis.

It is hard to see how this magical practice should match Jesus’ Sabbath healings. We have already seen that the medical situation in these therapies is not comparable to the cases for which “whispering” on the Sabbath is conceded. Neither is the way Jesus acts in relation to the sick comparable to magical “whispering.” To be sure, there is a lively discussion about whether – and if so, to which extent – Jesus can be considered a magician.³¹ The Beelzebul saying (Mark 3:22) shows that Jesus’ exorcisms and healings have been early associated with allegations of magic. But with the one possible exception of the mention of spittle in the healing of the man born blind (John 9:6), which is a healing agent also found in magical contexts,³² there are *no indications of magical practice* in the accounts of Jesus’ Sabbath therapies. To the contrary, the words Jesus says, “Stretch out your hand” (Mark 3:5b parr.) or “Woman, be free from your illness” (Luke 13:12b) are very different from the elaborate spells (or biblical pas-

²⁸ See most comprehensively Veltri, *Magie*, esp. 93–183.

²⁹ “I will put none of these diseases upon you, which I have brought upon the Egyptians: for I am the Lord who heals you.” For the use of biblical verses in magic practice cf. J. Naveh/S. Shaked, *Magic Spells and Formulae: Aramaic Incantations of Late Antiquity*, Jerusalem 1993, 22–31 (see 23 f on Exod 15:26 in particular); B. Kollmann, *Jesus und die Christen als Wundertäter: Studien zu Magie, Medizin und Schamanismus in Antike und Christentum*, FRLANT 170, Göttingen 1996, 160 ff.

³⁰ Cf. Veltri, *Magie* (n. 16), 164. The Bavli (bSan 101a) discusses the specific “whispering” on the Sabbath within the context of this generally forbidden practice.

³¹ The two most influential proposals are M. Smith, *Jesus the Magician*, San Francisco 1978 and, with a characterisation of Jesus as “magician and prophet,” J. D. Crossan, *The Historical Jesus: The Life of a Mediterranean Jewish Peasant*, San Francisco 1991, esp. 137–167, 303–353. More balanced are J. P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, Vol. 2: Mentor, Message, and Miracles, New York 1994, esp. 537–616; M. Becker, *Wunder* (n. 21), 421–442.

³² Cf. Veltri, *Magie* (n. 16), 164 (references). Cf. further Mark 7:33; 8:23, omitted in Matt.

sages recited) we find elsewhere in ancient magical texts. *There is no way from the conceded magical “whispering” on certain severe wounds or threats to Jesus’ acts of healing on the Sabbath.*³³

3.

The proponents of the “no serious conflict” approach to Jesus’ Sabbath therapies are not the first ones to claim that Jesus healed merely by word on the Seventh Day. We find this allegation already in Ps.-Athanasius’ *homilia de semente* (PG 28:144–168), with a tentative date from early fourth to early fifth century, apparently from an area where Syriac or Aramaic was known (cf. § 4, col. 149),³⁴ and in a Christian interpolation in the Slavonic version of Josephus’ *Jewish War*, dating from the Middle Ages.³⁵ Ps.-Athanasius *hom. de semente* § 16 (col. 168) has Jesus deliver the following monologue whilst healing the man with the withered hand:

Τότε λέγει πρὸς αὐτόν· Ἐκτεινον τὴν χειρὰ σου· οὐκ ἐγὼ ἅπτομαι, ἵνα μὴ Ἰουδαῖοι κατηγορήσωσιν· ἵνα μὴ τὸ ἅψασθαι ἔργον εἶναι νομίσωσι, λόγῳ λαλῶ. Οὐκ εἶπεν ὁ Θεὸς, Μὴ λάλει ἐν Σαββάτῳ. Ἐὰν δὲ ὁ λόγος ἔργον γένηται, θαυμάζεσθω ὁ λαλήσας.

Then he says to him: Stretch out your hand. I am not touching, lest the Jews find accusation. Lest they think that touching is labour, I shall speak with a word. God did not say, Do not speak on the Sabbath. But if the word became labour, he who speaks should be amazed.

This Christian text from late antiquity is remarkable for engaging the reflection on what constitutes “labour” prohibited on the Sabbath. Touching is identified as labour but speaking is not. However, as we shall see below (section 4), matters are not quite so easy in pertinent Jewish texts. It should also be noted that the homily questions the prohibition of plucking grain on the Sabbath (§ 1, cols. 144–145), probably shared by many Jews in antiq-

³³ Thus also Schaller, *Jesus* (n. 5), 132 f; E. Ottenheijm, *Genezen als goed doen: Halachische logica in Mt 12, 9–14*, *Bijdr.* 63, 2002, 335–366: 352.

³⁴ Reasons why this text cannot be attributed to Athanasius but should nevertheless be considered “old” are given by E. Schwartz, *Der s.g. Sermo maior de fide des Athanasius*, *SBAW.PPH* 1924/6, München 1925, 44. I owe bibliographic references and suggestions for date and provenance to Dr. Annette von Stockhausen, *Edition Athanasius Werke*, University of Erlangen.

³⁵ See the discussion of provenance and date in E. Bickerman, *Sur la version vieux-russe de Flavius Josèphe* [1936], in: *idem, Studies in Jewish and Christian History*, Part 3, *AGJU* 9, Leiden 1986, 172–195; and the summary of subsequent scholarship in L. H. Feldman, *Josephus and Modern Scholarship (1937–1980)*, Berlin 1984, 48–56.

uity,³⁶ asking how the hungry disciples could be denied food. In sum, the homily tends to exonerate Jesus and the disciples with claims of the permissibility of their Sabbatical actions and is replete with anti-Jewish polemic.³⁷

Our second witness, the interpolation in the Slavonic Jewish War (2:9:3, addition to Bell. 2:174), makes the following claim:

Others thought that he [sc. Jesus] was sent from God. But he was in much opposed to the Law and did not observe the Sabbath according to the ancestral custom, yet did nothing dirty, <unclean>, nor with the use of hands (рукодѣлания) but worked everything by word (словом) only.³⁸

Here, Jesus is seen in conflict with “ancestral custom” regarding the Sabbath, although the “verbality” of his actions is emphasized. However, these verbal actions on the Sabbath seem to be merely a special example of Jesus’ ministry in general, since the Slavonic text a few lines earlier and unrelated to the Sabbath states that “*everything*, whatever he did, he did by some unseen power, by word (словом) and command (повелѣнием).”³⁹ We take from this intriguing interpretation of Jesus’ ministry the cue to ask two questions regarding the synoptic Sabbath healings: First, do the synoptic gospels attribute a *significant difference* to Jesus’ miracle-working on the Sabbath as compared with his general ministry? Second, are Jesus’ Sabbath healings *generally and necessarily* performed by mere word?

As to the first question: When we look at the inventory of motifs in the synoptic miracle stories⁴⁰ we note that use of words alone in healing⁴¹ is *not*

³⁶ Cf. Doering, Schabbat (n. 2), 94 f, 155–158, 342 f, 428 f, 573 f.

³⁷ Cf., e.g., the charge that “the Jews” do “not keep the weightier things of the law” (§ 1, col. 145; cf. Mt 23:23). In fact, the author oddly contrasts “the Jews” reproach of the hungry disciples with their alleged willingness to kill Jesus on the “great Sabbath” (sic), for which John 19:31 is mistakenly invoked. This is apparently influenced by a reading of Mark 3:4 in conjunction with Mark 3:6.

