

DID JESUS TEACH OBEDIENCE TO THE LAW?

by

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Abstract of Thesis

My thesis is, Jesus always taught people to obey the law. The importance of this thesis is demonstrated by the fact that Jesus' attitude towards the law has been a continual debate within scholarship. Scholars cannot decide which law Jesus clearly disobeyed or rejected by his teaching or actions. It is the purpose of this thesis to show that all of Jesus' teaching and actions with respect to the law in the synoptic gospels are compatible with the kind of things law abiding Jews said and did. This thesis casts doubt on the view that Jesus must have disobeyed the law because he saw the will of God as something different from the law of God.

The thesis will make the following points.

- 1) Every pious Jew during this period believed that the will of God could not be separated and independent of the law of Moses.
- 2) Every Jew knew that the law and extra-biblical practices (whether Pharisaic or not) were not equally authoritative. A Jew did not have to obey extra-biblical practices in order to be law abiding.
- 3) The evidence of Matthew 5:17-20 suggests at the very least that Jesus believed in the eternality of the law and respected even its "least" commandments.
- 4) The evidence of the "Antitheses" (Mt. 5:21-48) suggests that Jesus was able to make a contrast between different sins which the law condemns. It is not a contrast between the teaching of God in the law and the teaching of Jesus.
- 5) The saying "Let the dead bury their dead" suggests that Jesus expected a man to forego a common custom of second burial but not the fifth commandment to honour one's parents.
- 6) Jesus' teaching and actions in regards to the sabbath suggest that he thought the sabbath laws should be obeyed.
- 7) Jesus' association with sinners does not contradict anything in the law but indicates that Jesus was willing to abandon some common safeguards in order to bring sinners to repentance.
- 8) Jesus' saying about what defiles a man is not an attack on obeying the purity laws. Rather, it is an attack on following some cultic laws but not following other moral laws.
- 9) Jesus' teaching on divorce is a criticism of divorce in general but is not an attempt to make divorce and remarriage illegal.
- 10) Jesus' saying on the greatest commandment shows that he believed that loving God and loving others were the two goals of obeying the law.
- 11) Jesus' demonstration in the Temple indicates that he supported the Temple cult but he denounced the corruption which was associated with it.

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John Harrison

Declaration

I declare that this thesis is my own composition, it has not been submitted for any other degree, and is the result of my own research.

John Harrison

Abbreviations

<i>b.</i>	Babylonian Talmud
<i>BA</i>	Biblical Archaeologist
<i>BAGD</i>	Bauer, Walter. <u>A Greek-English Lexicon of the New Testament and other Early Christian Literature</u> (from the German <u>Griechisch-Deutsches Wörterbuch zu den Schriften des Neuen Testaments und der übrigen urchristlichen Literatur</u> , 1958 ⁵), trans. and eds. W. F. Arndt, F. W. Gingrich, and F. W. Danker, Chicago: The University of Chicago Press, 1979 ² .
<i>BARev</i>	Biblical Archaeologist Review
<i>BASOR</i>	Bulletin of the American Schools of Oriental Research
<i>BJRL</i>	Bulletin of the John Rylands University Library of Manchester
<i>BTB</i>	Biblical Theology Bulletin
<i>BZ</i>	Biblische Zeitschrift
<i>CBQ</i>	Catholic Biblical Quarterly
<i>Down R</i>	Downside Review
<i>EncJud</i>	<u>Encyclopaedia Judaica</u> , 16 vols., Jerusalem: Keter Publishing House, 1971.
<i>ETL</i>	Ephemerides theologicae lovanienses
<i>EvT</i>	Evangelische Theologie
<i>ExpTim</i>	Expository Times
<i>HeyJ</i>	Heythrop Journal
<i>HTR</i>	Harvard Theological Review
<i>JBC</i>	<u>The Jerome Biblical Commentary</u> , ed. Raymond Brown, London: Geoffrey Chapman, 1968.
<i>JBL</i>	Journal of Biblical Literature
<i>JE</i>	<u>Jewish Encyclopedia</u> , 12 vols., ed. Isidore Singer, NY: Funk & Wagnalls Co., 1901-1906.
<i>JJS</i>	Journal of Jewish Studies
<i>JSNT</i>	Journal for the Study of the New Testament
<i>JSOT</i>	Journal for the Study of the Old Testament
<i>JTS</i>	Journal of Theological Studies
<i>m.</i>	Mishnah
<i>NovT</i>	Novum Testamentum
<i>NTS</i>	New Testament Studies
<i>OTP</i>	<u>Old Testament Pseudepigrapha</u> , 2 vols. ed. James H. Charlesworth, London: Darton, Longman, & Todd, 1983.
<i>RB</i>	Revue biblique
<i>ResQ</i>	Restoration Quarterly
<i>RevQ</i>	Revue de Qumran
<i>RSR</i>	Recherches de science religieuse
<i>SBL</i>	Society of Biblical Literature

Abbreviations cont.,

<i>SJT</i>	Scottish Journal of Theology
<i>Str.-Bil.</i>	Strack, Hermann L. and Paul Billerbeck. <u>Kommentar zum Neuen Testament aus Talmud und Midrash</u> 6 vols., München: C. H. Beck'sche Verlagsbuchhandlung, 1926-1961.
<i>StudBib</i>	Studia Biblica
<i>t.</i>	Tosephta
<i>TDNT</i>	<u>Theological Dictionary of the New Testament</u> 10 vols. (from the German <u>Theologisches Woerterbuch zum Neuen Testament</u> , 1933-1979), ed. G. Kittel and G. Friedrich, trans. G. Bromiley, Grand Rapids, Mich.: William B. Eerdmanns Pub. Co., 1963-1976.
<i>Th</i>	Theology
<i>TS</i>	Theological Studies
<i>TZ</i>	Theologische Zeitschrift
<i>VT</i>	Vetus Testamentum
<i>y.</i>	Jerusalem Talmud
<i>ZAW</i>	Zeitschrift für die alttestamentliche Wissenschaft
<i>ZNW</i>	Zeitschrift für die neutestamentliche Wissenschaft

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INTRODUCTION

A fresh growth of interest in the historical Jesus has been created by the question of Jesus' Jewishness. NT scholars and experts in Second Temple Judaism are asserting more forcefully the thesis, Jesus was a Jew. He was generally at home with the beliefs, customs and expectations of his day. Our best approach to understanding him is by understanding the background of first century Judaism.¹

Several major works have appeared over the last two decades primarily concerned with putting to rest the assumption that Jesus was a prophet of a new religion. Of course this does not mean that any clear consensus has been reached on what *kind* of Jew he was. Nevertheless, whether he was a Jewish holy man (Vermes, 1973) or a Jewish prophet (Casey, 1991) who had strong convictions about the impending restoration of Israel (Sanders, 1985), the historical Jesus was Jewish (see also Charlesworth, 1991).² The *real* Jesus never intended to establish a religion which would break away from Judaism. What the *real* Jesus wanted was Jews to practise their faith more consistently and more devotedly before the arrival of the Jewish kingdom of heaven made it too late.

One of the central issues of this question and the one which we will examine in this thesis is, Does Jesus' Jewishness include a Jewish reverence for the authority and status of the Mosaic law? Did he think that the law was important to follow? Or did he come to the conclusion that the law would not adequately meet the moment and did he seek to interject his own superior set of

teaching in its place? Even if Jesus thought the law should be obeyed, did other Jews think he thought differently? Jesus and his reaction to the law, as a whole or in parts, has thus been the focal point for a number of careful studies of late (Berger, 1972; Hübner, 1973; Banks, 1975; Westerholm, 1978; Booth, 1986; Dunn, 1990).

Unfortunately, no sooner has the question of Jesus' faithfulness to the law been raised than we are faced with several major obstructions before we can begin to answer it. The first problem that looms is the fact that no one can agree what action or what teaching of Jesus actually demonstrates that Jesus had a critical attitude towards obeying the law (see chart). Was it the purity laws, or the prohibition of the sabbath, or the permission of divorce which Jesus radically contested? Was it the fact that he ate and forgave sinners or that he ousted merchants from the Temple precinct, an action which cannot be excused by the law?

A second hurdle is our evidence from the synoptic gospels. Our gospels undoubtedly reached their final form sometime well after the Jesus-movement had won the support of more people than those who were Jews. It is not only possible but certain that what Jesus did and said has been elaborated upon by Jesus' Jewish and Gentile followers. Did Jesus actually have a radically negative attitude towards the law which his Jewish disciples have toned down? Or were his teachings made more distinctive and radical by Gentile Christians? Is it even possible to separate the chaff of editing from the wheat of authentic sayings? If we are going to recapture the attitude of the historical Jesus towards the law we must seriously grapple with these possibilities.

A third barrier is that a solution which explains what Jesus thought about the law must also account for two seemingly contradictory events. Our answer should make sense of the fact that 1) Jesus was tried by Jews for being a Jewish

threat and 2) the tried and convicted Jesus had disciples who continued to live as if the law was still binding. If Jesus was a faithful Jew, why was he tried? If he was not obedient, why were his earliest disciples obedient? Are we to assume that the Sanhedrin understood Jesus' decision on the law accurately and that the followers got it wrong or vice versa?

The argument that I am putting across is that Jesus always taught people to obey the law. He never instructed anyone to disobey it. He never thought that to follow God's will meant anything different than to obey the law. I am also arguing that the majority of Jews who witnessed his teachings and actions would have been led to the same conclusion. First and foremost, Jesus preached repentance. It was a message which would have only been understood as a call to submit willingly to God's commandments.

Since scholars cannot agree which law Jesus disobeyed or criticized, or which law other Jews thought he obviously disobeyed, we should be open to the possibility that everything recording what Jesus did and taught might have its comparisons in the teachings and actions of first century Jewish society. In other words, experts in the field are able *collectively* to argue that Jesus taught obedience to each set of laws. This is the line of investigation we will be following. Can we find equivalent sayings and actions in the records of Jewish teachers other than Jesus which will show that Jesus' teachings and actions were more than likely not taken as contradicting the law?

Since the stories and accounts of what Jesus did and said have been tampered with by early Christians, the burden of proving a saying is authentic must be borne by us. Therefore various criteria of authentication will be employed at the outset of each pericope in order to distinguish what we can reasonably treat as genuine utterances and actions of Jesus. However, while we acknowledge that a certain degree of caution is justified, we also note that

wisdom is justified by her children. It seems to me unwise to be overly sceptical.³ For instance, simply because a saying or a deed is recorded by only one gospel this does not mean that it is all the proof one needs to substantiate a charge of inauthenticity. Many of the "But I Say" sayings in Mt. 5:21-48 have no exact parallel in any of the other synoptic gospels, but the consistency of their message with other things that Jesus said weighs heavily, though not conclusively, in their favour and would be accepted.

Several criteria will be used repeatedly to judge the gospel evidence that Jesus said a certain thing. First, while the single occurrence of a Jesus-saying does not completely rule out its authenticity, we will still ask if a saying occurs in more than one source (criterion of multiple attestation). Second, we would also want to know if a saying reflects a certain Judea-Galilean setting rather than a setting from some other part of the Mediterranean world. Third, another question to raise is, Does the saying cohere with the style of Jesus' teaching elsewhere? One of the faults with the criterion of style is that it often assumes the parallel saying is authentic (Booth, 97), nevertheless in conjunction with other tests it can be helpful to provide more credibility for a disputed saying. Finally, the criterion of discontinuity, though it is liable to circular reasoning and to an assumed accurate knowledge of Judaism and early Christianity, will be used with caution to examine sayings attributed to Jesus.

Another item which will not be presumed is the predominate theory that our Gospel of Mark was used by our Gospels of Matthew and Luke. We will assume no simple dependence of any of the gospels on each other and will allow the evidence or the lack thereof in each case speak for itself. If there are indications that a saying in Matthew's gospel looks earlier than a parallel saying occurring in Mark, then we will not discount the possibility that the community behind Matthew's gospel could be preserving a source which is earlier than the

one which the community behind Mark's gospel preserved for itself. This is not to say that in general the Markan priority theory is wrong. Whether or not it is correct to conclude that the gospels of Matthew and Luke have dramatically altered parts of Mark, it is still advantageous to test the arguments for and against such a conclusion when we look at how the sayings of Jesus are recorded in the three gospels.

The following eleven chapters will handle three main issues. In chapter one we will set out the evidence for what Second Temple Jews thought about their law. The type of questions we want answers for are, Were the various kinds of Jews divided over what they thought about the authority and permanency of the law? What themes recur in their literature? In chapter two, we will look at a second issue by continuing to focus on Second Temple Judaism. Here we want to answer the question, Did Jews condemn as law breakers those who only disobeyed extra-biblical practices? Could they make any kind of distinction between the authority of these practices and the authority of the law? These two chapters will prepare us for examining the third issue: What did Jesus think of the law? Did he think it should be obeyed? Did he think he was teaching people to obey it? Would most of the Jews think that Jesus intentionally taught what the law expressly prohibits? By this approach, our objective will be to test the thesis of Jesus' Jewishness by focusing on the compatibility of his teaching with one of Judaism most important religious treasures, the teaching contained in the law.

Endnotes

1. See Wellhausen's similar conclusion in Einleitung in die drei ersten Evangelien, 113. For a review of what Jewish scholars in the first half of this century thought about the Jewishness of Jesus in regards to the Mosaic law see Jocz, 21-34.
2. The high public profile reached by the "Jewishness of Jesus" conclusion might also be indicated by the popularity in Britain of A. N. Wilson's Jesus.
3. Booth argues that we should not be too sceptical of "dubious material" since 1) the gospels are more often internally consistent than inconsistent and 2) a person does not so persistently tell untruths that we presume all their statements are at face value untrue (Booth, 1986, 16).

Some conclusions to the question,
 What action or teaching of Jesus would other Jews have thought
 was contrary to the law?

	1	2	3	4	5	6	7	8
Klausner (1925)			Yes	Yes	Yes			
Bornkamm (1960)				Yes	Yes	Yes		
Lohmeyer (1961)			Yes	Yes	Yes		Yes	Yes
Käsemann (1964)	Yes		Yes		Yes			
Jeremias (1971)	Yes					Yes		
Vermes (1973)					Maybe			
Banks (1975)			Yes		Yes	Yes		
Westerholm (1978)			Yes	Yes	Yes			
Hengel (1981)		Yes						
Merkel (1984)		Yes	Yes	Yes	Yes	Yes		
Sanders (1985)		Yes		Yes				
Casey (1991)			Yes	Yes	Yes			
Dunn (1991)				Yes				

 Number Key:

- 1 - the "But I Say" sayings
- 2 - "Let the dead bury their dead"
- 3 - the sabbath
- 4 - relationship with sinners
- 5 - purity laws
- 6 - divorce
- 7 - the greatest commandment
- 8 - demonstration in the Temple and cult laws

CHAPTER ONE

Second Temple Jewish Views about the Law

Jesus knew that the will of God stood at the very heart of his ministry. It was God's will that soon the final Kingdom should be ushered in, so Jesus prophesied its coming. It was also God's will that Israel should turn from her sins and prepare herself to enter into that Kingdom, so Jesus preached repentance. He was absolutely convinced that God's will had to be obeyed and that it would be fulfilled.

The central issue of this thesis is, Did Jesus' devotion to the will of God include God's will that his law should be taught and obeyed? Is there any evidence to suggest that Jesus thought that he had a new revelation for what it meant to obey the will of God? Would he be fulfilling any Jewish expectation that God's will would change in the future? Did Jesus think that Jewish repentance and Jewish obedience to God would no longer be judged by obeying the law of Sinai but rather by obeying his own set of teachings? Would this have satisfied Jewish hopes for a new set of rules?

We can begin to appreciate Jesus' own attitude towards the law by first examining what his Jewish audience would have thought about it. Did they think the law was a temporary standard which would be replaced once the new Kingdom arrived? Did they wait for a day when they would serve God's true will and no longer be confined by the law? Did they understand that someone

could obey God and still not obey what the law taught? How far could God and the law be separated from each other?

Second Temple Jewish society had various groups competing for political and religious influence. In Jesus' day there were rabbis, Essenes, Pharisees, Sadducees, Messianic movements and pro-hellenistic Jews. Each group had its own definition of what it meant to be a "good" Jew. Today, scholars are rightly cautious about talking as if there was any one type of normative Judaism. Nevertheless, obedience to the law was one of the main pillars of Jewish identity. Among other things, a Jew is one who faithfully follows the law. Dunn is certainly correct when he writes, "Absolutely crucial for any understanding of second Temple Judaism is an appreciation of the *the centrality of the Torah in Israel's self-consciousness of being God's chosen people*" (Dunn, 1991, 23).

In this chapter I want to argue that, in spite of the fact that Jewish society was richly diverse, there was a common acknowledgement that the law was the complete will of God and his eternal standard of righteousness. If Jesus taught people that they could sometimes disobey the law in order to obey a new standard of righteousness which was God's ultimate will, then he would have introduced a concept so completely alien to the ears of his contemporaries that for pious Jews it would have been altogether unintelligible.

The Law in the Qumran Literature

The law was without question significant in the life of the Qumran community. The community itself is referred to as the "House of the Law" (CD 20:10, 13) and the "community of the law" (1QS 5:2). Large portions of the literature found at Qumran are commentaries on the law. Contained in some of these are specific legal interpretations which were fundamental in stressing this

group's own distinctiveness within Judaism.

Sometimes it is discussed whether members of the community were "legalists" or "legal rigorists". Huntjens referred to the authors of the Damascus Document and the Community Rule as having a legalistic understanding of the law in comparison to the more covenantal appreciation of the law in the Hymn Scroll (Huntjens, 361-380).¹ But if by the word "legalist" or "legalistic", we mean persons or groups that believe works of law are the basis by which salvation is merited, then it cannot be assumed that all the members of the Qumran community were legalists. Huntjens acknowledges that the Hymn Scroll expresses the idea that justification belongs solely to God and that human beings cannot claim any works as meriting God's favour. One text reads,

And Thou (God) knowest the inclination of Thy servant,
 that I have not relied [upon the works of my hands]
 to raise up [my heart]
 nor have I sought refuge
 in my own strength.
 I have no fleshly refuge,
 [and Thy servant has] no righteous deeds
 to deliver him from the [Pit of no] forgiveness.
 But I lean on the [abundance of Thy mercies]
 and hope [for the greatness] of Thy grace,
 that Thou wilt bring [salvation] to flower
 and the branch to growth,
 providing refuge in (Thy) strength
 [and raising up my heart] (1QH 7:16-18).

However, appreciation for the grace of God can also be found in the Community Rule: "As for me, my justification is with God. In His hand are the perfection of my way and the uprightness of my heart. He will wipe out my transgression through His righteousness" (1QS 11:2b-3a). In addition, the Qumran community is certainly acquainted with the idea that their relationship with God stands on his abundant mercy (1QS 1:22; 2:1,7; 1QM 11:4). Without this mercy no salvation would be possible. Therefore, no matter how important the law was for Jews who lived at Qumran, it would be wrong to assume that because they

emphasized the importance of obeying the law they thought their obedience had a compelling effect upon God to give them salvation.²

The Community Rule (1QS) and the Damascus Document (CD) are two important documents that indicate what the community believed about the law. The Community Rule contains various regulations which govern admission and participation in the community. It allows us to see how the community saw itself in relation to the rest of Judaism and what it expected from those who became adherents of its faith. The Damascus Document can be broken into two major sections: 1) a series of exhortations including the sect's unique practices, the authority of the Teacher of Righteousness, the wickedness of outsiders, and the doom of the final Judgment (Dupont-Sommer, 117) and 2) an exegesis of the law that provides the basis of distinctive (though certainly not entirely exclusive) laws that shaped the life of the community (see Huntjens, 369). By examining both documents one gains a clearer insight into why they thought the law had to be followed, who they thought were the true followers of it, what the law required, and what would be the fate of those who resist these laws.

In the Community Rule, the law's inseparable connection with God is highlighted in three expressions. First, the genitive construction is frequently used to suggest God as the originator or possessor of the law. He gave the law to Moses (1:3; 8:15) which flowed from his mouth (9:25). Its precepts (*hwq*) and ordinances (*mšpt*) belong to him (1:7,12,15; 3:5,8). Thus, following the law, which by its character reflects the righteous nature of God, means not turning away from God (1:17).

Second, there is a link established between God the creator of humanity and the laws given to all things created.

From the God of Knowledge comes all that is and shall be. Before ever they existed He established their whole design, and when, as ordained for them, they come into being, it is in accord with His

glorious design that they accomplish their task without change. The laws of all things are in His hand and He provides them with all their needs. He has created man to govern the world, . . . (1QS 3:15-18).

Because God is omniscient he has the authority to define the workings, the limitations and the design of all that he creates. All these designs belong to God's law. "The use of the term *hwq* implies a concept of law according to which the cosmic order and Israel's law constitute but one reality" (Schnabel, 180). God's statutes take into account how all created things will move and function, including the behaviour of human beings. People should obey God's law because they are created by God.³

Third, the law is connected with the Covenant of God which is only kept by the Community.

On joining the community, this shall be their code of behaviour with respect to all these precepts. Whoever approaches the Council of the Community shall enter the Covenant of God in the presence of all who have freely pledged themselves. He shall undertake by a binding oath to return with all his heart and soul to every commandment of the Law of Moses in accordance with all that has been revealed of it to the sons of Zadok, the Keepers of the Covenant and Seekers of His will, and to the multitude of the men of their Covenant who together have freely pledged themselves to His truth and to walking in the way of His delight. And he shall undertake by the Covenant to separate from all the men of falsehood who walk in the way of wickedness (1QS 5:7b-11a).

Note two things about this text. First, when the writer says "to walk in the way of His delight" he means "to obey the law". There is no distinction between what God wills and what is made known by God through his law. Second, the covenant God once made with Israel is now reestablished with the eternal Community (CD 15:5; 1QM 13:7; 1QS 3:11,12; 4:22). They are the remnant of the Israel whom God loves and has chosen to be his people. That relationship with God cannot be distinguished from obedience to his law (see Dunn, 1990, 25). While the Community at Qumran followed the law as God designed it to be followed, the covenantal promises rested with them. To be

outside the Community was to be a law breaker and one who did not share in God's covenantal love and mercy.

Those who lived at Qumran prepared themselves for the great eschatological battle. There is no anticipation of the final days left to come. They were already in them! Members believed that they were living in the days of wickedness which immediately preceded the great battle that ushered in the new age with its kingdom. They had to prepare themselves to fight a holy battle alongside the holy angels. That preparation came with observing the law and in particular its commandments regarding purity. Each member must be a "man of understanding" who waits for the Day of Vengeance by keeping up his zeal in observing the law (9:23).

God's laws are set out in a historical framework at the beginning of the Damascus Document. The writer recounts how in the early stages of human history, the "Watchers" of Heaven sinned by having intercourse with the women of earth. In this act they disobeyed the commandments of God and were thrust out of heaven (2:18-21). The writer also assumes a close union between God and the law when he writes,

. . . swear (not) by (the Name), nor by Aleph and Lamed (Elohim), nor by Aleph and Daleth (Adonai), but a binding oath by the curses of the Covenant. He shall not mention the Law of Moses for . . . were he to swear and then break (his oath) he would profane the Name (CD 15:1-3a).

Swearing by the law of Moses and breaking that promise is a sign of contempt for the holy Name of God.

Another subtle connection between the two is also made in the last chapter. During the days of vengeance the wicked will be punished, but the Community which "clung to those ordinances, going and coming in accordance with the Law" (20:27,28) will be saved, because by doing so they have taken "refuge in His holy Name" (20:34). Obedience to the law is not meritorious;

rather, living with the law is living with God. The law was designed so that God speaks his will through it (i.e. in the case of marriage - 7:7,8; 19:4,5) and is at harmony with his creation. Living harmoniously with God is where salvation exists.

During the eschaton the law will provide security for the community. Obedience to the law will be their strength (6:14; 15:9,10). When the Angel of destruction comes at the end of these final days, he will be set against all those who have departed from the way, and loathed the law (2:6). The "Sons of the Pit" have despised God's commandments and will be given the reward reserved for those who commit lawless deeds (19:6). The Angel comes against them as the representative of God's anger turned upon those who despise his law (19:32). The worst off will be those who once entered the Community but then broke the bounds of the law (20:25,26). While outsiders await this reckoning, those who live in holy perfection in respect to the instructions of God are assured of living for a thousand generations (7:5,6) with forgiveness and salvation (4:8,9; 20:27b-34).

Qumran members also believed that the Messianic figure(s) had something to do with the Mosaic law. Two passages bear this out.

And in all them He (God) raised up for Himself men called by a name, that a remnant might be left to the Land, and that the face of the earth might be filled with their seed. And He made known His Holy Spirit to them by the hand of his anointed one (*b^eyad msyhw*)⁴ and He proclaimed the truth (to them) (CD 2:11-13).

Later on it is written,

And the land was ravaged because they preached rebellion against the commandments of God given by the hand of Moses and of His Holy anointed one (*bmsyhw haqôdeš*)⁵; . . . (CD 5:21-6:1a).

Dupont-Sommer thinks that both texts are references to the prophets (Dupont-Sommer, 124 n2, 131 n1). However, in CD 2:11-13 the subject is the secret revelation which is presently being given to the Community (Schnabel, 201-2). There is the possibility that the writer believes that God's Messiahs gave knowledge and truth of God's will to Israel at different stages of her history and

they continue to do so but now only to the true Israel (i.e. their community). The laws of God are understood because the Messiahs give insights into them.

The Qumran Messiahs are law-possessing and law-revealing Messiahs. In the fragmented work known as the Patriarchal Blessings (4QP Bless), the Messiah of Righteousness is given at the end of time the Covenant of the kingship over the Community. The Messiah maintains knowledge of the law within the camp at Qumran. Because he helps the Community to understand the law, and consequently to follow it more accurately, both he and the Community are rewarded. In the new age, the Community will continue to receive knowledge of the law from the Davidic Messiah (4QFlor 11,12).

The Law in Jewish Apocalyptic Literature

In the apocalyptic literature of Palestine, scattered references demonstrate the same common appreciation of the law. There are three sources which we will look at in particular: The Ethiopic book of Enoch (1 Enoch), the Apocalypse of Baruch, and Fourth Ezra.

The word "law" occurs infrequently in 1 Enoch. When it does occur, the primary emphasis is on how the entire creation responds obediently to the laws set down by God to govern it (33:3-4; 73:1; 76:14; 79:1-2; 80:7). The laws of nature are mentioned in order to make a judgement on humanity's disobedience to God (2:1-5:4). The point is, God is the same God who gave the laws to nature and the law to Israel, yet Israel is the only part of that physical creation which sins against God by not conforming to those laws ordained by Him. When people transgress the Mosaic law, they are not simply breaking an impersonal code book but affronting God himself. When a person disobeys the law, they sin against God. To break the law is to wrong God.

In one chapter, the world's history is separated into seven weeks. During the fourth week Enoch prophesies that "a law shall be made with a fence for all generations" (93:6). This is a reference to the Mosaic law. The passive "shall be made" points to God as the agent who makes the law. The word "made" does not mean that before the fourth week the law was "unmade". Since the law is "eternal" (99:2) and has its abode with God in heaven (106:14), the word "made" here would be better understood as "made known", "gave" or "revealed". On Mt. Sinai, God made known to Israel the eternal laws which exist as a divine guide for a peaceful and prosperous life for God's chosen people. The law is significant because it is based on God's activity as creator of all things (Schnabel, 111).

The last days are marked by the power of the wicked ones (108:1,2). But during this time of sin and judgment, those who love God will observe the law, waiting until the work of evil is completed. Obedience to the law is how one perseveres through the violent upheaval of the eschaton. However, what is not explicitly stated is whether or not the law has any particular role after the last days have come to an end. We can gain some insight from the description of the new age given in chapter 51:1-5. In the age to come, God's chosen individual sits upon God's throne of authority. When seated, the Elect One will pour out the "secrets of wisdom" which the Lord of Spirits gives to him. Wisdom throughout 1 Enoch assumes a fidelity to the law (Schnabel, 112, n99).

On the other hand, Davies drew attention to the fact that in 1 Enoch 42:1ff, wisdom is said to have no home on earth.

Wisdom could not find a place in which she could dwell;
 but a place was found (for her) in the heavens.
 Then Wisdom went out to dwell with the children of the people,
 but she found no dwelling place.
 (So) Wisdom returned to her place
 and she settled permanently among the angels.

Then Iniquity went out of her rooms,
 and found whom she did not expect.
 And she dwelt with them,
 like rain in a desert,
 like dew on a thirsty land.

On appearances wisdom and the law do not look to be the same since the law does have a resting place on earth. What Davies concludes from this is that the writer was hoping for a new day when wisdom would come down from above and be the principal standard of obedience to God replacing the law (Davies, 1952, 43). However, this is unlikely. Praise of the law in 1 Enoch is significant and it is more probable that what the writer is suggesting is that an evil time will come when wisdom, which is knowledge of the law, will *no longer* be able to find a home and will return to heaven. Because the people are judged unworthy to know the law (41:1,2), knowledge of the law will leave them. When the renewal of God's creation occurs then true knowledge of that law will take its place in the hearts of people. The apocalyptic writer of 1 Enoch understands that God's will is contained in the form of a divine, eternal set of laws which were revealed on Mt. Sinai. This law is both relevant to the life lived in the final days and all the Messianic teaching in new age to come (contra. Schweitzer, 1931, 191).

The Apocalypse of Baruch (also known as Second Baruch) has a great deal more to say about the law than 1 Enoch, both in the law's relation to God and its relevance in the eschaton and final age. The idea of Mosaic legislation is so important to this work that Schnabel claims the apocalypse is entirely controlled by an understanding summed up in the statement, "We have nothing now save the Mighty One and his law" (Schnabel, 154; see Apoc. Bar. 85:3).

What is assumed about the link between the law and God is striking. First, God himself is tied to the law. His judgments are firmly based in it (15:5). Because God gave knowledge of the contents of this law to Israel, no individual

has grounds to excuse himself from sin by pleading ignorance. Second, no differentiation is made between the necessary relationship with God and an obedient relationship with the law. Fearing God is keeping the law (44:7). Submission to the law is submission to God (54:5). You cannot have one without the other. Third, one of the most important statements about the law is the phrase "one law from the One" (48:24; 85:14). God is frequently referred to as the "Mighty One". The complete phrase stresses that the uniqueness of the law is bound up in the uniqueness of God. Because Israel has no other God to turn to except Yahweh, she has only one law to guide her. The law is the only means of understanding the will of God for his elect people.

This apocalyptic work also highlights that the law will be relevant in the last days. When individuals sow the fruits of the law into their mind, they will receive divine protection at the close of the existing aeon (32:1). The Mosaic law shall be the life of the people and by following it (i.e. turning away from sin) in the final days, the consolation of Zion (i.e. Israel's redemption) will be speedily brought near (44:7). Inheritance of the new age is dependent on preserving the truth of the law and obeying its commandments (44:14; 46:5,6). People who place their hope in the law are promised to see the world which is presently hidden (51:7,8). Obedience to the law not only determines the reward for the righteous but also the fate of the wicked. The sinners are put to shame for their transgression of the law (48:47; 51:4).

The law is eternal because it belongs to God (59:2). As to how the law will operate in the new age, the writer looks forward to a time when existence will be marked by a never ending supply of light, protection, and wisdom (77:16). All three words are often linked with the benefits that come from direct obedience towards the law. The law supplies these benefits to those

who will keep it. There is no mention that disobeying the law during these days is possible. One assumes that the law will only be obeyed.

In Fourth Ezra we can find again the equation between keeping God's way and obeying the law (14:30). Not only is it important for the writer to stress that God must be understood as the lawgiver, but also that the law belongs to God (7:79). When God gave his law to Israel he placed it alongside the evil in her heart. The hope was that by following the good that was in the heart, Israel would restrain and control the evil that was also in its heart (3:22). For a time the law was in the heart of the people, but this did not last long after the evil in the heart started to be dominate. Having an "internalized" law did not mean that external observance of the law was thought to be unnecessary.⁶ This is an important point to remember when trying to understand why Jeremiah said that in the age to come the law would be written in the hearts of men (Jer. 31:33; see Holladay, 198). The prophet envisages a return to the ideal, a time when the law was kept completely. Having the law in the heart does not mean that the Mosaic law is finished. On the contrary, to have the law in the heart only means it will now be followed with the proper motives and commitment. No end of the law has occurred when from the heart it is still being followed.

There are two significant passages in Fourth Ezra concerning the role of the law in the final days. One is found in 9:37: "the law, however, does not perish but remains in its glory" and the other is found in 14:22 (the seventh vision): "If then I have found favour before you, send the Holy Spirit to me, and I will write everything that has happened in the world from the beginning, the things which were written in your law, that men may be able to find the path, and that those who wish to live in the last days may live." The first statement affirms God's power and the righteousness of his law (Sanders, 1977, 416). In the

seventh vision, as in 2 Apoc. Bar. 77:15, the whole point is that the law is eternal and this in contrast to human disobedience of it (Stone, 1990, 309).

We now turn our attention to some common appreciations of the law in other Palestinian sources: The Testament of the XII Patriarchs, Fourth Maccabees, Psalms of Solomon, Baruch, and Jubilees.

The Law in Other Palestinian Literature

The phrases "Law of God", "Law of the Most High", and "Law of the Lord" occur quite frequently in the Testament of the XII Patriarchs (T. Reub. 3:8; T. Levi 9:7; 13:2,3; 19:2; T. Jud. 26:1; T. Iss. 5:1; T. Gad 3:1; 4:7; T. Ash. 6:3; T. Jos. 11:1). God is once again closely associated with the law when the writer claims that everything God hates he forbids through his commandments (T. Ash. 4:5) and when the "fear of God" is equated with walking according to his law (T. Levi 13:1). Any disobedience to the law is a direct attack against God (T. Ash. 2:6f). Wherever one finds people observing the law, the Lord will be found living with them (T. Dan 5:1).

Although the eschaton is not a prominent theme in the Testament of the XII Patriarchs, some thoughts about the law in the final days do occur. For instance, until the consummation of time, Levi (i.e. the priests) will be in charge of dispensing out the knowledge of the law and instructions in justice and sacrifice (T. Reub. 6:8), for God will exalt those who live in accordance with his commands with the good things of the eternal kingdom (T. Jos. 18:1; T. Ben. 10:11).⁷ There is also another interesting note that when the Messiah comes the people will walk in his first and final decrees (T. Jud. 24:3). But what is the relationship between these Messianic decrees and the Mosaic ones? Kee suggested that there may be some kind of link between these Messianic

decrees and the ordinances in 1QS 9:10 and CD 20:31 (OTP, 1:801 n.24b). However, the ordinances (*mšpt*) in the Qumran material are rulings on how one becomes an initiate into the community and how the group itself is structured. They are halakhic rules which apply before the age to come arrives. The writer in Testament of Judah is not concerned about initiation rites or organizational principles. It seems unlikely that his Messiah will issue such rules. Although he does not make it explicit what is meant by these decrees, it seems incompatible with the entire work's view of the law to argue that these Messianic decrees would dispense with any part of the law. If before the judgment compatibility with God is founded on obedience to his law, how can peace with God after the judgment exist with a rejection of those same laws? In the Testament of the XII Patriarchs it is never suggested that the laws were only meant to be temporary. The law expresses what God always loves and always hates; and God does not change.

Another important statement is found in the Testament of Benjamin.

And in later times there shall rise up the beloved of the Lord, from the lineage of Judah and Levi, one who does his good pleasure by his mouth, enlightening all the nations with new knowledge. The light of knowledge will mount up in Israel for her salvation, seizing them like a wolf coming upon them, and gathering the Gentiles. Until the consummation of the ages, he shall be in the congregations of the Gentiles and among the rulers, like a musical air in the mouths of all. He shall be written of in sacred books, both his work and his word. And he shall be God's Chosen One forever. He shall range widely among them, like my father, Jacob, saying, "He shall fill up what was lacking of your tribe (T. Ben. 11:2-5).

A few words are needed to clarify these verses. The "beloved of the Lord", a messianic figure, comes and abides before the consummation of the ages. He has a universal appeal enlightening all the nations with new knowledge. But do these new Messianic insights devalue the role of the law? Probably not, for in vs. 2 the "light of knowledge" will rise as Israel's salvation. The light of knowledge is a reference to the law (T. Levi 19:1).⁸ Beyond the

Messianic revelation of new truths, the law stands guiding Israel for her eternal redemption. What the beloved of the Lord does during the eschaton is not a substitution of the law with new contradictory insights, but he "shall fill up what was lacking of your tribe." The beloved of the Lord completes what Israel has already gained from their knowledge of the law by supplying them with knowledge that they should have gained from it but were unable to.

Reason (that is the reason used by faithful Jews) is the primary issue for Fourth Maccabees. Reason is not antithetical to the law but rather the law is the foundation for reason.

Reason, I suggest, is the mind making a deliberate choice of the life of wisdom. Wisdom, I submit, is knowledge of things divine and human, and of their causes. And this wisdom, I assume, is the culture we acquire from the law, through which we learn the things of God reverently and the things of man to our worldly advantage (1:16,17).

God is known by knowing the law. God himself ordained this. He gave human intellect the law so that humanity would be temperate, just, good and brave (2:23). To know good is to live right. To know how to live right depends on knowledge of the law. God gave this law as creator of the world and was sensitive to the nature of his chosen people in giving them the law (5:25). To disobey the law is to show irreverence towards God (5:24,25).

A recurring phrase in Fourth Maccabees is "divine law". The divinity of the law is important because one is compelled to obey it, in its entirety, even to the point of death (5:16; 6:22; 9:15). Giving one's life for the sake of the law is how one shows the ultimate honour to God. Respect for the law and obedience to God are so meshed together that one cannot be distinguished from the other.

In the Psalms of Solomon we find again the idea that any disobedience towards the law is a direct provocation of God and a failure to remember Him (4:1, 21; 8:9; 14:7). They keep God in their thoughts when they keep his law.

This theme is repeated when the contrast is made between those who fear God with those who arrogantly commit unrighteous deeds (15:10-13).

Those who fear God and commit righteous acts will live under the reign of the Messiah (18:8). Righteous acts are defined by God's law (14:1,2). The Messianic king will be taught by God and he will conduct the affairs of the kingdom so that there will be no unrighteous person (17:32). Those who fear the Lord are promised that they will live in the Lord's "light" forever (3:12). Even in the Lord's "paradise" his people will be living by the law (14:3). On the day of judgment God will devastate the homes of the lawbreakers (15:12). Israel needs to be cleansed of its iniquities prior to the appointed day of the Messiah's coming (18:5). These psalms give a clear picture that certain Jews were convinced that the law would continue as a relevant standard of behaviour for God's chosen people in the new kingdom.

Four things are said in Baruch which also shows that God was inseparably connected with the law (see Marcus, 4). 1) The law is possessed by God. The commandments belong to him (1:18; 2:10; 4:1.13). 2) The law is the voice of God (2:28,29). To hear God is to obey what the law commands. 3) Disobeying the law is disobeying God (2:30). 4) The law and its commandments demonstrate God's justice (2:9). Baruch also tells us that the law is eternal (Bar. 4:1).

In the very opening lines of Jubilees, the writer states that God wrote the two tablets of the law and gave it to the children of Israel (1:1). Jubilees as a whole is a revelation of history and laws given by God through an angelic messenger. The law did not originate on the earth but is the product of heaven since they are written on "heavenly tablets" (3:10.31; 4:32; 6:17; 30:9; 49:8). While the law was given to Israel it still belonged to God (21:23). Those who follow the law are lead to live in God's way. This life of the law is the way of

righteousness (20:2-3; 23:26), but anyone who transgresses it has forsaken God (35:14). There is a strong universal dimension of the law based on God as creator of the whole world in this work (Schnabel, 164), but the writer did not think that this was incompatible with the idea that in a restricted sense God gives knowledge of the law to certain individuals (25:160).

The most striking reference to the law's future role in Jubilees is as follows;

And in those days, children will begin to
 search the law,
 and to search the commandments
 and to return to the way of righteousness.
 And the days will begin to increase and grow
 longer among those sons of men,
 generation by generation,
 and year by year, until
 their days approach a thousand years,
 and to a greater number of years than days.
 And there (will be) no old men and none who
 is full of days.
 Because all of them will be infants and
 children (Jub. 23:26-28).

The parallelism of law, commandments, and righteousness not only suggest faithfulness to God is equal to obeying the law (Davenport, 38), but it also indicates that the writer looks forward to a new era when the law will be studied endlessly. This study of the law is seen as a climactic conclusion to the previous ages.⁹ Later on in Jubilees the standard of purity set down by the law is still in place in this new age (50:5). The Mosaic law regulates both the way in which the land and people will be pure.

There are 53 to 56 references to the law in the work of Ben Sira (Schnabel, 39-41). Two clear references are 1) Sir. 24:23, where the law is paralleled with "the book of the covenant" that belongs to God, and 2) Sir. 41:8, where this link between the law and God is more explicit: "Woe to you, ungodly men, who have forsaken the law of the Most High God!" The phrase "fear of the Lord" occurs some 31 times and in a variety of constructions.¹⁰ Most often

the writer has obedience towards the law in view. However, we must be cautious not to make all these passages refer simply to obedience.¹¹ To "fear God" may mean more than simply "keep the law", but it is not necessary to subordinate one concept under the other (Schnabel, 45; Sanders, 1977, 332). Three examples that strongly suggest that fearing God is legal observance are:

Whoever keeps the law
 controls his thoughts
 And wisdom is the fulfilment of
 the fear of the Lord (Sir. 21:11).

Those who survive her (the punished
 adulteress) will recognize that
 nothing is better than
 fear of the Lord
 and nothing sweeter than
 to heed the commandments of the Lord (Sir. 23:27).

What race is worthy of honor?
 The human race.
 What race is worthy of honor?
 Those who fear the Lord.
 What race is unworthy of honor?
 The human race.
 What race is unworthy of honor?
 Those who transgress the commandments (Sir. 10:19).

The other significant statement about the law is found in Sir. 2:16, where it says to love God (which is paralleled with fearing him!) one must be "filled with the law". Only those who understand what God wants can show God love by doing what he desires from them. Knowledge of what God desires is only gained from knowledge of what is contained in the law.

Ben Sira accepted that the law was eternal. In 1:27, wisdom and law are tightly connected. Wisdom might represent more than the law; nevertheless law observance is wisdom in practice. The commandments which develop a wise life exist with God forever (1:1) since God has created and prepared a place of eternity for those commandments (24:9).

We now turn our attention to those attitudes towards the law which are found in such non-Palestinian sources as the Epistle of Aristeas, the Wisdom of Solomon, the Third Sibylline Oracle, Philo, and Josephus.

The Law in Diaspora Literature

The writer of the letter of Aristeas believes in the divine origin of the law. God is called a "lawgiver" (312) and the laws he gave were so holy that subsequent Jewish historians and poets would not take the risk of alluding to them out of fear of misquoting the law (313f). To misquote it would bring God's wrath upon them. God protects his law and misrepresenting the law is to misrepresent God. God invested his law with a divine nature (3, 31) and so it is assured of his guardianship.

Wisdom of Solomon makes the familiar connection between law and wisdom. Wisdom can be "transgressed" (6:9) and being wise is being "instructed" (6:17,18). The wisdom which leads to proper living is the knowledge of what God makes known through the law (9:9). Because the law is divine, those who follow it will find blessings in life (18:9). However, those who reject wisdom and do lawless acts are viewed as those who devise wicked plans against the Lord (3:14). You cannot disobey the law and expect to be at peace with God. God loves his law and is so committed to it that he protects it from flagrant rejection. In the wilderness the children of Israel disobeyed the law and God sent serpents to bite and kill them. Their judgment lasted a short time because the point was made that they should not dishonour God by disobeying his law (16:6). God's purpose is equated with the law (6:4). In wisdom, the law mirrors the workings of God (7:26) and initiates one into a knowledge of him (8:4).

According to the Wisdom of Solomon, those who are faithful and righteous according to the law are assured the place of peace, love, grace and mercy (3:1-9). While the righteous will not suffer torment after death (3:1-3) the end of the unrighteous, even if they should live a long life, will be horrible on the "day of decision" (3:18). The law is an imperishable light (18:4) and under the auspices of wisdom it will lead towards life eternal. Those who have observed holy things in holiness will be made holy in the future. Those who do not will be severely judged on the last day by God for not keeping his law (6:4,5).

Those responsible for verses 97-349 and 489-829 of the Third Sibylline Oracle give us an indication of how Egyptian Judaism also thought about the law in conjunction with God. In line 246 the "hymn of the law" is the word of the great God. It was taken out of its abode in heaven and given to Moses by God (257, 767). The law belongs to the immortal God who punishes Israel when she disobeys the holy commands (275-6, 600). God also uses the law to judge when he shall bring a good end to the people's suffering (284). When Israel keeps her trust in the law, then God will send to her a king who will raise up a new Temple of God (286-290). He will put into effect a "common law" for men throughout the whole earth. This law is not a substitute for the Mosaic law but is in addition to it, since the new age is characterized as a period of pondering over God's law. The Oracle makes it clear that when "everything will be fulfilled" (572), Jews will share in the righteousness that belongs to those who follow the law of the Most High God (580).

We now come to the most famous representative of Egyptian, or more precisely Alexandrian, Judaism. Philo shares with his contemporaries a deep respect for the holiness of the law. He sees God as a lawgiver on whose character the laws are modelled on (Spec. Leg. 1.279). Because the law comes from God (Spec. Leg. 2.129), the commandments are holy (Spec. Leg. 3.119, 120;

4.205) and sacred (Spec. Leg. 1.280; 4.55). Recalling Num. 31:28, Philo believes that the law is the embodiment of God's purposes for man (νόμος γάρ ἐστι τὸ τέλος εἶναι κυρίου, Mig. Abr. 139). The law is nothing else than the divine word compelling man what he ought to do and forbidding him from doing what he ought not to do (Mig. Abr. 130,131). God keeps possession of the law (Conf. 106) helping to make it eternal and indestructible (Ebr. 142). The main things Philo has to say about the future of the law is that it is eternal (De. Vita Mos. 11.44) and in the future a prophet with the oracles of God will come (Spec. Leg. 1.65).

Josephus also stresses the important relationship of the law to God. In Against Apion Josephus describes a harmonious and unified Judaism. The picture is of course exaggerated and its purpose is to win Jews some favour in the eyes of the Roman world. Josephus describes how Jews think of God in terms of their obedience to the law. "With us, all act alike, all profess the same doctrine about God, one which is in harmony with our law and affirming that all things are under his eyes" (Ag. Ap. 2.181). As far as Josephus is concerned, any true doctrine of God must conform with what is known about him through the law. Any teaching about God which contradicted what was known about God from the law could not be acceptable. Moses received the law from God (Ant. 8:349) since he was divinely inspired to write it (Ant. 3:213). To be cognizant of the "mind of God" is seen as observing the law (Ant. 4:309), and the one who trusts in God's kindness is also the one who is obedient to that law (Ant. 18:265).

The Law in the Rabbinic Literature

The rabbis cherished the law as a sacred gift. It existed with God long before he began creating human beings (Moore, 1927, 268; Davies, 1962, 170). Giving the law at Mt. Sinai only marked the time when the law was handed to Israel, not when it was first fashioned. If the attribution is credible, according to R. Akiba (120-140 C.E.), the law existed as early as the time of the creation of the world (m.Ab. 1:2). R. Eleazar of Modim (120-140 C.E.) supported a tradition that pushes the law's existence back even further. He describes it as "a precious treasure in His (God's) storehouse, which was hidden by Him nine hundred and seventy-four generations before the world was created, . . . (b.Zeb. 116a)."¹² The saying avoids claiming that God *made* the law 974 generations before creation, and says only that it was *hidden* that long ago. As far as we can tell from Eleazar's words, the law may have never had a beginning but was eternally stored in the heavenly treasure house of God. Of course not all rabbis held this view. Some believed that the law was something which God did create yet well before he created human beings.¹³

Another fundamentally important rabbinic conviction is that all the law comes from God. R. Akiba and Abba Saul (140-165 C.E.) both are aware of a well established tradition that any Israelite who claims that the law did not come from God would not share in the world to come (m.San. 10:1; Sif. Deut. 102.1).¹⁴ As far as they are concerned, no one can be a true Jew and deny the divine origins of any of God's law.

For the rabbis, studying the law is a form of honouring God. Those who engage in the study of the law become the people of God (A.R.N. 35.3.2). Because the law belongs to God, one has to treat with reverence the Mosaic legislation in order to show reverence to God. How a student of the law handles

the law scroll and uses his knowledge of it should be a direct result of his understanding of and submission to the will of God (m.Ab. 2:12). One way of dishonouring the law and God is to claim that a law is illogical (A.R.N. 27.8.1).

When the law is studied, direct encounters with God can occur. The law can be studied so that it has the effect of creating a participation or communion with God (see on this point Neusner, 1988, 27, 51). R. Hananiah B. Teradion (120-140 C.E.) says, "[If] two sit together and between them do not pass teachings of Torah, lo, this is a seat of the scornful, But two who are sitting and words of Torah do pass between them - the Presence (of God) is with them, . . . (m.Ab. 3:2; 3:6)."¹⁵ The anonymous saying in Sif. Deut. 41.3.2 reflects this same idea when it says that the teachings of the law guides one's intellect towards knowing God. While the nature of God and the law are certainly distinguishable (the law is not God), loving one is indistinguishable from loving the other.¹⁶

According to Hillel, life in the world to come is measured by obtaining words of the law (m.Ab. 2:7). This is not a meritorious salvation based on an understanding of the law. The law should be studied for heaven's sake (m.Ab. 6:1). What Hillel is saying is that the quality of life one will receive in the new age is dependent upon how much knowledge of the law one acquires. In the middle of the second century, R. Nehori (165-200 C.E.) echoed something similarly when he claimed that the reward for studying the law comes both in this life and in the life to come (m.Kid. 4:14). R. Judai b. Ilai's words (140-165 C.E.) in A.R.N. 28.12.1 reminds us of what Jesus says in Mt. 5:19: Whoever treats the commandments of God as the greatest thing in this life will be treated as the greatest person in the world to come. But those who treat lightly the commandments of God will be considered small in the world to come.

Even after the Bar Kochba revolt, R. Judah b. Teman (165-200 C.E.) continued the hope that God might still establish his kingdom in the near future. His prayer is that when God does bring about his kingdom he will give his law to the people, that is to say, he will give them a perfect knowledge of it and a willingness to obey it. This will be their reward (m.Ab. 5:20).

However, some scholars (Davies, 1952, 50-83; Schoeps, 1961, 171-173; Luz, 1989, 265-266) have claimed that some rabbis, instead of hoping for a perfect knowledge of the law in the future kingdom, looked forward to the time when the law would be abolished and probably by the Messiah. Their case is built on rabbinic statements like, "The world is to exist six thousand years. In the first two thousand there was desolation; two thousand years the Torah flourished; and the next two thousand years is the Messianic era; but through our many iniquities all these years (Messianic years) have been lost" (b.San.97a-b; b.AZ. 9a). But the rabbi is hardly foreseeing a time of no law observance. What he anticipates is the time when there will be law observance *and the Messiah*.

Another cited saying is R. Johanan's pronouncement (120-140 C.E.): "Once a man dies, he becomes free of the Torah and good deeds" (b.Shab. 30a; 151b; b.Nid. 61b). In other words, we are told, the law is only binding in this life. However, the rabbis use this saying not to deny that the law would be followed in the Messianic kingdom but to affirm that a dead person cannot be held accountable for transgressions which are committed with their dead body. For example, if a person's corpse is wrapped in a garment of mixed fabrics, they will not be blamed for wearing it (b.Nid. 61b). Or, if someone shuts their eyelids as they lie dying on the sabbath, they are not the ones who will incur the guilt (Shab. 151b). In b.Shab. 30a, the popular axiom is used primarily to encourage people to obey the law while they are still alive. The rabbi has no intention of saying that the law will not be followed after the Messiah comes.

The consistent view of the rabbis seem to be that God's perfect law will not be replaced or abolished.

Conclusion

What this survey of Second Temple Jewish literature has indicated is that there was an agreement within Jewish society that the law incorporated God's will for Israel. It was their only standard of behaviour by which they could show that they loved God. All those who despise the law, despise God. On the other hand, every Jew who appreciated that complete obedience of the law was what God ultimately desires, and made this standard of obedience their life's goal, would find favour from God on the day of salvation.

The law belongs to God. It is his possession which he has revealed graciously to Israel. It lives with God and is at one with him. No Jew could claim to speak for God and be indifferent to the demands of the law. For all Jews (Qumran, rabbinic, diaspora, apocalyptic, etc.) the law was a key figure in preserving the life of the nation in the distress of the final days. It was the standard by which judgment would be measured out and was the collective and binding force of the righteous in the age to come. There is no indication from the literature of this period which would suggest that some Jews looked forward to the day when the law would be replaced, annulled, or modified. The Messiah, when he came, would supplement Jewish knowledge of the law with his own teaching, which also pointed to God's will. These instructions were compatible with the law, and so in theory should be obtainable from it since the law expresses the complete will of God.

Endnotes

1. See Schnabel's criticism of Huntjens in Schnabel, 188-190.
2. E. P. Sanders rightly points out that while the community could understand the unworthiness of human beings to be saved, nevertheless, being the elect meant that some were righteous by the grace of God (Sanders, 1977, 311-312).
3. This same idea is picked up again in CD 2:21. The "Watchers" of Heaven are condemned because they do not obey their creator. See also CD 3:8 where Israel is condemned for not listening to the voice of God in the land of Egypt.
4. Lohse would prefer reading the phrase as *b^eyad m^ešîhê* (Lohse, 1964, 68).
5. Again, Lohse suggests that we read *bim^ešîhe haqôdeš* (Lohse, 1964, 76).
6. See Schnabel's discussion that the notion of an "internalized" law can also be found among Qumran Jews (Schnabel, 189).
7. Here we note that dating the Testament of the XII Patriarchs, as well as other pseudepigraphical works (i.e. 1 Enoch), is problematical. For this work Kee suggested a second century B.C.E. date (*QTP*, 1:778), but this date must be used with caution since it seems quite clear that at several points it has been tampered with by a Christian hand.
8. This text slightly contrasts with the image of the new priest who at the time of judgment and afterwards will kindle the light of knowledge for the new age (T. Levi 18:1-14). Referring to the law as "light" emphasizes particularly the ethical orientation of the law as the path to take in order to live a life pleasing to God (see Schnabel, 163-164). For other occurrences of this imagery see T. Levi 4:3; 18:3; 19:1; T. Reub. 3:8. Hollander and de Jonge took the phrase to be a reference to the coming of the Messiah (Hollander, 443). However, the text suggests that it is more likely that the "light" is something which the servant of the Lord brings, rather than a description of the servant.
9. The author of Jubilees may have viewed the world in three epochs: the period of Testimony, followed by the period of the law, ending with the new age. The Messianic age begins the new age and is the age of the study of the law (Davenport, 69 n.5).
10. The most popular forms of this phrase are 1) "those who fear the Lord" - 17x; 2) "he who fears the Lord" - 7x; and 3) "fear of the Lord" - 6x.
11. To argue that the law is overshadowed by wisdom in Ben Sira and that the writer uses the concept of "Law" only to help define "fear of God" is a bit simplistic (von Rad, 245). Systematically positioning wisdom in opposition to the

law undermines the fluidity with which the writer seems to be able to use one phrase and then turn to the other.

12. See also b.Pes. 54a; b.Ned. 39b; b.Shab. 88b-89a; Sif. Deut. 37.1.3; Gen.R. 1:4. It should be noted that the problem with dating rabbinic material is notorious. Even when a rabbi's name is associated with a particular saying, the attribution is sometimes suspect. The dating of any statement should at least take cognizance of a history of tradition and the politics involved in the compilation of rabbinic works (Strack, 54). For a discussion on the problems of dating Mishnaic statements in particular, see Neusner, 1981, 103-115.

13. Sif. Deut. 47.3.2. See also Moore, 1927, 266.

14. For this view in the later material, see Num.R. 19.1.8; Sif. Num. 112; Sif. Deut. 41.3.3; b.AZ. 18a; and A.R.N. 18.2.2. The law is fixed and unchangeable because it comes from a God who does not change.

15. See also Exod.R. 33.7.

16. Interestingly enough, there are two anonymous sayings which equate the rejection of the law with an act of idolatry (Sif. Deut. 43.4.1; 54.3.2).

CHAPTER TWO

Second Temple Jewish Views on the Authority of Extra-Biblical Traditions

Jesus believed that God must be obeyed. He preached a message of repentance in the hope that his Jewish audience would respond positively by turning to God and by finding salvation in his kingdom. But was Jesus responsible for introducing the idea that obeying the law was no longer a crucial part of obeying God? Was he under the impression that now God was more pleased to have some of his own laws cancelled or ignored? If he did, then on the basis of the Jewish evidence which we looked at in chapter one, we would have to conclude that he was the first Jew ever to have done so. No Jew had previously taught that there was a difference between what God really wanted and what the law said he wanted. This scenario seems to be historically improbable.

However, Jesus did think that certain Jewish practices could be ignored. For instance, the Pharisees and the disciples of John the Baptist had a practice of fasting. According to one tradition, Jesus had a teaching about the proper way to fast (Mt. 6:16,17), but he gave his disciples no instructions to fast in the way that these law abiding Jews did (Mt. 9:14//Mk. 2:18// Lk. 5:33). Likewise, he placed no demands upon his disciples that they wash their hands before eating as it was the practice of some Pharisees and Diaspora Jews to do (Mt. 15:2//Mk. 7:5).

What conclusions would Jews have reached about a person who rejected such traditions so openly? Was the authority of extra-biblical practices

(rabbinically known as *halakhah*) equal to the authority of biblical commands? If so, at least some Jews must have thought that Jesus had little respect for the law. In this chapter, what I want to show is that it is also historically improbable that Jews, including Pharisaic Jews, would jump to the conclusion that because Jesus ignored certain extra-biblical practices he generally must have thought that the law was irrelevant. We will examine what authority Jews (Rabbinic, Qumran, and Diaspora) gave their extra-biblical practices. It will become evident that these Jews were able to make a distinction between the obligation to obey the law and the encouragement to follow extra-biblical practices. Therefore, it seems more likely that most Jews would assume that anything that was not a direct interpretation of the law was optional and that Jesus simply chose the option not to follow them.

The Word 'Halakhah'

To begin with, the word *halakhah* needs to be defined. Shmuel Safrai stated that the first ever attempt to define this word within the Rabbinic context was R. Natan of Rome in the eleventh century (Safrai, 1987, 121). R. Natan gave two definitions. *Halakhah* can mean broadly "something that goes on (*holekh u-ba*) from beginning to end" or in a more restricted sense "that in which Israel goes". This second definition is very close to the meaning for *torah*, that in which Israel believes itself *bound* to go.

The most important question which we have to address is, In the Second Temple period, did the word *halakhah* mean "law"? Safrai's answer is, Yes. "Whatever the original meaning may have been, the wider phenomenon of *halakha* encompasses both: 'that in which Israel goes', i.e., the ways of life of the Jewish people, and the fixed laws which emerged from the thought and study of the

Pharisaic Sages and other circles within Jewish society" (Safrai, 1987, 121).¹

Pharisees and similar groups sit and create laws, fixed rules which they want to make compulsory for every Jew. If Jesus broke one of these Pharisaic rulings, the Pharisees could only conclude that he was a law breaker, one who disobeys the will of God.

E. E. Urbach had come to the same conclusion. He called halakhah "a continuation of and a commentary on the commandments of the Torah" (Urbach, 1976, 113). Elsewhere he claimed that the story of Shammai's discourse with a proselyte (b.Shab. 31a) points to the conclusion that Pharisaic traditions in the first century C.E. were equal in authority to the Mosaic law (Urbach, 1975, 290f). The rabbis had no difficulty in including under the category of "Law" the enactments which were designated as a fence to the law.

Stephen Westerholm has also given his support for this definition.

"Hence the Pharisees, in treating their traditions as equal in authority to the laws of scripture, were by no means expressing disrespect for the latter; they were only drawing the consequences of their view of scriptural law as statute. Statutes must be applied casuistically; and if comprehensive casuistic law was required, it is clear that the Pharisaic solution was the only workable one: scripture might serve as the basis of the legal code; the intensive study (midrash) of its formulas might add to the corpus of law; but regulations derived from other sources, such as legislation and custom, must also be given normative status" (Westerholm, 1978, 23).

Westerholm's position is that the Pharisees believed the will of God was equally expressed in the practices they prescribed and in the law, and that the person who violated their code of behaviour was guilty of sin in the eyes of God in the same way as if they had disobeyed a Mosaic law (Westerholm, 24).

Pharisaic traditions defines clearly and concretely what was lawful and what was forbidden (Westerholm, 17).

On the other hand, this definition of halakhah has been more recently challenged (see Neusner, 1985, 144-145).² E. P. Sanders argues that the word

does not carry the connotation of "law". "A possible solution is that it (the common dating of the Jewish calendar) was not regarded as 'law' at all, but as 'practice', that would be called in rabbinic literature 'halakah', 'walking', that is, 'behaviour'" (Sanders, 1990, 104). Halakhot were highly regarded practices, ways of behaving, which, nevertheless, were not given the same status of authority as the Mosaic commandments.³ A person who disregarded a Pharisaic or any other Jewish halakhah, no matter how they may have been judged, would not have been condemned as disobeying God. Simply because Jesus ignored certain Pharisaic teachings, this does not mean that the Pharisees or anyone else would have thought that in doing so he had rejected the authority of the law.

Besides these two opposing definitions of what halakhah means, Peter Tomson makes a distinction in his definition between two ways in which halakhot were created. One method of establishing halakhot is midrash, rules worked out from "set techniques and terminology" interpreting the biblical text. The other method of developing halakhot makes no reference to scripture. Tomson calls the halakhah that is produced in this fashion "pure halakha" (Tomson, 1990, 28).⁴ However, what Tomson does not specify is whether or not midrash-halakhah and "pure halakhah" are equally authoritative. It seems to me that his distinction between midrash-halakhah and "pure halakhah" is really unnecessary. If the rabbis interpret the law so that they can teach what the law says to do, then there is no difference between midrash-halakhot and other laws of the Mosaic legislation. Tomson thinks there is because he assumes that midrash-halakhot are different from other Mosaic laws. Since certain "techniques" of interpretation are necessary to create these halakhot out of scripture, they are different from those rulings which do not have to be interpreted. Tomson has ignored the simple fact that all scriptures have to be interpreted and applied. There are no texts which do not need interpreting. Some scriptures can be explained so that the commandment

is followed exactly as it is defined by its context. Other scriptures are explained by a process of harmonization with other commandments that occur in separate texts. Additional texts will be interpreted by following still more criteria, some of which will be very sophisticated and include Tomson's "set techniques and terminology".

"Midrash-halakhah" is only another way of describing what is a law of God. They are practices which are argued on the foundation of scripture and so belong to the category of "law". My question is not, Did Jews think that the laws of God were obligatory? Of course they did! Every pious Jew thought so. Halakhah which is thought to be the teaching of scripture is not the issue. The issue is, Were there practices that were consciously known to be independent of what the law demanded that were passed on as obligatory (Sanders, 1990, 109)? If a Pharisee said "The sages say do this", then in order to be considered a faithful Jew, did this teaching have to be followed? Does the extra-biblical teaching of a sage or a leader of a group have the same value as what God says?

