

The Sabbath: In the Law, in the Prophets, and in Mark¹

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ABSTRACT

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Different versions of the Sabbath law (Exodus 20:8-11; 23:12; 31:12-17; 34:21; 35:1-3; Leviticus 23:3; Deuteronomy 5:12-15) and several prophetic texts (Amos 6:1-7 - the name "Sabbath" is text-critically reconstructed in verse 3 with the help of the Septuagint); Amos 8:4-7; Ezekiel 20; Jeremiah 17:19-27; Isaiah 56:1-8) reflect a vivid struggle over the centuries as to how the Sabbath should be understood and practised. Jesus' position towards the Sabbath (Mark 2:23-28) pursues the prophetic intention: the goal is decisive. The last part states that Sabbath and Sunday contribute to a sustainable development, because they counterbalance greed and shortsightedness by self constrain and openness to God's time rhythm.

INTRODUCTION

The relation of the Law and the Prophets has been an important issue in Biblical Theology, in Canon formation and in Source Criticism as well. Already in Early Judaism and Early Christianity the relation of the two was hotly debated. It was most prominently Paul who propagated a form of Christian faith that no longer relied on the Mosaic Law. On the contrary, he proposed that justification comes through faith without "the works of the law" (Rom 3-4). As a consequence, he completely relied on the bonds of love between the believers to generate ethical norms according to which a Christ-believer should live. At least food and purity laws are discarded, so that Jews and Greeks could live together in one homogenous Christ-believing community without any boundaries. It is not

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completely clear in Paul, whether the laws included in the Decalogue are also discarded. On the one hand, it would be a logical consequence of his position, on the other, it is not stated explicitly. An obvious example of a law contained in the Decalogue that was hotly debated in Christian communities is the Sabbath law. But already in the Old Testament different versions of the Sabbath law and several prophetic texts dealing critically with the Sabbath reflect a vivid struggle as to how the Sabbath should be understood and practised.

1 THE VARIANTS OF THE SABBATH LAW IN THE FINAL TEXT

Let us start with a synchronic view on the Sabbath law texts. It is clear that the Sabbath was commanded by God as part of the stipulations conveyed to Israel at Mount Sinai in the wilderness. Within the corpus of laws the Sabbath law is very prominent insofar it is delivered in seven different variants, more than of any other law³. In addition, it stands at places that are highly significant in the overall structure of the laws. If one isolates them out of its context and puts them into a sequence, they form a fairly well formed concentric structure, although the different variants stem from different times and authors.

A Exodus 20:8-11: Decalogue

B Exodus 23:12

C Exodus 31:12-17: death penalty

D Exodus 34:21: shortest variant, without motivation

C' Exodus 35:1-3: death penalty

B' Leviticus 23:3

A' Deuteronomy 5:12-15: Decalogue

The law is firstly promulgated within the first variant of the Decalogue in Exodus 20. Lastly it is given in the second variant of the Decalogue in Deuteronomy 5. As a consequence, both Decalogue variants form the outer frame around the seven variants. The fourth variant in the middle represents the shortest variant and is the only variant that misses a

3 As is well known, there are stipulations that speak of a day of rest, other texts that speak of the Sabbath, without mentioning the idea of rest, and still others that combine both. On the level of the final text, all three types refer to the same Sabbath. As a consequence, in this overview all variants are subsumed under the heading Sabbath law.

motivating clause. Only the third and the fifth variant contain a statement about the punishment, namely the death penalty. They form a kind of inner ring around the centre. At the same time the variant in Exodus 31 closes the section on the command to build the tabernacle, the variant in Exodus 35 opens up the section on how the tabernacle is actually built.

I do not want to give an elaborated analysis of the final text; however, some remarks may be in order. Concerning the form, the variants share a common kernel but have additional form elements that are only attested in some variants. To the kernel belong the following elements:

- Firstly, it is expressed in the affirmative that the addressed person shall work six days.
- Secondly, work is prohibited on the seventh day. The seventh day is thereby characterized in a nominal clause.
- Thirdly, there are some regulations given concerning the Sabbath.
- With the only exception of Exodus 34:21 the fourth element is a motivation, why this law should be observed.

Let me briefly comment on these elements. All variants are unambiguously clear that the law concerns the structure of the whole week. Six days of work are confronted with the seventh day, on which no work is allowed. All variants want to structure the whole week, what is the total time that is available. God is not only concerned with the seventh day, but also with the six days of work⁴. The aim is not to single out the seventh day but rather to relate labour and rest in the adequate way. Human life shall be constituted by a rhythm of alternating phases, with each phase having its own way to express the devotion to YHWH.