³⁸ This passage has also been adduced by E. Nodet (RB 111, 2004, 304), although with far greater optimism as to its relevance for Jesus’ own Sabbath conduct. I follow the text as edited by N. A. Meščerskij, *Istorija iudejskoj vojny Iosifa Flavija v drevnerusskom perevode*, Moscow 1958, 259, lines 22–25 (Codex no. 109/147, Vilnius Public Library). The English translation is that of Josephus’ *Jewish War* and its Slavonic Version: A Synoptic Comparison of the English Translation by H. St. J. Thackeray with the Critical Edition by N. A. Meščerskij of the Vilna Manuscript translated into English by H. Leeming and L. Osinkina, ed. H. & K. Leeming, AGJU 46, Leiden 2003, 261. The word “unclean” is missing from Codex no. 651/227 (formerly in the Volokolamsk Monastery); see text and French translation in V. Istrin, *La prise de Jérusalem de Josèphe le Juif: Texte vieux-russe publié intégralement*, 2 vols., Paris 1934, I, 148/149, line 32 – 150/151, line 3. I wish to thank Professor Christfried Böttrich, Greifswald, for help with issues of the Slavonic text.

³⁹ Leeming, Josephus’ *Jewish War*, 261 (emphasis is mine); Meščerskij, *Istorija iudejskoj*, 259, lines 19 f; cf. Istrin, *La prise*, 148/149, lines 30 f. Another reference to the “word” comes a bit later: Meščerskij, 259, lines 31 f; Leeming, *ibid.*; cf. Istrin, 150/151, line 8.

⁴⁰ Cf. G. Theissen, *The Miracle Stories of the Early Christian Tradition*, Edinburgh 1983, esp. 63 ff.

restricted to Sabbath therapies. Blind Bartimaeus is cured after Jesus asks him what he should do for him and tells him, “Go (ὑπάγε); your faith has cured you” (Mark 10:51 f). Naturally also healing over a distance, like in Mark 7:29 or Matt 8:13, is by word alone. Within talking distance, the ten lepers are also merely told, “Go (πορευθέντες) and show yourselves to the priests,” and they become clean while on their way (Luke 17:14). In the healing of the paralytic Jesus cures by mere word, “Get up, take your bed and go home” (Mark 2:11). Use of a mere word is also found in Jesus’ exorcisms. Matt 8:16 explicitly states, “he drove the spirits out with a word” (ἐξέβαλεν τὰ πνεύματα λόγῳ). A further example is Mark 9:25 parr. (Jesus “threatened” [ἐπετίμησεν] a demon).⁴² In sum, the use of mere words in therapies and exorcisms suggests that Jesus’ cures in the Sabbath pericopae *do not in principle differ* from comparable procedures in narratives situated on ordinary days. In fact, the wording at Mark 3:5, “he says to the man: ‘Stretch out your arm’ (λέγει τῷ ἀνθρώπῳ· ἔκτεινον τὴν χεῖρα)” can hardly carry the burden of evidence attributed to it by Flusser and others. The first part of this phrase is even identical to the earlier phrase describing how Jesus calls the man into the centre, “and he says to the man (καὶ λέγει τῷ ἀνθρώπῳ) with the withered hand: ‘Come to the centre’” (Mark 3:3). There is no indication that the text would pay special attention to the “verbality” of the healing or the avoidance of manual actions.

Moreover, on the second question we observe that Jesus is portrayed as healing by word on the Sabbath *only* at Mark 3:1–6 parr. and at John 5:1–18 – but here the Sabbath is anyway broken (vv. 10, 16, 18). Elsewhere, *curative manipulations* carried out by Jesus are reported: Mark quite naturally retains such manipulations in a healing story, indirectly dated on the Sabbath due to its connection with the preceding text containing a Sabbath reference (Mark 1:21b): When Peter’s mother-in-law was ill with fever on the Sabbath, Jesus “took her by the hand and helped her up” (ἤγειρεν αὐτὴν κρατήσας τῆς χειρὸς),⁴³ and her fever was cured (Mark 1:31; only Luke 4:39 has a mere verbal healing here, while Matt 8:15 is not dated on a Sabbath). Luke strikingly reports curative manipulations in his additional Sabbath pericopae,⁴⁴ without indicating any shift in the nature of the Sab-

⁴¹ It should be noted that for some of the following cases, as well as for Mark 3:1–6, the exact relation between the word and the cure is debatable. See further below.

⁴² See also Mark 1:25 par. Luke 4:35, within a pericope dated on a Sabbath, albeit without any controversy.

⁴³ Cf. Preuss, *Medizin* (n. 16), 162 f: “Unterstützung der verbalen Suggestion”; Kollmann, *Wundertäter* (n. 29), 223 n. 4: “Möglicherweise ist an Kraftübertragung gedacht.”

⁴⁴ It is probable that Luke 14:1–6 is a Lukan composition analogous to Mark 3:1–6; cf. Kollmann, *Wundertäter*, 244; Doering, *Schabbat* (n. 2), 462 f; Mayer-Haas, “Geschenk” (n. 3), 341–345. Furthermore, it is likely that Luke 13:10–17 is a pericope for which Luke has joined an earlier therapy (vv. 11–13), not dated on the Sabbath, with the Sabbath controversy motif; cf. Kollmann,

bath controversies. Thus, Luke 13:13 says that Jesus “laid his hands” on the bent woman (ἐπέθηκεν αὐτῇ τὰς χεῖρας) after speaking the miracle word. Laying-on of hands is considered an act of transmitting healing power and is “a familiar miraculous gesture.”⁴⁵ But also “touching,” as in Luke 14:4, aims at strengthening and healing the sick (ἐπιλαβόμενος ἰάσατο αὐτόν).⁴⁶ Therefore, the wider synoptic tradition does not show consistency in portraying Sabbatical healings by word alone.

But even Mark 3:1–6 poses questions in this respect. Its clear signs of stylisation, including the malevolent watching of Jesus aimed at accusing him (v. 2) and the historically unlikely plot of “the Pharisees” together with “the Herodians” to kill him (v. 6),⁴⁷ render the assumption unlikely that this pericope “depicts” a single incident in Jesus’ life accurately. The co-ordination of vv. 3 and 5, noted above, suggests that the portrayal of the healing is part of this stylisation as well. It makes it difficult to argue that Jesus, historically speaking, healed exactly as related in Mark 3:5 or – if the pericope reflects recurrent praxis,⁴⁸ as the attestation of the topic would suggest – that he consistently healed that way on the Sabbath. As Graham Stanton notes, “Jesus may well have used some form of ‘physical action’ which is not recorded.”⁴⁹ Another complication is noteworthy: It has been argued that the word in Mark 3:5 does not *effect* the miracle but is rather a command to *demonstrate* the healing, which is not explicitly narrated.⁵⁰ Thus, we would not be able to say anything specific about the mode of healing. However, I am unsure whether early recipients of the story would have sensed this fine distinction, which has escaped most critical scholars.

In sum: There does not seem to be a particular emphasis on the mode of healing in Mark 3:1–6. Apart from this, the pericope is hardly a “depiction” of a historical incident. And other Sabbath texts in the gospels are not con-

op. cit., 242; Doering, op. cit., 463 f; Mayer-Haas, op. cit., 326–332. Different J. A. Fitzmyer, *The Gospel according to Luke*, 2 vols., AB 28–28a, New York 1981–85, II, 1011, 1038 f.

⁴⁵ Theissen, *Miracle Stories* (n. 40), 62.

⁴⁶ Cf. Theissen, *ibid.*; *contra* Sanders, *Jewish Law* (n. 3), 20, who disregards the participle and claims, “there is no specification of how the healing was performed” here. My argument is not affected by the suggestion that pre-Christian examples of healing by a mere touch boil down to a few passages; cf. P. J. Lalleman, *Healing by a Mere Touch as a Christian Concept*, *Tyndale Bulletin* 48, 1997, 355–361 (who focuses on ἅπτομαι). For the present argument, I ignore the robust manipulations reported in John 6:6, 14 f, because the pericope betrays signs of growth and the image of Jesus as “Sabbath transgressor” follows a rhetorical-theological agenda (vv. 13–17).