We now turn our attention to how extra-biblical traditions were treated in Second Temple Jewish society. The general questions which we want answers for are: Who had practices which they knew were not commanded by the law? What authority was given to these practices? How were those who disregarded them judged by those who accepted them? In this study, we will confine the word "halakhah" to mean "a practice".

Rabbinic Attitudes towards Extra-Biblical Practices

Safrai claims that the oldest known rabbinic halakhot come from Yose ben Yoezer of Tsereda who lived around 160 B.C.E. (Safrai, 1987, 146). The saying is found in m.Edu. 8:4. Yose argues that 1) Ayil-locusts are clean to eat, 2)

the flowing waters in the Temple shambles are not subject to uncleanness and 3) only the person who touches a corpse becomes unclean. It would be difficult to be decisive about how much authority the allowance to eat Ayil-locust had. After all, what was said was only a permission and not an injunction or prohibition. We also cannot be confident about the authority that the second halakha carried without evidence indicating how the people's minds were actually changed about the Temple water. But we can see that the third statement concerning the uncleanness of a person who touched a corpse was not considered authoritative. Rabbis later on continued to debate how uncleanness of the person who touched a corpse was transmitted to other people and objects. The text itself suggests that all three halakhot had little authority when it says that Yose was nicknamed "Yose the Permitter". The nickname implies that Yose's teaching was thought to be more relaxed, but it did not imply that his lenience extended to a contradiction of the law. If Yose went out and ate an Ayil-locust, which other Jews avoided, they would not accuse him of being a law breaker but merely of being more relaxed in what he would permit himself to eat. Most Jews thought that they should not eat an Ayil-locust. However, because there was no scripture that was interpreted to prohibit eating one, it was not law. A Jew could reject popularly held customs and would not because of that be seen to be out of harmony with the will of God. Everyone knew that some traditions were not biblical and therefore not binding.

Another illustration is worth looking at. We are told that R. Simeon of Mizpah (10-80 C.E.) sows a field with two kinds of wheat. He goes to R. Gamaliel II to enquire how much gleanings he is obliged to set aside for the poor. Gamaliel does not know, so the two of them go to the Chamber of Hewn Stone to find out. There, Nahum the Notary says,

I have received a tradition from R. Measha, who received it from his

father, who received it from the "Pairs", who received it from the Prophets as a halakah given to Moses from Sinai that if a man sowed his field in two kinds of wheat and made them up into one threshing-floor, he grants one Peah; but if two threshing-floors, he must grant two Peahs (m.Pe. 2:6).

Here, a halakhah given to Moses (presumably by God) is known from a tradition passed on from father to son and is now given as the practice for others to follow. Sanders highlights the fact that Gamaliel did not know this halakhah, and that what Moses received was halakhah and not "Law". Unfortunately, Sanders does not explain why in this instance a halakhah is not equal in authority with the law (Sanders, 1990, 122). If God gave a teaching to Moses would it not have the status of law rather than simply an optional practice? The designation "halakhah given to Moses" surely must be conveying what God wants (i.e. law). R. Simeon of Mizpah wants to know what God's will is in the matter of his wheat crop. Nahum tells him what that will is. The words "halakhah from Sinai" refer to something that is divinely binding.

The expression "halakhah given to Moses from Sinai" occurs again in m.Yad. 4:3 (see also t.Yad. 2:16). The issue here is, What do Jews living in Ammon and Moab owe in tithes during the seventh year of the land of Israel's agricultural rest? Jews living in Israel pay no tithes on crops which have grown without being sown during this year, because all the produce that grows is classified as ownerless property. However, Jews living outside of Israel are not under the same restrictions. They can continue to sow and reap during the seventh year. What then do they pay?

R. Tarfon (120-140 C.E.) believed that Jews living in Ammon and Moab should offer a poorman's tithe.⁵ R. Eleazar b. Azariah's objected and argued that they pay the "Second Tithe".⁶ The text proceeds by recording how the debate developed over which teaching should be preferred. In the end R. Tarfon's teaching was accepted. When R. Yose the son of the Damascene leaves this

gathering and enters the house of R. Eliezer,⁷ he is asked, "What's the new thing from the House of Study today?" R. Yose explains that the group decided that Jews living in Ammon and Moab pay the poorman's tithe in the seventh year. Upon hearing this news R. Eliezer rejoices and exclaims, "Go and tell them, be not anxious by reason of your voting, for I have received a tradition from Rabban Johanan b. Zakkai (10-80 C.E.) who heard it from his teacher, and his teacher from his teacher, as a halakah given to Moses from Sinai, that Ammon and Moab should give Poorman's tithe in the Seventh Year." If God instructs Moses, surely these instructions have the same authority as all of God's other commandments. That the sages believed God simply gave Moses his opinion in the matter seems doubtful. The Pharisaic rabbis believed that a halakhah given to Moses is as equally binding as the law.

There is an important distinction made in this reference. The "halakhah given to Moses" should settle the uneasy feelings of the rabbis who have decided their own halakhah without this knowledge. What they think should be God's will is, according to R. Eliezer, God's will. R. Eliezer wants the group to know that in this instance their suggestion is really a law. This group of rabbis regularly made decisions which they knew could not be considered "Law" because they could not always find out how to support it by scripture. Once it was proved that their halakhah had been given to Moses from God, then they could conclude that the decision they had reached was what God had already willed. If no teaching similar to theirs had been given to Moses, it remained a question of doubt (though for the time being accepted) and could not be "Law". In respect to the issue that was raised on this occasion, if Eliezer was believed, Jews who lived in Ammon and Moab would be told that paying the poorman's tithe in the seventh year was legally binding.

These two illustrations (m.Pe. 2:5,6 and m.Yad. 4:3) raise a very important

question. By the time of Nahum the Notary and R. Eliezer, did the sages already believe in a second equally authoritative law outside the bounds of the written scripture? Did they believe in an "oral Torah"? Or do the words "halakhah given to Moses" equal "Law"? I think that the latter is more likely to be the case.

In m.Ab. 5:22, Ben Bag-Bag (1st century B.C.E.) said "Turn it (the law) and turn it again for everything is in it." If everything that can be known about God's will is contained in the law, there is nothing needed except for God's will to be made known by means of proper interpretation. Nahum the Notary and R. Eliezer are not saying, The law has nothing to offer on these particular questions so seek God's will elsewhere. It is more likely that they are saying, I know a tradition (of interpretation) that goes back a long time which knows this practice as one of the practices given to Moses by God (which is found in the law). What every rabbi has not received is the knowledge of interpreting the scripture to validate the practice in question. Once it is known that the practice can be supported by the law, and once that interpretation is demonstrated, the practice is law. Nothing in the phrase "halakhah given to Moses" indicates that there were recognized "laws" outside of the sacred commandments.

What about the situation that is described in t.Pis. 4:13-14?

One time the fourteenth of Nisan coincided with the Sabbath. They asked Hillel the Elder, "As to the Passover-sacrifice, does it override [the prohibitions of] the Sabbath?" He said to them, "Now do we have only a single Passover-sacrifice in the course of the year which overrides [the prohibitions] of the Sabbath? We have many more than three hundred Passover-sacrifices in the year, and they all override [the prohibitions of] the Sabbath." All the people in the courtyard ganged up on him. He said to them, "The daily whole-offering is a public offering, and the Passover-sacrifice is a public offering. Just as the daily whole-offering is a public offering and overrides [the prohibitions of] the Sabbath, so the Passover-sacrifice is a public offering [and] overrides [the prohibitions of] the Sabbath. Another matter: In connection with the daily whole-offering, *Its season* is stated (Num. 28:2), and in connection with the Passover, *Its season* is stated (Num. 9:2). Just as the daily whole-offering, in connection with which

Its season is stated, overrides [the prohibitions of] the Sabbath, so the Passover-sacrifice is a public offering [and] overrides [the prohibitions of] the Sabbath. And further there is an argument *a fortiori*: Now if the daily whole-offering, on account of which people are not liable to extirpation, overrides [the prohibitions of] the Sabbath, the Passover-sacrifice, on account of which people are liable to extirpation - is it not logical that it should override [the prohibitions of] the Sabbath? And furthermore: I have received a tradition from my masters that the Passover-sacrifice overrides [the prohibitions of the Sabbath] - and not [solely] the first Passover but the second Passover-sacrifice, and not [solely] the Passover-sacrifice of the community but the Passover-sacrifice of an individual." . . . On that very day they appointed Hillel to be patriarch, and he taught them laws of Passover.

In this text, the people have come to the Temple for the first day of Passover. Jews would expect that on such a day they would offer their Passover sacrifice. However, on this occasion the first day of Passover happens to coincide with the sabbath. The problem is that the people cannot celebrate the first day of Passover because for them to cut the throat of the sacrificial animal would entail work and work is prohibited by the sabbath law. What should be done?

We are lead to believe that for the first time an argument is made known to everyone so that sacrifices on a sabbath are sanctioned by Hillel. How did he do it? Hillel convinced the people by offering four arguments that public sacrifices were not prohibited by the sabbath laws. First, he paralleled another public offering which was performed on the sabbath with this public offering. Second, he gives an exegesis of Num. 28:2 and 9:2 to support his teaching. Third, he argues his case on the superior nature of the sacrifice. And finally, he claims that he had received a tradition from his teachers that a Passover sacrifice was not prohibited by the sabbath. In gratitude for this answer the people appoint Hillel as their patriarch.

It is probably not true that Hillel was made the patriarch for the people. It is more likely that the text is trying to legitimize the rabbinic chain of authority. Besides this, the story does not say that a Pharisaic tradition has as

much authority as scripture. On the contrary, the story shows how Pharisaic traditions were not highly esteemed. Hillel's teacher taught the same thing and yet the crowd, so we are told, had never accepted the teaching. It is only when the tradition is linked here with exegesis that it gains authority.

We will now turn our attention to a couple of rabbinic passages which help to make clear that extra biblical halakhot were not binding.

A saying which is often cited when this subject is discussed is,

Halakhot about release from vows hover in the air and have (almost) nothing to support them; the rules about the Sabbath, Festival-offerings, and sacrilege are as mountains hanging by a hair, for scripture is scanty and the halakhot many; property cases and the (Temple)-Service, and the halakhot about what is clean and unclean and the forbidden degrees, they have that (in Torah) which supports them, and it is they that are the essentials of the Law (m.Hag. 1:8).

Halakhot that are supported by scripture are the essentials of the law. A halakhah's authority is binding once it is demonstrated that it can be interpreted from scripture. Then, the halakhah is no longer in the category of an optional practice from the legal experts but a prescribed behaviour given to Moses by God. It is a God-given instruction. It is "law" and all Jews are obliged to keep it. Halakhot that cannot be interpreted from scripture can be observed, but it remains an option until such time as more precise knowledge of the law comes forth. Until an answer can be connected to a passage of scripture, the halakhot of the rabbis remains in the category of "extra-biblical instructions" (t.Nid. 9:13).

There is another text which also supports the view that rabbinical instructions were not binding as Mosaic laws were. In m.Yeb. 16:7 the rabbis are discussing whether a woman whose husband is presumed dead can be allowed to remarry on the testimony of one witness that her husband has died. R. Judah b. Baba (120-140 C.E.) would permit her to remarry while the rest of the rabbis would not. Nehemiah of Beth Deli tells R. Akiba that he has received a tradition from R. Gamaliel the Elder that a woman can remarry on the witness of

one person. This is reported back to Rabban Gamaliel, Gamaliel's grandson, who then remembers that his grandfather had given such permission. The halakhah was established that a woman can remarry on the evidence of one person. R. Eliezer and R. Joshua would not agree with this permission, presumably because no convincing interpretation of scripture is given. This is an example of how fluid rabbinic teachings can come and go. Even though R. Judah b. Baba did not accept the majority's teaching he was not ostracized as a law breaker. And when the teaching changed to support his position, it is highly unlikely that R. Eliezer and R. Joshua went about calling Rabban Gamaliel a law breaker. An issue that is not understood to be settled by scripture does not prohibit the rabbis from encouraging opposite conclusions. Different rabbis will give different teachings. Because one rabbi promotes a contradictory action to what is promoted by another rabbi, it does not mean he is a law breaker. A rabbi might think that his practice is more likely to be preferred by God, but if he cannot prove this from scripture he does not presume that it should be binding upon others.

Sanders believes that he needs to make a concession that t.Suk. 3:1 could be read to indicate that Pharisaic traditions were equal in authority with the law (Sanders, 1990, 122,123). Unfortunately, he does not explain how it should be read. I will try.

The Boethusians (a form of Sadducean Judaism) understand the prohibition of the sabbath to include activities which were prescribed for the last day of the Sukkot festival (The Feast of Booths). At the conclusion of Sukkot, the people are meant to beat willow branches. According to the Boethusians, if Sukkot ends on a sabbath the people are not allowed to beat them because beating is a form of work. However, the people paid no attention to this particular interpretation of the law and would even go as far as moving boulders on the sabbath in order to get at the branches to beat them. Either they did not believe that beating

was work, or they believed that certain ritual requirements, such as those pertaining to Sukkot, did not belong to the general sabbath prohibition. What the people did is called by later Tannaitic rabbis a halakhah that was revealed to Moses at Sinai.

Sanders understands this phrase "revealed to Moses at Sinai" as a possible indication of practices that were divinely binding but outside of scripture. When Abba Saul (140-165 C.E.) is quoted as saying that the beating of willow branches for Sukkot on a sabbath is decreed in the writings of the law, he is reacting to the claim that this permission is only known through a tradition of what was "revealed to Moses". He wants to raise this legally binding practice to the status of "Law".

However, Abba Saul believes in the perfection and comprehensiveness of the law. Therefore he is not distinguishing between what God has revealed and what is "Law". Instead, Abba Saul is named in order to contribute a named authority as a witness to an already anonymous saying which claimed that the permission to beat the Sukkot willow branches on the sabbath is exegetically supported by the law of Moses. The word "halakhah", when it is said to be revealed to Moses by God, conveys the meaning of "law". When the halakhah is not attached to the activity of God it does not convey this meaning. The early rabbis recognized that their own extra-biblical traditions were not the law of God. A tradition could only be elevated to the status of "Law" if it was supported by the exegesis of scripture.

Qumran Attitudes towards Extra-Biblical Practices

Unlike the sages, the authorities at Qumran would find it difficult to believe that someone could be faithful to God who at the same time did not follow their

way of life. Those outside of the community were seen as law breakers. Members who lived at Qumran knew that their habitation was no longer with the ungodly they left behind (1QS 8:13). The confession taken at initiation makes this exclusivity clear.

And after them, all those entering the Covenant shall confess and say:
 "We have strayed, we have [disobeyed],
 We and our fathers before us,
 have sinned and done wickedly
 in walking [counter to the precepts] of truth and righteousness.
 [And God has] judged us and our fathers also;
 but he has bestowed His bountiful mercy on us from everlasting
 to everlasting" (1QS 1:24b-2:1a).

The "precepts of truth" belong exclusively to the people of Qumran. Once the initiate confesses this and swears to abide by the rules and regulations God's grace is extended to him.

Israel was unfaithful because they disobeyed the laws governing God's holy sabbaths, feasts and testimonies (CD 3:14,15). Only those who shared this writer's insights into the law observed them correctly. Whoever despised this teaching could not be pleasing to God no matter how faithful they were in other areas of the law. The reason why other Jews were sinful was not because this writer thought that his halakhah had an independent authority worth following, but because he believed that his halakhah complied fully with what the law commanded. What the Qumran community taught was not considered to be a better option but to be the ordinance of God (1QS 3:5,6). When the community accepted you, you were accepted by God. When it did not, neither did God.

Since outsiders were law breakers, it is unnecessary for us to ask if the Qumran community thought outsiders were law breakers when they did not follow a Qumran extra-biblical practice. What we should ask is, Were "insiders" law breakers when they did not follow an extra-biblical practice? Was every Qumran behaviour the result of interpreting the law, or are some behaviour recommended

independent of scripture and left as optional? If so, then even the strict Jews of Qumran would know that the only thing which ultimately matters is whether or not one obeys what the law says. If not, then they are an example of how extra-biblical traditions were elevated to the status of "Law". A Jew who was faithful to the law but unfaithful to accepted customs would still be seen as disobeying the will of God.

The word *halakhah*, as a noun referring to a specific course of action, occurs nowhere in the Qumran literature. However, the basic idea of walking (*hlk*) in accordance with certain rules and precepts does occur (1QS 1:15,25; 3:9,10; 6:2; 8:21; 9:6,9,19; CD 6:10; 7:7; 12:21-23; 14:1; 19:4). This makes our task more difficult to distinguish behaviour taught by the authorities of the community alone from those that come from the exegesis of scripture. Some scholars would argue that we would not find any such distinction. Lawrence H. Schiffman's thesis that every practice, every teaching, every instruction and regulation enforced by the community was the direct result of biblical interpretation seems to be supported by at least by one text (Schiffman, 1976, 76).

(For God made) a Covenant with you and all Israel; therefore a man shall bind himself by oath to return to the Law of Moses, for in it all things are strictly defined (*bah hākōl m^eduq^edaq*) (CD 16:1f).

If the law specifies everything, nothing can be specified that is not already in the law. Schiffman compares this text with CD 15:9-10 (Schiffman, 1975, 33).

. . .to return to the Law of Moses, with a whole heart and soul, to whatever is found (*hānnim^esa`*) should be done at that time.

In CD 16:2 the word *nim^esa`* of CD 15:9-10 is replaced with *m^eduq^edaq*. In another passage, *masa`* is used as a technical term for the sect's exegesis for establishing what they will do on the day of Atonement (CD 6:19). Schiffman argues that what CD 16:1,2 implies is the notion that exegesis of the law stand as the basis for all sectarian teaching. No action is taught by the community that is

not worked out from scripture.

The question Schiffman avoids asking is, To what does "all things" in CD 16:2 refer? What is it that is supported by exegesis? The most likely answer is that "all things" refers to everything that God wants. This of course still begs the question, Did the Qumran community expect more than God expected? To say that the Qumran community believed everything which God wants is to be derived from biblical exegesis does not prevent us from asking whether or not they developed extra-biblical instructions. Even though Ben Bag-Bag said that everything can be found in the law, the rabbis were not restrained from developing a fence of extra-biblical regulations to prevent people from disobeying the law (m.Ab. 1:1). So too, the Qumran community can claim that everything God wants can be found in the law and still think that it is legitimate to develop further rules.

Schiffman's careful study shows that there were a number of words used at Qumran which allude to their exegetical practices. We can hardly doubt that the interpretation of the law was a fundamentally important task of the group. Unfortunately, Schiffman does not explain why extra-biblical practices could not exist at Qumran. He simply assumes that these people would have had no need to develop extra-biblical teachings since they were so skilled at eisegesis.

I said earlier that clear examples of extra-biblical regulations were difficult to isolate in the Qumran literature because we do not have the noun *halakhah* to draw our attention to their possible presence. Nearly every teaching conveys the assumption of unquestioning obedience. Throughout the literature, the overwhelming picture is of a community that legislates for vast areas of life and reads this legislation back into scripture.

However, I think that it is unrealistic to believe that a community which was so interested in matters of legal details never developed extra details they

hoped would make sure the minimum details were observed. What is more likely is that sometimes the leaders of the group taught that there were some things a person could do which the law did not command but which showed real commitment to holiness. After all, if one is willing to obey what is only optional, how much more will he obey what is obligatory?

In a short study on Qumran marriage laws, Joseph Baumgarten draws attention to one such optional practice (Baumgarten, 1990, 13-24). The relevant text is CD 7:4-9:

For all who walk in these (previously listed rulings)
in the perfection of holiness (*bit^emim qōdeš*)
obeying all His instructions,
the Covenant of God is assurance
that they will live for a thousand generations.
And if (*w^e'im*) they (other members) live in camps
according to the rule of the land
and take a wife and beget children,
they shall walk in obedience to the Law,
and according to the rule of the Law;
according to that which He (God) said, Between
a man and his wife, and between a father and
his child. (cf. Num. 30:17) (trans. Baumgarten).

Notice the words "and if" in the middle of the passage. The adversative conjunction "and if" marks a change in subject (Baumgarten, 18). Prior to this, the author has been talking about a particular group of people who walk in what he calls "the perfection of holiness". The remark is then made that if members have not decided to take this course but instead live in camps according to the order of the land (of Judea) and take a wife and beget children, they are to still live by the law as interpreted by the community. Josephus' comment that there were differences among the Essenes regarding marriage would support this picture (J.W., 2.120-121, 160).

Celibacy and habitation at Qumran were not commanded by the law and there is no indication in the Qumran literature that commandments were interpreted to make this teaching a law. However, the community taught them.



They probably thought that those who followed these practices showed the greatest commitment to being ceremonially pure. Nevertheless, each individual was left to choose whether or not they would follow this "perfection of holiness". The conclusion seems to be that these practices were never made "law" by its leaders (Baumgarten, 1990, 20).

Besides celibacy and monasticism, I have found no other clear examples of extra-biblical practices. While it is certainly conceivable that the teachers of Qumran would teach rules which they knew went beyond what the law commanded, the regulations they thought were worth recording seem to be those they thought were sanctioned by the law.

Jewish Attitudes in the Diaspora towards Extra-Biblical Practices

The works of Josephus and Philo are some of our best examples of what Jews living outside Palestine thought about extra-biblical practices. Josephus' famous distinction between Pharisees and Sadducees (Ant. 13:297) is often cited to argue that the Pharisees believed their own traditions were equal in authority with the law. Before we examine what Josephus actually says, let us look at the context.

Here, Josephus is describing an incident which occurred during the rule of John Hyrcanus (135-104 B.C.E.). He wants to explain why Hyrcanus broke off his relationship with the Pharisaic party.⁸ Hyrcanus pulled his support away from the group after one of them argued that he should no longer serve as High Priest since some older men were claiming that his father had married a woman who had been taken prisoner during the reign of Antiochus Epiphanes.⁹ He was then led to believe that all the Pharisees supported this false accusation against him. After confirming this suspicion for himself, he gave his support to the Sadducees.

During the switch from one group to the other, Josephus tells us that Hyrcanus revoked the rules which he had allowed the Pharisees to fix for the people (τά τε ὑπ' αὐτῶν κατασταθέντα νόμιμα τῷ δήμῳ καταλῦσαι, 13.296).¹⁰

Supposedly, this remark indicates that the Pharisees made certain traditions into civil laws. They made their practices mandatory.

But it seems unlikely that Josephus believed that these laws had the same status as the law of Moses. When we take note of two things, this observation becomes clearer. First, after Hyrcanus abolished these rules he is never treated by Josephus as someone who was disobedient to God (Ant. 13:299-300). Josephus continues to treat Hyrcanus as a honourable leader whom God blesses throughout his reign.

Second, Josephus does not even say that these laws had the authority of the law of Moses when he describes what Sadducees believed.

For the present, I wish merely to explain that the Pharisees passed down to the people certain laws (νόμιμα) from (their) forebears which are not recorded in the laws of Moses, for which reason these (laws) the group of Sadducees rejects. They say that it is necessary to treat as law things that are written, and do not keep (as law) things from the traditions of the fathers (Ant. 13.297).

The reason why Josephus gave this explanation seems obvious once we are reminded of the context. Josephus has just told us that Hyrcanus rejected certain laws (νόμιμα) and yet the Jewish people are not rebelling against a ruler who is abolishing Jewish laws. How is this? The Jews' previous history shows that they were willing to rebel when rulers tried to force them to abandon their laws. Josephus now explains why Hyrcanus could abandon these laws and Jews did not respond. The reason is that these laws were not *the* law. They had no divine authority, merely the authority of the ruler. As long as the ruler ordered the Jews to obey these laws, the Jews followed them because they were his subjects. But when Hyrcanus no longer supported them, then they are no longer

compulsory. This cannot be said about the law of Moses. Obeying the law continues irrespective of what the ruler may or may not command. The Sadducees only bind on the people what is recorded in the law of Moses, and they avoid using the authority of the ruler in order to legislate for new practices.¹¹ Josephus informs his readers that the calmness of the Jewish people is due to the fact that they would now consider Hyrcanus a law-abiding disciple of the Sadducees and not a disobedient ruler of the law.

Josephus makes another distinction between Essenes, Pharisees and Sadducees which has also led some scholars to conclude that it is a distinction between those who would and would not treat extra-biblical practices as equal in authority with the law (Feldman, vol. 9, 14 n.a). Describing the Sadducees, Josephus states,

They owe no observance of any sort apart from laws (φυλακῆ δὲ οὐδαμῶς τινῶν μεταποίησις αὐτοῖς ἢ τῶν νόμων); in fact, they reckon it a virtue to dispute with the teachers of the path of wisdom that they pursue (Ant. 18:16).

If the Sadducees claim that obeying laws in addition to the Mosaic law was not necessary, then we are left to assume that some group in contrast to them taught the exact opposite. Since the Pharisees are described prior to the Sadducees, they become the prime suspect. Pharisees thought that certain extra-biblical practices were obligatory.

However, let us note what Josephus does not say. He does not say that Sadducees disagreed with teaching others that they owed their allegiance to rules which were not interpreted from scripture. All that Josephus has in mind is that the Sadducees did not require other Sadducees to follow extra-biblical practices. What this implies then is not that the Pharisees taught others that certain extra-biblical practices should be treated like the law but that the Pharisees required one another to follow things which were not written in the law. Josephus' description of the Sadducees does not indicate that the Pharisees

required each other to follow extra-biblical practices because they thought their halakhot were equal in authority with the Mosaic commandments. It is more probable that Pharisees taught each other to follow certain distinctive practices in order to highlight clearly to what extent they were committed to make sure they avoided disobeying the law. Yet, even among Pharisees there were many extra-biblical practices which they did not agree had to be followed (m.Dem. 6:6; t.Suk. 2:3). So if they disagreed among themselves whether a certain practice should be followed, it is unlikely that they would accuse Jesus of being a law breaker for doing the same thing.

When we turn our attention to the works of Philo, we find that there is even less here to suggest that Jews saw certain extra-biblical practices as having the authority of the law. A number of scholars have rightly pointed out that Philo was probably under the influence of a lot of rabbinic exegesis (Belkin, 1940; Alon, 1977, 89-137; Safrai, 1987, 40). However, the fact that Philo was dependent on rabbinic exegesis does not imply that he thought that there were extra-biblical practices which the rabbis treated as if they were "Law".

In one passage, Philo notes that there are extra-biblical customs which a person should not interfere with (Mig. 88) and he also clearly indicates that he respects the teaching and stories given by the nations' elders (Mos. 1:4). But there is only one text in which Philo comes even remotely close to insinuating that extra-biblical teaching has divine authority. In Spec. Leg. 1:1-7, Philo explains why Jews practise circumcision. He lists four reasons, none of which occurs in scripture.¹² He knows this because he goes on to say that these explanations were given by divinely gifted men who had expert knowledge of the law. This text can hardly be used as evidence that Philo believed in an "oral torah" (as Safrai seems to imply, 1987, 40) for two reasons. 1) These explanations are not rules of behaviour but insights attempting to make sense of a

behaviour. No one is told to do anything. 2) It seems improbable that Philo would think that a Jew who rejected these explanations, preferring other ones instead, was a law breaker. Therefore, we find nothing in Philo which would lead us to believe that Jews were conscious of extra-biblical teaching and believed that these teachings were as binding as the law.

Conclusion

So far we have argued that Second Temple Jews were capable of doing two things. In chapter one we saw that they were able to make a fundamental equation between obeying God and obeying the law. No one ever claimed that they were obeying God and meant something else than they they were obeying the law. The two ideas were inseparably linked together. In this chapter we saw that these Jews were able to maintain a distinction between obeying the law and obeying extra-biblical traditions. There is no evidence for the view that Jews regarded extra-biblical practices as being equal in authority with the law. If Jesus disobeyed a Pharisaic practice, the people, even the Pharisees, would not conclude that this proved he was disrespectful of the law. If a person wanted to prove that Jesus thought the law could be ignored, then they would have to point to which biblical commandment Jesus spoke or acted against and show that no exegesis of that passage could support what he did. Rejecting an extra-biblical practice was acceptable and was done constantly by Jews who thought that the law should always be obeyed. Someone could chose not to obey what the rabbis would call a halakhah without incurring the condemnation of a person who rebelled against the law.

In the next chapters we will turn our attention to the main question of this

thesis. Did Jesus teach that he had a new view of what it meant to obey God? Did he think that he was offering a standard of behaviour which was somehow superior to the law? Do the synoptic gospels try to give the impression that Jesus wanted to change people's understanding of how to obey the law? We will find that when the evidence of the gospels is carefully weighed, the best reply to these questions is, No.

The specific teachings and actions of Jesus which relate directly to the question of his faithfulness to the law are as follows. 1) Four sayings about the law and righteousness in Mt. 5:17-20; 2) Jesus' "But I Say" sayings in Mt. 5:21-49; 3) the instruction to the would be disciple to let the dead bury their own dead (Mt. 8:21,22// Lk. 9:59,60); 4) Jesus' fellowship with sinners (Mt. 9:11//Mk. 2:16//Lk. 5:30); 5) Jesus' actions and teaching on the sabbath (Mt. 12:1-14//Mk. 2:23-3:6//Lk. 6:1-11; Lk. 13:10-17; Lk. 14:1-6); 6) Jesus' understanding of defilement (Mt. 15:1-20//Mk. 7:1-23); 7) Jesus' response to a question about divorce (Mt. 19:1-12//Mk. 10:1-12); (8) Jesus' judgment on what is the greatest commandment (Mt. 22:34-40//Mk. 12:28-48) and 9) Jesus' demonstration in the Temple courtyard and the random sayings which bear upon the validity of the Temple cult (Mt. 5:22,23; 9:13; Mt. 21:13//Mk. 11:17// Lk. 19:46). The conclusion which these accounts will support is that the historical Jesus believed that the law was binding and he consistently taught that it should be obeyed.

Endnotes

1. Also see Moore, 1927, 257; the revised Schürer, 1973, 340f; and more recently Lawrence Schiffman, 1983. Schiffman describes halakhot as ". . . religious, civil and criminal law which may best be seen as an attempt to actualize the laws of the Torah in changing circumstances" (Schiffman, 1983, 212). I am not quite sure if by the word "actualize" he means "to interpret and apply" or "to supplement in order to make relevant". See also Müller, 1986, 20f.
2. Neusner's opinions about the status of biblical practices are not always consistent. See Sanders' evaluation of this in Sanders, 1990, 110-114.
3. Sanders notes that certain non-Pharisaic traditions were probably thought of as "binding" but still not divine law (Sanders, 104, 105).
4. Tomson makes a distinction between midrash-halakhah and "pure halakhah" as does Safrai. Safrai's distinction (in a book which Tomson helped to edit) is between midrash-halakhah and what he calls "independent" halakhah (Safrai, 1987, 146).
5. Within the seven year cycle of agricultural rest, on the third and sixth year a tithe of the produce goes to the poor (Danby, 782 n.10).
6. The "Second Tithe" was an additional tithe on top of the regular tithe of crops and was stored up on the other years (1st, 2nd, 4th, 5th) of the agricultural rest cycle (Danby, 782 n. 11)
7. In t.Yad. 2:16, Yose enters the stall of bakers.
8. This is the first account in Antiquities which tells us anything about what the Pharisees actually did. Our first description of them is Ant. 13:171.
9. The accusation assumes that the word harlot in Lev. 21:7,14 includes captive women. In a genealogical list (supposedly known to Hillel) which describes groups of people who can marry one another, slaves (which a captive may well have been) are grouped with harlots (m.Kid. 4:1; b.Kid. 69-75). However, to say that rabbis would naturally assume that a captive women had intercourse with her captors runs contrary to the claim that in such cases the rabbis were always lenient (b.BQ. 114b; b.Ket. 23a). In the situation of Hyrcanus' mother, witnesses have testified that she was taken captive before she ever claimed that she was untouched during this time. If this happens, the witnesses are to be believed and not the woman. But if the woman volunteers this information before any witnesses come forward, she is believed.

10. In m.MS. 5:15 and m.Sot. 9:10, it says that Hyrcanus did away with the following laws that were binding at that time: 1) the rule stipulating everyone had to recite the confession that they had set apart tithes properly, 2) the rule that there had to be singers in the Temple who sang the psalm of awakening, 3) the rule that there had to be someone who stunned the animal that would be sacrificed, 4) the rule that prohibited hammering (in the Temple?) between Passover and Sukkot, and 5) the rule that said people offering tithes must be asked if they purchased their produce from an *am ha-aretz*.

11. I agree with Sanders' conclusion that τὰ γεγραμμένα is being contrasted with ἀναγέγραπται ἐν τοῖς Μωϋσέος νόμοις rather than with an implied oral Torah (Sanders, 1990, 99f).

12. The reasons that Philo gives for why Jews circumcise are 1) to avoid contracting the disease "anthrax" or "carbuncle"; 2) to help the body to be clean for ritual purity; 3) to help remind them of their circumcised heart; and 4) to help reproduction.

CHAPTER THREE

Jesus on the Law and Righteousness

The sayings found in Mt. 5:17-20 would point to the conclusion that Jesus did not believe his teaching would jeopardize obedience to the Mosaic law. The basic message is that Jesus fulfills what the law says; he does not "destroy" it. Not even one tiny scribal mark could be moved from its rightful place within the writings of the law. The law remains as secure as that. This is why the person who performs the commandments of the law and teaches others to perform them will be called great in the kingdom of heaven. If authentic, these sayings would be the strongest indicators that Jesus believed Jews were obliged to obey the law.

Originally these verses were isolated sayings which were gradually brought together (Beare, 1981, 138; Luz, 1989, 256). The fact that v. 19 takes up an issue which is slightly different than the point made in v. 18 would suggest that previously they circulated independent of each other. Verse 19 is concerned about bad teachers of the law whereas v. 18 makes the point that the law is eternal.

Initially, v. 18 (minus the γάρ, ἰωτα ἐν ἧ, and ἄν πάντα γένηται) was connected with the saying in v. 19a because of their obvious shared reference to τοῦ νόμου and τῶν ἐντολῶν. The saying in v. 17 was added in front of these two verses since it also shared with the saying in v. 18 an interest in τὸν νόμον. Finally, all three verses were attached to v. 20 (minus the γάρ) because of the similarity v. 20 had with the λέγω ὑμῖν in v. 18 and the βασιλεία τῶν

οὐρανῶν in v. 19. Verse 20 was already connected to the collection of Jesus' sayings which had as an introduction to the various teachings the words ἐγὼ δὲ λέγω ὑμῖν ὅτι (Mt. 5:22,28,32,34,39, & 44).

Each of the four sayings in Mt. 5:17-20 will be examined more closely in order to fill out this general description. Primarily we will be concentrating on three questions. 1) Are these sayings authentic? 2) How do they compare with what other Jews said about the law? 3) What conclusions can we draw from them about why Jesus thought the law should be obeyed?

Verse 17

- 1) Μὴ νομίσητε ὅτι ἦλθον καταλῦσαι τὸν νόμον ἢ τοὺς προφῆτας
- 2) οὐκ ἦλθον καταλῦσαι ἀλλὰ πληρῶσαι

This statement has no exact parallel anywhere else in the NT¹, but the words are constructed in a way that closely parallels the construction of another saying also found in Matthew's gospel. In Mt. 10:34 Jesus says, μὴ νομίσητε ὅτι ἦλθον βαλεῖν εἰρήνην ἐπὶ τὴν γῆν, οὐκ ἦλθον βαλεῖν εἰρήνην ἀλλὰ μάχαιραν. The similarities between these two references in the pattern "Do not think that I have come to . . . I have not come to . . . but . . ." plus the fact that this exact construction cannot be found outside of Matthew's gospel raises our suspicion that either 1) some amount of editing has occurred to an earlier saying or 2) the whole saying is inauthentic. If Jesus had a style of protesting against certain allegations like this, it is difficult to account for the silence of the other gospels about such a style.

The words μὴ νομίσητε is often thought to indicate some real debate about Jesus' faithfulness to the law (Betz, 40). If so, and if Jesus said it, then

this would show that Jesus was conscious of some people misunderstanding certain actions of his and equating these actions with a lack of concern for obeying the law. On the other hand, if the phrase $\mu\eta\ \nu\omicron\mu\acute{\iota}\sigma\eta\tau\epsilon$ (or the whole saying) does not go back to the lips of Jesus but is instead an editor's addition, it might indicate one or more real post-Easter debates. Some scholars suggest a context inside the church between those who wanted to uphold obedience to the law and those who did not make obedience to it a requirement for membership within the Christian community (Bultmann, 1963, 138; Barth, 66). Ulrich Luz is a little more cautious and says that it cannot be proved exactly who was involved in these debates (either antinomians or Paul). Nevertheless, he traces the text back to Matthew who he thinks was arguing a general point of some controversy (Luz, 1989, 260).

Another opinion is that the imperative "do not think" may not necessarily indicate any real debate at all (Trilling, 1959, 144; Banks, 204). The force of the imperative is simply a form of rhetoric so that the positive element in Jesus' saying is accentuated. A community used the saying not because they thought to correct somebody's misunderstanding of Jesus' teaching but because it highlighted their conviction that what was not yet fulfilled in the law (i.e. the coming of the Messiah) was now fulfilled with the coming of Jesus. The weakness of this proposal is that there is no extra-biblical evidence offered in order to compare the usage of such a hypothetical device of rhetoric.

Our conclusion is that the phrase "do not think" does not go back to Jesus (see also Gundry, 78). However, it is not certain that the addition reflects a real post-Easter dialogue between debating Christians communities (Strecker, 1988, 54; Stanton, 1987, 183). The words $\mu\eta\ \nu\omicron\mu\acute{\iota}\sigma\eta\tau\epsilon$ might only reflect a theoretical possibility. The rest of the teaching in line 1 may have suggested to someone that Jesus had been accused of disobeying the law and they thought they were

merely highlighting what the saying already implied. A member of the Christian community was aware of this accusation (an accusation which curiously enough never appears in the synoptic gospels until we reach Jesus' trial) and by adding the rhetorical $\mu\eta\ \nu\omicron\mu\acute{\iota}\sigma\eta\tau\epsilon$ demonstrated how they thought Jesus would protest against such an idea.

The saying in line 2 hardly make any sense by itself and so we can infer that both clauses circulated as a unit. Neither does it seem apparent that if the words "law and prophets" also had been a part of line 2 why it would be dropped, since repetition would be a mnemonic help rather than a hindrance.²

A negative statement followed by a positive one, like what we have in line 2, appears frequently as a style of Jesus' teaching in Matthew's gospel.³ Out of the 17 other such statements, 4 are unique to this gospel.⁴ Mark's gospel has 2 such utterances unique to it (4:22; 9:37) and Luke's gospel does not have any that are not paralleled in Matthew. Matthew's four extra negative-to-positive statements might at first glance lead to the conclusion that line 2 is a construction of a Matthean community. On the other hand, Robert Banks has cautioned against any such judgment by pointing out that several of these occurrences in Matthew have roots in a pre-Matthew tradition (Banks, 205). That is to say, Luke's gospel is also aware of traditions which stand behind what Matthew has and does not seem to be a redaction of Matthew. The only additional negative-to-positive statement which does not have some synoptic parallel for it is Mt. 16:17. Banks concludes that this would make it unlikely that the whole of 5:17 was simply created by a final editor of Matthew's gospel. However, I do not see why a popular style of Jesus' teaching would not have influenced the community of his followers to circulate teaching in the same manner. On the other hand, the difference between Mt. 10:34 and its parallel in Luke's gospel and in the Gospel of Thomas supports the view that Mt. 5:17 is the result of someone editing an earlier

tradition rather than the conclusion that the whole thing is a community's fabrication. The parallels with Mt. 10:34 indicate how something older was edited. Compare what we find here with the saying in Lk. 12:51 and with the Gos. Thom. 16.

δοκεῖτε ὅτι εἰρήνην παρεγενόμην δοῦναι ἐν τῇ γῆ;
οὐχί, λέγω ὑμῖν, ἀλλ' ἡ διαμερισμόν (Lk. 12:51).

τάχα δοκοῦσιν οἱ ἄνθρωποι ὅτι ἤλθον βαλεῖν εἰρήνην ἐπὶ τὸν κόσμον, καὶ οὐκ οἶδασιν ὅτι ἤλθον βαλεῖν διαμερισμοὺς ἐπὶ τὴν γῆν, πῦρ, μάχαιραν, πόλεμον (Gos. Thom. 16; Huck, 59).

With good reason we could infer that this negative-to-positive statement was an attempt to structure an older saying rather than an indication that a saying was created out of thin air (Davies, 1988, 1:483). Three different communities knew a tradition that Jesus said he not only brings peace but also a sword. It seems improbable that Lk. 12:51 and Gos. Thom. 16 reworked Mt. 10:34, since the construction in Mt. 10:34 runs smoother. The community which preserved the saying in Mt. 10:34 also preserved the tradition which said Jesus claimed he did not come "to destroy" (καταλύσαι) but "to fulfill" (πληρῶσαι) the law. The community put the same mnemonic constraints on that statement as they had done for this other one.

The only item left to explain in v. 17 are the words καταλύσαι and πληρῶσαι. As I noted above, the immediate context of 5:17 will not necessarily help to determine how Jesus used these words since he did not use them in conjunction with the other sayings. However, someone might raise an objection by arguing, This context can be used to determine the meaning of these words since the saying would not have been attached to the other ones if καταλύσαι and πληρῶσαι meant something different than what the context is stressing (for such an argument see Banks, 207). What this objection overlooks is that the most important questions a collector would ask are, Does this saying mention (not

discuss) anything mentioned by another saying? and, Does this saying seem to contradict what is said by this other saying? Non-contradictory statements are often found next to each another with little else in common than the occurrence of a single word. The "But I Say" sayings illustrate this point. Collectors did not believe that it was necessary to have each saying stress all the same points before they were convinced it was proper to link the sayings together. Therefore, the context of Mt. 5:17 does not have to be consulted in order to suggest what καταλύσαι and πληρῶσαι might have meant.

The word καταλύω can mean "to destroy" as it does when it is used in Jesus' prophesy of the destruction of the Temple (Mt. 24:2; 27:40). It has several parallels with contemporary Jewish literature that indicate that it was used in reference to legislation to convey more precisely the idea of "stop the performance of". Josephus writes about how the nobles of Adiabene wanted to get rid of their ruler Izates (Jos. Ant. 20.75-91). They wrote to Vologeses, who was king of the Parthians, to wage war against their own king. The reason they gave for wanting a new king was that Izates decided to adopt Jewish practices and had "overthrown" (καταλύσαντα) their own ancient traditions (Jos. Ant. 20.81). Obviously what Josephus intends to say is that the men complained that Izates was making their practices difficult or illegal to follow. In Ant. 13.296 καταλύω is contrasted with φυλάττοντας ("to observe") when Josephus writes how Jonathan (a Sadducee) encouraged Hyrcanus to withdraw his support from the Pharisaic party. Jonathan convinces Hyrcanus to "destroy" (καταλύσαι) the regulations which they had enforced upon the people with Hyrcanus' help. Again the meaning of καταλύω is that laws or regulations are destroyed when they are no longer obeyed (see also 2 Macc. 2:22; 4 Macc. 5:33). Philo too has the notion of "prohibit to observe" when he writes, "For to tolerate a system in which the crime and the punishment do not correspond, have no common ground

and belong to different categories, is to subvert rather than uphold legality (ἀλλὰ τοῖς εἶδεσιν ἀπηρητημένα καταλύόντων νόμους ἐστίν, οὐ βεβαιούντων; Spec. Leg. 3.182). It seems highly probable that καταλύω in Mt. 5:17 is implying, I have not come to make the law unobserved.

Translators find the word πληρῶσαι particularly significant. Several commentators have made attempts to define it accurately. Sometimes πληρῶσαι is explained by bringing in the theory about how Matthew's gospel understands Jesus as the fulfilment of the prophets. Richard McConnell argues that Jesus fulfils the law and prophets in terms of their *heilsgeschichtlich*, prophetic content (McConnell, 26). Jesus carries out the individual promises of scripture in his concrete activities. The result of this explanation is an interpretation which sees a discontinuity between Jesus' ministry and the demands of the law. Jesus fulfills the prophetic content of scripture by setting forth the true will of God which means setting aside the law for more radical, demanding principles such as we might find in the "But I say" sayings (McConnell, 26).

Other scholars take πληρῶσαι to mean "to add to" (Dibelius, 1965, 125; Jeremias, 1971, 83). One of the sources used to argue this meaning is found in Babylonian Shabbat.

Imma Shalom, R. Eliezer's wife, was R. Gamaliel's sister. Now, a certain philosopher lived in his vicinity, and he bore a reputation that he did not accept bribes. They wished to expose him, so she brought him a golden lamp, went before him [and] said to him, "I desire that a share be given me in my [deceased] father's estate." "Divide," ordered he (the philosopher to her brothers). Said he [R. Gamaliel] to him, "It is decreed for us, Where there is a son, a daughter does not inherit." [He replied], "Since the day that you were exiled from your land the law of Moses has been superseded and another book (Codex Oxford; and the law of the gospel has been) given, wherein it is written, "A son and a daughter inherit equally." The next day, he [R. Gamaliel] brought him a Lybian ass. Said he (the philosopher) to them (the brothers), "Look at the end of the book, wherein it is written, *I came not to destroy the law of Moses nor* (codex B; codex M, rather) *to add to the Law of Moses*, and it is written therein, A daughter does not inherit where there is a son" (b.Shab. 116a-b).

However, three things could be said against using this source as evidence for what Mt. 5:17 meant. 1) It could be that what the judge claimed was in the gospel was simply a corruption of Jesus' saying which occurred in Jewish-Christian polemical settings. 2) The passage may be assuming a Greek text of Mt. 5:17 since it has a disparaging pun of the gospel with *'āon gilyon* (see Codex Oxford; Luz, 1989, 257 n.7). 3) If Jesus had used the word "to add to" (*'ôsiṣp*) why did the translator not use προ(σ)τιθέναι (Davies, 1989, 1:485)

Another attempt to define πληρῶσαι looks behind the Greek word for the Aramaic word *qum* (Dalman, 1929, 56f; Schlatter, 153f). It means "to confirm". There are plenty of examples of the use of *qum* in rabbinic literature (m.Ab. 4:9, t.San. 14:3, b.San. 90a, y.Ber. 11b, y.Ket. 29b and Mekilta 46a; see Dalman, 1929, 58). The result of this attempt is an interpretation which sees Jesus as a supporter of the law's continual role in the life of the Jewish people. Nonetheless, the three weaknesses of this attempt are 1) the majority of references used in its defence are late, 2) there are other Greek words which we would have expected if the translator was wanting to express the idea of "confirming" the law (i.e. κυρώω, βεβαίαν ποιέω, βεβαίόω, or ἵστημι), and 3) the LXX uses πληρῶω to translate *mālē'* (Luz, 1989, 257 n. 8; see also Ljungman, 22-23).

There are still others who try to find a middle ground so that "to fulfill" can be seen as Jesus' claim for both his discontinuity and continuity with the law (Banks, 210; Meyer, 1979, 147f). Jesus *transcends* the law (discontinuity) but he is also that of whom the law prophesied would come (continuity). This explanation makes "to fulfill" mean something like "to go beyond" or "transform" which does not contrast properly with "to make unobserved". Equally it could be argued, How would Jesus expect a Jew to understand him if he said, I am going to do more or a different kind of righteousness than that which is contained in

God's perfect will? As we have seen in chapter one, 1) there is no framework for understanding how to obey God except by obeying his law and 2) there is no thought or deed which could be called "righteous" which could not be deduced from the law. If this is what Jesus said, a Jew at that time would think he was talking gibberish.

Jesus may have had only the simplest of contrasts in mind when he spoke these words. He might have said nothing more than, I have not come to disobey the law but to do what the law and the prophets command. Jesus taught Israel to repent but was himself accused of disobedience (as are many who hold themselves up as a moral paragons). He knew that he, as well as every other Jew, had to be responsible for carrying out the will of God as this will was made known in the law. Disobeying the law would mean enmity with God and this would have been alien to Jesus' overall message that Israel had to repent so that they would regain God's favour and salvation. However, "to fulfill" more naturally means to make God's promises in the law come true. This strongly suggests that Jesus was willing to declare openly who he thought he was and what he thought he would accomplish. But the rest of the gospels tend to indicate that this was just not the case. Therefore, we conclude that in spite of the fact that the parallel with Mt. 10:34 and its parallels would suggest otherwise, it is not entirely unlikely that a Christian community has created this saying in order to strengthen the assertion made in the next one.

Verse 18

- 1) ἀμὴν γὰρ λέγω ὑμῖν,
- 2) ἕως ἄν παρέλθῃ ὁ οὐρανὸς καὶ ἡ γῆ,
- 3) ἰῶτα ἓν ἢ μία κεραία οὐ μὴ παρέλθῃ ἀπὸ τοῦ νόμου,
- 4) ἕως ἄν πάντα γένηται.

There is strong evidence that sayings beginning with "Amen, for I say unto you," were probably words that Jesus used. They preface Jesus' sayings quite frequently in the synoptic gospels. Ἀμήν occurs on the lips of Jesus 30 times in Mt., 20 of which are unique to Mt., 14 times in Mk., 4 of which are unique to Mk., and 7 times in Lk., 3 of which are unique to Lk (see further Jeremias, 1967, 112f). We do not have here the same problem as we did with the phrase "Do not think" in verse 17.

In spite of the evidence contained in the gospels, a number of scholars have debated whether or not the word "Amen" at the beginning of a statement was a common speech pattern in the time of Jesus. Victor Hasler has argued that it was never used in this way. This use of "Amen" developed from the church's response to "the words of the Lord" uttered charismatically by their prophets (Hasler, 180f, esp. 189). Passages are then brought together in order to show that "Amen" was exclusively used at the close of statements in response to heard truths. Berger also thought that this use of "Amen" was uncharacteristically Jewish and argued that it comes from ἤ or εἰ μὴν (Berger, 1970, 12-15).

John Strugnell has contended against any suggestion that the prefatory "Amen" is unJewish by pointing out a mistranslated piece of evidence; a 7th century B.C.E. Hebrew ostrakon (Strugnell, 177-82). According to Strugnell, the ostrakon should read,

. . . and all my brethren will answer for me, those who were harvesting with me in the heat of the sun, all my brethren will answer for me. Amen, I am innocent of gu[ilt; pray return] my garment . . .
(. . . wkl 'hy. y'nw ly. hqsrn 'ty bhm [h]s[m]s [k]l 'hy. y'nw ly.
'mn nqty.m' [sm. hsb n'. 't]bgdy . .).⁵

Strugnell argues that this is a more acceptable reading than, "All my brethren will answer for me 'Amen'. I am innocent of guilt . . .". The reasonable point he makes is that the speaker would not try to predict what response his defense will evoke from his brethren. Instead, the man wants to

protest in the strongest terms his innocence before the local military governor. In the same way, Jesus' saying forcefully makes the point that the law always will remain in force.

In addition to Strugnell's very old piece of evidence, I would draw attention to another source which dates closer to the time of Jesus. The evidence is found in m.Sot. 2:5. This reference is often quoted to support the position that "Amen" was only known as an adverbial response. What has not been taken into account is that a significant switch occurs in the middle of the text. The question the rabbis are dealing with is, When a woman is charged with adultery, what is she required to say before she drinks of the bitter water? The first four teachings specify at what times the charged woman will be expected to say "Amen". The unquestioned decision is that the accused woman is supposed to respond by saying "Amen" after the reading of the curse (Num. 5:21), after the reading of the oath (Num. 5:19), and after she is asked if it is true that she did not commit adultery with either one particular man in question or any other men. Once the question about *when* the woman will speak are answered, examples are then given for what words are possible for the woman to use in order to declare her innocence. The first teaching says that the accused woman should utter something like, "Amen that I have not gone aside while betrothed, married, awaiting levirate marriage, or wholly taken in levirate marriage". Another teaching instructed that she should instead say something like, "Amen that I was not made unclean, and if I was made unclean, may it [the bitter water] enter into me (and prove it)." R. Meir (150 C.E.) later on taught that the woman's plea of innocence should not only look to the past but also to the future. His opinion was that she should say, "Amen that I was not made unclean, Amen that I shall not be made unclean". R. Meir's balancing act of the "I was not defiled" (*`āmēn šelō nit^emē`itē*), contained in the anonymous second

teaching, with "I shall not be defiled" (*`āmēn šelo` `ettam`*) presupposes that the prior teaching existed some time earlier. The second saying itself also presumes an even earlier date for the first teaching, since it considers that what was once an acceptable specific list is now inadequate and better replaced by a general denouncement of everything unclean.

These two pieces of evidence would indicate that using "Amen" at the beginning of a clause was customary at the time of Jesus. Other Jews used it in a way similar to how it is used in the teaching of Jesus. The claim that this formula could not have had any basis in the life of Jesus at all and that it must have arisen out of the churches' experience with their charismatic prophets seems unnecessary. I am also inclined not to accept the argument that Amen-sayings inherently imply that the speakers saw themselves as prophetic spokespersons for God (see Davies, 1989, 1:490). The woman accused of adultery certainly would not have thought so.

Only the word *γάρ* seems to have been introduced into this particular Amen-saying. This judgment is supported further by the fact that manuscripts 270, 565, 726, 1200, 1241, 1375, 1473, and 1555 have no *γάρ*.

If the Amen-saying can go back to Jesus, what about the rest of verse 18? Some have doubted it (Bultmann, 1963, 138; Beare, 1981, 141; Luz thinks the question is unsolvable, Luz, 1989, 258). Lk. 16:17 (*εὐκοπώτερον δέ ἐστὶν τὸν οὐρανὸν καὶ τὴν γῆν παρελθεῖν ἢ τοῦ νόμου μίαν κεραίαν πεσεῖν*) is the strongest evidence that Jesus might have said something to the effect that the law is more durable than heaven and earth.⁶ If Luke had Matthew's saying there seems to be little reason why *ἰῶτα ἓν*, the smallest letter in the Greek alphabet, would be left out rather than *μίαν κεραίαν* (Gundry, 80). On the other hand, we can easily suppose that *ἰῶτα ἓν* would have been a helpful addition by a Greek speaking Jewish community. With regards to the other differences between

Mt. 5:18 and Lk. 16:17, we will have to conclude that either 1) there were good reasons why someone would alter εὐκοπώτερον . . . ἢ τοῦ ἕως ἄν and would also want to relocate τοῦ νομοῦ away from μία κεραία or 2) the differences are what we might expect from two independent paraphrases of an Aramaic source.⁷ This second suggestion appears to be the simpler explanation and should be preferred.

The final phrase in Mt. 5:18, ἕως ἄν πάντα γένηται, is also an editor's addition and it is easy to see where it comes from. The compiler preserving this collection of sayings was aware of another collection, Mt. 24:34-35 (//Mk 13:30-31// Lk 21:32-33). This second collection reads,

αμην λέγω ὑμῖν ὅτι οὐ μὴ παρέλθῃ ἡ γενεὰ αὕτη ἕως ἄν πάντα ταῦτα γένηται. ὁ οὐρανὸς καὶ ἡ γῆ παρελεύσονται, οἱ δὲ λόγοι μου οὐ μὴ παρέλθωσιν.⁸

These two verses were independent but came together because of the shared idea in παρέρχομαι. The compiler knew the connection ἕως ἄν πάντα ταῦτα γένηται had with heaven and earth in this passage and reduplicates it in our passage because of its association of ideas.

κεραία is a word found in a number of places in Greek literature. It often depicts the small marks used in the writing of Hebrew/Aramaic (Barth, 65; Gundry, 80). It can also be used to describe visibly protruding objects, such as beams, sail-yards, or the top of a cliff (see further examples in Davies, 1:491). Whatever its exact meaning is, κεραία obviously connotes the image of something small, and in regards to the writing of the law, it is most likely that some small strokes used in reproducing the law was meant. That the small marks used to write down the law will not become void is the basic point of what Jesus says.

Jews living at the time of Jesus did not hold the view that one day creation would be totally annihilated (2 Bar. 19:2; see Klostermann, 1927, 41). They did not believe that the final dwelling place of the righteous on earth would

be in a non-material world. Although the heavens and the earth will end as we know it, God will bring about a new heaven and a new earth by transforming the old one. All that is ever meant by those who refer to the passing away of the heavens and the earth is the approaching end of the present order (Isa. 13:5-13; 24:3-6; 25:18b-23; 51:6; Jer. 4:23-26)). This age will pass away, and with its passing comes the new one. As far as Jesus is concerned, in spite of the passing away of the present age, God's law will always remain as will heaven and earth (Hill, 1975, 118; Allen, 46; Albright, 58). This was a view shared by other Jews (As. Mos. 1:12; Philo Vit. Mos. 2:136; see also chapter one).

T. W. Manson has argued that Mt. 5:18, rather than being a hyperbole which means "never", is actually irony and refers to the obstinate conservatism of the scribes. In effect, Jesus was saying, It is easier for heaven and earth to pass away than for the scribes to give up one of the smallest bits of that tradition by which they make the Law of none effect (Manson, 1949, 135). Manson claims that this saying must be irony rather than an acknowledgement of the duration of law because such an acknowledgement would be contradictory to the sentiments expressed in Mt 11:12,13//Lk 16:16 and Jesus' rejection of divorce. In chapters 4 and 9 we shall come back to the question, What did Jesus teach about divorce? For the moment, I want to concentrate on the assumption that what is said in Mt. 11:12,13// Lk 16:16 contradicts an appreciation of the abiding validity of the law.

The saying in Mt 11:12,13 reads,

ἀπὸ δὲ ἡμερῶν Ἰωάννου τοῦ βαπτιστοῦ ἕως ἄρτι
 ἡ βασιλεία τῶν οὐρανῶν βιάζεται,
 καὶ βιασταὶ ἀρπάζουσιν αὐτήν.
 πάντες γὰρ οἱ προφῆται καὶ ὁ νόμος
 ἕως Ἰωάννου ἐπροφήτευσαν.

The parallel saying in Lk. 16:16 reverses the order.

ὁ νόμος καὶ οἱ προφῆται μέχρι Ἰωάννου,
ἀπὸ τότε ἡ βασιλεία τοῦ θεοῦ εὐαγγελίζεται
καὶ πᾶς εἰς αὐτὴν βιάζεται.

Before examining the details of Manson's position, a sketch of some of the general comments made about the implication of this text to the question of Jesus' understanding of the abiding nature of the law will be helpful. Werner Kümmel wrote that according to this passage Jesus believed that the Old Testament revelation of God through the law and the prophets was now replaced by the perfect revelation of God through his teaching and the Kingdom of God (Kümmel, 124). A more qualified suggestion has been that only the ceremonial laws were now obsolete while different moral commands still maintained their authority (Plummer, 1905, 389; Geldenhuys, 420f). Another frequent explanation is that Jesus thought the law was valid but only as he interpreted it and fulfilled it (Klostermann, 1929, 167; Conzelmann, 151; Banks, 218; Marshall, 627). This proposal still avoids answering the question, Did Jesus interpret the law so that parts of it no longer had to be followed? Wellhausen's small note on this passage suggests that he thought the saying offered no such criticism of the law's authority. He interpreted the passage to mean that the Pharisees insisted upon obeying only the law and the prophets but now it is necessary to obey the law and something new ("...die Pharisäer pochen auf das Gesetz und nur auf das Gesetz, inzwischen ist aber etwas Neues eingetreten", Wellhausen, 1904, 89). Similarly, Fitzmyer thinks that the contrast is not between when the law and the prophets are and are no longer authoritative. Instead, it is a contrast between a time when God's presence was known only through the law and a time when it is made known by something additional (Fitzmyer, 2:1115).

Manson based his view on the assumption that Luke (or the tradition before him) joined together correctly one saying about the completion of the law's role

with John's coming and another saying that ridiculed the scribes for being too conservative. His point is that Luke's account is more authentic and that Matthew's "Jewish-Christian spectacles" misled us (see also Banks, 217). However, Lk. 16:16 appears to have harmonized two independent sayings. A close examination of Mt. 11:8-19 reveals that we have six independent sayings and one church instruction (11:14,15) woven together by a series of catchwords. Verses 8-10 asks the question, "What did you come out to the desert to see? Did you come out to see a prophet?" Jesus' reply is that they came out to see someone who is greater than a prophet (περισσότερον προφήτου). He then quotes Malachi 3:1. Alongside this independent saying, which does not mention John the Baptist, a saying about the greatness of the children of the kingdom of heaven is attached because both sayings have equivalent catchphrases:

περισσότερον-μείζων. Once John the Baptist is identified in the minds of the church as the one in the desert, other sayings which have the word Ἰωάννης are added. First, the saying in verse 12, that the kingdom of heaven suffered violence since John, was added. The kingdom of heaven was clearly the subject. Second, verse 13 was connected. It says that the law and the prophets prophesied (about the coming of the Messiah and the kingdom) until John came. The implication is that now the Messiah and the kingdom will be seen. Verse 14 and 15 were then added to clarify the community's belief that John was to be identified as Elijah. Next came a saying (verses 16-19c) about how the present generation were like children in their response to John and the "son of man". This saying had already attracted another independent saying about wisdom because of the shared catchphrases παιδίοις-ἔργων.

The tradition in Luke knew the tradition in Mt. 11:12,13 before it was incorporated into Mt. 11:8-19. The two verses were thought to be too obscure by the community which preserved it for Luke. They felt it was necessary to clarify

what Jesus said by tying the two statements closer together (Creed, 207). The word εὐαγγελίζεται was added to emphasize this community's appreciation of the passage. The kingdom of heaven, which they now belonged to, is proclaimed with the gospel and all may enter into it. The tradition behind Matthew's saying was more at ease with the ambiguity of both sayings. It is difficult to say at what stage of preserving the tradition someone thought to add the verb ἐπροφήτευσαν.

Jesus only said, "The prophets and the law until John" and this does not indicate that Jesus believed the law was finished with John's ministry, as Manson has argued. Jesus only implied, as the tradition in Matthew has assumed, that the prophets and the law prophesied about the future coming of the kingdom up until John announced that the kingdom is now coming. This would certainly not be in contradiction to the sentiments of Jesus in Mt 5:18 that the law and prophets remain forever.

Verse 19

- 1) ὅς ἐάν οὖν λύση μίαν ἐντολῶν τούτων τῶν ἐλαχίστων
- 2) καί διδάξη οὕτως τοὺς ἀνθρώπους,
- 3) ἐλάχιστος κληθήσεται ἐν τῇ βασιλείᾳ τῶν οὐρανῶν,
- 4) ὅς δ' ἂν ποιῆσῃ καὶ διδάξη,
- 5) οὗτος μέγας κληθήσεται ἐν τῇ βασιλείᾳ τῶν οὐρανῶν.

While this teaching has no exact parallel with anything else Jesus said, it is very compatible with the sentiments of other Jewish sayings and the later teachings of the early church. For example in the Testament of Moses we read,

Therefore, those who truly fulfill the commandments of God will flourish and will finish the good way, but those who sin by disregarding the commandments will deprive themselves of the good things which were declared before (T. Mos. 12:10,11).