All variants do further characterize the seventh day in a certain way. However, there are some differences. On the one hand there are formulations that simply state, that no work is allowed on the seventh day. With the only exception of Exodus 23:12 (מעשה) the work, which shall be interrupted on the seventh day, is characterized as a depended work. The Hebrew words מלאך (messenger) und עבד (slave), from which the formula-

4 Heschel (1990:24): „Der Sabbat als ein Tag, an dem man keine Arbeit tut, ist nicht eine Herabsetzung der Arbeit, sondern deren Bejahung; Gott selbst hält ihre Würde hoch. Du sollst am siebten Tag keine Arbeit tun ist die Fortsetzung des Gebotes: Sechs Tage sollst du arbeiten und all dein Werk tun“.

tions are taken, imply that the work is done for the profit of somebody else. On the other hand, there are variants that positively prescribe that on the seventh day there has to be a form of rest. However, there are nuances in the Hebrew as to how this rest is characterized. The verb שבת may not imply more than “to stop working”⁵. If this were so, the meaning would not differ significantly from the negative formulation “not to work”. On the basis of the final text however, the verb שבת is explained by other verbs that imply a certain form of rest or recreation (Exod 23:12; 31:17 נפש; Exod 23:12; Deut 5:14 נח).

It is very significant that only one variant misses completely any form of reason or motivation why this law should be observed, namely Exodus 34:21. If a law is promulgated without reasons it must be fulfilled simply because it is God’s will. If however a reason is given, the addressee has the possibility to judge by him or herself whether the goal of the law is achieved by a certain interpretation or practice of it. To give a reason for a law implies that there is a higher norm than the one expressed in the law, from which the observation of the Sabbath can be motivated. However, if a law can be motivated by a higher norm it may –by the same token– eventually be overruled by that higher norm. In any case, the law is not self-sufficient but has to be conceived in a wider framework of ethical norms.

Although the differences between the variants are used on the surface of the final text to create some kind of meaningful composition, they can on the other side be used to recover a legal history of the seventh day. There are still many historical questions left open, however, very roughly, it is possible to differentiate between three stages:

- The oldest stage seems to be a prescription of a rhythm of six days of work and the seventh day, on which this usual activity should be stopped. Exodus 34:21 and Exodus 23:12 represent this oldest stage⁶. The seventh day is not positively filled with any activities. It is left to the individual to pursue its own goals. Although the verb שבת “to stop doing something” is used, the name Sabbath (שבת) does not occur.

5 Against Budde (1930:143) who thinks that the verb is a denominative form of the name „Shabbat“. Schmidt (1993:89) draws a clear distinction between verb and noun.

6 This position is held almost universally; see e.g. Schmidt (1993:86).

“The Sabbath and the seventh-day-rest institution were during the pre-exilic period independent institutions, having nothing specific in common”⁷. One may speculate, as Meinhold does, whether the seventh day was originally not only observed during the harvest season⁸. The motivating idea is that the seventh day has a social goal to achieve. Exodus 23:12 requests that especially animals, slaves, and aliens can profit. It suggests itself that the rhythm of seven days is derived from the moon cycle, representing one quarter of it. In a society without tools to measure time new moon, half moon, and full moon are the easiest way to quantify a time span, which is greater than one day and less than a year.

- The second stage is represented by Deuteronomy 5:12-15. The two versions of the Decalogue in Deuteronomy 5 and Exodus 20 differ mostly in the case of the Sabbath law. Besides some minor differences in the wording, the motivating passages are completely distinct. Although the source-critical and text-critical questions, how the different versions depend on one another are difficult to assess, from a tradition-historical point of view it is obvious, that the social motivation in Deuteronomy 5 is older than the creation-theological one in Exodus 20⁹. For the first time the seventh day is explicitly identified with the Sabbath. On the surface of the final text of the law material it is obvious that the seventh day is in all cases identical with the Sabbath and vice versa. However, judging from pre-exilic prophetic texts and from the Akkadian institution of *shabattu* the Sabbath originally was the day of the full moon¹⁰. The difficult

7 Robinson (1988:167) pursues the thesis of Johannes Meinhold (1905); most recently Hartenstein (2004) agreed. Schmidt (1993:89-91), following Budde (1930), defends a pre-exilic weekly Sabbath. One must admit that the evidence does not allow a firm judgment. There simply are no non-legal pre-exilic texts that spell out unambiguously what they denote, when they use the word “Sabbath”. The very few texts we have, as we shall see later, do not speak explicitly of a weekly Sabbath. Of course, one should be cautious to use an *argumentum ex silentio* (Budde 1930:142), on the other hand it is not allowed to infer exilic concepts uncontrolled into pre-exilic texts.

8 Meinhold (1930:132).

9 For a thorough discussion of the text-critical and source-critical issues see Robinson (1988:143-149).

10 Robinson (1988:167) and Hartenstein (2004:105).

question is how it came that the seventh day and the full moon Sabbath were identified¹¹. Since the seventh day used the verb שבת and for the full moon the at least phonetically similar noun was used, it was easy to merge the two. In addition, both days presumably were related to the moon cycle. If this were so, the Sabbath as the day of the full moon would, within a lunar calendar, eventually coincide with the seventh day of rest.