⁴⁷ Accusations of Sabbath breach do not feature in any of the New Testament passion narratives. They appear only later in the Gospel of Nicodemus / Acts of Pilate (chs. 1–2, 6; fourth c. CE, possibly with earlier roots).

⁴⁸ So C. Dietzfelbinger, *Vom Sinn der Sabbatheilungen Jesu*, *EvTh* 38, 1978, 281–298: 287.

⁴⁹ G. Stanton, *The Gospels and Jesus*, 2nd ed., Oxford 2002, 263.

⁵⁰ W. Kahl, *New Testament Miracle Stories in their Religious-Historical Setting: A Religions-geschichtliche Comparison from a Structural Perspective*, *FRLANT* 163, Göttingen 1994, 109 f.

cerned with “verbal” healing at all. In contrast, what does seem to be constitutive in the synoptic (and Johannine) texts discussed so far (and Matt 12:11 f par. Luke 14:5;⁵¹ perhaps also Mark 2:27 [f]⁵²) is Jesus’ *healing* on the Sabbath and thereby causing *controversy*.

4.

We are now in a position to ask for Jesus’ therapeutic practice on the Sabbath within the context of early Jewish Sabbath law. Recently, it has been argued in relation to the Sabbath therapies that we do not have any evidence of a consistent and (for Jews) generally binding Sabbath law in the early first century.⁵³ This is correct. It should, however, not mislead us to the assumption that we are dealing with a multi-optional society in which any conduct would be acceptable. There was a fair amount of general agreement on issues of law, over against which the sharp divergences were simply more feasible. The rabbis did not invent halakhah, it was in various forms already quite developed in the first century. But early Jewish halakhic texts tend to cover only selected aspects of legally structured life. At times, when we ask for halakhah and practice in the New Testament we cannot simply take a Jewish source and “adduce” it for comparison. Sometimes the New Testament reference is the earliest evidence for a certain regulation. This is also the case with healing on the Sabbath: *No non-Christian pre-Tannaitic source* mentions it at all.⁵⁴ Was it therefore generally considered allowed?

⁵¹ Although its source-critical provenance is unclear and its “authenticity” debated (defended by Mayer-Haas, “Geschenk” [n. 3], 345–359; caution pleads Doering, Schabbat [n. 2], 457–461).

⁵² Mark 2:27 [f] sits uncomfortably with the disciples’ plucking of grain. Cf. discussion in Doering, Schabbat, 408–432, esp. 413 f, 417; similarly Kollmann, Wundertäter (n. 29), 248; Mayer-Haas, “Geschenk”, 190. I am aware that I disagree here with numerous scholars who think v. 27 originally belonged with vv. 23 f (see Doering, op. cit., 409 n. 64, from which to subtract those mentioned in n. 66) or who see vv. 23–28 describe an authentic incident (from an Aramaic source: M. Casey, Culture and Historicity: The Plucking of the Grain [Mark 2. 23–28], NTS 34, 1988, 1–23). Unfounded is the suggestion by M. Ebner that the logion originally served to justify *travel* on the Sabbath by Jesus and his disciples as wandering radicals; idem, Jesus – ein Weisheitslehrer? Synoptische Weisheitslogien im Traditionsprozeß, HBS 15, Freiburg 1998, 178 f.

⁵³ Cf. Ottenheijm, Genezen (n. 33), 352; Mayer-Haas, “Geschenk”, 214 f. This has also been one of the results of Doering, Schabbat, e.g., 566–578, esp. 575.

⁵⁴ CD 11:9 f is not pertinent, since it does not prohibit “carrying around” medications on the Sabbath (*pace* Kollmann, Wundertäter [n. 29], 248), but only carrying them *out of* or *into* a house. Some have compared the ban on the physician’s service, recorded for days 7, 14, 19, 21 and 28 of the lunar month in the Assyrian cuneiform series *Inbu bēl arhim* (7th c. BCE), with Pharisaic opposition to sabbatical therapies (cf. S. Langdon, Babylonian Menologies and the Semitic Calendars, The Schweich Lectures 1933, London 1935, 73–96, esp. 85, 89), but it is uncertain whether there is any bridge from the Assyrian ban to the 1st c. CE Jewish *status quaestionis*.

In order to clarify this issue, let us, in a first step, take a brief look at the related issue of *life saving*, rabbinically termed *piquah nefesh*. This is of some heuristic value, since life saving is the more severe issue, and if we saw a concern for stringency here we could assume something similar also for the lighter issue of healing non-mortally dangerous diseases. This is indeed the case. The rabbinic texts record some hesitation on the part of common people to engage in life saving out of respect for the Sabbath, and therefore they encourage it, e. g., by stating that one does not have to ask permission for it at the *beit din* (tShab 15[16]:11, 13).⁵⁵ In the Dead Sea Scrolls we find even stricter provisions for life saving that aim at combining sanctification of the Sabbath and care for a human life. One regulation, at CD 11:16–17, is concerned with making sure that forbidden implements are not being used, while it would seem to be permissible to extend one's hand in order to rescue an endangered fellow human being:⁵⁶

And any human (נפש אדם) who falls into a place of water or into a place of (...), / let no man bring him up with a ladder, a rope, or an implement (וכלי).

The second text, 4Q265 6 6–7, offers a more sophisticated rule that concedes casting one's garment into the pit, but at the same time, too, prohibits the use of "implements":⁵⁷

And if it is a human being (נפש אדם) that falls into the water / [on] the Sabbath [day], let him cast his garment (את בגדו) to him to raise him up therewith, but an implement (כלי) he may not carry.

The difference between garment and implement is that one is allowed to carry about one's garment on the Sabbath, for it is not considered an "implement" (כלי) with regard to Sabbath law. This approach seems to concede life saving only as far as *no breach* of the Sabbath is involved.⁵⁸

⁵⁵ Cf. S. Lowy, Some Aspects of Normative and Sectarian Interpretations of the Scriptures, ALUOS 6, 1966–68, 98–163, 113 with 148 f n. 126. A leaning toward stringency is also attested in tDemai 5:2, where the *'amme ha-'arets* are credited with "fear of the Sabbath" (אימת שבת). However, alongside this we have also rare evidence of non-observant Sabbath conduct, e.g., the "extreme allegorists" mentioned by Philo migr. 89–93 or records of trading on the Sabbath in Palestinian ostraca from the 1st century CE; see Doering, Schabbat (n. 2), 347 f, 387–397.

⁵⁶ Text and translation: J. Baumgarten in: J. H. Charlesworth (ed.), The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations, Vol. 2, Tübingen & Louisville 1995, 48 f (translating "a utensil" instead of "an implement").

⁵⁷ J. Baumgarten et al., Qumran Cave 4. XXV. Halakhic Texts, DJD 35, Oxford 1999, 68.

