The New Testament and Rabbinic Literature

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BRILL
The New Testament and Rabbinic Literature
CONTENTS

Introduction .................................................................................................................. vii

The New Testament and Rabbinic Study—An Historical Sketch .......................................................... 1
William Horbury

METHODOLOGY IN RABBINIC STUDIES

The Modern Study of Rabbinics and Historical Questions:  
The Tale of the Text ................................................................................................. 43
Isaiah Gafni

From the Best Text to the Pragmatic Edition: On Editing Rabbinic Texts ........................................ 63
Giuseppe Veltri

Dating Rabbinic Traditions ...................................................................................... 79
Günter Stemberger

Form-Criticism of Rabbinic Literature ................................................................. 97
Catherine Hezser

The Social Profile of the Pharisees ...................................................................... 111
Roland Deines

HALAKHAH

Halakhah in the New Testament: A Research Overview .................. 135
Peter J. Tomson

Sabbath Laws in the New Testament Gospels ............................................ 207
Lutz Doering

Jesus and Purity ................................................................................................. 255
Friedrich Avemarie
Jesus, Scripture and Paradosis: Response to Friedrich Avemarie
Thomas Kazen

Divorce Halakhah in Paul and the Jesus Tradition
Peter J. Tomson

MIDRASH

The New Testament and Rabbinic Hebrew
Jan Joosten and Menahem Kister

“First Adam” and “Second Adam” in 1 Cor 15:45–49 in the Light of Midrashic Exegesis and Hebrew Usage
Menahem Kister

Miguel Pérez Fernández

OTHER MATERIALS

Targum and the New Testament: A Revisit
Martin McNamara

Jewish Mysticism, the New Testament and Rabbinic-Period Mysticism
Crispin Fletcher-Louis

Cumulative Bibliography

Index of Persons

Index of Ancient Sources
INTRODUCTION

Reinventing New Testament and Rabbinics

In January 2006 an international group of Christian and Jewish scholars convened at the Catholic University of Leuven at the initiative of the Institutum Judaicum, an inter-university working group in Belgium, with the aim of taking stock of the study of Rabbinics and the New Testament. There was a fair attendance from the students and the wider public; lively moments of discussion could be registered; and a feeling that something new was going on was in the air. Then, however, the opening paper brought the sobering information that comparative study of the New Testament and rabbinic literature had so to say been reinvented several times in history. There is a continuity in the interest in Rabbinics taken by Christian exegetes, as there is a resilience in the objections raised against it.

Such was the basic conclusion of William Horbury, and it is laid down now in the opening article of the present volume. Horbury discerns three great periods in the study of the New Testament and Rabbinics. Church Fathers such as Origen and Jerome not only knew of deuterôseis transmitted by the rabbis of their day, they also knew how to use these in interpreting difficult New Testament passages. At the same time, they denounced them as “Jewish fables” (cf. Tit 1:14). Next, during the Middle Ages, Christian scholars, notably Franciscans like Nicholas of Lyra, carried the Christian interest in rabbinic Judaism to the “great age of Christian Hebraism.” This also included works by Dominicans such as Raymundus Martini and Thomas Aquinas, who tended rather to underline the qualification of “Jewish fables.” In the early 16th century, this scholarly tradition yielded a flood of printed editions. In turn, these created the basis for the third period, the next great age of Christian Hebraism, from the 17th century onwards. This time round, the study of rabbinics and the New Testament was conceived as a special discipline. The founder was John Lightfoot; other great names are Grotius, Buxtorf, Schoettgen and Wettstein. This scholarly tradition was eventually carried to a high point by Paul Billerbeck and Hermann Strack, and Horbury sees it as running on till the present time. Finally, Horbury turns to the discussion on the use of rabbinic literature for the

These observations give reason to some further reflection on the part of the editors of this volume. First of all, the comparison of New Testament and rabbinics works both ways. On the one hand, given the undisputed Hebrew Bible basis of the incipient Christian movement and the clear Jewish stratum of its earliest writings, Jewish sources come in first for comparison. More precisely, the popular character of much of rabbinic literature is especially close to the culture of the New Testament. Many literary themes and phenomena are found exclusively in these two bodies of literature. Needless to say, the comparison can only gain in adequacy by drawing in related phenomena in the surrounding Graeco-Roman culture. On the other hand, the New Testament with its largely popular ambience is an important early source for studying rabbinic literature. This concerns both halakhah and aggadah, “law” as well as “lore.” The infancy narratives in the Gospel of Luke, e.g., convey elements of Jewish law and custom that are documented as such only much later in rabbinic sources. Similarly, the scanty bits of information on the beliefs of Pharisees and Sadducees contained in the Acts of the Apostles add precious detail to the information to be gathered from Josephus and rabbinic literature.

The perennial ambivalence of Christian exegesis vis-à-vis Judaism pointed out by Horbury suggests that the comparative study of the hallowed texts of both communities can not be seen in isolation from the strained relations between them. Renaissance and Enlightenment have progressively emancipated historical and exegetical scholarship from religious tutelage. But apparently, this has only partially and intermittently resulted in an open-minded approach to our common sources. Dominant canons of interpretation must be supposed to be at work on either side, from which scholars seem to succeed in liberating themselves only with difficulty. Especially striking is the almost total absence of rabbinic literature in the exegesis of the New Testament.

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1 Cf. the essay by Catherine Hezser below, pp. 97–110.
3 Acts 23:8; cf. 5:17–40 for the narrative background provided by the author.
eclipse of rabbinic studies from Christian exegesis that went along with the rise of historical criticism. Attention to this phenomenon was first drawn by George Foot Moore in his essay, “Christian Writers on Judaism.” It is all the more striking since in the same period, interest was generated in the recently discovered ancient Jewish sources of apocalyptic nature.

What could explain this ambivalence in Christian-Jewish relations? One thinks of the double phenomenon of the origins of Christianity within Judaism and the total conflict between both communities that surfaces a century later. Strong motivating elements shared in common now clashed with forceful divisive powers. Could these be blamed to inherent religious or theological tensions alone, or were they radicalised by the socio-political dynamics connected with the Jewish wars against Rome? The Romans resolutely repressed any spirit of rebellion, but welcomed an attitude of submissive cooperation. Does this not explain the fierce rivalry between Jews and Christians to be read from the sources from the second century onwards? Emergent gentile Christianity and newly defined rabbinic Judaism now manifest themselves as two mutually exclusive entities ostracising each others’ writings as sifrei minim ("heretical books") or “fabulous” deuterôseis. Did not rabbinic Judaism and gentile Christianity develop rivalling, mutually conditioned identities? These questions are worth exploring, but they transcend the boundaries of our colloquium volume.

The Comparative Significance of Qumran

If hallowed canons of interpretation and ingrained notions of identity continue to make their influence felt in scholarship, so do new discoveries of ancient texts. The publication of the texts from Qumran, especially those typical for the desert sect, has considerably changed the prevailing image of first century Judaism. Especially the fact that most of the texts are written in Hebrew has helped enormously in complementing the image of Second Temple Judaism long known from the Greek writings of Josephus and gathered from the Apocrypha and Pseudepigrapha in

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5 Cf. the observations by Goldsworthy, Roman Warfare, 81f., 148f.
6 הָנָּלִים וּסְפָּרִים מִינִין, י. מ. ה. י. ב. י. ש. 13:5, and see comments by Lieberman, Tosefta ki-fshutah 3, 206f.
their various translations. Here was a group of Jews living in a chain of communities, praying, studying, and working together; expounding the Jewish law according to a particular and remarkably strict interpretation; and studying the books of the prophets with a strong sense of their being fulfilled in the very near future. And all of this was written in a peculiar Hebrew, with minor parts in Aramaic and Greek. While the questions as to which group or groups could be associated with this desert library and how to fit them into larger Jewish society continue to be debated, it now became more obvious to imagine first century Jews under Roman occupation thriving in their numerous villages, living according to ancestral tradition, and conducting their high level and foreign business and administrative transactions in Greek, but using Hebrew and Aramaic in most other circumstances.

It also became easier now to picture Jesus and his early followers as they were wandering from Galilee to Judaea, conducting baptism ceremonies near the desert location where John and his followers had been active, participating in the synagogues in the villages they passed through, and on occasion staying in the Holy City for a festival. Their conversations and preserved traditions on holy matters would be in Hebrew or Aramaic, with a probable side-line translated into Greek early on. Jewish law, Bible exposition (midrash), narratives and wisdom sayings would have belonged to their common spiritual heritage; the tradition of the teachings of the Master would variously be moulded following the patterns of this heritage.

At this point, one must also realise that there are important differences between the language of the Qumran communities and the early Christians. Central concepts of the Jesus tradition such as “Father in heaven,” “kingdom of heavens,” or “faith” are not found in Qumran or have a sensibly different meaning. Typically Qumranic terms have been identified in Paul’s letters, one of the most spectacular being “works of the law” (ἔργα νόμου, מפעלי תורה). At a very early stage of Qumran research, this has led David Flusser to formulate the hypothesis of an “Essene influx” in the “second stage of Christianity.” Instead of Hel-

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7 Cf. Hengel, “Zwischen Jesus und Paulus.”
8 1QpHab 8:2–3, האמת במורה ואמונתם, “…their faith in the Righteous Teacher” reminds one of “faith in Jesus” of course, but the phrase “your faith has saved you” (ἡ πίστις σοῦ σέσωκέν σε) typical of Jesus is un-Qumranic.
9 4QMMT398 frg 14–17 II:3 (C 27), cf. Tomson, “Täter des Gesetzes”, 190 n. 27 and refs. there.
10 Flusser, “The Dead Sea Sect and Pre-Pauline Christianity.”
lenistic Christianity as the “second stage” hypothesised by Rudolf Bultmann, the influence of Christian converts of (semi-)Essene background seemed much more likely to Flusser. The identification of the “works of the law” and related terms at Qumran has confirmed this hypothesis thirty years later. The point is that such concepts as “kingdom of heavens,” “Father in heaven,” and “faith” are indeed found in rabbinic literature and that consequently Jesus and the rabbis drew on a large, common source. Another striking example are parables: David Flusser also established that, apart from the Synoptic Gospels, this genre typical of popular wisdom is found not in Qumran or other areas of ancient Jewish literature but in rabbinic literature only. Hence Qumran is of great help, but it is no guarantee that New Testament scholars do find their way to comparative study of rabbinic literature.