In Deuteronomy 5 the social goal of the seventh day is extended by bringing in the Exodus from Egypt as motivation. The merging of the Sabbath and the seventh day yielded a feast day, on which God's ground breaking saving act, the exodus, is remembered. To stop working is now to be understood as a kind of protest against all forms of slavery.

- The third stage is reached with the priestly layer and its additions. It is stressed that the Sabbath is holy for YHWH. The variants in Exodus 20, Exodus 31, Exodus 35, and Leviticus 23 belong to this stage. This implies that the Sabbath is no longer one day within the same time continuum of the week, but instead of a different quality than the other days. In this stage the breaking of the Sabbath law was threatened with the death penalty. Also the observance was motivated with the idea that Israel has to imitate God's rhythm during the creation of the world, what presupposes the Priestly creation account (Gen 2:1-4a).

- Although the Sabbath is perceived to be holy and the observer has to respect this by turning to YHWH, who is the source of holiness, there are no cultic activities or acts of worship prescribed, although not excluded. The Sabbath incorporates the idea that the human being can communicate with God without any connection to a holy place. The Sabbath therefore can be practised outside the land of Israel. This is very probably the reason why it gained importance in the exiled community in Babylonia.

2 THE SABBATH IN THE PROPHETS

Looking on the prophetic texts, we get the impression that, despite its imminent importance in the Mosaic Law, the prophets did not deal with

11 This is the question already Budde (1930:144) has asked against Meinhold.

the Sabbath very often. And when they do, it is seldom done in an elaborated way. From the point of view of the final text this creates the picture that Israel during most times more or less respected the Sabbath. Otherwise the prophets would have had more often felt the need to address this issue¹². In this part I would like to present only some prophetic texts in a source-critical reconstructed historical sequence. In each case I will ask, how the prophetic text is related to the Sabbath law.

2.1 Amos 6:1-7: Sabbath of violence

One of the oldest prophetic texts on the Sabbath is normally overlooked, because the Masoretic vocalisation has hidden the original word “Sabbath”. In Amos 6:3 the Masoretic Text reads:

“You refuse to admit that a day of disaster is coming, but bring about the dwelling (שֶׁבֶת) of violence.”

The Masoretes vocalized the consonants שבת as infinitive construct of יָשַׁב. However, the resulting metaphor is not very appealing. What shall “dwelling of violence” mean? One may imagine violence as a person, probably with a frightening radiance, but what would it mean for this person to dwell or sit somewhere? The New International Version, for example, translates “reign of terror”¹³. This certainly makes better sense but has the disadvantage that it can hardly be derived from the semantic range of the Hebrew root יָשַׁב. The BHS too feels that the metaphor is faulty and suggests different conjectures without any supporting manuscript evidence. The conjecture “year” (שָׁנָה) for “dwelling” brings in the temporal aspect, which one would expect as counterpart to “day” in the first colon of the bicolon, however, the resulting metaphor is not much better. The other proposals to read “downfall (שִׁבְרָה) and violence” or “disaster (טָרָד) and violence” violate the grammatical and semantic parallelism between the cola, eliminate the time aspect in the second colon and need not only to change the consonants of the word, but also to presume that a following waw was lost. It is far more simple to follow the Septuagint’s understanding of the text. The LXX reads σαββατων ψευδων, what presupposes an understanding of שבת as “Sabbath”. This vocalization of the Hebrew yields a second colon which perfectly matches the first one: The

12 The critique of Ezekiel in Ezek 20:13,16,21,24 that Israel has never observed the Sabbaths during all its history, is therefore blatantly polemical.

13 See also Jeremias (1995:83): “Herrschaft der Gewalt”.

first words in the cola have an opposite meaning, whereas the second and third words are synonymous.

The exact sense of the first colon is difficult to evaluate, because the verb $\pi\tau\tau$ is attested only once more in Isaiah 66:5 and its meaning is not precisely clear. In addition, it is difficult to imagine what the phrase “evil day” denotes. Judging from the context this day must be identified with the “day of YHWH” (Am 5:18), which will, for certain addressees, turn into a day of darkness and inescapable death. The “evil day” would then be one single day in the near future that from the point of view of the prophet, not necessarily from that of the addressees, will be an evil day. This is probably not the context of the original oral situation. Friedhelm Hartenstein has proposed to understand the “evil day” on the background of the Assyrian evil days, on which work should not be started, because it is displeasing for the gods and will bring no success¹⁴. The singular of the phrase “evil day” would have to be understood as a collective one. One would have to imagine a certain group of persons, who believe under Assyrian influence in monthly taboo days, and developed practices to escape the negative sphere of those days. Since the Assyrian taboo days seem to have an affinity to the moon cycle, it eventually happened that an Assyrian “evil day” and an Israelite fullmoon-Sabbath coincided. The prophetic insight would be, that the same persons, who try to avoid the evil days, bring about a Sabbath of violence. As usual in poetic lines, the second colon intensifies the words of the first. The negative consequences of the evil day may have been avoided, but the much more important Sabbath is by the same time transformed into a day, from which violence spreads out. This is, as the prophet implicitly concedes, not the aim of the addressees, but nevertheless demonstrates their nature and disposition. How the Sabbath is turned into a base of violence, is explained in the following verses: The accused persons celebrate a vivid feast, according to v 7 a