⁵⁸ See for this interpretation Doering, Schabbat (n. 2), 201–204, 232–235, initially proposed in L. Doering, New Aspects of Qumran Sabbath Law from Cave 4 Fragments, in: M. Bernstein et al. (ed.), Legal Texts and Legal Issues: Proceedings of the Second Meeting of the IOQS, Cambridge 1995. Published in Honour of J. M. Baumgarten, StTDJ 23, Leiden 1997, 251–274. Against L. H. Schiffman's harmonizing view, idem, The Halakhah at Qumran, SJLA 16, Leiden 1975,

Alongside this strict and obviously old position arose a new one that conceded profanation of the Sabbath for the sake of the life of a human being. This approach apparently originated during the Maccabean rising, when for the first time (in Palestine) it was decided that one may fight back on the Sabbath when attacked (1Macc 2:39 ff). Somehow by analogy this was extended to danger in various situations of life. Tannaitic texts then reflect the clear stance that “nothing impedes life saving (פיקוּחַ נֶפֶשׁ, *piquah nefesh*) except ... idolatry and licentiousness and bloodshed” (tShab 15[16]:17 parr.) and that even “every suspicion of mortal danger overrides the Sabbath (וְכָל סַפֵּק נִפְשׁוֹת דְּרוּחָהּ אֵת הַשַּׁבָּת).”⁵⁹

I deem it likely that Jesus’ question at Mark 3:4 makes also reference to the principle that life saving overrides the Sabbath:

Is it permitted (ἐξεστιν) to do good or to evil on the Sabbath, *to save life* (ψυχὴν σῶσαι) or to kill?

As it stands, the question “Is it permitted ...?” makes use of a terminology frequent in Jewish debate on what is allowed and forbidden on the Sabbath.⁶⁰ Thus, Jesus’ interlocutors are being “picked up” at their own presuppositions.⁶¹ It seems that they too would endorse the precedence of life saving, albeit not in the case of a withered hand. However, in line with recognition of the stylisation of Mark 3:1–6 (see above, section 3), it has in recent years been increasingly questioned whether this logion can be traced back to Jesus. The main argument is that the reported health state of the man is *not* life threatening and thus the second part of the saying (“to save life – to kill”) off the point, while the first part (“to do good – evil”) is referred to the contrast between Jesus the healer and the opponents negatively portrayed in vv. 2 and 6. Thus, it is argued, this verse is partly or totally redactional and makes only sense in a Markan setting.⁶² Although I appreciate that the logion was most likely adapted to its context with its negative portrayal of the opponents, I assume that the argument concerning life sav-

128: “It must be assumed ... that if impossible to save a man without the use of articles in the category of *muqseh*, one could use these articles.”

⁵⁹ See mYoma 8:6; cf. tShab 9[10]:22; 15[16]:11, 15 ff; MekhY *Shabbta Ki tissa* 1 on Exod 31:13. Cf. Kahl, *Ist es erlaubt* (n. 3), 324–335; Doering, *Schabbat*, 547–554, 566–568.

⁶⁰ Cf. Mark 2:24; John 5:10; Flav.Jos.Ant. 13:252; cf. rabbinic *’asûr – mûtar* (see Jastrow, *Dictionary* [n. 19], [I] 98, [II] 946; a pertinent reference regarding healing on the Sabbath is TanB *Lekh lekha* 20 [76 Buber]).

⁶¹ Cf. Schaller, *Jesus* (n. 5), 145 f. *Contra* Back (n. 2), *Jesus*, 114 who makes the unfounded claim that “Jesus implicitly criticizes a way of thinking that, regarding Sabbath healing, compels the question ‘is it lawful?’” (the original has italics).

⁶² Cf. F. Vouga, *Jésus et la loi selon la tradition synoptique*, Genève 1988, 56 f; Kahl, *Ist es erlaubt* (n. 3), 329 f; Lindemann, *Jesus und der Sabbat* (n. 3), 129 f; Mayer-Haas, “Geschenk” (n. 3), 206 ff. Cf. also Dautzenberg, *Jesus und die Tora* (n. 3), 350 f.

ing has nevertheless some base in Jesus' attitude toward the Sabbath, because concern for "life" is a major halakhic issue in Jewish debate about the Sabbath. In this respect, it should be noted that the single other combination of $\psi\upsilon\chi\eta$ and $\sigma\omega\sigma\alpha\iota$ attested in Mark is both differently construed and semantically different (Mark 8:35: "For those who want to save their life [$\tau\eta\eta\nu\ \psi\upsilon\chi\eta\nu\ \alpha\upsilon\tau\omicron\upsilon\ \sigma\omega\sigma\alpha\iota$] will lose it"). In contrast, *anarthrous and absolute* usage as at 3:4 aptly matches the technical, formulaic use of נפש "life" both in the Qumran passages and in the rabbinic texts on life saving given above. Thus, with due caution as to the exact formulation, we may consider it likely that Jesus refers to the concession of life saving and then broadens its applicability to include non-life threatening diseases.⁶³

What do we know about *healing proper* on the Sabbath for early Judaism? Since the criterion of mortal danger – or suspicion of such – plays a decisive role for the debate on *piqquah nefesh* we may assume that healing would not have been universally conceded.⁶⁴ A first indication that should be taken seriously is the phenomenon discussed above that Jesus' healing, as witnessed by the gospel tradition, aroused *controversy*.⁶⁵ That his opponents were in total mere extremists (Sadducean, Essene or Essene-like, as has been claimed by Maccoby and Sigal),⁶⁶ is at least very unlikely with respect to the firm place of the label "Pharisees" for his main interlocutors in matters of law.⁶⁷ Also, the argument about life saving (see above) would make less sense because those extremists would not agree that it *overrides* the Sabbath. Secondly, even though healing does not feature in the list of thirty-nine main prohibited labours (mShab 7:2), this does not mean that according to the *Tanna'im* healing was only forbidden when performed by

⁶³ Cf. Doering, *Schabbat* (n. 2), 450–454, although I would now be less confident about what we can establish as exact "authentic" wording. Cf. also R. Pesch, *Das Markusevangelium*, 2 vols., HThK 2.1–2, Freiburg ⁵1989–⁴1991, I, 193; R. A. Guelich, *Mark 1–8:26*, WBC 34A, Dallas 1989, 134 f; M. Kister, *Plucking on the Sabbath and Christian-Jewish Polemic*, *Immanuel* 24/25, 1990, 35–51: 40; Schaller, *Jesus* (n. 5), 143–146; Kahl, *Ist es erlaubt* (n. 3), esp. 329–335 (but with a different assessment of the halakhic corollaries of Jesus' therapies); P. J. Tomson, "If this be from Heaven ...": *Jesus and the New Testament Authors in their Relationship to Judaism*, *The Biblical Seminar* 76, Sheffield 2001, 155.

⁶⁴ Cf. tShab 15[16]:15, where it is clear that only for someone in suspicion of mortal danger may water be heated "to heal him with it."

⁶⁵ Thus also Back (n. 2), *Jesus*, 47 f.

⁶⁶ Cf. Maccoby, *Writings* (n. 3), 171; Sigal, *Halakah* (n. 3), 138 ff.

⁶⁷ Back, *Jesus*, 111 n. 22 thinks the name "Pharisees" was traditionally connected with Mark 3:1–6 but moved by Mark from v. 2 to v. 6. That Jesus' other main opponents were Pharisees can hardly be denied; cf. A. J. Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach*, Wilmington 1988, 291 f. A certain number of Pharisees seem to have been present at least in the towns of Galilee; cf. S. Freyne, *Galilee from Alexander the Great to Hadrian 323 B.C.E. to 135 C.E.: A Study of Second Temple Judaism*, Wilmington, 1980, 319–323; Saldarini, *op. cit.*, 295; too much downplayed by Vermes, *Jesus the Jew* (n. 3), 52–57.

one of these labours.⁶⁸ As is well known, there were other prohibitions, partly derived from these labours, partly considered merely “rabbinic,” and partly disputed as to their status, among which various forms of healing are concerned. Thus, mShab 14:3 declares:⁶⁹

- A They do not eat Greek hyssop (אִיזוֹבִיּוֹן) on the Sabbath,
- B because it is not food for healthy people.
- C But one eats “yo‘ezer” (יְעֵזֶר) or drinks “shepherd’s flute” (water) (אֶבֶב רוֹעֵה).
- D One eats all (ordinary) foods for healing and drinks all (ordinary) drinks.