It goes without saying that the significance of Qumran would fully justify an evaluative essay to be devoted to it in the present volume, and that we should have learned much from the methodological developments and caveats that have developed within the Qumran studies. But circumstances beyond our control prevented such an essay from being written.

Methodology in Rabbinic Studies

The present volume must of course—as did the colloquium—address the methodological issues that are centre-stage in present-day rabbinic scholarship. They have all to do with the basic question how critical, historical scholarship can relate to the rabbinic documents. For one thing, most rabbinic documents have undergone an extended process of editing and transmission. Moreover, the eventual redactional framework often is rather loose, especially in the area of midrash. It seems more obvious then to zoom in on the component parts of the documents.

From the beginnings of the Wissenschaft des Judentums, therefore, a great emphasis has been placed on tradition criticism and textual criticism, disciplines closely related to traditional scholarship. Tradition criticism suggests itself in view of the loose redactional framework, the

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11 Cf. מתשובה על תלמוד, 4 QMMT398 frg 14–17 II:7 (C 32).
12 Flusser, Die rabbirischen Gleichnisse. Cf. the essay by Catherine Hezser below, pp. 97–110.
13 See for an overview of this enormous area Lerner, “Works of Aggadic Midrash.”
wide-spread phenomenon of literary parallels between different works, and the intentional system of attributing traditions to named sages or schools. Such attributions are often corrupt and confused, but then the rabbis themselves are prone to discuss the more likely attribution. Studying the ancient manuscripts is essential; an unexploited hoard of information is still contained in the Cairo Geniza texts. The work done on the *Mishnah* by J.N. Epstein, which he himself understood as a tradition-critical preparatory to a text edition, remains a milestone in rabbinic studies. The sustained efforts in the field of text editing have recently made considerable progress. Another spectacular result in this field is the reconstruction of lost midrashic works.

However, as Isaiah Gafni takes care to set forth, there has been a remarkable move away from the straightforward conviction that “the text,” once established, tells a tale that can serve as a source for the historian of Judaism. Indeed, the distinction between the history of Jewish literature and the history of the Jews became central to the recent scholarly debate. Not only is there every reason to doubt the historical reliability of individual stories and attributions. In addition, some think, the work of the redactors of the rabbinic texts has made their use for historiography negligible. While many of these criticisms must be conceded, a sober analysis of the genesis of a text in its various strata and textual families can yield useful information about the circumstances which might explain the variance. In such a way, reliable data can be acquired as to the appearance or disappearance of a certain concept or phenomenon in a particular area and period—or in other words, historically relevant information. Thus present-day historians of Judaism can not only continue to assume that “things happened” in the Talmudic period. They also can confidently pursue their job in reconstructing this history while critically using rabbinic literature as one of their sources.

Speaking about the reliability of the text, Giuseppe Veltri reminds us that this has been a basic concern of scholars all along. But what is a safe criterion of reliability? Does the last preserved version of an

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author make for superior authority, if he has been modifying his text all along? Moreover rabbinic Judaism had no central authority which would establish a “correct” text. Rather, as Peter Schäfer has posited, rabbinic texts are characterised by a degree of fluidity which makes the preparation of an “original” or a “correct” text impossible. Instead, Schäfer, who has even expressed doubt as to whether we can speak of coherent rabbinic works at all, advocates publishing “score editions” which present the different versions side by side. He was opposed by Chaim Milikowsky, who maintained that “families” of manuscripts can be discerned and that, on the whole, a coherent text can be hypothesised for most rabbinic works. Veltri considers this hypothesis too optimistic, but the edition of Midrash Tehillim he and his team are preparing will follow similar lines, presenting the main textual families side by side and avoiding to overburden the reader with a deluge of variants.

Turning again to the component parts of the rabbinic texts, Günter Stemberger observes that as such, the question of dating rabbinic traditions is relatively new. Jewish scholarship has tended to follow the account of the genesis of rabbinic literature given by Rav Sherira Gaon in his famous responsum (987 CE). Since half a century it is being recognised that the absolute starting point must be the date of redaction of the document concerned, even if “redaction” is a problematic term vis-à-vis rabbinic literature. Pushing back beyond that starting point, can we use characteristic differences as to style or content? Caution must be our counsel. The use of the present tense with reference to the temple cult, for example, does not seem to be a sound criterion. Neither are attributions to named sages too reliable, though this should not be exaggerated. The dating of halakhot is less problematic than stories. As to baraitot (tannaitic traditions in amoraic literature), much caution is needed. The recent endeavour to identify rabbinic traditions from the Era of the New Testament presented by David Instone-Brewer is not satisfying.

Given the lightness of the redactional framework in rabbinic literature, form criticism is another obvious approach. Catherine Hezser briefly reviews the emergence of form criticism in rabbinic literature especially since the 1960’s, before addressing a number of aspects of this discipline. As to the identification of basic literary units, it is important not to remain on the text-immanent level, but, true to the original aims of form criticism, to adopt an historical and social perspective. Reconstructing “original” versions, however, is not possible. It is useful to study rabbinic literary forms in comparison with Graeco-Roman
and Christian ones (chreia, parable), and work remains to be done on rabbinic anecdotes, case stories, midrashic forms, and halakhic literary forms. Synoptic comparison helps to distinguish between tradition and redaction and between redactional and pre-redactional differences. It is not possible, though, to totally distinguish between redaction and tradition; form and redaction criticism must be treated as complementary. Finally, as to the Sitz im Leben of the smaller literary forms—a question basic to form criticism—the observation has correctly been made that rabbinic literature is indeed a literature by and for scholars. Especially in halakhah, a school context is obvious; but it is less the case for proverbs and certain folkloristic traditions.

An important but difficult aspect of the comparison of New Testament and rabbinic studies concerns the identity of the Pharisees. Roland Deines addresses the much-discussed question of the “social profile” of the Pharisees. While admitting the difficulty of using sociological terminology in view of the ancient world, Deines aims less at offering another proposal to pigeon-hole the Pharisees as a particular social class than to query which was the target group the Pharisees as a group intended to reach and to influence. In this respect, the search for power and influence one can suppose that the Pharisees need not to be taken in a political and governmental sense only. An unintentional influence driven by a religious motivation can also be envisaged, and, in the case of the Pharisees, it is indeed more likely. The Pharisees tried to live a sanctified life in the bosom of society at large and in doing so enjoyed a fair support from the population. Therefore describing the Pharisees as a “sect” seems less adequate, for that social category rather belongs to modern social thought and Christian thinking.

RABBINICS AND NEW TESTAMENT: HALAKHAH

Turning now to the actual study of Rabbinics and the New Testament, the question is how to present this. A possible solution seems to be found in the classical genres of rabbinic tradition, midrash, halakhah, and aggadah,¹⁷ which have guided the rabbis in their editorial efforts. Though these genres are not strictly separated, extant rabbinic literature shows a clear ambition to do so. The Mishnah aims at formulating

not exposition of Scripture but “pure” halakhah, although it contains some midrash; and the collections of “halakhic midrash” (Mekilta, Sipre, etc.) set out to “derive” halakhah from Scripture, even though they do quote “pure halakhah.” Similarly, the amoraic midrash collections overwhelmingly contain non-halakhic midrash and for that reason are also called “aggadic midrash.” A likely explanation is that the distinction between these genres of learning is tied up with the oral stage of transmission, or in other words with the actual setting of teaching and learning by the rabbis, in which a full genre separation would hardly be feasible. As to midrash and halakhah, these seem to have existed as genres from very ancient times, long before the rise of rabbinic Judaism. Up to a point then, a distinction between the genres of midrash, halakhah, and aggadah seems to be useful also for the New Testament.

Studying halakhah in the New Testament appears to be most obvious to present-day scholars. This could be due in part to the helpful influence of Qumran. While there is some dispute about the applicability of the term outside rabbinic literature, there is no denying that law as a separate field of learning is found both in rabbinic literature and in the Qumran texts. Therefore it may be no coincidence that a marked increase of studies on halakhah in the different parts of the New Testament is seen from the 1990’s onwards, or in other words after the full publication of the Qumran scrolls and the media hype surrounding it.

Similar observations are made by Peter Tomson in his overview of research on halakhah in the New Testament. Having discussed such parameters as the term “halakhah,” its social function, and the sources for studying it, he sets out on a review of research literature. A first constellation of items is to do with the presence of “theology of the law” and of halakhah in the New Testament, which many scholars think mutually exclusive. This especially concerns the letters of Paul, for in the Jesus tradition, the presence of halakhah seems easier to imagine. As to Paul, approaches that do not allow for halakhically relevant distinctions such

19 Hirshman, “Aggadic Midrash.”
20 R. Aqiba is remembered as exceptional in “sifting” received tradition units according to genre or formulation (תבשות במשנה), Ab. R. Nat. A 18 (Schechter 34a). Cf. y. Seq. 5:1 (48c), רבי עקיבא שית孢ו מדרש ההלכות והגדות... “... R. Aqiba who arranged midrash, halakhot, and haggadot.”
21 See the review article by Tomson below, pp. 135–206.
as those between Jews and non-Jews are unable to perceive halakhah. Such an approach characterizes the school of thought known as “the new perspective” on Paul, which is unfortunate since it actually aims at viewing Paul more adequately in relation to Judaism. Especially since 1990, however, a trickle of studies on the actual presence of halakhah in Paul’s letters is evidenced. As to the Jesus tradition, studies into halakhic aspects and elements are seen much earlier on and can conveniently be listed by decades. Again, the 1990’s show an upsurge.

The following studies deal with specific areas of halakhah. Lutz Doering deals with Sabbath laws in the Gospels. First to be discussed is the story of plucking ears of grain on the Sabbath in the three Synoptic Gospels. The main issues are the “son of man” saying in Mark 2:28 in relation to the preceding verse and the “rubbing” mentioned in Luke 6:1. Next are the healing stories on the Sabbath. Doering thinks that the mention of the Pharisees’ intention to “kill” Jesus in Mark and Matthew is not authentic. In Matt 12:11f., the question of “pulling out” or “raising up” the sheep from the pit—interesting in relation to CD 11:13f.—leads to discussion with various authors. The moderate reaction of the Pharisees in Luke is thought to be more adequate, but there are questions about the authenticity of the stories in Luke 13 and 14. In John, there is a marked contrast between the polemical tone in John 5 and 9 and the argumentative style in John 7. Doering concludes that the Pharisaic prohibitions of healing and ear plucking accord with rabbinic rulings and must have been generally shared. The Jesus tradition seems increasingly to have gone its own way.

