Said Jacob in the Name of Jesus

Early Rabbinic Exclusion of Jewish-Christians from the Chain of Tradition

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Sagte Jakob im Namen von Jesus

Der frühe rabbinische Ausschluss von Judenchristen aus der Überlieferungskette

Abstract
This article argues that the story of Ben Dama dying from a snakebite, as told in the Tosefta, reflects an early rabbinic concern about the dangers posed by Jewish-Christian healers. Using a popular Hellenistic rhetorical form, the storyteller demonstrates that these healers are an exception to the rabbinic idea that one should live rather than die performing of the commandments. Polemicizing about an intra-Jewish concern without regard for Gentile Christianity, the Tosefta brings Jewish-Christians into an existing rabbinic category, *min,* the rabbinic term for a Jewish heretic. The article contrasts the story of Ben Dama with the story of Eliezer b. Hyrcanus' arrest for suspicion of heresy, which immediately follows in the Tosefta. In juxtaposing these stories, one of an unknown disciple and one of a renowned rabbi, the Tosefta displays the breadth of danger posed by the *min,* demanding constant vigilance and exclusion.

Keywords
→ Jewish-Christians
→ heretics/heresy
→ Rabbinic literature
→ healers/
healing narratives

Zusammenfassung
Der Artikel zeigt, dass die Geschichte von Ben Dama, der an einem Schlangenbiss stirbt, wie sie in der Tosefta erzählt wird, eine frühe rabbinische Besorgnis über die Gefahren widerspiegelt, die von jüdisch-christlichen Heilern ausgehen. Unter Verwendung einer populären hellenistischen rhetorischen Form zeigt der Erzähler, dass diese Heiler eine starke Ausnahme von der rabbinischen Idee darstellen, dass man bei der Erfüllung der Gebote eher leben als sterben sollte. Die Tosefta polemisiert über eine innerjüdische Angelegenheit ohne Rücksicht auf das Heidenchristentum und ordnet Judenchristen in eine rabbinische Kategorie ein, nämlich *min,* den rabbinischen Begriff für einen jüdischen Häretiker. Der Artikel kontrastiert die Geschichte von Ben Dama und der Geschichte von Elieser b. Hyrkanus' Verhaftung wegen des Verdachts der Ketzerei, die in der Tosefta unmittelbar folgt. Durch die Gegenüberstellung dieser Geschichten – die eines unbekannten Schülers und die eines renommierten, Rabbiners – zeigt die Tosefta, wie groß die Gefahr ist, die von der *min* ausgeht und die ständige Wachsamkeit und Ausgrenzung erfordert.

Schlüsselbegriffe
→ Judenchristen
→ Ketzer/Hesie
→ Rabbinische Literatur
→ Heiler/
Heilerzählungen

Sumario
Este artículo sostiene que la historia de la muerte de Ben Dama por la mordedura de una serpiente, tal y como se narra en la Tosefta, refleja una temprana preocupación rabínica por los peligros que plantean los curanderos judeocristianos. Utilizando una forma retórica popular helenística, el narrador muestra que estos curanderos representan una fuerte excepción a la idea rabínica de que en el cumplimiento de los mandamientos se debe vivir antes que morir. La Tosefta polemiza sobre una cuestión interna judía sin tener en cuenta al cristianismo gentil y sitúa a los cristianos judíos en una categoría rabínica ya definida, a saber, *min,* el término rabínico para designar a un hereje judío. El artículo concluye con una yuxtaposición de la historia de Ben Dama y la historia del arresto de Eliezer b. Hircanus por sospecha de herejía, que sigue inmediatamente en la Tosefta. Al yuxtaponer estas historias – la de un estudiante desconocido e ignorante y la de un rabino renombrado y brillante –, la Tosefta muestra cuán grande es el peligro que representa el *min* y cómo exige una vigilancia y una marginación constantes.

Palabras clave
→ Judeo-cristianos
→ hereje/herejía
→ literatura rabínica
→ curandero/
relatos de curación

Within the literary corpus produced by the earliest generations of rabbis, the Tannaim, there are only two explicit references to Jesus of Nazareth. These two references occur in back-to-back legal case narratives from Tosefta Hullin 2:22-24. In the first, Jacob of Kefar Sama offers to heal a minor rabbinic sage in the name of Jesus, R. Elazar b. Dama; and in the second, the generational sage, R. Eliezer b. Hyrcanus, hears a matter of heresy from Jacob of Kefar Sikhnin in the name of Jesus and is pleased by it. Both stories are highly literary tales designed to illustrate the values of their early third-century rabbinic storytellers and bring Jewish-Christians under the broader rabbinic umbrella of Jewish heretics and heresy, thereby excluding them from rabbinic knowledge production circles. Both stories would be revised and retold in later rabbinic literature, alongside many other references to Jesus, but they stand alone in the earliest documents.[2] While these stories are sometimes identified with boundary-drawing between Jews and Christians in the rabbinic milieu, *minim* discourse represents a fundamentally internal Jewish argument in the Tannaitic period. This paper will argue that the primary objection to Jewish-Christians illustrated by these stories is not that they participate in the Jesus movement but that they are not rabbinic Jews.

Matters of heretics and heresy are difficult to pin down in throughout rabbinic literature, but especially in the Tannaitic period.[3] While the rabbinic term for heretic, *min* (literally: kind), will eventually come to stand in for Gentile Christians in later rabbinic materials, it resists such assignment in the earliest materials.[4] The rabbis known as Tannaim were active from the destruction of the Second Temple in 70 CE until the early third century, coinciding with the rise of Christianity, but predating the Christianization of the Roman Empire. In this context, they had many other challenges to their communities besides Gentile Christianity. Further, while the word *min* is usually translated as heretic, that translation is imperfect, since it connotes a heterodox theology, while the Tannaitic *min* is more often characterized by heterodox practice that is still clearly Jewish.[5] Therefore, when examining the Tannaitic period, many scholars characterize the *min* as a deviant or schismatic Jew, occasionally marked as a Second Temple Jewish

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2 Cf. y. Shabbat 14.4, 14d-15a// y. Avodah Zarah 2.2, 40d-41a; b. Avodah Zarah 16b-17a; b. Avodah Zarah 27b; Eccl Rabbah 1:8:3; Eccl Rabbah 7:26:3. For a comprehensive discussion of Jesus' appearance in Talmudic literature, cf. Peter Schäfer, Jesus in the Talmud, Princeton 2007. For a careful analysis of these two stories in particular, cf. Daniel Boyarin, Dying for God. Martyrdom and the Making of Christianity and Judaism, Stanford 1999, 22-41.

3 For a summary of the methodological challenges with identifying *minim* with a particular group, cf. Stuart S. Miller, The Minim of Sepphoris Reconsidered, in: HTR 86 (1993) 399-402; Martin Goodman, The function of *minim* in early rabbinic Judaism, in: H. Cancik / H. Lichtenberger / P. Schäfer (eds.), Geschichte-Tradition-Reflexion. Festschrift für Martin Hengel zum 70. Geburstag, Tübingen 1996, 505f.

