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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 …”

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 him¹ – 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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transgress mainstream first century Sabbath halakhat 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. 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. 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. 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.


As already indicated, this position claims that by healing with a mere word Jesus did not transgress contemporary halakah, 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. 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.” What is the base for such a judgement? In a footnote Flusser refers to Jacob Nahum Epstein’s seminal “Introduction into Tannaitic Literature” from 1957. 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). 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] Halakah.” As evidence he adduces three rabbinic texts. The most foundational of these is tShab 7[8]:23 [Ms. Erfurt].

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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 halakah, ed. E. Z. Melamed, Jerusalem & Tel Aviv 1957, 280f.
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 One may whisper over the eye and over the snake and over the scorpion.
B And one may stroke the eye\(^\text{12}\) (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 הדニュース “the eye”: Ms. London replaces the first occurrence with הדניס “the bowels” but retains the second one: Ms. Vienna retains the first occurrence but replaces the second one with מסנה and has also an inverted order of the rulings, with statements B and C coming before A. Both mss. construe היד in statement B with the preposition על “over,” not with the nota accusatīvi הelligent as in Ms. Erfurt. The parallel in yShab 14:3 [14c] [Ms. Leiden] combines both “the eye” and “the bowels” in its opening statement\(^\text{13}\) and adds to the permission of stroking over the eye a ma‘aseh (a practical case from which halakḥah may be derived) as well as an aphoristic saying:

% (all Hebrew)

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. Akiba had an attack of the eye, and they stroked him\(^\text{14}\) with implements on the Sabbath.
D' Both Rav and R. Hiyyah Rabbah said: Ninety-nine die because of the eye, but one through Heaven.\(^\text{15}\)

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

\(^{13}\) However, a Yerushalmi quotation in Tashbetz Qatan has הלוחים שסמכים “the worms that are in the bowels,” according to S. Lieberman(n), Hayerushalmi Kipshuto […] , 2nd ed., New York 1995, 184 (in Hebrew) a possible reading (> ‘ללחים)).

\(^{14}\) 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.

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 Flisser’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 Yerusalmi Ms. Leiden (ְמַעְבַּרְרָא unterstüt שָׁבָתָה) 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 (ְמַעְבַּרְרָא unterstützen שָׁבָתָה)...

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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 [sc. stroking] is forbidden.”

16 Cf. S. Lieberman, Tosefta ki-Sfutah: 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), Hayerusalmi 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 (רְפָאִים) (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. Philo oeuses 12: (satirical remarks) on a Babylonian snake-charmer gathering and killing snakes by his spell (τοῦ θυμοῦ την ἐπιφάνειαν); cf. also Luke 10:19. Curative: Luc. Philo oeuses 11: the same Babylonian cures a snakebite by a spell (ἐπιφάνεια τοῦ); Galen, apud Alexander Trallianus 11:1 (II 475 Th. Puschmann) on usefulness of incantations (τὰς ἐπιφάνειας), 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 הבדל ה hi. + nota accusatīvi 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 לְמִדֵּלī 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 עין בֶּשַׁלָּא) 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

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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, displacese” (but suggesting the reading לעבד for the passage in question). However, no difference between use of הבדל ה hi. with nota accusatīvi and הבדל is noted by J. Levy, Neuhebräisches und chaldäisches Wörterbuch über die Talmudim und Midraschim, 4 vols., Leipzig 1876–89, III, 610 [=1924], and E. Ben Iehuda, Thesaurus totius hebraïtatis et veteris et recentioris, New York 1960, V, 4285.


22 This is especially true for snakebites; cf. Pliny nat. 25:99: ordiendumque a malorum omnium pessimo est, serpentinum 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 *piquah 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 *piquah 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. 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 [εξηραμμένη Mark 3:1], a “bent” woman [συγκυάπτουσια Lk 13:11], a man suffering from “dropsy” [ύδρωποπυρός 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.

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, 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. The connection with magic is also reflected by the place of the Tosefta passage in its compositional con-

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24 Cf. Ulmer, Evil Eye (n. 14), 26: “In the rabbinic mind, the evil eye was the cause of inexplicable 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 871b24 f mentions it together with diseases like rheumatism). It was considered medically treatable (cf. Polybius 13:2:2; Dioscorides 1:103 [194 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” (הלאות מלאוה, 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” (רבדים שעמים) are discussed, i.e. forbidden magical practice. 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 15:26 or, according to the Tosefta, by spitting. 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. 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, 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 23f on Exod 15:26 in particular); B. Kollmann, Jesus und die Christen als Wunderläuter: 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.
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.  