14 Hartenstein (2004:115).

marzeach (מרזח)¹⁵, presumably on a day, when taboo-day and Sabbath coincide, but do not care for the needs of those, who depend on them¹⁶.

As the text describes what the accused people are doing, nothing unlawful can be seen. Even if a weekly Sabbath would be presupposed that prescribes a form of rest, the addressees obviously would not violate this norm. They do not work, but celebrate a feast¹⁷. The prophet seems to be affected by the extraordinary luxury, in which the *marzeach* on the Sabbath is celebrated. The specific point, however, is not that luxury in itself is seen as a fault, but that this luxury makes unsympathetic, careless and insensible against the needs of others, who presumably do not have the resources and the social status to join such a celebration. Whoever those persons may precisely be, it is clear from the flow of the argument that it must be an underprivileged group for which the accused are responsible or at least should be in solidarity with. So, what Am 6 criticizes is neither the practice of the Sabbath itself nor the celebration of a happy feast, but a wrong attitude towards those clients, for whom the accused persons are responsible. It is presumed that the Sabbath should be a day, on which people should be experience recreation and community before God in such a way that an attitude of equity, solidarity and caring for others is initiated and nurtured.

It is clear that the text wants to convince its hearers. As a consequence, it must presuppose some ethical norms from which the accused persons may derive that their behaviour and attitude is wrong. The expression “Sabbath of violence” is certainly a sharp polemical expression that presupposes that the Sabbath should normally be a day of well-being. However, one must admit that - besides the word Sabbath - there is no clear reference to legal texts: no citation, no verbal allusion. The seventh

15 See Jeremias (1995:85-87) for an overview over the discussion. The data are scarce, but at the heart of the *marzeach* seems to lay a communal meal. It is not bound to a specific place or time, but may nevertheless eventually have some cultic connotation.

16 See Jeremias (1995:88). Presumably later redactors inserted a more explicit hint; insofar they stated that the accused persons do not care about the downfall of Joseph (Am 6:6b). However, it is not obvious, who Joseph in this case represents.

17 Meinhold (1930) has understood the Full moon Sabbath as a “Fest des Jubels und der Freude” (1930:122), on which one would not work, but only as a result of the participation in festival activities (1930:124). One must admit, however, that there is no external evidence for this, as Budde (1930:139) argues.

day is not mentioned. The presupposed Sabbath is totally compatible with a monthly institution. Its goal is neither the idea of rest nor the idea of holiness, but rather the idea of social responsibility. Since it is not explained which group Amos has in mind as a victim of the Sabbath of violence, we cannot know whether this group contains slaves or aliens. The text mentions animals as food and seems to be concerned about them, but certainly does not assume that they should have a chance to profit from the Sabbath.

Since the phrase “seventh day” does not show up, but the idea of social responsibility is combined with the concept “Sabbath”, the Amos-text is to be associated with the second stage of the development of the Sabbath law. On the other side, there is no sign, that the wording of Deuteronomy 5 is presupposed. It seems, as if the Amos text is on the way to the deuteronomic variant. It only presupposes a vague social responsibility. It is more, as if the prophet assumes that the Sabbath should be celebrated by the whole community and its goal shall be the renewal and stabilization of the life of the community as a whole. This principle is violated, when a certain subgroup is excluded from the benefits of that festival day. The Sabbath law in Deut 5 has pursued and deepened this ethical criterion and formulated it as a legal norm.

2.2 Amos 8:4-7: The greedy merchants and the Sabbath

In Amos 8:4-7, a text very probably added later to the writing of Amos than Amos 6¹⁸, people are accused of a wrong Sabbath practice again. This time the text attacks a different attitude.

The text is difficult to understand, because it is not clear enough what kind of situation is presupposed. The accused persons seem to be some merchants who take advantage out of a difficult position some farmers are in. They long urgently for the end of the New Moon and the Sabbath, because they want to start with the dealing of grain.