4 The term, *min*, must be considered diachronically and cannot be considered to possess a consistent meaning across rabbinic literature: cf. Reuven Kimelman, Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity, in: E.P. Sanders (ed.), Jewish and Christian Self-Definition, vol. 2, Philadelphia 1981, 226-243; Ruth Langer, Cursing the Christians? A History of Birkat HaMinim, Oxford 2012, 18-26. Langer lays out the problems with a »positivist« approach to rabbinic literature in reconstructing ideas about the *minim*, concluding that very little can be said about the nature or target of the curse of the *minim* in the Tannaitic period.

5 Cf. Adiel Schremer, Negotiating Heresy. Belief and Identity in Early Rabbinic Literature, in: Gilad Sharvit / Willi Goetschel (eds.), Canonization and Alterity. Heresy in Jewish History, Thought, and Literature, Berlin 2020, 30-49. For a counterargument to Schremer, cf. Michal Bar-Asher Siegal, Jewish-Christian Dialogues on Scripture in Late Antiquity. Heretic Narratives of the Babylonian Talmud, Cambridge2019, 10-12.

6 sectarian.[6] Martin Goodman shows that the Tannaitic *min* performs practices similar to rabbinic law: wearing *tefillin,* using books with the Divine name, and slaughtering meat carefully. This legal proximity provokes a risk of confusion or attraction, which causes the Tannaim to advocate for avoidance. Daniel Boyarin observes the seductive nature of *minim* in Tannaitic literature, especially on the rare occasions when they appear to belong to Jewish-Christian groups. Concern surrounding attraction and proximity typifies discussions of *minim* and may be at stake in the stories in Tosefta Hullin. Because of the lexical range of the term, I will prefer *min(im)* to heretic(s) when discussing this material.

Rabbinic competition for authority in the Jewish community is at stake in Tannaitic materials about *minim*. For example, in Mishnah Parah 3:3, Tosefta Parah 3:3, and Tosefta Yoma 2:10, a question is silenced out of the concern that it will »give the *minim* an opportunity to rule.« Competition characterized the late antique religious landscape, in which the rabbis were a loose network of religious specialists working as local judges, preachers,
7 and healers.[7] Their success relied on their ability to persuade others to follow them. *Min* becomes the label they use to designate competitors outside their network who participate in similar work. However, the Tannaitic deployment of the *min* epithet is so wide that it defies association with a particular set of beliefs or practices. In the literature we have received, the Tannaim do not differentiate among their competitors, unlike their Christian
8 contemporaries (such as Irenaeus in *Adversus Haereses* or Epiphanius in *The Panarion*).[8] While the epithet performed a discursive, boundary-marking function, it is not evenly distributed within the Tannaitic corpus (Mishnah, Tosefta, and the *halakhic midrashim*). Certain challenges of special relevance arise repeatedly. One such challenge is encountering those who transmit knowledge or practices in the name of Jesus, which appears twice in back-to-back narratives in the Tosefta. The Tosefta's expansive collection of rabbinic legal statements and narratives was redacted in the early third century, even though it often tells stories of earlier rabbis. What was at stake for the rabbinic redactor who included these encounters in his text?

As a case study, I will explore the first story in the Tosefta Hullin cycle mentioned above, that of R. Elazar b. Dama. This story demonstrates key features of *min* discourse. The *min* is treated as a profound threat. Without engaging in comprehensive descriptions of the category, the rabbis will label the *min* as more dangerous than the Gentile. This is done through the eloquent use of standard Greek rhetorical forms, demonstrating the rabbinic narrator's skill as a Hellenistic rhetor and participant in broader discourses in late Antique
9 Roman Jewish society.[9] The strength of rabbinic rhetoric emphasizes the care with which the rabbis approach this narrative and is critical to discerning both the underlying inter-

6 Yaakov Sussman, The History of Halakha and the Dead Sea Scrolls-Preliminary Observations on Miqsat Ma'se Ha-Torah (4qmmt), Tarbiz 59 (1989/90) 53, n. 176.

7 On the role of rabbis in the Jewish communities of Roman Palestine, cf. Catherine Hezser, The Social Structure of the Rabbinic Movement in Roman Palestine, Tübingen 1997, 450-489; Seth Schwartz, Imperialism and Jewish Society, 200 B.C.E. to 640 C.E., Princeton 2001, 110-119. On the importance of legal interpretation to rabbinic self-understanding in late Antique Roman context, cf. Natalie B. Dohrmann, Law and Imperial Idioms: Rabbinic Legalism in a Roman World, in: Natalie B. Dohrmann / Annette Yoshiko Reed (eds.), Jews, Christians, and the Roman Empire. The Poetics of Power in Late Antiquity, Philadelphia 2013.

8 Goodman, Function, 509f; there could have been literature which perfectly clarifies the terminology, but which did not survive Late Antiquity.

9 For a summary of the description of rabbis as Roman sub-elites, cf. Hayim Lapin, Rabbis as Romans: The Rabbinic Movement in Palestine 100-400 CE, Oxford 2012, 4-7.

10 t. Hullin 2:21-23, Ms. Vienna 20.

pretive debate they are participating in and the area of legal discourse they are seeking to constrain by excluding the *min*. In this context, it is a fear that the unusually permissive rabbinic interpretation of Lev 18:5 may be leveraged by disciples within the rabbinic network to allow for healing practices that rabbinic masters wish to prohibit.

Legal Background Banning the *Min*

ואין מתרפאין מהן לא ריפוי ממון ולא ריפוי נפשות.
מעשה בר' לעזר בן (ר)[ד]מה שנשכו נחש
ובא יעקב איש כפר סמא לרפאתו משום ישוע בן פנ(י)טרא
ולא הניחו ר' ישמעאל
אמר(ו) לו, אי אתה רשאי בן (ר)[ד]מה.
אמ׳ לו, אני אביא לך ראיה שירפאני.
ולא הספיק להביא ראיה עד שמת.
אמ׳ ר' ישמעאל,
אשריך בן (ר)[ד]מה שיצאת בשלום ולא פרצת גדירן של חכמים
שכל הפורץ גדירן של חכמים לסוף פורענות באה עליו
שנ' וּפֹרֵץ גָּדֵר יִשְּׁכֶנּוּ נָחָשׁ (קהלת י ח).[10] 10

One may not receive healing from them –
neither monetary healing nor bodily healing.[11] 11
There was a case of R. Elazar b. Dama who was bitten by a snake,
and Jacob, a man of Kefar Sama, came to heal him in the name of Jesus b. Panthera,[12] 12
and Rabbi Ishmael did not allow him.
He[13] said to him, »You are not permitted, Ben Dama!« 13
He replied, »I will bring you evidence that he may heal me.«
But he was not able to bring evidence before he died.
Rabbi Ishmael said,
»Fortunate are you, Ben Dama, that you departed in peace
and did not breach the fence of the Sages,
For all who breach the fence of the Sages ultimately receive divine punishment,
as it says, ›one who breaches the fence will be bitten by a snake.‹« (Eccl 10:8)

This legal case is attached to and illustrates the stated legal conclusion immediately preceding it: receiving monetary or bodily healing from a *min* is prohibited. This statement

11 »Monetary healing« likely refers to providing medical care to any being one is responsible for as the *pater familias* (e.g., cattle, flocks, slaves, and children); cf. Bartenura on m. Nedarim 4:4. Lawrence Schiffman argues that monetary healing »is healing in cases where there is no mortal danger,« while bodily healing »involves mortal danger.« The difference between Bartenura and Schiffman on monetary healing is significant but not relevant to the case of Ben Dama, which is surely a case of bodily healing of someone in mortal danger; LAWRENCE H. SCHIFFMAN, Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism, Hoboken, NJ 1985, 99 n. 79.