The Testament of Levi says,

Whoever teaches good things and practises them
shall be enthroned with kings,
as was Joseph my brother (T. Levi 13:9).

When we turn our attention to some early Christian works we find a similar sentiments expressed in a slightly different fashion:

It is good therefore to learn the ordinances of the Lord, as many as have been written above, and to walk in them. For he that does these things shall be glorified in the kingdom of God, whereas he that chooses their opposites shall perish together with his works (Barn. 21).

It seems clear that in Mt. 5:19 there have been two significant additions. The first one is the οὐν. It was added in order that this verse would logically read from v. 18. Manuscripts 243, 247, 471, 475*, 482, 983, 1689, lectionary 184 and some others do not contain the οὐν. Because even the smallest mark in the law shall remain forever, the smallest details of the law should be kept. The second addition, which came at later stages of collection, is the entire second clause, "Whoever does and teaches, this one will be called great in the kingdom of heaven." The original hand of aleph, W, and some Bohairic manuscripts are missing this second clause.⁹

The remark to "these commandments" could have only referred to the Mosaic law in general and not to the specific laws taken up later in the "But I Say" sayings, since this verse did not start off as an introduction to that collection (contra. Schweizer, 1976, 108-9; Banks, 222; Betz, 48; also note that τούτων is missing in manuscript 124). Jews believed that God made concessions to those who did not obey all the law (see Chrysostom, Hom. Mt. 16.5; Luz, 1989, 267; Gen.R. 81:51), so it is certainly possible that Jesus could proclaim that some of the things which he taught were somehow "least".¹⁰ Nevertheless, is it likely that "these commandments" refer specifically to the ten commandments as Schlatter supposes (Schlatter, 157-158) since Jesus taught at other times that more than just

the ten commandments were important to observe (Mt. 5:23,24; 6:2f; 8:4// Mk. 1:44; Mt. 23:23; Mt. 21:13//Mk. 11:17//Lk. 19:46; Mt. 22:37-39//Mk 12:29; Mt. 26:17-19//Mk. 14:12f//Lk. 22:7-13).

The addition of the saying in the apodosis by the majority of manuscripts also helps to show how λύω in the protasis was understood to mean the opposite of what ποιέω meant. The one who "breaks" commandments is the one who does not think he has to perform them. On the other hand, there may be a strong link between the word λύω and the Hebrew verb *hittir* (Manson, 1949, 154). The saying then would have in mind the person who allows what the law forbids or exempts a person from what the law requires. It is difficult to be certain about this. Either way, the major idea that is conveyed is a distinction between obeying and disobeying the law. The addition helped the community to remind themselves that just as Jesus had not come καταλύσαι the law, they could not excuse themselves from its smallest commandment. Any disobedience of the commandments was still considered disobedience to God and would be judged by him (cf. James 2:10).

Manson believes Jesus is not responsible for this saying (see also Bultmann, 1963, 138; Wrege, 41; Beare, 1981, 141-142; Guelich, 1982, 169; Strecker, 1988, 57; Davies, 1989, 1:495; Luz, 1989, 267-268). These words were put into his mouth by strict Jewish Christians (such as those mentioned in Gal. 2:12f and Acts 15:5) who demanded total obedience to the law, which included all its dietary laws and the circumcision of Gentile converts (Manson, 1949, 154). It is argued that Jesus would have never demanded that the food laws be kept and that Gentiles should be circumcised.

Two things are incorrect with this assessment. First, as we shall see in chapter 8, Jesus teaches nothing which suggest he did not believe in obeying the dietary laws. Second, this comparison between the meaning of v. 19 and the

position held by the Jewish Christian described in Gal. 2:12f and Acts 15:5 is inaccurate. These Christians wanted Gentiles to become Jews in order to be saved, something which Jesus never argued. In v. 19, the instruction is for Jews to be obedient Jews. There is no indication that Gentiles are to obey the Mosaic commandments as these later Christians taught.

The point of the saying is that Jews who are lax in their obedience to the law jeopardised their future standing within the coming kingdom of heaven. Those who reject the idea that this saying could come from Jesus primarily base their objection on the view that Jesus disobeyed the law (Guelich, 1982, 169). However, if it can be shown that Jesus did not disobey the law then I see no reason why this saying could not have come from him. He would want to strengthen his disciples' obedience to the will of God so he taught them to observe even those commandments that were distinguished as being "least".

Verse 20

- 1) Λέγω γὰρ ὑμῖν ὅτι
- 2) ἔαν μὴ περισσεύσῃ ὑμῶν ἡ δικαιοσύνη
- 3) πλείον τῶν γραμματέων καὶ Φαρισαίων,
- 4) οὐ μὴ εἰσέλθητε εἰς τὴν βασιλείαν τῶν οὐρανῶν

This isolated saying was linked to the "But I say" sayings because of two reasons. First, it had the crucial words λέγω ὑμῖν which occurs before the teachings which follow, and second, it makes a general reference to the fact that Jesus was concerned about his disciples' righteousness. Its independence from vs. 17-19 is suggested by the fact that there is a switch from the third person singular in v. 19 (ὃς ἐὰν λύσῃ) to the second person plural (ὑμῶν) (McConnell,

35).

What makes it difficult to believe that Jesus said this is that the saying expects the disciples to do more right deeds than those already done by individuals who were constantly engaged in both the understanding and practice of even the smallest details of the law (i.e. the Pharisees). Many scholars have rejected its authenticity because Jesus appears as an extremist concerned with legal observance. Jesus might have thought that the law should generally be obeyed but he did not believe that his disciples had to imitate the practices of the Pharisees.

The saying is sometimes taken as a slur on the character of the Pharisees and scribes. These religious leaders fail to follow the standard of behaviour which God ultimately demands (Montefiore, 1972, 2:496; Wenham, 94; Guelich, 1982, 171; Betz, 53). They have a "righteousness" which is only external, while Jesus wanted his disciples to have a "righteousness" that was internal (Allen, 46). However, it should be noted that there is no implicit ridicule whatsoever in what is said here about the Pharisees and scribes. If anything is implicit it is that the Pharisees and scribes are held up as models whose righteousness is expected in the disciples of Jesus (see Chrysostom on Mt 5:20).

While I do not find it difficult to believe that Jesus would want his disciples to obey the will of God as that will was made known throughout the law, it does seem unlikely that he thought that his disciples should at least be adherents of Pharisaic halakhah. Jesus was not supportive of Pharisaic extra-biblical practices. In Mt. 15:2f// Mk. 7:5f we find that he was unsympathetic with at least two practices: hand-washing and using the vow of Korban to get around supporting one's parents. Therefore he would hardly expect his disciples to do what the Pharisees do and then some. The saying was probably created as an introduction to the "But I say" sayings and offers us little of what the historical Jesus thought.

Conclusion:

What we have shown in this section is that it is doubtful whether all four sayings go back to Jesus. It is quite possible that v. 18 does and it is not unlikely that v. 19a does as well. Verse 17 was probably added as a preface to v. 18 to make the point even stronger that Jesus believed in the eternity of the law and came to make its prophecies come true. He had nothing to do with taking its authority away. Verse 20 also belongs to that part of the church that accepted not only the authority of the law but also the wisdom of Pharisaic instruction which helps protect the law. So far as the historical Jesus is concerned, all that we can conclude is that he shared the common Jewish conviction that law would always remain as the only moral guide which God would give to them.

Endnotes

1. In the Gospel of the Egyptians (Cl. Strom. III 9,63) we find, "ἦλθον καταλῦσαι τὰ ἔργα τῆς θηλείας", and in Epiph. 30.16.5, " . . . ἦλθον καταλῦσαι τὰς θυσίας".
2. Reference to "or the prophets" is not redactional. Since verse 17 was independent of the other verses we cannot claim that its redactional feature is shown by the evidence of the context which only concentrates upon the law. Banks goes even further to say that the reference to the prophets is not necessarily due to any part of the editor to promote Christ as the fulfillment of OT prophecy (Banks, 206). In other references where "the law and the prophets" occur (17:12; 22:40) the law's commands are stressed rather than its prophecies.
3. See Mt. 5:39 (cf. Lk. 6:29); 6:13//Lk. 11:4; 7:21 (cf. Lk. 6:46); 9:12// Mk. 2:17a; 9:13//2:17b; 9:17//2:22; 9:24//5:39; 10:20 (cf. Lk. 12:21); 10:34// Lk. 12:51; 15:11//Mk. 7:15; 16:17; 16:23//8:33; 19:6//10:8; 20:23//10:40; 20:28//10:45; 22:32//12:27; 26:39//14:36.
4. Mt. 5:39; 7:21; 10:20; 16:17
5. A reproduction can be found in Cross, 1962, 34-46.
6. Jn. 10:35, "Scripture cannot be broken", is a parallel in thought but they are not the words of Jesus and they are not close enough to help in any way in determining what redaction might lay behind 5:17. For a more recent defense that Mt. 5:18 and Lk. 16:17 are resting on a single source, see Kosch, 163f.
7. As well as ἰὼτα ἓν, the words καὶ τῶν προφητῶν are redactional, which are added by a only few manuscripts (θ, f13, and 565), so that verse 18 will show more parallel with verse 17.
8. The saying in Mt. 24:36 was attached to the saying in verse 35 because of the catchword reference to οὐρανός.
9. The apodosis and v. 20 is missing in D, probably due to homoioteleuton.
10. If Jesus can distinguish between weightier and lighter matter of the law (Mt. 23:23) then he probably would not have any qualms when he taught on those lighter matters. We also note that it seems to difficult to support the conclusion that ἐλάχιστος in 5:19 refers to Paul (who called himself the "least" apostle in 1 Cor. 15:9) for several reasons. 1) We cannot be certain that Paul was actually known as "the least", 2) We cannot be certain that the Matthean community was familiar with 1 Corinthians, (see also Davies, 1964, 334) and 3) it is still quite probable that Jesus was responsible for the first half of this saying.

CHAPTER FOUR

Jesus and the "But I Say" Sayings

Mt. 5:21-48, the so-called "antitheses", is a collection of six sayings (plus additional material) which are directly linked with quotations from the law. The crucial question here is, What was Jesus intending to do by contrasting certain laws with certain teachings? A number of explanations have been given. The five major ones are 1) to replace the law with his teaching (Schlatter, 165-6; Luz, 1989, 278), 2) to supplement the law with his teaching (Levison, 171-194), 3) to show how his teaching protects the law (Przybylski, 81-3), 4) to surpass the old law with his teaching (Davies, 1988, 1:564f), 5) to interpret the law (Sanders, 1990, 93).

If every Jew, including Jesus, thought that the law represented God's perfect, complete, and eternal will, options 1, 2, and 4 would not be correct. These explanations suggest that Jesus believed the law was somehow inadequate or deficient in terms of providing moral guidance. Such a belief, as I showed in chapter one, would be anathema to every pious Jew. This means that either option 3 (to protect the law) or option 5 (to interpret the law) is more likely. It is certainly conceivable that Jesus might demand more than the law does and that he thought his own demands (i.e. traditions = halakhah) more adequately protected the law. But in the "But I say" sayings, Jesus seems to presuppose an authority for his sayings which is equal to the authority of the law. As we saw

in chapter two, no Jew thought that extra-biblical practices were as authoritative as the law. Does Jesus think any differently? Regarding option number 5, it is also quite conceivable that Jesus wanted to explain what the law says either in addition to or in contrast with what other rabbis claimed the law said. This explanation is consistent with the presupposed authority Jesus thought his teaching had and is certainly a feasible explanation for "But I say" sayings number 1, 2, and 6 (vs. 21f, 27f, 44f). However, the two weaknesses of this proposal are 1) no opposing legal-interpretation is mentioned and 2) the "But I say" sayings on divorce, oaths, and retaliation do not look like interpretations. Nevertheless, this is still a possible option.

I think that there is another option which is also worth entertaining. Since, as we shall see, the sins condemned by Jesus are also sins every Jew already thought the law condemned (Bultmann, 1952, 13), Jesus may not have thought he was setting up a contrast between himself and the law. Instead, he might have been making a contrast between different kinds of treatment of sins and practices in the law. The law makes certain stipulations regarding how some sins and practices are punished (i.e. murder, adultery) and controlled (swearing, compensation). Other sins the law might denounce, yet it does not lay down any specific punishments or control for them (anger, lust, minor deceptions and retaliations). Jesus first quotes the laws which condemn what the courts will punish or control and then quotes common sins and practices against which the courts cannot react. But would the antithetical framework and the "But I say" sayings really support this explanation? We should also ask, What purpose would Jesus have for making such a contrast?

Before we begin to examine the "But I say" sayings individually, it would help if we first looked at the general impression one gets from Mt. 5:21-48 as a whole.

- Saying 1: πᾶς ὁ ὀργιζόμενος τῷ ἀδελφῷ αὐτοῦ
ἐνοχος ἔσται τῇ κρίσει (v. 22a)
- Saying 2: πᾶς ὁ βλέπων γυναῖκα πρὸς τὸ ἐπιθυμῆσαι αὐτήν
ἤδη ἐμοίχευσεν αὐτήν ἐν τῇ καρδίᾳ αὐτοῦ (v. 28)
- Saying 3: πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτὸς λόγου πορνείας
ποιεῖ αὐτήν μοιχευθῆναι (v. 33a)
- Saying 4: μὴ ὁμόσαι ὅλως (v. 34a)
- Saying 5: μὴ ἀντιστῆναι τῷ πονηρῷ (v. 39a)
- Saying 6: ἀγαπᾶτε τοὺς ἐχθροὺς ὑμῶν (v. 44a)

Saying number 1 condemns the person who is angry with his brother. It is followed by an isolated saying which stressed that people should be reconciled with a brother whom they have offended before they carry out any offering to God (vs. 23,24). The primary link between them was that each teaching discussed how to behave towards an ἀδελφός. A third teaching (vs. 25,26) was also grouped with the other two and stressed why a person should always seek an out of court settlement. Someone believed it was appropriate to join this third teaching with the teaching on anger because both sayings warned about a type of judgment.

Saying number 2 condemns looking lustfully upon a woman. Lust is adultery in thought even if lust does not eventually lead to the physical act. This teaching attracted only one other saying and it called for anything causing one to stumble to be abandoned (see Mt. 18:8// Mk. 9:43). The two teachings were connected primarily because the adultery committed by looking is reminiscent of the stumbling caused by the eye (ὁ βλέπων in v. 28 & ὁ ὀφθαλμὸς in v. 29).

In the third "But I say" saying, it is noted that while the law concedes to the sin of divorce by commanding a divorce document, divorce itself makes a

woman an adulteress. A further instruction was added telling men not to marry women who are known to have been divorced (v. 32b).

In addition to the apparently all inclusive command not to swear, specific forms of prohibited oaths were added (vs. 34bf). These instructions stipulated that a person should not swear oaths, either by using the names of heaven, earth, Jerusalem, or the head but truthfulness should be restricted to the doubling of $\nu\alpha\iota$ or $\omicron\ddot{\upsilon}$.

Saying 5 is an encouragement not to oppose the evil person. This was supplemented with several other teachings (see Lk. 6:29-30). The first one instructed disciples to turn the other cheek. The next teaching instructed them to give to those who would take them to court. A third teaching commanded them to go the extra mile and the final one instructed that they should give to those who asked. All four illustrations may have been joined together as a unit before being introduced here, since they appear to form a literary parallel. "Ὅστις σε ῥοπήσει in v. 39b parallels ὅστις σε ἀγγαρεύσει in v. 41 and the saying beginning with the dative participle τῷ θέλοντί in v. 40 parallels the saying beginning with the dative participle τῷ αἰτοῦντί in v. 42.

The four teachings on anger, lust, swearing, and retaliation were then increased by the divorce warning and a sixth saying which did not have the original framework "You have heard that it was said ... but I say unto you". The command to love our enemies (v. 44) attracted two additional sayings before it was joined with the four other "But I say" sayings. One of them illustrated how God was impartial (v. 45), and another one taught about loving people who do not love you (vs. 46,47). Verse 45 was connected to the "love your enemy" saying because of its reference to $\pi\omicron\nu\eta\rho\omicron\upsilon\varsigma$ and $\acute{\alpha}\delta\acute{\iota}\kappa\omicron\upsilon\varsigma$. Verses 46 and 47 were linked with v. 44 because of their shared interest in the theme of $\acute{\alpha}\gamma\acute{\alpha}\pi\eta$. These three teachings (vs. 44-47) attracted later on (either before or after the

introductory framework was added) the saying about being perfect as the heavenly father is perfect, since ὁ πατήρ ὑμῶν ὁ οὐράνιος in v. 48 was the same expression in v. 45.

Between verses 21 and 48 the teachings of Jesus open with the phrase ἐγὼ δὲ λέγω ὑμῖν (vs. 22, 28, 32, 34, 39, & 44). Prior to each teaching a law is quoted. Each quotation is introduced either with the phrase ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις (vs. 21 & 27), ἠκούσατε ὅτι ἐρρέθη (vs. 27, 33, & 38) or ἐρρέθη δέ (v. 31). "But I say" saying 6 has a very strong parallel with a saying in Luke's gospel (vs. 39b,40// Lk. 6:29 and v. 44//Lk. 6:27,28) and saying 3 has a close, yet dissimilar, parallel in the same gospel (v. 32// Lk. 16:18). Neither, though, appear within Luke in connection with any quotation of the Mosaic law. The questions and arguments about the originality of the "But I say" sayings usually begin by noting these basic differences and similarities.

Luke's parallels might at first indicate that "But I say" sayings number 3 (v. 32), 5 (vs. 39,40), and 6 (v. 44) were arranged so that they might share with the other three teachings the pattern "You have heard it said . . . but I say unto you". Rudolf Bultmann was one of those who pioneered this sharp division between sayings 1, 2, and 4 and sayings 3, 5, and 6 (Bultmann, 1963, 134; Luz calls this the "normal" hypothesis, 1989, 274). He proposed three additional reasons (besides the Lukan parallels) for thinking that sayings 3, 5, and 6 were not originally a part of this collection. 1) The introductions to the law in sayings 3, 5, and 6 are different from the introductions found in the other three. 2) Jesus' teaching in sayings 3, 5 and 6 is a radical departure from the law, whereas his teaching in sayings 1, 2, and 4 only slightly sharpens what the law says. 3) The form of the laws quoted in sayings 1, 2, and 4 are prohibitions while the other three are more like proverbs.

In response, Jeremias raised a serious challenge to these observations (Jeremias, 1971, 252f). He argues that we cannot say that sayings 1, 2, and 4 are original because they are the only ones found in Matthew, since a careful study of sayings number 3 and 5 will prove that they are also not Lukan parallels. There are also additional reasons to question Bultmann's arguments. 1) How can we argue that the introductions to the law in sayings 1, 2, and 4 were the models for the introductions in sayings 3, 5, and 6 (Bultmann, 1963, 134) when the antithetical patterns are so different (Jeremias, 1971, 253)? 2) As this chapter will show, dividing the sayings between teachings that are radical departures from the law and teachings that are simply attempts to make the law more demanding is an inaccurate picture of intentions. 3) The division between laws that are in the form of prohibitions and laws that are more proverbial is also inaccurate. The law in sayings 3 and 6 are commands just as much as the law in saying 4 is a command. Only "But I say" saying number 5 can properly be labeled a proverb or *masal*. These objections show just how arbitrary the categories can be formed for dividing up the six sayings.¹

How did the early Christian communities develop these sayings? In the same way as with Mt. 5:17-20, the whole of verses 21-48 grew as the result of isolated teachings being added gradually to a core set of instructions from Jesus. I wish to argue that from the start Matthew's community possessed four "But I say" teachings. What they had were 1) vs. 21,22a-b on anger, 2) vs. 27,28, on lust, 3) vs. 33, 34a on swearing and 4) vs. 38, 39a on opposing an evil person. Jesus taught that anger, lust, deception, and retaliation were contrary to what God wanted.

This general overview brings us to the point where we can now examine more closely the antithetical framework itself and the sayings of Jesus it contains.

The Introductory Clause

- 1 ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις . . .
 2 ἐγὼ δὲ λέγω ὑμῖν ὅτι . . .

"You have heard" (ἠκούσατε) refers to the method of instruction by which Jesus' audience gains knowledge of the law. They do not normally read the law; they hear it read and expounded for them in the Temple and in their synagogues. It is unlikely that ἠκούσατε here equals the rabbinic introduction *smr* which means "receive as tradition" (see m.Ab. 1.1; m, San. 11.2; m.Edu. 5.7; Klostermann, 1927, 42f; Barth, 93f). There are two reasons why. First, the people whom Jesus taught were not on the whole members of rabbinical schools where "traditions of the elders" were received. Second, what Jesus begins to quote are not the traditions which were handed down from one sage to the next but the law itself.

Ἐρρέθη is a passive and is used here as a subtle pointer to God. God speaks through the law. Quotations from the law were often introduced with passives such as this one (CD 9:7-9; 1QM 10:2; 11:5-6).² Davies argues correctly that if there were human subjects behind ἐρρέθη then they would have been named (Davies, 1988, 511).

Ἀρχαῖος ("men of old") reminds the listeners of the time when God spoke the law at Sinai. The use of the dative here is a dative of reference (to whom God spoke) rather than a dative of agency (by whom the law was spoken, see KJV). The NT only uses the dative of agency once (Lk. 23:15) and it is so rare we would be surprised to find it in Mt. 5. Jesus calls attention to the first people who received the law in order to validate the law rather than to call it into question. The fact that Israel has known what the law says for a long time

is a value judgment. What Jesus in essence is saying is, "You know that God has always told us, since from the very first time he spoke to our forefathers, that . . ."

In line 2 there are two important words for consideration: ἐγώ and δέ. Do they point to an antithetical contrast? In 1929, Dalman argued, Yes (Dalman, 1929, 73-4). He claimed that while we can find the same kind of introduction in rabbinic material (*wa-ani omēr* see t.Sot. 6:6-12; Smith, 1951, 27-30; Lohse, 1970, 193-5) Jesus is proclaiming new legislation for the kingdom of God. But since we can find something like "But I say" among the rabbis (Sif. Num. 11.21f [95]; Sif. Deut. 6:4f [31.2] and in non-rabbinic sources (T. Reb. 1:7; T. Levi 16:4; T. Benj. 9:1; 1 Enoch 94:1,3,10; 99:13; 102:9), why should we think that here Jesus is contradicting the law? These parallels do not prove that Jesus (or the community of Matthew) was using a technical rabbinic formula, but they certainly cast doubts on the argument that ἐγώ and δέ would have made Jesus' audience stand up and take note that he was proclaiming something entirely new and distinct from the law. Even if ἐγώ is emphatic (Davies, 1988, 1:512), it is not self-evident that the emphasis is meant to undermine the authority of the law. Although δέ was chosen instead of καί, δέ often conveys a transition from one thought to another similar thought (see Mt. 5:33; BAGD, 171; Levison, 176).

The "But I say" sayings certainly make a contrast. On the one hand, God says something about a sin or a practice. On the other hand, Jesus says something about a sin or a practice. But Jesus would hardly want to say "Chose either what God says or what I say". Jesus is more likely putting across the point "You know what God says, I am telling you he also says . . .". The contrast is not between persons but between what is the observed and unobserved will of God. Jesus hopes to remind his audience what they should not forget. There are some things God hates in spite of the fact that they do not get treated

like other things God hates. It is not until we actually study the contents of the "But I say" sayings that this contrast between sins and practices become clearer.

Jesus on Anger

1 πᾶς ὁ ὀργιζόμενος τῷ ἀδελφῷ αὐτοῦ³
 2 ἔνοχος ἔσται τῇ κρίσει,
 3 ὃς δ' ἂν εἴπη τῷ ἀδελφῷ αὐτοῦ, ῥακά
 4 ἔνοχος ἔσται τῷ συνεδρίῳ,
 5 ὃς δ' ἂν εἴπη, μωρέ,
 6 ἔνοχος ἔσται εἰς τὴν γέενναν τοῦ πυρός (Mt. 5:22).

Lines 1 and 2 more than likely go back to Jesus. Jesus believed that an angry person would be answerable (ἔνοχος) to κρίσει. The word κρίσις basically conveys the idea of judgment or the sentence rendered in judgment (BAGD, 452f; Guelich, 1973, 44f). The one question scholars have entertained is, Who is it that gives this judgment against anger? Two suggestions are offered, 1) the local court (Wellhausen, 1904, 20; Montefiore, 1927, 2:501; Hill, 1975, 121; Gundry, 85; Davies, 1988, 1:511)⁴ and 2) God (Allen, 48; McNeile, 61; Manson, 1949, 155; Albright, 61; Schweizer, 1976, 119; Beare, 1981, 147). "Local court" is said to be weak on the grounds that 1) ἔνοχος never takes "court" as its object and 2) "local court" is lexically foreign to the classical and Koine use of κρίσις (Guelich, 1982, 183). However, note ἔνοχος can take συνέδριον as its object, so why not "local court", and while "local court" is lexically rare for κρίσις there is evidence for it (BAGD, 453). "God" is objected to on the grounds that in v. 21 κρίσει seems to imply a judgment by a local court, so it seems unlikely that the same phrase (ἔνοχος ἔσται τῇ κρίσει) in v. 22 means something different (Davies, 1988, 1:512). Jews who heard what Jesus said made no distinction between being answerable to courts and being answerable to God.

They thought that courts gave God's judgment because they would give a verdict based on what was written in the law. It is unlikely that in vs. 21,22 Jesus is trying to make a distinction between the judgment of an earthly court and of a heavenly one.

Lines 3-6 are more open to doubt regarding their authenticity (Moule, 1969, 10-13). Some scholars have argued that if the saying about ῥακά and μωρέ were omitted Jesus' saying would make perfect sense (Plummer, 1910, 78; Green, 84). There are two things about this verse which do not make sense as it now stands. First, it does not make sense that there are ascending punishments but no equivalent ascending sins. We move up from local courts (assuming κρίσει means this) to the Sanhedrin to Gehenna but from anger we move to ῥακά and then to μωρέ. Second, why is ῥακά worse than anger when anger is equated with murder (Montefiore, 1927, 2:502, quoting J. Weiss; Albright, 61; Beare, 148)? Since the meaning of ῥακά (which equals *rêqā'*; Luz, 1989, 282) is basically no different from the meaning of μωρέ (which equals *šāt^eyā'*; Luz, 1989, 282), how is this inconsistency explained?

McNeile supported a clever solution suggesting that the saying in lines 3 and 4 was what the rabbis said which Jesus then refutes (McNeile, 62). However, if this was so 1) we would expect ῥακά to occur also in Jesus' response (lines 5 and 6) and 2) there is no refutation in saying "No, not the Sanhedrin but Gehenna" because a condemnation by the Sanhedrin was equal to a condemnation by God, as conveyed in the imagery of Gehenna.

Manson argued that since there is an ascending order of punishments it is wrong to think that there is not also an ascending order of sins. Μωρέ is not equivalent to ῥακά but rather *mōrā*, which defines an obstinately wicked person, (see Deut. 21:18,20). "The distinction between the two words will then be that *raca* suggests a defect of intelligence while *mōre* makes the much more serious

charge of moral defect" (Manson, 1949, 156). Whether or not Jesus spoke these words is still a matter of doubt. Whereas other scholars have similarly distinguished sharply between ῥακά and μωρὲ (Gundry, 84) most have not been convinced by it (Filson, 85; Moule, 1969, 12-13; Hill, 1975, 121; Schweizer, 1976, 119; Beare, 1981, 148; Davies, 1988, 1:514; Luz, 1989, 282).

Moule's solution was to remove lines 4 and 5 as a gloss (Moule, 1969, 12) while Davies' solution was to remove lines 5 and 6 (Davies, 1988, 1:516). Davies thought that Matthew simply doubled what was originally a single illustration (see Köhler, 91-95, who argues that the saying in lines 3 and 4 is the added duplication). The conclusion of Davies is further strengthened when we consider that in Matthew's Gospel there is an interest in sayings grouped in threes (Davies, 1988, 1:62f), the use of the word Gehenna and the whole notion of eternal punishment (Gundry, 85).

Other scholars have argued against the view that v. 22 represents an ascending order of punishments (Guelich, 1973, 47-49; Luz, 1989, 281). First, as we already noted, the shift from συνέδριον to γέεννα τοῦ πυρός is not an increase but a shift from God's judgment through an earthly court to God's eschatological judgment. Secondly, v. 22 cannot be broken into independent sayings because they form a literary unit. The saying in lines 1 and 2 (with πᾶς ὁ) is a general statement sharpened by two additional concrete examples in lines 3-6 (with ὅς ἔσιν). The problem with this second defence is that there is no evidence which shows that when a speaker makes a general statement he always feels compelled to follow it up with concrete examples.

Taking everything into account, I am led to think that Davies is correct. Lines 1-4 go back to Jesus while lines 5-6 dramatically elaborated what he said with a reference to γέεννα. However, γέεννα was not used to convey a substantial difference in degrees of punishment from the other two judgments.

Do the two sayings in lines 1-4 show that Jesus was critical of the law? Saying 'Anger is a sin' certainly is not a criticism of the law. Long before Jesus ever said it, Jews knew God disapproved of anger (Ps. 112:10; Prov. 25:23; Eccl. 7:9; Sir. 10:6; 22:24; 27:30; 28:3-19; 30:24; 4 Macc 2:16f; 2 Esdr. 8:30; Jas. 1:20). Passages in the OT repeatedly stressed the point that God is slow to anger (Neh. 9:17; Ps. 78:38; 86:15; 103:8; 148:8; Jol. 2:13; Jon. 4:2; and Nah. 1:3) and that anger itself is characteristic of foolish and ignorant people (Job 36:13; Prov. 14:29; 19:11; and 29:11, 22). Since Jews knew that God hated anger, they must have also believed that the perfect law somewhere taught this (see below 1QS 6:24f). For some of them, Lev. 19:18 may have been the text which taught anger was unlawful.

We are not surprised then that Jews in the post-biblical period also denounced anger and insulting speech just as severely as Jesus did. Here are a few examples of the kind of things people were saying.

Let no man address his companion with anger, or ill-temper, or obduracy, or with envy prompted by the spirit of wickedness (1QS 5:25f).

Whoever has answered his companion with obstinacy, or has addressed him impatiently, going so far as to take no account of the dignity of his fellow by disobeying the order of a brother inscribed before him, he has taken the law into his own hand; therefore he shall do penance for one year . . . (1QS 6:24f).

Whoever has borne malice against his companion unjustly shall do penance for six months/ one year; and likewise, whoever has taken revenge in any matter whatever (1QS 7:8f).

. . . hate wants to kill the living and does not wish to preserve alive those who have committed (only) the slightest sin. For among all men the spirit of hatred works by Satan through human frailty for the death of mankind; but the spirit of love works by the Law of God through forbearance for the salvation of mankind (T. Gad 4:6,7).

Righteousness expels hatred: humility kills envy. For the person who is just and humble is ashamed to commit an injustice, not because someone else will pass judgment on him but out of his own heart, because the Lord considers his inner deliberations. He will not denounce a fellow man, since fear of the Most High overcomes

hatred. Being concerned not to arouse the Lord's anger he is completely unwilling to wrong anyone, even in his thoughts (T. Gad 5:3).

He who expresses anger to any person without provocation will reap anger in the great judgment. He who spits on any person's face, insultingly, will reap the same at the Lord's great judgment (2 Enoch 44:3 - the longer recension).

R. Eleazar of Modiim (120-140 C.E.) taught that whoever puts his neighbour to shame has no share in the world to come (mAb. 3:12).

R. Mani b. Pattish (4th cent.) said, Whoever becomes angry, even if greatness has been decreed for him by Heaven, is cast down (b.Pes. 66b).

A tanna recited before R. Nahaman b. Isaac (4th cent.): He who publicly shames his neighbour is as though he shed blood (b.BM. 58b).

But why was the second Sanctuary destroyed, seeing that in its time they were occupying themselves with Torah, (observance of) precepts, and the practice of charity? Because therein prevailed hatred without cause. That teaches you that groundless hatred is considered as of even gravity with the three sins of idolatry, immorality, and bloodshed together (b.Yom. 9b).

With this background in mind, is it too surprising to find Jesus saying something like 'You know that according to the law a murderer will answer to judgment, but I tell you that an angry person will also answer to judgment'? Jesus must have known that his audience knew that anger was a sin condemned by God through the law. But in spite of what they may have known, Jesus continues to point out that while they know a murderer is judged they should not forget that anger will be judged. This is somewhat different from saying 'Do not be angry because anger leads to murder' (Did. 3:2).

Jesus (or for that matter the writer of 1 Jn. 3:15) is not for a moment contemplating that people who get angry should be given the same legal punishments as murderers. That would be completely absurd. God never treated the sin in that way, nor would Jesus. Here, his only concern is to rebuke sins which appear trivial because they are not punished under the law. That is the general intent of the first saying, while the second is similar to it. The example

Jesus uses shows that he denounces verbal abuse with the same kind of (yet still unrealistic) threat of punishment. A person guilty of anger would no more be brought into a earthly trial than would a person who said ῥακά be hauled up before the Sanhedrin. Nevertheless, the imagery achieves its goal: All such insulting behaviour is condemned by God. Nothing in this "But I say" saying undermines the authority or teaching of the law.

Jesus on Lust

- 1 πᾶς ὁ βλέπων γυναῖκα πρὸς τὸ ἐπιθυμῆσαι αὐτήν
 2 ἤδη ἐμοίχευσεν αὐτήν ἐν τῇ καρδίᾳ αὐτοῦ (Mt. 5:28).

This saying is generally accepted as authentic. It is consistent with the type of equation Jesus makes in vs. 21,22 between anger and murder and it reflects the kind of moral concern we are accustomed to finding in his teaching (however, see Suggs, 110f; Haacker, 114f; Strecker, 51; Gundry, 87). The only item which occasionally receives attention is the word γυναῖκα. Does it refer only to a married woman (Wellhausen, 1904, 21; Montefiore, 1927, 2:506; Hill, 1975, 123; Beare, 1981, 151f; Gundry, 88; Gnllka, 1988, 161; Luz, 1989, 294) or any woman (Meyer, 1883, 181; Gaechter, 178). If the word ἐμοίχευσεν is taking with its literal meaning, than γυναῖκα must be a married woman because a man cannot legally commit adultery against his own marriage, only someone else's marriage. If the word ἐμοίχευσεν is taken less literally and means something like "disobeying God in a sexual act" than γυναῖκα could mean any woman since a man could disobey God in a number of sexual acts (i.e. rape, incest). But if this second option is what Jesus meant, then why did he not use a word like

πορνεία, which is a more general word for sexual sins, rather than μοιχεία, which is generally specific?⁵

If saying 'Anger is a sin' is not critical of the law, saying 'Lust is a sin' is also unlikely to be critical. Jesus was certainly not the first Jew to condemn lust. Plenty of sources show that Jews made no distinction which would prohibit adultery but permit lust (Job 31:1; Eccl. 23:4-6; 26:9-11; Pss. Sol. 4:4-6). Lust was a sin and everybody knew it. In fact, they probably already understood the tenth commandment (Exod. 20:17) as the law which condemned lust (see Moran, 543-48; Hyatt, 216; Durham, 297f).

What Jesus says about lust is perfectly compatible with what others were saying about it both before and after him. Here are a few examples of the kind of things they said.

. . . and let them not fornicate with her [a woman or a girl who fornicates] after their eyes and hearts (Job 20:4).

Turn away your eyes from a shapely woman and do not look intently at beauty belonging to another; many have been misled by a woman's beauty and by it passion is kindled like a fire (Sir. 9:8).

A wife's harlotry shows in her lustful eyes, and she is known by her eyelids (Sir. 27:9).

. . . that he may practise truth, righteousness, justice upon earth and no longer stubbornly follow a sinful heart and lustful eyes committing all manner of evil (1QS 1:6).

I have not had intercourse with any woman other than my wife, nor was I promiscuous (οὐκ ἐπόρνευσα) by a lustful look (T. Iss. 7:2).

For the person with a mind that is pure with love does not look on a woman for the purpose of having sexual relations (T. Benj. 8:2).

Resh Lakish (3rd cent.) said: You must not suppose that only he who has committed the crime with his body is called an adulterer. If he commits adultery with his eyes he is also called an adulterer (LevR. 23:12).

If the writer of the Testament of Issachar can say a man commits promiscuity (πορνεία) by lusting, the audience of Jesus would not be surprised to hear, "You have heard that the law says 'Do not commit adultery', but I say one can commit adultery (μοιχεία) by lusting."

In spite of this, some scholars insist that Jesus is saying something new here which cannot be compared either with the condemnation of lust in Exod. 20:17 (McNeile, 64; Filson, 86) or with anything else taught within Judaism (Plummer, 1910, 80; Gaechter, 178f; Banks, 190f). More recent scholars have concluded that lust for a married woman as condemned by the tenth commandment is comparable with what Jesus says about lust (Beare, 1984, 152; Davies, 1988, 1:522; Luz, 1989, 291). It is certainly difficult to see how what Jesus says conflicts with or excels the teaching of the law on this subject.

In support of the view that Jesus' teaching was unique, Banks made four observations: 1) According to b.San. 52b, the rabbis had a more limited view of adultery than Jesus, because they believed that a minor could not commit adultery, 2) the 'heart' and the 'eye' are the *basis* of the lust in Jesus' teachings but the *instrument* of lust in rabbinic teaching, 3) Jesus' statement is more than an ethical pronouncement, and 4) Jesus equates the covert act of adultery with the overt act of lust (Banks, 190f). But these observations are not entirely convincing. First, as in the case with an angry person = a murderer, it is absurd to think that Jesus really believed that people who lusted should be punished in the same way as people who actually committed adultery. Jesus certainly knew that there was a real distinction between the two sins (Green, 83). Second, nothing Jesus says indicates that his teaching is meant to be anything more than an ethical pronouncement. Third, the distinction between the 'eye' and 'heart' as the basis for lust or the instrument by which lust is achieved is an arbitrary distinction with no substance. Fourth, b.San 52b. does not limit the rabbinic definition of

adultery but rather limits who the rabbis thought could be punished for adultery. Minors cannot be punished for adultery because Lev. 19:18 talks only about what to do to a man who is caught in the act.

It may be that Jesus (like other rabbis) was interpreting Exod. 20:14// Deut. 5:18 so that another sin was included under this one umbrella term (μοιχεύσεις). This was certainly a common practice Jesus would have known (see b.Nid. 13b). But what is more likely is that Jesus is doing exactly what he did with the previous commandment. He is saying, You know that according to the law adulterers will be judged, but you should also know that lust is a sin that will be judged. The contrast is once again between an overt act which will receive a sentence by an earthly court and a covert act which will receive a sentence only by God. There is nothing in Jesus' teaching on lust which is not characteristically Jewish and not in accordance with his aim to teach obedience to the law.

Jesus on Divorce

- 1 πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτὸς λόγου πορνείας
- 2 ποιεῖ αὐτὴν μοιχευθῆναι
- 3 καὶ ὁ ἀπολελυμένην γαμήσας μοιχᾶται (Mt. 5:31,32).

There are four places in the Synoptic Gospels where Jesus teaches on the subject of divorce. Besides the teaching here in the "But I say" sayings, Mt. 19:1-12 and Mk. 10:1-12 (which will be examined in chapter 9 in more detail) record an incident where some Pharisees ask Jesus about his view on a man's right to divorce. The fourth occurrence of Jesus' teaching on divorce is Lk. 16:18, an isolated saying connected with two others about the law. In addition to these gospel sayings there is also Paul's statement in I Cor. 7:10b,11b

where he reports a teaching of the Lord on this subject, γυναῖκα ἀπὸ ἀνδρὸς μὴ χωρισθῆναι . . . καὶ ἄνδρα γυναῖκα μὴ ἀφιέναι. Inserted into the middle of this teaching is Paul's own explanation as to what it means for the Corinthians (Robertson, 140; Barrett, 162; Fee, 294).

Jesus' attitude to divorce is crucial in deciding his attitude to the law. The predominant view over the last century has been that Jesus' teaching on divorce is the clearest example that he intentionally abrogated a law of Moses (Zahn, 237; Wellhausen, 1904, 21; Robinson, 41; Taylor, 421; Schniewind, 63; Bornkamm, 1947, 283-285; Barth, 94; Vawter, 166; Mahoney, 32; Sabourin, 80; Green, 250; Schweizer, 1976, 123; Catchpole, 126; Guelich, 1982, 202). A slightly different view is that while it has to be admitted that Jesus' teaching on divorce does undercut the authority of the law, he probably did not intend to do so (Montefiore, 1927, 2:508). Even more recently, others have argued that Jesus did not in fact abrogate the Mosaic law but only minimized the permission to divorce either 1) by placing it under God' positive will that a man and a woman would be permanently united in marriage (Westerholm, 122; Luz, 1989, 302) or 2) by expecting the marriages of his disciples to conform to the marriage laws applied to priestly families (Isaksson, 147; Fitzmyer, 1981, 101). There are still others who take the view that Jesus does nothing here to threaten or criticize the law because either 1) it is not disrespectful to demand more than what the law demands (Sanders, 1985, 256) or 2) Jesus is speaking hyperbolically (Beare, 1981, 155; Chilton, 62f). This second proposal also appears to have been the view of Erasmus, (see Olsen, 24) and Milton (Milton, 31f).

Jesus' exact thoughts about divorce are not immediately clear. Is divorce the sin or is it the remarriage? Is it the wife who sins by remarrying (Mt. 5:32) or the husband (Mt. 19:9//Mk. 10:11// Lk. 16:18)? Because what Jesus says about divorce raises so many questions, it is important that we give close attention to

the evidence and arguments used which try to make what he said clearer. In order to do this, I will need to show two things: one, how Mt. 5:32 relates to the other recorded teachings of Jesus on divorce, and two, how much of Mt. 5:32 is likely and unlikely to go back to Jesus.

Where does Mt. 5:32 come from? Is it an authentic saying of Jesus or is it a later development from something he said? It will help if we first note how others have attempted to answer this very question.

Back in 1904, Wellhausen argued that v. 32 stemmed from Mk. 10:1-12 and that the changes which Matthew made to Mark are no improvement (Wellhausen, 1904, 21). This position, that Mt. 5:32 originates out of Mk. 10:10, has been argued more recently by others (Schniewind, 64; Delling, 265-7; Hill, 1975, 124). Alfred Plummer never explicitly said whether Mt. 5:32 was a redaction of Mk. 10:11 or a redaction of Lk. 16:18, but he did believe that the Mt. 5:32 teaching on divorce cannot go back to Jesus because Mark surely would have known it and would have no motive for omitting it (Plummer, 81). His understanding is that there was only one teaching on divorce which the church possessed and that teaching can be found in Mk. 10:11; Lk. 16:18; and 1 Cor. 7:10-11. A number of other scholars have concluded the same thing (Weiss, 1900, 37; Allen, 52; Albright, 65; Schweizer, 1976, 123; Guelich, 1982, 202). Some prefer to think that Lk. 16:18 represents Jesus' view (Banks, 193; Levison, 183). David Dungan, on the other hand, believed that there was only one saying of Jesus on divorce but that it can be found in Mt. 19:9, including the exception clause (Dungan, 102-131). All the other sayings, including Mt. 5:32, originate from what Jesus said in response to a Pharisaic question.

However, Montefiore did not think that there was only one tradition from which all others derived. He supposed that Mt. 5:32, minus the exception clause, stood exactly as it did in Q and that Lk. 16:18 also comes from Q but was

influenced by knowledge of Mk 10:11 (Montefiore, 1927, 2:508). Manson also rejected the idea that Mt. 5:32 stemmed from Mk. 10:10, but, unlike Montefiore, he argued that it came from a redaction of Lk. 16:18 (Manson, 1949, 137). Mt. 19:9, however, does originate from Mk. 10:11. Lk. 16:18 is the basis of all the other sayings. Others scholars have suggested this similar thought (Bultmann, 1963, 132; Beare. 1981, 154; Westerholm, 117-118). Fitzmyer believes that Mt. 5:32 and Lk. 16:18 originate from Q but Mk. 10:10ff is a different tradition. He is a bit more cautious about the additional saying "He who marries a woman divorced from her husband commits adultery (Mt. 5:32b//Lk. 16:18b)" since this idea is not even hinted at in either Paul or in Mark (Fitzmyer, 1981, 80). Davies also argued that the evidence presented in the gospels must lead to the conclusion that there are two independent traditions, but he does not think that we can decide between these two traditions as to which formulation is the more original (Davies, 1988, 1:528). It is Luz's opinion that Mt. 5:32 and Lk. 16:18 are not secondary because this particular prohibition against marrying divorced women is quite unique within Judaism (Luz, 1989, 301). At any rate, both Davies and Luz agree that the exception clause does not go back to Jesus.

Catchpole argued that instead of just two independent traditions there were three (Mk. 10:2-9, 11f; 1 Cor. 7:10b + 11b,11a; and Lk. 16:18) which recalled something of Jesus' attitude towards divorce (Catchpole, 110). He does not explicitly state if Mt. 5:32 comes from Lk. 16:18 but that is almost certainly what he seems to imply. Only a few scholars have argued for the originality of Mt. 5:32 over against Mk. 10:10 (Green, 249; Greeven, 382f; Hübner, 1973, 44-47). The main argument in support of this passage is that Mk. 10:10ff could not be the original saying of Jesus because it assumes that a wife could divorce her husband which, as we know from Josephus (Ant. 4. 8, 23, 253; 15.259), was

not generally practised among Palestinian Jews. Mt. 5:32 more faithfully reflects a Jewish *Sitz im Leben* in which Jesus must have taught.

It would help now if we paralleled all four gospel references to Jesus' teaching on divorce and highlight those specific areas where they agree and where they disagree.

1 πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτὸς λόγου πορνείας
2 ποιεῖ αὐτὴν μοιχευθῆναι
3 καὶ ὁ ἀπολελυμένην γαμήσας μοιχᾶται (Mt. 5:32).

1 ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ μὴ ἐπὶ πορνείᾳ
2 καὶ γαμήσῃ ἄλλην μοιχᾶται (Mt. 19:9).

1 ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ
2 καὶ γαμήσῃ ἄλλην μοιχᾶται ἐπ' αὐτήν
3 καὶ ἐὰν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς
4 γαμήσῃ ἄλλον μοιχᾶται (Mk. 10:11,12).⁶

1 πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ
2 καὶ γαμῶν ἑτέραν μοιχεύει
3 καὶ ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν μοιχεύει (Lk. 16:18).

Areas of Agreement:

1. All four passages agree that men who divorce their wives are the subject of Jesus' teaching (line 1 in all four passages).
2. Mt. 19:9, Mk. 10:11, and Lk. 16:18 agree that men who divorce and remarry commit adultery (line 2 in these three passages).
3. Mt. 5:32 and Lk. 16:18 agree that a man who marries a divorced woman commits adultery (line 3 in these two passages).
4. Mt. 5:32 and Mt. 19:9 agree that there was an exception to this rule (line 1 in these two passages).

Areas of Disagreement:

1. Mt. 5:32 is the only passage which says that it is the woman who commits adultery when she is divorced (line 2).
2. Mk. 10:11, 12 is the only passage which says a man commits adultery against his wife (line 2) and that a woman commits adultery by divorcing her husband and marrying another man (line 3 & 4).

Where do these agreements and disagreements lead us? I think we can begin by saying that there were three additions which were made to Jesus' teaching on divorce by the early church. The exception clause in Mt. 5:32 and Mt. 19:9, the ἐπ' αὐτήν in Mk. 10:11, and the line about a woman divorcing her husband in Mk. 10:12 should be seen as elaborations to what the scribes received. Lk. 16:18 has the appearance of being a very primitive saying because of the way it was latched on to other sayings and because it lacks the kind of modifications we find in the other passages.

The addition of ἐπ' αὐτήν was made so that Jesus' teaching would be more explicit that a man can commit adultery against his wife, as if this was questioned. In fact, it may have been questioned since in Jewish society it was generally regarded that only the woman commits adultery against the marriage (Manson, 1949, 136-9; Isaksson, 79). The addition of ἐὰν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον μοιχᾶται also coincides with the intent to modify Jesus' teaching so that it takes into account what Gentile women could do. Palestinian Jewish women did not instigate divorce, although they could appeal to their husbands or to courts to do so (Daube, 1956, 363; Westerholm, 117; m.Ket. 7:9-10). This elaboration of Jesus' teaching must have also occurred to the saying within the circles Paul knew (1 Cor. 7:10).

But how do we know that the exception clause is an addition by Matthew (or his community) rather than an omission by Mark, Luke, and Paul (or their communities)? There are several reasons why commentators have argued for the addition theory.

The most popular argument against the originality of this clause is the criterion of multiple attestation. The question is asked, Is it likely that such an important exception to a general dismissal of divorce would be omitted by three other writers? The majority of scholars think that this possibility is highly unlikely (Allen, 52; Bultmann, 1963, 148; Schweizer, 1976, 123; Beare, 1981, 154). The words of the Lord are too sacred and too crucial (especially here) for a scribe to omit them with such ease. And yet, because of the complications involved in determining how much Matthew, Mark and Luke knew of each other, this argument (as attractive as it is) is not decisive enough on its own.

A second argument says, In Mk. 10:10, Lk. 16:18, and I Cor. 7:10,11 Jesus teaches that a man absolutely must not divorce his wife; however, this exception for πορνεία preserves a man's right to divorce (Allen, 52; Guelich, 1982, 207). If Jesus really believed in an exception he would have never given such a absolute prohibition against divorce. This is the argument of coherence of content in the teaching of Jesus which looks for consistency in what Jesus says. The weakness of this criterion here is that Jesus' teaching in Mk. 10:10, Lk. 16:18 and 1 Cor. 7:10,11 is more than likely something other than an absolute prohibition. There are other ways of explaining what Jesus said. One explanation is that in Mk. 10:10 and Lk. 16:18 all Jesus intended to say was "Anyone who divorces his wife in order to marry another woman commits adultery" (Bultmann, 1963, 132). If this is what Jesus said it does not rule out the possibility that there would be other acceptable reasons to divorce a wife besides wanting someone else. Mk. 10:10 and Lk. 16:18 could be compatible with

the Matthean exception on this point when explained in this way. A second explanation is that the mere brevity of Jesus' statement in these other passages should make us cautious against making it say too much (Sabourin, 82-84). Brevity of speech suggests that a generalization is being made so that if Jesus was pushed he would certainly concede that there could be exemptions. A third explanation is that Jesus uses the words "commits adultery" to make a comparison between divorced women and all their subsequent relationships and women who commit adultery. A man who divorces his wife makes her like an adulteress. We shall examine this explanation in more detail below. These alternative explanation for what Jesus thought he was saying in Mk. 10:10 and Lk. 16:18 warn us that the criterion of coherence is not very adequate when, in cases like this one, the number of our comparisons is limited.

A third argument says, The Matthean exception is too much in line with Jewish sentiments (supposedly the view of Shammai, m.Git. 9:10), for it to belong to Jesus who stood separate from his Jewish environment (Barth, 95; Catchpole, 101). This objection could be based on one or two arguments. One argument is the criterion of dissimilarity. If a saying reflects a Jewish environment or a view of the early church it must be suspected. But the weakness with this argument, as it is used here, is that it is circular. You could just as easily say, Jesus broke away from Judaism, therefore anything that does not show this break did not come from Jesus, as you could say, Jesus did not break from Judaism, therefore anything which shows such a break did not come from Jesus. A more objective argument is required to establish or discredit the originality of Mt. 5:32. A second objection could be based on the argument that if Jesus' view on divorce was in line with the view held by Shammai, as Mt. 19:9 suggests, then why are the disciples so stunned about it in Mt. 19:10? The disciples react to Jesus' teaching as if it was something outrageous. But it may be that here an

editor has simply constructed an awkward question only in order to introduce new material (Mt. 19:11,12).

A fourth argument says, The Matthean exception is not in line with Jesus' style of teaching which lays down general principles (see Mt. 5:34, 38, 42; 7:1) without any reference to their limitations (McNeile, 66). Or it may be put in another way. This clause is a bit of casuistic interpretation but Jesus was not a legal casuist in the same way as the rabbis are (Davies, 532). This objection is another use of the criterion of coherence but this time the coherence of Jesus' teaching style more than the actual content of what he says. The exception for which a man could divorce his wife does not cohere with what we know about Jesus' style of instruction. This is a better use of this criterion, although it is not correct to say Jesus never gave teaching in the manner in which other rabbis arrived at their traditions.

A fifth argument is that Jesus could not have said what Mt. 5:32 or Mt. 19:9 implies he said because Jesus would not show partiality towards the husband (by letting only him divorce, but not his wife) as the Jewish law did (Manson, 1949, 137). Jesus' complete rejection of divorce in Mk. 10:11 and Lk. 16:18 puts both parties on a footing of equality. Jesus showed no favouritism. This is similar to Montefiore's argument that Jesus prohibited divorce because he was a champion of women's causes (Montefiore, 1927, 2:510. He is actually quoting Schmidt, Prophet of Nazareth, 369). Palestinian women needed a champion because as we know they were constantly scorned by men (Jos. Ant. 2.201: γυναῖχαι χειρῶν . . . ἀνδρῶς εἰς ἅπαντα). But this argument misses the point that women were protected from cruel dismissal by the divorce document. If Jesus cancels Deut. 24:1 he takes away from women their best legal defence.

A sixth argument reasons, πορνεία here means "marriages of forbidden degrees" and presupposes a Gentile issue (Baltensweiler, 87-102). Jesus was not concerned about Gentiles, therefore it does not come from him. This argument needs examining in more detail.

How do we know what πορνεία means? There are three major translations for this word (for illustrations of the various translations of πορνεία see Luz, 1989, 305). The oldest one is to equate πορνεία with the specific act of adultery itself (Keil, 165f; Plummer, 1910, 81f; Allen, 52; McNeile, 66; Albright, 65; Davies, 1988, 1:529; Luz, 1989, 304-5). Plummer recalls that πορνεία is used in the LXX version of Hos. 2:5 (καὶ τὰ τέκνα αὐτῆς οὐ μὴ ἐλεήσω, ὅτι τέκνα πορνείας ἐστίν) and Amos 7:17 (διὰ τοῦτο τάδε λέγει κυρίως ἡ γυνὴ σου ἐν τῇ πόλει πορνεύσει, καὶ οἱ υἱοὶ σου καὶ αἱ θυγατέρες σου ἐν ῥομφαίᾳ πεσοῦνται, . . .) and Green recalls (Green, 84) that it is used with this same meaning in Sir. 23:23 (" . . . καὶ τὸ τρίτον ἐν πορνείᾳ ἐμοιχεύθη, ἐξ ἄλλοτρίου ἀνδρὸς τέκνα παρέστησεν). Allen also thinks that πορνεία equals adultery and argues that the phrase λόγου πορνείας is the reversal of the Hebrew phrase *'erwat dābār* in Deut. 24:1 (Allen, 52; Moore, 1927, 2:124 n.4; McNeile, 66; Mahoney, 31; Gundry, 91). It was exactly this reversal which Shammai used to argue his view that adultery was the only exception for which a man could divorce his wife (m.Git. 9:10).⁷ Reversing the words makes Jesus' teaching agree with what Shammai taught.

The major objection to this translation is that if Matthew wanted to say "adultery" he would have used the word μοιχεία. In Mt. 15:19, he (or they) specifically distinguish between πορνεία and μοιχεία (McKenzie, 72; Banks, 154). We can also see that πορνεία was distinguished from "adultery" in 1 Cor. 6:9 (ἢ οὐκ οἴδατε ὅτι ἄδικοι θεοῦ βασιλείαν οὐ κληρονομήσουσιν; μὴ πλανᾶσθε, οὔτε πόρνοι οὔτε εἰδωλόλατραι οὔτε μοιχοί, . . .) and in

Heb. 13:4 (. . . πόρνους γὰρ καὶ μοιχοὺς κρινεῖ ὁ θεός). It is likewise distinguished in Did. 2:2; 5:1 and in Barn. 19:4 where the two words appear as prohibitions beside each other. Luz, who argues against this objection, has two rebuttals for why a scribe would prefer πορνεία to μοιχεία (Luz, 1989, 306). 1) μοιχ- is used of men who commit adultery and πορν- is used of women who commit adultery (BAGD, 27) and 2) μοιχεία/μοιχεύω would be awkward. The weaknesses of these rebuttals, however, are 1) in v. 32 the word for the adultery which the woman commits is μοιχευθῆναι and 2) μοιχεία/μοιχεύω would not be awkward but mnemonically helpful, "unless she commits adultery, he makes her commit adultery".

A second translation for the phrase has been "fornication" or "unchastity". Adultery is certainly included under this umbrella term, but so are a whole lot of other sexually immoral activities. It is the word "fornication" or "unchastity" and not "adultery" which is found in most modern English translations of the exception clause (RSV, NASB, and NEB have "unchastity" and the NIV has "marital unfaithfulness". See also Manson, 1949, 157; Robinson, 41; Filson, 87; Fenton, 90; Schweizer, 1976, 124; Hill, 1975, 124; Davies, 1988, 1:528). Bruce Malina (Malina, 10-17) tried to argue that πορνεία never carried the connotations we today have of "fornication" but he has certainly been shown in error by Jensen's later critique (Jensen, 161-184). There is no doubt that πορνεία can and does have this broad definition very often within scripture (Eph. 5:3,5; Col. 3:5; 1 Thes. 4:3; 1 Tim. 1:10; Heb. 13:4). It also appears to carry this meaning in the comparable passage in the Shepherd of Hermas, Mandate 4:1, 4-5, which reads,

'Sir,' say I, 'if a man who has a wife that is faithful in the Lord detect her in adultery (ἐν μοιχείᾳ), doth the husband sin in living with her?' 'So long as he is ignorant,' saith he, 'he sinneth not; but if the husband know of her sin, and the wife repent not, but continue in her fornication (τῇ πορνείᾳ) and her husband live with her, he makes

himself responsible for her sin and an accomplice in her adultery
(κοινωνὸς τῆς μοιχείας αὐτῆς).

But do these parallels prove that "fornication" is the best translation in
Mt. 5:32// 19:9?

The third and most recent suggestion (although known as long ago as 1927
by Clarke, 161-2 and Gavin, 102-5) is to align λόγου πορνείας with marriages
within forbidden degrees as listed in Lev. 18 (for the history of this interpretation
see Ott, 261-266). J. Bonsirven (1948) and H. Baltensweiler (1967) were the two
earliest scholars who did detailed work on this explanation and have brought it
into serious consideration. Reserved support for this has been given by Green,
84; Hill, 1975, 125; and Guelich, 1982, 210; while strongly favoured by Fitzmyer,
1981, 88; Malina, 10-17; Mueller, 247-256; and Witherington, 1985, 571-75.

But how have these scholars arrived at such an unusual explanation? First,
they note that in the LXX the word πορνεία is used to translate the Hebrew
word *zēnūt*. Jer. 3:2,9 is a good example.

Jer. 3:2 (LXX)

ποῦ οὐχὶ ἐξεφύρθης; ἐπὶ ταῖς
ὁδοῖς ἐκάθισας αὐτοῖς ὡσεὶ
κορώνη ἐρημουμένη καὶ ἐμίανας
τὴν γῆν ἐν ταῖς πορνείαις σου
καὶ ἐν ταῖς κακίαις σου

Jer. 3:2 (Masoretic)

šē`i`i` ênayik`al šēpyim
ûre`i`i` êpôh lô` šuggalēte
`al d`erākîm yāšabete lahem
ka`râbî bamidebâr wattahânîpî
`eres bizēnūtayik ûberâ`âtêk

Jer. 3:9 (LXX)

καὶ ἐγένετο εἰς οὐθὲν
ἢ πορνεία αὐτῆς, καὶ
ἐμοίχευσεν τὸ ξύλον καὶ
τὸν λίθον

Jer. 3:9 (Masoretic)

wēhāyāh miqqôl zēnūtāh wattedhēnap
`et hā`āres wattinē`ap `et hā`eben
wē`et hā`ēs

Besides several rabbinic texts where it is translated "incest" (bKet. 53b; Str.-Bil. 2:376), *z^enût* occurs in a very important passage in the Qumran document CD 4:20-5:12 to refer both to the ideas of polygamy and incestual marriages. Verses 4:20-5:1 and 5:8-11 in particular read,

They shall surely spout (Mic 2:6) - shall be caught in fornication (*biz^enût*) twice (first) by taking a second wife while the first is alive, whereas the principle of creation is, Male and female created He them (Gen. 1:27). Also, those who entered the Ark went in two by two . . . And (second) each man marries the daughter of his brother or sister, whereas Moses said, You shall not approach your mother's sister; she is your mother's near kin (Lev. 18:13). But although the laws against incest (*ha'arayot*) are written for men, they also apply to women. When, therefore, a brother's daughter uncovers the nakedness of her father's brother, she is (also his) near kin.

One objection to this translation of πορνεία is, In the context of Mt. 5:32. and Mt. 19:9 it would be too obscure (Gundry, 91; Luz, 1989, 305). In other words, there would be no reason for Matthew to add the exception clause "except for incestuous marriages"? But there is a possible reason! In Acts 15 we read that the Jerusalem council decided that Gentiles do not need to keep the law in order to be saved. However, in order to maintain fellowship with Jewish Christians they must keep certain regulations. In verse 29, the things prohibited are, ". . . εἰδωλοθύτων καὶ αἵματος καὶ πνικτῶν καὶ πορνείας, . . ." (note that the Vulgate does not have the latin equivalent for πορνείας and D does not have καὶ πνικτῶν). The Gentiles are not asked to refrain from fornication because they would be expected to refrain from that anyway. They are asked to refrain from practices which by Gentile standards were assumed to be all right, like worshipping idols and eating blood. Incestuous marriages fits perfectly among the expectations Jews had for the behaviour of the "alien resident" (Lev. 17:10; 18:26; Ezek. 14:7) and is a likely background for the

Jerusalem decree (Bruce, 1951, 300; Hanson, 1967, 163; Haenchen, 1971, 449-451). The motive behind the addition of πορνεία in Matthew's Gospel is to clarify that Jesus would want Gentiles to abandon all such relationships, in spite of his general condemnation of divorce (Witherington, 1985, 574).

Another objection is, Πορνεία does not have this meaning in I Cor. 5:1 and Heb. 12:16 and so is unlikely to mean this in the exception clause (Banks, 155). But the argument is not, Πορνεία cannot mean fornication! Rather, it is, In this context is there a better translation which reflects what we know about Jewish-Christian concerns? If so, does it not cast reasonable doubt on any other translation which indicates a concern which we have no clear evidence that Jewish-Christians had?

A third objection is, An incestuous marriage, since it was forbidden by law, was a non-entity and divorce would be unnecessary. The parties should simply depart from each other (Eisenstein, 572). This is, however, not the case. Illegal marriages still had to go through a process of annulling the disobedient union (Schereschewsky, 130; O'Rourke, 301).