Obviously it is presupposed that it is not possible to deal on the Sabbath itself. Difficult to understand, however, is why the accused persons are so eager that the Sabbath and the New moon ends. If it only would be, because they have to interrupt their activities for two days in the

18 According to Schart (1998:91) the passage Am 8:4-7 belongs to the D-layer and should be dated in an early exilic phase.

month, or for one day in a week, this would hardly be understandable. A better assumption would be that a specific market day after a specific Sabbath is presupposed. This could also explain why in the Hebrew the New Moon and the Sabbath are construed with the article: the merchants await a specific date, namely the next market days, because they anticipate extraordinary profits. Since grain is mentioned as the decisive good, it would be fitting, if the coming of a specific market day after the harvest was the aim of the merchants¹⁹. On this day the value of the labour of a farmer's family of a whole year was at risk. Greedy merchants who push down the price could endanger the income of the farmers.

The merchants don't do their work on the Sabbath. It is obvious that trading is in this case not undertaken on the New moon and the Sabbath itself, however, it would be an unwarranted overinterpretation to conclude that trading was forbidden on every New moon and Sabbath²⁰. The critique of the merchants is not primarily directed against their way of celebrating. Moreover, the problem is, comparable to the text in Amos 6, that the merchants are not really affected by the spirit of solidarity and responsibility, which seems to be especially connected with the Sabbath. Whether the accused persons celebrate New moon and Sabbath in this or that way does not matter. Probably their practice is comparable to that of other people. The decisive point is how they do their labour. The goals and the mood of the trading they undertake disclose the basic attitude of greed. The accused persons show no mercy on persons who had a bad harvest. On the contrary they ruthlessly want to take advantage out of their weakness in order to get the maximum profit. The text presupposes that the Sabbath, which is not marked as being different than the New moon in this respect, should initiate and foster the opposite behaviour. Weak and disadvantaged people should receive support out of a mood of solidarity.

Asking which legal background this text presupposes, one must again admit that besides the term Sabbath there are no verbal hints to any legal texts. The implied idea of social responsibility is not markedly

19 I admit that much speculation has to be done to understand the text, but unless one cannot establish a probable understanding of the presupposed situation of the text, it is unwise to draw far reaching conclusions from it concerning the time interval of the Sabbath.

20 Against Schmidt (1993: 89). Completely improbable is Veijola (1989:252-255) who holds that Am 8:5a,6b are later insertions from the time of Nehemia.

different than in Amos 6. Therefore this text may also be reckoned to the second stage of the development of the Sabbath law.

2.3 Ezekiel 20: “my Sabbaths they profaned”

Many times Ezekiel accuses Israel to “profane” the Sabbath. For example it is one of the stock phrases in his overview over the history of Israel in Ezekiel 20 that Israel “desecrated my Sabbaths” (20:13.16.21.24). Ezekiel believes that YHWH has given his laws in the wilderness (Ezek 20:10-12). From all these laws only the Sabbath is explicitly mentioned, presumably because it is thought to be the most decisive one. The text uses the plural “my Sabbaths” when referring to the laws in the wilderness (Ezek 20:12)²¹. Is it possible that the prophet has multiple versions of the Sabbath law in mind? Ezekiel does not spell out how the profaning of the Sabbath looks like. As a result, we have no clear understanding of his critique. Be that as it may, it is clear that the most important concept for him is the holiness of the Sabbath. Being holy the day belongs directly to God. Profaning the Sabbath therefore personally offends God. Social ramifications may be implied, but certainly do not have the priority. The punishment for the desecration of the Sabbath is not given, but judging from the context in Ezekiel 20 it would perfectly make sense, if it were the death penalty.

Asking for the legal background behind this strong emphasis on the character of holiness of the Sabbath one has to turn to the variants in the third, priestly stage. The verse Ezekiel 20:12 has its verbal parallel in Exodus 31:13. Grammatically both texts use the plural “my Sabbaths” along with the corresponding singular “as a sign”. Both express the idea that the Sabbath serves as a sign for the covenant between God and Israel through the generations with the goal that YHWH may be recognized²². It is difficult to determine the direction of dependence²³. The claim of Ezekiel 20:10-12 to describe, what YHWH has commanded Israel in the wilderness, would certainly be more convincing, if Exodus 31:13 could be

21 It is noteworthy that the plural “Sabbaths” corresponds with the singular “sign”.

22 Schmidt (1993:95) underlines this emphasis of the texts in Exod 31 and Ezek 20.

23 Veijola (1989:75) maintains that Ezekiel presupposes Ex 31; however, this is far from certain.

presupposed as a scriptural proof text. If this were true, one would know for sure, that Ezekiel 20 presupposes a weekly Sabbath, although that is not stated explicitly in Ezekiel 20. Within Ezekiel it is clear that the breaking of the law of the Sabbath deserves the most severe punishment. Although it is not stated explicitly, Ezek 20 is in line with those legal stipulations that contain the threat of death penalty for breaking the Sabbath.