12 The name given to Jesus in rabbinic literature, Jesus b. Panthera, has been the subject of considerable study. The patronymic, Πανθῆρος, is identified as a Jewish slander in *Contra Celsum* by Origen's interlocutor, the pagan Celsus (Origen, Contra Celsum 1.32-33, 69), but its origin is not fully explained. Boyarin has offered an explanation that captures a compelling development path for the name, as well as why it was an effective slur: cf. BOYARIN, Dying, 154 n. 27. It should not be understood as having special significance in this story beyond its routine polemic usage.

13 Although the verb, אמרו, appears in the plural, it is likely a scribal error, as no other version of the story contains this variant, nor does the other Tosefta manuscript, Ms. London Add. 27296; cf. SCHIFFMAN, Jew, 101 n. 66.

comes at the end of a long list of forbidden encounters with *minim,* such as consuming their produce, engaging in commerce with them, and even teaching their sons a craft. The motivation for this ban is introduced at the beginning of Tosefta Hullin 2:20: one is not only prohibited from consuming the *min*'s produce but also from benefitting from it in any way. This is the same prohibition applied to products that have been used in Gentile idolatry.[14] No similar ban is applied to any other Jewish group in Tannaitic literature.

The ban on both monetary and bodily healing is especially unusual. References to monetary and bodily healing in Tannaitic literature typically contrast rather than mutually reinforce. For example, in Mishnah Nedarim 4:4, when one has vowed not to benefit from their fellow Jew, they may still provide them with bodily healing, though not monetary healing (וּמְרַפְּאֵהוּ רְפוּאַת נֶפֶשׁ, אֲבָל לֹא רְפוּאַת מָמוֹן). The logic here is that one is always obligated to save the life of one's fellow. Or the opposite phrasing in Mishnah Avodah Zarah 2:2, more perfectly mirroring Tosefta Hullin, prohibits receiving bodily healing from a Gentile, while permitting monetary healing (מִתְרַפְּאִין מֵהֶן רְפוּי מָמוֹן, אֲבָל לֹא רְפוּי נְפָשׁוֹת). With a Gentile, monetary healing is permitted because it is a public act, while bodily healing is prohibited because of the dangers associated with private intimacy. A similar prohibition applies to haircuts from Gentiles, *ad. loc.,* which must always be in public. These kinds of contrasts are typical.

It is only in the case of *minim* that both bodily and monetary healing are prohibited without exception in public or private. This speaks to the nature of the *min* in Tannaitic literature. The *min* is a Jew from whom one is prohibited from benefitting, as per Mishnah Nedarim 4:4, and therefore one cannot receive monetary healing from them. But the *min* is also a deviant Jew more dangerous than a Gentile, and therefore one cannot receive bodily healing from them, as per Mishnah Avodah Zarah 2:2. The case of Ben Dama illustrates the extremity of this double ban.

The Genre of the Narrative and its Underlying Concern

By examining the three characters of this story in more detail, it becomes clear that they are stereotypes in a common rhetorical form, the Hellenistic *chria*. *Chriae* were stories told about a heroic sage, in which the values of the storyteller were retrojected onto that sage, ending in a well-known aphorism, serving as the punchline and attributed to the sage.[15] The standard exercises of Hellenistic rhetoric required students to expand these stories, often using fixed rhetorical formulae to achieve the desired narrative effect. In the classical

14 m. Avodah Zarah 2:3-4.

15 GEORGE A. KENNEDY, Progymnasmata. Greek Textbooks of Prose Composition and Rhetoric, Atlanta 2003, 16.

16 There is no reference to a familial relationship between Ben Dama and R. Ishmael in Tannaitic literature or in the Palestinian Talmud. It is only in later versions of the story (particularly in the Babylonian Talmud) that Ben Dama is described as R. Ishmael's nephew. This is not uncommon in the Babylonian Talmud – »finding« relations among the sages. And perhaps, for the Babylonian Talmud, the familial relationship heightens the life-and-death stakes of Ben Dama's snakebite. However, for the Tannaim, the master-disciple relationship is even more important than a familial one; cf. Sifre Deut 32, in which R. Elazar b. Azariah says to an ill R. Eliezer b. Hyrcanus, »

רבי, חביב אתה לישראל מאב ואם, שאב ואם מביאים לעולם הזה ואתה הבאת בעולם הזה ולעולם הבא

Rabbi, you more beloved of Israel than a father and mother, for a father and mother only bring one into This World, while you bring one into This World and into the World to Come!« This has practical *halakhic* implications, as well; cf. m. Bava Metzi'a 2:11; t. Horayot 2:7.

17 R. Travers Herford argues that Jacob of Kefar Sama should be identified with Jacob of Kefar Sikhnin, who appears in the next story in Tosefta Hullin as the *min* interlocutor of R. Eliezer b. Hyrcanus. Joseph Klausner rightly rejects this position. He notes that even if we take these as historical narratives, the events they describe are many decades apart.

chria, its punchline illuminates its underlying message. In this *chria,* as will be argued, that underlying message is the danger posed by the lazy rabbinic disciple who makes space for bad interpretations.

R. Elazar b. Dama is a minor disciple in rabbinic literature. Other than in the Tosefta Hullin case under discussion, he appears in only one other place in the Tannaitic corpus, Tosefta Shevu'ot 3:4. There, he also questions his master, R. Ishmael, about the relationship between monetary matters and matters of life and death (on issues of withholding testimony in monetary cases and capital cases). The specifics of the argument need not detain us here except to note that Ben Dama seems to confuse the relative severity of monetary matters and capital crimes and is corrected by his teacher, R. Ishmael, using a Scriptural citation. A parallel conflict appears in the disagreement between master and disciple in Tosefta Hullin but with more dire consequences.[16]

In contrast, R. Ishmael is a well-known sage who is oft-quoted and after whom a hermeneutic school is named. And he is the driving force of the narrative. At each moment of the story's action after the initial snakebite, Ben Dama is impotent, while R. Ishmael is active. When Jacob of Kefar Sama comes to heal Ben Dama, it is R. Ishmael who prevents him. It is R. Ishmael who denies the possibility of evidence that might save his disciple's life. And it is R. Ishmael who blesses his disciple when Ben Dama's death guarantees his escape from divine punishment. In contrast, Ben Dama is someone to whom the story happens. Ben Dama is bitten by a snake. Ben Dama is prevented from receiving healing. And Ben Dama's sole moment of agency, in which he might offer the evidence to save his own life, ends without his action.