In addition to these objections there are others which are hard to dismiss. 1) No single church father or interpreter until the modern period has understood this meaning for πορνεία. 2) Πορνεία is missing in Lev. 18. 3) The whole exception clause is clearly a reference to Deut. 24:1 (Luz, 1989, 305). These objections when combined are formidable. Therefore, I am not convinced that a scribe would align Jesus' teaching with the decision taken by the Jerusalem council. Instead, a scribe wanted to harmonize more explicitly Jesus' warning about the effect of divorce with the permission of it in the law. Jesus would not have given an exception when his purpose is generally to denounce divorce.

Therefore, we can conclude that the exception clause is secondary since 1) it does not have multiple attestation, 2) it does not have coherence with Jesus' style

of teaching, and 3) the preferred translation of πορνεία looks more like it was added for harmonizing purposes.

In spite of the above objections against the authenticity of the exception clause, other scholars have tried to defend it (Schlatter, 572; Schniewind, 64). Back in 1883, Meyer simply argued that Mark and Luke regarded the exception as par for the course (Meyer, 1883, 185), but it seems to me rather dangerous to ascribe such an omission to the whims of an evangelist. Much more recently, in 1954, Bruce Vawter argued that the explanations Protestant scholars use to suggest that the exception clause is a Matthean interpolation are simply arbitrary. His counter attack was that no scribe who respects the teachings of Christ would add an exception clause that formally contradicts what the Lord says elsewhere (Vawter, 159). But Vawter does not convince us either on how a scribe who respects the teachings of Christ could easily justify omitting the words or on how the exception clause really contradicts what Jesus says.

A few years later, in 1965, Abel Isaksson wrote a book entitled Marriage and Ministry in the New Temple, in which he argues for the originality of the exception clause in Mt. 19:9. In fact, Isaksson argues that the entire pericope of Mt. 19 is more original than the one in Mk. 10. He says that on manuscript evidence there is no reason to think that the clause is not original (Isaksson, 75). But, even if Mt. 19:1-9 was shown to be more original (which we will examine in chapter 9) it does not prove that the clause was.

Three years later, Mahoney argued that the exception clause goes back to Jesus and that the reason Mark omitted it was because he wanted to conform Jesus' teaching proleptically with the law that Christian marriages alone were absolutely indissoluble (Mahoney, 37). This may be a possible motive, but I believe that it is highly unlikely that Mark's Gospel intends to be stricter than Matthew's.

Although he thinks that the exception clause is a Matthean interpolation, David Hill concedes that Matthew may be making explicit what the other gospels have omitted because they take the exception for granted (Hill, 1975, 125). But this does not explain how scribes could easily take for granted such exceptions which are passed down to them in trust.

There are two more aspects of Jesus' teaching on divorce we need to examine. They are 1) the phrase ποιεῖ αὐτήν μοιχευθῆναι (Mt. 5:32a) in comparison with μοιχᾶται (Mt. 19:9//Mk. 10:11) and μοιχεύει (Lk. 16:18a) and 2) the sentence ὅς ἐάν ἀπολελυμένην γαμήσῃ μοιχᾶται (Mt. 5:32b) in comparison with ὁ ἀπολελυμένην γαμήσας μοιχᾶται (Mt. 19:9) and ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν μοιχεύει (Lk. 16:18b).

If the words ποιεῖ αὐτήν μοιχευθῆναι are not authentic, what has the evangelist changed and why? A couple of suggestions have been offered. One suggestion is, A scribe may have substituted these words for something like μοιχᾶται (Mt. 19:9// Mk. 10:11) or μοιχεύει (Lk. 16:18) because in a Jewish environment a man cannot commit adultery against his own marriage, only the wife. (On the point that a man cannot commit adultery against his own marriage see Cohen, 313; Hauck, 730.) A man commits adultery against another man's marriage when he marries someone else's divorced wife (as Mk. 10:11 and Lk. 16:18 may be indicating, see Creed, 208). However, Mk. 10:11 or Lk. 16:18 does not state that the man marries a divorced woman and yet he is described as someone who participates in adultery. In Mt. 5:32, the scribe changes μοιχᾶται/μοιχεύει to ποιεῖ αὐτήν μοιχευθῆναι because he believes that the adultery committed is not against a second marriage but the marriage being broken. His correction reflects the proper cultural understanding and points the accusing finger at the husband who divorces whether or not he remarries (Banks, 192). The weakness with this suggestion is that the evidence of Lk. 16:18b would lead us to

believe that a marriage of a divorced person has not been taken up in the previous saying and is a point that is now made.

A second suggestion is, A scribe originally had for v. 32 the word $\mu\omicron\iota\chi\acute{\alpha}\tau\alpha\iota$, from the root word $\mu\omicron\iota\chi\acute{\alpha}\omicron\mu\alpha\iota$, but wished to have an expression that verbally linked with v. 27 which contains $\mu\omicron\iota\chi\epsilon\acute{\upsilon}\sigma\epsilon\iota\varsigma$, from the root word $\mu\omicron\iota\chi\epsilon\acute{\upsilon}\omega$. The evangelist felt that this link could be achieved if he changed $\mu\omicron\iota\chi\acute{\alpha}\tau\alpha\iota$ to $\mu\omicron\iota\chi\epsilon\upsilon\theta\eta\grave{\nu}\alpha\iota$, which is also from the root word $\mu\omicron\iota\chi\epsilon\acute{\upsilon}\omega$ (Guelich, 1982, 199-200; Davies, 1988, 1:529). But would an evangelist, for stylistic purposes, alter a saying that condemns men who divorce and remarry so that it now condemns women when they are divorced by their husbands? I doubt that a scribe would think that such an alteration is justified for an unnecessary stylistic connection.

What if the words $\pi\omicron\iota\epsilon\acute{\iota}\ \alpha\acute{\upsilon}\tau\eta\nu\ \mu\omicron\iota\chi\epsilon\upsilon\theta\eta\grave{\nu}\alpha\iota$ are not a scribe's alterations but a part of something Jesus said? As this saying stands in connection with v. 31, what does it mean and does it contradict Jesus' teaching in Mt. 19:9// Mk. 10:11?

Most commentators understand the words "makes her commit adultery" to mean that Jesus taught that the woman commits adultery because in God's eyes the marriage is still valid and she remains as the wife of her first husband (Weiss, 1900, 37; Allen, 52; McNeile, 66; Robinson, 41; Albright, 65). Marriage is thought to be indissoluble according to Jesus' teaching in Mk. 10:8f and Lk. 16:18. Consequently, a divorced woman must remain single if she wants to avoid sinning.

It is interesting to note that in the Shepherd of Hermas remarriage is condemned, not because the marriage is believed to be insoluble but because there remains the possibility of the divorced woman's repentance (since she is divorced for adultery in the first place) which would allow the husband to remarry her

(Herm. Man. 4:1, 8). What is also interesting is that according to the writer, the husband has to divorce his wife if she is unrepentant about her adulterous activity. This was the view of the rabbis (m.Sot. 5:1).

But the teaching in Mt. 5:32 is different from Hermas Mandate 4:1, 8. Here the husband is discouraged primarily against divorce whereas in the other case the husband is discouraged primarily against remarrying. Jesus' statement is probably best understood in light of the Jewish view that the marriage of a divorced woman is, although legal, a quasi-adultery (Amram, 83). How so? This equation probably originated from the fact that in scripture divorced women were classified with harlots as those who were prohibited to priests (Lev. 21.7). A woman (not a man) who has had more than one sexual partner was recognized as defiled, with the possible exception of widows (Sif. Lev. 214.1.7.G). Consequently, children who were the offspring of marriages between a priest and a divorced woman or harlot were deemed profane, because any son or grandson born to them would be disqualified automatically from serving as a priest. Sif. Lev. 214.1 helps to make this more explicit:

And had Scripture referred to a divorcee and not a widow (in the regulations for who can marry a high priest, Lev. 21:10-15), I might have maintained that a divorcee, who is forbidden to an ordinary priest, yields for him (the high priest) children who are profaned, while a widow, who is permitted to marry an ordinary priest, will then yield children (by the high priest) entirely valid for the priesthood.

The decision to treat their children as profane was very likely due to God's desire to safeguard the hereditary line of the priesthood. Jesus lived in an environment where this classification of divorced women with harlots and adulteresses was well known. Widows were not considered to be on the same level of unholiness because they could be married to priests.

Jesus has no intention of saying that God's permission for divorce was wrong and that everyone who followed what God says in Deut. 24:1 sinned. All

he intends to say is what everyone recognized, namely, that a divorced woman is, in one sense, defiled by her husband's action. Note, she is defiled, if she has not defiled herself already in an act of πορνεία, as a result of her husband's action irrespective of whether or not she remarries. This is why the divorced woman's remarriage is not mentioned here. It does not need to be. Just as in Mt. 5:28, lust can be called adultery, which Jesus hardly expect the courts to punish, so also here a woman who is divorced is said to be in a type of adulterous situation, which the courts likewise are not expected to punish. The husband is the subject of Jesus' teaching and is the one who is warned about doing something which God hates (see Mal. 2:16). "Makes her commit adultery" is a loose way of saying "makes her an adulteress". Men should avoid divorce because of its instant effect upon women. For Jesus to say, Do not defile your wife by divorcing her, is consistent with his other teaching, Do not sin by divorcing your wife (Mt. 19:9// Mk. 10:11// Lk. 16:18).

The sentence "whoever marries a divorced woman commits adultery" was probably an isolated saying attached to the previous teaching, undoubtedly because of the catchwords ἀπολύω and μοιχεύω (contra. Luz, 1989, 301). This is argued regardless of the fact that manuscript Bezae and a few others are the only ones that omit it. I am lead to this conclusion by different indications. First, it is easy to see that ὅς ἐάν... γαμήσῃ was substituted for an original ὁ ... γαμήσας in order that this second sentence might parallel ὅς ἂν ἀπολύσῃ in v. 31. Manuscript B and a few others preserve the reading ὁ ἀπολελυμένην γαμήσας μοιχᾶται. Second, it is clear that different scribes had access to this teaching apart from v. 32a. It was connected by one scribe here with the "But I say" sayings. But another scribe connected it with Jesus' teaching in Mt. 19:9 (manuscripts B C* W Θ 078 f^{1.13} M and sy^{p.h}). A third one connected it in

Lk. 16:18 with a saying that has elements reminiscent, but independent, both of Mt. 5:32a and Mk. 10:11.

It has been observed that this teaching is very unusual within Judaism (Luz, 1989, 301). Whereas the ideal may have been for young men to marry virgins (Jos. Ant. 4:254), no Jew ever claimed that women who were divorced must not remarry. However, there are certain parallels to what Jesus said that are worth looking at.

From Lev. 21:7 we know that priest were certainly forbidden to marry divorced women: "They (priests) shall not marry a harlot or a woman who has been defiled; neither shall they marry a woman divorced from her husband, . . ." But why? We are told, "for the priest is holy to his God." It is unlikely that God commanded priests not to marry divorced women because in his eyes these women were still married to their first husbands. If that were the case, not only would priests be prohibited from marrying them but so would all other men. The more likely reason for this prohibition is, as indicated earlier, that children who were born to a priest and a divorced women were regarded as profane (see Lev. 21:10-15; Sif. Lev. 214.1). The purity of the priestly line must be safeguarded.

Does Jesus' teaching in 5:32b indicate that he thought his disciples and their children should be equally protected from this? Isaksson argued, "We have here (in the prohibition not to marry divorced women) an element of Jesus' teaching in which he was clearly influenced in his attitude by the rules which, under the laws of his people, applied to the men who were to be 'holy to their God' and to be in a particularly close relation to God (Isaksson, 146)." His point is that Jesus believed his disciples would be the new priests who serve in the new Temple in the Messianic age as foretold in Ezek. 44:22. Because they were going to be priests they must maintain the priestly high standard of uncontaminated

descendants. However, the great weakness with this creative explanation is that if Jesus believed his disciples were to be new priests why is such a monumental proposal so rare in his teaching and non-existent in what we possess about the early church's self definitions?

Another close parallel can be found in b.Pes. 112. Here, R. Akiba (while in prison) tells R. Simeon b. Yohai a proverb: "Do not cook in a pot in which your neighbour has cooked." This proverb means "Do not marry a divorced woman during her husband's life time." Why? Raba (died 352 C.E.) or R. Mersharsheya (4th century) explained that the reason this was taught was, "For a master said: When a divorced man marries a divorced women, there are four minds in the bed." In other words, a divorcee never stops thinking about their first spouse, except when he is dead. Did Jesus mean something like this? Almost certainly not! The reason why the later rabbis looked down on marrying a divorcee (note that they did not prohibit it and we still do not know why R. Akiba warned against it) is because the divorcee will think about, especially during sexual intercourse, their first spouse. The reason why Jesus says marrying a divorcee is committing adultery is rooted in a more fundamental reason than the assumption that she will always be comparing her second husband with husband number one.

What are we meant to assume about the divorced woman (ἀπολελυμένην)? Some scholars have argued that in Matthew's Gospel we are to assume the woman is dismissed because she has committed adultery and anyone who marries her participates in her previous sins (Davies, 1988, 1:532; Luz, 1989, 307). This is a better explanation, as far as the reading in Matthew is concerned, than the older interpretation that said we are to assume the woman has been divorced for some other reason than adultery, consequently her marriage is still intact (Meyer, 1883, 186). Matthew's community would hardly legislate so

that a marriage between a man and a known adulteress was acceptable.

But, as we noted previously, this saying was originally isolated and only later attached to v. 32a. What did it convey before it was linked with an exception clause? It helps to recognize that Jesus shared with his Jewish environment the idea that divorced women were defiled to the status of an adulteress. Irrespective of whether or not she committed a sexual sin against her husband, a divorced woman is made an adulteress. Jesus' saying here is a general denouncement of divorce. It is not an indication that he believed marriages were indissoluble. Jesus simply tells men that because divorced women are like those who commit adultery, i.e. defiled, anyone who marries such a woman participates in this quasi-adulterous status. Men should (not must) avoid this participation in defilement since the ideal is for a man to marry a virgin. Whether or not R. Akiba might have had the same notion we do not know.

We conclude this examination of the third "But I say" saying by asking, Was it meant to be Law? Some scholars have argued no (Delling, 273; Pesch, 1977, 2:19; Berger, 530-37; Beare, 1981, 155; Chilton, 68). One explanation is to say that Jesus teaches an ideal which belongs to the future kingdom of God (Weiss, 1910, 118). In other words, Jesus teaches in the present world what is only an ideal but which in the kingdom of God will become a law. Luz rejects this type of explanation (Luz, 1989, 303). He says that Jesus must be legislating because the early church treats Jesus' teaching as if it were law (i.e. Mark adds "and marries another", Paul with his "privilege" in I Cor. 7:12-17, and Matthew with his exception clause). But, it may be argued, one easily could expect the church to take anything the Lord says, whether in the form of legislation or not, and make it into a kind of law for a new community.

Others scholars have argued that Jesus' teaching about divorce is more likely to be haggadic (i.e. exhortation) rather than halakhic (i.e. legislation) because, as

far as the Synoptic Gospels are concerned, Jesus was not a legislator (Davies, 1988, 1:532). This is not completely accurate either. For in the Synoptic Gospels Jesus does command his disciples to behave in certain specific ways which he must have known were not commanded by the law. There is no reason why Jesus might not have added halakhic traditions to the law, as the rabbis did in order to protect the law from being disobeyed.

I would argue that Jesus' teaching is not meant to be a "law" because this would be inconsistent with the whole context of the "But I say" sayings. Since Mt. 5:17f assumes the law adequately legislates concerning everything necessary for a godly life, Jesus is unlikely here to be replacing the law with new legislation (contrary to Fitzmyer, 1981, 101). In cases where murder and adultery are involved, Jesus expects the courts will punish in compliance with the law. What the law says about divorce also remains in authority and should guide the decisions of the courts when such cases do arise. In the "But I say" sayings, what Jesus intends to do is to highlight sins, which local courts cannot deal with but which are nevertheless hated by God. His task seems to be to recall what God abhors. The law courts, in obedience to the law, can take action against some of the things men and women do. But it is beyond their powers to take action against every evil thing men and women do. Jesus simply shows what sins God still condemns in addition to those sins the law courts punish. The Matthean community takes a teaching of Jesus and warns husbands that they should not divorce their wives because the law does not say God approves of divorce although he has made some provisions for it (see Collier). Nothing is suggesting that the law which commands a divorce document is now unlawful.

Jesus on Swearing

- 1 μὴ ὀμόσαι ὅλως
 2 μῆτε ἐν τῷ οὐρανῷ,
 3 ὅτι θρόνος ἐστὶν τοῦ θεοῦ
 4 μῆτε ἐν τῇ γῇ,
 5 ὅτι ὑποπόδιόν ἐστὶν τῶν ποδῶν αὐτοῦ,
 6 μῆτε εἰς Ἱεροσόλυμα,
 7 ὅτι πόλις ἐστὶν τοῦ μεγάλου βασιλέως
 8 μῆτε ἐν τῇ κεφαλῇ σου ὀμόσης,
 9 ὅτι οὐ δύνασαι μίαν τρίχα λευκὴν ποιῆσαι ἢ μέλαιναν.
 10 ἔστω δὲ ὁ λόγος ὑμῶν ναὶ ναὶ οὐ οὐ;
 11 τὸ δὲ περισσὸν τούτων ἐκ τοῦ πονηροῦ ἐστὶν (Mt. 5:33-37).

Does this teaching show that Jesus thought the law on oaths was inadequate? Before we answer this question we should answer another one. How much of this teaching formed the original part of the "But I say" saying?

Verse 34a (line one) is probably authentic. However, some scholars (Minear, 7; Green, 85; Schweizer, 1976, 128; Gundry, 92; Luz, 1989, 312) have argued that 5:33-37 is more likely an adaptation of a saying which also lies behind Jas. 5:12 (Πρὸ πάντων δέ, ἀδελφοί μου, μὴ ὀμνύετε μῆτε τὸν οὐρανὸν μῆτε τὴν γῆν μῆτε ἄλλον τινὰ ὄρκον ἤτω δὲ ὑμῶν τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ, ἵνα μὴ ὑπὸ κρίσιν πέσητε). But, in favour of the priority of Mt. 5:34f, two things should be noted. First, ἐν/εἰς with the dative/accusative (Mt.) is more Semitic than the accusative with verbs of swearing (Jas.), which indicates a familiarity with common Greek construction (Guelich, 1982, 214f; Allen, 54).⁸ This Semitism certainly does not prove Jesus is responsible for these illustrations but it does shift the balance of support in Matthew's favour. Secondly, James gives no indication that this instruction comes from the Lord. The teaching in James is not a quotation of anything Jesus said but is probably influenced by Jesus' overall view of swearing.

The likelihood is Jesus taught, "Do not swear at all!" But what did he mean by it? Did he mean "Never ever swear under any circumstance", forbidding even the use of oaths in courts and business contracts (McNeile, 67; Montefiore, 1927, 2:511; Hill, 1975, 125; Banks, 194; Schweizer, 1976, 127; Beare, 1981, 156; Guelich, 1982, 218; Gnilka, 1988, 174)? Did he mean "Avoid idle swearing", assuming that oaths are binding in human activities (Wellhausen, 1904, 22; Dalman, 1902, 206; Allen, 53; Plummer, 83; Davies, 1988, 1:536; Luz, 1989, 316; Sanders, 1990, 56)? Or did he mean "Righteous people should not need to swear at all", teaching only the ideal of absolutely no oaths but recognizing that righteous people may not always maintain this ideal in the present age (Meyer, 1883, 187-191; Westerholm, 113)?

What we think Jesus said affects how we judge the authenticity of the following lines. For example, if Jesus meant unconditionally to preclude swearing or if he meant simply to establish an ideal, the illustrations of oaths in lines 2-9 are redundant. You do not need to state exceptions when setting out a high ideal or an absolute prohibition. Since no one wants to argue that Jesus spoke redundantly, lines 2-9 must have been added later in order to combat a casuistic approach which tried to circumvent what he said (Guelich, 1982, 215). He said no swearing and others thought he meant no swearing by the name of God. The illustrations were added to show that no oath existed which did not involve God. On the other hand, if Jesus meant only to warn against oaths, the argument of redundancy no longer applies. Jesus illustrates that even the popular types of oaths were dangerous.

How are we to decide what Jesus meant by $\mu\eta$ ὀμόσαι ὅλως? The arguments in support of the view that Jesus taught a complete renunciation of all oaths are, 1) ὅλως is emphatic (Meyer, 1883, 187; Banks, 194), 2) this interpretation makes better sense within the antithetical framework (i.e. "the law

forbids only false swearing but I forbid all swearing"), 3) Jesus would have mentioned an exception if he believed there were exceptions (Meyer, 1883, 188), and 4) this teaching compares with the Essene's renunciation of oaths (Montefiore, 1927, 2:511; Hill, 1975, 125). The last three arguments are the least persuasive for the following reasons. First, a complete renunciation of all oaths only makes better sense if the "But I say" sayings are assumed to be a contrast between what the law says and what Jesus says. As I have argued, this assumption is not entirely certain. Second, it is not within Jesus' style of teaching to give exceptions. Again and again, we find that Jesus' style of instruction is marked by sweeping generalizations and provocative conciseness. Third, our knowledge of the Essene view of oaths is somewhat conflicting. According to two sources, the Essene community avoided swearing (Philo, Every Good Man is Free, 84; Jos. J.W. 2.135f). Nevertheless, we can find in both Josephus (J.W. 2.139-142) and in the Qumran material (CD 15.5; 16.2f; 1QS 5.7f; 6.27; 11QTemple 53-54) evidence which indicates that Essenes did take oaths and make vows. The most probable solution is that Essenes took oaths of initiation, but abstained from using subsequent oaths among members of their own community and as much as possible with those outside the community (Sanders, 1990, 53). Since the Essenes did not completely avoid oaths, they are not a legitimate comparison with Jesus' teaching if we are to assume he taught a complete renunciation of oaths. The evidence of ὄλωϛ⁹ on its own does not settle the issue of how comprehensive Jesus intended his statement to be taken.

The arguments in support of the view that Jesus did not mean a complete renunciation of all oaths are, 1) Jesus swore (Mt. 26:63f), 2) Paul swore (Rom. 1:9; 2 Cor. 1:23; 11:3f; Gal. 2:20; & Phil. 1:8),¹⁰ 3) saints of the OT swore (Gen. 14:22), 4) God swears (Gen. 22:16; 26:3; Num. 14:23; Isa. 45:23; Lk. 1:73; Acts 7:17; Heb. 6:13), 4) In Mt. 23:16-22, Jesus seems to acknowledge

the authority of oaths, 5) the hyperbole of reducing all speech to 'yes, yes' or 'no, no' matches the hyperbole of "Do not swear at all" (McEleney, 1979, 557-8), 6) this meaning is consistent with Jesus' style to give teaching without reflection on its application in specific situations (Westerholm, 113), and 7) Jesus would not think that the very act of using an oath is a sin when the law assumes that it is not. The weakness of argument number one is that Jesus did not actually swear at his trial; he simply responded affirmatively to the High Priest's adjuration. The weakness of argument number four is that accepting the authority of oaths does not conflict with the other view that such authority should never be used. The remaining arguments, however, tip the scales in favour of the interpretation of $\mu\eta\ \delta\mu\acute{o}\sigma\alpha\iota\ \delta\lambda\omega\varsigma$ as "Avoid swearing".

How much, then, of the remaining verses are authentic? As we already noted, if $\mu\eta\ \delta\mu\acute{o}\sigma\alpha\iota\ \delta\lambda\omega\varsigma$ means "Avoid swearing" then the four illustrations in lines 2-9 could be original. They are consistent with this thought. But are they original? For several reasons, one gets the impression that they are not and that the original "But I say" saying did not contain either v. 33c or v. 34bf (lines 2-11). First, in all the other "But I say" sayings, Jesus refers only to one scriptural passage, but here, two passages are mentioned. Οὐκ ἐπιορκήσεις (v. 33b) is reminiscent of Lev. 19:12 and $\text{ἀποδώσεις τῷ κυρίῳ τοὺς ὄρκους σου}$ (v. 33c) is most likely reminiscent of Ps. 50:14b (LXX 49:14b).¹¹ Second, $\text{ἀποδώσεις τῷ κυρίῳ τοὺς ὄρκους σου}$ is out of place because the other references in Mt. 5:21-49 only refer to the Mosaic law. Third, in the other "But I say" sayings, Jesus deals with sinful treatment of others, which are not punished by the courts, but $\text{ἀποδώσεις τῷ κυρίῳ τοὺς ὄρκους σου}$ deals with our sinful treatment of God. Fourth, there is an obvious tension between "keep your oath to the Lord" and "Do not swear at all" (Allen, 53). There is no need to say the former in order to say the latter. Fifth, $\text{ἀποδώσεις τῷ κυρίῳ τοὺς ὄρκους}$

οοῦ centres on the idea of "oaths to God are binding" which is also the main thrust of lines 2-9. These oaths ('heaven', 'earth', 'Jerusalem', 'head') were used to avoid directly appealing to God and thus were considered to be less binding if one's word turned out to be untrue or unkept.¹² This of course does not mean that lines 2-9 cannot go back to Jesus but rather that here they look like an intrusion into his main point. Some have argued that line 7 is Matthean (Wellhausen, 1904, 22), while others considered lines 6 & 7 as either Matthean (Gundry, 92) or an independent saying (Duling, 291-309). The popular consensus is that the fourth illustration is a later addition (Gnilka, 1988, 172; Davies, 1988, 1:537), but since the basic introductory structure is the same (i.e. μήτε + the dative) and the thought is the same (i.e. Even swearing by the head involves God, since only he can make your hair white or black), there is little reason (the reintroduction of the verb ὀμνῶειν?) to separate it from the tradition which contained the other illustrations. Finally, we cannot be certain about the originality of the saying in v. 37a (line 10). Since the close connection of "Yes, Yes" or "No, No" appears independently in other sources (2 Cor. 1:17-18; Jas. 5:12 & 2 Enoch 49:1 [longer recension]; b.BM. 49a; RuthR. 7,6), it is quite possible that it was a common Jewish proverb for honesty in speech. The fact that ναί and οὐ are doubled in Matthew and do not have the article is unlikely to indicate a real oath. The two pieces of evidence which suggested that it could be an oath are 2 Enoch 49:1,2 [the longer recension] and b.Seb. 36a. But these pieces of evidence should be treated with caution since 1) it is not certain whether the speaker in Enoch intends to be facetious or not ("for I am not swearing by any oath at all") and 2) the reference in b.Seb. shows a rabbinic decision which was taken (in the 4th cent.) to make "yes,yes" or "no,no" a binding oath because people were using it as if it was not a real oath. The best explanation is that "yes,yes" or "no,no" reflects a method of doubling for purposes

of intensification which was popular both in Semitic and Greek languages (i.e. ἀμήν ἀμήν; Dalman, 1902, 228; Allen, 54; Guelich, 1982, 217; Gnllka, 1988, 175; Luz, 1989, 318). Whether Jesus himself used this proverb or not remains questionable. If he did, then this would indicate even more that Jesus' main point is not to forbid all oaths but primarily to stress honesty in all speech (see Justin, *Apol.*, 16; Minear, 2). Regarding v. 37b, it is generally thought to be an editorial link to connect this "But I say" saying with the next by means of the catchword πονήρον (v. 39a).

To sum up then, the original "But I say" saying went like this:

πάλιν ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις, οὐκ ἐπιορκήσεις
 ἐγὼ δὲ λέγω ὑμῖν μὴ ὀμόσαι ὅλως
 (ἔστω δὲ ὁ λογος ὑμῶν ναὶ ναί, οὐ οὐ.)

Is it an attack on the law to say "Avoid swearing"? I hardly think so. Jesus was simply reiterating a view which was popular at the time. Excessive swearing was considered to be an indication of dishonesty and leads to sin. Here are some examples of the things people were saying.

It is better that you should not vow than that you should vow and not pay. Let not your mouth lead you into sin, and do not say before the messenger that it was a mistake, why should God (= why should you entice God to) be angry at your voice and destroy the work of your hands? (Eccl. 5:4,5).

Do not accustom your mouth to oaths, and do not habitually utter the name of the Holy One; for as a servant who is continually examined under torture will not lack bruises so also the man who always swears and utters the Name will not be cleansed from sin. A man who swears many oaths will be filled with iniquity, and the scourge will not leave his house, if he offends, his sins remains on him, and if he disregards it, he sins doubly; if he has sworn needlessly, he will not be justified, for his house will be filled with calamities (Sir. 23:9-11).

To swear not at all is the best course and most profitable to life, well suited to a rational nature which has been taught to speak the truth so well on each occasion that its words are regarded as oaths; . . . (Philo, *Dec.* 84).

Those persons too deserve praise whose unwillingness, tardiness, and shrinking, if they are ever forced to swear, raise qualms not only in the spectators but even in those who are administering the oath: such

people are in the habit of saying 'Yes, by -' (ὡν τόν) or 'No, by -' (μὴ τόν) and add nothing more, and by thus breaking off suggest the clear sense of an oath without actually making it (Philo, Spec. Leg. 2.4,5).

For in the eyes of sensible people much swearing is a proof not of good faith, but of faithlessness (Philo, Spec. Leg. 2.8).

According to the Mishnah, haberim ("Associates"), who are to maintain a high standard of purity, may not be profuse in vows (m.Dem. 2:3).

R. Akiba taught that a fence for vows is self-restraint (A.R.N 26.1).

These examples indicate that Jews would not think it was a criticism of the law to teach the avoidance of oaths. In fact, it is very likely that they thought that Jesus taught them to avoid swearing out of reverence for the law and its teaching about swearing by the name of God.

Within the context of the "But I say" sayings, Jesus hopes to highlight the point that while the courts will punish those who swear falsely by God's name (or its equivalents), excessive swearing, even when it is not false, is dangerous. The law does not commend the practice of excessive swearing but rather commends restraint (Deut. 23:22).

The last three "But I say" sayings are slightly different from the first three. From here on, there is no equation of one sin with another. With swearing we might have expected Jesus to say something like "He who swears is a liar". While Jesus might be implying this equation it is not, as in the three previous sayings, stated.

Jesus on Retaliation

1 μὴ ἀντιστῆναι τῷ πονηρῷ (Mt. 5:39a).

The only thing Jesus taught in direct relation to the principle "eye for eye, tooth for tooth" (Exod. 21:24; Deut. 19:21; Lev. 24:20) was "Do not resist the evil person". Arguing against the authenticity of this saying, Bultmann raised three points (Bultmann, 1963, 135-6; for other rejections see Klostermann, 1927, 42; Strecker, 39-47; Luz, 1989, 323f.). Similarly to "But I say" sayings number 3 and 6, 1) this saying does not have to stand in relation to the antithesis in order to be intelligible (whereas, antitheses 1, 2, & 4 do), 2) this saying does not surpass the law but overthrows it, and 3) this saying is paralleled with another source (Lk. 6:29-30). However, 1) it is not true that the other sayings are not intelligible apart from their antithetical framework (Suggs, 110; Banks, 184); 2) as we shall argue, the law is not overthrown by what Jesus says; and 3) only vs. 39b-f are paralleled in Luke's gospel (Jeremias, 1971, 251f).

More recently, Guelich also argued that this fifth "But I say" saying is a Matthean redaction because of the following reasons: 1) This saying reacts with Deut. 19:16-21 in the same manner as the third "But I say" saying (assuming it is a Matthean redaction) reacts with Deut. 24:1. 2) This saying is similar in language to the Matthean additions of the Beatitudes (5:11-12// Lk. 6:22-23). 3) Luke's gospel shows no sign of redacting the material in Mt 5:38-42 (Guelich, 1982, 266). In response to these objections we could make the following points. First, the fifth "But I say" saying does not treat the law in Deuteronomy in the same way as the third "But I say" saying does. In the third "But I say" saying, a concession of the law for divorce is quoted along with Jesus' warning to men not to do it. In the fifth "But I say" saying, Jesus quotes a principle of the law

for equal compensation and encourages others not to react wrongly regardless of whether or not they intend to use it. Second, only vs. 39bf are similar to the additions of the Beatitudes. Third, the signs of redaction are also found exclusively in vs. 39bf.

The two following arguments favour the pre-Matthean nature of this saying.

1) The change from the second person plural (ὕμῖν, v. 39a) to the second person singular (σε, σου, vs. 39bf) points to an earlier source (Manson, 1949, 24). 2) This saying is just as concise, general, and unconcerned with concrete application as are the other sayings of Jesus (i.e. v. 34a, μὴ ὁμόσαι ὅλως). These observations support the conclusion that the illustrations in vs. 39bf have been added onto an original antithesis (for others who also argue for the originality of this antithesis see Branscomb, 1930, 234; Jeremias, 1971, 251-53; Percy, 150; Hübner, 1973, 95; Dietzfelbinger, 11).

So what does Jesus mean by μὴ ἀντιστῆναι τῷ πονηρῷ and how does it contrast with the principle of *lex talionis* in Exod. 21:24? Two words need to be explained. They are ἀντιστῆναι and πονηρῷ. Ἀνθίστημι is usually translated "resist" but what idea does it convey here? Is it conveying specifically the idea of legal opposition (Schlatter, 186f; Currie, 140-5; Hill, 1975, 127; Guelich, 1982, 220; Levison, 188), or is it more likely conveying the general theme of aggressive reaction in every context (Schweizer, 1976, 129; Gnilka, 1988, 181; Davies, 1988, 1:540)? Is Jesus denouncing the person who tries to find retribution in the legal system or is he condemning the one who in all areas of life takes vengeance?¹³

In favour of reading ἀντιστῆναι within a legal context are the arguments that 1) the example in v. 40 ("he who would sue you") imagines a court room situation and 2) ἀνθίστημι has this meaning particularly in Deut. 19:16-19 (where we can also find the *lex talionis* principle) as well as in other places

(Isa. 3:9; 59:12; and Jer. 14:7, see Currie, 141f). However, the major fault with this explanation is that it limits Jesus' teaching in contrast to his concern for a very broad range of human activity in the other "But I say" sayings. Anger, lust, divorce, and swearing are generally denounced in all circumstances. Why here would Jesus denounce opposition confined within the courtroom? While we could simply leave ἀντιστῆναι translated by the negative connotations of "set yourself against" (BAGD, 67), since the verb ἀντιστῆναι is paralleling the ἀντί in v. 38, "react evilly against" conveys more clearly what is meant.

To what does πονηρός refer? Does it refer to evil in a general sense (McNeile, 69; Gnllka, 181), or the evil man (Montefiore, 1927, 2:513; Hill, 1975, 127; Green, 86; Guelich, 1982, 220; Davies, 1988, 1:543), or Satan specifically (Banks, 198)? Since Jesus deals primarily with human relationships in the other "But I say" sayings, and since we are taking ἀντιστῆναι as "evil repayment", it is more likely that an "evil person" is what he had in mind. We are not to react to an evil person with evil.

According to the principle of "eye for eye, tooth for tooth", everyone could expect compensation equal to the cost of the damages they incur because of someone else, or they could expect the courts to exact punishment on the offender equal to the effect of the damages the offender had caused. Certainly by the time of Jesus, this principle was not taken literally, and monetary compensation was expected for most damages (m.BK. 8:1; Montefiore, 1927, 2:513). This matter was so important that a whole tractate in Mishnah discusses it in great detail (see Baba Kamma). But does Jesus intend to abolish this principle upon which most just societies are based?

On the basis of the first two illustrations (vs. 39b,40), we can infer that an early Christian community thought Jesus was saying something like "Do not repay evil with evil" (see Bryant, 236,7). When someone seeks to do you harm respond

with goodness. Paul said something similar to this in I Thes. 5:15, ὁρᾶτε μή τις κακὸν ἀντὶ κακοῦ τινὶ ἀποδῶ, ἀλλὰ πάντοτε τὸ ἀγαθὸν διώκετε καὶ εἰς ἀλλήλους καὶ εἰς πάντας. Some have thought that this exhortation showed Paul was familiar with Jesus' saying (Bruce, 1982, 124; Davies, 1988, 1:543), but I am more inclined to think that Paul knew it as a generally used moral encouragement (Best, 1972, 233). It is not surprising to find this same kind of teaching in other Jewish sources.

He that takes revenge shall find vengeance from the Lord, and he will surely keep his sins (in remembrance). Forgive your neighbour the hurt that he has done unto you, so shall your sins be forgiven when you pray (Sir. 28:1,2).

. . .and if anyone sins against you, speak to him in peace. . . But even if he is devoid of shame and persists in his wickedness, forgive him from the heart and leave vengeance to God (T. Gad 6:3,7).

And even if persons plot against him (the righteous man) for evil ends, by doing good this man conquers evil, being watched over by God. He loves those who wrong him as he loves his own life. . . . the pious man shows mercy to the one who abused him and maintains silence (T. Benj. 4:3; 5:4).

Every assault and every wound and burn and every word, if they happen to you on account of the Lord, endure them: and being able to pay them back, do not repay them to (your) neighbour, because it is the Lord who repays, and will be the avenger for you on the great judgment (2 Enoch 50:3-4 [shorter recension]).

Our rabbis taught: Those who are insulted but do not insult, hear themselves reviled without answering, act through love and rejoice in suffering, of them the writ saith, "But they who love Him are as the sun when he goeth forth in his might" (b.Yom. 23a//b.Shab. 88b).

To say "Do not repay evil for evil" would have been familiar teaching to Jesus' audience as an encouragement for them to exercise mercy and self-restraint. So how does the contrast with the law for equal compensation work? Jesus is primarily concerned with those who sin by repaying minor evil for minor evil. Because the evil they do to others is not of such a nature that they

are brought up before the courts and judged against it, there is still no excuse for "tit for tat" behaviour. While everyone knows that, in accordance with the principle of "eye for eye, tooth for tooth", the courts will gain compensation for the injured party, it should not be forgotten that all personal intentions to repay any evil person with further acts of evil is wrong and condemned by God. Jesus has no intention of replacing this legal principle with a new law forbidding revenge. Jews already knew that God through the law condemned revenge (Lev. 19:18) and that vengeance belonged to God (Deut. 32:35; Ps. 94:1). Jesus would have also known this. What he intends to do is raise people's standard of judging sins above the standards of what courts will and will not punish.

Jesus on Loving Enemies

Three separate teachings about loving one's enemies and a fourth teaching on imitating the holiness of God were collected together to form verses 44-47. Their independence as sayings are indicated both by their parallels with Lk. 6:27-36 and by their epigrammatic brevity. It is unlikely that Lk. 6:27-36 is indicating that there was an original antithetical framework for this saying (Manson, 1949, 161). Ἀλλὰ ὑμῖν λέγω τοῖς ἀκούουσιν (Lk. 6:27a) is the writer's attempt to connect the following isolated sayings with 6:18-20 (Guelich, 1982, 224). In the same way, Mt. 5:43 was probably created by those responsible for collecting all the "But I say" sayings in their final stages. The final collector believed that since Jesus instructed his disciples to love their enemies he deduced this requirement of righteousness from God's command to "love your neighbour" (Lev. 19:18). This collector has also changed direction from the rest of the "But I say" sayings. Here, he cites the law and then a possible deduction from it ("hate your enemies") in order to highlight the higher moral teaching of Jesus.

The addition of *καὶ μισήσεις τὸν ἐχθρόν σου* (which dissimilar to any of the other additions we have seen in the "But I say" sayings) indicates that the collector now wants to make a contrast between two different interpretations of the law, one made by some people and one Jesus would make.

Since a collector could make the connection between Lev. 19:18 and Jesus' teaching "love your enemies" it is difficult to believe that Jesus' teaching on loving enemies was completely unique within Judaism (Manson, 1949, 161). If the collector could imagine a text Jesus might have used for his teaching, it seem unlikely that other Jewish teachers would have been incapable of doing the same thing if they wanted to teach "love your enemies".

A good question to ask here is, Did any Jew really think (as the collector supposes) that hatred of one's enemies was actually permitted? It is often argued that they did (McNeile, 71; Smith, 1952, 71-3; Percy, 155-6; Barth, 94). In fact, we do have some rabbinic evidence which teaches that a person should hate one who sins. In *b.Pes. 113b*, R. Samuel b. R. Isaac taught, on the basis of *Exod. 23:5*, that Zigud could hate Tobias. Zigud saw Tobias sinning and then brought Tobias up before a court in order to be punished. But instead of Tobias being punished, the court punished Zigud, because he testified against someone as a sole witness. According to the rabbis, God hates such action. You must have two or more witnesses before you can lay a public charge against someone. Even though Zigud could not bring Tobias to court for what he had done, he could, according to R. Samuel, hate him. But the rabbis complain about this teaching. They asked whether or not one could hate an Israelite because of what the law says in *Lev. 19:17*. They assume that *Lev. 19:17* teaches that even if an Israelite is an enemy he is to be loved. The rabbis reply that if two witnesses testify to the sin, then yes, even an Israelite can be hated. R. Naham b. Isaac goes even further to say that it is a duty to hate such a person, because *Prov. 8:13* states

that the fear of the Lord is to hate evil. This illustration show that for at least some rabbis, loving an enemy was firmly rooted within their tradition. Prior to them, people like R. Nehorai (165-200 C.E.) taught "Despise no man and consider nothing impossible . . ." and it was also said of R. Yohanan b. Zakkai that he always greeted first those whom he passed by on the street, even the heathen (b.Ber. 17a). But in spite of the kindness which some rabbis thought they should have towards all, as b.Pes. 113 shows, other rabbis thought that a person should be hated who does what the Lord hates (see A.R.N. 16; Smith, 1952, 71-3).

If we look at the Qumran material we might also suspect that they encouraged the hatred of one's enemies as a moral duty. They talk about outsiders as "men of the Pit" and "men of falsehood". They looked forward not only to the day of their own salvation, but just as importantly, they longed for the day of revenge, when the outsider will be justly punished. In 1QS 1:3-4, the members are specifically encouraged to love all that God loves and hate all that he hates; to love all the sons of light and hate all the sons of darkness. However, in spite of what they wrote, it has been noted that the Qumran community were less severe than this language might otherwise indicate (see Philo's Quod Omnis Probus 95.89-91; Jos. J.W., 2.8.2; and Sutcliff, 345-56). I imagine that, as with the rabbis, there was a mixed group of Essenes, some who held up a higher moral standard of kindness towards all and some who believed the higher moral standard was to hate those whom God hated.

The diversity of views about the needs for hate and love should not surprise us. The OT also talks about both hating and loving the outsider (Exod. 23:4; Lev. 19:34). What is unique with Jesus' teaching is not the actual content of what he says (Bultmann, 1963, 105; Banks, 201) but the succinctness and force by which he puts this message across. The collector did not think that Jesus' call to love even our enemies offered a new law which replaced the Mosaic law.

Instead, like many other Jews, he thought Jesus said that loving our enemy is what God, through Moses, commanded.

Conclusion

The "But I Say" sayings strike a deep contrast. It is not a contrast between God's old law and his new one. Rather, the contrast is between the different ways sins are treated. Jesus warns his audience that they are not to take some of God's prohibitions lightly (i.e. those on anger, lust and deception) because they are not as bad as some of God's other prohibitions (i.e. those on murder, adultery and false oaths). They are also not to take lightly God's condemnation of personal vengeance even though God allows for the proper retribution for physical damages. We have seen that in none of the "But I Say" sayings does Jesus intend to teach that obeying the law was now an inadequate way to please God.

Endnotes

1. Jeremias illustrates this point with the attempt to divide Jesus' teaching up between those that begin with *ὅτι πᾶς* followed by a participle ("But I Say" sayings numbers 1, 2, and 3), those which begin with infinitives (nos. 4 and 5) and the one which begins with an imperative (no. 6) (Jeremias, 1971, 253). There could also be attempts to arrange them between those that have the full introduction (*ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις* - in 1 and 4) and those that have different parts of it (*ἠκούσατε ὅτι ἐρρέθη* in 2, 5, and 6 and *ἐρρέθη* in 3). All these types of categorizing do not really help to prove what is authentic and what is inauthentic.
2. For the same reasons why *amar* is not the correct comparison for *ἠκούσατε*, *itmar* is not the background for *ἐρρέθη* (Contra. Dalman, 1929, 69-73).
3. Some very good manuscripts (aleph² D L W Θ 0233 f^{1.13} it sy co) read "Whoever is angry with his brother without cause (*εἰκῆ*) is accountable to judgment". It is easier to imagine reasons why a scribe would add this qualification rather than omit it. Wernberg-Møller, however, argued that it was original but translates some Aramaic phrase (i.e. *l' bmspt*) which means "in any case" (Wernberg-Møller, 71-73). But this seems highly conjectural.
4. Some scholars (Weise, 117; Wrege, 67f; Hill, 1975, 121; Gundry, 85) have argued that the background for "Everyone who is angry with his brother will be accountable to the local court" is the idea of a disciplinary body within a religious community. This same idea is found in 1QS 6:24-6.
5. Occasionally in the LXX *μοιχεία* is used figuratively of idolatry since Israel is the bride of God. When she serves other gods she is committing spiritual adultery (see Hos. 3:1; Jer. 3:9; Ezek. 16:32f, esp. v. 38).
6. Interestingly, W has the two sayings in vs 11,12 in reverse order: *ἐὰν ἀπολύσῃ γυνὴ τὸν ἄνδρα αὐτῆς καὶ γαμήσῃ ἄλλον μοιχᾶται καὶ ἐὰν ἀνὴρ ἀπολύσῃ τὴν γυναῖκα μοιχᾶται*. For a defence of the second half of this variant as Jesus' original teaching on divorce, see O'Neill, 35-42. But note, one explanation for why *καὶ γαμήσῃ ἄλλον* is omitted in the second half of this saying (why a man commits adultery when he divorces) is that W tends to remove what it feels are unnecessary reduplications (see W for Mk 6:1; 9:43; and 13:8). Since the idea of "and marries another" is already stated in the woman's case, it is assumed that it would be understood in the man's case too.
7. When Shammai says "adultery" is the only grounds for divorce it should be noted that he means a lot more by this word than simply the marital unfaithfulness of the wife with another man (i.e. appearing on the street with her hair down, uncovered arms, wearing a skirt with slits down the sides. See Str.-Bil. 1:315; Guelich, 1982, 203).

8. Guelich is probably incorrect to think that James has actually redacted Matthew's saying. It is improbable that James was directly dependent on Matthew (Gnilka, 172).
9. According to Merx ὅλως is missing in sy^s (Merx, 1902, 101f).
10. Akio Ito (1991, 1f) suggests that Paul may not have known that Jesus objected to oaths but even if he did he may have thought that his oaths were exempted from this ban because he was calling God to witness the divine origin of his apostleship and the gospel he preached. The problem with this argument is first a ban on oaths would be a serious ban effecting much of the life of a Jew and would have been a distinctive mark of this community if there was such a ban. Such a distinction would not have gone past Paul. Second, truth is always of divine origin and you cannot begin to divide what truths are of divine origin and worthy of an oath and what truths are not.
11. Ps. 49:14b (LXX) reads εὐχάς but now in Matthew it reads ὄρκους. Was this an intentional change? It should be noted that a clear distinction between oaths and vows might not have always been maintained (see m.San. 3.2; t.San. 5.1; Liebermann, 117; Westerholm, 106; Sanders, 1990, 52).
12. Some have noted that the change from ἐν to εἰς Ἱεροσόλυμα might be reflecting the distinction that oaths "by Jerusalem" was nothing unless it was sworn "towards Jerusalem" (see t.Ned. 1; McNeile, 68; Hill, 1975, 126).
13. Manson took ἀνθίστημι to mean "actively hostile" (Manson, 1949, 159) but does not provide evidence to support this translation.

CHAPTER FIVE

"Let the Dead Bury Their Dead"

ἄφεες τοὺς νεκροὺς θάψαι τοὺς ἑαυτῶν νεκρούς

Jesus told a potential disciple, "Let the dead bury their dead". It has become popular to think that this is one of the best examples of how Jesus thought differently about obeying the law and obeying the will of God.¹ Jesus believed that it was the will of God that this man should follow him and if that meant he would have to dishonour his father then that is what he would have to do. Since Jews equated burying parents with honouring them, those who refused to do so would be thought of as breaking the fifth commandment. Whereas high priests (Lev. 21:11) and nazirites (Num. 6:6-7) were not permitted to bury their parents, all other Jews were obliged to do so.² The gospels do not indicate that either Jesus or his disciples lived like high priests or nazirites so they would be expected like everybody else to comply with the responsibility of burying one's parents. If Jesus tells a son to forget about burying his father and follow him, then he is encouraging the son to disobey the law.

The problem with this interpretation is that if Jesus believed the law should be disobeyed because following him was the overriding will of God, then why at other times does he command individuals to go and obey the law rather than follow him (Mt. 8:4//Mk. 1:44// Lk. 5:14)? Also, is it really consistent with our

picture of Jesus to think that he told this son, "Dishonour your father!"?

This saying has three major problems which need to be examined in detail before it can be understood. There are questions about the saying's original form and authenticity, what Jesus meant by "the dead", and how this incident fits into what we know about first-century Jewish burial practices. Once we have dealt with these problems, we can see that what Jesus said may seem harsh but it was not unthinkable and it certainly was not teaching disobedience to the law.

Originally this story was isolated and was later attached to another story which also told about a person (identified as a scribe in Mt.) who wanted to be a disciple of Jesus. Jesus warns about the discomfort of being a follower by telling him that the son of man has nowhere to lay his head. One tradition (unknown to Mt.) attached a third story about someone else who wanted to be a follower but first wanted to say goodbye to his family. Jesus tells him that a person who puts his hand to the plough and looks back is unfit for the kingdom of God (Lk. 9:61,62).³ These stories are intended to remind "he who has ears to hear" that following Jesus often entails hardship and commitment.

In Luke's Gospel, we find that a tradition thought it would help if the call to discipleship, "ἀκολουθεῖ μου", was inserted prior to the man's request.⁴ Since the stories about the other two potential disciples already had the word ἀκολουθήσω, Jesus' use of this word would be the only thing necessary to stress the connection between the three pericopes. These three stories were later attached to the larger context of both Jesus' activity in Samaria and his mission for the seventy two disciples (Lk. 9:51-10:16). This tradition or the final editor is also likely to be responsible for the final command σὺ δὲ ἀπελθὼν διάγγελλε τὴν βασιλείαν τοῦ θεοῦ.⁵

In Matthew's gospel, a tradition identifies the man who wants to bury his father as a disciple (ἕτερος τῶν μαθητῶν αὐτοῦ).⁶ It is not clear whether

ἕτερος τῶν μαθητῶν αὐτοῦ means at that moment this person was a disciple (Kingsbury, 52f) or whether it means that this is about "another of the disciples" when he first came to Jesus. It seems unlikely that he was a disciple at that time, since the tradition in Luke is unaware of this point. The Matthew tradition inserted the respectful address κύριε as it had done in the other story with διδάσκαλε.⁷ Since the decision to follow Jesus is the subject of both stories, the tradition, as with Luke's gospel, also added Jesus' call "ἀκολούθει μοι" to connect this story with the previous one.

The original story then went something like this; a man came up to Jesus and asked, "Let me first go and bury my father." Jesus said to him, "Let the dead bury their dead."

We should now address the question of its authenticity. Is it likely that Jesus would say "You cannot bury your father if you want to follow me"? The strongest argument that he did say this has been the argument of dissimilarity. Because it is hard to imagine any other Jew telling a son he should not bury his father, and because it is hard to imagine why a community would put such a harsh teaching in Jesus' mouth, it is more likely that it came from Jesus.⁸ On the other hand, once I have shown that Jesus' teaching is not as harsh as it is often taken and that some Jews could have said what Jesus said, this argument of dissimilarity will prove to be less helpful.

Other scholars have argued that Jesus would say something like this because it is consistent with his other teachings (Esler, 117f). Because he implied elsewhere that he had come to set a man against his father (Mt. 10:34-36// Lk. 12:51-53) and that anyone who does God's will is his brother and mother (Mk. 3:35), it makes sense that he would tell someone else that they have to choose between doing something for God and doing something for their parents. But if Jesus' saying is as harsh as this, then there is an inconsistency between it

and Jesus' other teaching that a person should not disobey the fifth commandment (Mt. 15:4// Mk. 7:10). My argument, that this teaching does not violate the fifth commandment, is made stronger by the fact that Jesus' teaching will not only be consistent with the first set of sayings but also with this last one.

Byron McCane has offered another argument in his defence of the sayings' authenticity (McCane, 42). He argues that it presupposes a burial custom typical of first-century Palestinian Judaism and therefore it satisfies the test of environmental evidence. What we are told in this story assumes a knowledge of the way many Palestinian Jews buried their parents during this period. What the saying assumes we know is now verified by what we have from archeological evidence on Jewish burial practices. This of course does not prove that Jesus said these words but it does point to a Palestinian environment in which they were understood.

I want to move now on to the second major problem raised by what Jesus said. Who are "the dead" that are being talked about? Several attempts have been made to explain what Jesus must have meant which would also illustrate exactly how demanding his teaching was (assuming of course that Jesus must always be demanding). The most popular explanation is that Jesus was saying "Let those who are spiritually dead bury those who are physically dead" (Schlatter, 289; Fitzmyer, 1981, 1:839; Marshall, 411). The reason Jesus would call people "spiritually dead" is then explained by imagining that these other people would not follow Jesus as this man wanted to do (Hengel, 1981, 8).⁹ There are two problems with accepting this kind of explanation. First, it does not explain in what sense the phrase τοὺς ἑαυτῶν νεκρούς ("their own dead") was used (Fitzmyer, 1981, 1:839). Second, it makes Jesus say that everyone who does not join his followers are "spiritually dead", when in fact he once discouraged a "spiritually alive" person from following him. Jesus believed that those who lived

unrighteously were "spiritually dead" (Lk. 15:24,32), but he did not think that the only righteous people were those who joined his band of disciples.

Others have tried to make sense of the saying by reconstructing what it would look like in Aramaic. I. Abrahams argued that the Aramaic equivalent would read *sbwq lmyty' lmqbr myty' dylhwn*, "Leave the dead to the burier of their own dead" (Abrahams, 2:183).¹⁰ What happened was the third word *lmqbr* was mistaken for a pa'el infinitive (*l^emaq^eber*) instead of a pa'el participle (*lim^eqabêr*). Jesus simply told the son that someone else could handle the job. The problem with this is that the burier of a dead father is expected to be his own son (Manson, 1949, 73). Matthew Black also attempted to find an Aramaic equivalent. His answer was that the word for "the dead" was *mtnyyn* which is used to describe a person who is slow to make a decision (Black, 1949-50, 219-20 and 1967, 207-8). The saying then went, "Let the waverers bury their dead." What the scribe thought he saw was the word *mtn* which means "the dead". Unfortunately, this proposal suffers the same problems as the very first explanation. It presupposes that Jesus expected everybody to follow him and it fails to explain the need for ἐαυτῶν.

Some other attempts have been to explain the saying as a Jewish proverb meaning something like "Let the dead past bury its dead" (McNeile, 110; Allen, 82) or "Let that matter take care of itself" (Beare, 1981, 214; Manson, 1949, 73; Kingsbury, 56), or "repent" (Conzelmann, 114) or as a gloss over a shorter saying (O'Neill, 86). The major weakness with these explanations is that they do not provide an accurate background which explains the request as well as Jesus' reply.

The most direct way of understanding this saying is to take what Jesus says at face value, "Let those who are physically dead bury their own physically dead."¹¹ In other words, Jesus said "Let those who are lying dead with their own dead be buried by them." Jesus presumes that the body of the son's father

is already lying in the family tomb. When we replace what he said into the background of Jewish burial practices we can appreciate the extent to which this command was harsh and the extent to which it was not.

Burying the dead during this period was taken to be a very serious obligation. In particular, it was the responsibility of the son to bury his parents (Tob. 4:3,4; 6:14). He was to do this not only out of respect for his parents but also as a religious act towards God himself (Sif. Lev. 21:3f; Mek. Ex. 18,20). Those who did not bury their parents, except high priests and nazirites, offended God. Burying the dead was so important that the rabbis taught that those who were involved were exempted from their obligation to recite the shema and wear phylacteries (m.Ber. 3:1). A son who has to perform the last rites should even suspend his study of the law (b.Meg. 3b; b.MK. 21a). These exemptions from ceremonial duties extended also to those who went to dig out the tomb to lay the corpse in and those who came to mourn for the dead (b.Ber. 14b, 18a; b.MQ. 99b; Gen.R. 58.6). Nevertheless, if a person wanted to be strict and go ahead and recite the shema, he could do so only if someone else could take his place in watching over the body (y.Ber. 3:1:Cf), otherwise he could not. Because people were buried immediately after death, usually within 24 hours (A.R.N [A], 35; t.Neg. 6:2; b.BK. 82a; m.San. 6:5; Sem. 11:1), most of these exemptions applied only until the body was laid in the tomb.

We also know that during this time the dead were buried twice (Meyers, 1970, 24; 1981, 92-109). When a member of the family had died the body was taken to a family tomb and laid on benches to decompose. Once the body had decomposed the bones were taken and placed into pits or into an ossuary, which is like a small stone chest.¹² The OT idea of being "gathered to one's father" (Gen. 25:8, 17; 35:29; 49:29,33; Judg. 2:10; 2 Kgs. 22:20; 2 Chron. 34:28; Jer. 8:2; 25:33; Ezek. 29:5; Jdt. 16:22; 1 Macc. 2:29) suggests that this practice

of resting the bones of the deceased with those of other deceased family members is a very old tradition. Archaeological evidence shows that great care was taken with some of these secondary burials ("ossilegium"). In some cases the deceased's bones were neatly piled up and the skull was placed on the top of the pile (McCane, 33). However, as important as second burials were to some Jews it was not as important as the primary (or first) burial. The mourning regulations that applied to burying the dead the first time did not apply to the day when one came back to bury the bones (y.San 6:9:A-V; Sem. 12:1; 13).

If we suppose that the son wanted permission to bury his father's bones rather than his body, several things in this story become clearer. First, a discussion about a second burial would explain how a son could leave his dead father to find Jesus and then ask him to wait. If his father had just died we should wonder how he could have left his father in the first place. When a member of the family had died, the rest of the family were immediately in a state of mourning that restricted them from leaving their home (Sem. 10:11). By the simply act of leaving his father's body to find Jesus, this son would have already dishonoured him. Second, knowing about secondary burials also helps to explain why we find ἐοὔτων in Jesus' reply. "Their dead" refers to the idea of the family grave where the bones of the father lay awaiting burial. Jesus is then saying, Your father's bones now belong with the rest of your deceased family, let the dead bury those who are dead.¹³ By saying, The dead people will bury the dead, Jesus intends to say, Your buried father does not have to be reburied, instead follow me. This would not be understood as a break with the law because reburial practices were not thought to be legally binding.

What is particularly important about the practice of secondary burials for our understanding of Jesus' saying is "Did everyone think that sons who did not bury their parent's bones were breaking the fifth commandment?" McCane has

argued that this is what everybody thought (McCane, 41). He directs our attention to Sem. 12:9.

R. Eleazar b. Zadok said: Thus spoke father at the time of his death: "My son, bury me at first in a fosse (a temporary grave for decomposing). In the course of time, collect my bones and put them in an ossuary; but do not gather them with your own hands." And thus I did attend him: Johanan entered, collected the bones, and spread a sheet over them. I then came in, rent my clothes for them, and sprinkled dried herbs over them. Just as he attended his father, so I attended him.

This passage would appear to prove the opposite of what McCane wants to argue. A son does not have to handle his father's bones, someone else can. The text does not debate whether or not the son has to attend the burial of his father's bones, but whether or not he actually has to touch the bones. Although the son did not have to touch his father's bones, he was expected to be there. Jesus' teaching is quite different. He does not even allow the son to be at the grave when the bones are collected. How unusual is this teaching?

After 70 C.E. the custom of burying the dead only once grew so that it eventually caused the earlier practice of burying the dead twice to sink into oblivion (Safrai, 1976, 786). This suggests that even before 70 C.E. people did both. Meyers also admits that during the post-exilic period both primary and secondary burials were practised (Meyers, 1981, 96). If it is true that not everyone practised secondary burial, what sounds so disobedient about Jesus' instructing this son not to bury the bones of his father. R. Johanan b. Nuri practically taught the same thing. In Sem. 12:7 he says, "A man may gather all bones except those of his father and mother." He said this because he thought that a man dishonours his parents by doing so. R. Akiba disagreed and said that since the flesh had dissolved from the bones, no dishonour is committed by the son who wants to bury them. In m.Pes. 8:8 we can also find the ruling which assumes that a son only has to "cause" his parents bones to be collected. What

we should take note about this evidence is that the rabbis are arguing specifically about whether or not the son has to *touch* the bones. Nevertheless, those rabbis which believed in the practice of second burials probably are assuming that the son would still as a sign of respect be present when someone else handled his parents' bones. Jesus' command to the would-be disciple implies that the son would not even be permitted to be present.

Conclusion

We have seen that some Jews thought that other people could bury the bones of someone else's parents. Johanan did not say that the bones should not be buried. He thought that they should be. However, he did not think that it was the responsibility of the children to carry out the actual practice. Still, this is different from Jesus' teaching. Jesus thought, as many other Jews at this time thought, that there was no need to bury the bones of the deceased a second time. What Jesus thought was important was that this man show he could sacrifice what was important to him in order to become one of the disciples. One explanation seems to be that the harshness of what Jesus said is not in that he required this son to disobey the law but in that he thought he should abandon what the son felt was widely (but not universally) expected of him.

On the other hand, if when Jesus said "Let the dead bury their own dead" he did not have in mind a second burial, and if Jesus did intend for this man to dishonour his parents in order to follow him, then this one saying appears to conflict with the law. However, in the following chapters we will see that Jesus is openly disregarded certain halakhot but never the Mosaic law. This suggests that in this instance something of a similar nature might be occurring.

Endnotes

1. Adolf Schlatter appears to be the first to stress that this command is in opposition to a command of the law (Schlatter, 288; see also Wilder, 173; Perrin, 144; Marshall, 411). In Martin Hengel's opinion there is hardly a sharper logion than this which runs counter to Jewish law, piety and custom (Hengel, 1981, 14). E. P. Sanders also claims that with these words Jesus is consciously requiring disobedience of a commandment which he and other Jews thought was given by God (Sanders, 1985, 254).
2. High priests and nazirites were allowed to bury a neglected corpse (m.Naz. 7:1; b.Naz. 47b; b.Zeb. 100a). In Gen.R. 39:7 there is the humorous explanation as to why Abraham could leave his father before he died, consequently being unable to bury him. From Gen. 9:32, which says "Now the Lord said unto Abram, Get thee (*lek leka*)", R. Isaac argues that God said to Abraham "I exempt thee (*leka*) from the duty of honouring thy parents (by burying them), though I exempt no one else from this duty."
3. This third call to discipleship which is really the closest parallel to Elisha's call by Elijah (1 Kgs. 19:19-21).
4. Hengel says that by putting this invitation in the pericopae it becomes a "call-narrative" (Hengel, 1981, 3).
5. Ernst Bammel believes this insertion is typical of the author (Bammel, 1964, 8).
6. Note that $\alpha\upsilon\tau\omicron\upsilon$ is not present in manuscripts aleph, B, 33 and a few others but is present in C L W Θ 0250 f^{1.13} and sy.
7. Note that manuscripts B* D V and sy^S do not contain the address $\kappa\upsilon\omicron\rho\iota\epsilon$ for Lk. 9:59, but p^{45.75} aleph, A B² C L W U Ξ Ψ 0181 f^{1.13} and a few others do. Hahn argued that $\delta\iota\delta\acute{\alpha}\sigma\kappa\alpha\lambda\epsilon$ is not a common insertion in the Matthean material and therefore both $\delta\iota\delta\acute{\alpha}\sigma\kappa\alpha\lambda\epsilon$ and $\kappa\upsilon\omicron\rho\iota\epsilon$ are less likely to be the work of the final editor and are more likely to belong to an earlier source (Hahn, 1969, 81).
8. E. P. Sanders, who is usually hesitant about using the criterion of dissimilarity, believes that for this saying it is a valuable argument (1985, 252). He also argues that the saying presupposes the question and it is unlikely that someone would have framed this request having only Jesus' saying. For others who used the criterion of dissimilarity here see McCane, 42. Hengel says that it is also unlikely we would find this teaching in any of the Greco-Roman literature (Hengel, 1981, 5f.)