Friedrich Avemarie discusses Jesus and purity laws. For an introduction, he quotes Ernst Käsemann as saying that “the historical Jesus rejected purity,” but the story about hand washing is firmly anchored in the synoptic tradition and calls for a more nuanced answer. First, however, Avemarie analyses the story of the purification of the lepers and concludes that Jesus and his disciples are shown to observe purity rules, though it is Jesus who heals instead of God. Next, Avemarie turns to the mechanisms of defilement at issue in Mark 7. Archaeology confirms the custom of hand washing and the concept of contamination of food since Herodian times. This establishes a credible background to the information that Jesus rejected the Pharisaic “tradition” to the effect that eating impure food renders impure, while basically staying within the bounds of biblical law. The corollary that it is “what comes out of the mouth” which renders impure goes beyond that, however,
and seems to indicate that for Jesus, impurity is basically not ritual but anthropological. An anthropological, dynamic idea of purity is also expressed in the stories about “unclean” spirits. In summary, Jesus demonstrates a certain negligence, but no antagonism to levitical purity. More generally, the conflict with the Pharisees narrated in Mark 7 confirms the social importance of the Pharisees.

Invited to respond to Avemarie’s paper, Thomas Kazen doubts the use of conjuring up “the ghost of Käsemann.” We are well beyond the dilemma of viewing Jesus simply within or without the framework of Jewish law. Has the story of the healing of the ‘leper’ actually to do with purity rules, or with the reintegration procedure through sacrifice? It is remarkable that Jesus did touch “lepers,” which in biblical terms is most uncommon. As to the hand washing story, Jesus indeed seems to relativise defilement by eating impure food, but interestingly, he endorses the idea of defilement by bodily issues “coming from within.” As to the role of “tradition” in Mark 7, Kazen thinks the head-on opposition of Scripture and tradition to be a later redactional construct; Jesus and his contemporaries knew how to negotiate interpretations of Scripture.

Finally, Peter Tomson deals with divorce halakhah in Paul and the Jesus tradition. The topic is of extraordinary interest: it is very well documented in ancient Judaism; it appears both in Paul and in the Jesus tradition; it is well covered in modern research; and it became a point of contention among Christians, never between Jews and Christians, since the latter are stricter on this issue. After a review of research extending from Ludwig Blau and Anton Ott (1911) till Ishai Rosen-Zvi and Vered Noam (2004, 2005), the two central Old Testament passages are analysed, Deut 24:1–4 and Mal 2:13–16. They represent two conceptions which keep returning over the generations: the simple acceptance of divorce as an option for the husband, and the restrictive view which allows divorce only in case of unchastity. These are then traced in pre-rabbinic Jewish texts (papyri, LXX, Ben Sira, Philo, Josephus), while in Qumran, an even stricter approach is found, rejecting divorce altogether. The important rabbinic passages (m. Qid. 1:1; 9:1; 9:10; b. Git. 90b; and a newly discovered version of Sipre Zuta Devarim) evince the two biblical attitudes, which converge with the schools of Hillel and Shammai, respectively. The majority of New Testament writings follow the strictest view attributed to Jesus, which is similar to Qumran (1 Cor 7:10f., 39; Rom 7:1–4; Lk 16:18; Mk 10:2–10), while Matthew takes a Pharisaic position analogous to the
school of Shammai (Mt 19:3–9; 5:31f.). Finally, the paradoxical evolution of Jewish and Christian divorce law is summarized, and conclusions follow for the development of the Jesus tradition.

In conclusion, the study of rabbinic literature appears to be an indispensable tool in this area. While the differences between ancient halakhic systems and traditions must always be kept in mind, it is safe to say that Qumran law in its fragmentary state of preservation is very difficult to understand without expertise in rabbinic halakah. The rabbinic halakhic collections simply offer the fullest and most explicit display of halakhic materials and terminology.

Rabbinics and New Testament: Midrash

As a genre of Jewish learning, midrash must be at least as ancient as halakhah, but scholars seem to find it more difficult to handle. On the level of the history of scholarship, this may again relate to the situation in the Qumran scrolls. Midrash is found there, even the word itself: המדרש המורה means “study of the Torah” with a view to one’s behaviour (1QS 8:15; CD-B 20:6), and המדרש מאשרי האיש (4 Q174 1:14) actually means “a midrash on ‘Blessed is the man,’” i.e., the beginning of the first Psalm.22 What is lacking, however, is a conscious, developed discipline of expounding Scripture operating with a standardised terminology comparable to rabbinic midrash. What seems to come closest is the pesher genre, the “actualising” exposition of prophetic and similar texts by way of referring to events in history.23 In fact, the “midrash” on Ps 1 appears to be the beginning of an extended pesher exposition on a series of Psalms.24 This proves the antiquity of the genre. Interestingly, it is analogous to a sub-species of rabbinic midrash known as the peti-rah type—Hebrew/Aramaic מפרץ/퍼תר meaning “to interpret”25—which refers to historical events and which typically opens as follows: רבי יוחנן

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22 In 1QS 8:26, absolute מדרש means “study.”
23 On pesher in relation to rabbinic midrash see Kister, “Common Heritage;” Mandel, “Midrashic Exegesis.”
24 The “midrash” on Ps 1, מדרש מאשרי האיש (4 Q174 1:14), continues: מפרץ ר '**“its interpretation is . . .”’; similarly in 1:18–19 it picks up on Ps 2: . . . גויים רַגְשׁוּ לָמָה . . . מפרץ מִקְיָא (the interpretation, its interpretation) is frequent in Daniel with reference to dreams, as also to the writing on the wall (מלפאת מפרץ 5:26, cf. מפרץ מִקְיָא 7:16).
“R. Yohanan interpreted the verse with reference to the sanhedrins…” 26

Two further remarks must qualify these observations. One is about the sense of authority as compared with Scripture that emanates from the documents. 27 Rabbinic literature is candid in viewing itself as independent from, though inferior to, Scripture. Laws, sayings, or narratives of named sages who most often differ of opinion are presented without the pretense of rivalling Scripture, but it is explicit scriptural quotations with formulaic introductions which provide superior authority. 28 At Qumran, by contrast, halakhic and “prophetic” teachings are anonymous, are formulated in the absolute, and seem to shun differences of opinion. 29 Most characteristic is the Temple Scroll which paraphrases scriptural law while interweaving halakhic exposition without transition, thus creating the impression that the community’s expositions or those of its leaders have Mosaic authority. In comparison, Paul’s way of arguing by way of scriptural quotations, armed with formulaic introductions such as καθὼς γέγραπται, 30 once again is considerably closer to the midrash of the rabbis than to Qumran. In contrast, the authoritative way of speaking attributed to Jesus—cf. “but I say unto you” (Matt 5:22)—rather resembles Qumran. On the surface of things, comparison with rabbinic midrash seems more obvious in Paul than in the Jesus tradition.

The second qualifying remark concerns the date of these phenomena. 31 Part of the differences between Qumran and the rabbis may well be due to a general, gradual evolution, in which the “implicit midrash” by way of periphrastic commentary typical of the Temple Scroll would represent an earlier stage and the rabbinic system with its formalised quotation system a further developed stage. 32 The writings of the New Testament could then variously be seen as somewhere in the middle. Formalised quotations are in evidence both in the Epistles and in the

26 Midr. Šir R. 3.  
28 Cf. m. Hag. 1:8, halakhot with ample scriptural support are “the essence of Torah” (תורה גוף; m. Sot. 5:2, R. Aqiba finally brings scriptural support (מן מקרא מביא התורה) for third remove impurity.
29 Cf. the remarks at the end of Mandel, “Midrashic Exegesis.”  
30 7x in Mt, Mk, Lk, Acts; 18x in Rom, 1Cor, Gal. In isolated cases, is found in Qumran, as in 1QS 8:14 which involves a quote from Isa 40:3 and in form and content relates to Mark 1:2f., καθὼς γέγραπται.  
32 Similarly Kister, “Common Heritage;” Mandel, “Midrashic Exegesis.”
Gospels, but the synoptic tradition also contains many instances of “implicit midrash” with mere scriptural allusions difficult to handle.\(^{33}\)

That having been said, it seems we must reckon both with differences in “scriptural ideology” and with a gradual evolution towards formalization of midrash. While this is still way ahead of us, an adequate treatment of “midrash in the New Testament” would then need to compare both the different types of midrash in the New Testament with the rabbinic and Qumranic ones, and be able to place these different types in a historical perspective. Our colloquium volume contains some important preliminary studies.

Midrash typically operates on the dynamics of Hebrew vocabulary. Here, Jan Joosten and Menahem Kister offer a sample study on the interplay of New Testament Greek and middle Hebrew, the language we know best of rabbinic literature but whose antiquity is confirmed by Hebrew Ben Sira. A first instance is the phrase “to raise (\textit{egeirei}) a sheep” in Matt 12:11, which is also discussed by Lutz Doering and which resembles CD 11:14. Most likely, the authors think, \textit{egeirei} in Matt 12:11 reflects a translation error, mistaking the \textit{pi’el} (“to sustain”) for a \textit{hif’il} (“to raise up”)—an error which is understandable from Middle Hebrew. In a second instance, Paul in Rom 9:17 quotes Exod 9:16 with one marked difference vis-à-vis LXX: \textit{exêgeira se} (“I have raised you up”) instead of \textit{dietêrêthês} (“you were preserved”), for Hebrew \textit{he’emadetikha}, “I have let you live.” The explanation is in the shift of meaning of \textit{’amad}, from static “to stand” in biblical Hebrew to dynamic “to stand up” in Middle Hebrew. A parallel understanding involving \textit{’amad} is found in rabbinic literature. The conclusion is that knowledge of Rabbinic Hebrew belongs in the New Testament toolbox.