The third character of this legal case, Jacob of Kefar Sama, only appears in this story.[17] His village, Kefar Sama, appears nowhere else in Rabbinic literature, and its name should be understood as a signifier.[18] The word סמא carries a double meaning in Tannaitic literature, sometimes referring to potentially lifesaving medicine[19] and sometimes to deadly poison.[20] This double meaning is intentional in the naming of Jacob's village. What he presents as medicine for one's life in This World is a poison for one's life in the World to Come.

The snake is also understood to carry both of these possibilities, as illustrated in Mishnah Eduyot 2:5, where one is permitted to violate Shabbat to prevent a snakebite (and the poisoning that might ensue from the venom) as it is immediately lifesaving. However, the same *mishnah* prohibits one from trapping a snake to make medicine on Shabbat because it is not immediately lifesaving. The snake can take life or save it. Similarly, the rabbinic storyteller understands Jacob's offer to heal in the name of Jesus as equivalent to a metaphysical snakebite, presenting as medicine but actually poisonous. This reinforces the double meaning of Kefar Sama.

16 17 18 19 20

The R. Eliezer story is set in the late first or early second century (R. Eliezer is a young man when the Temple is destroyed in 70 CE). And R. Ishmael is ransomed as a young man during the Bar Kokhba Revolt (135 CE), so the Ben Dama story is set at least some time later. This would put the stories approximately fifty years apart. Herford argues that Jacob must have moved from one town to the other. More likely is that this is a stock name, as will be argued below. R. TRAVERS HERFORD, Christianity in Talmud and Midrash, London 1903, 106; JOSEPH KLAUSNER, Jesus of Nazareth. His Life, Times, and Teaching, HERBERT DANBY (trans.), New York 1925, 41.

18 Cf. BOYARIN, Dying, 159 n. 59. R. Travers Herford argues that Kefar Sama should be identified with the Galilean village, *Al-Sammu'i.* Setting aside the difficulty of determining that identification, while it is possible that Kefar Sama is a real place that could be identified with a real village, its function in this story remains symbolic; HERFORD, Christianity, 106.

19 Cf. m. Yoma 8:6; Sifre Deut 45; t. Shabbat 12:8; t. Sotah 1:6; t. Mikwa'ot 6:9.

20 Cf. m. Hullin 3:5; t. Bava Qamma 6:17; t. Hullin 4:5; the word can also carry the meaning of »blind« or »hidden,« but as demonstrated, medicine/poision is the better referent for this story.

Jacob's name may also be significant. As noted by Richard Kalmin, nearly all named *minim* in rabbinic literature are named Jacob, creating the image of »rabbinic authors telling stories about ›John Doe Heretic.‹«[21] Consequently, Kalmin argues that the generic name challenges the possibility of identifying particular heresies under consideration. In analyzing rabbinic literature as a whole, Kalmin is correct that just as it is difficult to identify a particular referent for the *min*, it may also be difficult to identify a particular referent for the name, Jacob.[22] However, in Tannaitic literature, the only two named heretics, Jacob of Kefar Sama and Jacob of Kefar Sikhnin, both speak in the name of Jesus. They are clearly meant to be associated with early Jewish-Christian movements.[23] If this is the origin of the association of the name Jacob with *minim*, then it is possible that the name Jacob should be understood in a Jewish-Christian context. As noted by Daniel Boyarin, the name was likely a stereotypical one for »Galilean Jewish Christians, who would have seen James as the founder of their church.«[24] Of course, James' name in both Greek and Hebrew was Jacob. So, rather than Jacob being »John Doe Heretic,« as described by Kalmin, it might be more accurate to describe him as »John Doe Jewish-Christian.« Notably, if Jacob were a Gentile Christian, there would be no question that Ben Dama could not receive healing from him. It is only because Jacob is Jewish that the assumption might be otherwise.

Ultimately, these three are stereotyped characters – the disciple, the master, and the heretic – and this story should be read as a constructed, didactic narrative, rather than a historical account. The Tosefta was redacted at least a century after these characters lived. Further, the genre is recognizable as a Hellenistic pronouncement story, or *chria*.[25] The »chriization« of rabbinic sages is an established phenomenon, and some of R. Ishmael's chriae have been documented by Henry Fischel.[26]

The choice of R. Ishmael as the heroic sage of this *chria* is essential to understanding the values established in the story. As noted above, R. Ishmael appears as Ben Dama's master in his only other appearance in Tannaitic literature. But, perhaps more significantly, R. Ishmael is also the tradent for the only source which suggests that he should allow Ben Dama to be healed by a *min:*

וָחַי בָּהֶם (ויקרא יח ה) - לֹא שימות בהן,
היה ר' ישמעאל או' מנ' אתה או' שאם אמרו לו לאדם בינו לבין עצמו
עבוד עבודה זרה ואל תהרג, יעבור ואל יהרג? תל' לו' וָחַי בָּהֶם - לא שימות בהן.
(יכול] אפילו אמרו לו ברבים ישמע להן תל' לו' וְלֹא תְחַלְּלוּ אֶת־שֵׁם קָדְשִׁי וג' (ויקרא כב לב]
אם מקדישין אתם את שמי אף אני אקדש את שמי על ידיכם.[27]

»He shall live by them,« (Lev 18:5) - not that he shall die by them.
R. Ishmael used to say, From where do you say that if they say to a person by himself, ›worship idolatry and do not be killed,‹
that he should transgress and not be killed?

21 Richard Kalmin, Christians and Heretics in Rabbinic Literature of Late Antiquity, in: HTR 87 (1994) 169.
22 Cf. b. Hullin 84a, where Jacob the *min* argues about kosher slaughter. He is unlikely to be a Jewish-Christian, and his argument about slaughter is reminiscent of Qumran sectarian concerns: Zev Farber, The Mitzvah of Covering the Blood of Wild Animals, https://thetorah.com/article/the-mitzvah-of-covering-the-blood-of-wild-animals (accessed: 23.1.2025).
23 I will not pause here to discuss the so-called »Parting of the Ways« between Judaism and Christianity, except to note that it took at least until the fourth century, and that encounters between Jews, Christians, and Jewish-Christians were a regular feature of life in Late Antique Palestine. For bibliography on the complications of Judaism and Christianity's separation in Late Antiquity: cf. Daniel Boyarin, Border Lines. The Partition of Judaeo-Christianity, Philadelphia 2004; Adam H. Becker / Annette Yoshiko Reed (eds.), The Ways That Never Parted. Jews and Christians in Late Antiquity and the Early Middle Ages, Minneapolis 2007. On the study of Jewish-Christianities, cf. Burton L. Visotzky, Prolegome-

> Scripture teaches, »He shall live by them,« (Lev 18:5) - not that he die by them.
> Could it be that even if they say to him in public that he should listen to them?
> Scripture teaches, »And you shall not desecrate My Holy Name, etc.« (Lev 22:32)
> If you sanctify my name, then I will also sanctify my name through you.