9. Sanders is a little more cautious as to why Jesus would call these other people "spiritually dead", but nevertheless assumes that this is what he must have meant (Sanders, 1985, 252).
10. Abrahams bases his work on the earlier article by Perles, 96. This view is still quite popular (Lachs, 159).
11. Gundry also recognized that the saying could be ironic and means "Let those who have been dead for some time bury those who have just died" (Gundry, 153).
12. McCane, 32,33; also see Barkay and Kloner, 22-39 and y.MK 1, 90c. For the evidence of burying bones outside of Jerusalem, see Hachlili, 31-65.
13. One could say either "gathered together" the bones or "buried" them (m.San. 6:6).

CHAPTER SIX

Jesus and the Sabbath

There were four different occasions, according to the synoptic gospels, where Jesus taught about obedience towards the sabbath laws. Jesus' teaching about the sabbath is often cited as proof that he and his disciples felt free not to observe the law (Grundmann, 70; Rordorf, 63; Käsemann, 38f; Bowie, 110f; Kleinknecht, 81-84; Lampe, 829; Goppelt, 94). The defences Jesus used for plucking ears of corn for food (Mt. 12:1-8// Mk. 2:23-28// Lk. 6:1-5) and for healing on the sabbath (Mt. 12:9-14// Mk. 3:1-6// Lk. 6:6-11; Lk. 13:10-17; 14:1-6) are taken as serious attacks on the commandment to do no work on the seventh day. Others, more cautiously, would rather see in Jesus' sabbath teaching his attempt to reinterpret the law with a new understanding (Banks, 131; Borg, 161; Witherington, 1990, 68-69). The old understanding of the law must now be replaced by the new law of love. Jesus believed that any law which did not promote love and mercy could be discarded. This chapter will argue a different view: Jesus believed that the sabbath laws should be obeyed as they were generally understood. A comparison of what Jesus said about the sabbath with what others were saying will show that most Jews probably would not have thought that he was either encouraging disobedience to God's sabbath law or establishing a new law.

To clarify Jesus' attitude towards the sabbath we first must isolate what teachings go back to him and what must be ascribed to the theological reflections

and editorial activity of the early church. By doing this we will be able to see Jesus' positive attitude towards the sabbath.

Plucking Corn on the Sabbath

(Mt. 12:1-8//Mk. 2:23-28//Lk. 6:1-5)

The corn plucking story in Mark and Luke is generally agreed to be earlier than the one found in Matthew (Beare, 1960, 130; Banks, 120f; Dunn, 1990, 12f). Two reasons make this clear. Firstly, Matthew's story obviously has additional remarks with the purpose of bringing out more explicitly the connection between the example of David and the actions of Jesus' disciples. In order to do this ἐπείνασαν and ἐσθίειν in v. 1 and οὐδὲ τοῖς μετ' αὐτοῦ in v. 4 (also in Lk. 6:4) were added. Second, Matthew's story offers a second argument (the work of priests on the sabbath) in order to justify still further the disciples' actions (vs. 5-7). The community behind Mark and Luke's gospels would not have omitted all of this material (contra. Hicks, 79, n1).

The story found in Mark and Luke is composite (Beare, 1960, 130; Hultgren, 1972, 38; Westerholm, 96; however see Roloff, 53f; Banks, 113-120; Casey, 1988, 1-23). The two crucial questions are, Does the story reflect a real event in the life of Jesus and, What did Jesus really say? No less than six different suggestions are offered. They can be grouped under three major positions.

1) Rejecting the historicity of the story, some scholars either accept as authentic only the saying τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σαββάτον (Bultmann, 1963, 16; Lohmeyer, 1953, 63-65; Beare, 1960, 132-135; Lohse, 1960, 84f; 1971, 22, n172; Hultgren, 1972, 41f) or accept

both this saying and κύριός ἐστὶν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου as authentic (Bultmann, 1963, 16; Schweizer, 1971, 70-71). Opinions vary whether or not the two sayings were independent of each other (Bultmann, 1963, 16; Schweizer, 1971, 71) or circulated as a unit (Wellhausen, 1909, 20f; Manson, 1947, 138).

2) Accepting the historicity of the story, excluding the illustration of David, other scholars have suggested that the story originally ended either with the saying "the sabbath was made for man" (Klostermann, 1926, 29; Cranfield, 116f; Grundmann, 67; Haenchen, 1966, 120-121; Rordorf, 61; Anderson, 109; Lührmann, 64) or with this saying and the saying "the son of man is lord even of the sabbath" (Creed, 84-85; Hübner, 1973, 115-120).

3) Accepting the historicity of the story, including the illustration of David, still other scholars suggest that the story originally ended either with the illustration (Rawlinson, 33; Montefiore, 1927, 1:62-63; Branscomb, 1937, 56-58; Nineham, 106; Schmid, 1968, 72; Suhl, 82f; Marshall, 1978, 229f; Taylor, 214-220; Westerholm, 99; Neiryneck, 264; Guelich, 1989, 128; Robbins, 123; Nolland, 254) or with the saying "the sabbath was made for man" (Moule, 1965, 27).

There are two arguments that challenge the historicity of the corn plucking story. It is argued 1) Pharisees would not trail behind Jesus and his disciples through a cornfield on a sabbath day (Bultmann, 1963, 16; Beare, 1960, 133; Sanders, 1985, 265) and 2) the disciples' behaviour would not be questioned rather than Jesus'. Because the early church felt attacked for their sabbath practices they created a story where Jesus defended his followers for unorthodox

sabbath observance (Bultmann, 1963, 16; Beare, 1960, 133; Schweizer, 1971, 71; Hultgren, 1972, 38-43).

But it can be argued that it is not difficult to imagine Pharisees in cornfields (Casey, 1988, 4f). According to the Mishnah, we know that during this period the halakhah for keeping the sabbath significantly increased under the influence of the Pharisees (Neusner, 1971, 3:304). By the time the Mishnah was closed, 39 classes of work was already fixed (m.Shab. 7:2). According to Mark's gospel, we also know that Jesus has already offended some Pharisees by not making his disciples fast and by his table fellowship with sinners (Mk. 2:16-18). These two facts makes it certainly understandable why some Pharisees would want to know what Jesus did on that day. Within the Pharisees' own sabbath restrictions a stroll out into a cornfield to see what Jesus was doing was certainly permissible, provided of course that it was not any more than 2000 cubits from the edge of town (Num. 35:5; m.Sot. 5:3; see for an illustration of a Pharisee in a field on a sabbath, b.Shab. 127a). We might also note that the synoptic gospels record other occurrences where Jesus is questioned about his followers' behaviour (Mt. 9:14-17// Mk. 2:18-22// Lk. 5:33-39; Mt. 15:1-20// Mk. 7:1-23) and that it is quite believable that a master would be held accountable for the actions of his disciples (see Daube, 1972, 4-8; Robbins, 111f).

On the other hand, it is more difficult to imagine someone inventing such a peculiar story purely for the purpose of highlighting the David illustration or either "the sabbath was made for man" or "the son of man is lord of the sabbath" sayings (Rordorf, 60; Nolland, 253), especially when strolling through the cornfields on a sabbath was hardly the common custom of early Christians (Manson, 1949, 190; Haenchen, 1966, 122; Pesch, 1976, 1:180; Casey, 1988, 20; Guelich, 1989, 120; Davies, 1991, 2:304). These points suggest that the first

major proposal (that the story does not reflect a real event in the life of Jesus) is incorrect.

If we accept that the story is historical, we should ask whether or not the illustration of David eating the shewbread (1 Sam. 21:1-6) was originally a part of it. If it was, this would help to indicate the type of defence Jesus used to justify his disciples' "unpermitted" (ὁ οὐκ ἐξεστίν) behaviour. If it was not, Jesus' defence was either "the sabbath was made for man" saying or the two sayings together.

Those who argue against the originality of the David illustration point out that this illustration is an indirect response to the Pharisees' question (so it indicates how the church used the OT as proof texts; Klostermann, 1926, 34; Haenchen, 1966, 119-21; Hübner, 1973, 120-121), that it is an imperfect parallel with what the disciples' did (offering no valid justification for their actions; Rordorf, 61; Weiss, 1990, 21) and that καὶ ἔλεγεν αὐτοῖς in v. 25 indicates the addition of new material in Mark's gospel (Hultgren, 1972, 40). On the other hand, I would point out that it is not uncommon to find Jesus appealing to scripture for the justification of certain practices (Mk. 12:10,26; Mt. 12:5; 19:4; 21:16), nor is it easy to see how Mk. 2:25-26 could have existed independently (Westerholm, 97; Nolland, 253). While it has to be admitted that the parallel between David and the disciples is not an exact one, it is nevertheless a reasonable parallel (Casey, 1988, 3; Sanders, 1990, 20).¹ Jesus is saying, If everyone agrees that the laws about the shewbread permits the use of the shewbread to help save lives (even though the law does not say it can be used in this way), then everyone should also agree that the laws about how to observe the sabbath permits "work" on the sabbath which would help feed people's immediate hunger (even though the law does not say it can be used in this way). Just as the shewbread laws must be interpreted so that human life is not put into

jeopardy, so too must the sabbath laws be interpreted so that human life does not suffer pain. Jesus believed that if the law is for the good of man, as everyone took it to be, then no law, no matter how it is stated, should be interpreted so that man's good was not achieved. To keep a person hungry in order that no work is done on the sabbath is not the law of God.² As we shall see, this was not a new interpretation.

Another point which could be made in defence of the illustration is that it is hard to see how quoting the example of David would have helped the early church with any questions they may have had about the sabbath (Davies, 1991, 2:305). If the early church did debate the issue of sabbath observance, an exceptional case (starvation/ hunger pains) would hardly be a solid precedent to justify breaking the sabbath for other reasons. I also would argue that καὶ ἔλεγεν αὐτοῖς is more likely to indicate that v. 27 is secondary than that vs. 25-26 are. The illustration of David belongs to the pericope.

We should now ask, Were any of the two sayings originally a part of Jesus' defence? It has already been noted that some believe that at the first stage of development Mk. 2:27 ended the pericope. Jesus defended his disciples only by saying τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σαββάτον. The argument is simply that the David illustration is not a real answer. If the Pharisees ask, Why are your disciples doing what is not permitted, then there is no defence in saying, The sabbath can be broken if the law about the shewbread can be broken. The Pharisees could simply respond, What David did was permitted because it saved lives but your disciples are not in the same circumstances as were David's men. However, Jesus' original reply, that the sabbath was made for man's benefit, would turn Pharisaic treatment of the law upon its head. In contrast to the Pharisees who sought to make Israel subservient to the sabbath laws, Jesus sought to make the sabbath laws subservient to the will

of man. Those who hold that the two sayings follow naturally from the illustration of David argue that Jesus' two statements are a more positive and universal teaching than his previous defence (Casey, 1988, 13). After defending his disciples Jesus lays down broader principles to cover a wider range of circumstances.

Nevertheless, there are sufficient reasons why these two sayings should be treated as independent sayings. First, the fact should not be lightly brushed aside that Matthew and Luke's gospels do not contain τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σαββάτον.³ Most scholars have argued that Matthew and Luke had good reasons for omitting the words of the Lord. Either they thought there was no need to preserve the first saying since the second saying says the same thing, or Matthew substituted his second argument (the priests work on the sabbath) for "the sabbath was made for man" saying (Banks, 120), or Matthew and Luke wanted to emphasize Christological issues (Leitch, 427-8; Suhl, 83; Gundry, 224f), or v. 27 did not make any sense to either of them in connection with v. 28 (Rordorf, 64; Hay, 75), or the saying was offensive to the Matthean and Lukan scribe (Barth, 31, n2). These remarks are not convincing. If the two sayings have equivalent meaning this is just as much an argument for why a scribe would attach one saying to another as it is for why he would take one out. There is also no reason why a scribe would feel he had to delete one saying if he wanted either 1) to insert or highlight another saying or 2) add material to clarify what he thought was confusing. Nor is it a convincing argument to say that the saying was offensive to Matthew and Luke. This last remark needs to be taken up in some detail.

What does τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σαββάτον mean? Does it undermine sabbath observance (thus making it offensive to the communities of Matthew and Luke) or does it support

it? We might be helped by simultaneously answering another question, Is this saying better understood in connection with the second saying, κύριός ἐστιν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου?

As the text now stands, v. 28 does not logically flow from the v. 27. It is said to be a *non sequitur*. How does the fact that the sabbath was created for man make it so that (ὥστε - v.28) the son of man (ὁ υἱὸς τοῦ ἀνθρώπου) is lord even of the sabbath? Some have tried to solve the problem by reconstructing Mk. 2:27,28 as a unit with one thought: the sabbath is made for man and the man (ὁ υἱὸς τοῦ ἀνθρώπου) is master of the sabbath (McNeile, 170; Creed, 84-85; Duncan, 147-148; Black, 1967, 23, n2; Hooker, 1967, 95-96, Hay, 75; Casey, 1988, 16-19).⁴ In order to do this "the son of man" has to be equated with "man" or "I, like anybody else" for it to make sense. If, however, the phrase "the son of man" is a specific designation of a divine figure (i.e. messiah), v. 28 is more likely to be a Christian interpolation (Klostermann, 31; Rawlinson, 33; Lohmeyer, 1953, 66; Cranfield, 118; Taylor, 220; Conzelmann, 133; Nineham, 106; Haenchen, 1966, 121; Westerholm, 100; Nolland, 254).

It is unlikely that Jesus would identify himself so early in his ministry as a messianic figure, especially in front of his opponents, when throughout the gospels this identification is kept secret (Cranfield, 1959, 118). Furthermore, even if the contested view was accepted that "the son of man" = "man" or "I, like anyone else" (which I think was the way Jesus used it) we are not forced to take κύριός ἐστιν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου as something which Jesus said. The reason is that it is more difficult to imagine that Jesus would claim mankind is lord over an institution which God created (Rawlinson, 34) than it is to imagine the church claiming Jesus, the divine son of man, was their lord over the sabbath. He commands them, in contrast to the authority of other halakhic teachers, as to what is and is not lawful sabbath behaviour.

If v. 28 is a Christian interpolation, it is an inference drawn from the narrative and not from the "sabbath was made for man" saying. It is easier to see how Christ is lord of the sabbath when he justifies his disciples' practice than to see how Christ is lord because God made the sabbath for man. Our exegesis of v. 27 must be done without reference to any of the immediate context.

So what does v. 27 mean? It is claimed (Nineham, 106; Hill, 1975, 210; Borg, 155f), and I think rightly so, that this saying is equivalent to the familiar rabbinic saying of R. Simeon b. Menasya (165-200 C.E.), "the sabbath is delivered to you and not you to the sabbath" (Mek.Ex. 31:13 and b.Yom. 85b). The context of this rabbinic saying shows that rabbis understood that the sabbath laws were not meant to be followed so that life was endangered. Whether or not this principle was stated in the time of Jesus as R. Simeon states it is immaterial. The principle is certainly an old one. Jesus has simply taken this popular idea a step further: the sabbath laws were not meant to be followed so that life is tortured. But as we shall see with the sabbath healing stories, this too was not a new understanding. In addition, the fact that the early church continued sabbath observance supports the claim that as an independent logion this saying was not understood to have radical implications (contra. Green, 123; Banks, 119). It also can be pointed out that the community which was comfortable with "something greater than the temple is here" is unlikely to be made uncomfortable with "the sabbath is made for man" (Gundry, 225).

I now what to return to the argument that vs. 27,28 were isolated sayings from the main story. Καὶ ἔλεγεν αὐτοῖς would be superfluous if vs. 27 is meant to flow from the illustration (Plummer, 1920, 29). Although these words do not always indicate the introduction of new material in Mark's gospel (Cranfield, 116), very often it does (4:11,21,24; 7:9; 8:21; 9:1; Rawlinson, 33).⁵ I would further ask, If "the sabbath was made for man" is a justification for what

the disciples did, then Jesus would not have needed to use another defence which was more open to a charge of invalidity. Rabbis would not tend to use haggadic material for the justification of a halakhic stance. If Jesus wanted to convince his opponents of the lawfulness of his disciples' actions there would be no need to appeal to David if one could appeal to a common consensus. Our judgment that v. 27 is an addition is further strengthened by noting that it is like a proverb (a *mashal*) which could have been placed with any sabbath story (Westerholm, 99). It can be removed easily from the story without any harm done to it. So it seems that both τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σαββάτον and κύριός ἐστιν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου were independent of each other and independent of the corn plucking story.

The only defence Jesus gave for his disciples' action in the cornfield was an illustration of what David did with the shewbread. The fact that Jesus feels he has to appeal to an exceptional case to justify his disciples' actions shows that he thinks the sabbath should be obeyed. But in exceptional cases when poor people would suffer if they rested, the sabbath is not broken by gathering the food which the law itself stipulates should be set aside for them (Deut. 23:24-25). Jesus' appearance in the synagogues on sabbaths (Mk. 1:21// Lk. 4:31; Mt. 12:9// Mk. 3:1// Lk. 6:6; Mk. 6:2; Lk. 4:16) is another indication that he had no serious objection to sabbath regulation, whether based on scripture or popular halakhah (Westerholm, 96). He undoubtedly accepted that working on the sabbath is contrary to what the law said and should not be done. However, reaping to curb hunger is not the law's definition of work.⁶

This still leaves us with the secondary material in Mt. 12:5-7 to consider. There are two main arguments which have been introduced into the story:

- 1 ἢ οὐκ ἀνέγνωτε ἐν τῷ νόμῳ ὅτι
 τοῖς σάββασιν οἱ ἱερεῖς ἐν τῷ ἱερῷ τὸ σάββατον
 βεβηλοῦσιν καὶ ἀναίτιοί εἰσιν;
 λέγω δὲ ὑμῖν ὅτι τοῦ ἱεροῦ μείζον ἐστὶν ὧδε.
- 2 εἰ δὲ ἐγνώκετε τί ἐστὶν ἔλεος θέλω καὶ οὐ θυσίαν,
 οὐκ ἂν κατεδικάσατε τοὺς ἀναίτιους.

Does either argument come from Matthew's church (Gundry, 222) or might they both reflect arguments Jesus used at some other occasion (Plummer, 1920, 173; Allen, 128; Manson, 1954, 187-8; Schmid, 206; McNeile, 169; Bultmann, 1963, 16; Barth, 82; Banks, 118)? Furthermore, if they were defences used by Jesus, what does it tell us about his attitude towards the sabbath?

The first argument raises a major difficulty. Like the David illustration used before, it is not an exact parallel to the actions of the disciples (Allen, 127; Albright, 149; Beare, 1981, 270). Priests are allowed to work on the sabbath because they are serving the Temple (i.e. God) and man. But Jesus' disciples are not serving either God or Jesus by getting themselves something to eat (Wellhausen, 1914, 59; Banks, 116f). The difficulty with comparing the two situations is another indication of its foreignness to the pericope. At the same time it also suggests that it may be a very early tradition. Scribes or a community would not feel the need to add an illustration which was not comparable if they also did not feel it was a word of the lord which should be preserved. Although the inclusion is suggestive of an earlier tradition rather than the creation of some editor, we still cannot be certain if it goes back to Jesus. My scepticism is due to two factors. First, every Jew knew that priests worked on the sabbath and could have used this precedent to justify certain matters concerning what is and is not permitted on the sabbath (b.Yeb. 32b; b.Mk. 9a). Second, it is difficult to imagine a circumstance in which Jesus would have needed to do so. The evidence of the gospels is that Jesus' main difference with some

Pharisees was his belief that healing was permissible on the sabbath. Yet healing is still not a situation for which this illustration could be used to make a valid defence.

Our critique of the illustration's authenticity might be helped by asking about the genuineness of τοῦ ἱεροῦ μείζον ἐστὶν ὧδε? If μείζον refers to a thing then no Jew would have had problems with saying it and so the saying would become suspect by the criterion of dissimilarity. Every Jew knew that certain things were greater than the Temple (i.e. human life; b.AZ. 27b). Because μείζον is a neuter, some scholars have tried to imagine what object might have been meant by Jesus. Plummer suggested that Jesus used it to refer to his work (Plummer, 1910, 173). Others think that it refers to the thing which Jesus preached: the kingdom of God (Manson, 1949, 187; Beare, 1981, 271). However, if μείζον refers to a person, is it still conceivable in a non-Christian Jewish environment?⁷ I do not think so. I can find no evidence which would demonstrate any other Jew pointing out the superiority of one individual over the Temple in spite of the fact that human life was generally understood to be superior. The major opinion is that μείζον is a reference to Jesus (Allen, 128; Montefiore, 1927, 2:618; Barth, 82; Banks, 117; Gundry, 222; Davies, 1991, 2:314). But if this is so it makes it all the more difficult to imagine it coming from him, since again it draws attention to his identity which he tries to keep silent. I am persuaded that just as some Christian communities labeled Jesus as the son of man who has divine authority of the sabbath (Mt. 12:8//Mk. 2:28; Lk. 6:5), so too a community has claimed his authority over the sabbath by recognizing his authority over the Temple.

Since the community probably is responsible for making this claim about Jesus, our question about the authenticity of the illustration cannot be answered. The community may have assumed that the illustration came from Jesus but I

cannot imagine a suitable context for which it would have been a valid precedent. It also should be noted that there is no more a reflection against the Temple in this saying than there is against Jonah and Solomon in vs. 41-42. As Gundry rightly puts it, "An argument from the less to the greater requires acceptance of the less " (Gundry, 224). This saying does not indicate that a Christian community felt it had no need of the Temple.

The second added argument is also more likely a Christian reflection than a defence of Jesus. Hos. 6:6 has already appeared in Mt. 9:13 where it fits more logically. In the sabbath story, on the other hand, it makes less sense. Jesus would not use it to tell the Pharisees they should be merciful to the disciples instead of being concerned about protecting the law (contra. Weiss, 1910, 231; Klostermann, 1927, 105). The reason is this would imply that the disciples did break the law whereas we have seen that Jesus' understanding was that they did not (Barth, 83; Banks, 117). The final editor probably perceived that this material could be understood in this way so he added οὐκ ἄν κατεδικάσατε τοὺς ἀναίτιους.

To summarize, we cannot be certain about the authenticity of the Matthean addition. The illustration may or may not go back to Jesus, but it seems unlikely that it did. Even if it did, the illustration does not prove that Jesus had a radical attitude towards the sabbath. Any Jew could have referred to the fact that priests work on the sabbath to justify other types of work in service to God. Verses 6 and 7a belong to the reflection of the Christian community while 7b is the hand of a compiler.

Healing on the Sabbath

(Mt. 12:9-14//Mk. 3:1-6//Lk. 6:6-11; 13:10-17; 14:1-6)

The healings of Jesus on the sabbath also have been used to argue that Jesus annulled the law (Rordorf, 70; Hoskyns, 267). Others would see Jesus' actions in less antithetical terms. All Jesus does is subordinate the sabbath under his more important law of mercy, compassion and love (Barth, 79; Borg, 151). But neither explanation adequately describes what we can find in the synoptic gospels.

The synoptic parallel of the healing of the man with the withered hand (Mt. 12:9-14; Mk. 3:1-6; Lk. 6:6-11) suggests one strong conclusion: While the general setting of the story and Jesus' action is agreed upon, what Jesus said is not. Matthew's gospel claims that Jesus' main defence was that people are more important than animals, so if you would help an animal on the sabbath nothing should prevent you from helping a person on the sabbath (Mt. 12:11,12). Mark and Luke claim that Jesus' defence was that on the sabbath we are to do good and healing is an act of goodness rather than harm (Mk. 3:4; Lk. 6:9). Healing is therefore lawful.

Since we saw in the previous sabbath controversy that the Matthean community chose to insert an additional defence in order to support a weaker one (Mt. 12:5-7), we should consider that this is what they have done here. The story originally contained only the argument, It is lawful to do good (meaning here healing) on the sabbath. This simple assertion was supplemented by a more positive argument. The Markan community elaborated what they found into a question, On the sabbath is it lawful to do good or bad. They are also responsible for the second half of the saying, ψυχὴν σῶσαι ἢ ἀποκτεῖναι. I do not find it a conclusive argument to say that Mk. 3:1-6 is an organically

complete apophthegm since it has the typical form: an accusation followed by a question (Bultmann, 1963, 12). The typical form could indicate just as easily the community's sensitivity to arrange sayings of Jesus in patterns which were consistent with other forms known from other episodes.

This does not mean to say that Mk. 3:4 was an independent saying slotted into the story or that the story itself is unhistorical. While it is probably best to treat the defence in Mark and Luke as an elaboration of something which at one time was more succinct, it also has to be faced that the synoptics record several incidents when Jesus healed on the sabbath (besides the ones discussed here, see Mk. 1:29-31 // Lk. 4:38-39; Jn. 5:2-18; and Jn. 9). All of these stories can hardly be the creation of the early church, since healing on the sabbath was never an issue for them (Borg, 157; Davies, 1991, 2:316). Instead, the considerable number of stories indicate that healing was a solid element in Jesus' ministry and that he did not think the sabbath was any kind of deterrent for doing so (Westerholm, 100).

The synoptic tradition records six different rebuttals to the charge that healing is unlawful. They are:

- 1) ἔξεστιν τῷ σαββάτῳ θεραπεύσαι ἢ οὐ; (Lk. 14:3)
- 2) ἔξεστιν τοῖς σάββασιν ἀγαθοποιῆσαι ἢ κακοποιῆσαι, ψυχὴν σῶσαι ἢ ἀποκτεῖναι; (Mk. 3:4//Lk. 6:9)
- 3) ἕκαστος ὑμῶν τῷ σαββάτῳ οὐ λύει τὸν βοῦν αὐτοῦ ἢ τὸν ὄνον ἀπὸ τῆς φάτνης καὶ ἀπαγαγὼν ποτίζει; (Lk. 13:15)
- 4) τίνας ὑμῶν υἱὸς ἢ βοῦς εἰς φρέαρ πεσεῖται, καὶ οὐχ εὐθέως ἀνασπάσει αὐτὸν ἐν ἡμέρᾳ τοῦ σαββάτου; (Lk. 14:5)
- 5) τίς ἔσται ἐξ ὑμῶν ἄνθρωπος ὃς ἔξει πρόβατον ἓν, καὶ ἐὰν ἐμπέσῃ τοῦτο τοῖς σάββασιν εἰς βόθυνον, οὐχὶ κρατήσει αὐτὸ καὶ ἐγερεῖ; πόσω οὖν διαφέρει ἄνθρωπος προβάτου (Mt. 12:11,12a)
- 6) ἔξεστιν τοῖς σάββασιν καλῶς ποιεῖν; (Mt. 12:12b)

From these statements we can see that Jesus never defended his actions by claiming that the sabbath is now an invalid law. He, like other Jews, knew that certain situations were not under consideration when the sabbath laws were issued by God. His view was that healing fell under one of these categories. The rabbis talked about them as practices which "override" the sabbath. For them, there were three major ones; Temple practices (m.RH 1:4; m.Pes. 6:1,2; b.Yeb. 7a), circumcision (m.Shab. 9:3; 18:3-19:3; b.Shab. 131bf; b.Yom. 85b; t.Shab. 15:16f), and the threat to life (1 Macc. 2:32f; Jos. Ant. 12.274; b.Shab. 132a). Because the Temple, circumcision, and the preservation of human life were more important laws than the sabbath, "work" could be done in service to them. But Jesus' defence suggests that even the Pharisees he confronted would go beyond these major categories and save the life of an animal on the sabbath if it was endangered (see b.Shab. 128b; b.BM 32b; t.Shab. 14:3).⁸ He believed that since the Pharisees could find justification for saving the life of an animal on the sabbath, they should also find justification for healing a human being on the sabbath.⁹

Some scholars have argued that Jesus does not try to justify his actions so that it fits into a halakhic category. The argument is that the defences which Jesus used were, from a rabbinic standpoint, invalid (Rordorf, 69f). The Pharisees could simply respond accordingly either by saying, Of course you can do good on the sabbath, but the question is which good actions are allowed, or by saying, Of course you can save the life of an animal which fell in on a sabbath day, but the person you have healed was like that the day before and would have been like that the day after. It is also asserted that the difference between Jesus and the Pharisees was that the Pharisees believed only acts of healing which prevented death could be done on the sabbath whereas Jesus believed that any act

of healing was permissible regardless of the possibility of death (Str.-Bill. 1.623; Montefiore, 1930, 243f; Lohse, 1971, 14; Hill, 1975, 212; Schweizer, 1973, 280; Banks, 124; Westerholm, 95; Gundry, 226; Brown, 1966, 1:210; Davies, 1991, 2:318).¹⁰ This violation of Pharisaic understanding of the sabbath is said to be one of the most certain of all historical facts about Jesus' ministry (Brown, 1966, 1:210). But a closer look at the rabbinic literature will show that this description is unlikely to represent the position of every Pharisee.

There was never a unanimous decision among the Pharisees that healing could not take place on the sabbath.¹¹ This is not surprising considering the diversity within Pharisaic Judaism. A few examples from the discussions of later rabbis should be sufficient to show how varied their opinions were. While there are clear allusions to the belief that healing should not be done on the sabbath (m.Shab. 9:7; 22:6; b.Yom. 85a; y.Shab. 14:3:I:A,B; t.Shab. 15:16f; Deut.R. 10:1; Mek.Ex. 31:13), there are also teachings which assume healing was permitted. For example, you can ease the suffering of someone who is sick by putting out the sabbath lamp so that they might sleep (m.Shab. 2:5). You can bring up water with a siphon and you can heat it for a sick person (t.Shab. 2:7e; 15:15). You can even grind five olives for them (t.Shab. 12:14G).

One interesting debate about this time concerned wearing amulets. According to the Mishnah, a person could leave their house with a healing amulet as long as the amulet was prepared by someone who knew that it could heal (m.Shab. 6:2). If it was a matter of doubt whether or not the amulet actually healed, it should not be removed from the premises. In t.Shab. 4:9e, it is argued that it is not necessary that the one who wants to wear the amulet is in any danger. Even when the sickness is not dangerous, one can tie a knot to hang the amulet and untie it on the sabbath. This of course was not the general

opinion (m.Shab. 10:1). By the time of R. Meir (140-165) the Sages prohibited wearing healing devices on the sabbath. R. Meir, though, did not (m.Shab. 6:10).

R. Meir also taught, in contrast to the teachings of the Sages, that wine and oil can be mixed for the sick (t.Shab. 12:12:1). His position might have been based on the teaching of R. Simeon b. Gamaliel (140-165) who said that a woman may wash her child in wine even though her intention for doing so is for healing (t.Shab. 12:13C). While some argued that certain specific drugs could not be used for healing, others said that any food stuff or liquid may be used to do so (m.Shab. 14:3; see also m.Yom. 8:5). Vinegar, as one example, could be used for healing teeth pain as long as the vinegar is not sucked through the teeth but used in the common manner of taking vinegar with food (m.Shab. 14:4). On the sabbath, one can anoint his loins with oil if they are in pain, although it is not agreed whether or not rose oil could be used (m.Shab. 14:4). The rabbis also could see that the sabbath laws did not prevent an abscess from being cut (m.Eduy. 2:5). The concern of some rabbis for people's health is demonstrated again by their debate over whether a person bitten by a mad dog could eat the dog's ear in order to be healed of the madness (m.Yom. 8:6).

These illustrations paint a more accurate picture of the question of healing on the sabbath. It is possible that a Pharisee might have argued for healing on the sabbath by saying, There are times that you must rest on the sabbath and times that you must not rest on the sabbath (Mek. Ex. 31:13 attributes this saying to R. Yose the Galilean (120-140). see also t.Shab. 15:16). Furthermore, if the issue about the legality of healing on the sabbath was not decided by the end of the second century, we should not presume that it was decided in the first. If it was, we should expect the testimony of earlier rabbis to be interjected as arguments for one view or the other in the later debates. Sanders is almost correct when he says, "The discussions of wearing medication in CD and of minor

cures in rabbinic literature imply that work in case of more serious danger or illness would not be challenged" (Sanders, 1990, 13). The only correction I would make is that work in cases of serious illnesses would not be *widely* challenged. The evidence of the gospels and the rabbinic literature shows that at times, and for some, it was.

Conclusion

Jesus found himself confronted by certain Pharisees who undoubtedly believed his healing practices (whether he caused the act to happen by word of mouth only or actually did "work" to bring it about) did not protect the sabbath laws. It is unlikely that they thought Jesus was in breach of any clear Mosaic prohibition. If healing on the sabbath was thought to be a law of God rather than a halakhah, we could not explain the diverse views which we find in Mishnah, nor could we explain the absence of such a charge at Jesus' trial. These Pharisees knew that defining what is "work" on the sabbath was a debated issue (see m.Hag. 1:8). Jesus' actions showed he took a more relaxed view than others. Whether the Matthean (12:14) or Markan (3:6) conclusions are original endings (Taylor, 220-221; Lohmeyer, 1962, 69; Pesch, 1976, 1:188; Guelich, 1989, 132) or redactions (Bultmann, 1963, 52; Schweizer, 1971, 74; Borg, 156; Gnlika, 1978, 1:126; Lührmann, 66; Nolland, 259), Jesus' general permissiveness regarding healing on the sabbath was thought to be in conflict with protecting the law as some Pharisees thought it should be protected. His opposition to their local authority in conjunction with his popularity among the masses caused concern that the balance of local power was in jeopardy. A need was felt for political means to destroy him. This decision should remind us that Jesus' healing on the sabbath

needs to be seen in light of his opposition to those who sought to maintain their political-religious influence and not in light of any opposition to the Mosaic law.

Endnotes

1. The problems with the parallel are 1) whereas David and his men were thought to be in mortal danger if they did not eat, no such assumption is made for Jesus' disciples, 2) the comparison is not between two breaches of the sabbath law, but between a priestly law (who can eat shewbread) and a common law (what can one do on the sabbath), and 3) the comparison is between what David and his men did and what Jesus and his disciples did, but Jesus was not involved in the questionable act. It should also be noted that while Jesus does not mention that David's action took place on the sabbath, it was probably thought to have occurred on a sabbath. Lev. 24:8-9 implies that the shewbread is changed on the sabbath and the old eaten on that day and the reference in b.Men. 95b-96a assumes that David's action took place on a sabbath. Other references state that the shewbread was made on the sabbath (m.Men. 11:2; b.Shab. 131f). One should also consult Cohen-Sherbok, 31-41, who argues that in spite of the fact that Jesus' argument is invalid from a rabbinic standpoint it nevertheless still goes back to him. Also worth seeing on this point is Daube, 1956, 65-71. It is V. K. Robbins argument that Jesus' analogy is a "Chreia" argumentation which one would find in Hellenistic writers (Robbins, 112-119).
2. Some might want to argue that Jesus hoped to avert breaking the sabbath halakah which condemned fasting on the sabbath (CD 11:4-5; Jub. 50:12; b.RH. 19a). However, if Jesus would fast for 40 days in the wilderness, then I would think he saw no problem with fasting on the sabbath. Besides, no such appeal is made in the text.
3. Note that for Mk. 2:27 manuscripts W b and sy^s do not have the second half of the saying, "and not man for the sabbath", and D and the Old Latin do not contain the saying at all.
4. T. W. Manson gave the unique, but rarely supported, solution that "Son of Man" means "people of the saints of the the Most High" which here means Jesus and his followers (Manson, 1947, 138-146).
5. Nor am I convinced by the argument that καὶ ἔλεγεν αὐτοῖς in Lk. 6:5a is an indication that Luke has omitted Mk. 2:27 (Hultgren, 1972, 42; Banks, 121). One could just as easily take the phrase in Luke as an indication that v. 27 was later added to the pericope in Mark. For an interesting look at Lk. 6:5 in Codex D (the story of the man who worked on the sabbath and receives a conditional blessing from Jesus), see Jeremias, 1957, 49-54.
6. That reaping under general circumstances was understood as prohibited see Ex. 16:25f; 34:21; m.Shab. 7:2; Philo, Vit. Mos., 2:22.

7. Note that manuscripts C L Δ 0233 f¹³ 1010 1424 have μείζων which makes it even more certain that Jesus is the one who is greater than the Temple.
8. For some examples of exceptional circumstances in which the rabbis thought the sabbath was overridden by other considerations see m.Eru. 6:1; m.Shab. 18:3; 19:1-3; b.Shab. 132b; b.Yom. 85b; b.Yeb. 90b; t.Shab. 15:10-17.
9. It is often remarked that CD 11:10 would reply negatively to Jesus' question. It states, "No one shall deliver an animal on the sabbath day. And if it fell into a cistern or pit let him not lift it out on the sabbath." But note that other forms of help besides "lifting out" are not excluded in what is said here. The Qumran halakhah may be closer to rabbinic halakhah than some have often thought (see Kimbrough, 483-502).
10. Note that R. Johanna would not allow a heathen to heal the sick on the sabbath even when there was the possibility of death (b.AZ 27b).
11. Maccoby has exaggerated the case when he implies that all Pharisees permitted healing on the sabbath (Maccoby, 1988, 170-172). He thinks that the rabbinic evidence shows that the gospels characterization of Pharisees as people who would not permit healing is wrong. Put together, the gospels and rabbinic evidence help to show that there was not any unanimity on this issue.
12. It is interesting to note that the Gospel of Nicodemus 1:1 claims Jesus' teaching about the sabbath was a central part of the Pharisaic accusation against him during his trial.

CHAPTER SEVEN

Jesus and the "Sinners"

In the synoptic gospels, the Pharisees strongly object to Jesus' relationship with certain suspicious characters (Mt. 11:19//Lk. 7:34; Lk. 19:7). In Mt. 9:11//Mk. 2:16//Lk. 5:30 some of them ask Jesus' disciples why he eats and drinks with τῶν τελωνῶν καὶ ἁμαρτωλῶν.

On the basis of these objections, some scholars have claimed that the very act of calling "sinners" to repent (not to mention eating with them) was enough to get Jesus killed. Jeremias writes, "It was an act of unparalleled risk which Jesus performed when from the full power of his consciousness of sovereignty, he openly and fearlessly called these men (the sinners) to repentance and this act brought him to the cross" (Jeremias, 1969, 267). The general assumption is that Jesus' actions would be seen as an affront to common decency because the rabbis had forbidden all such associations (Plummer, 1911, 138-139).

Specifically, commentators think that Jesus committed two offences. The first offence was eating with "sinners". Trilling believed that by eating with "sinners" Jesus showed he was not afraid of becoming unclean in the eyes of the law (Trilling, 1969, 162). Since the rabbis taught that food should be prepared in a certain way to be lawfully eaten, and since "sinners" did not care about such laws, eating in their home would unquestionably lead one to disobey the law (see also Borg, 71-121, esp. 120). From a different perspective, Davies argued that

Jesus' table-fellowship (being a proleptic experience of the coming kingdom) indicated that he believed ". . . the soteriological scheme of law and covenant had been relativized by his own person" (Davies, 1991, 2:101). In other words, Jesus believed that what the law required for salvation was secondary and that everything rested on responding to him. The notion that Jesus' association with "sinners" undermined the place and role of the law has remained a popular view (see Branscomb, 1930, 137; 1937, 51; Parkes, 39; Lohmeyer, 1962, 28; Perrin, 97; Anderson, 103f; Westerholm, 71; Dunn, 1991, 106f).

The second offence is the fact that Jesus offered these "sinners" forgiveness. Before Jesus came, law abiding Jews either 1) welcomed "sinners" who repented on their own initiative (Montefiore, 1927, 1:55) or 2) thought "sinners" had lost the ability to repent (Perrin, 91-4). Righteous people would not waste their breath convincing sinners of the need for repentance because "sinners" straightforwardly refused to do so. If the "sinners" could repent they should be encouraged to repent by being segregated from the rest of law abiding society. More recently the argument has been altered by E. P. Sanders. In Jesus and Judaism, he puts forward the case that Jesus' real offence was offering forgiveness to "sinners" without demanding that they repent and make restitution according to the law (Sanders, 1985, 206). In spite of the fact that these people take up Jesus' teaching, they remain as "sinners" in the eyes of Jewish society.

In order to find a clear path through this issue, five questions should be looked at.

- 1) Who are these "sinners" (ἁμαρτωλοί)?
- 2) What is the evidence that Jesus ate with "sinners"?
- 3) Why was Jesus' table-fellowship offensive?
- 4) What was Jesus' defence for eating with "sinners"?
- 5) How did Jesus think "sinners" were forgiven?

Who are the sinners?

For some time scholars have been interested in defining what is meant by the word ἁμαρτωλός (Gould, 42; Allen, 1907, 90; Abrahams, 1917, 55; Montefiore, 1927, 1:54; Branscomb, 1937, 50; Cranfield, 103; Filson, 119; Jeremias, 1969, 266-267; Rengstorf, 317-335; Schmid, 1968, 66; Guelich, 1989, 101f). Are they simply the *am ha-aretz* who have sinned in the eyes of the Pharisees only (Swete, 1913, 40; Taylor, 203; Hill, 1975, 174; Dunn, 1990, 73-75) or are they more likely persons whom society in general regarded as wicked (Perrin, 94; Westerholm, 71; Fitzmyer, 1981, 1:591; Sanders, 1985, 179; Davies, 1991, 2:100)? Recently David Neale has tried to take the debate a step further by arguing that the word ἁμαρτωλός is used not in reference to any specific persons but is an ideological and corporate term (Neale, 68-97). Concrete acts are not in mind but general ungodly behaviour. Because this word raises so many questions we need to examine how it and its equivalents are used in Jewish literature.

In the LXX ἁμαρτωλός occurs most frequently in the Psalms (63 out of a total of 73 instances in the OT). If we want to know what ἁμαρτωλός means in the synoptic gospels, it is important that we take note of its use in the Psalms since Psalms is the most quoted book in the NT (Neale, 77). ἁμαρτωλός translates the word *rāša'*. It is found often as an equivalent for "Gentile", one who stands opposed to God and his people (LXX 3:8; 9:17,18; 27:3; 67:3?; 93:3, 13; 96:10; see in addition Tob. 13:6; 1 Macc. 1:34; Jub. 23:23-4; Pss. Sol. 1:1; 2:1-2; Gal. 2:15). This of course does not mean that the ἁμαρτωλοί in the gospels are Gentiles since the gospels make it abundantly clear that Jesus was generally uninterested in Gentiles. But it does advance our understanding of

ἀμαρτωλός once we remember that a word which describes disobedient Jews is also used to describe those who were outside of the covenant. The following three passages are clear illustrations of how ἀμαρτωλός is used in Psalms in this way.

Ps. 50:16 (LXX 49:16)

But to the sinner (τῷ ἀμαρτωλῷ) God says:
 "What right have you to recite my statutes,
 or take my covenant on your lips?
 For you hate discipline,
 and you cast my words behind you.
 If you see a thief, you are a friend of his;
 and you keep company with adulterers."

Ps. 106:16-18 (LXX 105:16-18);

When men in the camp were jealous of Moses
 and Aaron, the holy one of the Lord,
 the earth opened and swallowed up Dathan,
 and covered the company of Abi'ram.
 Fire also broke out in their company;
 the flame burned up the sinners (ἀμαρτωλούς).

Ps. 119:53, 155 (LXX 118:53, 155)

Hot indignation seizes me
 because of the sinners (ἀπὸ ἀμαρτωλῶν),
 who forsake the law. . . .
 Salvation is far from the sinners (ἀπὸ ἀμαρτωλῶν)
 for they do not seek thy statutes.

These passages (see in addition LXX Ps. 54:4; 81:2-4) show Jews describing other Jews as if they were like Gentiles (i.e. as if they were not under the law). These Jews are labeled ἀμαρτωλοί because they knowingly and willingly rebel against Moses or forsake the law which was given through him. They are not "sinners" because the writers think they are refusing to keep some element of the law where public opinion is divided. Rather they are behaving in a way which everyone else knows God condemns. They are Jewish society's obviously immoral people.

When the scribes of the Pharisees called the people Jesus associated with ἀμαρτωλοί did they mean the notoriously wicked? Dunn argued, No. He observed that the word "sinner" is a "factional" term. Jews use it to refer to other Jews who disagreed with them over how to obey the law (Dunn, 1991, 74-77). In other words, some Jews called other Jews "sinners" not because they refused to keep the law but because they did not keep the law *as they interpreted it*.

Dunn cites several passages as illustrations of this "factional" use of "sinners" (1 En. 1:1,7-9; 5:6-7; 82:4-7; Pss. Sol. 1:8; 2:3; 4:1-8; 7:2; 8:12-13; 17:5-8,23; As. Mos. 7:3, 9-10; CD 1:13-21; 1QS 2:4-5; 1QH 2:8-19; 1QpHab 2:1-4; 5:3-8). Immediately Pss. Sol. 1:8; 2:1 and 7:2 can be discarded from this list because "sinner" in these passages refers to Gentiles. 1 Enoch 1:1,7-9; 5:6-7 is questionable because it does not indicate whether or not the "sinners" were Jews or Gentiles. The use of "sinners" in 1 Enoch 82:4-7 is also subject to debate since there is no clear correlation between the sin which sinners commit and the erring which is done by Jews who compute the year by a different calendar. Only Pss. Sol. 4:1-8; 8:12-13; 17:5-8, 23; As. Mos. 7:3, 9-10 and the Qumran references seem to support Dunn's case. However, note that in Pss. Sol. 4:1-8; 8:12-13; 17:5-8, 23; As. Mos. 7:3, 9-10 the sin which the writers claim other Jews are committing are blatant sins (lust, lying, gluttony, incest, theft, adultery) which are done in secret. This indicates their hypocrisy and why they will be judged. Regardless of the fact that these Jews may disagree over such issues as how exactly the sabbath is kept or when sacrifices should be offered, it is not because of these differences that the writers think they are "sinners". The serious problem is their secret practices which are blatant sins for which God will condemn them.

The Qumran material also fails to support Dunn's case. 1QpHab 2:1-4 does not even have the word *rāša'*. In CD 1:19 the sin of Israel is not that they are sinners but that they treat sinners as if they were righteous. Neither in 1QS 2:4-5, 1QH 2:8-19 or 1QpHab 5:5 is there any indication that the works of the sinners are related to sectarian differences. Only in 1QpHab 5:9f is *rāša'* used to characterise other Jews who probably thought they were obeying the law.

O traitors, why do you stare and stay silent when the wicked swallows up one more righteous than he? (Hab. 1:13b)

Interpreted, this concerns the House of Absalom and the members of its council who were silent at the time of the chastisement of the Teacher of Righteousness and gave him no help against the Liar who flouted the Law in the midst of their whole (congregation).

Note, however, that the sin these Jews are accused of doing is not a disputed matter over sectarian halakhah. They have participated in the chastisement (murder?) of the innocent Teacher of Righteousness. This is considered to be the justification for describing them as Jews who commit the most obvious crimes against the will of God.

Besides the fact that the Qumran literature gives no support for reading *rāša'* as a "factional" term between Jews who follow different halakhot, it is inappropriate to compare the Pharisaic use of the word "sinner" with the way in which the Qumran community used it. The Pharisees were a popular movement who did not claim every Jew had to be a Pharisee to be saved. This is a significant difference from the Qumran community which was a geographically segregated group who made almost no distinction between their own sectarian practices and the teachings of the law (see chapter 2).

The best identification of the ἁμαρτωλοί, as they are referred to in the gospels, are Jews who behave in such a way that no one has any doubt that they are under divine condemnation.¹ We know from the rabbinical material that the rabbis thought tax collectors were sinners because they were like robbers

(m.Toh. 7:6; m.Hag. 2:6; m.BK 10:2; m.Ned. 3:4; b.Sheb. 39a).² We also find in Luke 18:11 a Pharisee thanking God that he is not an extortioner, unjust, adulterer or a tax collector. In Matthew 21:31, Jesus speaks of them alongside of harlots. These clearly illustrate that tax collectors were spoken about in the same breath as those who commit the most obvious sins.

The reasonable observation one would make from reading the gospels is that what was offensive about Jesus' eating with "sinners" is what is offensive about eating with tax collectors. The evidence above shows that tax collectors were offensive not because they were non-Pharisees but because they were generally thought to be crooks. So if Ps. 50:16 says that the godly person does not associate with thieves, it is certainly appropriate for a law abiding Jew to ask why Jesus eats with individuals who are no different from thieves. This strengthens our understanding that they would question why he also ate with those who were involved in similar serious crimes. The scribes of the Pharisees knew the people Jesus was associating with were guilty of certain concrete actions (i.e adultery or harlotry) which were clearly forbidden by the Mosaic law. Neale's distinction between concrete actions and an "ideological term" seems to be hard to sustain. Although concrete acts may not be mentioned by those who use the word ἁμαρτωλός, how does one think of a "sinner" without having in the back of one's mind certain "sins" which are committed? No indication arises from Jewish literature to sway us from the conclusion that in the synoptic gospels ἁμαρτωλοί refers to specific people who have committed specific heinous sins.

Did Jesus Eat with Sinners?

The synoptic gospels know at least one story of Jesus eating with Jewish society's immoral people (Mt. 9:10-13// Mk. 2:15-17// Lk. 5:29-32). Luke also

tells us that Jesus ate with the "sinner" Zacchaeus (Lk. 19:1-10). In addition to these two episodes we find that Jesus' opponents accused him of being a friend to sinners (Mt. 11:19// Lk. 7:34). This is stated in connection with the charge that he was a drunkard (ἰδοὺ ἄνθρωπος φάγος καὶ οἰνοπότης, φίλος τελωνῶν καὶ ἁμαρτωλῶν). What they were concerned about was that his feasting included the company of these so called "friends" which society held in contempt. Again, Luke knows of an additional identical accusation (Lk. 15:2).

The fact that Jesus did eat with tax collectors and sinners is rarely challenged. However, Walker (1978, 221-238; also see Horsley, 212-223) has recently argued that Jesus never ate with tax collectors. His conclusion hangs on four major arguments (he has six arguments in total). 1) John's gospel does not know Jesus associated with tax collectors. 2) Jesus shared the Jewish contempt for tax collectors (Mt. 5:46; 18:17). Even positive sounding remarks about the tax collectors (Mt. 21:31,32; Lk. 18:9-14) should be read with the understanding that tax collectors are the best examples of immorality. 3) The accusation that Jesus is a friend with tax collectors (Mt. 11:18,19//Lk. 7:33,34) is meant to be understood as false since it is paralleled with the similar false accusation that John the Baptist has a demon. 4) All the references to tax collectors (τελωνῆαι) could be a mistake as the result of a transliteration of the Aramaic word for "sporter" (*telane*), one who plays about (i.e. a "playboy"). The accusation that Jesus did not fast but was a glutton and drunkard is connected to the idea of his association with tax collectors. "But," as Horsley writes, "were 'toll collectors' known for their partying (Horsley, 220)?" Since they probably were not, *telane* must have been the original word which was used.

In order to strengthen this position the table fellowship story in Mt. 9:10-13//Mk. 2:15-17//Lk. 5:29-32 and the Zacchaeus story are rejected as being unhistorical.³

These arguments seem to me to be strained. We could make the following counter statements. The absence of Jesus' association with tax collectors in John's gospel is not too surprising. The Gospel itself tells us that it has not told us everything (Jn. 20:30). Jesus did criticise tax collectors but this fact does not lead to the conclusion that he would not eat with them. Jesus' criticism of tax collectors is no less severe than his criticism of Pharisees, but he ate with one (Lk. 14:1). The parallel contained in the accusation against Jesus is also misunderstood. Jesus is labeled a "friend" of tax collectors *in general* (which is false) because he eats with some of them (which is true). This parallels the accusation against John which claimed he had a demon (which is false) because he lived an ascetic life style (which is true). Finally, there is no evidence supplied either by Walker or Horsley to show that any scribe confused the Aramaic word *telane* with the Greek word *τελῶναι*.

I am more inclined to believe that Jesus' table fellowship with tax collectors and sinners is a credible historical tradition (Nineham, 98; Marshall, 1986, 218). There are several forms in which Jesus and sinners are associated together, such as stories, parables, and an accusation (the argument of multiple attestation; see Stanton, 1974, 146). Also, it seems unlikely that the early Christian communities would invent the idea that Jesus had a particular desire to eat with these people when in general they did not have a high tolerance level for sinners (1 Cor. 5:11; Sanders, 1985, 174). Nor is it likely that the church would jeopardize Jesus' character by inventing stories in which he associates with social outcasts (Schniewind, 1958, 27-28).

While we are prepared to believe that Jesus ate with immoral people, we still must ask, Are the stories where Jesus defends himself for doing so historical? Some scholars have answered, No (Wellhausen, 1909, 17; Dibelius, 64 n.1; Bultmann, 1963, 18; Schweizer, 1971, 63-66; Walker, 1978, 231-234;

Fitzmyer, 1981, 588f; Beare, 1981, 228; Horsley, 212-223; Smith, 1989, 466-486). We therefore need to weigh the arguments for and against the historicity of Jesus' eating in the homes of Levi (Mt. 9:10-13// Mk. 2:15-17// Lk. 5:29-32) and Zacchaeus (19:1-10).

Eating in Levi's Home

Jesus might not have eaten in Levi's (Matthew's) home. The call of Levi (Mt. 9:9// Mk. 2:13,14 //Lk. 5:28,29) and the feast with tax collectors and sinners look like a combination of two separate traditions (Taylor, 201-4; Fiedler, 119f; Gnlika, 1:104; Fitzmyer, 1981, 587f; Marshall, 1986, 217f). A story about Jesus' calling a man who sat at the τελώνιον (Matthew in Mt. 9:9; Levi in Mk. 2:14 and Lk. 5:27) understandably would be connected to a story about Jesus eating with τελῶναι.

A reason to suspect that it is a combination is the fact that Matthew and Mark's gospels make an awkward transition from the first story to the second. Does Jesus say "Follow me" and then the tax collector follows Jesus to Jesus' home or does Jesus then follow the tax collector to his home?⁴ Luke's gospel smoothes out this ambiguity by making it perfectly clear that Levi is responsible for the banquet in his home. However, the assumption that the meal takes place in the tax collector's home instead of Jesus' home could easily be under the influence of the Zacchaeus story where the location of the feast is in no doubt. If this is not a combination of two traditions, we should be surprised still further by the fact that Levi (Matthew) does not have any more of a role (Guelich, 1989, 98).

If the table-fellowship pericope is a separate tradition, does it reflect a historical event? Did Jesus act as host to some sinners in his home? Those who

have argued against its historicity have made the following observations. 1) The saying of Jesus, that he has come to *call* sinners, is best seen as a defence for calling Levi and not as an explanation for eating with sinners (Dibelius, 64 n1). 2) The disciples' sudden appearance looks contrived and therefore suggests that the story has been invented for Jesus' saying (Wellhausen, 1909, 17). 3) The disciples of Jesus are questioned instead of Jesus (Bultmann, 1963, 18). This indicates a Church vs. Synagogue controversy in which the church is questioned by Jewish authorities for its table fellowship practices.⁵ 4) The Pharisees would not be found at any meal where sinners were present (Bultmann, 18, n.3; Beare, 1981, 228).

However, other points should be remembered alongside these objections. 1) "I have not come to call the righteous but sinners" is more likely to be an addition (see my arguments for this below). 2) The sudden appearance of the disciples favours the authenticity of the story for a narrator would not construct such an abrupt appearance. 3) As I argued in chapter six, a scene where the disciples are questioned instead of Jesus is not a solid indication of inauthenticity. In the Master-Disciple relationship, the disciples are expected to defend their master's teachings and practices. 4) The gospel account of this episode does not state that the scribes of the Pharisees are invited guests at this meal but uninvited spectators. There is no reason why Pharisees could not have witnessed tax collectors and sinners going into Jesus' house and also see that preparations were being made for a banquet. 5) The Markan account of the story (generally accepted as the source of the other two gospels) has itself indications that an earlier tradition is being used (i.e. ἦσαν γὰρ πολλοὶ καὶ ἠκολούθουν αὐτῷ, 2:15; Pesch, 1970, 65f).

In support of the position that this episode reflects a real event in the ministry of Jesus, the following arguments are raised. 1) The early church knew

that Jesus' ministry involved preaching to sinners (Jn. 3:17; 1 Tim. 1:15). Table fellowship is certainly compatible with this theme. 2) Eating with sinners was not a common feature in either Jewish or Christian literature (the argument of dissimilarity). 3) In Mk. 2:16, Jesus' opponents are described as οἱ γραμματεῖς τῶν Φαρισαίων. This is an unusual identification (appearing only here). We normally would expect Jesus' opponents to be either οἱ Φαρισαῖοι (Mt. 9:11) or οἱ Φαρισαῖοι καὶ οἱ γραμματεῖς (Lk. 5:30). 4) There are too many details which are left out to believe that the story is an invention of a scribe (Taylor, 203). When and where do the scribes appear? How did they make contact with the disciples? When did Jesus give them his answer?

I believe these arguments collectively tip the scales in favour of the view that this tradition reflects a real event in the life of Jesus. On at least one occasion Jesus entertained in his home Jews whom society regarded as an abomination to the Lord.

Eating in Zacchaeus' Home

It is easy to see why some scholars think the story in Lk. 19:1-10 is unhistorical. It only appears in Luke's gospel, it is reminiscent of the earlier call of Levi (Lk. 5:29-32) and it contains a number of words, phrases and themes which are repeated in other parts of the Gospel.⁶ These facts give a very strong impression that it is a story created by the church (Bultmann, 1963, 33-34; Creed, 228; Fiedler, 129-135; Walker, 233-234; Sanders, 1985, 175, 203; Horsley, 218).

In addition, there are other arguments to support this conclusion. First, v. 8 (Zacchaeus' promise of restitution) looks like an addition for two reasons (Bultmann, 1963, 34; Walker, 233f; Fitzmyer, 1985, 2:1219). 1) In v. 9 Jesus

talks about Zacchaeus in the third person as if he was not talking to him. The text makes better sense if Jesus' statement about Zacchaeus as a "son of Abraham" was a direct response to the crowd's complaint that Jesus was going to the house of a sinner.⁷ 2) Jesus calls Zacchaeus a "son of Abraham" without mentioning anything about Zacchaeus' promise. The editor of this story supplied v. 8 in order to explain that this "sinner" was becoming a spiritual "son of Abraham" because he was willing to repent.⁸ Second, a smaller tradition (vs. 3-6) can be detected in our pericope. This was edited and enlarged by "Luke" with vs. 1-2 and 7-10 (Fiedler 130,134). Third, specific names such as Ζακχαῖος and Ἰεριχώ illustrate what usually happens in the development of a tradition (Sanders, 1969, 275). Names are added to give traditions more colour and vividness.

However, it is my position that once we consider a number of different points it will seem unlikely that this story has absolutely no historical basis. First, there are several variations between the repentance of Zacchaeus and the call of Levi. This fact suggests that it is not simply a recreation of that story (Geldenhuis, 471; Choi, 262).⁹ Plummer is probably right to argue that the Gospel of Luke was not in need of an altered version of the call of Levi when it already has the call of Levi (Plummer, 1905, 432). Second, there are some details that a story for the sake of a lesson on repentance could do without (i.e. Zacchaeus' height, climbing a tree, fourfold restitution).¹⁰ Third, there are many "non-Lukan" words which could demonstrate that there is something here containing an early primitive tradition (Jeremias, 1980, 275-277; Choi, 270).

If we are to vote in favour of the historicity of the Zacchaeus story,¹¹ what about the arguments raised against it? First, I do not see any need to say that when Jesus talks directly at a person he must always use the second person to refer to them. It is not unimaginable that Jesus would look at Zacchaeus and say

something *towards* him which he wanted others to hear and take note (Marshall, 698; Choi, 265). Speaking towards a person would be understood as speaking to them. The fact that we find πρὸς αὐτὸν instead of πρὸς αὐτοὺς is more suggestive that this story is a genuine tradition because in a fabricated story we would expect to find a smoother transition. Second, verses 3-6 do not look like a story which the early community would circulate independently. It contains no moral or call which would function in the edification and worship of the church. Third, while it is true that we do expect elaborations in the tradition such as the giving of names and locations, on its own this argument is not decisive (Dibelius, 118). Applied consistently throughout the four gospels, the result would be the ridiculous picture of a message being remembered as proclaimed by no one to no one when they were in no place.

Therefore, this story also points to a real event in the life of Jesus. Not only do we have evidence that Jesus once ate with tax collectors and sinners in his home, but he also ate with one particular sinner in Jericho.

Why was Jesus' Table Fellowship so Offensive?

Why did the Pharisaic scribes think Jesus was wrong to eat with immoral people? Immediately we can reject one suggestion because of the definition we have adopted for ἀμαρτωλός. If the ἀμαρτωλοί were simply non-Pharisees we might want to conclude with others (Parkes, 39; Filson, 119; Banks, 111; Marshall, 219) that Jesus offended these Jews by incurring ritual defilement in eating with people who did not prepare and serve food as the Pharisees did. The particular concern might have been that Jesus would be eating untithed food.

But even if we could accept that the only "sin" the ἀμαρτωλοί committed was being non-Pharisees, it still would not be sensible to say that this was the

cause of offence. There are three reasons why. 1) The Pharisees would not be offended if a non-Pharisee (Jesus) ate with other non-Pharisees. 2) Pharisees would not even object to a Pharisee eating with non-Pharisees. 3) Eating untithed food was so common during this period that it hardly would cause a real offence (Neale, 121,122).

The primary evidence we have of a rabbinic group refusing to eat with others is m.Dem. 2:2-3.

He who undertakes to be a *ne'eman* (trustworthy), tithes that which he eats and that which he sells and that which he buys; and he does not accept an invitation to a meal with an *am ha-ares*. Rabbi Judah says: Even if he accepts an invitation to a meal with an *am ha-ares*, he is a *ne'eman* (trustworthy). They said to him: He is not trustworthy about himself; how can he be trustworthy about what belongs to others? He who undertakes to be a *haber* ("Associate") does not sell to an *am ha-ares* either wet or dry, and does not buy from him wet, and does not accept an invitation to a meal with him and does not invite him to a meal in his own garment (trans. Maccoby, 1988, 68).