In another paper, Menahem Kister posits that in 1 Cor 15:45f. Paul develops the concept of the “Second Man” or “last Adam” from a Hebrew term known to us from rabbinic literature. While writing Greek, Paul here thinks bi-lingually and uses a midrashic technique. Opposing the “first Adam” as “living soul” to the “last Adam” who is a “life-giving spirit,” Paul creatively cites both terms from Gen 2:7 while stating that in actuality, it is the “living soul” which comes before the “breath (spirit) of life”—apparently referring to the inverse order in which the terms appear in the verse. This must be seen in relation to the distinction made in v. 40 between “heavenly” and “terrestrial bodies,” a distinction which is also found in \textit{Sipre} and, with eschatological potential,

in a *piyyut* of Yose ben Yose and a passage in Theophilus of Antioch, where it extends to the resurrection. According to Theophilus, in Gen 2:8 and 15 Adam is twice placed in paradise, the second time after the resurrection. Thinking Hebrew while writing Greek, Paul seems to develop an *adam ha-sheni* and *ha-aharon* as antonyms to the technical term *adam ha-rishon* known from rabbinic literature. He also added the Christological significance.

Finally, Miguel Pérez Fernández offers thoughts on a methodology for studying midrash in the Gospels, starting from the premise that a “Christian midrash” is found there comparable to the rabbinic one. The evangelists often weave allusions to various scriptural verses into their narrative, and in this midrashic way create a biblical theology of their own. Furthermore, the shared relation to the Old Testament text makes rabbinic literature a unique source of comparison for the New Testament. These aspects can be seen in the narrative of the cursed fig tree in Mark 11 and Matt 21. The narrative in Matthew underlines the miraculous, while in Mark the tree is strangely cursed when “it was not the season.” The biblical images of vine and fig tree are symbols for Israel, abundance, the Day of the Lord, and the coming of Messiah; their absence signifies desolation. A similar background is to be supposed in the parable of the fig tree in Luke 13:6–9. Likewise, in rabbinic midrash the fig tree and its fruits symbolise Israel and its good works or Torah teachings, the messianic age, the coming of Messiah, even the hour of death. Hence Rabbinic and Christian midrash are rooted in common traditions of interpretation.

**Rabbinics and New Testament: Other Materials**

Comparison of the New Testament with other rabbinic genres such as “aggadah” and “targum” is yet more difficult to do. Aggadah is hard to define as a genre, since the word has a wide range of meanings in the classical rabbinic texts. The “aggadic” midrash collections of the amoraic era may indicate that the genre crystallised in recognizable form only rather late; the definition of the word may then coincide with the later significance of “non-halakhic” midrash. As to targum, the existence of Aramaic “translations” in Second Temple Judaism is evident from Qumran, but as a rabbinic genre, the consensus is that

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it must be dated to the second-third centuries CE at the earliest. For these and similar subject matters, comparative study of the NT must be done on the more limited basis of comparing individual concepts and elements across the gamut of ancient Jewish texts including rabbinic literature. We are thus left with a “rest category” which can accommodate difficult to define mystical traditions as well.

First in this section is Martin McNamara, who summarizes a lifelong occupation with Targum and the New Testament while on a “Revisit.” He begins with an historical overview running from the beginnings during the early Renaissance, via the developments in the 1930’s (the Genizah fragments) and 1960’s (discovery of Neofiti), down to the present consensus on the origins of the Palestinian Targums in the 3rd century at the earliest. We must view and read the targums as part of a larger developing Jewish tradition. As compared with the Qumran material, important in itself, targumic vocabulary and phraseology have their own special contribution to make for comparative study of the New Testament. Examples are then studied: the concepts of “good works,” “rewards in the world to come,” and “measure for measure.” Slight differences from rabbinic literature at large may be observed, reminiscent of popular beliefs. Further interesting examples concern the widely used address “Father in heaven,” “resurrection,” “the well that followed,” “hour of distress,” and the “second death.”

The concluding paper by Crispin Fletcher-Louis deals with Jewish mysticism in the rabbinic and other periods and in the New Testament. First, support is sought for the majority view of the importance of early Jewish mysticism for the New Testament. Mysticism was not marginal but mainstream and integral to Jewish life and history. A range of materials are reviewed: the apocalypses, historiographical texts, the Dead Sea scrolls, the Gospels, the Pauline corpus, the Revelation of John, Philo and the Therapeutae, and early rabbinic liturgy. Defining features of Second Temple mysticism are the “transformation” instead of the unio mystica of the mystic, and the importance of mysticism in politics and revolts, especially during the Bar Kokhba war. The hekhalot texts are only of secondary importance for the New Testament. As to the New Testament itself, several passages resent mysticism and its accompanying rituals; Jesus himself is seen as a centre of apocalypse. In Col 2, biblical and halakhic purity regulations are superseded in the call to walk in Christ. During the rabbinic period, mystical ideas and practices played a prominent role in the revolts. They were suppressed for a while, just as messianism and eschatology were suppressed. The mysticism that re-emerged later had been stripped of historical and political concerns.
The Modern History of Rabbinic Scholarship

It may be useful to conclude this introduction with another historical account: a brief history of scholarship in the field of Rabbinics in the modern period. Significantly, this is also the time frame which saw the rise of the modern discipline of New Testament scholarship generally known as historical criticism. Discussion surrounding this discipline has gone on, as it should have, and objections from conservative quarters continue to be heard, but its position in the centres of learning around the world is uncontested.

By contrast, the often shifting position of rabbinic scholarship is wholly tied up with the vicissitudes of Jewish existence in the modern period. Following the emancipation of the Jews in Europe, the *Wissenschaft des Judentums* basically developed in isolation from the academic centres. In these centres, as has been mentioned already, the rise of historical criticism curiously coincided with the eclipse of the rabbinic studies that had been carried on beforehand. Pioneers of modern rabbinic scholarship—Jews of course—did not get appointed in the faculties of theology but were confined to rabbinical seminaries. Even so, the high tide of the *Wissenschaft* yielded treasures of historiographies, literary handbooks, text editions, and commentaries. Although Christian and Jewish scholarship went their own separate ways, there were those who crossed the border. Hermann L. Strack, George Foot Moore, and R. Travers Herford are exemplary Christian scholars who positively related to modern Jewish learning.

The pogroms in the late 19th and early 20th century in the territories held by czarist Russia led to an emigration movement and to an influx of Jewish scholars in Western Europe, the United States, and Palestine. After the First World War, this movement grew into a demographic landslide with the rise of Soviet Russia and, especially, Nazi Germany. As in so many other branches of scholarship and culture, the prosperous development of the *Wissenschaft des Judentums* on the European continent was sadly and brutally cut short.

After the horrors of the Second World War, the centre of gravity of rabbinic scholarship had shifted to the newly founded State of Israel and to the United States. In the wake of the success of Zionism, a new phase of rabbinic scholarship gloriously developed at Israeli universities. Publications were, of course, in Hebrew. They included numerous studies, monographs, periodicals, hand books, commentaries, and text editions. In addition to many Americans, individual young European Christian exegetes went to study for one or more years at universities
in Israel. They were to lay the foundations for a renewal of rabbinic scholarship on the old continent.

The last part of the 20th century brought new developments. The Shoah of European Jews had generated a slow but profound response in Christian circles, involving a novel openness to Jewish tradition and to the Jewish foundations of Christianity. In addition, the discovery and gradual publication of the Dead Sea scrolls brought radically new insights in the make-up of Second Temple Judaism. And finally, a new, critical questioning of the fundamentals of rabbinic scholarship arose in Jewish academic circles, mainly in the United States, but with strong echoes in Europe and, finally, also in Israel.

This brings us home at the beginning of the 21st century. Undeniably, a growing interest in Judaism is observable in Christian exegetical quarters. Studies on Paul or the Gospels can no longer afford to remain silent about the Jewish background. In the United States, and now also in Israel, a “revision” of ancient, and modern, Jewish history is being carried out, for both antiquity and the modern period involving a more nuanced view of relations between Jews and surrounding culture and society. Finally, rabbinic and Jewish scholarship in Europe is back in business. The European Association of Jewish Studies was founded in 1981 and is active since the 1990’s. An EAJS newsletter which has run for 11 years has been superseded in 2007 by the European Journal of Jewish Studies. Its first issue fittingly carries a report on the Leuven colloquium which resulted in the present volume.

It is not unlikely that in these favourable circumstances, comparative study of the New Testament and of rabbinic literature can generate a new dynamic. The editors, for their part, are immensely grateful to the authors for their efforts in contributing to the colloquium and to the present volume, and to Maryana Hnyp for her assistance in drawing up the indices.

The Editors

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36 This includes the meta-levels of methodology and history of scholarship, cf. the recent volume of Gotzmann-Wiese, *Modern Judaism and Historical Consciousness*, a collection of studies altogether interesting for the present subject.

New Testament interpreters have had recourse to rabbinic tradition since the time when that tradition was itself in the process of formation. This sketch attempts to bring out the continuity in the long history of the study of the New Testament in the light of rabbinic literature. At the same time it highlights creative phases, in which new initiatives could seem to break with the past. Historical study of the use of Jewish sources in biblical interpretation has often naturally concentrated on the Old Testament, but here the New Testament is singled out. Throughout, attention is drawn to those New Testament passages which refer to Jewish tradition, or were understood to do so. They were often considered as a group, they invited recourse to rabbinic literature, and they have moulded Christian attitudes towards it. In this sense there has been an integral connection between the New Testament and rabbinic literature. Finally, the discussion which accompanied this recourse to rabbinic tradition is brought to the fore, with the objections to this mode of interpretation and the commendations of it, as they have been expressed from early modern times onwards.

Werner Georg Kümmel looked back in 1955, in a survey of contemporary German-language New Testament research and teaching, on the discovery of the rich and diverse character of ancient Judaism made possible for New Testament students since the 1920s, especially (he noted) through materials collected by Paul Billerbeck. This discovery had shown, he suggested, not only that Hellenistic influence on Judaism was far-reaching (here he perhaps thought of Wilhelm Bousset’s work), but also “that frequently rabbinical texts offer better explanations for New Testament texts than [do] the Apocrypha and Pseudepigrapha.”  