The point is that one may not consume herbs, like Greek hyssop, which are not normally used except as medicine (= A–B). However, any curative effect that is merely the by-product of regular nutrition is allowed (= D), and this applies also to herbs that happen to have also a medical quality (= C).⁷⁰ Further, we read at mShab 14:4 (cf. tShab 12[13]:9, 11):

- A He who is concerned about his teeth may not suck vinegar through them.
- B But he dunks (his bread in it) in the normal way,
- C and if he is healed, he is healed (וְאִם נִתְרַפָּה נִתְרַפָּה).
- D He who is concerned about his loins may not anoint them with wine or vinegar.
- E But he anoints with oil –
- F not with rose oil.
- G Sons of kings anoint themselves with rose oil on their wounds,
- H since it is their way to do so on ordinary days.

The principle of tolerated “by the way” cure is not restricted to remedies taken orally (= A–C), but also to ointments, of which only those used for cosmetic purpose on ordinary days are allowed (= D–H). This is further clarified in mShab 22:6:

- A They anoint and massage [mss. add: the stomach].
- B But they do not have it kneaded or scraped.

⁶⁸ Thus, however, Maccoby, Writings (n. 3), 171.

⁶⁹ Translations from the Mishnah follow, though with some adaptations, J. Neusner, *The Mishnah: A New Translation*, New Haven 1988. Hebrew quotations follow Cod. Kaufmann.

⁷⁰ There is some debate about identification of the herbs mentioned. Notoriously difficult is “Greek hyssop” (note the spelling [אִיזוֹבִיּוֹן], e.g., in Cod. Kaufmann); cf. already bShab 109b and I. Löw, *Aramäische Pflanzennamen*, Leipzig 1881, 134 ff [no. 93]. As to “yo‘ezer,” yShab 14:3 [14c] considers it to be פִּלְיִטְרִיכּוֹן = πολύτριχον, “maiden-hair” (*Adiantum capillus Veneris*, “Frauenhaar”), cf. Löw, op. cit., 278 f [no. 223], whereas bShab 109b identifies it as פִּוֶּתֶנֶק, “pennyroyal” (*Mentha pulegium*, “Polei-Minze”), cf. Löw, op. cit., 315 [no. 256]. Concerning “shepherd’s flute,” it is unclear whether the Hebrew and Aramaic terms denote the same plant; for Hebrew אֶבֶב רוֹעֵה Löw suggests “water-plantain” (*Alisma plantago*, “Froschlöffel”), but it may also be, as bShab 109b claims, the same as חוֹמְטְרִיָּא = Aramaic חוֹמְטְרָא דְרַעִיא, “prostrate knotweed” (*Polygonum aviculare*, “Vogelknöterich”); cf. Löw, op. cit., 34 [no. 2]. Rather misleading are the suggestions in Jastrow, *Dictionary* (n. 19), [I] 3: *Eupatorium*, and W. Nowak, *Schabbat* (Sabbat), Gießener Mischna II.1, Gießen 1924, 101: αἰματάγια, some styptic herb.

- C They do not go down to a muddy wrestling ground (לפילומא)⁷¹.
 D And they do not induce vomiting (אפיקטאפיון)⁷² [mss. add: on the Sabbath].
 E And they do not straighten (the limb of) a child or set a broken limb.
 F He whose hand or foot was dislocated should not pour cold water over them.
 G But he washes in the usual way.
 H And if he is healed, he is healed (ואם ניתרפא ניתרפא).

This passage is highly pertinent, since besides anointing and massaging it mentions healing injured limbs on the Sabbath. It emerges that all purposeful cures are forbidden, including straightening a child's limb or restoring a broken limb. Even directly cooling off a dislocated hand or foot is prohibited, and it may only be washed in an ordinary manner, with a "by the way" cure being acceptable. The Tosefta also records rulings involving oral application of mastic and herbs, which is forbidden "when one intends it for healing" (שמתכוין לרפואה; tShab 12[13]:8; cf. 13). In addition to the rule on tooth pain also found in the Mishnah, it provides a similar rule concerning the treatment of a sore throat: keeping oil in the throat for a "lubricant" is forbidden, while swallowing a significant amount of oil is permitted (12[13]:10). The Tosefta further approves of anointing with oil or a mixture of oil and wine (but not with pure wine or vinegar, which are not regular ointments), which most require to be prepared before Sabbath (12[13]:11 f). Also, very limited care for wounds is allowed for (12[13]:14). Even if Rn. Shim'on ben Gamli'el, in an occasional ruling, allows a mother to wash her child in wine⁷³ "even though she intends it for healing" (12[13]:13), the general tenor of both Mishnah and Tosefta is that *intentional healing of minor diseases is forbidden*, while "by the way" cures seem acceptable.

The discussion so far has shown that the involvement of *physical* labour is not necessary for something to be considered forbidden. It is rather the effect the treatment takes, and its designation for the purpose of healing. Thus, Sanders's general assertion that "talking is not work"⁷⁴ (cf. Ps.-Athanasius above, section 3) is untenable. It may be recalled that, obviously inspired by Isa 58:13, *talk about work is forbidden* both according to the Dead Sea Scrolls and rabbinic texts,⁷⁵ with some traditions indicating that even *thoughts* about work were not permitted.⁷⁶ Besides that, we find evi-

⁷¹ Greek πῆλωμα; cf. Levy, Wörterbuch IV (n. 19), 53. The Bavli eds. have לקורדימא instead, according to Levy, *ibid.*, 373, "Pfütze, eig. Einschnitt" (puddle, gash).

⁷² From Greek, although the exact wording is debated; various proposals with bibliographical references are conveniently gathered in Hüttenmeister, *Shabbat* (n. 14), 461 n. 10.

⁷³ According to yShab 14:3 [14c], such washing is normally to remove sweat.

⁷⁴ Sanders, *Historical Figure*, 215; cf. *Jewish Law* (n. 3), 21; Vermes, *Jesus the Jew* (n. 3), 25.

⁷⁵ Cf. CD 10:19; 4Q264a i [frg. 1] 5–8 par. 4Q421 13+2+8 3–4; bShab 113b; 150a.

⁷⁶ Cf. Philo Mos. 2.211; WaR 34:16 on Lev 25:35 [IV 815 Margulies]; yShab 15:3 [15a–b]; cf. MekhY *Yitro Ba-hodesh* 7 [on Exod 20:8] [230 Horovitz/Rabin]: נְשׁוּבָה מִמַּחֲשַׁבֶּת עֲבוּדָה

dence that the House of Shammai forbade *prayer* for the sick: Like other deeds of charity (such as distribution of alms in the synagogue or arranging a marriage), intercession for the sick was considered inappropriate because of the doxological character of the Sabbath (tShab 16[17]:22; bShab 12a has “visit the sick” instead).⁷⁷ Generally, the Shammaites stressed the holiness of the Sabbath as compared with human well-being. However, even the Hillelites, who reportedly conceded killing lice on the Sabbath (ibid.) to increase bodily well-being, are not said to have allowed immediate cures of chronic diseases either, and the valuation of intention in the prohibitions of purposeful healing given above is close to Hillelite concerns.⁷⁸ Although it can neither be established beyond doubt that the “Houses” were indeed *Pharisaic* factions nor that the details mentioned in the Tannaitic texts can already be presupposed in full early in the first century, there seems to be a clear line running between Pharisaic opposition to Jesus’ sabbatical therapies and reservations about cures of non-life threatening diseases in the Tannaitic texts. In light of this it may therefore be suggested that *first century Pharisees are likely to have considered an immediate therapy of a non-life threatening disease unlawful, even if effected by mere word*.⁷⁹ The rationale would probably be that such a therapy involved the deliberate change in circumstances from sick to healthy.⁸⁰