The *ne'eman* (an apprentice *haber*) should not eat in the homes of the *am ha-aretz* ("the people of the land"). But there are no restriction against the *ne'eman* entertaining the *am ha-aretz* in his home. The fully inducted *haber* ("Associate") can entertain an *am ha-aretz* in their home on the condition that the *am ha-aretz* changes clothes (Sanders, 1985, 187-188; Maccoby, 1988, 69).¹²

Jesus is not a member of the *haberim*. He is not even a Pharisee. So when he eats with people who are likewise not *haberim* and not Pharisees he is unlikely to cause offence in the eyes of scrupulous Pharisees who also eat with non-Pharisees. Besides this, the Pharisees no doubt correctly assumed that most people, including Jesus, lived in a perpetual state of ritual defilement (Sanders, 1985, 182-184; Neale, 122).

The ἀμαρτωλοί are the truly wicked individuals, so we must look somewhere else besides the halakhah of the *haberim* for the reason why Jesus' table fellowship was so shocking.

No one seriously doubts that meals were important social gatherings for people who lived in the first century. Dennis Smith describes the social importance of meals adequately by writing, "The banquet was a social institution of such significance in the ancient Mediterranean social world that it was commonly utilized by all sorts of distinct social groups as an effective means for *confirming and celebrating their self consciousness as a community* (Smith, 1989, 469, italics mine)." Certainly the early church ate meals with this in mind (Acts 2:42).

What we should be asking is, Does *every* meal a person eats with others confirm and celebrate self consciousness as a community? Smith explains that while meals no doubt did take place between persons of different social communities, when meals appear in literature they are used as a standard motif of complete concord between those present at the table (Smith, 1989, 470). In other words, Jesus probably ate with those who were not in complete concord with him but when the gospels record his meals the purpose is to say that there was complete concord between him and those he ate with. In order to sustain this conclusion Smith has to discard Jesus' table fellowship with Pharisees. Because they are recorded in Luke's gospel only (Lk. 7:36; 11:37; 14:1) they are discredited as not having anything to say about the historical Jesus. Yet it is primarily the existence of a meal between a Pharisee and Jesus in this literature which weighs against Smith's assertions.

Jesus ate with a Pharisee and was not a Pharisee. As we noted above, Pharisees could eat with non-Pharisees. Neither in literature nor as an event in history is a meal an immediate indication that there is concord between the diners. Jesus could have eaten with immoral people and no one would necessarily jump to the conclusion that Jesus belonged to their ranks or that they were now united with him as a community.

Some scholars have argued that when Jesus ate a meal it symbolized for him, for those who ate with him, and for those who saw him eating an eschatological banquet (Perrin, 103-107; Gundry, 1982, 168; Borg, 83; Marshall, 217; Davies, 1991, 2:101; Dunn, 1991, 111). When Jesus ate with these people, he acted out a parable which conveyed the message that these individuals now belonged to the kingdom of God. Jesus intentionally ate with immoral people because he knew it would be offensive and through its offensiveness sought to teach a lesson. The scribes of the Pharisees would have been shocked by the allegation of the acted parable that God would have no hesitation in accepting these obvious law breakers into his kingdom.

The Qumran literature provides some evidence that certain Jews did use meals to foreshadow the eschatological banquet prepared in the presence of the Messiah. An important reading can be found in what is called the Messianic Rule (1Qsa 2.17-21).¹³

And [when] they shall gather for the common [tab]le, to eat and [to drink] new wine, when the common table shall be set for eating and the new wine [poured] for drinking, let no man extend his hand over the first-fruits of bread and wine before the Priest; for [it is he] who shall bless the first-fruits of bread and wine, and shall be the first [to extend] his hand over the bread. Thereafter, the Messiah of Israel shall extend his hand over the bread, [and] all the congregation of the Community [shall utter a] blessing, [each man in the order] of his dignity. It is according to this statute that they shall proceed at every me[al at which] at least ten men are gathered together.

There are several reasons why we should be cautious before making Jesus' table fellowship with sinners parallel the "eschatological meals" of the Qumran Community.

First, the above Qumran text describes a special gathering of members of a community which was to be repeated on a regular basis, yet Jesus' meals with sinners appear to be infrequent and fairly spontaneous occasions. Each time ten men of the Qumran community gathered for a meal the above regulations

applied. The assumption behind this rule is that at least ten men will gather at certain times so that this particular procedure will take place. The text is more closely aligned with the early gathering for the Christian eucharist rather than the meals Jesus had with those who did not belong to his band of disciples (Burrows, 1956, 332; Cross, 1958, 177; Davies, 1962, 109; but also see Driver, 511-515).

Second, the texts which describe Jesus' meals makes no effort to expound upon it as if it was foreshadowing any future Messianic banquet. The first episode is told mainly as a conflict story which shows that Jesus was able to defend his actions against the misunderstanding of his opponents while the second episode is used as a legend highlighting the valuable example of a sinner who repents and is pronounced saved.

Third, Jesus' opponents never accused him of promising sinners that God would accept them into the kingdom as they were (i.e. as unrepentant sinners). It undoubtedly would be the primary concern of Jesus' opponents if they had thought Jesus' table fellowship made this promise.

Finally, If we are to interpret Jesus' table fellowship as an acted parable which caused offence, then we are required to assume that the scribes of the Pharisees *properly* understood Jesus' table fellowship as a parabolic event (Neale, 127). This demands that we also assume the scribes of the Pharisees know a lot more about what was said at the meals (i.e. that the meal was explained as a parabolic act) than just knowing that a meal occurred. This seems to demand a lot of the imagination. While it is not difficult to envisage that some Pharisees could observe that a meal was taking place between Jesus and some outcasts, it is difficult to believe that they would have hung around to eavesdrop on what was said about the meal. It was the physical act of associating with sinners at the table itself which offended these individuals and not what message they thought Jesus was symbolizing by it.

For these same last three reasons we must also question the explanation that Jesus offended the Pharisaic scribes because his meals symbolized that sinners could be forgiven (Perrin, 102f). The text does not say they are forgiven. The scribes do not charge Jesus with forgiving them. If Jesus had told the sinners that this meal demonstrated they were now forgiven, how would the scribes have known about it?

There is also another reason why this explanation remains unsatisfactory. The fact is that the rabbis knew sinners could be forgiven. They knew that the repentant sinner stood on a higher pedestal than the out and out saint (b.Ber. 34b). Because sinners could repent, the rabbis encouraged them to do so and told what gift-offerings were expected of them in the Temple (b.Hul. 5a). The repentance of the wicked would cause God to abandon his plans to destroy them (Gen.R. 44:12//Ecc.R. 5:1). In b.San. 37a there is even an indication that some Jews thought a rabbi was blessed by God because he befriended sinners. While these references cannot be dated to the time of Jesus, the idea that sinners could repent and find forgiveness is taken for granted as a concept which is generally recognised as true. The rabbis here hardly think that what they are saying is something new. Everyone knows that God's mercy extends even to the worst offender who repents. Therefore, it seems false to say that the scribes would be offended by Jesus because he told sinners that they could be forgiven.

The gospel do not try to hide the fact that Jesus' table fellowship was offensive. Their assumption is that the offence will be readily understood. What is offensive about Jesus' table fellowship with sinners is what is offensive about any Jew eating with sinners. No details are added to lead us to think otherwise. The offence was not a question of ritual purity or soteriological symbolism. It has to do with the general understanding that any Jew who maintains close associations with the ungodly would be led to act ungodly.

Already we have seen that Ps. 50:16 states that the man who associates with adulterers and thieves is condemned by God. It was not merely the presence of the godly within the same vicinity of the ungodly which God abhors but the bond of acceptance which existed between the two. Throughout the scriptures the righteous are warned not to maintain company with the ungodly lest they become like them. Instead, they are to loath them (2 Chr. 19:2; Job 34:8; Ps. 1:1,5; 26:5; 141:4,5; Sir. 7:16; 9:16; 12:4,7; 13:17; Wis. 4:10,11; 2Jn 10,11; 1 Cor. 15:33).

The scribes of the Pharisees discover that Jesus eats with sinners. They are shocked that he does not realize the danger that he is putting himself into. If Jesus was going to interact with these individuals on a continual casual basis, his own righteousness would be affected. The righteous person would certainly have to interact with the sinner in order to tell them they needed to repent. However, eating with sinners in their homes or in one's own home is to make oneself vulnerable to their evil influence. Concerned that Jesus does not lose his righteousness, the scribes of the Pharisees make their objection.

What was Jesus' Defence?

There are two defences for what Jesus did (Mt. 9:12,13b// Mk. 2:17// Lk. 5:31,32).

- 1 οὐ χρείαν ἔχουσιν οἱ ἰσχύοντες ἰατροῦ
ἀλλ' οἱ κακῶς ἔχοντες.¹⁴
- 2 οὐκ ἦλθον καλέσαι δικαίους ἀλλὰ ἁμαρτωλούς.¹⁵

Do both sayings go back to him? The authenticity of the first defence is slightly more certain than the second one. The reasons are as follows. 1) Jesus

usually replies to his opponents with only one rebuttal. 2) The proverb that a physician must go to the sick was well known in the ancient Mediterranean world (Meander frag. 591 K; Plutarch "Apophth. Lacon" 230F; Dio Chrysostom 8:5; and Diogenes Laertius 2:70; 6.6). 3) POxy 1224 is a third source which knows at least the first defense.¹⁶ 4) There are other references which make it appear as though the second defence was a doctrinal statement put back into the mouth of Jesus (1 Tim. 1:15b; Barn. 5:9b; Bultmann, 1963, 163; Anderson, 105; Hultgren, 1979, 110; but see Jeremias, 1967, 167f; Pesch, 1970, 79).¹⁷ 5) Whereas the analogy of the physician addresses the question which was asked, the second saying would unlikely be accepted by those who raised the question as an adequate answer (Fiedler, 126). Certainly Jesus can call sinners to obey God but what does that have to do with eating with them? Οὐ χρείαν ἔχουσιν οἱ ἰσχύοντες ἰατροῦ ἀλλ' οἱ κακῶς ἔχοντες therefore is more likely to be the sole reply which Jesus gave.¹⁸

So why did Jesus think his table fellowship was acceptable when everyone knew that God condemns those who make the wicked their friends? Quite clearly, Jesus thought that his eating with sinners did not fall under the general ban found in scripture (Nineham, 97n).

The ban was aimed at either 1) stopping the wicked from leading the righteous astray or 2) stopping the righteous from condoning the ways of the wicked. Jesus undoubtedly took his table fellowship with sinners to be perfectly harmonious with this ban since his intention was not to condone the practices of the wicked but to lead them to spiritual recovery. He uses the popular analogy of the physician who is well going to those who are sick in the same way in which it was used by others who like Jesus were condemned for mixing with evil people. Take for example the use of the analogy in Diogenes Laertius 2:70.

In answer to one who remarked that he always saw philosophers at rich men's doors, he said, "So, too physicians are in attendance on those who are sick, but no one for that reason would prefer being sick to being a physician."

And Diogenes 6:6

One day when he was censured for keeping company with evil men, the reply he made was "Well, physicians are in attendance on their patients without getting the fever themselves."

The complaint in the first text was that philosophers were consorting with rich men. This would indicate that they approve of the practices of rich men (which are assumed to be rather suspect). But Diogenes' reply shows that he did not think that the association between philosophers and rich men meant the rich men were now acceptable. In fact the exact opposite is true. It is because the rich men are not acceptable that it is incumbent upon the philosophers to be with them in order to lead them to do what is right.

The complaint in the second text was that Diogenes would become influenced by the those he associated with. This time the analogy is used to show that it is not always the case that by associating with evil persons one will become an evil person.

Similarly Jesus uses this popular analogy. By eating with sinners Jesus is not claiming that they are all right. It is because they are not all right that he needs to be with them. Like a physician he can show them how to be healed and restored to God. The scribes question Jesus' action because they are not aware of his intention. They assume he was associating with sinners simply because he liked their company and because he had no qualms about their life style. Jesus' point is that they have assumed wrongly. His intention is to lead them to change their ways and that he is not going to be led to change his. When he eats with sinners he is not showing that they are now acceptable to God but is using the opportunity as a means to acquire a hearing and challenge them

to change their lives (Filson, 119). It then becomes a matter of debate whether or not his intention to redeem sinners justifies the dangers involved in associating with them.

How Did Jesus Think Sinners Could Be Forgiven?

Although Jesus' table fellowship does not imply anything about the forgiveness of sinners, the synoptic gospels indicate that certain people were forgiven by him. According to one tradition (Mt. 9:2//Mk. 2:5// Lk. 5:20), Jesus pronounces the forgiveness of a paralytic. According to another tradition (Lk. 7:48), he tells a woman who is a sinner that her sins are forgiven. Nothing is indicated by these stories that either individual had previously sought forgiveness through the regular cultic channels or did so afterwards. Rather, because of faith in Jesus' power to heal and because of love for him, forgiveness was simply announced.

Sanders has argued that what was offensive about Jesus' relationship with sinners was that he did not instruct them to make the appropriate legal restitutions and to demonstrate repentance as the law proscribes. He writes, "He may have offered them inclusion in the kingdom not only *while they were still sinners* but also *without* requiring repentance as normally understood, and therefore he could have been accused of being a friend of people who indefinitely *remained sinners*" (Sanders, 1985, 206). But what evidence does Sanders use to support this conclusion? First, he cites Mt. 21:32 and 11:18f where Jesus is contrasted with John the Baptist. Everyone takes John the Baptist as a preacher of repentance (as repentance was normally understood), but they take Jesus to be someone who claimed that those who would be saved only needed to believe in him. Second, Jesus did not require repentance of Levi when he was called

(Mt. 9:9//Mk. 2:14//Lk. 5:27). Third, Jesus said some traditional practices of Judaism (i.e. fasting) could be overlooked by those who followed him (Mt. 9:14-17//Mk. 2:18-22//Lk. 5:33-39). Finally, Jesus told a man, Forget about keeping the fifth commandment to honour mother and father, instead follow me (Mt. 8:21f//Lk. 9:59f). If Jesus believed that the fifth commandment could be broken, then he certainly would not have any qualms about setting aside the laws about repentance.

However, there are several reasons why Sanders' arguments are not convincing. 1) Mt. 21:32 recalls an accusation of Jesus against the chief priests and elders because they did not repent and believe John who came to them in the way of righteousness. When Jesus is later contrasted with John in Mt. 11:18,19//Lk. 7:33,34 it is not a contrast between one who has come in the way of righteousness because he preaches repentance and one who does not. Rather, the contrast is clearly between the false accusation that John the Baptist has a demon because he lives an ascetic life and the false accusation that Jesus is a friend of tax collectors and sinners because he eats with them. The message of John and the message of Jesus is not under consideration at all here.

2) When Levi was called, it could have easily been assumed by many that Levi had sinned since most Jews hated tax collectors and thought they were nothing more than crooks supported by the government. However, we do not know that Levi has committed any sin of theft. There is no sin in being a tax collector per se as long as one is honest and fair. John the Baptist tells tax collectors that they can continue to be tax collectors as long as they are just in their duties (Lk. 3:12,13). If Levi had done nothing wrong as a tax collector, would Jesus need to call for his repentance and restitution? The details behind the story of Levi's call are missing and therefore cannot tell us anything about either the background of Levi or the expectations of Jesus.

3) For Jesus to tell his disciples not to fast regularly as some Jews did is not the same as if he had told them not to fast on those days which God said to fast. Rejecting non-biblical fasts is hardly an indication that Jesus rejected biblical commandments about how to make restitution and demonstrate repentance.

4) In chapter 5, I have shown that there is good reason to believe that "let the dead bury their dead" refers to a second burial. When Jesus told a son he should not return to bury his father, he was not forbidding a first burial which everyone took to be in fulfillment of the fifth commandment. Instead, he forced the son to make a choice between the immediate situation of following him and the domestic halakhah of gathering the bones of the deceased and preserving them with the gathered bones of other family members. This second burial, while highly esteemed by some Jews, was not a biblical commandment, so people would not conclude that the son would be disobeying the law if he chose to follow Jesus. It was a sensitive choice but not an unlawful one.

I find that the evidence is more in favour of the view that Jesus did expect people, including sinners, would continue to follow the Mosaic laws about repentance and restitution. According to Mt. 4:17// Mk. 1:15, repentance at all levels (nationally and individually) formed part of the bedrock of Jesus' proclamation to Israel.¹⁹ In Mt. 5:25-26 Jesus assumes that restitution is necessary for the effectiveness of a sacrifice which will follow it. According to another tradition (Mt. 8:1-4//Mk. 1:40-45// Lk. 5:12-16) Jesus' healing of a leper implies the need for repentance in that the healed leper is to show himself to the priest and make an offering according to the law. Jesus' assumption is that the man will give to the priest money equivalent to the cost of a sin offering which the priest will make on the leper's behalf the next time he is in Jerusalem. People who contracted leprosy were usually thought to have sinned and must demonstrate their repentance by an offering in the Temple. In this one episode

(which Sanders dismisses with little argument) we see that Jesus supports both the legal obligations required of the one who repents and the role of the Temple and the priesthood as a vital centre in the relationship between God and Israel. It also seems that Jesus has repentance in mind when he makes moral demands upon those who would enter the kingdom (Mt. 19:24//Mk. 10:23//Lk. 18:24; Mt. 7:21; Mt. 18:3). Whether or not all the texts which are cited correctly account for what Jesus preached, it is significant that early traditions in all three gospels (see also Mt. 11:20-24//Lk. 10:13-15; Mt. 12:41//Lk. 11:32; Lk. 13:1-5; 15:3-11; 16:19-31) saw no conflict with attributing the belief in the need for repentance to Jesus. Collectively, they portray Jesus as someone who believes that repentance is important. He no doubt assumed that when a sinner responded to his call he would follow what the law requires. Jesus, as Sanders has quite rightly pointed out, would not be condemned for turning sinners into saints. But Sanders has failed to provide evidence which shows that Jesus took a radical step in calling for sinners to stay as they are.

Conclusion

In this chapter we have seen that Jesus does nothing which is disobedient to the law. He calls the most wicked of society to repent. In order to gain their trust, Jesus is willing to eat with them. This certainly was not expected of someone who wanted to follow the will of God, but Jesus did not think there was a direct conflict with the law. He saw himself as a physician who was required to be with those who needed curing. Sinners would die in their sins unless they could be won over to the way of righteousness. For any other purpose Jesus would not have associated with them, for this would have been against what God wanted. But as long as it was Jesus' intention to lead sinners to God (i.e. to his

law) then there was no law against eating with them. The scribes of the Pharisees query Jesus' action because they do not know why he is doing it. They think he is being a friend to unrepentant sinners. But Jesus assumes that once they know what his intention is, they will consider his action in a different light. Some may have still considered eating with sinners even for this purpose a dangerous practice, but others may have thought that in this circumstance Jesus was fully justified in what he did and would receive the approval of God.

Endnotes

1. In the Gospel of John chapter 9, some Pharisees claim that Jesus is not from God because he does not keep the sabbath. Other Pharisees ask, But how can a "sinner" do these signs. The natural assumption should be that "sinners" are those who do not keep the sabbath as the Pharisees prescribe. However it may be argued that here the Pharisaic position and accusation are misconstrued because of the desire to heighten the conflict.
2. For a historical look at how the tax collectors functioned in 1st century Palestine see H. C. Youtie, 1-20.
3. Walker and Horsley's arguments against the historicity of Jesus' table fellowship with tax collectors are by and large Bultmann's arguments (Bultmann, 1963, 18). But Bultmann did not think that because these stories were unhistorical that it meant Jesus never ate with tax collectors.
4. For a discussion of the ambiguity involved in Mt. 9:10 and Mk. 2:15 see, Pesch, 1968, 45-47; Fiedler, 120; Davies, 1991, 99f.
5. Fiedler argues that the word "sinner" also indicates that what lies behind this story is a question about the table fellowship between Jewish and Gentile Christians (Fiedler, 121). However, we have seen that ἁμαρτωλοί makes perfectly good sense as a descriptive word of immoral Jews and does not necessarily point to Gentiles. Banks, while accepting the historicity of this episode, concedes that our present form could have been affected by later circumstances in the church (Banks, 113).
6. Words which are thought to be Lucan are διέρχεσθαι - v. 1; οὐκ ἠδύνατο - v. 3; ἠμελλεν, ἀναβαίνειν - v.4; τόπον, ἀναβλέπω, σπεύσας, κατάβηθι - v. 5; χαίρων - v.6; σταθεῖς δὲ, τὰ ὑπαρχόντα - v. 8 (Fiedler, 132; Fitzmyer, 1219). Supposedly, the Lucan phrases are σπεύσας κατέβη, καὶ ὑπεδέξατο αὐτὸν χαίρων - v. 6; εἶπεν πρὸς + the acc. and the absolute use of ὁ κύριος - v. 8; εἶπεν... σήμερον σωτηρία τῷ οἴκῳ τούτῳ ἐγένετο and αὐτὸς υἱὸς Ἀβραάμ - v. 9 (Fiedler, 130-133; Fitzmyer, 1219). Common themes in Luke are repentance and reformation (Sanders, 1985, 175, 203, 206). For a detailed rebuttal against claiming most of these as "Lucan" see Choi, 270-272. Earlier treatments regarding the words, style, and themes in the Zacchaeus story are Loewe, 1974, 321-331; O'Halon, 1981, 2-26.
7. It is worth noting that Bultmann does have some manuscript evidence to support this alteration of πρὸς αὐτὸν (v. 9) to πρὸς αὐτοὺς (R a b c f ff² i l s and the old Latin). However, the better manuscripts read πρὸς αὐτὸν (Aleph A B D L 1011 sy^{s.c}).

8. Wellhausen wrote long ago that the Zacchaeus' story "thundered" the Pauline theology of conversion as we find it in Gal. 3:9,29; Rom. 4:11 (Wellhausen, 1904, 104).
9. Some of the major differences between the call of Levi and the repentance of Zacchaeus are: Zacchaeus is not called to be a follower of Jesus, Zacchaeus does not invite other tax collectors and "sinners" to eat in his house with Jesus, there is no promise of restitution made by Levi and the story in Lk. 5:27f is a call narrative turned into a conflict story whereas Lk. 19:1f is a legend illustrating the importance of repentance (Dibelius, 118; Neale, 183, n.2).
10. Evans thinks that these details are the indications of a story teller (Evans, 660).
11. Although I have argued that a real event lies behind the Zacchaeus story this does not mean I take v. 10 as an original part of the pericope. It is generally accepted that Jesus usually has only one conclusive remark for each of his encounters. Here v. 9 is it (Marshall, 695; Choi, 259).
12. Abrahams confused the difference between a Pharisee and a haberim when he wrote that a Pharisee would not have objected to receiving sinners at his table but would not accept an invitation to join them at their table (Abrahams, 1917, 1:56).
13. Also see 1QS 6.
14. The difference between *ισχύοντες* in Mark and Matthew and *ὑγιαίνοντες* in Luke may be due to the aramaic *beria* (Cranfield, 1959, 102).
15. Between these two arguments one community has added another defence which recalls the important principle of Hosea 6:6, *ἔλεος θέλω καὶ οὐ θυσίαν* (Mt. 9:13a). Mark and Luke would have no obvious reason to omit this defence if it had existed in their source, so in all probability it is secondary. For a helpful discussion of how Hos. 6:6 might be functioning in Matthew's gospel see Hill, 1977, 107-119.
16. Unfortunately, the fragment in POxy 1224 has been damaged preserving only the letters *ουσιν οι ὑ* for Jesus' reply.
17. Jeremias and Pesch's argument is that "I have not come to call the righteous but sinners" could still be authentic because *ἦλθον* is nothing more than the equivalent of *'atā' (bā')* I + the infinitive (Jeremias, 1971, 167; Pesch, 1970, 79).
18. For others scholars on the authenticity of Jesus' defence in Mt. 9:12// Mk. 2:17a//Lk. 5:31 see Haenchen, 1966, 111; Pesch, 1970, 81 and Marshall, 220.
19. Some scholars think this "preamble is late and is a Christianized description of what Jesus preached (Wellhausen, 1909, 7; Klostermann, 1926, 14; and Sanders, 1985, 109). Others think that it is late but an accurate description (Branscomb, 1937, 25; Bultmann, 118; Taylor, 167; Anderson, 83) and there are some who argue that the description is accurate and might come from a pre-Markan source (Gnilka, 1978, 1:64-65; Guelich, 1989, 43).

CHAPTER EIGHT

Jesus and the Purity Laws

If Jesus thought that the Mosaic law should be obeyed why did he say, Nothing that enters into a man defiles him (Mt. 15:11a// Mk. 7:15a,18b)? On the surface it appears as if he believed the whole Levitical definition of what is clean and unclean could be ignored. Jesus seems to imply that only a man's evil intentions, some of which are demonstrated by evil actions, cause him to be defiled before God. Consequently, it has become popular to think that here Jesus is out to abolish certain laws regarding purity (Gould, 125, 130f, 133; Swete, 150; Plummer, 1920, 87; Allen, 1915, 106; Klostermann, 1926, 79; Montefiore, 1927, 1:131, 142, 146; Bultmann, 1963, 105; Moule, 1965, 56; McNeile, 226; Käsemann, 39; Perrin, 150; Riches, 136; Beare, 1981, 336).¹ Jesus enters into the scene removing the old dispensation that judges purity according to external consideration with the new teaching of God that purity will now be judged only on the basis of what is in a person's heart.

Jesus' teaching about defilement itself is not the only thing which causes major differences of opinions. Opinions are also divided on what the original setting was for this utterance. Did Jesus say these words as a direct response to a Pharisaic enquiry into his disciples' habit of eating with unwashed hands or is it a free floating saying whose context has been forever lost? The question is certainly an important one since it could be decisive for interpreting Jesus' words.

There seem to be three questions which must be answered if Jesus' attitude towards purity laws is going to be properly understood. 1) What did Jews think about ritual defilement in general? Did any pious Jew say, Such-and-such cannot make you unclean, even though the law says it does? 2) How was the pericope in Mt. 15:1-20 and Mk. 7:1-23 composed? It is almost certainly not a unit (contra Cranfield, 230), so how many traditions were used to create it? What additions are there? 3) Of the traditions that were collected, which sayings are more likely to be authentic words of Jesus and what do they indicate about his attitude towards Mosaic legislation? Do these sayings show that Jesus was attempting to alter the way Jews thought about defilement or are they compatible with a view of defilement that was already prominent among those who obeyed what Moses wrote?

What did Jews think about the Purity Laws?

The law is clear that Jews can become unclean if they touch or are in contact with certain items.² For instance they could be made impure if they touched a human corpse or an animal which has died either accidentally or of natural causes (Num. 19:11-15; Lev. 5:2; 11:24-25, 27-28, 31, 36). They could be rendered unclean for being in contact with blood (i.e. in the case of childbirth, Lev. 12:2a or menstruation, Lev. 12:2b; 15:19-24), semen (Lev. 15:16-18), other bodily discharges (Lev. 15:2,25), and leprosy (Lev. 13:8,14,45-46; Num. 5:2-4). Impurity can also be caused by eating certain foods (Lev. 11:1-8; Deut. 14:3-20) and even by touching some animals while they are still alive (Lev. 11:26).³

Touching or direct contact with any of these or similar items (rabbinically known as first uncleanness) or touching anything else which has touched them

(rabbinically known as second uncleanness; m.Kel. 8:5; m.Toh. 1:5) renders the Jewish person defiled before God. What this uncleanness means is that the defiled person is barred from anything that has been separated as holy (i.e. the Temple or food set aside for the Temple; Lev. 12:4; Lev. 7:19-21; 22:3ff; Lev. 11:1ff; 13:1ff).⁴

In addition to the various external objects which can cause ritual defilement, the law recognizes that there are serious defilements which can be incurred by certain acts of disobedience, such as adultery and bestiality (Lev. 18:19-30).⁵ The reason that these acts were thought to cause impurity was not simply that semen is once again involved but that the person who commits them is violating very important moral values. That these acts were believed to cause a more serious form of impurity is seen by the fact that a person who is caught committing one of them has no means of becoming clean again but is to be cut off from among the people. So even in the law, while all the laws governing ceremonial impurity are important, certain impurities were thought more significant than others. For a Jew to say that such and such a sin can cause an impurity which is more serious than the impurity caused by other things is easily within the bounds of what the law itself teaches.

In the prophetic books, Jews are continuing to place a high regard on matters related to what can make one unclean. The prophet of Isaiah calls for obedience to the food purity laws and refers to certain on-going extra-biblical purity practices (Isa. 66:17-20). Yet central to the opening thrust of the book is the idea that one is washed clean (metaphorically speaking) by learning to do good (here "good" = social justice; Isa. 1:16,17; Kaiser, 34f). Purity laws, especially those which take effect because of the uncompleted Temple, also stand prominently in Hag. 2:10-19 behind the questions the Lord asks the people: "If one carries holy flesh in the skirt of his garment, and touches with his skirt

bread, pottage, or wine, or oil, or any kind of food, does it become clean? . . . If one who is unclean by contact with a dead body touches any of these (foods), does it become unclean?." The prophet is making the point that disobedience towards God's will defiles the people and they will not be made clean again simply by offering ritual purification (Meyers, 1987, 58; Verhoef, 118-120). Until they obey him in all respects the rites have no effect.

That God is pleased by a clean heart and not only a ceremonially clean body is also a major reoccurring point in the Psalms (Pss. 18:20-24; 24:3-4; 26:6; 73:13). The ideal Jew is one who avoids being defiled by unrighteous thoughts or deeds as much as by ceremonial impurity. In 2 Chron. 30:18-20, the ideal Jew is not the one who acknowledges the importance of cultic laws but the one who acknowledges the importance of all God's moral teaching.

Qumran literature, the Damascus Document, Josephus' testimony (Jos. J.W. 2:124, 129, 131, 150) and the discovery of pools at Qumran, paint a clear picture of a society which took seriously the need to be pure (Sanders, 1990, 37,38). They believed that they were the people who would fight the eschatological battle alongside the Messiah and his angels and that this battle would soon take place. It was therefore imperative that the community maintain a high standard of purity (1QM 7:3-7; Buchanan, 402). A routine practice which helped to preserve this sensitivity towards ritually purity was a communal meal. As a regularly event, it was not to be taken lightly and could only be eaten by those (especially for the initiate) who had demonstrated that they were clean both in terms of their spirit and their deeds (1QS 5:13; 6:16-23; CD 9:20b-23; see further Schiffman, 1983, 161f).

Instructions in the Damascus Document and in the Temple Scroll show that there was a wide range of queries about what actions would make one clean and unclean. The Damascus Document states that water for ritual cleansing could not

be dirty or come from a man-made container or be touched by an unclean person (CD 10:10-13). Sacrifices are made unclean if they are delivered to the altar by someone who was unclean (CD 11:19-21). No one is allowed to enter into any of the assemblies of worship unless they were first cleansed of all defilements (CD 11:22,23). Restrictions were laid down against eating live animals, animals which crept, fish with blood in it, and unscorched or undrenched locusts (CD 12:11b-15a). The impurity caused by touching a corpse also appears to have been a serious concern (CD 12:15-18).⁶ These Jews had such a great passion for maintaining the sanctity of the Temple that intercourse within the Jerusalem city limits was even forbidden (CD 12:1,2). Separate purity laws were conflated in order to give more details concerning the extent to which purity must be maintained (11QTemple 45:7-10; 49:16-17; 50:10-14; see Milgrom, 1990, 89-95).

While Qumran literature and the Damascus Document show a real concern for ritual purity, this does not mean that external forms of contracting impurity were more important than the threat of becoming defiled because of an unclean heart. It is entirely compatible with an appreciation of ritual purity to make little of it in contrast with the overwhelming need to be morally pure in all aspects of one's life. This seems evident from 1QS 3:6b-9a.

For it is through the spirit of true counsel concerning the ways of man that all his sins shall be expiated that he may contemplate the light of life. He shall be cleansed from all his sins by the spirit of holiness uniting him to His truth, and his iniquity shall be expiated by the spirit of uprightness and humility. And when his flesh is sprinkled with purifying water and sanctified by cleansing water, it shall be made clean by the humble submission of his soul to all the precepts of God.

So like the law, the prophets, the psalmists and the Chronicler, the Qumran community placed a strong emphasis on the need to be clean, both in terms of the ritual washing of the body and the purification of the heart. They knew that a person could be defiled by a stubborn heart or lewdness so that even all the ablutions in the world would not make them pure before God (1QS 2:26-3:6a;

4:10). In thanksgiving one writer can insinuate that by loathing every work of iniquity he has thereby kept his hands ceremonially clean (1QH 16:10; cf. Isa. 1:6,7). Members of the community would have certainly agreed that cleansing the flesh according to some ceremonial laws alone would not suffice a God who desires the purity of the whole individual, both body and spirit (for a more cautionary appraisal of the Qumran evidence, see Booth, 88,89).

It is not surprising then that we find Jews in the Diaspora also appreciating strongly the importance of ritual purity and yet depreciating ritual purity when it is accompanied by a spirit defiled by sin.⁷ Philo, for instance, who had an extensive commentary on the logic behind the purity laws, said, ἀκάθαρτος γὰρ κυρίως ὁ ἄδικος καὶ ἀσεβής (For an unclean man is truly the one who is unjust and impious; *Spec. Leg.* 3:209). Philo understands that no status of defilement compares to the inner defilement which is caused by an evil outlook towards one's fellow man and towards God (Booth, 84-85). His belief that inner defilement was the more serious form of defilement allowed him even to take certain ritual laws (e.g. Lev. 15:18; on washing after intercourse) and interpret it so that it would also condemn defilement caused by other sins (e.g. adultery; see *Spec. Leg.* 3:63).

Josephus, who is also well acquainted with the importance of ritual purification (Jos. *Ag. Ap.* 2. 198, 205; *Ant.* 3.224-286; 18.36-38), can say, τοῦτο (God) θεραπευτέον ἀσκούντας ἀρετήν· τρόπος γὰρ θεοῦ θεραπείας οὗτος ὀσιώτατος (We must worship him by practicing virtue; for this is the most saintly way of worshipping God; Jos. *Ag. Ap.* 2. 192). By highlighting ἀρετήν, Josephus shows his understanding that no amount of following the purity laws will make someone clean who does not have a virtuous inner commitment to do God's will.

The Epistle of Aristeas is also a clear example of how purity was looked at by some Diaspora Jews. The king, having asked his guests a series of questions, finally asks, What is the highest form of glory?, to which the reply is given, The honour of God. It is then explained that God is honoured not with gifts and sacrifices but with purity of heart (τοῦτο δ' ἐστὶν οὐ δώροις οὐδὲ θυσίαις, ἀλλὰ ψυχῆς καθαρότητι καὶ διαλήψεως ὁσίας; Ep. Arist. 234). The writer has no intention of saying that sacrificial offerings will no longer be acceptable; rather he makes the point that purity is first and foremost a thing of the heart. A ritually clean body will never be acceptable to God, in spite of how much this is emphasized in the law, unless one's soul is also pure.⁸

We know that the rabbis, and particularly those who were Pharisees, were extremely concerned about matters of ritual purity. Two of the six major divisions of the Mishnah (Kodashim and Tohoroth) concentrate on defining what is unclean and how defilement is transmitted and contained. The amount of attention which is given to this question shows exactly how important this issue of defilement was for them. The rabbis addressed questions related to corpse-impurity (m.Ohol. 2.3; m.Edu. 1.7), tithes and offerings (m.Ter. 5.4; m.Toh. 10.4), food, (m.Kil. 8.5; m.Mak. 1.2), second uncleanness (m.Hag. 2.7; m.Kel. 20.6), sex (m.Edu. 1.1; m.Nid. 1.1), bodily discharges (m.Nid. 10.8; m.Zab. 1.1), and legitimate immersion pools (m.Mik. 1.5; 6.8) to name just a few (see a more detailed list and examination in Sanders, 1990, 184-236).

Nevertheless, the idea of being "unclean" was not simply a matter of incurring ritual defilement. R. Simeon ben Yohai (100-170 C.E.) could insinuate that his colleagues were ceremonially unclean with corpse-uncleanness when they sat together for a meal but did not talk about the law (m.Ab. 3:3). He did not mean by this that his colleagues should wash themselves as if they had touched a

corpse. His point is only that times of communion should also be occasions for legal discussion.

A famous Jewish illustration of how cultic impurity was thought about is the saying ascribed to R. Johanan b. Zakkai in Num.R. 19.8. R. Johanan supposedly once told his disciples, "By your life! It is not the dead that defiles nor the water that purifies! The Holy One, blessed be He, merely says: 'I have laid down a statute, I have issued a decree. You are not allowed to transgress My decree.'" But some scholars believe that R. Johanan's statement should not be cited as any kind of parallel to Jesus' similar sounding statement (Branscomb, 1930, 181-182; Percy, 118 n. 2; Banks, 141 n. 1; Booth, 105). There are two reasons why not. 1) R. Johanan immediately affirms the binding nature of the purity laws as a statute of God and 2) R. Johanan would disagree with Jesus' view that cultic impurity is less serious than non-cultic impurity. However, to say that what R. Johanan said is significantly different from what Jesus said seems to be an exaggeration (Davies, 1991, 2:530 n. 53). R. Johanan needed to state why the purity laws should be followed when in fact they could not actually defile,⁹ whereas Jesus only has to state that cultic matters are not the only things which can make a person unclean. In addition, R. Johanan, as well as the rest of the rabbis, would have had no qualms in saying that certain non-cultic thoughts and actions would cause an impurity which was more serious than the impurity caused by a broken cultic regulation. R. Johanan can talk depreciatively about cultic matters but would have had absolutely no intention of saying, These commands should no longer be obeyed. Therefore, even a negative comment about a Mosaic law does not necessarily lead to the conclusion that the speaker thinks the law can be rejected.

We have seen that the imagery of ceremonial uncleanness is used freely in the denunciation of non-cultic practices. This language can be used to refer to

anything which the speaker thinks is contrary to the will of God. Cultic matters can also be talked about negatively if a more important point needs to be stressed (i.e. God's law should be followed first and foremost because God has commanded it). This survey of Jewish literature shows that Jews knew that there was a lot more which could make a person "unclean" before God than simply a list of what is stated amongst the purity laws.

How was Mt. 15:1-20//Mk. 7:1-23 composed?

We are asking here, How many separate traditions were used to construct this pericope? Over the last century scholars have made several attempts to isolate exactly how many separate units there were.¹⁰ Some (Pesch, 1976, 1:369f; Gnilka, 1978, 1:277f) have argued that basically there are two literary units.¹¹

- 1) Mt. 15:1-9//Mk. 7:1-13
- 2) Mt. 15:10, 11, 16-20//Mk. 7:14-23

Others commentators have focused attention on the further question, How many different traditions were used? Some (Montefiore, 1927, 1:132, 147; Taylor, 334-339) think that five separate traditions can be pointed out.

- 1) Mt. 15: 1-2,7-9//Mk. 7:1, 5-8
- 2) Mt. 15:3-6//Mk. 9-13
- 3) Mt. 15:11//Mk. 7:15
- 4) Mt. 15:17// Mk. 7:18b-19
- 5) Mt. 15:19,20// Mk. 7:21-23

Bultmann thought that at least three pre-Markan traditions could be isolated while attributing the setting (Mt 15:1-3, 7-9//Mk. 7:1-8) and the Korban section (Mt. 15:4-6//Mk. 7:9-13) to the hand of Mark (Bultmann, 1963, 17-18).¹²

- 1) Mt. 15:11//Mk. 7:15
- 2) Mt. 15:17//Mk. 7:18b-19
- 3) Mt. 15:18-20//Mk. 7:20-23

This conclusion differed slightly from the one reached by Dibelius. He also thought that numbers 2, 3, and 4 were separate traditions but that Mk. 7:9-13 was the core material to which Mark also added the tradition containing the Isaiah quotation (vs. 6-8). Mark then created the opening scene (vs. 1-5) to introduce all of them (Dibelius, 220-1). However, it is unlikely that Mark would have created a scene where a question is asked about handwashing when handwashing was hardly a crucial issue between Christian Jews and non-Christian Jews or between Hellenistic Christians and Jewish Christians (Booth, 65; Davies, 1991, 2:518).

Lambrecht proposed (Lambrecht, 66) that both the Isaiah quotation and the Korban section were the work of Mark and that the traditional material used by the evangelists are found in:

- 1) Mt. 15:1, 2b, 11//Mk. 7:1a, 2, 5c, 15
- 2) Mt. 15:17//Mk. 7:18b-19b
- 3) Mt. 15:18,19 (20)//Mk. 7:20-22 (23)

Still others (Rawlinson, 93; Booth, 60-62; Guelich, 1989, 361-362) have argued that the original traditions were probably;

- 1) Mt. 15:1-2, 11//Mk. 7:1-2, 5b, 15
- 2) Mt. 15:3-6//Mk. 7:6-8
- 3) Mt. 15:7-9//Mk. 7:9-13
- 4) Mt. 15:17-19 (20)//Mk. 7:18b-22 (23)

For three reasons, I would agree that the entire pericope does not look like a unit. 1) At certain points in the text, particularly in Mark's gospel, there are signs that an editor is hard at work making transitions from one tradition to the next (Mt. 15:12; Mk. 7:8,14, 17,20). 2) There is a lack of direct connection between similar yet distinct themes (Dibelius, 220; Booth, 60). 3) It is more likely that Jesus gave only one response when he was challenged to explain either his or his disciple's behaviour. Similar condemnations and declarations which were not fixed to any context could easily be attached to any response of Jesus which

was. It is almost certainly the case that Mt. 15:12-14, an isolated tradition about the blind leading the blind (//Lk. 6:39), was attached in this way.

What we are then faced with is one tradition in which the question, Why do your disciples transgress the traditions of the elders by eating with unwashed hands? (Mt. 15:2//Mk. 7:5), is answered either by 1) the Korban section (Mt. 15:3-6// Mk. 7:9-13a), 2) the quotation of Isa. 29:13 (Mt. 15:7-8// Mk. 7:6-7), or 3) the mashal-like statement about what defiles a man (Mt. 15:11//Mk. 7:15). Which of these three would best work as a reply to the Pharisees? To answer this we should try to understand first what the Pharisees were asking and second which of these sayings attributed to Jesus would make the best sense as a reply.

What was Jesus asked?

διὰ τί οἱ μαθηταί σου παραβαίνουσιν
τὴν παράδοσιν τῶν πρεσβυτέρων;
οὐ γὰρ νίπτονται τὰς χεῖρας αὐτῶν ὅταν ἄρτον ἐσθίωσιν (Mt. 15:2).

διὰ τί οὐ περιπατοῦσιν οἱ μαθηταί σου
κατὰ τὴν παράδοσιν τῶν πρεσβυτέρων,
ἀλλὰ κοιναῖς χερσὶν ἐσθίουσιν τὸν ἄρτον (Mk. 7:5);

In Mark's gospel Jesus was asked "Why do your disciples eat bread with defiled hands?" The word *κοιναῖς* is significant in the question and in its verbal form (*κοινωνώ*) connotes a status of ritual unfitness (BAGD, 438; see also Paschen, 165-168). Until the unclean person is purified, they should not enter the Temple or touch food separated for ritual consumption. The problem with this question is that the Pharisee would hardly have asked such a thing since they knew that many people, even some Pharisees, did not wash their hands before eating.

Numbers 18:8-13 makes it quite clear that priests must wash their hands before they eat holy food which has been offered to them as a sacrifice. Pharisees would not assume that an ordinary Jew who had touched ordinary food with unwashed hands had to purify himself because of this in order to enter the Temple. At some stage, this legislation was expanded with halakhot encouraging laymen to wash their hands. However, the encouragement is stated only in regards to when food was handled which would probably go to priests, not to when food was handled for normal use (b.Shab. 13b-14b). Pharisees in Jesus day did not go around labeling people as κοινός simply because their hands were not washed. The Pharisees might have asked why the disciples ate with unwashed hands, which showed that they do not follow what some Pharisees did, but they did not ask why the disciples defiled themselves going only on the evidence that they ate with unwashed hands. We know from various sources that some Jews during this period washed hands (see Booth, 158f). But there is no evidence from this period to suggest that washing hands before eating was a legal requirement in order to maintain purity.¹³ What has likely happened in Mark's gospel is that the same trend to generalize all Jews as people who do not eat before washing their hands (Mk. 2:3) is at work in the insinuation that Pharisees are people who go around calling everybody else defiled.¹⁴

Another observation which counts against Mark's rendition of the question is the fact that in Mark's gospel the crucial issue is, Why do the disciples eat with unwashed hands, while in Matthew's gospel handwashing is an illustration of the more important concern, Why do the disciples not practise some traditions? If we are to believe that some Pharisees did ask Jesus a question about his disciples' behaviour,¹⁵ we must ask which question is more historically credible. Is it likely that the Pharisees would come down from Jerusalem to ask why Jesus did not teach his disciples to be more like the Pharisees by following their traditions, or

it easier to believe that they would come down to ask why his disciples were like most Jews in not washing their hands? I think it is very doubtful that Pharisees had nothing better to do than to make a trip to ask primarily about such a largely unpractised action as eating with unwashed hands. It is far more believable that they would be concerned with why certain Jews who claimed to be speaking for God did not follow many of the extra-biblical traditions which they understood were aimed at helping people to obey God's will (i.e. the law). Of course there were other Jews who did not follow Pharisaic practices and they have their reasons. So what is the reason the popular charismatic teacher has for not teaching his disciples to do so? Matthew's gospel more adequately reflects this feasibly historical concern.

The misunderstanding of the Pharisees and the type of question that they would put to Jesus in Mark's gospel, however, does not mean that the question as it appears in Matthew's gospel is completely accurate either. The word παραβαίνουσιν is stronger than Mark's οὐ περιπατοῦσιν and was probably introduced at some stage as a heightening of the conflict between Jesus and his enquirers (Davies, 1991, 2:519). A reconstruction of the question would probably run along the lines of a combination of Mk. 7:5a with Mt. 15:2b.

διὰ τί οὐ περιπατοῦσιν οἱ μαθηταί σου
κατὰ τὴν παράδοσιν τῶν πρεσβυτέρων,
οὐ γὰρ νίπτονται τὰς χεῖρας αὐτῶν ὅταν ἄρτον ἐσθίωσιν.

Which of the sayings attributed to Jesus then would best answer this question?

What was Jesus' Answer?

Out of our three choices of what Jesus might have said in reply (the Korban section, the Isaiah quotation, and the saying on defilement), the Korban

section is the best choice (Hübner, 1973, 144-6; Westerholm, 80).

The quotation of Isa. 29:13 could work as a reply (Why do the disciples not follow Pharisaic traditions? Because your traditions are not worth following since you are hypocrites and teach commandments of men and not the commandments of God), but the problem about believing that Jesus used it to answer the question is that the application of the Isaiah text in this situation is dependent upon the reading of the LXX (Rawlinson, 94; Branscomb, 1937, 123; Nineham, 189; Haenchen, 1966, 262; Hultgren, 1979, 116; Hooker, 1991, 176. However see Taylor, 337; Cranfield, 236; Schmid, 1968, 137; Guelich, 1989, 367f). The LXX reads,

καὶ εἶπεν κύριος Ἐγγίξει μοι ὁ λαὸς οὗτος τοῖς χεῖλεσιν αὐτῶν τιμῶσίν με, ἡ δὲ καρδία αὐτῶν πόρρω ἀπέχει ἀπ' ἐμοῦ, μάτην δὲ σέβονταί με διδάσκοντες ἐντάλματα ἀνθρώπων καὶ διδασκαλίας.¹⁶

The people are accused of having a heart which is far from God. This is particularly demonstrated by the fact that they follow the commandments of men which have taken the place of the commandments of God. This *almost* suits the discussion between Jesus and the Pharisees very nicely. It is not a perfect fit since handwashing was not a commandment of the Pharisees which was taught as if it was the commandment of God. Nevertheless, since the main question is the respect for the traditions and not specifically handwashing, it would have been an adequate reply for Jesus to say, My disciples do not follow your traditions because as Isaiah prophesied, they are the commandments of men pretending to be the commandments of God.

However, the reading of Isa. 29:13 in the Masoretic text and in the Targum of Jonathan make the alternative point that the Israelites worship God because they have been told to do so and have made worship nothing more than a time of memorized formulas. The Masoretic text reads,

*wayy'ōmer 'adōnāy, yā'an cî niggaš hā'am hazeh b'eṗiw
 ūbišpātāyw cib'edūnī w'elibo rihaq mimmennī
 wat'ehī yir'e'ātām 'ōtī mis'ewat 'anāšim m'elummādāh*

When translated, the Targum of Jonathan reads,

And the Lord said, Because this people draweth nigh with their mouth, and with their lips do they honour me (lit. before me), but their heart is far removed from the fear of me; and their fear of (lit. before) me is become as a precept of those that teach (trans. by Stenning, 95).

Since it is more likely that Jesus would have used an Aramaic or a Hebrew text of Isaiah instead of a Greek one, he would have hardly replied to the question, Why do your disciples reject our traditions?, by arguing, You worship only because you are told to and when you do worship, you do nothing else but repeat what you have been taught. Our Greek text of Isa. 29:13 has altered the reading by taking *wat'ehī* (and is) as *w'etōhū* (= μάτην δέ, and vain) and by translating *mis'ewat 'anāšim m'elummādāh* into διδάσκοντες ἐντάλματα ἀνθρώπων καὶ διδασκαλίας. It seems more than simply a coincidence that διδάσκοντες ἐντάλματα ἀνθρώπων καὶ διδασκαλίας (LXX) has been altered to διδάσκοντες διδασκαλίας ἐντάλματα ἀνθρώπων (Mt. 15:9//Mk. 7:7) where such a change is so clearly crucial to make Jesus' reply fit the question he was asked (Lambrecht, 50-1). Thus, Why do the disciples reject Pharisaic traditions? Because Pharisaic traditions are the teaching of men which produce vain worship.¹⁷

While I have maintained that Jesus did not use Isa. 29:13 to answer why his disciples rejected some Pharisaic halakhah, it is still quite possible that Jesus used this passage in another setting. He may have on some occasion felt the need to condemn the worship of God by the mere mechanical recitation of formulas. The early communities who were aware of Jesus' use of Isaiah found that their version had an alternative emphasis which related closely to the question, Why should the Pharisees not be followed? It was then attached to the

pericope because of its similar denunciation of Pharisaic halakhah as the commandments of men pretending to be the commandments of God.

We must also discount the popular suggestion that the logion on defilement (Mt. 15:11//Mk. 7:15) was Jesus' reply to the Pharisaic question (Grundmann, 188-9; Schweizer, 1971, 146; Berger, 461-2; Lambrecht, 66-9; Booth, 67; Guelich, 1989, 361; Dunn, 1990, 47). There are three reasons why. 1) In both Mark and Matthew's gospel the saying is directed to the crowds and not to the Pharisees (Mt. 15:10//Mk. 7:14). Are we to believe that a community or an editor would actually distance so far from the initial question Jesus' powerful reply and finally segregate it by introducing a new scene? 2) The logion looks more like it was independent, appearing also in the Gospel of Thomas 14:3. 3) The logion looks like a relative negative which would be an inadequate reply. Those scholars who believe that the original question was mainly about unwashed hands think that this logion would be an intelligible reply (Booth, 65-67; Dunn, 1990, 47). However, as we have argued, the concern about handwashing is overshadowed by the more important question about the value of Pharisaic halakhah. Certain Pharisees primarily wanted to know why Jesus' disciples did not do the type of things that they did, and to that question there is no defence in arguing, A person does not have to follow what you do because a more serious defilement comes from within. Nevertheless, even if handwashing was the original concern, these Pharisees would have undoubtedly granted Jesus' point about the seriousness of other forms of defilement.¹⁸ However, their assumption would be that their traditions should be followed because they help people avoid (as far as possible) all forms of moral defilement. Jesus then would still not have given them an adequate explanation.

This leaves only the Korban section which could properly work as a reply to a question about the value of Pharisaic traditions. The reasons why it is

often rejected as a proper reply are as follows. 1) The Korban section deals with the setting aside of a divine command in order to follow a human innovation. This does not parallel the case with unwashed hands in which doing so would not jeopardize the law. 2) The introduction of καὶ ἔλεγεν αὐτοῖς at Mk. 7:9 is redundant and is quite a familiar indication of new material that is being added (Branscomb, 1937, 123; Nineham, 189). However, it can also be argued 1) Jesus does not have to make his illustration of the wrongs of Pharisaic halakhah match the handwashing practice if all he has to do is explain why his disciples do not generally follow their practices and 2) καὶ ἔλεγεν αὐτοῖς is only made redundant by the fact that the Isaiah quotation, which is an independent tradition, was inserted first.

There are three considerations which favour the view that the Korban section was Jesus' reply. 1) παράδοσιν ὑμῶν (Mt. 15:3,6//Mk. 7:9,13) seems to presuppose an earlier reference to the value of certain traditions (Westerholm, 80). 2) We know from other passages that Jesus was critical of Pharisees who he thought were ignoring important fundamental laws (Mt. 23:16-19, 23, 25). And 3) It is easier to see how a mashal like logion such as Mt. 15:11//Mk. 7:15 could exist apart from any context than it is to see how an attack on a specific practice (the release from vows) belonging to the anonymous "you" (διὰ τί ὑμεῖς - Mt. 15:3; καλῶς ἀθετεῖτε - Mk. 7:9) would continue to circulate without someone asking who the "you" were or why Jesus would make a general attack on following extra-biblical practices. It seems unnecessary to argue that there was once such a context to answer these question but it was forgotten, when a perfectly adequate context is already present.

From this survey of the pericope, we have been able to argue that there were at least three traditions used by the gospel writers.

- 1) Mt. 15:1-6//Mk. 7:1, 5, 9-12
- 2) Mt. 15:7-9//Mk. 7:6b-7
- 3) Mt. 15:11//Mk. 7:15

To this list we may also add two other traditional material common to both gospels.

- 4) Mt. 15:15-18//Mk. 7:17-19b
- 5) Mt. 15:19//Mk. 7:20-22.

Whether they are really a single tradition (Booth, 73) or separate, it is hardly likely that Jesus would have to explain to his disciples what would have been to them a completely understandable παραβολή (contra Westerholm, 84). The disciples lived in a society where it was taken for granted that inner defilement was a serious concern of God. They were not so dense that they would be unable to see that if Jesus was picking up the theme of cultic impurity he would make the popular contrast with it of uncleanness in the human heart. The explanations of what does and does not defile stand out as examples of Christian midrashim in which a saying of Jesus is treated like a biblical text (Lindars, 63). The presence of the lists of vices (Mt. 15:19//Mk. 7:21,22) are common catechetical forms of instruction in both Jewish¹⁹ and early Christian literature.²⁰ But such a long list of sins is uncommon in Jesus' teaching. This suggests their secondary nature (see also Branscomb, 1937, 123; McNeile, 228; Lane, 256; Räisänen, 90).

What did Jesus say about the Purity Laws?

There are two sayings in this pericope which probably go back to Jesus. One deals with the sin of Pharisees who teach extra-biblical practices to the point that even some of God's laws are disobeyed (Mt. 15:4-7//Mk. 7:9-12), the other

deals directly with the purity laws. There are four different renditions of this second saying.

Matthew 15:11

- 1) οὐ τὸ εἰσερχόμενον εἰς τὸ στόμα
- 2) κοινοῖ τὸν ἄνθρωπον,
- 3) ἀλλὰ τὸ ἐκπορευόμενον ἐκ τοῦ στόματος,
- 4) τοῦτο κοινοῖ τὸν ἄνθρωπον.

Mark 7:15

- 1) οὐδέν ἐστὶν ἐξωθεν τοῦ ἀνθρώπου εἰσπορευόμενον εἰς αὐτὸν
- 2) ὃ δύναται κοινῶσαι αὐτὸν.
- 3) ἀλλὰ τὰ ἐκ τοῦ ἀνθρώπου ἐκπορευόμενά
- 4) ἐστὶν τὰ κοινοῦντα τὸν ἄνθρωπον.

Mark 7:18b,20

- 1) πᾶν τὸ ἐξωθεν εἰσπορευόμενον εἰς τὸν ἄνθρωπον
- 2) οὐ δύναται αὐτὸν κοινῶσαι,
- 3) τὸ ἐκ τοῦ ἀνθρώπου ἐκπορευόμενον,
- 4) ἐκεῖνο κοινοῖ τὸν ἄνθρωπον.

Gospel of Thomas 14:3

- 1) οὐ γὰρ τὸ εἰσερχόμενον εἰς τὸ στόμα ὑμῶν
- 2) κοινῶσει ὑμᾶς,
- 3) ἀλλὰ τὸ ἐκπορευόμενον ἐκ τοῦ στόματος ὑμῶν
- 4) ἔσται τὸ κοινοῦν ὑμᾶς (Huck, 1981, 121).

These four variations pose a serious problem as to the original shape of the logion. Are we to suppose that behind Mk. 7:15 lies the authentic form of the saying (Davies, 1991, 2:527)? Or is it more likely that behind Mt. 15:11 and the similar saying in Gospel of Thomas the original form can be found (Lohmeyer, 1962, 141-2; Cranfield, 230; Banks, 139-140; Dunn, 1990, 43f)? Or should we be looking for the original saying somewhere in Mk. 7:18b, 20 (Lindars, 63) or even out of part of Mk. 7:15 and part out of Mk. 7:18 (Paschen, 173-177)? Was this saying condensed into Mk. 7:15 and condensed again into Mt. 15:11 and then copied into the Gospel of Thomas?

In favour of the saying as it appears in Mk. 7:15 is the observation that ἐστὶν τὰ κοινοῦντα looks like a semitism (i.e. the use of the participle as the

predicate; Booth, 47). However, this could easily be explained as the slipped hand of a bilingual scribe. Many scholars have tried to isolate clear redactional elements in the Mk. 7:15 edition, noting such words and phrases as εἰσπορευόμενον εἰς αὐτὸν, ἐκπορευόμενα (Taylor, 343), οὐδέν . . . ἀλλά, δύνωμαι (Lambrecht, 59f), and ἐξῶθεν (Dunn, 1990, 41). All of these may not turn out to be true indications of tampering with a saying (see Räisänen, 80f; Booth, 67-68; Lindars, 63) but they do give the overall impression that some modification of meaning is taking place (contra. Räisänen, 81).

Against taking Mk. 7:18b, 20 as the original saying, it can be argued that if Mk. 7:15 was created out of this logion it is unlikely that the scribe would weaken it by substituting οὐδέν for πᾶν . . . οὐ, especially if it is the same scribe who added the interpretive material at v. 19c, καθαρίζων πάντα τὰ βρώματα (Booth, 67f).

What the reading in Mt. 15:11 has going for it is, 1) an almost parallel statement in an independent source (Gos. Thom. 14:3) and 2) it would more smoothly translate back into a Semitic form than either of the Markan versions (Dunn, 1990, 42). For these reasons, I am persuaded to believe that either the saying in Matthew or the one in the Gospel of Thomas is more primitive.

Could Jesus have said something like, οὐ τὸ εἰσερχόμενον εἰς τὸ στόμα κοινοῖ τὸν ἄνθρωπον, ἀλλὰ τὸ ἐκπορευόμενον ἐκ τοῦ στόματος, τοῦτο κοινοῖ τὸν ἄνθρωπον? Some scholars (Montefiore, 1927, 1:162; Bultmann, 1963, 105; Käsemann, 101; Haenchen, 1966, 265-7; Perrin, 150; Gnllka, 1978, 1:277,278) have argued that the saying is so radical that it must have been said by Jesus. On the basis of the criteria of dissimilarity, it is claimed that the saying is so different from how other Jews thought about purity that one cannot imagine it coming from some other Jew.²¹ Jesus' radical attitude to purity laws was also a part of the reason he was crucified (Lindars, 66). However, as we

shall argue later, the saying is not so radical that other Jews would not say it. Furthermore, the criterion of dissimilarity is applied to separate sayings of Jesus from *Jews and the early church* (Räisänen, 84). If there were communities in the early church who wanted all things clean how can the criteria of dissimilarity be used? The fact that there are Christian texts which take up the idea of being defiled (Acts 10:15, 28; Rom 14:14,20; 1 Cor 20:23; I Tim 4:4; Tit 1:15) must surely raise doubts about a saying on the same issue. We have to agree with Räisänen that, as far as this saying is concerned, the criterion does not appear conclusive (Räisänen, 84). It also should be noted that nowhere in the account of Jesus' trial is it suggested that he was brought to court because he opposed food purity laws. Eating foods which were ceremonially clean was an important mark of Jewish identity, as the Maccabean revolt reminds us. If Jesus did threaten this important mark of cultural identity, and the crowds knew that he did, why did the Jerusalem authorities not use this against him (Davies, 1991, 2:528)?

Others scholars have argued that the saying is so radical that it could not have been spoken by Jesus and that Jesus either said something less offensive (Carlston, 95) or said nothing like this at all (Räisänen, 91; Sanders, 1985, 266-77). Their rejection is based not so much on any idea that Jesus was not radical as on the assumption that if such a radical saying had existed there could be no explanation for why there are reservations about cultic defilement in Acts (i.e. Peter's vision in Acts 10 and the Jerusalem conference in Acts 15). Can we imagine that such a pointed and relevant saying would go unnoticed? Is it not more likely that here we have an illustration of Pauline influences on Mark (Räisänen, 89)?

The surprising absence of this saying in the debates of the early church is a good observation. If Jesus said, No one can be defiled simply by touching ceremonially unclean objects but only by what they think and do, then how could

the early church have continued to think that there was such a thing as ceremonial defilement? And why did the Gentile Christians not use it to argue that they did not have to follow purity laws? It can hardly be that it was unknown simply because it might have had a Galilee provenance (Hübner, 1973, 171-5; Müller, 165), since the leaders of the early church were all from Galilee (Dunn, 1990, 39). However, if all Jesus said was, A man could be defiled from the inside as well as from the outside, why did the church not use this affirmation of the law when they were debating with Gentile Christians whether or not the law should be kept? Some have argued that the reason the church never used this saying was because its meaning was unclear (Westerholm, 82; Riches, 136), others because it was understood only in connection with the question of defiled hands (Guelich, 1989, 376). I do not think either explanation will suffice, for as we have argued the saying would have been immediately clear to first century Jewish ears and the saying was not connected originally to the question about the value of Pharisaic halakhah. The more likely reason that the church did not use a saying of Jesus on true defilement is because it would not have settled anything. Just as Jesus' obedience to the sabbath laws did not mean the Gentiles had to keep the sabbath, so too it was felt to be irrelevant for the debate that Jesus believed in the validity of the purity laws. The fact that the early church did not use the sayings of Jesus regarding the law when they debated whether or not Gentiles had to obey the ceremonial law cannot really tell us anything about the authenticity of such sayings.

What can be said in favour of the authenticity of this saying is as follows.