Half a century later, however, the view that literature belonging wholly to the Second Temple period should be preferred over rabbinic texts

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has again become familiar, partly through consideration of the Dead Sea Scrolls—and this view has of course itself been questioned again. In the long history of New Testament study, the exploration of rabbinic Jewish sources soon comes into view. "The Pharisees put forth a tradition contrary to the law. It is presented less than clearly in the Gospel, and we ourselves should not have comprehended it, if one of the Hebrews had not expounded to us the subject-matter." So Origen says in his comment on Matt 15:5, "Whatever you are owed by me is a gift [to God]." His acknowledgement of Jewish help in Gospel exegesis stands near the beginning of Christian recourse to rabbinic material for New Testament interpretation. The traditions and explanations ascribed by Origen to contemporary Jews sometimes resemble rabbinic tradition of the third and fourth centuries.

In instances of this kind some contact between rabbinic tradition and New Testament exegesis can be posited already in the period of the formation of the rabbinic literature, even though Christian claims to Jewish knowledge are often debatable. Moreover, the fact that these claims were made at all was of long-term benefit to Christian biblical study. The writings of the Fathers at least in some cases initiate the later exegetical appeal to post-biblical Jewish literature; but it is not less important that they also justify it in principle.

A high point in interpretation aided by Jewish tradition and literature were reached in the western Church in the great period of Christian Hebrew study from the twelfth to the fourteenth centuries. Then in the fifteenth and sixteenth centuries rabbinic material was prominent in New Testament commentary as represented in early printed Bibles by the Gloss Ordinary, and the comments of Nicholas de Lyra, with the Additions to them by Paul of Burgos, which were often printed with the Gloss. At the same time the renaissance of Greek literature was accompanied by a further efflorescence of Hebrew and rabbinic study in the Church.

It was not indeed until the seventeenth century that the interpretation of the New Testament in particular by means of rabbinic literature became a special field of study. Yet the New Testament itself implicitly

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4 De Lange, Origen, 27, 41; Sgherri, Chiesa e Sinagoga, 42–55 (49, n. 164, on Comm. in Matt. 11.9).
suggests recourse to Jewish tradition for its exegesis, and the ancient and mediaeval antecedents of rabbinical New Testament exposition are substantial.

This outline can then be divided into four parts: on the early Church, on later developments down to the sixteenth century, on Christian Hebraism from the seventeenth century onwards, and finally on the discussion of this approach to the New Testament in early modern and modern times.

1. The New Testament and the Fathers

Three elements of biblical study in the early Church together constitute a kind of praeparatio rabbinica, a preparation for the approach to the New Testament through rabbinic tradition. First, the New Testament itself includes passages on Jewish tradition which form a group and were considered as such by the Fathers. Secondly, within the Church there was a corresponding awareness that Jews claimed to have ancestral traditions; this awareness was enhanced by controversy with contemporary Jews, and encouraged attempts to draw on Jewish knowledge for exegesis. Thirdly, sometimes these attempts suggest, as already noted, at least indirect contact with the rabbinic tradition which was itself at this period in the course of development.

First, the contribution of the New Testament itself to its interpretation through Jewish tradition deserves notice. This contribution is made especially through a group of passages on tradition. In the Gospels, the paradosis taught by the Pharisees is discussed in Mark 7:1–23 and its parallel in Matt 15:1–20, already mentioned above through Origen. This controversy with the Pharisees begins with their question why the disciples ignore “the tradition of the elders” in eating with unwashed hands. Christ replies by citing a further instance of their tradition, the custom of dedication of money, and he associates pharisaic paradosis with those “precepts of men” which are wrongly preferred to divine commandments, as foretold in Isa 29:13 according to the LXX. Finally, a dominical epigram on the sources of defilement is developed as catechesis in Mark, but is presented in Matthew (15:20) as the answer to

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5 Early Greek and Latin interpretations of this passage are collected in English translation in Smith, Ante-Nicene Exegesis, vol. 3 (1927), 118–132.
the original question on handwashing. Matthew therefore precludes the inference which might be drawn from Mark, that the statement on defilement challenges the Pentateuch itself.

In the epistles, the references to apostolic rather than Jewish _paradosis_ (1 Cor 11:2; 2 Thess 2:15; 3:6) were of prime importance in the history of Christian doctrine; but two passages on Jewish tradition were particularly influential on New Testament exegesis and attitudes to rabbinic literature. In Galatians St Paul says that he was notably zealous for the “ancestral traditions” which he inherited in Judaism (Gal 1:14); and in Colossians the Church is warned (Col 2:8–3:4) against “tradition”—human rather than divine, with quotation of Isa 29:13 on the “precepts of men,” as in the gospels. In both passages the word _paradosis_ is again used. Colossians, however, mentions circumcision, diet, new moon and Sabbath in this context. It therefore directs attention not only to Jewish tradition but also to those parts of the Pentateuch itself which would soon be identified by Christians as the “ceremonial law.” The passage was probably understood by Marcion as an attack on Moses. As already noted, the Marcan version of the controversy with the Pharisees also leaves itself open to interpretation as an attack on the Pentateuch or parts of it, not simply on tradition. This interpretation would have fitted not only Marcionism, but also the early Christian discrimination between valid and invalid parts of the Pentateuch which is later represented in the _Didascalia_ and the _Epistle of Ptolemy to Flora_, both cited below. Nevertheless, after the second and third centuries the main tendency of ecclesiastical interpretation was of course to find in the New Testament a critique of Jewish _paradosis_ rather than Scripture itself. Augustine’s reply to a neo-Marcionite, quoted below, illustrates this tendency with regard to the Pastoral Epistles and Mark.

Galatians and Colossians on Jewish _paradosis_ can readily be linked, within the Pauline corpus, with passages in the Pastoral Epistles on “fables” (_mythoi_, Vulgate _fabulae_). Thus in the Epistle to Titus “Jewish

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6 The catechetical aspect of Mark, by contrast with the Matthaean presentation of Christ as a teacher with even greater authority than the Pharisees, was shown by Albertz, _Streitgespräche_, 36–39.

7 Davies – Allison, _Matthew_, 2:537.

8 Tertullian, _Adv. Marc_. 5.19, 10, on Col 2:18 as rebutting calls for abstinence made on the basis of angelic visions, rather than an attack on the law and on Moses (si autem et aliquos taxat qui ex visionibus angelicis dicebant cibis abstinendum... non ideo legem et Moysen pulsat), was taken as answering a claim in Marcion’s _Antitheses_ by Harnack, _Marcion_, 312*. 
fables and commandments of men” are condemned with yet another allusion to the prophetic proof-text Isa 29:13 (Titus 1:14), and this passage was naturally viewed together with the further references to “fables” in 1 Tim 1:4; 4:7 and 2 Tim 4:4.

Finally, to move to passages which encourage a more positive view of Jewish tradition, the epistles and Acts combine to present Paul as a Pharisee (Phil 3:5; Acts 23:6; 26:5); and Acts puts this on the whole in a favourable light, displaying Christians as the heirs of the pharisaic teaching on resurrection. Thus, when the Paul of Acts says with pride that he was educated at the feet of Gamaliel (Acts 22:3), there is a foothold for the view that Jewish and pharisaic tradition can merit salutation as well as rebuff.

These New Testament passages on Jewish tradition are interconnected especially by the proof-text Isa 29:13, cited in Matthew, Mark, Colossians and Titus; by the word “Pharisee,” found in Matthew, Mark, Philippians and Acts; and by the word paradosis, used in Matthew, Mark, Galatians and Colossians. The mythoi or fabulae of the Pastorals are linked with the paradosis or traditio of Matthew, Mark, Galatians and Colossians especially through Titus, where there is the adjective ioudaikos, iudaicus, with an allusion to Isa 29:13. The passages stand out as a group, therefore, and in patristic exegesis two or more of them are often associated.

One example of the habit of grouping these passages may serve to show how their interpretation can lead to comment on current Jewish teaching. Jerome on the iudaicae fabulae of Titus 1:14, probably drawing on Origen’s lost commentary, says “let us patiently hear the absurdities (ineptiae) of those who among them [the Jews] are called Wise (sapientes), and then we shall understand what are those iudaicae fabulae, without scriptural authority,” which Isaiah foretold (Isa 29:13). This opening claim is one of a number of passages in Origen, Jerome and other Church fathers which appear to reflect the use of the terms hakham and sophos in the rabbinic movement. At the same time the wording here is inspired by another of the New Testament passages from the network, 1 Tim 4:7, on “absurd and old wives’ fables,” ineptae et aniles fabulae, and it also fits the proof-text Isa 29:13–14, quoted at 1 Cor 1:19, perdam sapientiam sapientium. From the quotation of Isa 29:13 on the “precepts of men” Jerome proceeds very naturally to the Gospel passage on pharisaic tradition from Matt 15. His further exposition leads among other passages to Col. 2:21. Here the nexus of Titus 1:14, with allied references to fables, Matt 15:1–11 on paradosis, and Col 2, all bound up with Isa 29:13, stands out clearly.
Patristic and later interpreters were then alerted by this group of New Testament texts not only to the importance of Jewish tradition in the setting of Jesus, Paul, and the apostolic teachers, but also to its continuing existence. This tradition is often condemned in the New Testament, but there is a foothold too for its approbation, and in any case it sometimes forms the subject-matter of the evangelists and apostolic writers. The New Testament seems then to invite recourse to Jewish tradition for exegesis even more obviously than does the Old.

The awareness of contemporary Jewish tradition among Christian authors of the patristic period, a second element in the praeparatio rabbinica, has now come into view. The New Testament encouraged this awareness, as has just been seen. Indeed, in patristic references to contemporary Jewish teachers and traditions the continuing influence of the New Testament, and of associated Old Testament testimonia such as Isa 29:13–14, seems often to mingle with and to shape any fresh contemporary information there may be, as was the case in Jerome’s comment on Titus 1:14. Hence it is asked if what seem to be references to contemporary Jewish teaching are not simply Christian literary constructs. This possibility is given weight, for instance, by Catherine Hezser in her study of patristic evidence for the office of rabbi.9 Yet, as some of the texts of Jewish-Christian controversy suggest, it remains likely that there was genuine contact between gentile Christians, Christian Jews, and non-Christian Jews.