What does this result imply for Jesus’ stance within first century Judaism? Clearly, we can no longer follow Käsemann’s misguided claim that Jesus, with his Sabbath practice, “left the boundaries of Judaism,” and we are deeply indebted to scholars like Flusser, Vermes or Sanders to have pointed this out early on. There was neither uniformity nor normativity in the pertinent rulings, and particularly within the (proto-)rabbinic (Pharisaic?) milieu different stances usually tolerated one another, as emphasized by Sanders.⁸¹ I have further considered it likely that Jesus took a *principle shared* by many contemporary Jews (that life saving sets the Sabbath aside)

“rest from thought about labour”; PesR 23 [116b Friedmann]: שְׁבוּת מִן הַמַּחֲשָׁבָה “rest from the thought”; cf. for the whole issue Doering, Schabbat (n. 2), 225 ff, 348–352.

⁷⁷ Cf. E. G. Chazon, On the Special Character of Sabbath Prayer: New Data from Qumran, *Journal of Jewish Music and Liturgy* 15, 1992/3, 1–21: 4 ff, 15 f n. 12 ff; Ottenheijm, Genezen (n. 33), 359–362. Since Jesus does not heal by prayer it cannot be this specific Shammaite view that is contested in the gospel pericopae; *contra* Kollmann, Wundertäter (n. 29), 253.

⁷⁸ The House of Hillel broadly developed the impact of “intention” over against the more “physical” concerns in determining halakhic status amongst the Shammaites. See E. Ottenheijm, *Disputen omwille van de Hemel: Rol en betekenis van intentie in de controverses over sjabbat en reinheid tussen de Huizen van Sjammai en Hillel*, Amsterdam 2004.

⁷⁹ With a similar result Back, Jesus (n. 2), 46–49; cf. G. Theissen / A. Merz, *The Historical Jesus: A Comprehensive Guide*, London 1998, 367 ff; Stanton, *Gospels*, 263.

⁸⁰ Similarly now Tomson, “If this be from Heaven ...” (n. 63), 154.

⁸¹ Cf. Sanders, *Jewish Law* (n. 3), 22 f, 88 f (reported violence is either fictitious or has to do with “something other than *purely* legal disagreements”) and elsewhere.

as point of departure and extended its application (Mark 3:4). Disagreement on this legal issue must therefore be regarded as about the “fine points” of the law,⁸² not as blunt confrontation or abrogation. I have already pointed out that Mark’s report of the death plot against Jesus following the Sabbath healing (Mark 3:6) is greatly exaggerating and historically misleading. On the other hand, however, one should not downplay the potential of conflict inherent in debates about the minutiae of the law. We know of some polemic between the various parties and their followers, and this can be fierce at times, particularly when it comes to the question of what ‘supersedes’ the Sabbath (cf. 4Q513 4 2–5; mMen 10:3). This is also at stake in the issue of life saving. Someone who healed chronically sick on the Sabbath was likely to cause some irritation with some of his contemporaries. Thus, there would have been at least some “ado” about Jesus’ Sabbath conduct, and, although disagreement was about details, this was in fact no small thing.

5.

According to all four canonical gospels, Jesus healed people with non-life threatening diseases on the Sabbath. This seems to be a reliable trait in the tradition. What can we say about Jesus’ motivation for this specific conduct? Viewing Jesus thoroughly in the context of first century Judaism makes it impossible to see the gist of Jesus’ Sabbath conduct in the display of unsurpassed sovereignty, as Käsemann and others claimed.⁸³ On the other hand, when we realize that Jesus typically violated the Sabbath by his healing according to the view of his interlocutors, we can no longer downplay this behaviour as mere “teaching the bigot a lesson,” as Flusser would have it, either. Is Jesus’ Sabbath practice, as has recently been argued by Andrea Mayer-Haas, merely an insignificant part of his ministry, in which he combined the necessities of a wandering charismatic with an average relaxed regard for the Sabbath?⁸⁴ I would question this, since Jesus’ therapeutic Sabbath conduct as broadly attested in the gospels is hardly the praxis of an “average, non-rigorous” first-century Jew. It is rather quite specific and conspicuous and therefore calls for an explanation.

To my mind, it is more promising to view Jesus’ Sabbath conduct as a corollary of the *apocalyptic-eschatological outlook of his mission in gen-*

⁸² As stressed by Sanders, *Jewish Law*, 22.

⁸³ I deem it also impossible to claim the present Christological notion of Mark 2:28 (“Thus [ὥστε], the Son of Man is lord even of the Sabbath”) for the “historical Jesus”; see below, n. 94.

⁸⁴ Mayer-Haas, “Geschenk” (n. 3), 677–680.

eral. This is not totally new.⁸⁵ In doing so, I accept the view that Jesus' ministry was shaped by the concern for the inaugurated kingdom of God, which manifested itself in Jesus' teaching as well as in his actions, of which therapies and exorcisms constitute one part. This cannot be demonstrated in detail within the limited scope of this article, but it has been, to my mind, sufficiently argued for, and defended against criticism, in recent study of the historical Jesus.⁸⁶ However, among advocates of an eschatological interpretation of Jesus' Sabbath conduct there is *no consensus as to how such an interpretation should look like in detail*. I can only discuss here some of the suggestions. Building on earlier work, Sven-Olav Back has proposed a religious understanding of the term ψυχὴν σῶσαι (Mark 3:4), taking it, like at Mark 8:35, as dealing with salvation, with what happens "when a diseased person is confronted with the kingdom of God."⁸⁷ But we have already observed the syntactic and semantic differences between the two sayings, which make this solution quite improbable. Neither is T. W. Manson's older suggestion convincing that Jesus needed to heal on the Sabbath, since the matters of the kingdom demanded haste.⁸⁸ We simply cannot see elsewhere that Jesus aimed at curing or reaching out at as many people as possible; the inauguration of the kingdom is by way of example.

Another variant of the eschatological interpretation of Jesus' Sabbath conduct has been proposed by Tom Wright. According to Wright, Jesus aimed at a "redrawing of the symbolic world, as part of his kingdom-announcement," whereby he "was insisting that, now that the moment for fulfilment had come, it was time to relativize those god-given markers of Israel's distinctiveness."⁸⁹ Wright is certainly right about the lack of "nationalist" traits in the way the Sabbath is represented in the Jesus tradition. However, I cannot see that Jesus would militate particularly against the alleged boundary the Sabbath created between Jews and Gentiles. First of

⁸⁵ Cf., e.g., already T. W. Manson, *The Sayings of Jesus as Recorded in the Gospels According to St. Matthew and St. Luke*, London 1949, 189 f. Dietzfelbinger, *Sinn* (n. 48), 295, has programmatically advocated viewing Jesus' Sabbath therapies as commenting on his preaching of God's kingdom. Cf. recently Schaller, *Jesus* (n. 5), esp. 146 f; Back, *Jesus* (n. 2), esp. 161–193.