The interpretation of Lev 18:5 - »not that he shall die by them« - is the standard rabbinic interpretation. However, R. Ishmael is unusually permissive in what he will allow before someone should be martyred. He rules that any law may be transgressed to save one's life if it is transgressed in private, including prohibitions on idolatry. In contrast, the majority position articulated in Tosefta Shabbat 15:16 makes no public-private exception around idolatry, forbidden sexual relations, and murder:

> אין כל דבר עומד בפני פקוח נפש, חוץ מע"ז וגלוי עריות ושפיכות דמים

> Nothing may stand in the way of preserving life,
> except idolatry, forbidden sexual relations, and murder
> [which one must die rather than transgress].

The prohibition on healing by a *min* is grounded in prohibitions on benefitting from idolatry. As such, although one would expect the interpreters of Tosefta Shabbat to insist on dying rather than accepting healing, one would expect R. Ishmael to permit it. Indeed, in subsequent versions of the case of Ben Dama, in both the Palestinian Talmud (y. Shabbat 14.4, 14d-15a// y. Avodah Zarah 2.2, 40d-41a) and the Babylonian Talmud (b. Avodah Zarah 27b), the redactor asks what proof Ben Dama could have provided that it was permissible that he be healed by Jacob of Kefar Sama. In each version, Sifra Ahare 8.13.14 is cited. Every expanded version of this story knows exactly which tradition could be interpreted to permit healing from a *min* because R. Ishmael's statement in Sifra is the only such Tannaitic statement.

As noted by Adiel Schremer, it is surely relevant that Ben Dama is not allowed to articulate his proof.[28] It demonstrates the danger of such proof and the insistence of our storyteller that it not be uttered. However, Schremer assigns specific significance to the prohibition on response, suggesting that the story's audience would not have known the appropriate prooftext. As he points out, Ben Dama was »an otherwise virtually unknown rabbi.«[29] Rather, the relevant choice is that of R. Ishmael as the master who prevents his disciple's healing and has elsewhere taught the very tradition that would save his disciple's life.

And yet, even R. Ishmael considers healing by a *min* to be a step too far. Instead of offering the necessary *halakhic* justification to save his disciple, R. Ishmael lets him die, ensuring his place in the World to Come.[30] He then utters the punchline of our *chria*, its final aphorism, as we would expect:

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non to the Study of Jewish-Christianities, in: Burton L. Visotzky, Fathers of the World. Essays in Rabbinic and Patristic Literatures, Tübingen 1995, 129-149; Annette Yoshiko-Reed, Jewish Christianity and the History of Judaism. Collected Essays, Tübingen 2018.

24 Boyarin, Dying, 159 n. 59; cf. Klausner, Jesus, 41.

25 On the appearance of *chriae* in rabbinic literature, cf. Henry A. Fischel, Story and History. Observations on Greco-Roman Rhetoric and Pharisaism, in: Henry A. Fischel (ed.), Essays in Greco-Roman and Related Talmudic Literature, New York 1977, 59-88; Burton L. Visotzky, Aphrodite and the Rabbis. How the Jews Adapted Roman Culture to Create Judaism as We Know It, New York 2016, 91-99.

26 Fischel, Story, 70.

27 Ms. Vat.ebr 66, 187r. (Sifra Ahare 8.13.14, Weiss 86b).

28 Adiel Schremer, Brothers Estranged. Heresy, Christianity, and Jewish Identity in Late Antiquity, Oxford 2010, 91.

29 Schremer, Brothers, 89.

30 See n. 16 above on the role of the master-disciple relationship in bringing one into the World to Come.

שכל הפורץ גדירן של חכמים לסוף פורענות באה עליו
שנ' ופֹרֵץ גָּדֵר יִשְּׁכֶנּוּ נָחָשׁ (קהלת י).

For all who breach the fence of the Sages ultimately receive divine punishment, as it says, »one who breaches the fence will be bitten by a snake.« (Eccl 10:8)

The citation of Eccl 10:8 is, at first glance, puzzling. As the Palestinian Talmud wittily
31 retorts, ולא נחש נשכו - and did not the snake bite him?!«[31] In other words, the prooftext seems to suggest that breaching the fence is what leads to the snakebite, but Ben Dama was prevented from breaching the fence and was still bitten by a snake! Some scholars, such as Daniel Boyarin, see the clumsiness of the statement as proof that our storyteller considers Ben Dama to have breached the fence already, indicating that Ben Dama had already been connected with Jewish-Christians, which is »why this Ya'akov/James showed up so quickly to cure him« and »why Ben Dama is already primed and ready with a halakhic justification
32 for the appropriateness of cures in the name of Jesus.«[32]

But these are extratextual assumptions, and the story's details belie them. There is no indication that Jacob has shown up quickly to heal Ben Dama. We are not told where this story is set, and there is no reason to make assumptions about how far Jacob has traveled. Even if Jacob has come quickly, rabbinic literature understands the urgency of summoning doctors immediately when someone is bitten by a snake, allowing for public announcements and medical travel even on Shabbat, as stated by t. Shabbat 15:13:

מי שנשכו נחש קורין לו רופא ממקום למקום

When one is bitten by a snake, they call a doctor for him from place to place.

Jacob need only have heard the announcement and come. There is no need to assume a special intimacy with Ben Dama. And Ben Dama, himself, must not have had a halakhic justification
33 ready at hand, as he was unable to utter it before he died.[33] The prooftext is only clumsy if it is read as proof that it is better to die from a snakebite than be healed by a *min*. On the contrary, the proof is offered as part of a larger aphorism – stating that all who breach the fence of the sages will ultimately receive divine punishment. This is the idea that the verse proves.

This aphorism also appears in another context in rabbinic literature, Sifre Deuteronomy 48, which explores the value of the diligent disciple in contrast with the dangers posed by the lazy disciple of the sages. This disciple, lacking in learning, still offers rulings for others. In the process, he subverts Jewish law, rendering pure things impure and impure things pure – permitting the impermissible and prohibiting the permitted. He breaches the fence
34 of the sages, which is designed to distance one from the impure and the prohibited.[34]

31 y. Shabbat 14.4, 14d-15a // y. Avodah Zarah 2.2, 40d-41a.
32 Boyarin, Dying, 35.
33 Adiel Schremer offers a different argument against Boyarin's framing, suggesting R. Ishmael's citation of Eccl 10:8 is intended to refer to a metaphorical snake rather than a literal one; cf. Schremer, Brothers, 89-91.
34 Cf. Mekhilta Pisha 6 (Horowitz-Rabin 19), which explicitly connects the Sages' fence around the Torah (m. Avot 1:1) with a midnight deadline for consuming sacrificial meats (m. Berakhot 1:1). The meats can legally be consumed until sunrise, but the fence of the sages distances one from sin by not allowing them to approach the deadline.
35 Sifre Deut 48.
36 Cf. Michael Fishbane, Biblical Interpretation in Ancient Israel, Oxford 1985, 185 n. 474. There is also an inner-biblical midrash on Lev 18:5 in Neh 9:29. Its interpretation of the verse is quite close to that of Ezekiel 20; cf. Preston M. Sprinkle, Law and Life. The Interpretation of Leviticus 18:5 in Early Judaism and in Paul, Tübingen 2008, 40-44. On the purpose of inner-Biblical midrash, cf. Fishbane, Interpretation, 6f.