The probable signs of such contact include the enlargement of the Christian vocabulary of Jewish tradition. Beside the New Testament term paradosis, the term deuterosis comes into prominence from the third century onwards.10 As used by the Church Fathers it seems to correspond to the Hebrew word Mishnah as used in its broadest sense in the amoraic period for tradition as a whole, comprising Talmud, halakhah and haggadah.11 Their references to deuterosis are often linked with the network of New Testament passages on Jewish tradition, but they do not simply perpetuate the New Testament vocabulary. So in the fourth century Epiphanius (Haer. 33.9) says that “the traditions of the elders are called deuterosesis among the Jews,” and he gives Matt 15:5 on the dedication of money as an example showing that they are non-

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9 Hezser, *Social Structure*, 137–142 (on Justin Martyr, Origen, and Jerome).
10 Bietenhard, “Deuterosis.”
scriptural. Here, however, he is criticizing a probably second-century Christian text which he has just quoted in full, the Epistle of Ptolemy to Flora; it urges (Haer. 33.4) that true commandments of God are mingled in the Pentateuch with commandments from Moses (Matt 19:8), and with traditions of the elders—as is indeed shown (it is claimed) by the Saviour’s words in Matt 15:4–9.

Other Christians had applied the name deuterosis rather than “tradition of the elders” to those Pentateuchal laws which they ascribed to human tradition, as appears in the third century from the Didascalia, largely taken up later on in the Apostolic Constitutions.\(^\text{12}\) This use of deuterosis seems far from rabbinic reverence for the Pentateuch as a whole, but it is probably not altogether out of touch with the associations of the word Mishnah. It forms, so to say, an updating of the use of “traditions of the elders” in Ptolemy’s Epistle to Flora, in the light of current Jewish vocabulary. It seems to reflect not only the amoraic use of Mishnah to cover all traditional teaching, but also the sense of secondariness belonging to the Hebrew word; for the deuterosis is linked in the Didascalia with the second law-giving described in Exod 34, after the incident of the Golden Calf.\(^\text{13}\) Like the Epistle of Ptolemy, the Didascalia develops source-critically the line of thought on the “commandments of men” which appears in Colossians, as noted already, and is permitted by the Marcan version of the controversy on tradition. The more general application of deuterosis to Jewish traditions appears in Origen, to judge by Rufinus’s Latin translation, and Eusebius, who uses it entirely positively of the ancient Jewish interpretations of Scripture.

The treatment of New Testament passages on Jewish tradition as a group was then bound up with some awareness of the continuance of post-biblical Jewish tradition. These two aspects of patristic exegesis form, it was suggested, two elements in a patristic praeparatio rabbinica, a preparation for the approach to the New Testament through rabbinic tradition. The awareness of contemporary Jewish tradition suggested by these uses of deuterosis combines in turn with the third element in this praeparatio, the attempt to draw on post-biblical Jewish tradition for exegesis. Origen’s illustration of Matt 15:5 from Hebrew tradition has been quoted already. Two further well-known examples

\(^{12}\) On deuterosis in the Didascalia see Connolly, Didascalia Apostolorum, lvii–lxix.

\(^{13}\) Stemberger, Einleitung, 114, cites Nathan b. Yehiel’s Arukh, “Why is it called Mishnah? because it is second to the Torah,” and notes that a similar derivation stands behind the patristic usage of deuterosis.
are worth recalling; they are connected with *deuterosis* as well as with the New Testament texts on Jewish tradition, and they were influential in later study.

First, in an exposition of Col 2:18–23, in his reply to eleven biblical questions from Algasia in Gaul, Jerome quotes Matt 15:4–9, with Isa 29:13, on tradition and the precepts of men, and continues: “How many traditions of the Pharisees there are, which to-day they call *deuteroseis*, and how many old wives’ fables (1 Tim 4:7), I cannot enumerate.” He singles out two, on the testing of blood for impurity by taste as well as colour (the latter only is prescribed in *m. Niddah* 2:6–7), and on the Sabbath limit of 2000 feet which they claim is laid down by “our masters Bar-Akiba, Simeon (?Shammai) and Hillel” (this seems to be a slip for the 2000 *cubits* mentioned by Origen, *Princ.* 4.3.2 and attested in *m. Erub.* 4:3; 5:7 and elsewhere).\(^\text{14}\) Going on to the concession in Colossians that “these things indeed have a show of wisdom” (Col 2:23), he adds “their teachers are called *sophoi*, that is, Wise; and whenever on certain days they expound their traditions, they are accustomed to say to their disciples *hoi sophoi deuterousin*, that is, The Wise are teaching traditions.”\(^\text{15}\) This formula has a fair claim to authenticity.

Here Jerome cites at least his first example of tradition, as he says himself, in a hostile spirit, *ad ignominiam gentis inimicae*, but of course he can also affirm the results of Jewish education when they are displayed in the New Testament as part of Christian doctrine. So St Paul’s freedom in varying the forms in which he quotes from the Old Testament can be explained, Jerome says elsewhere, by the supposition that “he uses those *testimonia* which he learned from Gamaliel, the doctor of the law.”\(^\text{16}\) Similarly, Jerome, when himself mocked by Rufinus for taking a Jew as his teacher, stressed that Christian writers before him, above all Origen, had not hesitated to express their debt to Jewish interpreters of the Bible.\(^\text{17}\)

The second example comes from Augustine. He wrote a reply to an unnamed neo-Marcionite author, who argued in Carthage that the New Testament critique of Jewish tradition refers to Old Testament Scripture itself.\(^\text{18}\) Among the passages from this New Testament critique consid-

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\(^{14}\) Doering, *Schabbat*, 150 and n. 163.


\(^{16}\) Jerome, *Comm. in Abacuc* 1, on Hab 2:4, in PL 25:1292.


\(^{18}\) Augustine, *Contra adversarium Legis et Prophetarum*, 2.1–2; Augustine (ibid.
ered above, Marcion himself had probably understood Col 2:18–3:4 in this way, as noted already. Augustine’s adversary appears to have begun rather from the warning against “profane and old wives’ fables” in 1 Tim 4:7, coupled with the “Jewish fables and endless genealogies” of 1 Tim 1:4 (in Augustine’s quotation of this verse the adjective iudaicus has revealingly been added from Titus 1:14). In his reply Augustine says that his adversary appears not to know that the Jews have, besides Scripture, “certain traditions which they do not have in writing, but keep in memory, and transmit one to another orally; they call them deuterosis.” In this body of tradition “they dare to say and believe, that God created two women for the first man; and from these they weave genealogies which are indeed, as the Apostle says, endless.” That tradition rather than Scripture is condemned in 1 Timothy is confirmed, Augustine says, by Christ’s own objection to tradition as frustrating the written law, in Mark 7:5–13, on handwashing and Corban (compare Epiphanius’s argument against Ptolemy).

Here once again the network of New Testament texts on tradition forms the context of discussion, but 1 Tim 1:4 is interpreted by a fresh example, the tradition on the two wives of Adam. As presented by Augustine this haggadah recalls allusions in the midrash to a tradition on “the first Eve,” Hawwah ha-rishonah, in the name of the third-century Amora Yehudah be-Rabbi Hiyya (Ber. Rab. 22.7 on Gen 4:8 And Cain said to Abel . . . and Cain rose up against Abel his brother—“they were disputing about the first Eve”; cf. Ber. Rab. 18.4 on Gen 2:23, This is now bone of my bone).19

Thus, the New Testament passages on Jewish tradition constitute a critique of that tradition, although in Acts they leave a foothold for approbation. The influence of the Gospel argument that Jewish tradition frustrates Jewish Scripture, and the patristic association of this argument with the term deuterosis, is reflected later in the patristic age. Thus Justinian’s Novella 146 of the year 553 permits public Jewish reading of the Scriptures, but forbids the deuterosis. In the west, nearly seventy years later, Isidore of Seville defined “Pharisees” in his Etymologies as

2.39–40) says that the Patrician sect followed Marcionite views, but that the Adversary named his own teacher as Fabricius. T. Zahn’s identification of Fabricius with the sect-founder Patricius was followed by Harnack, Marcion, 399*–400*; even if this identification is doubted, it seems likely that Fabricius’s views were close to those of the Patriciani in fourth-century Rome.

19 Theodor – Albeck, Bereschit Rabba, 1:213, cf. 163f.
meaning in Hebrew “divided; for they prefer the deuteroseis of traditions and observances to righteousness” (Isidore, Etym. 8.4.3).

At the same time, however, the New Testament as interpreted by the Fathers helped to evoke a Christian scholarly awareness of contemporary Jewish tradition, including the rabbinic tradition then in course of development, and to stimulate recourse to this tradition for the elucidation of the New Testament as well as the Old. Thus, when the Talmud was being critically examined by the Church and university at Paris in 1240, on the Jewish side Yehiel of Paris was able to say that Jerome was familiar with the Talmud, yet did not condemn it.20 This claim may suggest an over-optimistic view of Jerome’s attitude to Jewish tradition (his letter quoted above exemplifies his criticism); but it makes a powerful implicit appeal to Christian exegetical practice, for Jerome’s stout defence of his own recourse to Jewish interpretation was being ardently followed up by consultation of Jewish comment in the thirteenth-century Church. Here then one glimpses through Jewish eyes, long after the patristic age, the practical importance in the Christian world of the patristic precedent for rabbinic interpretation of the New Testament.

2. Mediaeval Commentary and Early Printed Bibles

Through Jerome and other Fathers Jewish and rabbinic tradition gained a place from the beginning in mediaeval New Testament commentary. This place was much enhanced, however, by further Christian contact with Hebrew literature and tradition. In the mediaeval west it was sometimes easier to meet Jews and to learn some Hebrew than to acquire Greek knowledge. The great symbol of contact with Jewish tradition in the exegetical sphere has not unjustly been the biblical commentary by the Franciscan Nicholas de Lyra, from the beginning of the fourteenth century. As G. Dahan put it, “with Nicholas de Lyra, Jewish exegesis was integrated into Christian exegesis.”21 In its debt to Jewish interpretation, however, Nicholas’s work was not isolated or without precedent. This point was made by Beryl Smalley with special

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20 See Maccoby, Judaism on Trial, 153 (paraphrasing in English the Hebrew Vikuah Rabbenu Yehiel mi-Paris); Eisenstein, Ozar Vikuhim, 82a (reprinting the Hebrew text).
reference to Old Testament study, and to the abiding importance of the literal sense of Scripture in mediaeval Old Testament commentary.\textsuperscript{22} Jewish interpretation was also, however, as will be seen, of significance for New Testament exegesis.