⁸⁶ Cf. J. Becker, *Jesus of Nazareth*, New York 1998, esp. 85–323; Theissen/Merz, *Historical Jesus* (n. 79), esp. 240–280, 309; L. Schenke, *Die Botschaft vom kommenden "Reich Gottes"*, in: idem et al., *Jesus von Nazaret: Spuren und Konturen*, Stuttgart 2004, 106–147 (with a more future notion of the kingdom of God); and Wright, *Jesus* (n. 4), esp. 28–82, 198–474, who takes issue with interpretations that tone down the apocalyptic-eschatological notion of the kingdom of God in the ministry of Jesus, such as M. Borg, *Jesus in Contemporary Scholarship*, Valley Forge 1994; Crossan, *The Historical Jesus* (n. 31); B. L. Mack, *A Myth of Innocence: Mark and Christian Origins*, Philadelphia 1988.

⁸⁷ Back, *Jesus* (n. 2), 114, referring to earlier work by E. Lohmeyer and W. Grundmann.

⁸⁸ Manson, *Sayings* (n. 85), 189 f; cf. D. E. Nineham, *The Gospel of St Mark*, Harmondsworth 1969, 109 f.

⁸⁹ Wright, *Jesus* (n. 4), 368, 389.

all, this boundary does hardly exist in the form claimed by Wright and, before him, by Sanders and others.⁹⁰ On the contrary, by the time of the early Roman Empire the Sabbath had, except for a pagan elite denouncing it as idleness, largely become an object of sympathy among non-Jews and one of the most easily accessible symbols of Israel at all.⁹¹ (This observation should more generally urge caution as to the naming of the Sabbath among the “boundaries” in theories of “covenantal nomism.”) Second, non-Jews do not feature at all in Jesus’ Sabbath controversies. What Wright does not sufficiently account for is the remarkable concentration on *healing* in the pericopae on Jesus’ Sabbath conduct. This hardly fits the type of programmatic “relativization of a symbol” Wright is looking for.

In contrast, I consider it more appropriate to see the eschatological perspective of the Sabbath therapies in a *focus on the need of human beings* as similarly reflected in other elements of Jesus’ ministry in the horizon of the inaugurated kingdom of God.⁹² The following points are worth considering:

1. In view of the kingdom of God *individual sick move in such a way into the centre that their cure may not be subordinated to Sabbatical rest*. In eschatological perspective, a human being’s illness is being taken “deadly serious,” so that their relief can be understood as an *extended form of life saving*,⁹³ as has been argued above with respect to Mark 3:4. This focus on commissioning the Sabbath for the service to people in need is further suggested by Mark 2:27, which may originally also have been related to a case of Sabbatical healing (see above) and according to most interpreters can be attributed to Jesus:⁹⁴

And he said to them: The Sabbath has become (ἐγένετο) for the sake of humankind (διὰ τὸν ἀνθρώπου), and not humankind for the sake of the Sabbath.

When and how has the Sabbath thus “become”? The use of ἐγένετο is conspicuous. The occurrence here may be compared with other references

⁹⁰ Cf., e.g., Wright, *Jesus*, 385; Sanders, *Historical Figure* (n. 3), 222.

⁹¹ Cf. Doering, *Schabbat* (n. 2), 285–289; R. Goldenberg, *The Jewish Sabbath in the Roman World up to the Time of Constantine the Great*, ANRW II.19.1, Berlin 1979, 414–447.

⁹² Cf., e.g., Matt 11:5 par. Luke 7:22 (therapies); Mark 2:13–17 parr. (company with tax-collectors and sinners); Mark 1:40–45 parr.; 5:25–34 parr.; 5:21–24, 35–43 parr. (approach to impurity); Matt 5:3–6 par. Luke 6:20 f (beatitudes); Luke 15:4 f par. Matt 18:12 f; Luke 15:8 f (attention to the lost ones); Matt 8:11 f (ingathering of “many” for the eschatological banquet).

⁹³ Cf. Back, *Jesus* (n. 2), 113.

⁹⁴ See the authors listed in Doering, *Schabbat* (n. 2), 414 n. 91 (also dissenting voices); authenticity is now also affirmed by Mayer-Haas, “Geschenk” (n. 3), 670 ff; Tomson, “If this be from Heaven ...” (n. 63), 153. – There is no room here to discuss the problems of v. 28 (see above, n. 83) in detail. Suffice it to note that if it were original the best explanation of its logic would be Aramaic idiomatic use of “son of man” = “an (individual) human being” in the background, if not, we would have to assume secondary Christological interpretation; cf. Doering, *op. cit.*, 419–423.

of γίνομαι signifying “to come into existence” and referring to God’s creative act;⁹⁵ it probably relates to the institution of *primordial* Sabbath.

This has recently been challenged by Martin Ebner, who claims that we have no evidence in Old Testament and ancient Jewish texts of the notion that the Sabbath “was created.”⁹⁶ However, this is not entirely correct; MTeh 92:2 [401 Buber] reads, “And what *was created* on the seventh (day)? – The Sabbath” (ומה נברא בשביעי (שבת)).⁹⁷ Earlier, Jub 2:17 says that God “gave” (Ge‘ez *wa-wahabana*) the Sabbath day to the higher classes of angels, and in Jub 2:23, according to 4Q216 vii 16, we read that the Sabbath and Jacob “were made (נעשו, Ge‘ez here *kona*) one with the other” for holiness and blessing.

Similar antithetical arguments are known from Greco-Roman, Jewish and New Testament texts.⁹⁸ The most pertinent of these is the oft-quoted Sabbath saying of R. Shim‘on ben Menasya (late second century CE) in the Mekhilta on Exod 31:12, 14:

לכם שבת מסורה ואי אתם מסורין לשבת

To you the Sabbath has been delivered, and not you have been delivered to the Sabbath.

We shall limit ourselves to comparing the structure and semantics of the sayings, without making claims about genealogical dependence (in either way). In both sayings the Sabbath is said to *serve human beings* or a group of them, and the converse relation between Sabbath and human beings, with the former as the governing side – however theoretical it may be –, is excluded. To be sure, the literary co-text of R. Shim‘on’s dictum is the exegetical justification of the maxim of *piquah nefesh*. But we have seen that life saving, albeit in “extended” form, plays a role in the Jesus tradition as well. Nevertheless, two differences should be noted: Apart from the variation in the group of people in view (Jesus: “humankind”; R. Shim‘on: “you,” referring to Israel), which should however not be overemphasized,⁹⁹

⁹⁵ Cf. BDAG, s. v. Γίνεσθαι refers to divine creation at John 1:3, 10; 1Cor 15:45; Heb 11:3; and notably in Philo (e.g., LA 1:2; opif. 13 f, 26 ff) and Josephus (e.g., Ant. 1:27, 28, 33); cf. Ps.-Philo LibAnt 60:2 (*fieret*). The form present in Mark 2:27 should not be called a *passivum divinum* (pace Doering, Schabbat, 414), since γίνομαι is a passive deponent with active perfect forms (Professor Friedrich Avemarie, Marburg, has kindly alerted me to this problem); nevertheless, the implied relation to God’s creational work is equally arguable without this grammatical label.

⁹⁶ Cf. Ebner, Jesus (n. 52), 168–171.

⁹⁷ Cf. also Mayer-Haas, “Geschenk” (n. 3), 167 with n. 163.

⁹⁸ Plut.mor. 230 f, 1071d–e; Ps.-Crates ep. 24 [74 Malherbe]; 2Macc 5:19; 1Cor 11:8 f; 2Bar 14:18; MekhY *Shabbta Ki tissa* 1, on Exod 31:12, 14 [341 Horovitz/Rabin]; bYoma 85b.

⁹⁹ Note that לכם “to you” in the Mekhilta is a lemma of the verse interpreted, Exod 31:14, and the main thrust of R. Shim‘on’s saying is the relation between the addressees and the Sabbath, not the exclusion of other peoples. Conversely, it is unlikely that, in the Jewish context of Jesus’

R. Shim'on uses the verb מָסַר and thereby refers to the Sabbath being "handed over" (at Mt. Sinai?¹⁰⁰), while Jesus, according to our interpretation, stresses the "genesis" of the day and thus invokes a primordial arrangement, in which the Sabbath was destined to serve human beings.