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), and in a Christian interpolation in the Slavonic version of Josephus’ Jewish War, dating from the Middle Ages. 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 Ἐκτείνον τὴν χεῖρά σου οὐχ ἔγω ἄπτομαι, ἵνα μὴ ἤσασθαι κατηγορήσωσιν ἵνα μὴ τὸ ἄφασθαι ἔχον εἰναι νομίσματι, λόγῳ λαλῶ. Οὐκ εἶπεν ὁ Θεός, Μὴ λάλει ἐν Σαββάτῳ. Εάν δὲ ὁ λόγος ἔχον γένηται, θαυμαζόμεθα 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.

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

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 (рукодѣлана) but worked everything by word (словом) only.

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 (ПОВѢЛѢНИѢМ).” 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 stories we note that use of words alone in healing is not

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36 Cf. Doering, Schabtat (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 dreverusskom 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. Thackera 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 Böitrich, 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.
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restricted to Sabbath therapies. Blind Bartimaeus is cured after Jesus asks
him what he should do for him and tells him, “Go (ὑπαγεί); 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 narra-
tives situated on ordinary days. In fact, the wording at Mark 3:5, “he says to
the man: ‘Stretch out your arm’ (λέγει τῷ ἀνθρώπῳ ἐκτείνων τὴν
χειρὶ)’” 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, cura-
tive manipulations carried out by Jesus are reported: Mark quite naturally
retains such manipulations in a healing story, indirectly dated on the Sab-

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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: “Möglichweise ist an Kraftübertragung gedacht.”

44 It is probable that Luke 14:1–6 is a Lukan composition analogous to Mark 3:1–6; cf. Koll-
mann, Wundertäter, 244; Doering, Schabat (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
tortured woman (ἐπεθύμησεν 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.” But also “touching,” as in
Luke 14:4, aims at strengthening and healing the sick (ἐπιλαβάθμισεν ἰάσωσιν αὐτόν). Therefore, the wider synoptic tradition does not show
in portraying Sabbatical healings by word alone.

But even Mark 3:1–6 poses questions in this respect. Its clear signs of
stylistisation, 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), render the assumption unlikely that this
pericope “depicts” a single incident in Jesus’ life accurately. The
coordination of vv. 3 and 5, noted above, suggests that the portrayal of the
healing is part of this stylistisation 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, 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.” 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.
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
35 Theissen, Miracle Stories (n. 40), 62.
36 Cf. Theissens, 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 ἀποκατάστασις). 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).
37 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).
40 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 consti-
tutive in the synoptic (and Johannine) texts discussed so far (and
Matt 12:11 f par. Luke 14:5); perhaps also Mark 2:27 [f] 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 Sab-
bath 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. 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 halakah, 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 halakah 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-Tanna
tic source mentions it at all. 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, Schabat [n. 2], 457–461).
52 Mark 2:27[f] sits uncomfortably with the disciples’ plucking of grain. Cf. discussion in
Doering, Schabat, 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 Weis-
53 Cf. Ottenheijm, Genezen (n. 33), 352; Mayer-Haas, “Geschenk”, 214 f. This has also been
one of the results of Doering, Schabat, 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 Pharisian
opposition to sabbatical therapies (cf. S. Langdon, Babylonian Menologies and the Semitic Calen-
dars, 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, rabbincally termed piqquah 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-mortal dangers diseases. This is indeed the case. The rabbinc 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). 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:

And any human (בֵּית וַיָּד) 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 (הלך).

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”:

And if it is a human being (בֵּית אָיר) that falls into the water / [on] the Sabbath [day], let him cast his garment (בָּשָׂר הָבָל) to him to raise him up therewith, but an implement (הלך) 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” (הלך) with regard to Sabbath law. This approach seems to concede life saving only as far as no breach of the Sabbath is involved.

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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” (אֲמָתָה בְּשָׂרוֹ). 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, Schabat (n. 2), 347 f, 387–397.


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

Alongside this strict and obviously old position arose a new one that con-
ceded 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 (מגש נפש, piqquah 
nefesh) except … idolatry and licentiousness and bloodshed” (tShab 
15[16]:17 parr.) and that even “every suspicion of mortal danger overrides 
the Sabbath (ברק נפש נפש רוחה),”

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 (ἐξεστίν) to do good or to evil on the Sabbath, to save life (ψυχήν 
σώσατε) 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 Sab-

Thus, Jesus’ interlocutors are being “picked up” at their own presup-
positions. 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 re-
furred 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. Although I appreci-
ate 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.”