The commentary tradition had its broader setting in the biblical study and the Jewish mission and controversy of the mediaeval Church. In the west Christian contact with Jewish tradition was already notable in the Carolingian age, when Agobard of Lyons attests material known from the \textit{Sepher Yetzirah}, the \textit{Shiur Qomah} and the \textit{Toledoth Yeshu}, and a number of authors are willing to quote contemporary Jews and Jewish traditions.\textsuperscript{23} A high point was reached, however, in the period from the twelfth to the fourteenth centuries. This was the first great age of Christian Hebraism. In France and England, at least, the mid-twelfth century formed the turning-point after which an appreciable number of Christian scholars made a direct study of the Hebrew Scriptures and the Jewish commentaries, including some rabbinc material.\textsuperscript{24} The new orders of friars were particularly involved in this work, not only through their special concern for mission but also through their development of existing links between the religious orders and biblical study.

This period was indeed also the age of the first burning of the Talmud, the public Jewish-Christian disputations held in Paris, Barcelona and elsewhere, and the examination of Jewish literature for blasphemy and error, all by papal or royal command; but it was equally the time of Christian discovery of the Talmud, the midrash, the Targums, and the contemporary tradition of Jewish biblical commentary. The decree of the council of Vienne in 1311, encouraging the teaching of Hebrew and the preparation of translations of Hebrew works, entered the collection of \textit{Decretals} associated with Clement V and exerted a long-term influence; it was bound up with mission to the Jews, but it also fostered Christian Hebrew and rabbinc study.\textsuperscript{25} The fifteenth and sixteenth centuries added knowledge especially of the \textit{Zohar} and the mystical tradition.\textsuperscript{26}

\textsuperscript{22} Smalley, \textit{Study of the Bible}, 355, 360–363.
\textsuperscript{23} On Agobard's sources in his \textit{De iudaicis superstitionibus} see Blumenkranz, \textit{Les auteurs chrétiens}, 164f.
\textsuperscript{24} Olszowy–Schlanger, \textit{Les manuscrits hébreux}, 48.
\textsuperscript{26} Lloyd Jones, \textit{Discovery of Hebrew}, 18–38.
The general assessment of this access of Hebrew and rabbinic knowledge was founded particularly on the New Testament. The influence of the New Testament and patristic treatments of Jewish tradition appears momentously in the thirteenth-century Papal letters which led up to and justified the burning of the Talmud after its examination in Paris in 1240.  

A main charge against the Talmud was based on the Gospel claim, in a passage from the New Testament catena on tradition which has become familiar, that divine commandment is frustrated by traditions which are the commandments of men (Matt 15:1–20). So Gregory IX in 1239 wrote that Jews are not content with the divine law as published through Moses, but prefer the Talmud, which they consider as another law delivered to Moses orally.  

This charge recurs in a letter of Honorius IV to the archbishops of Canterbury and York in 1286. In 1244 Innocent IV indeed expressly identifies the Talmud with the “traditions of the elders” mentioned in Matt 15:1–20, and says that its contents include not only blasphemies but also “fables,” a term which hints at 1 Timothy and Titus. At this point Christian criticism converged with long-standing inner-Jewish discussion of the rationale of the haggadoth of the Talmud, and—strengthened by New Testament exegesis—rejected any defence of them as consonant with reason.

That identification of the Talmud with the fables and Jewish traditions mentioned in the group of New Testament passages which is now familiar was followed among the Dominican friars in the thirteenth century by St Thomas Aquinas, himself a scholar of Paris, in his lectura on the Pastoral Epistles. In his comment on 1 Tim 1:4 he seems to accept, however, that Moses himself did hand down some things orally, whereas others added the fables: dicit ergo fabulas, non datam legem in scriptis, sed in ore, scilicet Thalmuth; non quae Moyses ore tradidit, sed quae alii addiderunt, ut sunt stultae fabulae, scilicet quod Adam habuit aliam uxorem, ex qua dicunt natas daemones—“fables: not the law given in writing, but that given orally, to wit the Talmud; not those

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27 On the letters cited below in their French and English setting see Horbury, Christianity, 10–14.

28 That the legal substance of the Talmud was given to Moses orally is stated in the Latin record of the deposition made in Paris by Vivo (Yehiel); see the text reprinted in Merchavia, Ha-Talmud, 453, article ix.

29 Compare the formula used when a Jewish library changed hands by inheritance in Oxford in 1244; before passing to the heiress it was purged of any books “opposed to the Law of Christians and Jews,” as noted by Olszowy–Schlanger, Les manuscrits hébreux, 4, with n. 26.
things which Moses handed down orally, but the things which others added, such as stupid fables, notably the story that Adam had another wife, from whom they say that demons were born…” (the tradition mentioned by Augustine and discussed above, as related in the Gloss Ordinary on 1 Timothy here in an expanded form, discussed below).\footnote{Cai, \textit{S. Thomae Aquinatis… super Epistolae S. Pauli Lectura}, ii, 214, paragraph 9.}

Aquinas then cites Matt 15:6, on the frustration of the commandments of God by tradition, and 2 Tim 4:4, on being turned aside to fables. A distinction of the kind which he drew between Mosaic oral tradition and additions to it accepts in principle a point which was fundamental for Jewish defenders of the Talmud, the existence of an oral tradition deriving from Moses, and thereby allows for a more positive view of Jewish tradition, like that taken by Aquinas’s Dominican confrère Raymundus Martini, as noted below. Moreover, both the negative and the more positive interpretations of the New Testament on Jewish tradition implied that Jewish tradition (true or false) was important for the understanding of passages in the New Testament.

This tradition was at the same time becoming more accessible through translation. The examination of the Talmud and midrash led to compilations of translated texts for Christian use. One was the Extracts from the Talmud in Latin translation, compiled in connection with the Paris proceedings by the Dominican Theobald; this work gives an introduction to the Talmud, and also includes material from Rashi’s biblical and talmudic commentaries, but it concentrates on texts thought open to censure.\footnote{Hailperin, \textit{Rashi}, 116–29; Schreckenberg, \textit{Adversus-Judaeos-Texte}, 98–105.} A second compilation of rabbinic texts was a big book with an apologetic argument, Raymund Martini’s \textit{Pugio Fidei}, composed towards the year 1278 on the basis of Jewish manuscripts made available by royal command.\footnote{On content, influence and printing, see Moore, “Christian Writers,” 203–9, and van Rooden, \textit{Theology}, 174–9; on the view taken of rabbinic literature, Horbury, \textit{Christianity}, 19–21.} Raymund usually quotes the Hebrew as well as a translation. Although he freely blames what seems erroneous, he is arguing, on the lines followed by his fellow-Dominican Pablo Christiani in the Barcelona Disputation of 1263, that Jewish tradition witnesses to Christian truth. Correspondingly, he takes a more positive view of the Talmud than that suggested by Theobald’s Extracts; he discerns a measure of genuine tradition amid the fables. Aquinas’s comments on
the Pastoral Epistles seem to allow for this view of the Talmud, taken within his own order by Pablo Christiani and Raymund Martini.

The later Christian knowledge of the *Zohar* and mystical writings, associated in the fifteenth century especially with Pico della Mirandola and the translations made for him by Flavius Mithridates, further assisted the commendation of talmudic and midrashic literature; for the names of rabbis cited in the *Zohar*, like Nehuniah ben ha-Qanah, Simeon b. Johai and Johanan, were thereby associated with traditions held to be old and valuable. The conviction that the *Zohar* preserved genuinely early tradition persisted until its mediaeval origins began to be widely accepted in the nineteenth century. More recent study has re-emphasized, amid ongoing debate, the possibility of early roots for the tradition of mystical writing in general, and to this limited extent has again come nearer to the late-mediaeval Christian position.

These mystical interests formed part of the background of the encouragement of Hebrew study in the early sixteenth century by Johannes Reuchlin, who appealed for implementation in the German universities of the Clementine decree from the council of Vienne on Hebrew teaching. Similarly, at the same time, the Roman Franciscan Petrus Galatinus (1460–1540) argued for Christianity from Jewish mysticism, and likewise urged that public provision should be made for the teaching of post-biblical Hebrew, as the Clementine decree envisaged. The harsher tone of the post-Tridentine mid-sixteenth century is audible, however, in the rebuttal of Galatinus in the article on the Talmud in the biblical encyclopaedia of the Dominican Sixtus Senensis, first issued in 1566. Sixtus recalls with approbation the recent burnings of the Talmud in 1553 and 1559, under Julius III and Paul IV, and he marvels at Galatinus’s vain hope that the Talmud should be translated into Latin and expounded in the universities.

The mediaeval western commentary tradition on the Old and New Testaments developed in the setting of this continuing concern with Hebrew and Jewish tradition. Hebrew rather than Greek sometimes had the lion’s share of attention; broadly speaking, the strong western interest in Greek as well as Hebrew which is manifest in the twelfth and thirteenth centuries seems then to retreat until the fifteenth-century

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33 On these translations, begun in 1486, see Busi, *The Great Parchment*, 13–20.
The Hebraic emphasis of mediaeval exegesis was criticized later on, with special reference to New Testament interpretation, after Greek had come to the fore in western Europe. On the other hand, the widespread mediaeval concern with Jewish interpretation which has just been outlined, including the particular connection of the New Testament with the assessment of Jewish tradition, favoured the use of Jewish sources for New Testament exegesis.

Rabbinic interpretation of the New Testament in this setting can be briefly illustrated here from two standard mediaeval commentaries on the whole Bible: the *Gloss Ordinary*, and the *Postills* of Nicholas de Lyra, viewed together with the later additions customarily transmitted with his work. (The term *postilla* had come into favour by the thirteenth century to signify an interpretation added to a text. The Gloss was compiled in the twelfth century largely on the basis of Carolingian comment. The *Postills* of Nicholas, who was active as noted above in the early fourteenth century, consist of a literal interpretation (*Postilla literalis*) supplemented by a subsequently composed moral interpretation (*Postilla moralis*, or *Moralitates*). This work received what became a standard super-commentary in the Additions to it made by Paul, archbishop of Burgos (Paulus de Sancta Maria), formerly Solomon ha-Levi, at the end of the fourteenth century. In the fifteenth century, Replies to these Additions were made by the Franciscan Matthias Döring or Thoryng. Nicholas’s two short treatises against Judaism, dealing especially with Jewish criticism of St Matthew’s Gospel, were commonly added at the end of his postills. It was often in these forms—Nicholas with Paul’s Additions and Döring’s Replies, or the Gloss reproduced together with all these—that mediaeval comment was disseminated in the printed bibles studied by the exegetes and preachers of the late fifteenth and the sixteenth and seventeenth centuries.