2. While the eschatological perspective has been established so far merely by way of matching the focus on need in the Sabbath sayings with a similar focus in other materials in the Jesus tradition that can be related to the inaugurated kingdom of God, some scholars take the evidence of Mark 2:27 further and propose an *intrinsic link between the protological argument here and Jesus' eschatological ministry*. Most notably among these scholars, the late Hartmut Stegemann assumed here what he called an *Urzeit-Endzeit* correlation: In the context of Jesus' eschatological mission human beings are refocused in a way that corresponds to primordial creation.¹⁰¹ I find this idea appealing, although I am much less convinced by Stegemann's claim that this restitution implies dismissal of the Torah with its Sabbath commandment.¹⁰² However, one could claim that attention to chronically sick on the Sabbath in view of the kingdom of God is in agreement with, and a recovery of, the serving role of the Sabbath with respect to humankind in primordial creation.

3. Finally, in eschatological perspective it is possible to see *some convergence between Jesus' healing activity and the nature of the Sabbath*. To be sure, it cannot be substantiated that Jesus *particularly* healed on the Sabbath.¹⁰³ But it is quite probable that misfortune and disease, in Jesus' view, are incommensurable with the nature of the Sabbath, a day on which God is particularly close to Israel¹⁰⁴ and which should be celebrated in rest,

words, "humankind" would have been expressly related to human beings irrespective of their membership in the people of Israel.

¹⁰⁰ So Schaller, *Jesus* (n. 5), 139; Back, *Jesus* (n. 2), 98; Mayer-Haas, "Geschenk" (n. 3), 166. However, the reference to Mt. Sinai remains conjectural, since other references in the Mekhilta use מָסַר in connection with the Sabbath irrespective of Sinai; thus MekhY *Shabbta Ki tissa* 1, on Exod 31:15 [343 Horovitz/Rabin]: "To the Name [i.e., God] the Sabbath has been delivered, and it has not been delivered to the *beit din*."

¹⁰¹ H. Stegemann, *Der lehrende Jesus: Der sogenannte biblische Christus und die geschichtliche Botschaft Jesu von der Gottesherrschaft*, NZStH 24, 1982, 3–20, esp. 15 f.; Kollmann, *Wundertäter* (n. 29), 251–254; cf. further M. Hengel, *Jesus und die Tora*, ThBeitr 9, 1978, 152–172; U. Schnelle, *Jesus, ein Jude aus Galiläa*, BZ NS 32, 1988, 107–113; H. von Lips, *Weisheitliche Traditionen im Neuen Testament*, WMANT 64, Neukirchen 1990, 247 f.

¹⁰² I remain also sceptical as to the applicability of the notion of "Messianic Torah" or the prerogatives of a "prophet like Moses" (cf. Deut 18:15, 18) to the "historical Jesus." Cf. also the criticism in Ebner, *Jesus* (n. 52), 15 f.

¹⁰³ Thus, however, Dietzfelbinger, *Sinn*, 297 (n. 48); Hengel, *Jesus und die Tora*, 166; cf. Schaller, *Jesus* (n. 5), 146 f.; Kahl, *Ist es erlaubt* (n. 3), 334 f. Critical: Back, *Jesus* (n. 2), 159.

¹⁰⁴ Parts of the Jewish tradition emphasize, *exclusively* to Israel among humankind, united with the upper classes of angels, thus Jub 2:17–33; cf. ShirShabb; the rabbinic Qedushah, see L. Doering, *The Concept of the Sabbath in the Book of Jubilees*, in: M. Albani et al. (ed.), *Studies in the*

joy and praise, as suggested by the important passage Isa 58:13 f and subsequent Jewish emphasis on Sabbath joy.¹⁰⁵ This would imply that in the context of the inaugurated kingdom Jesus feels obliged to heal on this day of encounter and joy *as well*. It has been suggested that the *eschatological symbolism* attached to the Sabbath, as witnessed by a number of Jewish sources,¹⁰⁶ comes into play here, too. According to some, the Sabbath is a particularly apt symbol of the inaugurated kingdom.¹⁰⁷ However, I would urge some caution here since we do not find any clear reference to such a symbolic understanding of the Sabbath in the Jesus tradition. Particularly, we have no basis for the claim that for Jesus an “eschatological Sabbath” has begun which has *blurred* the distinction between weekdays and the Seventh Day.¹⁰⁸ All Sabbath texts in the gospels maintain the distinction between Sabbath and weekdays.

A final remark may be in order. It should be noted that in the materials surveyed here Jesus nowhere gives a precise halakhic ruling. Except for Jesus’ acts of healing we have no hints how precedence of humankind is to be translated into practice. Thus, Jesus, according to the Gospel tradition, *can hardly be viewed as a founder of “new halakhah.”* He seems to have had a distinctive Sabbath practice, but our sources do not record any systematisation of it in normative form, which would be necessary for something to be considered “halakhah.” Thereby, the Sabbath issue as handled by Jesus remains somewhat “open.” Within early Christianity this “openness,” together with an increasingly Christological interpretation of Jesus’ attitude towards the Sabbath,¹⁰⁹ seems to have facilitated the growing abandonment of Sabbath halakhah proper.

Book of Jubilees, TSAJ 65, Tübingen 1997, 179–205. Closeness to God is, however, also suggested in the universalistic notion of the Sabbath offered, e.g., by Philo; cf. H. Weiss, *A Day of Gladness: The Sabbath Among Jews and Christians in Antiquity*, Columbia 2003, 32–51.

¹⁰⁵ See discussion in Doering, *Schabbat* (n. 2), 105 ff, 254 f, 350, 382 f, 571.

¹⁰⁶ The Sabbath is of the holiness of the world to come (MekhY *Shabbta Ki tissa* 1, on Exod 31:13 [341 Horovitz/Rabin]; the world to come will totally be Sabbath (ibid.; mTam 7:4; bRHSh 31a; MTeh 92:2 [402 Buber]; ARN A 1 [3b Schechter]; PRE 19; TFrag Exod 20:1 [41 Ginsburger]); the Sabbath is of the kind (bBer 57b), is image (BerR 17:5; 44:17 [I 157, 439 Theodor/Albeck]) or the sixtieth part of the world to come (bBer 57b). LibAnt 51:2 (Latin) views the Seventh Day as “sign of the resurrection,” as “repose of the coming age” (*signum resurrectionis ... futuri seculi requies*). For the NT, cf. Heb 4:1–11; T. Friedman, *The Sabbath: Anticipation of Redemption*, Judaism 16, 1967, 443–452; S. Bacchiocchi, *Sabbatical Typologies of Messianic Redemption*, JSJ 17, 1986, 153–176; Weiss, *Day* (n. 104), passim; J. Laansma, “I Will Give You Rest”: The Rest Motif in the New Testament with Special Reference to Mt 11 and Heb 3–4, WUNT II.98, Tübingen 1997, 65 ff, 103–106, 122–129, 353 f.

¹⁰⁷ Cf. Dietzfelbinger, *Sinn* (n. 48), 297; Schaller, *Jesus* (n. 5), 146 f; Kollmann, *Wundertäter* (n. 29), 251 f.

¹⁰⁸ Thus, however, J. Becker, *Jesus* (n. 86), 301 f.

¹⁰⁹ Cf. Mark 2:25–6, 28; Matt 12:8; Luke 6:5; John 5:17 f; 9:13–17.