Leh lekh 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 ψυχή and οἶος of attested in Mark is both differently construed and semantically different (Mark 8:35: “For those who want to save their life [τὴν ψυχὴν αὐτοῦ οἶος] will lose it”). In contrast, anarthrous and absolute usage as at 3:4 aptly matches the technical, formulaic use of ψως “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


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. 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:

A They do not eat Greek hyssop (חָסְפָּן) on the Sabbath,
B because it is not food for healthy people.
C But one eats “yo‘ezer” (יָוֵּזֶר) or drinks “shepherd’s flute” (water) (חָסְפָּן תַּרְפֶּת).
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). 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 (חָסְפָּן תַּרְפֶּת).
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.

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68 Thus, however, Maccoby, Writings (n. 3), 171.
70 There is some debate about identification of the herbs mentioned. Notoriously difficult is “Greek hyssop” (note the spelling [חָסְפָּן], e.g., in Cod. Kaufmann); cf. already bShab 109b and I. Löw, Aramäische Pflanznamen, Leipzig 1881, 134 ff [no. 93]. As to “yo‘ezer,” yShab 14:3 [14c] considers it to be פָּנָן = πολύτροχον, “maiden-hair” (Adiantum capillus Veneris, “Frauenhaar”), cf. Löw, op. cit., 278 f [no. 223], whereas bShab 109b identifies it as פָּנָן, “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 חָסְפָּן Löw suggests “water-plantain” (Alisma plantago, “Froschlößel”), but it may also be, as bShab 109b claims, the same as חָסְפָּן תַּרְפֶּת = Aramaic, “prostrate knotweed” (Polygonum aviculare, “Vogelknäuelich”); 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 Mishna II.1, Gießen 1924, 101: סְפָּרָתָו, some styptic herb.
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” ( Maharshay; 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-

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71 Greek πῆλομα; cf. Levy, Wörterbuch IV (n. 19), 53. The Bavli eds. have instead, according to Levy, ibid., 373, “Pfütze, eig. Einschnit” (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 Margulis]; yShab 15:3 [15a–b]; cf. MekhY Yitro Ba-hodesh 7 [on Exod 20:8] [230 Horovitz/Rabin].
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). 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. 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. The rationale would probably be that such a therapy involved the deliberate change in circumstances from sick to healthy.

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. 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 Friedman]: תבשה מ"המהבב “rest from the thought”; cf. for the whole issue Doering, Schabbat (n. 2), 225 ff, 348–352.


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 sabbat en reinheid tussen de Huizen van Sjammaj en Hillel, Amsterdam 2004.


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, 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. 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? I would question this, since Jesus’ therapeutic Sabbath conduct as broadly attested in the gospels is hardly the praxis of an “average, non-rigorist” 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-

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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 [ὁ θεός], 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. 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. 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 ψυχήν οώσα (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.” 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. We simply cannot see elsewhere that Jesus aimed at curing or reaching out to 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.” 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.
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. 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. (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. 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, 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.

And he said to them: The Sabbath has become (ἐγένετο) for the sake of humankind (διὰ τῶν ἰδιωτῶν), 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.
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.
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of γένος 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” (דוה נברא 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 (ברא, 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:

לֶכֶם שֵׁם מָסָרָה וּאֱהֹם מָסָרָה לְשָׁבָת

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 piqquah 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. Γενος 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, Schabat, 414), since γενος 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 לֶכֶם “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 יָנָה and thereby refers to the Sabbath being “handed over” (at Mt. Sinai\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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 Israel\textsuperscript{104} and which should be celebrated in rest,

\textsuperscript{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 יָנָה 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.”


\textsuperscript{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 Ehner, Jesus (n. 52), 15 f.

\textsuperscript{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.

\textsuperscript{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. Doe- ring, 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 sub-
sequent 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 e*
chatological symbolis* 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 sys-
tematisation of it in normative form, which would be necessary for some-
ting to be considered “halakah.” Thereby, the Sabbath issue as handled
by Jesus remains somewhat “open.” Within early Christianity this “open-
ness,” together with an increasingly Christological interpretation of Jesus’
attitude towards the Sabbath,109 seems to have facilitated the growing aban-
donment of Sabbath halakhah proper.

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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.; mTab 7:4;
bRHSb 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 Theo-
dor/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 requires). For the NT, cf. Heb 4:1–11; T. Friedman, The Sabbath: Anticipation of
Redemption, Judaism 16, 1967, 443–452; S. Bacchiocchi, Sabbathical 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,
107 Cf. Dietzelbinger, 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.