2.4 Jeremiah 17:19-27: Carrying no load on the Sabbath

Jeremiah 17:19-27 very probably represents a late secondary addition to the book of Jeremiah²⁴. It is again difficult to understand precisely, what kind of situation the text presupposes. It is not spelled out, why the accused people carry burdens and bring them into the gates of Jerusalem on the Sabbath day. In addition, it is not clear, whether those activities represent normal behaviour as on every other day or something that is specifically done on the Sabbath, may be to be prepared for the next day. In addition, it is not clear, if there is anything about it, what is special for the situation in Jerusalem. The presupposed situation can be clarified by a comparison with Nehemiah 13:15-22, because both texts obviously deal with the same problem²⁵. That is the reason, why they share so much vocabulary²⁶. Apparently the Sabbath as a day of rest is used by some citizens of Jerusalem, but even more so by Non-Israelites (Neh 13:16, 20?), who do not feel bound by the Sabbath law, to sell goods (Neh 13:15). In contrast to Amos 6 and 8 the point of critique is no longer that the social spirit of the Sabbath is violated, but rather that no adequate rest can be achieved, if the people bring in goods into the city. For the first time the

24 According to Thiel (1973:203-209) the passage is part of the exilic D-redaction. Maier (2002:224) proposes an even later date.

25 This is noted by Meinhold (1930:129). Thiel (1973:208) assumes that the problem occurred already in the exilic time and later again in the time of Nehemia. Maier (2002:219 note 87) is right however, that it is easier to assume that both texts deal with the same situation.

26 Maier (2002:218-221) has thoroughly compared the texts. In deed, Jer 17 gives a less intelligible account of the situation than Neh 13. This must not imply that Jer 17 presupposes Neh 13 in a literary way. But there must be some connection between the texts. Jer 17:19-27 must have grown out of the circles around Nehemia. It can be imagined that the text was included into the post-exilic edition of the book of Jeremiah in order to legitimize Nehemiah's rigid action in this matter.

text accuses people to disturb the stillness (In German “Ruhestoerung”) of the Sabbath and promotes the right for the political authorities to intervene.

Asking for the legal background of this text, there are verbal allusions to legal texts:

יום השבת as in Deuteronomy 5:14 // Exodus 20:8

“you shall not do any work” וכל־מלאכה לא תעשו – as in Deuteronomy 5:14 // Exodus 20:10

“to keep holy” קדש Piel - Deuteronomy 5:12 // Exodus 20:8

These phrases allude to passages, where there are no text differences between the Exodus and the Deut version. However, if the initial exhortation “keep your souls” (v. 21 root שמר) is an allusion to the law text, this would show that the deuteronomic version is in mind. In addition, the phrase “as I have commanded your fathers” (Jer 17:22b) may be an allusion to Deuteronomy 5:12 (“as YHWH has commanded you”)²⁷.

The accused people probably would argue that the transportation of goods is not a kind of labour excluded by the Sabbath law: Neither does transportation transform any natural given material nor is the transportation done for the benefit of anybody else. However, the prophet subsumes transportation under the category of dependent labour (מלאכה) and sees a conflict to the goal to keep the Sabbath holy. The text shows the prophet involved in a legal debate on what kind of activities should be count as labour (מלאכה). With direct appeal to YHWHs word he imposes norms that are stricter than those hold by his opponents²⁸. The prophet is shown as someone who brings in new dynamic within the process of legal exegesis.

The controversy behind this text may have inspired the formulation in Deuteronomy 5:14, which lists the donkey explicitly under the animals that have a right to rest on the Sabbath. Ruling that the donkey, the most important animal for transporting heavy loads (see Neh 13:15), has a right

27 Maier (2002:214-215) has pulled together the evidence and concludes: “Damit lassen sich zentrale Formulierungen in Jer 17,21-27 als Rückgriff auf das dekalogische Sabbatgebot in Deut 15,12-14 verstehen”.

28 See Maier (2002:215).

to rest is an effective way to solve the problems that the text Jeremiah 17 addresses.

2.5 Isaiah 56:1-8: A Sabbath for the foreigners

As the last prophetic text I briefly want to mention Isaiah 56:1-8. This text is unique in several respects. Important for this paper is its vision that Non-Jews not only get attracted by the God of Israel and God's covenant with Israel but especially by the Sabbath (v 6). And by celebrating this day they get in a form of contact to God, which makes them eligible to become a full member of Israel.

It is clear that the text presupposes the idea, that the Sabbath is a covenant sign, but expands this idea greatly.

2.6 A short sketch of the history of the Sabbath

At the end of this rough sketch of only some, albeit illustrative, prophetic text passages that deal with the Sabbath, one may try to understand as to how law and prophets mutually influenced each other.