The case of Ben Dama should be read against this backdrop. Ben Dama is R. Ishmael's lazy disciple. In his only other mention in Tannaitic literature, Tosefta Shevu'ot 3:3, he must be corrected by R. Ishmael for confusing issues of testimony in capital crimes and monetary matters, contradicting Scripture. In Tosefta Hullin 2:22-23, Ben Dama is passive. When called upon to provide the evidence that could save his life, he is unable to recall it - »[his learning] has not stayed in hand«[35] – despite the tradition having been transmitted by the master standing in front of him. The dramatic irony is that his inability to internalize the traditions of his master, R. Ishmael, prevents Ben Dama from rendering the impure as pure, which is what he would have done if he had justified healing from a *min*. Ironically, Ben Dama thus maintains the integrity of the very fence of the sages that he sought to weaken. That he is dying from a snakebite heightens the irony and plays on the double meaning of being bitten by a snake – that of a physical snakebite and that of divine punishment. By letting his disciple die, R. Ishmael keeps Ben Dama from receiving the fate he has earned as a disciple who did not properly learn from his master. Read in this way, the case of Ben Dama is an ironic sage tale about a lazy disciple who, quite literally, cannot remember his master's words to save his life. 35

The Interpretive Problem the *Chria* Addresses – Lev 18:5

This brings into sharp focus the argument underlying the chria. The dangerous words Ben Dama cannot remember and R. Ishmael refuses to utter because they would open the door for healing by a min are »וָחַי בָּהֶם - לֹא שימות בהן - ›He shall live by them‹ - not that he shall die by them,« the standard rabbinic interpretation of Lev 18:5. This interpretation is unattested among non-rabbinic Jewish readers in late antiquity. And it is not the plain meaning of the verse. Lev 18:5 states:

וּשְׁמַרְתֶּם אֶת־חֻקֹּתַי וְאֶת־מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אֹתָם הָאָדָם וָחַי בָּהֶם אֲנִי ה׳

And you shall keep my laws and my rules,
which if a person shall do, he shall live by them – I am the LORD.

Rather than meaning that one may violate the law to preserve one's life, Lev 18:5 states that one must follow the law to live! This kind of strong re-reading is common in *midrash,* and analysis of its mechanics can reveal much about the interpreter's project.

Leviticus 18:5 is a statement of covenantal obligation for the Israelite: fulfill the law in this life, and you shall live. However, in its conception, it offers its negation: the Israelites routinely violate God's law after entering the land and remain living. Subsequent Biblical authors and late antique Jewish readers wrestled with this, producing their own interpretations of Lev 18:5 in an effort to build new conceptions of national history. For example, Ezekiel 20, producing an inner-Biblical *midrash* on Lev 18:5, constructs an eschatological read: these are the laws you failed to live by in life, but you will live by them in the future redemption.[36] 36

The community at Qumran adopted the Ezekiel national history model to strengthen their convictions around strict observance of the law:

לגלות להם נסתרות אשר תעו בם כל ישראל
שבתות קדשו ומועדי כבודו עידות צדקו [...]
ודרכי אמתו וחפצי רצונו
אשר יעשה האדם וחיה בהם [...] ומואסיהם לא יחיה

[…] revealing to them the hidden things in which all of Israel went astray:
[…] his holy Sabbaths and his glorious festivals, his righteous testimonies,
and his true ways, and the desires of his will,
37 which a person shall do and live by them […] But those who scorn them will not live.[37]

The community at Qumran understood themselves as the one group that was successfully living by the covenant of Lev 18:5. Seeing themselves as living at the advent of the eschaton, they also understood this covenantal language within the sequence of national history. These are the laws by which Israel failed to live, historically. Now, with the future redemption at
38 hand, the Qumran community was succeeding in living by them.[38] These laws guarantee this life and eternal life. This is made even more explicit in the communal expulsion ritual detailed later in the document, which again quotes Lev 18:5 and explicitly characterizes the
39 community as the people of redemption.[39]

Similarly, Paul's reading of Lev 18:5 also understands it to have historically obligated Jews
40 to strict adherence to the law before the arrival of Christ.[40] As he articulates in Romans 10:5-13:

> 5 Moses writes concerning the righteousness that comes from the law, that »the person who does these things will live by them.« 6 But the righteousness that comes from faith says, »Do not say in your heart, ›Who will ascend into heaven?‹« (that is, to bring Christ down) 7 »or ›Who will descend into the abyss?‹« (that is, to bring Christ up from the dead). 8 But what does it say? »The word is near you, in your mouth and in your heart« (that is, the word of faith that we proclaim), 9 because if you confess with your mouth that Jesus is Lord and believe in your heart that God raised him from the dead, you will be saved. 10 For one believes with the heart, leading to righteousness, and one confesses with the mouth, leading to salvation. 11 The scripture says, »No one who believes in him will be put to shame.« 12 For there is no distinction between Jew and Greek; the same Lord is Lord of all and is generous to all who call on him. 13 For »everyone who calls on the name of the Lord shall be saved.« (Romans 10:5-13 NRSVue)

As argued by Yael Fisch, the rhetorical structure of this passage is striking. While the character of »the righteousness that comes from faith« speaks for itself in »redacted scripture and intertexts,« righteousness that comes from the law is spoken about. The citation of

37 CD 3:12-17, trans. Steven D. Fraade; Steven D. Fraade, The Damascus Document, Oxford 2021, 40f.
38 Cf. Joel Willitts, Context Matters. Paul's Use of Leviticus 18:5 in Galatians 3:12, in: Tyndale Bulletin 54 (2003) 114-117.
39 4Q266 (4QD[a]) 11, 11-14; cf. Fraade, Damascus, 126.
40 Cf. Rom 10:5, Gal 3:12; I cannot do justice here to the wide range of views on how Paul specifically understands the role of law in Jewish salvation (as opposed to Gentiles), and it is not relevant to my narrow argument, which is that he reads Lev 18:5 to mandate Jewish adherence to the law prior to the arrival of Christ.
41 Yael Fisch, Written for Us. Paul's Interpretation of Scripture and the History of Midrash, Leiden 2023, 34.
42 Ms. Vat.ebr 66, 185r.
43 This reading may also be what is meant by Tg. Onq., which translates Lev 18:5 as follows:
וְתִטְּרוּן יָת קְיָמַי וְיָת דִּינַי דְּאֵם יַעְבֵּיד יָתְהוֹן אֱנָשָׁא יֵיחֵי בְּהוֹן בְּחַיֵּי עָלְמָא אֲנָא יוי
And you shall observe my ordinances and decrees, which if a per-

Lev 18:5 is provided without explanation as a »closed unit of scripture […] used in a way that coheres with its original context.«[51] As Fisch shows, the passage relies on the common reading of Lev 18:5 to develop its theme. Whereas Christ is the culmination of the law, the historical obligation of Jews under the Mosaic law is expressed by Lev 18:5, the l*ocus classicus* for the statement that Jews must keep the law in order to live. 41

There is no evidence that the Tannaim were specifically familiar with the details of any Christian texts or those of the Qumran community. What these texts evidence is that (a) in discussing the role of adherence to the law in This World and the World to Come, Lev 18:5 was a common prooftext among late antique Jewish readers; and (b) unlike the rabbis, those other readers understood Lev 18:5 to bind Jews to the law as a path to eternal life, prohibiting all transgression. This contrasts with the standard rabbinic reading, which understood Lev 18:5 to permit transgression to preserve life in This World while still living a life within the law.