1) It is characteristic of Hebrew poetry and of the type of teaching attributed to Jesus elsewhere (coherence of style; Dunn, 1990, 42). It is often argued that the saying can be legitimately understood as a relative negative: It is not *only* what goes into the mouth that defiles man, but what comes out of the mouth, this *too*

defiles a man (Rawlinson, 96; Westerholm, 83; Lindars, 67; Hooker, 1991, 179).²² 2) It is similar to the type of contrast which Jesus makes elsewhere (coherence of content). Jesus frequently makes or supports contrasts between ceremonial laws and other moral laws (Mt. 5:21-25,27,28; 23:23; Mk. 12:32-34). Westerholm, arguing from what he calls the criterion of 'pregnant speech', says that Paul's statement in Rom. 14:14 was made with the knowledge that it came from Jesus (Westerholm, 81f). But considering that what Paul said could still be said any Jew (i.e. R. Johanan) I do not believe that we can draw such a confident link between his statement and this teaching of Jesus.²³

Conclusion

This saying then appears as if it could be authentic. If it is, it is also apparent that it teaches nothing which would encourage disobeying the law. Jesus simply affirms the notion which was affirmed by others that, A person cannot stay pure before God by being ceremonially pure alone.

Endnotes

1. Some scholars appear to be hedging on the question, Did Jesus break with the laws of purity? For instance, Cranfield says that Jesus was speaking in Mk. 7:15 as someone who knows himself to be τέλος νόμου. "The mystery of the 'parable' recorded in v. 15 is, then, no other than the mystery of the kingdom of God, which is the mystery of the person of Jesus. (Cranfield, 238).
2. When we talk about the Jewish view of purity it is important to bear in mind that this is not a question of hygiene. The main reason why the law commands washing is because of the need for cultic purification (Exod. 30:17-21; Lev. 15:11; but see Gen. 43:24). Nevertheless, we should be careful not to make too wide a distinction between practices which were begun purely for cultic reasons and those which were begun for hygienic ones (Maccoby, 1982, 7; Booth, 119).
3. Note that the law never gives a reason why these things defile a person. One explicit reason for why these laws should be obeyed is, "you are a holy people" (Deut. 14:2). Later on writers attempted to give rational explanations for some of these prohibitions (see Philo and 4 Macc.) but they are never stated in scripture. We are left to assume then that most Jews would be content to follow these laws not because they made medical sense but simply because God had commanded it (Westerholm, 63). See Sanders, 1990, 134-151 for an excellent short discussion concerning what the Bible says makes a Jew unclean and the process for how they can become clean again.
4. Scholarship has debated whether Jews in Jesus' day thought uncleanness meant primarily access to the Temple was denied (and therefore to God and forgiveness) or whether it had wider implications unassociated with entering the Temple (Westerholm, 64). While purity for the sake of entering the Temple was undoubtedly the most fundamental concern, in all probability there were simultaneously conflicting views why one should stay pure (i.e., like keeping the land of Israel undefiled; Alon, 190-234; Booth, 152f; for a critique and modification of Alon's view see Milgrom, 1990, 85-89).
5. In Deut. 21:1-9 the symbolism of washing (being ritually clean) is used to denote a city's innocence of murder (cf. Mt. 27:24).
6. See Baumgarten, 1977, 88-97 for an unconvincing discussion that the word *smw* in CD 12:16 indicates that this passage is a Qumran prohibition against using oil (*smn*) which Essenes thought could make one unclean (Jos. *J.W.* 2: 8,3,123). Baumgarten does not adequately explained why the letters *lg`wlysmwchm* should be read *lg`wly smn bhm* instead of the more popular reading *l'go`al yus^emu cahem* (Lohse, 1964, 92; Vermes, 1987³, 96; Sanders, 1990, 34). His proposal seems to overlook that in the immediate context of this section general rules (i.e.

lines 8b,9a; 11b-13a) are first stated to introduce more specific ones (i.e. lines 9b-11a; 13b-15a). Lines 15b-16 are in all probability talking about the defilement of a corpse as is the more specific and clear ruling in lines 17,18.

7. Berger recognized the parallels of Hellenistic Jewish attitudes with the Jesus' logion of Mt. 15:11//Mk. 7:15 but went on to suggest that these parallels indicate that the saying does not come from Jesus but from Hellenistic Jewish Christian communities (Berger, 465). But I have demonstrated that the same attitude which is prevalent in the writings of the Diaspora Judaism is paralleled in other Jewish literature, so the logion could just as easily have come from a Palestinian environment.

8. In verse 228 of the Sentences of Pseudo-Phocylides, we may have another illustration of the Hellenistic Jewish understanding of purity. Codex Baroccianus reads, Ἄγνείη ψυχῆς, οὐ σώματος εἰσι καθαρμοί (Cleanness is a pure soul, not a [pure] body). But there are textual variants to this reading. See Booth, 85,86. For an interesting Buddhist parallel see Allen, 191, 107.

9. In the context of Num.R. 19.8, R. Johanan was asked by an idolater why a Jewish purification rite looks like witchcraft. Johanan's reply is that it looks no more like witchcraft than the way in which the idolater practises exorcism. Johanan's disciples are not satisfied with this explanation and so we get his derogatory remarks about the purity laws.

10. The majority of scholars think that Mark's account is prior to Matthew's. However see Sigal, 195-205.

11. Banks also argues that there are basically two traditions; 1) Mk. 7:1, 5-8, 15-20 and possibly 21-23 and 2) Mk. 7:9-13.

12. Davies agrees with Bultmann's isolation of traditions but differs only in that he thinks Mk. 7:1-8 could possibly reflect an historical event and that Mk. 7:9-13 probably does (Davies, 1991, 2:518). However, Davies seems inconsistent in saying that Mk. 7:1-8 (including the Isaiah quotation) could be historical and say (as he does on p. 525f) that, "the Scripture was quoted precisely because of what it says in the LXX." The fact that the quotation hangs on the reading from the LXX argues against its authenticity.

13. Rabbi Büchler recognized that Pharisees would not ask the disciples why they ate with defiled hands, but because he accepted the question as it appears in Mark he goes on to make the unlikely suggestion that these Pharisees were priests and wanted to know why the disciples did not wash their hands when they ate in a priest's home (Büchler, 1909-10, 34-40). I think this supposition is unnecessary if we accept the question in Matthew's gospel which indicates that the Pharisees pointed out that the disciples eat with unwashed hands and that nothing was said about them being defiled.

14. The generalization in Mark 7:3 that all Jews washed their hands before eating was probably a commonly accepted generality (see Epis. Arist. 305; Lane, 245; Guelich, 1989, 364).

15. Several scholars have doubted the possibility that Pharisees would come down to ask Jesus anything at all (Beare, 1981, 336; Sanders, 1985, 265)

16. Some recensions of the LXX (Codex Vaticanus and Lucian) have the words ἐν τῷ στόματι αὐτοῦ καὶ ἐν preceding τοῖς χεῖλεσιν.
17. It seems quite obvious that the context of Isa. 29:13 was popular in early Christianity and was used quite frequently. See Rom. 9:20; 11:8; 1 Cor. 1:19; Col. 2:22; 1 Clem. 15:2; 2 Clem. 3:5; Papyrus Egerton 2.3; Justin's Dial. 78:11.
18. Both Booth (69-70) and Dunn (1990, 51) agree with me that Jesus' teaching was only meant in a relative sense (i.e. It is not only what goes in that defiles but also what comes out).
19. For lists of virtues and vices in Jewish literature see 1QS 4; T. Reub. 3:3-6; T. Levi 17:11; As. Mos. 7:3-10; Wisd. 14:25-6; Philo, Sac. 32; 4 Macc. 1:26-7
20. For lists of virtues and vices in Christian literature see, Rom. 1:29-31; 1 Cor. 6:9-10; 2 Cor. 12:20; Gal. 5:19-20; Eph. 5:3-5; Col. 3:5,8; 1 Tim. 3:2-5; Tit. 3:3; 1 Pet. 4:3; Rev. 9:20-1; Did. 5:1; 1 Clem. 35:5; Barn. 18-20; Hermas, Man. 8:5; Polycarp, Phil. 2:2; 4:3; 5:2; 6:1
21. Berger thought that Jesus' statement was too close to Hellenistic Judaism to be authentic (Berger, 465f). This is a good illustration of how precarious the criteria of discontinuity can be at times. For a negative critique of Berger's arguments see Hübner, 1975-76, 337-339.
22. See for example the usages of the relative negative in Gen. 45:8; Prov. 29:19; and Wis. 16:26. For a full explanation of the relative negative or "Dialectical Negation" see Cadoux, 378-381 and Kruse, 385-400.
23. Räisänen used the fact that Paul does not quote Jesus' statement on defilement as an argument of inauthenticity (Räisänen, 87f).

CHAPTER NINE

Jesus and Divorce

The conclusion many scholars have reached is that Jesus' condemnation of divorce in Mt. 19:1-9//Mk. 10:1-12//Lk. 16:18 is a direct challenge to the authority of the law (Wellhausen, 1909, 78f; Allen, 204; Plummer, 1910, 259; Manson, 1949, 135; McNeile, 272; Trilling, 111; Catchpole, 96,97; Schweizer, 1976, 382). How can Jesus possibly teach obedience to the law when he clearly states that the man who divorces his wife and remarries is committing adultery? What Jesus says a man is not permitted to do is what Deut. 24:1 assumes he can do.

When a man takes a wife and marries her, if then she finds no favour in his eyes because he has found some indecency (*'er^ewat dābār*) in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, ...

According to the law, after the wife has left the husband's house, having received a bill of divorce, the two are legally divorced. This whole process would have been treated undoubtedly as a part of the will of God since it occurs in his law. The husband is commanded to give his wife a bill of divorce for her protection. As long as he does so he is obeying God. Are we now to believe that it is Jesus' intention to say, Anyone who obeys Deut. 24:1 is not obeying God?

A mountain of literature exists which relates to the question, What does the New Testament teach on divorce and remarriage? For our study of Jesus' attitude

towards the law it would help if we first list the general conclusions which have been reached by scholars regarding what Jesus taught on the subject.

1) Jesus does not annul Deut. 24:1f. All he does is condemn divorce in a general way by arguing that it was not God's initial will that men should divorce, but a concession to the sinfulness of man (Meyer, 1883, 26f; Shaner, 81-88; Westerholm, 122; Atkinson, 119; Chilton, 67). A man is not an adulterer in a legal sense when he divorces his wife and marries again but he is involved in something which (like adultery) displeases God.

2) Jesus only intensifies Deut. 24:1f. To forbid divorce does not annul the law. By placing emphasis on the higher law of Gen. 1:27 and 2:24 Jesus is merely putting a fence around Deut. 24:1 (Montefiore, 1927, 2:688; Davies, 1964, 104-5; Hill, 1975, 279; Gundry, 380; Sanders, 1985, 256f; Hooker, 1991, 237).

3) Jesus is annulling Deut. 24:1f (Wellhausen, 1909, 78f; Catchpole, 126; Lane, 355). Jesus believes that all who divorce and remarry are living in false marriages and are committing adultery.¹

There are three crucial questions we need to answer. 1) What did other Jews say about divorce and remarriage? Is Jesus unique among Jews in condemning divorce and remarriage and calling it adultery? 2) Is the divorce pericope (Mt. 19:1-9//Mk. 10:1-12//Lk. 16:18) a unit or a collection of smaller traditions? 3) What did Jesus actually say about divorce and remarriage and would Jews have concluded that he wanted Deut. 24:1f abolished? Would they think that Jesus was offering a legal teaching which stood as an alternative to the law or would it be more likely that Jesus' teaching was understood as a prophetic utterance conformed to the law's condemnation of sin?

What did Jews say about Divorce and Remarriage?

Besides Deut. 24:1-4, the law says three other things about divorce and remarriage. 1) According to Lev. 21:7,14, priests and high priests cannot marry a divorced woman. At all costs the priestly line must be kept pure. Marrying a divorced woman could jeopardise that purity.² 2) The man who falsely accuses his new wife of not being a virgin is not allowed to divorce her (Deut. 22:19). 3) The man who seduces a virgin must marry her and he too is not permitted to divorce her (Deut. 22:29). These last two laws show that divorce was prohibited to some men so that divorce could not be used as a means for sexual misconduct. Although God concedes to men the legal right to divorce he does not concede that right to everyone.

The prophets could talk figuratively about God divorcing Israel when she plays the harlot with idols (Isa. 50:1; Jer. 3:8) but it was hardly thought to be inconsistent with this for Malachi to say that God hates divorce (Mal. 2:16).³ Even though God hates divorce some Jews could claim that in certain circumstances he would command it. In Ezra and 1 Esdras the impression is given that God wants all foreign wives to be divorced (Ezra 10:3,19,44; 1 Esdr. 8:93f; 9:20). While everyone knew that divorce was something God abhorred they probably did not think that God would be displeased with divorce in all situations.

When Solomon Schechter published the Damascus Document back in 1910 he made a small comment about CD 4:21. He claimed that the text not only argued against polygamy but also divorce (Schechter, 68). This small comment was the first of many in an extensive ongoing debate as to what the Jews of the Damascus Covenant and those whose writings are preserved at Qumran said about polygamy, divorce and remarriage.

Basically, four suggestions have been offered to explain what the community taught. 1) The community did not allow polygamy or any second marriage after divorce while the first wife was still alive (Daube, 1956, 85-6; Winter, 77; Dupont-Sommer, 129). Note though that forbidding remarriage after divorce (while certainly a deterrent against divorce) is not the same thing as forbidding divorce. 2) The community did not allow any second marriage under any circumstances. No polygamy and no remarriage (Hempel, 84; Burrows, 1958, 98-9; and Murphy-O'Connor, 1970, 220). Again, this sidesteps the question, Would a divorce still be considered valid? 3) The community forbade both polygamy and divorce (Charles, 2:810; Moore, 1911, 344,345; Milgrom, 1978, 115; Yadin, 1985, 198-201; Fitzmyer, 1981, 98; Mueller, 251; Sanders, 1990, 5; and Charlesworth, 1991, 85). If no polygamy and no divorce was allowed then any second marriage was clearly ruled out. A man at Qumran could only be married once as long as his first wife was still alive. 4) The community did not allow polygamy but did permit divorce (Rabin, 67 n.17; and now Vermes, 1974, 202 who had earlier taken position number 2). While the man who has one wife cannot take another, nothing stops him from divorcing and marrying someone else.

Obviously the question, What did the Qumran community believe about marriage, divorce and remarriage, is an important one. If they did not permit divorce then we might have here a comparison with Jesus' teaching on the same subject. A specific group and a specific individual, both in contrast to every other Jew, taught that God not only hated divorce but did not allow it. We could then speculate, Does this show that Jesus has direct knowledge of the ideas at Qumran or do both teachings on divorce naturally result from an intense conviction that the kingdom was about to come? On the other hand, the Qumran community might not have abolished divorce or remarriage after divorce. Jesus' teaching would then appear all the more isolated and out of place.

There are three important texts which indicate what the Jews at Qumran thought about marriage. They are CD 4:19-5:1, 11QTemple 57:15-19 and CD 13:17.

CD 4:19-5:1

The builders of the wall [the opponents of the sect] . . . are ensnared by two: by fornication, taking two wives during *their lifetime* (*bēhayyêhem*), but the foundation of the creation is 'male and female he created them' [Gen. 1:27]. And they who came into the Ark, 'two and two . . . went into the ark'.

What is particularly important about this text is the fact that "their lifetime" (*bēhayyêhem*) has a masculine ending. Ordinarily the ending would mean that the men who oppose the sect commit fornication in their own lifetime when they take another wife. Having two wives would suggest that both are still in the care of the one husband and are recognized as his spouses. It therefore condemns polygamy.

Nevertheless, some scholars conclude that the masculine ending of *bēhayyêhem* should be read as a reference not to the opponents of the sect but to the relationship between husband and wife. The writer is saying that the opponents fornicate by taking other women as wives while husband and wife are still alive. In this case, both polygamy and divorce are simultaneously condemned.

But if this is so, why do we have a masculine ending instead of a feminine one? There have been several unconvincing suggestions. 1) It is a scribal mistake (Winter, 264; Yadin, 200f). Yet in order for us to accept an emendation we have to be convinced that the text does not make sense as it now appears. So far this has not been proven. 2) The masculine endings sometimes can refer to a feminine object (Ruth 4:11; Charles, 2:810; Winter, 77 n22).⁴ 3) The masculine ending refers to both husband and wife since the masculine

form in Hebrew is the superior gender (Fitzmyer, 1981, 96; Mueller, 253; also Vermes, 1974, 202).

But why do scholars feel pushed into this defence in the first place? I think the reason is because "in their lifetime" is clearly distant from the only possible masculine plural noun to which the masculine suffix could refer (i.e. "the builders of the wall"). It might be better to read such a phrase alongside its nearest antecedent, in this case the wives. But this is certainly an unnecessary assumption.

The most favourable conclusion continues to be that CD 4:21 is a pronouncement against polygamy alone as the illustration of David's sin of polygamy in CD 5:7 suggests (Lövestam, 50 n.19). The scribe would hardly introduce the unusual idea that divorce is no longer permitted and then go on to concentrate only on the issue of polygamy.

11QTemple 57:15-19:

Yigael Yadin has argued that the Qumran community did not permit divorce and believed that this was proven by 11QTemple 57:15-19 (Yadin, 198f).

And he shall not take a wife from all the daughters of the nations, but from his father's house he shall take unto himself a wife, from the family of his father. And he shall not take upon her another wife, for she alone shall be with him all the days of her life (*kî hî'âh l^ebâddâh tih^eyeh 'immô kôl y^emê hâyîh*). But should she die, he may take unto himself another wife from the house of his father, from his family.

The writer of this text is discussing the laws which tell the king how he should live. The background of this section is found in Deut. 17.

For Yadin's thesis it is important that the writer says the wife of the king will be with him *all the days of her life*. This means he cannot divorce her (similarly Fitzmyer, 1981, 79-111; Mueller, 247-256; Charlesworth, 1988, 72; 1991, 185).

However, there are two reasons why I think it is unlikely that 11QTemple 57:18 intends to forbid divorce. First, the word "alone" (*l^ebāddâh*) has a significant place in the sentence. The writer emphasizes the ban against polygamy by stressing that the king's wife will be with him all the days of her life *as his only wife*. "All the days of her life" (*kôl y^emē hâyîh*) highlights the fact that as long as she remains as his wife she will remain as his *only* wife until the day she dies. No other woman will be added alongside of her.

The second reason why I do not think that 11QTemple 57 is talking about divorce is because Deut. 17 is its background. In Deut. 17:17 the law clearly states that the king should not commit polygamy. Nothing is mentioned at all about divorce. The scribe surely knew this. If he had wanted to introduce new legislation in order to prohibit the king from divorcing as well, we should have expected to find some indication that the scribe was about to unfold new understandings of old rules (i.e. "this means"). He does not, so we are left to assume that he is simply following the clear reading of Deut. 17 by prohibiting the king from multiplying wives.

The third reason why we should be deterred from seeing 11QTemple 57 as a rejection of divorce is 11QTemple 54.4 acknowledges that some women will be divorced. Num. 30:10 stipulates that a vow taken by a divorced woman must be kept. The writer reduplicates this instruction. It is hard to see why he would include this command if at the same time he believed there would no longer be any recognized divorces (see Baumgarten, 1990, 14f).

CD 13:17

In 1954 Chaim Rabin published his translation of the Damascus Covenant. CD 13:15-17 (a mutilated text) reads as follows.

- 15) *wē`al ya`as `iš heber lēmeqah ūlēmimēkār kī `im hōdī`a*
 16) *lammēbakēr `aser bammahāneh wē`āsah `amānāh*
 wēlō` ys[]h `s[]
 17) [] *hā`ēsāh wēkēn lammēgārēs wēhū` ys[]*

Rabin translated it,

- (15b) And let no man make a partnership for trade unless he informs
 (16) the overseer in the camp and makes a written agreement
 and let him not . . .
 (17) And likewise with regard to him that divorces his wife,
 and he . . . (Rabin, 66).

Accordingly, this is the best evidence there is that the Qumran community recognized divorce. As long as the husband first got permission from the overseer he is within his legal rights to divorce his wife (Rabin, 67 n.). Any subsequent remarriage would not be seen as unlawful. Rabin's translation rests on two arguments. 1) *lammēgārēs* should be understood as a verbal form because of *wēhū` ys* and 2) *lammēgārēs* has the meaning of "he who divorces" in Mishnaic Hebrew.⁵

However, the majority of those who have translated this text are not convinced that *lammēgārēs* is used here to refer specifically to a man who divorces his wife. Instead, line 17 is often translated, "And let it be likewise for whoever is expelled; and let him [...]." (Dupont-Sommer, 158). It may be that this context is primarily addressed to commercial interests (Dupont-Sommer, 158) so it is unlikely that the author wants to talk about a domestic concern. However, the problem that has to be faced is that the whole section is so mutilated it is impossible to say with certainty whether or not the author wants to treat commercial transactions specifically or human interactions generally. If general human interactions are in mind, CD 13:17 might still reflect a view at Qumran that divorce was recognized. But since we have the additional problem that this text is not among the Damascus Covenant fragments which were found at

Qumran, we must be cautious about any firm conclusion for one view or the other. This section could be a later addition.

Whatever decision is taken about CD 13:17 (i.e. the author does or does not want to talk about divorce; it was or was not written by a member of the Qumran community) there is still no justification for the conclusion that the Jews of the Damascus Covenant or those who lived out at Qumran were like Jesus in prohibiting divorce. We are left to assume that they are like all other Jews in thinking that God hates divorce although he does make it a legal right.⁶

I would now like to turn our attention to some rabbinic sayings which also help to demonstrate what some Jews said about the validity of divorce and remarriage.

A well known discussion about divorce among the rabbis is the debate between the schools of Hillel and Shammai (m.Git. 9:10). The schools were divided over the exact meaning of the words *'erwat dābār* in Deut. 24:1. The Shammaites thought *'erwat* was specific enough to show that divorce could be granted only for shameful behaviour of a sexual nature. The Hillelites thought *dābār* was general enough to suggest that divorce could be granted for any behaviour the husband thought was shameful. R. Akiba later on took *dābār* to be so general that it even allows a husband to divorce his wife if he found someone prettier than her. Whatever else the divided opinions show, both camps assume divorce is a legal option which consequently means that it has divine support. Remarriages which followed a legal divorce (depending upon whose definition was used by those who granted the divorce) therefore would be thought of as perfectly legitimate before God.

But Hillel and Akiba's toleration of divorce for almost any cause should not lead us to think that these rabbis were treating divorce as if it was no longer despised by God. The rabbis continued to understand that God conceded to

Israel the right to divorce out of his mercy (b.Sot. 20b). Also, they say a husband does not sin when he actually concludes the divorce proceedings but has already sinned when he first desired a divorce (Num.R. 9.12).

One later rabbi even said something which sounds very similar to what Jesus said in Mt. 19:9//Mk. 10:11//Lk. 16:18. In b.Kid. 13a, R. Johanna said that people who divorce and remarry are more harmful to the world than the generation of the flood since it is written, there is swearing, lying, killing, stealing and committing adultery; they break all bounds and murder follows murder (Hos. 4:2). The same rabbi also said in b.Git. 90b that Mal. 2:16 teaches that God hates the one who sends his wife away. However, the important difference between Johanna's definition of divorce and remarriage as adultery and Jesus' similar definition is that the context of Johanna's statement suggests that he is talking about people who divorce and remarry without knowing what they are really doing, whereas Jesus' statement has no context to suggest any such qualification. It might be (we cannot be certain) that Johanna thinks these divorced and remarried people are living in false marriages or it may be that he thinks that they are primarily toying with something dangerous which could result in adulterous relationships in the legal sense.

This survey of Jewish attitudes towards divorce and remarriage should caution us against any distortion of the historical conflict between Jesus and those who ask him a question about divorce. It is inaccurate to describe the conflict as if a conservative view that divorce is wrong was objected to by a liberal view that divorce is perfectly acceptable. Every Jew knew that divorce was hated by God even though God concedes the possibility of it in Deut. 24:1 and elsewhere. Jesus would have found absolutely no conflict with any Jew of any persuasion if all he said was "Divorce is wrong". Of course divorce is wrong, but that is not the heart of the question. The crux of the matter is, Is Deut. 24:1f still binding

for those who divorce? If Jesus says, No, then we have a clear illustration of a direct conflict with the law. We will now move on to look at the formation of the tradition recording that conflict in Mt. 19:1-9//Mk. 10:1-12.

Is the Divorce Pericope a Unit?

There may have been as many as four separate traditions which were used to create the divorce pericope in Mt. 19:1-9//Mk. 10:1-12.

- 1) Mt. 19:3,5,6//Mk. 10:2,7-9
- 2) Mt. 19:7,8//Mk. 10:3-6a
- 3) Mt. 19:4//Mk. 10:6b
- 4) Mt. 19:9//Mk. 10:11//Lk. 16:18

In the first tradition either the crowds (manuscripts D a b k sy^s for Mk. 10:2; so Rawlinson, 134, n.1; Bultmann, 1963, 52; Hultgren, 1979, 119) or some Pharisees ask Jesus the question, εἰ ἐξεστὶν ἀνδρὶ γυναῖκα ἀπολύσαι. Someone later made an intelligible gloss by adding the words κατὰ πᾶσαν αἰτίαν (Mt. 19:3). As we noted earlier no Jew has ever forbidden divorce, not even the Qumran community. So the question as it appears in Mk. 10:2 is hardly intended to draw Jesus into an unreal debate as to whether or not divorce was legal (contra. Fitzmyer, 1981, 98f; Westerholm, 120). The question as it is stated in Matthew's gospel is different from the question in Mark's gospel only in that it is more explicit.

Nevertheless, it has been argued that there could hardly be any real "test" of Jesus if all these opponents were attempting to do was to get Jesus involved in a popular debate. Banks writes, ". . . there would be no guarantee that the answer would at the same time necessarily provoke both of the major parties" (Banks, 146). On the other hand, this conclusion is assuming that both Pharisaic

parties were involved in asking the question. But the text gives no such indication. As long as one representative party is involved then it would certainly still be a test to see which direction Jesus' sympathies followed.

Jesus gives his answer first by quoting Gen. 2:24 (ἐνεκα τούτου καταλείψει ἄνθρωπος τὸν πατέρα καὶ τὴν μητέρα καὶ κολληθήσεται τῇ γυναικὶ αὐτοῦ, καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν) and then by drawing a conclusion from it for the matter of divorce (ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ μία σὰρξ. ὁ οὖν ὁ θεὸς συνέζευξεν, ἄνθρωπος μὴ χωριζέτω). The last part of Jesus' conclusion looks authentic but some scholars have raised doubts about it (Bultmann, 1963, 81; Klostermann, 1926, 99; Berger, 536; Hultgren, 1979, 120). I am not convinced that the charge of inauthenticity can be substantiated either by claiming that the idea of "one flesh" placed alongside the idea of being "joined together" (συζεύγνυμι) is to join two ideas that are severely at odds with each other or by claiming that the proverbial form of the saying is drastically inconsistent with the way in which conclusions were raised from the exegesis of scripture (see Hultgren, 1979, 120). The move to the conclusion that God joins together husband and wife seems to flow naturally from the quotation that a man and a woman will become one flesh.

At this point I should explain why I am more inclined to think Jesus' first reply was Gen. 2:24 and not Gen. 1:27. There are two reasons. First, the words καὶ εἶπεν before the quotation of Gen. 2:24 is redundant. We have already been told that Jesus is speaking (ὁ ἀποκριθεὶς εἶπεν - Mt. 19:4; ὁ δε Ἰησοῦς εἶπεν - Mk. 10:5).⁷ This new introduction to a quotation would indicate that some kind of addition is taking place and that either the first or second quotation was original. Second, it seems unlikely that the first quotation was the original reply since it would not be an adequate one to the question Jesus was asked. If someone asks, Is divorce permissible, what kind of answer is

it to say, God made man and woman? Daube recognised the incompatibility between the question and the quotation but went on to suggest the unlikely explanation that Jesus was referring to the notion that God originally created an androgynous man (Daube, 1956, 71-86). Whatever the likelihood that Jesus believed in the theory that a reference to an originally androgynous man was contained in Gen. 1:27, it still does not explain how he could use it here to condemn divorce when the reality is that the two sexes emerged anyway (see Isaksson, 144-5). The reference to Gen. 1:27 does make sense when it is used in the pericope as an introduction to the important text of Gen. 2:24 and the important clause *καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν*. God makes husbands and wives and he makes them like one person in marriage. The Christian community has used Gen. 1:27 to introduce Jesus' text against divorce just as another community had used it to introduce a text to condemn polygamy (CD 4:21).

This first tradition was later supplemented by another one which recalls Jesus' explanation for the purpose of Deut. 24:1. On this occasion Jesus' opponents quote the law but Jesus turns around and argues that it was written because of the stubbornness of men and not as the ideal of God which was at the beginning.⁸ The community of Matthew's gospel placed this tradition at the end of the first tradition and caused the appearance of an ongoing debate. The community of Mark's gospel took it and placed it immediately after the remark that the opponents were out to test Jesus. The assumption that was made was that if Jesus is being tested, then an interpretation of a scriptural text was involved.

What is peculiar about this second tradition is that it assumes something which seems quite improbable. It assumes that Deut. 24:1 was used to justify divorce. But no learned scribe, rabbi, or Pharisee would actually say that divorce belonged to God's ideal society. The review above of what Jews said about

divorce has shown us that. Since it is unlikely that anyone did take such a position, this tradition was probably used to show that while Jesus hates divorce he recognized that divorce is a legal concession.

At a later stage an isolated saying of Jesus was attached to this collection (Mt. 19:9//Mk. 10:11//Lk. 16:18). The community behind Mark's gospel gave the saying a setting inside a house where Jesus' disciples asked about what he had said previously to the Pharisees. At this point they were also responsible for the expression which forbids women to divorce their husbands (καὶ ἐὰν γυνὴ ἀπολύσῃ τὸν ἄνδρα αὐτῆς καὶ γαμήσῃ ἄλλον, μοιχᾶται) since Jewish women generally did not have this right.

Matthew's community used the same saying as the climax for what Jesus said to his opponents' query concerning the meaning of Deut. 24:1. In this gospel, the contrast between Jesus and his opponents is heightened slightly by a veiled distinction between those who take Deut. 24:1 as something which God commanded (ἐνετείλατο) and Jesus who sees it as something which God permitted (ἐπέτρεψεν). However, the contrast may be a superficial one since 1) those who questioned Jesus also undoubtedly knew that Deut. 24:1f reflects God's permissive will rather than his absolute will and 2) the exact opposite occurs in Mark's gospel, where Jesus asks for the command of Moses and the Pharisees recite what they think that Moses has permitted (Mk. 10:3,4). In addition to these changes, this community attached another independent saying at verse 9b (ὁ ἀπολελυμένην γαμήσας μοιχᾶται) which is found elsewhere (Mt. 5:32//Lk. 16:18b). A fourth tradition on the value of living a celibate life was also woven in at the end of this collection (Mt. 19:10-12).

What did Jesus really say about Divorce?

Out of this text we can isolate four things Jesus may have said about divorce and remarriage.

- 1) ἕνεκα τούτου καταλείπει ἄνθρωπος τὸν πατέρα καὶ τὴν μητέρα καὶ κολληθήσεται τῇ γυναικὶ αὐτοῦ, καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν· ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ μία σὰρξ. ὁ οὖν ὁ θεὸς συνέζευξεν, ἄνθρωπος μὴ χωριζέτω
- 2) Deut. 24:1 was written πρὸς τὴν σκληροκαρδίαν ὑμῶν.
- 3) ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ καὶ γαμήσῃ ἄλλην μοιχᾶται.⁹
- 4) ὁ ἀπολελυμένην γαμήσας μοιχᾶται.

In tradition number one, Jesus quotes Gen. 2:24. What we find in Mt. 19:5/Mk. 10:7,8a varies little from what we also find in the LXX.¹⁰ The important question to ask here is, Why did Jesus chose this text to condemn divorce? Does the choice of the text itself indicate that Jesus believed the law should be disobeyed?

Some scholars have suggested that Jesus cited Genesis because he believed it overthrows the divorce law found in Deuteronomy (Menzies, 189; Wellhausen, 1909, 78; Montefiore, 1927, 1:232; Filson, 206; Schmid, 1968, 185; Schweizer, 1976, 381). There are two reasons why this is unlikely to be true. First, Jesus probably did not make a direct contrast between Gen. 2:24 and Deut. 24:1 because the traditions which contain each quotation were originally separate. Second, even though the traditions were eventually brought together this still does not mean that when one law is quoted in contrast to another the purpose is to annul the other law. Different laws could be contrasted for no other purpose than that a scripture is used to remember God's overriding principle. There is an

interesting illustration of this practice at a much later time than Jesus in Gen.R. 18:5.

R. Hiyya (b. Abba, 3rd cent.) taught: If a Gentile divorced his wife and she went and married another, and then they both went and became converted [to Judaism], I do not apply to him the verse, *Her former husband, who sent her away, may not take her again to be his wife* (Deut. 24:4). Said R. Aha (II, 4th cent.) in the name of R. Hanina b. Papa (3rd cent.): Throughout the Book of Malachi *The Lord of hosts* is used, whereas here [in reference to divorce] we have *The God of Israel*, as it says, *For I hate putting away* [i.e. divorce], says the Lord, the God of Israel (Mal. 2:16). It is as though one might say, His name has no bearing on divorce save in the case of Israel alone.

In this instance, the argument R. Hiyya b. Abba makes is, A Gentile, after divorcing his wife and becoming a Jew, can still remarry his ex-wife (who has become a Jewess since being divorced) even though she remarried. R. Hiyya quotes Deut. 24:4 and says, This does not apply to the situation of divorced proselytes (also see b.Sanh. 58a). R. Hanina b. Papa once quoted Mal. 2:16 to argue that God's name is involved with divorce among Israel alone. This interpretation was used by R. Aha to argue that the view of R. Hiyya has missed the point. While it may be true that proselytes might be exempted from Deut. 24:4, God's major concern is with Jewish men who divorce their wives. It is when Jewish men divorce that God's name is involved. R. Aha knows that Deut. 24:4 allows for Jewish men to divorce and he has no intention of nullifying the law. What he wants to do is draw the discussion away from the technicality of whether or not Deut. 24:4 applies to divorced proselytes to the more important fact that God is concerned about divorce among his special people. In the same way, Deut. 24:1, which allows for divorce, could be set alongside Gen. 1:27 and 2:24, which commands marital commitment, without the Matthean or Markan community thinking that one law is being used to nullify the other.

The contrast between Gen. 2:24 and Deut. 24:1 is not then an antithetical contrast between two things which Moses wrote (Rawlinson, 135; Nineham, 265;

Hooker, 1991, 236). More than likely it is a contrast between two laws which are equally binding. One law expresses God's initial will for the union of a man and a woman. The other law concedes that when God's initial will is not going to be met certain restrictions must be followed.

So if Jesus did not quote Gen. 2:24 to overthrow Deut. 24:1 why did he quote it? There could be one or more of several reasons. Jesus may have chosen this text because it contained the idea that God wants a man to "cleave" (κολλάω) to his wife. Jesus' point would then be, If someone is divorcing his wife how can he follow God's command to cleave to her. Or Jesus may have used the text because it stressed the idea of two individuals becoming one flesh. If Jesus' remark at the end of the quotation is anything to go by, his use of the quotation shows that he understands the passage to say, In marriage God is the one who unites a man and a woman. Therefore divorce is an abomination because it destroys what God has done (Meyer, 1883, 25; Murray, 33).

Whatever reason Jesus may have had for picking Gen. 2:24 as a text to condemn divorce, we are in no position to say that by choosing it he intends to say that the man who follows the law regulating divorce is following a law which God now condemns. By telling his audience that God wants men to stay married to their wives, Jesus is not telling those who go ahead and divorce that there is no need to follow the law. Jesus would still expect them to give their wives divorce documents and if their wives remarried he would tell them they are not allowed to take them back.

Tradition number two records that Jesus thought Deut. 24:1f was written πρὸς τὴν σκληροκαρδίαν ὑμῶν.¹¹ In other words, while divorce was never commanded by God, he permits divorce when he stipulates certain restrictions against its misuse. This characterization of the law as a concession to sin has led some scholars to the conclusion that marriages can no longer be dissolved. The

man who gives his wife a divorce document will be giving her absolutely nothing as far as God is concerned. Previously God recognized the dissolution of a marriage, but now he will not.

It is difficult to be conclusive about the authenticity of this tradition. On the one hand its independence is confirmed by the fact that it can be isolated without any damage to the central story, but on the other hand it could be that communities felt a clarification of Deut. 24:1 was needed and created two different ways of introducing it into the story.

Even though this saying is critical of the fact that Deut. 24:1 is a concession to the ideal of marital commitment, I do not think that such a criticism invites the conclusion that Jesus is saying, This law is now obsolete. This is exactly what Jesus must have said if the view is correct that Jesus taught people Deut. 24:1 should no longer be followed. But we can see how unnecessary this explanation is once we recall the fact that Jews already knew the law makes concessions to sins.

In a helpful but often overlooked article, David Daube showed that in addition to the laws regulating divorce, there are other practices contrary to God's absolute will which were nevertheless permitted and regulated by the law (Daube, 1959, 1-13). By the time of Jesus, Jews were well acquainted with the idea that God gives instructions for how his people should live when they are not going to keep his ideal. For instance, God's absolute will is that Israel has no earthly king, yet he concedes to Israel's desire to have a king by laying down laws which will govern how the king will live and rule (Deut. 17:14). Also, God ideally wants men to keep control of their paternal lands, but when circumstances arise and property owners feel they must sell their land, God lays down certain stipulations so that the land will once again be acquired by them (Lev. 25:25). God hates the idea that Jews will take other Jews into slavery, but when they do

there are certain guidelines for the treatment of Jewish slaves (Ex. 21:1-6). Jews knew that slavery in general was not what God ultimately desired. That is why the writer of Jubilees could condemn slavery and in no way think that he was questioning the validity of the law (Jub. 11:2). In the same way, Jesus would feel no tension with the authority and validity of the law simply by saying that Deut. 24:1f does not represent the ideal.

A scribe, rabbi or Pharisee who might have heard Jesus say that Deut. 24:1 is a concession to men's hard hearts, would not think that Jesus had said something which would put obedience to a law into jeopardy. We can know this from b.Kid. 21b which indicates that rabbis take it for granted that the law makes concessions to sin. God does not desire that any man should humiliate a woman; however, if a man desires a female captive he may marry her in spite of the fact that this will humiliate her (Deut. 21:10-14). The exact phrase the rabbis centre their attention on is vs. 11, ". . . and see among the captives a beautiful woman. . . ." They understand the word "beautiful" was written because the law provides for human passions. There is no significant difference between the rabbis concluding that the law provides for lust and Jesus' judgment that the law concedes to hard hearts. The fact that people knew legal provisions existed for when the ideal was not kept shows that Jesus' belief that Deut. 24:1 does not represent the ideal would not have sounded offensive. It is perfectly consistent for Jesus to say, Divorce is contrary to God's initial will, and for him to think that Deut. 24:1f should be obeyed by those who divorce since it is a part of God's permissive will.

No text is probably more important for determining Jesus' attitude towards divorce than the third tradition: ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ καὶ γαμήσῃ ἄλλην, μοιχᾶται.

The two strongest indications that this may be an authentic word of Jesus are 1) the fact that there is a parallel saying in Lk. 16:18a and 2) the fact that there are certain amendments to the saying. Matthew's *μη̄ ἐπὶ πορνείᾳ* and Mark's *ἐπ' αὐτήν* and parallel saying, *καὶ ἐὰν γυνὴ ἀπολύσῃ τὸν ἄνδρα αὐτῆς καὶ γαμήσῃ ἄλλον, μοιχᾶται* suggest that communities were trying to find ways to apply an older saying towards particular circumstances. At the same time, we must bear in mind the fact that this saying does not pass the criterion of dissimilarity since it is duplicated in the Shepherd of Hermas without any indication that it comes from Jesus (Herm. Man. 4:1; *ἐὰν δὲ ἀπολύσας τὴν γυναῖκα ἐτέραν γαμήσῃ, καὶ αὐτὸς μοιχᾶται*).

The crucial questions we should be asking about this saying are as follows.

1) Do the words "and marries another" (*καὶ γαμήσῃ ἄλλην*) go back to Jesus? Are they a casuistic addition or are they necessary for the expression to make sense? 2) How is the word "commits adultery" (*μοιχᾶται*) used? Is it used literally (i.e. God no longer recognizes remarriages so new sexual relationships are condemned by God since they are acts of adultery) or figuratively (God recognizes remarriages but divorce and remarriage is somehow like adultery and therefore hated by God)? 3) Is Jesus giving a new law or is his condemnation made with no intention of abolishing legal provisions? How is this saying any different from other legal sounding statements made by Jesus?

Since there are some scholars who have raised doubts about the authenticity of "and marries another" (Baltensweiler, 62; Greeven, 384; Hübner, 1973, 45,50; O'Neill, 39,40; Luz, 1989,, 300), we shall begin by examining the manuscript evidence for Mt. 19:9 and Mk. 10:11 with special attention on the occasional absence of *καὶ γαμήσῃ ἄλλην*.

Mt. 19:9a reads,

- 1) ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ
- 2) μὴ ἐπὶ πορνείᾳ
- 3) καὶ γαμήσῃ ἄλλην
- 4) μοιχᾶται

The most common error which scribes made was to hear the text but write words that occur in Mt. 5:32. We can detect this mistake in those manuscripts which have παρεκτὸς λόγου πορνείας for line 2 (D f¹³ 33 1093 1187 the old Latin sy^c sa and mae), in those which have ποιεῖ αὐτὴν μοιχευθῆναι for line 4 (C* O 477 1279 1402 1475 1579) and in those which completely omit lines 2 to 4 and insert παρεκτὸς λόγου πορνείας ποιεῖ αὐτὴν μοιχευθῆναι (B 1 4 33 273 566 1555 1582 f¹ ff¹ bo). But not every scribe thought about Mt. 5:32 when they came to copy this text. One scribe must have been thinking about Mk. 10:11. He simply omitted the exception clause (1574). Only two manuscripts do not contain the words of line 3. One omission occurs in a manuscript that follows the reading of C* (N) and another occurs in one that follows the reading of D (1573). Both omissions are probably the result of the same tendency to assimilate this text with Mt. 5:32.

Mk. 10:11 reads,

- 1) ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ
- 2) καὶ γαμήσῃ ἄλλην
- 3) μοιχᾶται ἐπ' αὐτήν.

Besides the occurrences of alternative spellings (ἀπολυσει, H K 13 346 28 131 472 474 579 and a few lectionaries; γαμησει, Ω 28 579) and preference for either ὃς ἐὰν (A N X Y Γ Π Σ Φ 22 118 157 700) or ἐὰν ἀνὴρ (Θ f^{1.13} 28 543 565), the three other important variant readings are found in D W 1 and sy^s. D simply has for line 2 καὶ ἄλλην γαμήσῃ. Manuscripts W 1 and sy^s have verses 11 and 12 transposed, ἐὰν ἀπολύσῃ γυνὴ τὸν ἄνδρα αὐτῆς καὶ γαμήσῃ ἄλλον μοιχᾶται, καὶ ἐὰν ἀνὴρ ἀπολύσῃ γυναῖκα μοιχᾶται. What

is particularly significant about this transposition is that in W the words *καὶ γαμήση ἄλλην* are missing. The transposition may be due to the fact that this time the scribe hears the text and instead of thinking of Mt. 5:32 he thinks of 1 Cor. 7:10,11; *γυναῖκα ἀπὸ ἀνδρὸς μὴ χωρισθῆναι, . . . καὶ ἄνδρα γυναῖκα μὴ ἀφιέναι*. The omission is more than likely a result of thinking that *καὶ γαμήση ἄλλον* in the first clause will be understood by those who hear and read the text as true for the second clause.

The evidence of the available manuscripts supports the conclusion that "and marries another" was an original part of Jesus' teaching on divorce. If we are to believe that these words do not belong, a case must be made to show that their presence makes Jesus say something which he would have unlikely wanted to say. This means we must now move on to the next question, Are the words "and marries another" really necessary for Jesus to make his point? In other words, Does Jesus want to condemn divorce or remarriage?

Some have argued that *καὶ γαμήση ἄλλην* is necessary for Jesus' teaching to make any sense. Without it the sentence is nonsense and untrue. One cannot talk about someone committing adultery if there is no mention of further sexual intercourse (Murray, 40). However, the weakness with this explanation is that it fails to see that such an interpretation of Jesus' words puts this teaching at odds with what he says in the other two traditions. In the first and second tradition Jesus is clearly denouncing divorce because 1) it destroys the bond which God creates in marriage and 2) it is not apart of God's initial will. If Jesus' main thrust in the third tradition is to condemn remarriage, he is in essence pardoning divorce as long as it does not result in remarriage. This would hardly have been Jesus' intention. After criticizing divorce so severely he would not excuse it by pleading for no subsequent marriages. What then are we to make of *καὶ γαμήση ἄλλην*?

Jesus knows God hates divorce but that he has also made remarriages valid through the law. He has no intention of calling this validity into question. If Jesus then assumes this right of remarriage, we may agree with Atkinson when he writes, ". . . divorce-and-remarriage belong together in Jesus' thinking, and we may understand the central thrust of his condemnation to be focused on the wrong of 'putting away', rather than on the remarriage which in this *ad hominem* discussion is the inevitable consequence. The guilt for the 'adultery' in the remarriage (10:11) lies with the one who has taken the initiative in 'putting away' (Atkinson, 113)." So divorce is Jesus' concern. The sin is the 'adulterous' sin of covenant-breaking which takes place in the act of dissolving a marriage. The three words καὶ γαμήσῃ ἄλλην are extras with no crucial part in the meaning of Jesus' statement. His understanding of divorce is certainly compatible with the way other Jews thought about divorce so it cannot be true, as Baltensweiler maintains, that "and marries another" was added by communities who thought Jesus' saying was too harsh (Baltensweiler, 62). Jews would not have thought it was any harsher to call divorce "adultery" than it is to call lust "adultery in the heart" (Mt. 5:28).

We may now ask, How is Jesus using the word "commits adultery"? The basic problem with taking Jesus' use of "commits adultery" as literal is that the idea would be so alien to Jesus' audience that it would require further explanation if Jesus wanted his teaching to be understood and practised. Within Jewish understanding, a person could commit "spiritual" adultery against God by worshipping idols but legally a husband cannot commit adultery against his own marriage when he has sex with another woman. He commits adultery only against another man's marriage when he has intercourse with that man's wife (Abraham, 1:73; Manson, 1949, 136; Westerholm, 118). So when Jesus says that a man who divorces commits adultery he is much more likely to be playing with words than

involved in changing definitions. A man who divorces is like a man who commits adultery in that both are destroying marriages. One is destroying his own marriage while the other is destroying someone else's.

So if "and marries another" is not crucial for what Jesus is basically saying and if "commits adultery" is not to be taken literally, it is unlikely that Jesus thought he was setting down a new law. Jesus often said things that have the appearance of being a legal statement but were probably not meant to be treated as law. For example, in Mt. 6:6 Jesus teaches that when one wants to pray then he should go into his own room, shut the door and pray (οὐ δὲ ὅταν προσεύχῃ, εἰσελθε εἰς τὸ ταμεῖόν σου καὶ κλείσας τὴν θύραν σου πρόσευξαι τῷ πατρὶ σου τῷ ἐν τῷ κρυπτῷ). Here, Jesus is hardly condemning the person who prays outdoors. Nor was Jesus intending to make a law when he told Peter to forgive his brother 77 times (Mt. 18:21-22). These are obvious examples of the use of hyperbole to make a broad point (i.e. Do not look for attention when you pray and do not resist giving your penitent brother forgiveness). In the same way, the equation of divorce with adultery is meant to make the point that men who want to be right with God's initial will should not seek to divorce their wives. But this does not mean that the man who follows Deut. 24:1 will no longer find any favour with God.

Finally we will look at the last tradition found in some manuscripts of Mt. 19:1-9: ὁ ἀπολελυμένην γαμήσας μοιχᾶται (//Mt. 5:32b//Lk. 16:18b).

There are a couple of things which are not clear about this tradition. For instance, we cannot be certain that it goes back to Jesus (Greeven, 383; Hübner, 1973, 47; but see Manson, 1949, 137; Luz, 1989, 301). There are several reasons why. 1) Some very good manuscripts do not know this teaching in connection with this text (aleph, C³ D L 1241 pc the old Latin sy^{s.c} bo). 2) Some manuscripts do not even know it in connection with Mt. 5:32 (D a g k).

We could account for this omission by suggesting that all these scribes' eyes moved from the $\mu\omicron\iota\chi\acute{\alpha}\tau\alpha\iota$ at the end of the first clause to the $\mu\omicron\iota\chi\acute{\alpha}\tau\alpha\iota$ at the end of the second. However, it is equally plausible that a tradition which was originally only known to Luke's community was added to Matthew's gospel later.

3) The saying assumes a specific issue which resembles more closely situations which might have occurred in the early church than resembling the sorts of questions which Jesus tried to address. We know, for example, that by the time the Shepherd of Hermas was written, one teaching was that a man who divorces his adulterous wife should not remarry in the hope that his divorced wife will repent and come back to him (Herm. Man. 4:1). In a similar situation we might expect some community to extend Jesus' teaching so that men do not get involved in preventing the reconciliation between a man and the woman he has divorced.

What we also do not know is why it would be wrong to marry divorced women. God hates it when a man divorces his wife but it is a part of his initial will that a man should marry a woman. Why then is this marriage wrong? Is it because these women have committed adultery against their first marriage? Is it because the men are trying to remarry their divorced wives? Or is it because now marriages are seen as indissoluble?

One suggestion offered by Amram was that the condemnation is primarily addressed to men who want to remarry their divorced wives who have gone and married someone else since being divorced (Amram, 83f). He compares this teaching with what Philo says in Spec. Leg. 3:31.

And if a man is willing to contract himself with such a woman (a woman he has divorced, who then remarried and now is a widow), he must be saddled with a character for degeneracy and loss of manhood . . . and as has lightly taken upon him the stamp of two heinous crimes, adultery and pandering. For such subsequent reconciliations are proofs of both. The proper punishment for him is death and for the woman also.

Prohibitions of remarriages are not unheard of within Judaism (m.Git. 4:7,11; m.BB 10:9; b.Git. 46a), but if we are to understand Mt. 19:9b//Lk. 16:18b as a legal statement, then it introduces a rigidity which is alien to Jewish law (Davies, 1988, 1:532). This saying is definitely not in the interest of those women who are maliciously divorced without reasonable cause (Luz, 1989, 301). On the other hand, if this equation of marrying a divorced woman with adultery is like the equation of divorce with adultery than this may be no law at all and might only be meant as a deterrent against marrying divorced women.

Interestingly, Paul wrote to the Corinthian women that if they leave their husbands they are to remain single or be reconciled with them (ἐὰν δὲ καὶ χωρισθῆ, μενέτω ἄγαμος ἢ τῷ ἀνδρὶ καταλλαγῆτω, 1 Cor. 7:10b,11a). This warning addresses a slightly different issue than the above saying. What Paul teaches, which may or may not be a part of what he thinks is a saying of Jesus, is that women who separate themselves from their husband (χωρισθῆ) should not marry anyone else.¹² The saying in Mt. 19:9b//Lk. 16:18b warns men not to marry women who were divorced (ἀπολελυμένην) by other men. There is no indication in the saying of Jesus that these divorced women are like the women Paul has in mind. Paul speaks sternly to women who have initiated their own divorce while the saying of Jesus speaks sternly to men who desire divorced women. Nevertheless, Paul's warning, while a different teaching from that of Mt. 19:9b//Lk. 16:18b, could be a deduction he reached having reflected upon this general denouncement of marrying divorced women. Paul may have understood Jesus to have said that men should not marry divorced women, and think that he can apply this to those women who divorce their husbands (Fee, 295, n. 25). He therefore could claim on the authority of a saying of Jesus that women who do divorce should not seek for other men to marry them.

Conclusion

To summarize, Mt. 19:1-9//Mk. 10:1-11//Lk. 16:18 indicate that Jesus had a very strong view against divorce. He thought divorce had the effect of destroying something which God had created. A man who expelled his wife could not possibly follow God's positive command to cleave to her. God conceded the right to divorce only because men's hard hearts could not always resist doing what God deplors. And although divorce is a legal right, the man who divorces his wife should realize that he is acting like an adulterer. He is destroying a marriage. Jesus' view might have also been that a man is better off if he does not marry a divorced woman for this too can make him like an adulterer. We do not know the reason why such an utterance was made. But there are sufficient Jewish parallels to suggest that this statement, as well as the others, could be uttered by any Jew whose aim was to teach righteousness according to the law.

Endnotes

1. Some scholars hedge on the question, What does Jesus intend to say about divorce, by arguing both that Jesus did not abrogate the law but did make it inapplicable for the present situation (Banks, 159). My difficulty with this position is in seeing how something can be made no longer valid and at the same time not be abrogated.
2. For a further discussion of this point see my comments on Mt. 5:31,32 in chapter 4.
3. It should be noted that there have been different readings of the Hebrew (*sānē` sallah*) in Mal. 2:16 (see b.Git. 90b) but our reading ("I hate divorce, says Yahweh, God of Israel. . .") is accepted by most scholars as the best translation (Smith, 1984, 323). For a full and recent discussion of this point see Glazier-McDonald, 1987, 109-120.
4. Note that Charles recognizes that in the following lines of CD 5, the reference to David would imply that the author is talking about polygamy only.
5. For illustrations of *garāš* meaning "to divorce" in rabbinical material see Jastrow, 273. *Garāš* is also used in the Mosaic law to refer to divorce (Lev. 21:7, 14; 22:13; Num. 30:10 [9]).
6. It should be noted that even if we could find evidence to show that the Qumran community did not recognize divorce, we could hardly conclude that any Jew who prohibits divorce does so because he wants to annul the law. If the Qumran community prohibited divorce they would think that to do so was perfectly compatible with obeying the law. Therefore we would not be in the position to say that because Jesus prohibits divorce it is because he thinks the law should be annulled.
7. Not only are the words *καὶ εἶπεν* found in Mt. 19:5 but they are also found in Mk. 10:7 according to manuscripts D N W Θ Σ f¹³ 543 28 38^{**} 61 282 300 406 474 565 1071 1279 1574 lect.7 b c ff g² q and r¹. It seems unlikely that the scribes behind all these manuscripts would feel such an urge to make the Markan account assimilate to the Matthean account that they would do so even to the point of introducing an unnecessary *καὶ εἶπεν*. On the other hand, it is much more likely that they were omitted since the scribes already knew that Jesus was speaking.
8. For a discussion of legal concessions in the Mosaic law see Daube, 1959, 1-13.
9. Notice that here I am not discussing the authenticity of the exception clause. This question has already been discussed in chapter 4.

10. The LXX reads, ἕνεκεν τούτου καταλείψει ἄνθρωπος τὸν πατέρα αὐτοῦ καὶ τὴν μητέρα αὐτοῦ καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν. Also note 1) the Hebrew text does not have the word "two" and 2) the missing καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ in aleph B Ψ 892* and sy^S for Mk. 10:7 is probably due to the scribe's eye moving from one καὶ to the next καὶ.

11. I do not think that we need to try and maintain any distinction between being hard hearted towards God and hard hearted towards wives, as some have tried to read into σκληροκαρδίαν (Banks, 147). Jesus would undoubtedly think that if a man is so hard hearted towards his wife that he wants to divorce her, he has already shown that he is at the same time hard hearted towards God who has commanded him to cleave to her.

12. The passive form of χωρισθῆναι operates as a middle so it is the women who has initiated the separation (Murphy-O'Connor, 1981, 601f). Paul is probably assuming the Roman and Greek custom that a woman can instigate a legal divorce simply by telling her husband that she no longer wants to be married to him and by leaving his house (Fee, 293 n. 14).

CHAPTER TEN

Jesus and the Great Commandment

If Jesus believed that obeying the law was in any way unimportant, he had the perfect opportunity to say so when he was asked, ποία ἐντολὴ μεγάλη ἐν τῷ νόμῳ (Mt. 22:36//Mk. 12:28c). Instead of arguing against searching for a great commandment, Jesus supports the law by answering the question with a statement that would have satisfied any other Jew.

While scholars generally concede that Jesus was perfectly in line with Jewish piety when he called Deut. 6:5 and Lev. 19:18 the great commandment, some are more eager to find a radical change in this tradition when it was enlarged (Bornkamm, 1954, 85-93; Trilling, 178-180; Furnish, 28f; Burchard, 39-62; Berger, 1972, 136-202; Schweizer, 1976, 425; Gerhardsson, 1976, 129-150). Gerhard Barth focused on the difference between Matthew and Mark's account and tried to reconstruct a real contention between the two (Barth, 75-105). He argued that the Markan account implies that the formal understanding and performance of the law is abandoned while the Matthean account tries to make the love commandment into a new hermeneutical principle by which the church could decide for itself which laws it would and would not obey. But once we have look at the possible redactional elements in the tradition it will become clear that this is a very unlikely reconstruction of how Jesus' teaching was treated by early Christian communities.

To appreciate what Jesus' reply was and how much was made of it, three questions should be answered. 1) What did Jesus say? How much of the material in Mt. 22:37-42//Mk. 12:29-34 and the close parallel text of Lk. 10:25-28 can we reasonably infer goes back to Jesus and what are the elements we can confidently ascribe to redactional activity? 2) Did other Jews make similar value judgments about these two commandments? 3) Is there any indication that Jesus' teaching is significantly different from what other Jews said? Is a new attitude towards obeying the law indicated by what was added to Jesus' saying?

What did Jesus say?

We begin by asking, How does Lk. 10:25-28 compare with Mt. 22:37-42//Mk. 12:29-34? Are they so similar that we must suppose that one has changed the other? Are they so significantly different that we should believe they are accounts of two different events?

The central core of the three texts are as follows;

Mt. 22:35-40

- 35) καὶ ἐπηρώτησεν εἰς ἕξ αὐτῶν νομικὸς πειράζων αὐτόν.
 36) διδάσκαλε, ποία ἐντολὴ μεγάλη ἐν τῷ νόμῳ;
 37) ὁ δὲ ἔφη αὐτῷ.
 ἀγαπήσεις κύριον τὸν θεόν σου ἐν ὅλῃ τῇ καρδίᾳ σου
 καὶ ἐν ὅλῃ τῇ ψυχῇ σου καὶ ἐν ὅλῃ τῇ διανοίᾳ σου
 38) αὕτη ἐστὶν ἡ μεγάλη καὶ πρώτη ἐντολὴ.
 39) δευτέρα δὲ ὁμοία αὐτῇ.
 ἀγαπήσεις τὸν πλησίον σου ὡς σεαυτόν
 40) ἐν ταύταις ταῖς δυσὶν ἐντολαῖς ὅλος
 ὁ νόμος κρέμαται καὶ οἱ προφῆται.

Mk. 12:28b-31

- 28b) (a scribe) ἐπηρώτησεν αὐτόν·
ποία ἐστὶν ἐντολὴ πρώτη πάντων;
- 29) ἀπεκρίθη ὁ Ἰησοῦς ὅτι πρώτη ἐστίν·
ἄκουε, Ἰσραηλ, κύριος ὁ θεὸς ἡμῶν κύριος εἷς ἐστίν,
30) καὶ ἀγαπήσεις κύριον τὸν θεόν σου ἐξ ὅλης τῆς καρδίας σου
καὶ ἐξ ὅλης τῆς ψυχῆς σου καὶ ἐξ ὅλης τῆς διανοίας σου
καὶ ἐξ ὅλης τῆς ἰσχύος σου.
- 31) δευτέρα αὕτη·
ἀγαπήσεις τὸν πλησίον σου ὡς σεαυτόν.
μείζων τούτων ἄλλη ἐντολὴ οὐκ ἐστίν.

Lk. 10:25-28

- 25) καὶ ἰδοὺ νομικός τις ἀνέστη ἐκπειράζων αὐτὸν λέγων·
διδάσκαλε, τί ποιήσας ζωὴν αἰώνιον κληρονομήσω;
- 26) ὁ δὲ εἶπεν πρὸς αὐτόν·
ἐν τῷ νόμῳ τί γέγραπται; πῶς ἀναγινώσκεις;
- 27) ὁ δὲ ἀποκριθεὶς εἶπεν·
ἀγαπήσεις κύριον τὸν θεόν σου ἐξ ὅλης τῆς καρδίας σου
καὶ ἐν ὅλῃ τῇ ψυχῇ σου καὶ ἐν ὅλῃ τῇ ἰσχύϊ σου
καὶ ἐν ὅλῃ τῇ διανοίᾳ σου
καὶ τὸν πλησίον σου ὡς σεαυτόν.
- 28) εἶπεν δὲ αὐτῷ·
τοῦτο ποίει καὶ ζήση.

To this list we should also add the evidence from Justin Martyr in his
Dialogue with Trypho;¹

Hence, I am of the opinion that our Lord and Saviour Jesus Christ very aptly explained that all justice and piety are summed up in these two commandments, Ἀγαπήσεις κύριον τὸν θεόν σου ἐξ ὅλης τῆς καρδίας σου καὶ ἐξ ὅλης τῆς ἰσχύος σου καὶ τὸν πλησίον σου ὡς σεαυτόν (Just. Dial. 93.6).

Besides the combination of Deut. 6:5 and Lev. 19:18, there are other similarities which have convinced some scholars that there was only one source for this teaching. 1) In Matthew and Luke, it is a lawyer (νομικός) who converses with Jesus. 2) In Matthew and Luke, the lawyer is said to be "testing" (πειράζω) him. 3) In Matthew and Luke, ἐν with the dative is used in the list of how to love God. 4) In Matthew and Luke we find the vocative διδάσκαλε. 5) In Matthew and Luke we find the phrase ἐν τῷ νόμῳ.² Some

of the conclusions which are drawn from these facts are that either in Luke's Gospel (or even in Matthew's) we find a redacted form of Mark's popular *Schulgespräch* (Wellhausen, 1904, 52; Montefiore, 1909, 721; Bultmann, 1963, 51; Klostermann, 1927, 179; Taylor, 484-5; Burchard, 43; Fuller, 42) or that Matthew has combined Mark and Luke's stories (Beare, 1981, 159; Hultgren, 1979, 48).

These parallels do not make it certain that traditions are being conflated because of the following reasons. 1) Ἐν with the dative is equivalent to the the Hebrew *b^e*, so both the tradition in Matthew and Luke could have had alternative texts of the popular Shema besides Mark's Greek text.³ 2) While ἐν τῷ νόμῳ might be an addition in the Matthean text, it hardly adds anything to the question that Jesus is asked here or the one he asks in Lk. 10:26. 3) It is conceivable that Jesus and a lawyer could have been familiar with the popular notion that loving God and loving one's neighbour were two fundamentally important principles and that they could base these principles on the teaching of scripture independently. It is even conceivable, as T. W. Manson maintains, that Jesus frequently cited these two principles as of great importance and the lawyer in Luke's Gospel knew this (Manson, 1949, 260; also Jeremias, 1963; 202).