The first thing to note is that the oldest stage of the laws does not show up in the prophetic texts. Never is a text passage found that explicitly deals with the seventh day or shows other hints, which reveal that legal texts like Exodus 34:21 or Exodus 23:12 are presupposed. The oldest prophetic texts like Amos 6:3 and 8:4 mention the name Sabbath. But this day is probably the full moon and not a weekly institution. Nevertheless one gets the impression that the prophets combine a social goal with the Sabbath. The Amos passages accuse persons to celebrate the Sabbath (Am 6:1-6), and in Amos 8:4 also the New Moon, in such a way, that the solidarity with certain groups of the community is lost. The Sabbath should interrupt and transform the persons who celebrate it. Attitudes like carelessness and greed should be eliminated. This social goal is in line with the first stage of laws (Exod 34:21 or Exod 23:12) but also with the deuteronomic version of the Decalogue, although there are no verbal allusions, which lead one to assume that the prophetic texts knew the legal norms and used them as an argument against their hearers. As a consequence, it is difficult to reconstruct the legal norms that were held authoritative among the hearers of the prophets. The Amos texts seem to be on the way to a deuteronomic motivation of the Sabbath. They may have taken their social attitude from the stipulations of Exodus 34:21 and Exodus 23:12 and applied this to the full moon Sabbath; however, this can

not be proven by allusions. If it were right that the seventh day and the full moon Sabbath both depended on the moon cycle, the Sabbath and the seven day cycle would overlap once a month, but the question must be left open. Nevertheless, it is obvious that the prophetic critique inspired the formulation of the second stage of Sabbath laws. It is their merit to have promoted the social goal of the Sabbath, which found its way into the Decalogue variant in Deuteronomy 5. Jeremiah 17:19-27 then explicitly cites this variant of the Sabbath law and expands its meaning: Even the carrying of loads into the city is forbidden. In Jeremiah 17 a weekly institution is presupposed. It is the aim of the text to advance the stillness of the day by additional legal stipulations (“Ausfuehrungsbestimmungen”). Only rarely the prophets were concerned with those concrete stipulations. Instead their basic concern was that the Sabbath practice reflected truly the goal for what it was given in the first place.

The brief allusions to the Sabbath law within Ezekiel and in Isaiah 56:1-8 correspond to a Sabbath law as it was formulated in the third, priestly stage of the legal tradition. The Sabbath is singled out as the most important law and as a covenant sign²⁹. The Sabbath must be kept holy: One should turn to God and put aside all other disturbing activities. There is however no allusion to the idea, that the Sabbath is motivated by God’s own rest on the seventh day of creation.

Although there are still many questions open, it can be said, that several prophetic groups took part in promoting and expanding the Sabbath law. Circles behind the legal texts and those behind the prophetic texts mutually enriched each other’s conceptions. Over the centuries they worked out the idea that the Sabbath should prescribe a form of rest that gives room for the observers to turn toward God in an undisturbed way and by the same token strengthen their sensibility for the needs of the community. The most important prophetic influence on the legal materials is that the Sabbath laws include some form of motivation that clearly states the goal, for what the Sabbath is to observe. It is important that the Sabbath is characterized by a certain spirit, which permeates the celebration of this day and, more importantly, the work, which is done on the other 6 days of the week.

29 Maier (2002:224): “Die Fokussierung der Gerichts begründung auf die Befolgung eines einzigen Gebots läßt die Sabbatheiligung als Summe und Zentrum der Tora erscheinen”.

3 MARK 2:23-28: JESUS AND THE SABBATH

The New Testament contains several stories that deal with Sabbath conflicts (Mk 2:23-28; 3:1-6; Lk 13:10-17; 14:1-6; Joh 5:1-18; 9:1-41). One may therefore safely assume that already the historical Jesus came in conflict with some Jewish parties of his time in the case of the Sabbath practice. Most of the Sabbath conflict stories deal with the question whether it is allowed to heal on the Sabbath. Since no act of strenuous labor is involved when Jesus heals somebody, but simply uses words of his mouth instead, his healing is by no way in conflict with the Sabbath law. In contrast, Jesus gives persons health and integrity. Through contact with his own person, the patients participate in God's rhythm of life and God's holiness. In sharp contrast, the opponents of Jesus appear as legalistic hardliners, who are not really interested in the goals, which the Sabbath is supposed to achieve, but stupidly follow regulations that are insensitive for the individual case. Because they feel, that the personal contact with Jesus can give the people what their Sabbath practice cannot, they hate Jesus.

The only case where it may seem that Jesus breaks the Sabbath law is the story of the gathering of grain in Mark 2:23-28: Jesus and his disciples are wandering over the fields, when suddenly some of the people, who accompanied them, were offended by the fact that the disciples picked some heads of grain in order to eat them. It is worth noting that Jesus himself did not participate in this practice. Why did those people, who Mark designates as Pharisees, think that the Sabbath law was broken? The best explanation is that they followed a Sabbath practice that is attested in the Damascus Document (Zadokite fragments):

“Nobody shall eat something on the Sabbath day except that, what was prepared the day before, or something on the field that would diminish. He should neither eat nor drink, except from something within the camp” (CD-A X: 22-23)³⁰.