However, the Tannaim also understood the covenant of Lev 18:5 to guarantee the World to Come. The text was not blanket permission to transgress. Rather, it was an expression of the limits of the obligation to observe. And when he died, the loyal observer of the law would receive his portion of the World to Come. As articulated in Sifra Ahare 8.12.10 (Weiss 85d):

וָחַי בָּהֶם (ויקרא יח ה) - לעולם הבא,
אם [ת]אמר בעולם הזה והלוא סופו מת הוא?!
הא מה אני מקיים וָחַי בָּהֶם - לעולם הבא,
אֲנִי ה' (שם) - נאמן לשלם שכר.

»He shall live by them,« (Lev 18:5) - in the World to Come.
If you say [that he shall live by them] in This World – is not death his end?
So how do I fulfill »He shall live by them?«- in the World to Come.
»I am the Lord,« (ibid.) - trustworthy to pay the reward.[42] 42

Here, »he shall live by them« refers to living by God's precepts to earn eternal life. One must live by God's precepts, and in the process, one earns eternal life. God is trustworthy to provide this reward, according to the divine economy of reward and punishment.[43] This parallels R. Ishmael's formulation in Tosefta Hullin 2:22-23, in which the fact that Ben Dama lived by the law and died rather than transgress allowed him to avoid divine punishment (פורענות) in favor of the reward (שכר) that God is trustworthy to provide.[54] This is the value properly expressed by R. Ishmael in the aphorism of our chria, the expression of values retrojected back onto the heroic sage. 43 44

This clarifies why a lazy disciple *chria* about prohibited healing from *minim* would have Lev 18:5 as its background. The rabbis have a view of the verse that is contrary to other Jewish readers. A lazy disciple could easily internalize the wrong view. Within the rabbinic

son does them, he shall live by them in eternal life; I am the Lord. The addition of »in eternal life« appears in some other Jewish *targumim* but not in the *Peshitta*, the Samaritan *targum*, or LXX.

44 Divine reward (שכר) and punishment (פורענות) are common in Tannaitic literature as oppositions within the salvific economy that imply the other. Cf. Mekhilta Bahodesh 2 (Horowitz-Rabin 210); Mekhilta Bahodesh 4 (Horowitz-Rabin 218); Sifre Num 43; Sifre Deut 306; Sifre Deut 307.

movement, there was some disagreement about what that interpretation permits, with R. Ishmael being its most permissive interpreter. Does it permit idolatry under duress in private or not? The complexity of this debate required the rabbinic illustration of the unequivocal prohibition on healing from a deviant Jew, a *min*. The heroic sage, R. Ishmael, is the only sage who might have permitted such healing, and he does not. The story is built to communicate that view decisively.

The Late Antique Rabbinic Competitor – Jewish-Christian Healers

It is unlikely that this *chria* is militating against a certain set of beliefs in Jesus of Nazareth, as the rabbis betray no specific knowledge of Jesus' teachings, in this story or anywhere else in Tannaitic literature. It is far more likely, as Adiel Schremer has argued, that rather than equating *minim* with Jewish-Christians, Tosefta Hullin is applying the well-understood epithet, *min,* to Jewish-Christians. It takes a boundary that the rabbis already understand,
45 between rabbinic Jew and *min,* and puts Jewish-Christians in the latter category.[45]

I would modify Schremer's view in light of the fact that this *chria* addresses a reading of Lev 18:5 that was common among Second Temple Jewish interpreters. The prohibition on healing applies to all *minim,* Jewish-Christian or other non-rabbinic sectarian. But the *min* in the story is a Jewish-Christian healer because Jewish-Christian healers were prominent in the world of late antique Jewish ritual healers. The rabbis were competing with them. Rhetorically marginalizing them was an important strategy.

The interpretive issues surrounding Lev 18:5 are not stated explicitly in the story because of a Tannaitic prohibition on including the views of *minim* in rabbinic texts or responding
46 to them in debates.[46] For example, when Tosefta Megillah 3:37 bans the performance of *targum* on the second telling of the Golden Calf (Exodus 32:21-25, 35), it uses the same language that R. Ishmael uses to stop Ben Dama:

מיכן אמ' ר' שמעון בן לעזר אין אדם רשיי להשיב על הקלקלה,
שמתשובה שהשיבו אהרן למשה פרשו המינין.

From here, R. Shimon b. Elazar said, a person is not permitted
47 to respond regarding corruption,[47]
For from the answer that Aaron answered Moses, the *minim* separated.

45 SCHREMER, Brothers, 91.

46 This contrasts with later rabbinic literature, which contains many stories about disputations with *minim* in which their arguments are recorded and defanged: cf. BURTON L. VISOTZKY, Goys'ית't Us. Rabbinic Anti-Gentile Polemic in Yerushalmi Berachot 9:1, in: EDUARD IRICINISCHI/HOLGER M. ZELLENTIN (eds.) Heresy and Identity in Late Antiquity, Tübingen 2008, 299-313.

47 Corruption, קלקלה, is also associated with *minim*; cf. m. Berakhot 9:5, t. Berakhot 6:25, m. Rosh Hashanah 2:1.

As explained by Saul Lieberman, the concern in Tosefta Megillah is that *minim* will marshal certain rabbinic doctrines to support their heresies.[48] This is not because what might be said is an inaccurate representation of the rabbinic ideas, but because specific rabbinic statements are easily misappropriated by minim to support their wrongheaded ideas. R. Ishmael's statement, »You are not permitted, Ben Dama,« functions doubly. Not only is Ben Dama prohibited from receiving healing from Jacob of Kefar Sama, but he is also prohibited from providing proof that would make such healing possible, as it would strengthen the case of others who wished to receive Jewish-Christian healing.

Healing was a heavily contested practice among holy men in late antiquity. As observed by Peter Brown, the period included a marked shift in which people »turned in increasing numbers to visible, mortal human beings to whom God had ›transferred‹ the power of healing.«[49] Part of establishing who ought to have the power to heal was differentiating between sages, who provided divine healing of the sick, and magicians, who leveraged powers inappropriately, although to the same ends.[50] The rabbis engaged in this differentiating rhetoric, banning certain kinds of healing practices, though not all prohibited Jewish healing practices were labeled as belonging to the *minim*.[51]

Countless stories were told of Jesus' healing powers.[52] And Christian ritual practitioners, both Jewish and Gentile, healed successfully in his name.[53] At issue for Tosefta Hullin is not the effectiveness of such cures, but which side of the sage/magician divide they fall on, as well as who has the power to make such a determination. As pointed out by Daniel Boyarin, Tosefta Hullin implicitly accepts that Jacob's cure would work. The objection to Ben Dama's healing is an ideological one, in which »Rabbi Ishma'el, after all, would rather see him die than be saved by ›Christian‹ magic.«[54] In this story, healing in the name of Jesus is added to an extant list of forbidden Jewish healing practices, some associated with *minim* and some not. In this context, healing in the name of Jesus is forbidden, and it is associated with *minim*.