The obvious differences between the accounts are 1) Jesus is the one who utters the two commandments in Matthew, Mark and Justin's source while in Luke it is the lawyer. 2) In Matthew and Mark (and possibly Justin's source) the question is, What is the great commandment (ἐντολὴ μεγάλη or πρώτη),⁴ in Luke the question is, What has to be done to inherit eternal life? 3) In Luke's Gospel, the dialogue takes place in the earlier part of Jesus' ministry but is at the end of his ministry in Matthew and Mark. While these differences are suggestive of separate traditions, we cannot rule out the possibility of a single source. It is possible that in Luke's Gospel a popular tradition of the value of Deut. 6:5 and Lev. 19:18 is being altered since the lawyer's reply is helping to

introduce the parable of the good Samaritan (Creed, 151).⁵ However, it still seems unlikely that a scribe or a community would put into the mouth of an outsider (even a sympathetic outsider) an utterance of their Lord.

It is certainly compatible with what we know about Jesus' teaching elsewhere that he would answer the question by emphasizing love for God and love for others as the two great commandments of scripture (Flusser, 165-173).⁶ While other writers of the NT remark on love (Rom. 13:9; Gal. 5:14; Jam. 2:8), they do not in the same breath speak about both love for God and love for others. Jesus' teaching therefore stands out slightly from early Christian instruction (Fuller, 47).

Nevertheless, there have obviously been some additions to what was said besides the extended dialogue between Jesus and the scribe (Mk 12:32-34). Someone is almost certainly responsible for adding ἐν ταύταις ταῖς δυσὶν ἐντολαῖς ὅλος ὁ νόμος κρέματα καὶ οἱ προφῆται (Mt. 22:40) and the opening line of the Shema, ἄκουε, Ἰσραηλ, κύριος ὁ θεὸς ἡμῶν κύριος εἷς ἐστὶν (Mk. 12:29b). Κρέματα suggests a Jewish environment which is acquainted with the view that certain laws "hang on" or are dependent upon other laws. Therefore, it would seem unlikely that a Jewish environment would omit the opening words of the Shema if they originally belonged to the tradition (contra. Banks, 168; Gerhardsson, 1976, 134).

The remark in Matthew's Gospel that Deut. 6:5 is the great and first commandment (Mt. 22:38) and the one in Mark's Gospel asserting that there is not another commandment which is greater than both of these (Mk. 12:31b) indicate that some additional comment may have been uttered by Jesus. There is basically no difference in meaning between the two remarks. Both versions are appropriate and neither indicates any particular new focus. What precisely Jesus may have additionally said (if he said anything additionally at all) cannot therefore

be determined, though it may be that the combination of πρώτη with μεγάλη weighs in favour of the saying in Mark.

What did Jews say about Loving God and Neighbour?

In the Babylonian Talmud Shabbat, we can find a small series of stories which are aimed at making a contrast between the impatience of R. Shammai and the gentleness of R. Hillel. In one of the stories, Hillel says something which is remarkably close to what Jesus supposedly once said (Mt. 7:12//Lk. 6:31).

On another occasion it happened that a certain heathen came before Shammai and said to him, 'Make me a proselyte on condition that you teach me the whole law while I stand on one foot.' Thereupon he repulsed him with the builder's cubit which was in his hand. When he went before Hillel, he (Hillel) said to him, 'What is hateful to you, do not to your neighbour'; that is the whole Torah, while the rest is the commentary thereof; go and learn it (b.Shab. 31a).

By equating this principle with the whole law, it is not Hillel's intention to cast criticism on any specific laws but to point out that one of the major objectives of the law is that people do not hurt other people. A large section of the law is primarily a detail description of how this objective can be met.

At Gen.R. 24:7, R. Akiba and R. Ben Azzai dispute which scripture reflects a better principle in the law;

Ben Azzai said: This is the Book of the Descendants of Adam is a great principle of the Torah. R. Akiba said, But thou shalt love thy neighbour as thyself (Lev. 19:18) is even a greater principle.

Again, the rabbis are attempting to find which principle in the law explains the purpose for other laws. R. Akiba's conclusion is like that of Hillel's. God wants humanity to operate under the guidelines of love; that is why so many commandments and prohibitions are directed towards our relationships with one another.

Philo, when commenting on the value of hearing learned men discuss the law on the sabbath, wrote the following:

But among the vast number of particular truths and principles there studied, there stands out practically high above the others two main heads: one of duty to God as shewn by piety and holiness, one duty to men as shewn by humanity and justice, each of them splitting up into multiform branches, all highly laudable (Spec. Leg., 2.63).

The laws which the Jews study each sabbath can be divided into two general categories. One set of laws helps Israel to love God through acts of piety and holiness while the other set of laws helps to remind Israel that they are to show love one towards the other through acts of kindness and justice. All the laws are focused on these two basic goals. Philo repeated this message when he said, "For the nature which is pious is also kindly, and the same person will exhibit both qualities, holiness to God and justice to men (De Abr. 208)."

Other popular examples of the Jewish estimation of loving God and loving people can be found in the Testament of the XII Patriarchs.⁷

I have loved the Lord with all my strength. Likewise I have loved all men as my children (T. Iss. 7:6).

And now, my children, I charge you to keep the commands of the Lord, and practise mercy to the neighbour (T. Zeb. 5:1).

Love the Lord with all your life and one another with a true heart (T. Dan 5:3).

You therefore my children, in every act keep the fear of God before your eyes and honour your brothers. For everyone who does the Law of the Lord will be loved by him (T. Jos. 11.:1).

Fear the Lord and love the neighbour (T. Ben. 3:3).

The basic idea of the double love commandment is also expressed in Ben Sirach 7:31,32 though not as succinctly as in the Testament of the XII Patriarchs, the writings of Philo and the saying of Jesus.⁸ Ben Sirach does makes it more explicit what the love of God and love of others should entail. For him, it means honouring God's priests, his ministers, and following God's laws concerning

what offerings should be brought to the Temple. The love of one's neighbour is also described in concrete images of helping the poor, sympathizing with the grief stricken and visiting the sick. The writer is simply attempting to fill out more precisely what most Jews must have taken as the two basic moral obligations of Jewish piety.

Is Jesus' Teaching Different?

On the basis of Jesus' quotation of two popular verses of scripture, it appears unlikely that he was saying anything significantly different from what other Jews said either before his time or after it. Jesus must have shared with his fellow Jews the same reverence for the law's ultimate goal: namely love for God and love for others. He knew that this is what the law teaches and he would have undoubtedly expected other Jews to obey the law since this is what obeying all the law would accomplish.

The additions made to Jesus' saying also do not indicate that there were any Christians who thought that some laws no longer had to be obeyed. In Matthew's gospel there is certainly a significant addition with the words, ἐν ταύταις ταῖς δυσὶν ἐντολαῖς ὅλος ὁ νόμος κρέματα καὶ οἱ προφῆται. Scholars have argued that the use of κρέματα is indicating a view that these two commandments are not stating the goal of all the laws (as Jesus thought) but that they are the means by which the law will now be interpreted (Barth, 77; Furnish, 33f; Berger, 1972, 229f).

This is hardly a right conclusion for two reasons. 1) Jews had no idea of distinguishing between loving God and obeying God. How else could Jews know they were truly "loving God" unless they were doing what God told them to

do through the law? 2) The Hebrew equivalent of κρέμαται (*tālâh*) would suggest an altogether different conclusion. In the Mishnah it is used in the statement, ". . . the rules (the halakhot) about the Sabbath, Festival-Offerings, and Sacrilege are as mountains hanging (*hatillûyim*) by a hair . . ." (m.Hag. 1:8) and in the Babylonian Talmud the teaching of R. Bar Kappara was, "What short text is there upon which all the essential principles of the Torah depend (*tilluyû*), In all thy ways acknowledge Him and He will direct thy paths" (b.Ber. 63a). In the first text, a mountain of extra-biblical teachings exists when in fact there are only a few biblical laws which could possibly be cited as the reason for why they are given. In the second text, Prov. 3:6 is said to be important not because it explains when certain laws should and should not be followed but because all the other principles of obedience could not be important if this one passage were not true. The reason that Barth and Furnish have argued that this rabbinic evidence sheds no light on the use of the word here in Matthew's gospel is that if it did have the same meaning the confrontational setting would be inexplicable.⁹ The better solution is surely to understand the idea of how all laws "hang" on one law with the parallels and to rethink the confrontation as something which was not nearly as intense as it has often assumed. The phrase "to test" might not always involve serious hostility.

In Mark's gospel, the scribe's reply to Jesus' teaching (12:32-34) is also seen as an addition which changes the meaning of the text (Barth, 77; Gerhardsson, 1976, 132). Someone tampered with the tradition so that they could encourage others to be more discerning regarding which commandments should and should not be kept. Victor Furnish put it in this way, "The overall point (of this addition) is just this: What is important for true religion is belief in and worship of the one God and obedience to the moral law, not religious ceremony or cultic performance" (Furnish, 29). I would argue that it is unlikely that

. . . περισσότερόν ἐστὶν πάντων τῶν ὀλοκαυτωμάτων καὶ θυσιῶν (vs. 33b) is meant to indicate any such depreciation of Israel's cultic laws. The scribe understands Jesus to be saying what he himself already believes, namely, that as important as some laws are they can only be properly carried out under the auspices of the more important goal of the law. For example, someone should offer the right sacrifices because ultimately they love God and want to do what he tells them and because ultimately they love others and want to be restored to a right fellowship with them. This addition in Mark, far from indicating any desire to exclude certain laws, indicates the desire to understand and appreciate how all the laws work together for this two fold purpose.

Conclusion

In this chapter I have been arguing that the quotation of Deut. 6:5 and Lev. 19:18 as the great commandment could be an authentic utterance of Jesus. At the same time it must be recognized that the twofold concept of loving God and others appears as an important principle of piety in Jewish literature. If Jesus did cite these two commandments, then I think it is unlikely that he was the only one ever to have done so. Both commandments were far too important for them to have been overlooked until his time. On those occasions when teachers brought together crucial passages of scripture for serious consideration, these two more than likely would have come up. Jesus' answer would then indicate is that he supported the popular view of what was the basic purpose of the law. The law instructs how to love God and to love others. Not a single law was ever given which does not ultimately have at least one of these two goals in mind. Jesus would hardly conclude that people who were trying to obey the law were heading in a direction which was contradictory to what God demanded.

Endnotes

1. In the Didache, we find two commandments, one of which comes from Lev. 19:18, but the teaching is not ascribed to Jesus. ἡ μὲν οὖν ὁλὸς τῆς ζωῆς ἐστὶν αὕτη. Πρῶτον, ἀγαπήσεις τὸν θεὸν τὸν ποιήσαντά σε. δεύτερον, τὸν πλησίον σου ὡς σεαυτὸν (Did. 1.2).
2. Fuller notes two other similarities between Matthew and Luke. 1) Both Matthew and Luke do not have the Shema. 2) Both quote the two commandments once. 3) Both Matthew and Luke have no statement about the superiority of love over burnt offerings. However, if it is possible that Matthew and Luke did not have our Mark, these similarities do not help to indicate any mutual dependence since these could have been quite easily later additions to Mark's gospel. For another scholar who thought that here Matthew did not have our Mark see Bornkamm, 1954, 92f.
3. The list of ways to love God in the LXX reads differently from all three gospels: καὶ ἀγαπήσεις κύριον τὸν θεόν σου ἐξ ὅλης τῆς καρδίας σου καὶ ἐξ ὅλης τῆς ψυχῆς σου καὶ ἐξ ὅλης τῆς δυνάμεώς σου.
4. There is no real difference in meaning between "great" and "first" (contra. Smith, 1951, 138) since μεγάλη is an example of the positive being used for the superlative and πρώτη has the meaning of "pre-eminent" rather than any logical priority (Taylor, 486; Banks, 165).
5. Marshall has surely exaggerated what the similarities between Lk. 10:25-28 and Mk. 12:28-34 indicate when he says that, "It is incontestable that Luke knew Mark's form of the story and regarded his own as an equivalent to it . . ." (Marshall, 1986, 440).
6. Note that here (Mt. 22:37//Mk. 12:30) and in Lk. 11:42 are the only two examples we have in the Synoptic gospels where Jesus speaks explicitly about loving God.
7. Using the Testament of the XII Patriarchs as a Jewish parallel for sayings in the NT should be done with caution since some Christian editing has more than likely occurred (Hooker, 1991, 288). However, I see no indication that the instructions which speak about loving God and others are examples of the kind of things we would expect Christian scribes to make.
8. Some scholars believe that because the double commandment can be found in such works as Philo and the Testament of the XII Patriarchs and because the scribe's response (Mk. 12:32-34) includes a critical comment on the sacrificial laws, the pericope as it now stands more than likely comes from a Greek-Hellenistic environment rather than from a Palestinian one (Bornkamm, 1954, 41; Burchard, 54-57; Berger, 1972, 142-202; Gerhardsson, 1976, 131-132).

However, it would not be too surprising to find on the lips of Palestinian Jews similar statements which have the appearance of being even more critical of sacrifices than the one we find in Mark's gospel (Hos. 6:6; Prov. 21:3).

9. See also Gerhardsson, 1976, 131f. Banks argues that Matthew cannot be ascribing to Jesus the same understanding of the rabbis on how obeying the law could depend upon a single commandment since this would leave the combination of μέγαλη and πρώτη unexplained (Banks, 169). I see no reason why we should suggest that simply by using "great" and "first" someone hoped to give the impression that Jesus' teaching was not like what other teachers said.

CHAPTER ELEVEN

Jesus and the Temple Cult

Did Jesus expect Jews to obey the cultic laws? If, as some scholars have argued, Jesus knew that the Temple would soon be destroyed, did he also think that the reason it would be destroyed was because the Temple and the religion for which it stood for was no longer compatible with the will of God and needed to be superseded (MacKintosh, 116, 119; Caldecott, 382-6; Lohmeyer, 1961, 48; McKelvey, 71; Hahn, 1973, 28)? E. P. Sanders has made the question, What was Jesus demonstrating in the Temple?, the starting point of his work Jesus and Judaism and answered it by suggesting that Jesus was demonstrating through a prophetic act that the Temple would be destroyed. This destruction would take place not because the Jewish religion as such needed to be abolished but rather because it was about to be restored. Nevertheless, when Jesus worked for the restoration of the nation he acted differently than those who sought to bring about restoration through standard ways. Jews would normally expect someone interested in the restoration of the Temple and the nation to preach repentance and the need to obey the law. Jesus, however, did not (Sanders, 1985, 119).

Obviously Jesus' reaction towards the Temple cult is an important indicator of his attitude towards obeying the law.¹ What we find Jesus saying about sacrificing and the Temple raises certain questions about his allegiance to the law. If he thought that the law should be obeyed, why did he make obeying the sacrificial laws difficult by ousting from the Temple courtyard those who were

involved in helping people to meet their legal obligations? If obeying the law was relatively unimportant, what are we to make of those sayings which seem to support the Temple cult?

Jesus' activity in the Temple (Mt. 21:12-13//Mk. 11:15-19// Lk. 19:45-48// Jn. 2:13-16) and several scattered sayings (Mt. 8:4// Mk. 1:44// Lk. 5:14; Mt. 24:1-3//Mk. 13:1-4//Lk. 21:5-7; Mt. 5:23,24; 9:13//12:7; 12:5,6; 17:24-27; 23:7 and Mk. 12:32-34) will be examined in order to clarify some of the ideas that Jesus and early Christian communities held about sacrificing as a means of obeying God. Before we go directly to the evidence of the gospels, it would help if we began by looking at what Jews during this period were also saying about the sanctity of such items as sacrificial offerings, the Temple tax, tithes, the priesthood and the Temple itself.

Jewish attitudes towards the Temple Cult

Offering sacrifices to the deities was a common element throughout the religions of the Mediterranean world (see Rowley, 75-83). What made the Jewish sacrificial cult different from their neighbours' similar practices are the facts that 1) it was a centralized cult with only one Temple where animal sacrifices could be made, 2) its size and influence was comparatively more significant, 3) participation in it was more expensive. One element in particular which made the Jewish Temple cult expensive was that non-priests were expected to help support a hereditary priesthood through a measure of taxes. Whole burnt offerings, which were unknown in Greece but had its parallels in other countries, were also another costly feature (Sanders, 1992, 49-50).

Most Jews, it would seem, would have undoubtedly taken great pride in what was after all a highly visible symbol of national identity. However, it

stretches the imagination to assume that such an elaborate system could escape the critical eyes of those upon whom it made such heavy financial demands. What we need to determine is, What kind of criticisms did Jews in general make regarding sacrifices and the Temple? What do these criticisms indicate about the disrespect or respect held by these Jews towards the Temple? Are certain kinds of criticisms characteristic of certain kinds of Jews? By answering these sorts of questions we will have a better vantage point from which to judge the kinds of things Jesus might have said and done.

First, we can ask, Did Jews who lived outside of Palestine have negative attitudes towards the Temple? We might think that little value would be placed on the Temple since it did not play a dominant role in the everyday life of Diaspora Jews as it probably would have done for those Jews who lived within its general vicinity. However, this does not seem to be the case. Instead of treating the Temple as if its role was relatively unimportant, the literature we have of Jews who lived outside of Palestine show that they had glowing things to say about it.

For instance, Philo applauds the predominant Jewish attitude towards paying the Temple tax when he writes, "But our people pay gladly and cheerfully. They anticipate the demand, abridge the time limits and think that they are not giving but receiving. And so at each of the yearly seasons they make their contributions with benediction and thankfulness, men and women alike, and with zeal and readiness which needs no prompting and an ardour which no words can describe" (Spec. Leg. 1:144). On the other hand, Philo acknowledges that not everyone is as enthusiastic as he has just described it. Later on and in other places he refers to Jews who are negligent when it comes to supporting the cult, some out of wilful disobedience (Spec. Leg. 1:154f) others because they have overemphasized the symbolic meaning of scripture to the detriment of the literal application of the

law (*Mig. Abr.* 92; see also Sanders, 1985, 248). These examples of Jews who do not pay the Temple tax do not suggest that they had any severe animosity towards the Temple or the priesthood. It is primarily out of either a disregard for the law in general or because of an alternative way of reading the law in order to extract moral teachings that such decisions not to pay were made.

Some scholars would like to point to what is written in Sibylline Oracle 4:24-32 as an example of antagonism towards cultic matters by Diaspora Jews.

The oracle says,

Happy will be those of mankind on earth
 who will love the great God, blessing him
 before drinking and eating, putting their trust in piety.
 They will reject all temples when they see them,
 altars too, useless foundations of dumb stones
 (and stone statues and handmade images)
 defiled with blood of animate creatures, and sacrifices
 of four-footed animals. They will look to
 the great glory of the one God
 and commit no wicked murder, nor deal in
 dishonest gain, which are most horrible things.

Before taking these words as a contrast between cultic displays of piety and acts of humanity, it should also be noted that in another place in this same oracle it appears that the Jewish Temple is respected. In lines 115-118 the writer laments the destruction of the Jewish Temple by writing,

An evil storm of war will also come upon Jerusalem
 from Italy, and it will sack the great Temple of God,
 whenever they put their trust in folly and cast off piety
 and commit repulsive murders in front of the Temple.²

The best explanation for these two divergent statements is that the first one is directed towards Gentiles (i.e. "mankind on earth"; "entire race of men" - line 40) and their temples exclusively. The writer holds Gentile sacrifices and Gentile temples in contempt and calls them to abandon their idolatry and immorality in order to worship the one God.³

The Epistle of Aristeas is also another example of a Jew who lived outside of Palestine and valued the role of the Temple. The writer's positive descriptions of the Temple, the altar, the service of the priesthood and vestments (lines 83-99) indicate once again that the fact of living outside the holy land did not mean that there was any less appreciation of the cult as an element of religious identity.

When we turn from the literature from outside Palestine to the literature of the Qumran community and the Damascus Document, we get a different picture. Here, there is evidence of Jews who had a very definite grievance with the Temple cult. Interpreting Hab. 2:17 which says, ". . .because of the blood of men and the violence done to the land, the city, and all its inhabitants," the writer explains, ". . .interpreted, the city is Jerusalem where the Wicked Priest committed abominable deeds and defiled the Temple of God. The violence done to the land: these are the cities of Judah where he robbed the Poor of their possessions" (1QpHab. 12:8). It seems immediately clear that the Temple is held as a place that has been defiled and that one of the crimes committed by the "Wicked Priest" is equated with robbery. Earlier on it was said of him that he "forsook God and betrayed the precepts for the sake of riches" (1QpHab. 8:8-13). Not only was he guilty of selling his soul for gain, but those who will be the last set of priests before the judgment of God will also be guilty of the same crime (1QpHab. 9:4f). This denouncement of what the priests were doing does not originate out of a disrespect for the priesthood in principle but comes out of a great esteem for the Temple and how they think God intended it to be run (Baumgarten, 1953, 145).

In the Damascus Rule a similar criticism occurs. The coming days of Satan, which the community believed were the days in which they lived, will be marked by three nets which will be used to ensnare Israel. The first is fornication, the second is riches, and the third is profanation of the Temple

(CD 4:17f). The reason these particular sins are singled out is because the writer thinks they are the ones being committed by those who are presently in control of the Temple. It is for this reason that the writer says that the three nets will be used by Levi, the son of Jacob.

Because the present Temple is defiled, the Damascus document gives two important instructions: 1) Members are not to enter the Temple to light God's altar in vain and 2) Members are to stay away from the Temple treasure (CD 6:15-16). Whether or not those who followed this document actually practised sacrificing is a difficult issue. If we assume for a moment that this document was written for the Essenes, then there is some evidence to suggest that the Essenes did not sacrifice in Jerusalem. For example, if those who followed the teachings of the Damascus Document also adhered to the teaching of the Community Rule, the Community Rule says,

When these become members of the Community in Israel according to all these rules, they shall establish the spirit of holiness according to everlasting truth. They shall atone for guilty rebellion and for sins of unfaithfulness that they may obtain lovingkindness for the Land without the flesh of holocausts and the fat of sacrifice. And prayer rightly offered shall be as an acceptable fragrance of righteousness, and perfection of way as a delectable free-will offering (1QS 9:4-5).

Remarks made by both Philo and Josephus would also lead some to conclude that Essenes did not sacrifice in the Temple. In his work Every Good Man is Free 75, Philo describes the Essenes as Jews who are devout in the service of God "not by offering sacrifices of animals, but by resolving to sanctify their minds" (οὐ ζῶα καταθύοντες, ἀλλ' ἱεροπρεπεῖς τὰς ἐαυτῶν διανοίας κατασκευάζειν ἀξιοῦντες,). Baumgarten and others take this to mean that some Essenes did not sacrifice in Jerusalem (Baumgarten, 1953, 154; Brown, 1963, 14). However, what is being overlooked is that Philo is stressing why he thinks the Essenes are devout. By calling them devout, he does not mean to imply that they sacrifice a lot but that they are striving for purity of mind. We have

already noted that Philo acknowledged the importance of the sacrificial cult. He would not then call these Jews devout if he thought they wilfully disobeyed God by completely abstaining from all participation in it. Philo's description is another example of the relative negative.⁴ The Essenes are devout not only because they sacrifice but primarily because they seek to have pure minds.

Josephus description of them is,

They send votive offerings to the temple, but perform their sacrifices employing a different ritual of purification. For this reason they are barred from those precincts of the temple that are frequented by all people and perform their rites by themselves (Jos. Ant. 18.19).

This is a difficult text because some versions have an added οὐκ right at the important point of discussion: "but do not perform their sacrifices". Which version is right? In defense of the οὐκ, some scholars have argued that the text would not make sense if it said, They send offerings and when they are at the Temple they sacrifice somewhere else (Wallace, 333-338). If offerings were *sent* then the Essenes did not go. However, I am in favour of the reading without the οὐκ because 1) it seems more difficult to explain why a scribe would omit the οὐκ than why one would add it and 2) the text says the Essenes were barred from the popular places of the Temple, supposedly so that their sacrificial practices would have little exposure. A scribe would add the οὐκ thinking that Josephus was stressing the fact that the Essenes *sent* offerings because they would not go themselves and sacrifice. But the likelihood is that Josephus was stressing the fact that they sent *free-will* offerings even though it was well known that they had different sacrificial practices. The Essenes were still supporting the Temple beyond what was expected of them in spite of the fact that they believed that the Temple priests did things in the wrong way. It is not Josephus' intention to hold the Essenes up as Jews who wilfully disregarded the law of God. As far as he is concerned, they deserve admiration (Jos. Ant. 18.20).

Out of the Qumran literature itself there is also evidence which indicates that the community did have some participation in the Temple. For instance, CD 11:18f confirms the remark of Josephus that the members did send offerings to the altar.

No man shall send to the altar any burnt-offering, or cereal offering, or incense, or wood, by the hand of one smitten with any uncleanness, permitting him thus to defile the altar. For it is written, "The sacrifice of the wicked is an abomination, but the prayer of the just is as an agreeable offering (Prov. 15:8).

Immediately following this instruction, they are also told not to enter the "house of worship" unwashed. Here "house of worship" probably refers to the Temple and not to some other gathering of the members since the next instruction also addresses what to do when one is in Jerusalem. On the evidence of some fragments it also seems that the community paid a tax to the Temple (4Q159, 4Q513).

I am more inclined to believe that if those who followed the teachings of the Damascus Rule were Essenes, then even though they were critical of how impure the priesthood and the sacrifices offered there were, this did not mean they had absolutely no association with it. Baumgarten thinks that some of these more positive examples come from an earlier time when the group did participate in Temple activities (Baumgarten, 1953, 146), but I see no reason why an earlier "walk out" would be taking to a complete abandonment of the whole elaborate cultic system when the cult was obviously a fundamentally important aspect of life for the group. You do not have to be in agreement with the priesthood in order to benefit from the blessings of offering in the Temple pure sacrifices to God.

Another illustration of Jewish thinking about the Temple cult can be found in the Testament of Levi. Here, the sacrificial cult is held in high esteem. The priesthood is a blessing (5:2). God sits in his heavenly temple receiving from the archangels propitiatory, bloodless sacrifices for the sins committed by the righteous

out of ignorance (3:5,6). Details of how the high priest is separated for his task, the holiness expected of priests, and how sacrifices should be offered are given by someone who obviously respects the cult (8:1-10; 9:10-14). However, in the end there will come a need for a new priesthood. It will arise out of the tribe of Judah and will be founded by a king who orders it according to the gentile model so that it will be for all the nations (8:14; 18:2f). The reason why a new priesthood would be needed is because the previous priesthood will be defiled by fornication and other sorts of wickedness (9:9; 15:1; 17:11). Chief priests will act impiously (14:2) and the Temple curtain will be torn to expose the wickedness of the people who plunder the offerings given to God, profane the priesthood and are puffed up with pride over it (10:3; 14:5, 7; 16:1).⁵ The Testament of Levi clearly shows a strong feeling that there would be a perversity associated with the Temple. The conviction that the priesthood was unclean and that the Temple was a place which was defiled arises out of a very strong commitment to the Temple and its priests as an institution which will be saved by God in the final days.

Also describing what the end days has in store for the Temple cult, the writer of the Testament of Moses says,

. . . and they (the Jewish people during the Hasmonean period, 142-63 B.C.E.) will pollute the house of their worship with the customs of the nations; and they will play the harlot after foreign gods. For they will not follow the truth of God, but certain of them will pollute the high altar by [] the offerings which they place before the Lord. They are not (truly) priests (at all), but slaves, yea sons of slaves. For those who are the leaders, their teachers, in those times will become admirers of avaricious persons, accepting (polluted) offerings, and they will sell justice by accepting bribes (T. Mos. 5:3b-5).

In this lament for the state of the priestly aristocracy, we find again the suspicion that the cult has become associated with uncleanness and greed. Yet even in its state of ill repute, the concept that God wants a Temple is not abandoned.

The rabbinic material never questions either the position of the Temple or the efficacy of the sacrifices (Brown, 1963, 10). It has almost nothing which contains any real hostility directed towards the Temple (after all the Temple cult really only existed for most of them in their own imaginations so it could be as pure as they wanted it to be). In fact the rabbis tried to keep alive the memory of the Temple and the obligations to it. But in spite of their reverence for the cult there are some utterances which must date back to a time when the Temple still stood and these show that some rabbis did recognize that all was not as it should be with the Temple and those associated with it. For example, when Rabbi Simeon b. Gamaliel found out that a pair of doves had gone up to the extortionate price of a golden denar (the equivalent of 4 silver denar), he immediately gave the ruling that women who had as many as five known miscarriages or five issues of blood had only to offer one pair of doves for all five occurrences instead of a pair for each occurrence. By the end of the day the price came down to the more reasonable charge of a quarter of a denar (m.Ker. 1:7). The story, though not a direct criticism of the Temple, does indicate that some rabbis were sensitive to the fact that some merchants were trying to cheat worshippers by charging excessively high prices on items which were in popular demand. Rabbi Simeon interpreted the law pertaining to this (Lev. 15:29) so that a less demanding practice would follow to allow poor women the chance to obey the law (see Bauckham, 77). What we are left to assume is that once the price came down, so Simeon would reverse the practice to one pair of doves for each occurrence of a miscarriage or an issue of blood.

Another important rabbinic illustration of what Jews may have thought about the Temple cult is a lament found at b.Per. 57a.

Woe is me because of the house of Boethus;
Woe is me because of their staves!

Woe is me because of the house of Hanin;
 Woe is me because of their whisperings!
 Woe is me because of the house of Kathros;
 Woe is me because of their pens!
 Woe is me because of the house of Ishmael the son of Phiabi;
 Woe is me because of their fists!
 For they are High Priests and their sons are (Temple) treasurers and
 their sons-in-law are trustees and their servants beat the people with
 stave.

The list ends with the house of Ishmael son of Phiabi. This indicates that it might have come from the end of that period in which this house of priests had some control. That would place the composition of the lament somewhere around 59-61 C.E. (Bauckham, 79f).⁶ What the lament also indicates is that there was knowledge that the priestly aristocracy between 6 B.C.E. to 60 C.E. was responsible for oppressing the people. With their staves, whisperings and pens they violated the sacredness of their office while bringing misery upon worshippers in the Temple.

From this survey of Jewish sentiments towards the Temple, we get a general picture. The majority of Jews understood the Temple, the priesthood, and the sacrificial practice as a great blessing from God. It was an expensive system to participate in but it was obviously something which in principle God was delighted with. However, because of greed and wicked desires the Temple was being defiled. Since most people did not have any immediate control over these state of affairs, they continued to participate in it while looking forward to the great day when God would restore the Temple to its proper and divine order. Restoration of the Temple hangs on the conviction that the sin associated with it will be judged. None of these Jewish sentiments reflects a belief that the Temple cult in principle no longer pleased God and should be abolished.

Jesus' Attitude towards the Temple

Was Jesus critical of the Temple and the sacrificial cult in a way which was altogether different from how other Jews criticized it? Was he opposed merely to the abuses in the system or did he stand completely against it? Did he think that laws on sacrificing were unnecessary to follow if he also was convinced that the Temple would be destroyed?

The most important example of what Jesus thought about the Temple cult is obviously his violent actions in the Temple courtyard (Mt. 21:12-13//Mk. 11:15-17//Lk. 19:45-46//Jn. 2:13-16). The account in Mark's gospel is frequently taken by scholars as the earliest form of this tradition (Bultmann, 1963, 36; Creed, 236f; Schweizer, 1976, 406f; Derrett, 79-88; Marshall, 719; Harvey, 132; Bauckham, 74), on the other hand, Lk. 19:45-46 has all the appearances of being more primitive.

καὶ εἰσελθὼν εἰς τὸ ἱερόν
ἤρξατο ἐκβάλλειν τοὺς πωλοῦντας ἐν αὐτῷ καὶ ἀγοράζοντας
λέγων αὐτοῖς· γέγραπται·
καὶ ἔσται ὁ οἶκός μου οἶκος προσευχῆς,
ὕμεις δὲ αὐτὸν ἐποιήσατε σπήλαιον ληστῶν.⁷

There are two reasons for this. First, in the other two synoptic gospels Jesus not only attacks those who bought and sold goods in the Temple courtyard but also those who exchanged Greek or Roman monies into the special currency for which to pay the Temple tax and he attacked those who sold the sacrificial animal of the poor (i.e. doves). In Mark's gospel there is an additional odd comment that Jesus stopped people from using the Temple courtyard as a thoroughfare (Mk. 11:16). We know that during this time many Jews disapproved of using the courtyard as short cut (m.Ber. 9:5; Jos. Ag. Ap. 2.8; b.Yeb. 6b), so it might not be too surprising that someone thought to attribute the same criticism to Jesus. According to the tradition in John's gospel, not only did Jesus use a whip on the merchants to drive them away but he also ousted the animals which

they were selling (Jn. 2:15). These extra details give the overall impression that scribes found a simpler account to be significant and have gradually elaborated it to make what Jesus did appear all the more striking.

Second, it seems harder to explain why someone would not complete the quotation of Isa. 66:7 (πάντων τοῖς ἔθνεσιν, Mk. 11:17), than to argue that it was never recorded in the first place (see Buse, 22-24; McNeile, 299; Gundry, 19). Hooker suggested that by omitting these words a scribe aimed for a more direct contrast between what the Temple should be and what it has become (Hooker, 1991, 265). However, I am less inclined to believe that 1) a more direct contrast is actually gained by the omission or 2) a scribe who was in any way conscious of the church's Gentile outreach would omit a prophecy which looked forward to the partial inclusion of Gentiles. It is more plausible that a scribe who appreciated this outreach saw quite clearly why the conclusion of the scripture would be welcomed (contra McKelvey, 63f). Other commentators have argued that πάντων τοῖς ἔθνεσιν was omitted because it was irrelevant after the Temple was no longer standing, and that if it remained Jesus would look like a false prophet (Creed, 242; Schmid, 1968, 210; Marshall, 720). Yet, it seems doubtful that a scribe who lived after the destruction of the Temple would think that he could detract from this citation its promise of Gentile inclusion when the likelihood is that the scripture and its ending was already familiar to the church.

Looking closely at the text, we should note first that those who went to worship in the Temple are probably not meant by the words τοὺς πωλοῦντας. It seems difficult to imagine that Jesus would take such drastic moves against people who after all had no immediate control over where or how sacrificial commerce took place. These "buyers" could be either those who bought supplies for the Temple or those who bought from the worshippers articles that had been pledged to it (m.Seq. 5:6; also see Bauckham, 78).

It is quite plausible that Jesus did cause a stir in the Temple's courtyard. Eppstein thought otherwise, believing that any commotion in the Temple area would not go on without the intervention of the priestly police (Eppstein, 46f; Beare, 1981, 416). But on no account would a Christian community invent a story where Jesus was hostile towards those who were not directly opposed to him (Harvey, 129). Indeed for some scholars, Jesus' actions in the Temple coheres with his prophecy that the Temple would be destroyed (Mt. 24:2// Mk. 13:2// Lk. 21:6) and must be considered one of the most historically reliable parts of the gospels (Sanders, 1985, 75; Bauckham, 74). Therefore, it should not be assumed either that Jesus' action was that extensive (as Brandon did, 331, 332) or that soldiers made their presence felt at every commotion.

The next question we should ask is, Does the quotation of Isa. 56:7 and the allusion to Jer. 7:11 (σπήλαιον ληστῶν), whose context is a prophecy that the Temple would be destroyed, belong to the pericope? Is Jesus responsible for citing them? One reason to think that they do not go back to Jesus is the fact that in John's gospel, which is undoubtedly a description of the same event, they do not occur. Bultmann argued that the introduction of the saying in Mk. 11:17 with καὶ ἐδίδακεν καὶ ἔλεγεν indicated that the event and the quotation did not originally belong together and that the references were added to create an ideal scene (Bultmann, 1963, 36, 56). Just as one scribe thought of Zech. 14:21 and Ps. 69:10 (Jn. 2:16,17) when they reflected upon the implication of Jesus' actions, another one thought of Isa. 56:7 and Jer. 7:11. But the words "and he taught and he said" do not really indicate anything more than that Jesus' denunciation of traders was for one scribe also a teaching for the whole crowd.

Harvey doubted that the scriptural references were original because 1) the Hebrew version of Isa. 56.7, which Jesus would have used, would not have made the point that is made by the quotation of Isa. 56:7 from the LXX, 2) the

quotation is a false charge because the merchants did not exclude Gentiles from praying in the courtyard,⁸ and 3) there is no hint in the narrative that the merchants are behaving like robbers (Harvey, 132).⁹ This line of reasoning is unconvincing because first of all the message of Isa. 56:7 in the Hebrew version is not significantly different from its message in the LXX.¹⁰ Second, although the merchants did not physically cast Gentiles out of the courtyard, they could certainly make praying there difficult with the noise of their trading. Third, the narrative must be hinting that the merchants were doing something wrong or we are left to assume the improbable picture of Jesus' attacking innocent people simply to make a point. If Jesus wanted to exercise prophetic authority, why would he need to push merchants out of the Temple precinct who were not part of the problem when he could have quite easily found out from the crowd who they thought any unethical merchants were?

While Harvey's arguments are not convincing, the fact that the scriptural references are absent in John's gospel still raises our suspicion about their authenticity (see also Haenchen, 1966, 384-386). We need to explore first what possible motives Jesus may have had for casting the merchants out, then we can ask, Do the scriptures adequately connect with what Jesus was concerned about or is it more likely that they indicate what Jesus' followers wanted to believe his motives were?

Whatever Jesus hoped to accomplish by casting out people who bought and sold in the courtyard, he almost certainly did not intend to reject the Temple in principle. There are three reasons why not. First, several teachings of Jesus indicate that he encouraged people to participate in the sacrificial cult. For instance, Jesus taught,

ἐὰν οὖν προσφέρῃς τὸ δῶρόν σου ἐπὶ τὸ θυσιαστήριον
 κάκει μνησθῆς ὅτι ὁ ἀδελφός σου ἔχει τι κατὰ σοῦ
 ἄφες ἐκεῖ τὸ δῶρόν σου ἔμπροσθεν τοῦ θυσιαστηρίου
 καὶ ὑπάγε πρῶτον διαλλάγηθι τῷ ἀδελφῷ σου,
 καὶ τότε ἐλθὼν πρόσπερε τὸ δῶρόν σου (Mt. 5:23-24).

Some scholars take this teaching as simply a variant of Mk. 11:25, teaching that reconciliation is a pre-condition for answered prayers (Wellhausen, 1914, 20; Bultmann, 1963, 132). That text reads,

καὶ ὅταν στήκετε προσευχόμενοι,
 ἀρίεστε εἰ τι ἔχετε κατὰ τινος,
 ἵνα καὶ ὁ πατὴρ ὑμῶν ὁ ἐν τοῖς οὐρανοῖς
 ἀφῆ ὑμῖν τὰ παραπτώματα ὑμῶν.

This is almost identical with Jesus' teaching in Mt. 6:14,15; 18:25 and Lk. 11:4. One who seeks God's forgiveness must first forgive others who have offended them. While Mt. 5:23-24 does contain a similar idea, there is a slight difference (Klostermann, 1927, 44; Manson, 1949, 156; McNeile, 63; Dunn, 1991, 37f). God will forgive the worshipper only after they have first gone and sought the forgiveness of those whom they have offended, ἔχει τι κατὰ σοῦ instead of τι ἔχετε κατὰ τινος. Jesus does not usually use the motif of the Temple cult for his teaching (Montefiore, 1909, 1:504), but it is hardly inconsistent with Jesus' habit of contrasting ceremonial duties with other more important moral obligations (i.e. Mt. 15:11//Mk. 7:15; Mt. 23:23). The teaching is certainly not in opposition to obeying the sacrificial laws (contra. Hahn, 1973, 25). It is directed primarily against offering sacrifices with no concern for reconciliation (Schmid, 1959, 99; Gaechter, 176; Gnllka, 1986, 1:155), and it is the kind of contrast we might expect a Jew who was concerned about righteousness would make (m.Pes. 3:7; m.BQ 9:12; b.Yom. 87a; see also Did. 14:2).

We also find Jesus supporting the sacrificial cult in the story of the healed leper (Mt. 8:1-4// Mk. 1:40-45// Lk. 5:12-16). The illustration looks like an original part of the tradition, since it is a most unlikely candidate for an ending of a straightforward miracle story. What Jesus tells the cleansed leper to do is to

show the priest that his condition of uncleanness has been removed. He must then offer the sacrifice which a cleansed leper is commanded by Moses to do.¹¹

Could Jesus have taught this if he thought the cult was out of harmony with the will of God? Eusebius' comment seems appropriate here, "Nor could our Lord have said to the leper, 'Go show thyself to the priest and offer the gift which Moses commanded' . . . if he did not consider it right for the legal observance to be carried out there as in a holy place worthy of God" (Dem. ev. 8.2 [401c]; quoted by Davies, 1991, 2:14). Jesus had no reservations about the fact that the law commands a leper to be pronounced clean by a priest and to offer sacrifices (Lev. 13:49; 14:4; m.Neg. 3:1; see also 11QTemple 48:17-49:4).

There are a few scholars who have concluded that the phrase εἰς μαρτύριον αὐτοῖς might indicate a criticism rather than support of the priesthood (Lohmeyer, 1962, 25-6; Hahn, 1973, 24). They take the phrase to mean that those who are responsible for declaring people clean and unclean will be forced to have their own lack of faith in Jesus witnessed against them when they have to acknowledge that a miraculous change has occurred in this man's cultic status. Why this explanation is unsatisfactory is that it fails to take into account Jesus' request that the whole incident be played down. Jesus instructs the man to say nothing. Why then would he want the man's legal obligations to highlight his own miraculous power or even his own submission to the law (Allen, 75; McNeile, 103; Beare, 1981, 205)? It could be that εἰς μαρτύριον αὐτοῖς either means that "as evidence to the priests that you have been healed" (Klostermann, 1926, 24; Taylor, 190; Pesch, 1976, 1:146; Gnllka, 1978, 1:91) or "as evidence to the priest that God has forgiven you" since it was often assumed that people contracted leprosy because they had sinned.¹²

A third example that Jesus had a positive view of the sacredness of the Temple is found in Mt. 23:16,17.¹³

Οὐαὶ ὑμῖν, ὀδηγοὶ τυφλοὶ οἱ λέγοντες·
 ὅς ἂν ὁμόση ἐν τῷ ναῷ, οὐδέν ἐστιν·
 ὅς δ' ἂν ὁμόση ἐν τῷ χρυσῷ τοῦ ναοῦ, ὀφείλει.
 μωροὶ καὶ τυφλοί, τίς γὰρ μείζων ἐστίν,
 ὁ χρυσὸς ἢ ὁ ναὸς ὁ ἀγιάσας τὸν χρυσόν;

The point Jesus makes is that oaths taken in the name of the Temple cannot be treated as less serious than oaths taken in the name of the gold of the Temple. The reason why not is that the Temple is more sacred than the gold (Manson, 1949, 235; Sanders, 1990, 55).

However, other references have lead some scholars to think that Jesus really did have a criticism about the sacrificial cult beyond any misuse of it. For example, it might be pointed out that when Peter was asked if his master paid the customary Temple tax (Mt. 17:24-27), Peter assumes that he did, but Jesus asks him,

τί σοι δοκεῖ, Σίμων;
 οἱ βασιλεῖς τῆς γῆς
 ἀπὸ τίνων λαμβάνουσιν τέλη ἢ κῆνσον;
 ἀπὸ τῶν υἱῶν αὐτῶν ἢ ἀπὸ τῶν ἄλλοτρίων;

The obvious answer is, The king taxes others and not his own sons. What then is the point of Jesus' analogy? If sons of kings should not have to pay taxes to their fathers, then the thought would be that Israelites do not have to pay taxes to the Temple, for the Jews are the children of God.¹⁴ It would then seem that Jesus did not believe people had to follow the request for the tax.¹⁵ The analogy, of course, breaks down after this point, for if the Jews are not required to pay a tax to the Temple, who are the others (τῶν ἄλλοτρίων) that Jesus thought could pay it? Surely not the Gentiles!

The historicity of this story could easily be doubted (Davies, 1991, 741f; Sanders, 1990, 51), but for the sake of argument let us assume the position of some that Jesus was responsible for raising a question about the legitimacy of the tax (see Montefiore, 1964, 65-66; McEleney, 1978, 187; Bauckham, 73). The

crucial question then is, Was the Temple tax God's law or was it a voluntary offering? It has often been argued that the annual Temple tax was a voluntary offering and that there was no law which forced people to pay it (Plummer, 1910, 244; Liver, 173-198; Banks, 92; Sanders, 1985, 64). In Ex. 30:13-16 God commands a half-shekel to be paid to the Temple by those who are over the age of 20. This money would be used to pay for the sacrifices which made atonement for the nation. What is not stated is whether or not this is a tax which should be paid every year, so some commentators have drawn the conclusion that the tax mentioned in this account was the one which originated out of Nehemiah's decision that a third of a shekel should be paid annually to the Temple (Neh. 10:32). As I have already noted, the one time payment was something which the Qumran community at least recognized (4Q159).

On the other hand, some have maintained that a yearly tax was not voluntary but a Mosaic law which Jesus intends to dispense with (Wellhausen, 1914, 86; Allen, 191; Beare, 1981, 371; Bauckham, 74). In the Mishnah's tractate Shekalim, it is assumed that everybody must pay the yearly tax while other references confirm that this practice was followed (Jos. Ant. 18:312; Epis. Arist. 40; Philo, Spec. Leg. 1.77-78; Jos. J.W. 7.218). Exodus 30:13-16 might not say explicitly that people must pay this amount each year, but some (Pharisees?) may have understood that it did (see also 2 Chr. 24:4-14; Davies, 1991, 2:743).

Nevertheless, there is one problem with taking the view that the tax was a law which Jesus wanted to revoke. Not every law-observant Jew believed that the law commanded a tax to pay for these offerings. According to some rabbinic sources, the Boethusians (or Sadducees) argued against the Sages for making the community pay for the daily sacrifices (b.Men. 65a; Mek. Exod. 19.1). They thought that individuals should pay for the cost out of their own free will rather

than being pressurized to contribute to a mutual treasury (see Liver, 188-189). The rabbinic material specifies only one group but we should not assume that this resistance was so restricted. After all, since the framers of these later works were trying to present their view of the tax as the more acceptable one, it would not be surprising if in the process of transmission they minimized the popularity of an opposing view. Josephus and Philo's testimony are also on the side of the Sages as they try to present an overall picture of Jews as very pious and devout people. It seems that it would be possible for Jesus (or more likely the Matthean community) to reject the Temple tax in principle without incurring the condemnation of being a wilful law breaker or anti-cultic (see also Montefiore, 1964, 69-70).

Another passage which is sometimes used to depict Jesus as having an anti-cultic position is the saying of the scribe in Mk. 12:33. In Mark's gospel, the double commandment is said to be greater than all whole burnt offering and sacrifices. Although this is a scribe's judgment it receives Jesus' stamp of approval. Again, assuming that this addition to the text represents an historical event, it can hardly be taken as a real attack on the sacrificial cult (Taylor, 489) either by the historical Jesus or by the editor of Mark's gospel (contra. Lohmeyer, 1953, 261; Berger, 194, 197; Juel, 134; Hooker, 1991, 289). The point of highlighting the double commandment is to explain what all the laws are trying to achieve (see my discussion on this in chapter 10). The scribe is only conveying the popular understanding that involvement in the sacrificial cult by itself will not satisfy God. God expects love for one's neighbour as well as love for him. Obeying the cultic laws would help to demonstrate the latter since they are primarily actions which are directed towards God.

We are left with the conclusion that the synoptic gospels record that Jesus did teach people to obey the laws regarding the Temple and sacrifices rather than

trying to dissuade them from any participation within it. This is the first reason why it is unlikely that he opposed the Temple cult in principle.

A second reason why it is historically improbable that Jesus sought an opposition with the cult is that the early church shows no sign of being antagonistic towards it. They continued to pray in the Temple (Acts 3:1; 5:21) and later on Paul is still expected to follow the laws of the sacrificial cult (Acts 21:24). Even Stephen's speech in Acts 7, the most obvious aggressive statement about the Temple, is not a direct attack on the validity of the Temple but a condemnation of how some Jews thought God's activity was confined to the Temple. Jews were treating it as if it was an idol (χειροποιήτοις). The Temple is not the only place where one shows devotion to God. Keeping the cultic laws will not save the people if they reject God's Messiah. If Jesus was truly antagonistic towards the Temple and its cult, we would expect this antagonism to make itself evident in the sermons and activities of these earlier followers.

Third, if Jesus wanted to oppose the sacrificial laws, he would not have demonstrated this by attacking what was after all merely Temple conveniences. People could still obtain what they needed from the traders without doing it in the Temple courtyard. It was simply more convenient for priests to have stalls set up where monies could be exchanged in advance and it was more convenient for worshippers to be able to buy animals on the premises rather than to take the chance that in the process of bringing an animal to the Temple it would turn out to be unacceptable. It was not necessary to do this on the site. If Jesus had been opposed to the cult in principle he could have demonstrated this if, instead of attacking conveniences, he had set up some kind of symbolic obstacle to prevent people from taking their offerings to be sacrificed. This or some other

act which would effect directly the performance of sacrificing would have indicated Jesus opposition if such had been his intention.

Jesus was not against obeying the sacrificial laws. What then was he hoping to accomplish by ousting those who helped to support the cult? Several alternative suggestions have been made. One of the oldest and most popular views is that Jesus was cleansing the courtyard of extortioners (Meyer, 1883, 2:63; Burkitt, 389; Montefiore, 1927, 2:268; McNeile, 299; Taylor, 563, 567; Bauckham, 79; Dunn, 1991, 48-49). In favour of this explanation is the evidence that during this time other Jews were critical of the priesthood being greedy.¹⁶ However, it is not adequate enough to explain Jesus' action as merely a "cleansing" of the Temple with no prophetic overtones (Schmid, 1968, 210) for two reasons. One, we can hardly imagine that Jesus was able to oust all traders, even all greedy traders, from the courtyard. The courtyard is a big place and it would have taken a small army to rid effectively the courtyard of their presence. Jesus must have targeted a few to make a point. Two, we can hardly imagine that once Jesus had ousted these traders that they stayed out. Tomorrow, if not in the next hour, they would be at their business again. Whatever then Jesus' intention was, it was surely not to cleanse the Temple only momentarily.

Other explanations of Jesus' action are 1) it was a prophetic sign that God was judging the abuses of the sacrificial cult, 2) it was a sign that God was judging Israel's exclusion of Gentile worshippers (McKelvey, 64), or 3) it was a sign that preparations needed to be made to cleanse the Temple for the dawning of the new Kingdom (Bornkamm, 1960, 158; Hengel, 1989, 217).

McKelvey's claim (McKelvey, 64) that Jesus' action looked forward to the inclusion of Gentile worshippers is unlikely. Worship of God is in view and once we adopt the reading in Lk. 19:14 with its absence of $\pi\acute{\alpha}\sigma\iota\nu\ \tau\omicron\iota\iota\varsigma\ \acute{\epsilon}\theta\omega\nu\epsilon\sigma\iota\nu$, then there is no indication that Jesus was explicitly concerned about Gentile rights

rather than Jewish avarice. The only note of a crime is found in the phrase "den of robbers" and this is not a direct accusation that the merchants were making it difficult for Gentiles to worship but that they were taking money unjustly. Therefore, the allusions are not entirely inappropriate as explanations for what angered Jesus. They highlight that this was the place where God should be worshipped, both ceremonially and in one's dealings with others. While the fact that John's gospel does not have them would tend to weigh against their authenticity, it does not appear that the quotation of Isa. 56:7 and the allusion to Jer. 7:11 can be attributed to the reflection of the early church on the additional charge of inappropriateness.

What about the view that Jesus wanted the Temple to be cleansed because he thought the new kingdom was coming? E. P. Sanders has rejected any idea that Jesus wanted a "cleansing" of the Temple, because a "cleansing" would imply that he wanted the old Temple when in fact he knew that the old Temple would be destroyed. Instead, Sanders argues, Jesus was looking forward to the building of new Temple. Jesus' intention was to symbolize the destruction of the Temple with no hint of any judgment against it. Furthermore, if Jesus intended to symbolize that the Temple was defiled overturning tables would not have done it (Sanders, 1985, 70).

While Jesus probably did hold a common view that God would destroy the Temple as a punishment of Israel's sin (Mt. 24:2//Mk. 13:2// Lk. 21:6; Mt. 26:61//Mk. 14:58; see also Jn. 2:19; Acts. 6:14; Gos. Thom. 71), it is still quite possible that he maintained that this destruction could be averted if Israel repented of her sins and turned with her whole heart to God. The "cleansing" of the Temple would then be a symbolic call for Israel to "clean up" its whole act before it was too late. Also, it is unlikely that Jesus would symbolize the coming of a new Temple with no hint of a judgment against it. Jews who anticipated a

new divinely erected Temple knew that this would happen because God would judge the old Temple as a place unworthy for his dwelling. Something would cause it to be desecrated. Third, running a few unethical merchants out of the Temple precinct would not have been hard for Jews to understand as a judgment against corruption in general (symbolism), especially when that corruption is associated with the heart of the holy cult.

The best explanation for why Jesus ousted traders from the courtyard was because he respected the Temple cult. He thought greed and the contempt for the will of God in this matter was defiling the Temple precinct. In addition, he might have seen that the Temple could be cleansed of avarice and hypocrisy if the rest of Israel began to share his passion for righteousness and purity. What Jesus did was probably an act of judgment as was Jeremiah's broken pot (Jer. 19). In light of his conviction that God was planning to destroy Jerusalem and the Temple, it seems also to have had eschatological implications.

Conclusion

In this chapter we have seen that Jesus was supportive of the sacrificial cult. He cleansed the Temple courtyard, not because he rejected it in principle but because he thought that the site on which it stood was defiled by unethical merchants. The destruction of the Temple would be the punishment of Israel's disobedience including this forbearance of a desecration of the holy place. In spite of the fact that he believed God was angered by the sin associated with the cult, Jesus did not try to persuade people to abandon it. Rather, he taught people to obey its laws. He gives a general teaching that sacrifices must be offered by one who has first sought the forgiveness of others. He instructs a leper to obey sacrificial laws and condemns Pharisees who made distinctions in

their oaths which he thought failed to recognize the sanctity of the Temple. In the synoptic gospels there is no other picture of the historical Jesus' attitude towards the sacrificial cult than the picture that he taught obedience to it.

Endnotes

1. Sanders is quite right to point out that Jesus' reaction towards the Temple and its cult has been woefully neglected in previous treatments of Jesus' attitude towards the law (Sanders, 1985, 251). After all, the Temple's existence and the offerings which were made in it are matters of the law.
2. Even if it could be proved that this section of the oracle was not written by the same hand which wrote the other section, it does not seem that anyone saw any discrepancy between supporting the Jewish Temple and denouncing temples in general.
3. This of course is based on the assumption that the oracle was written by a Jew. For a discussion concerning the nationality of the writer, see Collins comments in OTP, 1:381-383.
4. We have already examined Jesus' use of the relative negative in the purity saying in chapter 8. See also Feldman's note on Jos. Ant. 18.19.
5. For another example of a Jewish texts which talks about the destruction of Jerusalem because people were defiling the Temple cult, see Pss. Sol. 8.
6. For an account from Josephus of the house of Phiabi see Ant. 20.179-181.
7. I have adopted the reading of A R W θ and the Majority text. Nestle-Aland 26th edition follows manuscripts aleph, B L 1 1241 and few others who do not have for verse 45 the words ἐν αὐτῷ καὶ ἀγοράζοντας. The omission could be the result of the scribe's eye jumping from the -οῦντας in πωλοῦντας to the -οντας in ἀγοράζοντας.
8. It is worth noting that according to Num. 15:14-16, Gentiles were permitted to come and offer sacrifices in the same way that Jews were. But by Jesus' day they were not permitted to come any closer than the outer courtyard.
9. Some scholars have tried to defend the view that the word ληστῆς in the allusion to Jer. 7:11 is an inappropriate description of the merchants since it means "robbers" or "rebels" rather than "dishonest men" (Barrett, 1975, 14-18; Juel, 132). On the other hand, it seems unlikely either that 1) Jer. 7:11 has a nationalist concern (Marshall, 720) or 2) extortionate prices would fail to be paralleled with highway robbery when the men responsible for setting the price also took money (under the guise of a commission) which was in excess of what they were morally entitled to charge.
10. Both the LXX and the Hebrew text have "for my house will be called a house of prayer for all the nations".

11. There is also a possible parallel to this tradition in Egerton Papyrus 2 fo. 1r^o 8-10: And behold, a leper coming to him says, "Teacher Jesus, journeying with lepers and eating with them in the inn I myself also became a leper. If therefore thou wilt, I am made clean." The Lord then said to him, "I will; be clean." And straightway the leprosy departed from him. [And the Lord said to him,] "Go[ing, show yourself] to th[e priests . . .] (trans. from Davies, 1991, 2:16)."
12. For examples of this phrase see in the LXX Gen. 31:44; Deut. 31:26; Josh. 24:27; Job 16:9; Prov. 29:14; Hos. 2:12; Amos 1:11; Mic. 1:2; 7:18; Zeph. 3:8 and in the NT, Jas. 5:3.
13. According to Bultmann, this is one of the more certain sayings of Jesus (Bultmann, 1963, 147).
14. If we were to suppose that "sons of kings" is a reference to the disciples of Jesus or Christians rather than to Jews in general then the saying would all the more resemble the creation of a church who felt severed from Judaism rather than something Jesus would probably say (Montefiore, 1964, 67; McNeile, 258f). Jesus nowhere else distinguishes Jews in general from those who are the children of God (Sanders, 1990, 50-51). The only question he was concerned with was, Are they rebellious or obedient children?
15. I am not persuaded either by Daube's hypothesis that Jesus may have thought that priestly exemptions from the Temple tax (m.Shek. 1:3,5) should be applied to him and his disciples (Daube, 1987, 123). First of all Jesus would not imply that the priests were the only children of God and second, Jesus would not anticipate that his disciples could find an easy way out of the dilemma as he had been able to do through a miracle.
16. Abrahams argued that it is unlikely that any extortionate trader operated in the courtyard for Jesus to oust (Abrahams, 1917, 1:85). However, we have listed several pieces of evidence which suggests that there was widespread suspicion that such activities did occur.

CONCLUSION

I have argued in this thesis that it seems very probable that Jesus actually taught people to obey the law as the law was generally understood. He agreed with everyone else that the Mosaic law expressed the authoritative will of God. His call for repentance undoubtedly would have given the impression that he wanted Jews to comply more fully and more consistently with what God commanded through his law. From our probe into the kind of things which Jesus may have taught, it seems apparent that this kind of impression was what he wanted to leave.

There is one massive fact about contemporary scholarship that tends to support this view. Experts in New Testament and Second Temple Jewish studies cannot decide which law Jesus disobeyed. While some scholars think that it was the fifth commandment to honour one's parents which Jesus called into question, others think that it was the purity laws. Still others want to highlight Jesus' teaching on divorce as the only instance where he clearly rejected the authority of the law. What this means is that each scholar can argue that the other things Jesus said and did were perfectly compatible with the Jewish law except the few examples which they isolate. However, rather than pointing to the firm conclusion that Jesus must have rejected some law, this inability to agree suggests the real possibility that Jesus did nothing and taught nothing which indicates that he at times thought it was not necessary to obey the law.

In this thesis I am not denying that some of our accounts of what Jesus said and did have been influenced by Christian communities who were working out for themselves their own reaction towards the law. For example, in Mk. 7 we saw how it was quite obvious that a Gentile community interpreted a saying of Jesus so that it would vindicate their own rejection of food purity laws. In Mt. 5, a Jewish community interjected its esteem of the law when they wrote that Jesus came to fulfil the law (Mt. 5:17). Of course there will be continual debates about the authenticity of all the sayings which we looked at. But even if it turns out that some sayings in harmony with the law are not genuine, our thesis still holds for we have shown that even those sayings which might appear as if they are critical of the law are also compatible with the kind of things Jews would say who believed that the law should be obeyed.

There is one final problem we have to face. If we conclude that Jesus taught that the law should be obeyed, then how can we account for the fact that he was brought to Pilate by Jewish leaders to be crucified? If other Jews could see that what he taught and did was permitted by the law, then why would these Jews seek to harm him? Is it not more likely that the Jewish leaders understood Jesus' radical actions correctly and that his law observing disciples were simply too hardhearted to follow that radical lead?

As we saw in chapter eleven, there are several Jewish sources which indicate that the Temple was associated with corruption and that this corruption was supported by some priestly authorities. The synoptic gospels also suggest that priestly corruption lie behind Jesus' crucifixion. It seems more than a coincidence that 1) Jesus' crucifixion takes place soon after his demonstration in the Temple and 2) that those who are involved

in Jesus' condemnation are not the familiarly hated scribes and Pharisees but the chief priests.

Ellis Rivkin has come to a similar conclusion. Reconstructing a historical Jesus from Josephus' account of first century political Palestine, Rivkin's judgment is that Caiaphas was able to maintain his position as high priest for so long because he was willing to help the Roman authorities destroy potential political troublemakers (Rivkin, 247). Jesus was crucified not because he disobeyed the law but because he was a popular charismatic who proclaimed that the Kingdom of God was approaching. As Rivkin puts it, to say that the Kingdom of God would be in means that the kingdom of the Romans would be out (Rivkin, 242). The impact of this message on Jewish ears during a major feast would make Caiaphas believe that his position could be threatened. Excited crowds could be politically dangerous. He had to show the Romans that he was willing to make an example of this Messianic pretender. I cite Rivkin not because I agree with all of his conclusions on why Jesus was killed, but only to illustrate that it is possible to reconstruct other causes for why Jesus was killed besides the one charge that he disobeyed the law. Our conclusion that Jesus respected the law would tend to support the attempts to find more politically based reasons for the crucifixion.

What I have attempted to do in this thesis is to test the question of Jesus' Jewishness by focusing on Jesus' reaction to one aspect which symbolizes Jewish identity. If Jesus taught people that they could disobey the law in order to follow some other authority, then Jesus would be most "unJewish". This is because all pious Jews in the first century regarded the law as the divine revelation of God's will which was an eternal standard (Ch. One). On the other hand, if all Jesus taught was that

extra-biblical practices did not have to be followed, then there is nothing in this which could be called radical since no Jew claimed that extra-biblical practices had the authority of "Law" (Ch. Two).

Our study arrives at the conclusion that it is always possible to make a comparison between Jesus' teaching and what other Jews taught. Neither in the "But I Say" sayings, the "Let the dead bury their dead" saying, the sabbath teaching, the association with sinners, purity sayings, teaching on divorce and the greatest commandment, nor in the demonstration in the Temple precincts do we find Jesus opposing obedience to the law. Jesus' primary objective was to teach righteousness. He denounced a righteousness that was based on following only some laws, particularly ceremonial laws, but he supported the righteousness which was based on following all the laws. Jesus taught people to obey both those laws which primarily addressed how a person should treat other people as well as those laws which primarily addressed how a person displayed his love for God. By drawing reasonable parallels between Jesus' teaching and the kind of things other Jewish teachers said and did, we have shown that it is quite legitimate to argue that Jesus was a Jew who accepted the basic assumptions and hopes of Second Temple Jews. Furthermore, the best critical descriptions of Jesus should emphasize first of all what Jesus had in common with the rest of Judaism before going on to pinpoint what Jesus did that made him a distinctive kind of Jew.

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