This ruling is certainly neither contained in the torah nor can it easily derived from any of the Sabbath law variants. Jesus could have easily argued that the acts of the disciples are not to be viewed as forbidden labor, because no tools were used and the activity leads to an immediate

30 Mark apparently did not have a historical accurate understanding, what Pharisees in Jesus' time practiced. He probably merged distinct Jewish groups into his image of Pharisees.

consummation. The activity is neither strenuous nor to the benefit of somebody else nor does it transform a natural given object. Instead Jesus uses an argument, which can be perceived in such a way as if Jesus accepts the charge that his disciples have broken the Sabbath law.

At this point, one has to notice that the nature of the argument is blurred by the insertion of verse 27. The verse is neither presupposed by Matthew nor by Luke. And no clear reason can be seen, why both independently of each other should have left out this verse³¹. The original argument used David as a scriptural proof. If in the minor case of David it was allowed to overrule a mosaic law in a situation of starvation, it will be even more legitimate that the “son of man” and his followers may overrule the Sabbath if they have hunger. Since the case of David has nothing specific to do with the Sabbath, Jesus’ answer gives the dispute a wider horizon. Now he deals with the validity of the Mosaic Torah as a whole. Jesus gives the “son of man” (=himself) a freedom to deal with the Torah, which stands in contrast to the position of the Pharisees. Implicitly, one may safely assume, the followers of Jesus have even more right than those people who accompanied David to apply the rule of their master for themselves.

At this point the redactor, who inserted verse 27, probably felt the need to expand the point Jesus wanted to make. His statement “The Sabbath was made for man, not man for the Sabbath“ clarifies that Jesus not only claimed this way of dealing with the Torah for himself (the “son of man”) and his immediate followers but for every human being. Hidden in the passive formulation of verse 27 is an allusion to the creation story in Genesis 1. Because the Sabbath according to Gen 1:1-2:4a was created after the human beings, it follows that it is created for the sake of the human beings. This kind of exegesis was probably not accepted by Jesus’ opponents. However the Christian communities inferred from this that every person has the freedom to overrule the Sabbath law, if his or her dignity as a creature of God is endangered.

To be sure, the statement that the Sabbath was given for the sake of human beings can be found in second century rabbinic discussions, for

31 Pesch (1976:178) and Gnllka (1978:120) agree that Mk 2:27 is added later. Both however maintain that the verse goes back to the historical Jesus (Pesch 1976, 186). That however is difficult to imagine.

example by Rabbi Shimeon ben Menasja (around 180 AD) in the Mekilta de Rabbi Yishmael³². In rabbinic thinking this basic norm only justifies labor in the case when the physical life is threatened by death. The redactor who inserted verse 27 uses the argument even in a case where the life of the disciples seems not to be threatened. As a consequence, within Christian circles Mark 2:27 was understood to allow greater freedom from the law than in Jewish communities. However, that the Sabbath should be dismissed altogether is certainly not the conclusion the reader of the story shall draw. From the perspective of Mark it is solely important that the persons who celebrate the Sabbath enjoy what the Sabbath was demanded for. The goal is important but not the way, how to achieve that. The Sabbath shall help humans to remember their destination to freedom and equality, to let the body recreate without stress and burden, to participate in God's rhythm of sanctifying and health giving life, and to enjoy with others the harmony with nature.

4 CLOSING PASSAGE

The Sabbath, which Israel has invented and developed, is still a fascinating phenomenon. Jesus did not dismiss the Sabbath law, but wanted to have this day celebrated in such a way that it could achieve the goals it was singled out for. It was probably a mistake that the Christians have rejected this day. The Christians in a sense admitted that and understood and practiced their Sunday often in a more or less unbroken continuity to the Old Testament Sabbath³³.

Today the Jewish Sabbath and the Christian Sunday can contribute to the World summit on sustainable development³⁴. The global economic process, which gains speed every day, what has many merits, nevertheless needs to be reminded, that there is a dimension of life beyond labour or beneath, if you like. The world summit makes it very clear that an economic process which is only guided by greed and search for short time success, will ruin not only this wonderful country South Africa but in the end the whole world. A sustainable development requires that greed and

32 See Billerbeck (1969:5).

33 There even are churches that returned to a Sabbath observance, e.g. the Seventh Day Adventists.

34 The World summit on sustainable development 2002 was held at the same time as the ProPent Meeting in Johannesburg.

shortsightedness are counterbalanced by self constrain and openness to God's time rhythm³⁵. Human beings need not only to function as workers but need also to be respected as human persons with spiritual needs. If we ignore this religious dimension we may also loose the goals we really want to live for: freedom, equality, community, and participation in God's life.

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35 See e.g. Kessler (1994:105).

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