Building on Boyarin, I would argue that it is not »Christian« healing that is at stake, but »Jewish-Christian« healing. As noted above in reference to Mishnah Avodah Zarah 2:2, if Jacob of Kefar Sama had been a Gentile Christian, there would be no ambiguity that his healing was prohibited. Only Jews are permitted to administer ritual healing. Prohibited Jewish healers are banned based on their practices. Here, too, a specific practice – healing in the name of Jesus – is prohibited. However, in the subsequent narrative in Tosefta Hullin 2:24, the ban is expanded. R. Eliezer's Jewish-Christian interlocutor, Jacob of Kefar Sikhnin, is banned for offering a teaching in the name of Jesus, not for anything connected to healing or other mortal issues.

48 Saul Lieberman, How Much Greek in Jewish Palestine?, in: Alexander Altmann (ed.), Biblical and Other Studies, Cambridge, MA 1963, 140f. Lieberman connects the particular *minim* in t. Megillah 3:37 to a Gnostic sect. Even though the *minim* in the Ben Dama story are Jewish-Christian, similar concerns about *minim* apply anywhere the epithet is used.

49 Peter Brown, The Making of Late Antiquity, Cambridge, MA 1978, 13; cf. Peter Brown, The Rise and Function of the Holy Man in Late Antiquity, in: Journal of Roman Studies 61 (1971) 80-101.

50 Brown, Making, 22.

51 For a comprehensive discussion of rabbinically banned cures, cf. Megan S. Nutzman, Contested Cures. Identity and Ritual Healing in Roman and Late Antique Palestine, Edinburgh 2022, 181-208. For prohibited, non-*min* healing practices, cf. m. Sanhedrin 10:1// t. Sanhedrin 12:10.

52 To be clear, I am not asserting here that the rabbis knew the content of the New Testament – only that they would have known of Jesus as a healing figure.

53 Cf. Nutzman, Cures, 119-123.

54 Boyarin, Dying, 35.

In this way, Tosefta Hullin bans anyone who invokes Jesus in his work as a Jewish master, regardless of the quality of his teaching. The Tannaim primarily ban *minim* by prohibiting
55 specific practices they performed or specific encounters with them.[55] This ban on knowledge sources is unusual. It appears to be a broadside attack on Jewish-Christians, seeking to exclude them from the chain of tradition by placing them, *en masse,* in the category of *min*. This likely responds to a contemporary intra-Jewish argument about Jewish-Christian healers. If they were not popular, there would be no reason to prohibit them, regardless of
56 the specifics of their practice.[56]

Finally, unsurprisingly, this story is not only an anti-Jewish-Christian polemic but a pro-rabbinic one. Tosefta Hullin 2:22-23 is unique among the rabbinic interpretations of Lev 18:5. In chriizing the aphorism about the fence of the sages, the rabbinic storyteller not only bans Jewish-Christian healers, but he expands the domain of covenantal law articulated in Lev 18:5 to include rabbinic approaches. For our storyteller, only rabbis should have the power to determine which healing practices are permitted and prohibited, regardless of their efficaciousness.

Conclusions in Context

Ultimately, the danger militated against by the case of Ben Dama is the ease with which one could fall into the teachings of the *minim,* among whom Jewish-Christian healers seem to pose a special risk. It is this danger that necessitates the unusual double ban on both monetary and bodily healing. It is permissible to receive bodily healing from any Jew, even from one who has vowed not to benefit you, except the *min*. This is counterintuitive in a rabbinic context, as rabbinic interpretations of Lev 18:5 allow one to do almost anything to save one's own life. And so, the rabbinic storyteller has elegantly elaborated a classical rhetorical form, a *chria,* in which the most permissive interpreter of Lev 18:5, R. Ishmael, allows a disciple to die rather than receive healing from a Jewish-Christian healer. The *chria* works on two levels: illuminating the extremity of the double ban on *minim* and bringing Jewish-Christians into the category of *min*. The storyteller considers Jewish-Christians to be so dangerous that they must be brought into this category that prohibits any kind of engagement, intimacy, or benefit, requiring an especially thick »fence of the sages.« The next story in Tosefta Hullin 2:24 further demonstrates this, in which R. Eliezer b. Hyrcanus is tried by a Roman judge for his association with *minim* based on a casual street encounter with Jacob of Kefar Sikhnin.

The story of R. Eliezer inverts the story of Ben Dama. Unlike Ben Dama, who cannot
57 recall his master's teachings, R. Eliezer is a »plastered cistern who does not lose a drop.«[57] Unlike Ben Dama, who encounters a *min* in life-and-death circumstances, R. Eliezer's encounter is so casual that he fails to recall it until reminded. Unlike Ben Dama, who dies,

55 Cf. Adiel Schremer, Beyond Naming. Laws of *Minim* in Tannaic Literature and the Early Rabbinic Discourse of *Minut,* in: Peter J. Tomson / Joshua Schwartz (eds.), Jews and Christians in the First and Second Centuries. How to Write their History, Leiden 2014, 383-397.

56 Cf. Schiffman, Jew, 70f; Schiffman argues that there must even have been Tannaim who were open to healing in the name of Jesus.

57 m. Avot 2:8.

58 Boyarin argues for R. Eliezer's more consistent association with Christianity and prohibited knowledge in his analysis of this story; cf. Boyarin, Dying, 26-41.

R. Eliezer escapes physically unscathed. Unlike Ben Dama, who is saved from breaching the fence of the sages by his own master, R. Eliezer is brought back inside that fence by his prized pupil, R. Akiva, who reminds him that even his chance encounter was problematic because it brought prohibited benefit.[58] These inversions illustrate the full spectrum of rabbis who must be wary of encounters with the *minim,* from the most minor disciple to the most revered sage, and the full spectrum of prohibited encounters, from casual public conversation to private healing of a mortal wound. 58

The case of Ben Dama is evidence of the popularity of Jewish-Christian healers and teachers, as well as the moment that the rabbis labeled them »*minim*.« Within the next century, as the rabbinic movement grew and the Roman Empire began Christianization, both the rabbis and the Church Fathers would do more to cast Jewish-Christians as deviant, using them rhetorically to define the border between Judaism and Christianity, initiating a centuries-long process of separation. However, while the ambition to exclude Jewish-Christians from within the boundaries of a defined Jewish community would eventually succeed, we should be cautious about retrojecting its trajectory back onto this early attempt. The Tannaim were speaking to a rabbinic audience, a small group of Jewish Roman sub-elites. All we see here is one group of Jews (rabbis) polemically refusing contact with another group of Jews (Jewish-Christians), using rhetoric they had previously used to exclude other Jews *(minim)*. This story represents an intra-Jewish argument without concern for Gentile Christianity. It is not an attempt to cast Jewish-Christians as part of a Gentile Christian movement. Rather, it casts them as deviant or schismatic Jews. And as such, their teachings and teachers must be excised from the chain of tradition for the danger they pose to all members of the rabbinic Jewish community. ◆