Thus New Testament study at the beginning of the sixteenth century is illustrated by a well-used copy of Nicholas de Lyra’s *Postills* on the whole bible, with Paul of Burgos and Matthias Döring, in the edition

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printed by Anton Koberger in Nuremberg, 1493. It has been marked with care. A line in the margin picks out the description of the Jewish council in Nicholas’s comment, discussed below, on the passage on tradition in Matt 15:3.\textsuperscript{39} This copy, now in the library of Corpus Christi College, Cambridge, is inscribed as the gift of Richard Buxton, D.D., formerly canon of the college of clergy at Stoke-by-Clare in Suffolk (dissolved in 1548), and the title is recorded in the register of the printed books in the library of Matthew Parker, Master of Corpus and sometime Dean of Stoke College, himself a biblical scholar; he left these books to Corpus, and is probably one of the readers who studied this copy. Later on, as Archbishop of Canterbury under Queen Elizabeth, he was chiefly responsible for the English bible translation known as the Bishops’ Bible, issued in 1568.

The early sixteenth-century interest in the Gloss together with Nicholas and Paul’s Additions is exemplified in the edition of all these together (Basle, 1508, reprinted Lyons, 1520) by the Cistercian humanist Conrad Leontorius of Maulbronn, who belonged to the circle of Reuchlin and shared his interest in Hebrew and mystical philosophy.\textsuperscript{40} His introduction gracefully compliments each text, the Gloss partly on patriotic grounds—for its learned authors, as he says, include many Germans. Then Nicholas de Lyra (he goes on to say) is a second Jerome, for his explanations of many hitherto obscure passages on the basis of his outstanding Hebrew knowledge; Paul of Burgos, born a Jew but reborn in Christ, combines the learning of the Hebrews with Latin literature, and modestly illustrates Nicholas with better explanations; and finally Matthias Döring reconciles the differences between Nicholas de Lyra and Paul of Burgos.\textsuperscript{41}

These praises are not without foundation, but they smooth over a certain awkwardness. Perhaps the Gloss, singled out here as not only learned but also Teutonic, was losing some of its prestige in the new philologically-dominated atmosphere; and the Additions of Paul, described by Conrad as the charitable illustrations of a Christian bishop, were not so much reconciled as denounced by Matthias Döring, who

\textsuperscript{39} N. de Lyra, \textit{Postilla}, vol. iv, part 5, on Matt 15:3. This copy (shelf-mark EP.C.2–5) is registered in Gaselee, \textit{Early Printed Books in the Library of Corpus Christi College, Cambridge}, 7, no. 33; further information in the Library’s current on-line catalogue.

\textsuperscript{40} Geiger, “Leontorius, Conrad.”

\textsuperscript{41} [Glossa ordinaria] \textit{Textus biblie cum glosa ordinaria} (1520), vol. 5, part 6, f. 286a. I have used the Corpus Christi College, Cambridge, copy.
was jealous for the honour of his fellow-Franciscan Nicholas de Lyra: “the invasions which [Paul of Burgos] wrote, he called Additions, although truly they are corruptions.”

The concern for Hebrew learning which is evident in Conrad’s editorial commendation then reappeared in a new edition compiled in Paris by the Franciscan scholar F. Feuardent, with J. Dadré and J. de Cuilly (printed in Lyons, 1590), and dedicated to Sixtus V. Feuardent in his Preface calls it an “enriched” (locupletata) as well as corrected Gloss, and the list of authors cited includes not only additional patristic exegesis but also, in the Old Testament, the Targums and such Jewish commentators as Rashi, Kimhi, Ibn Ezra and Nahmanides, and in the New Testament, Philo. These enrichments were removed in what became the final and standard edition of these commentaries, issued by the English Benedictines of Douai (1617, second edition 1634), and they were replaced by patristic quotations, on the ground that the original Glossator did not wish to include authors alien from the faith and from Christ in his harmonious catena of authorities.

In this Douai comment, as in Matthias Döring’s attack on Paul of Burgos, one abiding source of opposition to Christian use of rabbinic interpretation emerges: it is an appeal to non-Christian authority. On the other hand, the 1617 Douai editors have no patience with Döring’s charges against Paul of Burgos, and take it on themselves to expurgate them, including, as they note, his insistence on the opprobrium iudaismi—as if, they add, salvation were not from the Jews! In their second (1634) edition they correspondingly reprinted for good measure, at the end of the biblical material, Paul’s informative conversionary dialogue Scrutinium Scripturarum; they note as a reason the increasing circulation of Jewish books (commending Judaism) in Latin and the vernacular.

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42 “Invasiones quas scripsit, Additiones (quamvis vere sint corruptiones) nominavit”; Döring’s Prologus to the Replies, which he himself entitles Correctorium corruptorii Burgensis, in Biblia sacra cum glossis interlineari et ordinaria, Nicolai Lyrani Postilla, ac Moralitatibus, Burgensis Additionibus & Thoringi Replicis (Venice, 1588), i, f. 9a. I have used the copy of this edition in the library of St John’s College, Cambridge.

43 Biblia Sacra cum Glossa Ordinaria . . . et Postilla Nicolai Lyrani, Additionibus Pauli Burgensis, ac Matthiae Thoryngi Replcis (Lyons, 1590), i, Praefatio and Elenchus Authorum; v, Elenchus Authorum. I have used the copy in the library of Clare College, Cambridge.

44 Biblia Sacra cum Glossa Ordinaria et Postilla Nicolai Lyrani, necnon additionibus Pauli Burgensis Episcopi, et Matthiae Thoringi replicis (1617), i, ‘Ad lectorem. I have used the copy in the library of St John’s College, Cambridge.
Now the importance of Jewish and rabbinic material within the New Testament parts of these influential mediaeval comments can be illustrated from their treatment of Matthew and the Pastorals on Jewish tradition—texts from the group of New Testament passages which has already been under review. On the frustration of the Pentateuchal law by pharisaic tradition, in Matt 15:1–20, the Gloss simply explains “gift” (corban) by suggesting that the child says to the parents, “I am using up for your sustenance what I had been going to offer to God,” and the father therefore fears to eat the consecrated food. Nicholas de Lyra, however, connects the “Pharisees and scribes from Jerusalem” whom Christ answers (Matt 15:1–3) with the council of seventy instituted by Moses and continued ever since by the laying on of hands, “as is said in Jewish glosses in many places,” ut habetur in glossis hebraicis in multis locis. Their rulings are the “traditions of the elders” considered here, and on this basis the priests in their greed frustrated the Law, turning what should have been for the sustenance of parents to their own profit by saying that it is better to offer it to God. Here there is a reference to glossae hebraicae, probably Rashi and other commentaries, including midrashim.

The relevant Addition of Paul of Burgos goes further in citing Jewish and rabbinic sources. Nicholas’s exposition appears weak, says Paul, for reasons including the fact that it presupposes a falsehood. Jews are never found to assert that it is better to make an offering to God than to help one’s parents in need; on the contrary, almsgiving is recognized as better than sacrifice, and for Maimonides in his Guide for the Perplexed [3.32] sacrifice is indeed not a commandment representing God’s principal intent, but rather one given to meet human circumstances by withdrawing humanity from idol-sacrifice. Honour to father and mother, by contrast, does reflect God’s primary intent, and is correspondingly agreeable to natural law; Jews could never allow that sacrifice would justify the praetermission of this duty. In Latin translation the Guide was widely used by mediaeval Christians, and a debt to it

45 The comments on Matt 15 are cited here from Textus biblie cum glossa ordinaria... (1520), vol. v, part v, ff. 49a (Gloss and Nicholas de Lyra), 51a (Paul of Burgos and Matthias Döring).
46 For instances of Nicholas’s use of Glossa hebraica to denote both Rashi and the midrash see Hailperin, Rashi, 285, notes 24–5; compare the general judgment of Dahan, “La connaissance,” 358: “je suis assez convaincu qu’il disposait du texte du commentaire de Rashi—sa source principale—et de divers recueils de midrashim.”
was not incompatible with criticism of the Talmud. Paul’s enlightened Maimonidean exposition of Matthew here is, however, at the same time a striking defence of the Jews by a convert to Christianity.

Paul then says that “to understand this passage better we must go back to the pharisaic or talmudic traditions which Christ meant to reprove.” Among these, he says, there is “one book composed by the talmudici entitled Nedarim, that is Vows,” with a number of unscriptural errors including the ruling that others cannot benefit if anyone wishes to consecrate goods to God, so long as a clear formula is used (compare m. Ned. 1:3). The Pharisees were maintaining this rule; but the error did not arise from priestly greed, but from a bad interpretation of Scripture, and a preference for tradition over divine precept.

Matthias Döring in the course of his reply urges that it must be doubtful to brush aside the motive of avarice, for it is envisaged by Jerome and others who knew Hebrew, and he characteristically adds that Paul’s citation in preference of the book which he calls Nedarim is “to withdraw Christ’s faithful from the true expositions of the saints, and to send them instead to look at empty writings, full of errors.” Paul does not specify passages like m. Ned. 3:2 and 5:6 which envisage the effect on family members, but he is citing the same context from the Mishnah and Gemara which is the centre of attention in Billerbeck’s commentary.

On the fables and genealogies of 1 Tim 1:4, that other influential text for Christian views of Jewish tradition and literature, the Gloss sets out possibilities which are taken up by the later commentators. It uses the ninth-century comment of Haymo, who expanded on Augustine’s connection of this phrase with the fable of Adam’s two wives, probably now with some knowledge of a developed Lilith legend, but repeated Augustine’s point that non-scriptural fables are in view. The genealogies are taken to relate to descent from Abraham, or polemic

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48 This point suggests some qualification of the view that “Paul made an effort to show himself as a fanatic in his anti-Jewish conviction,” expressed by Merchavia, “The Talmud in the Additiones of Paul of Burgos,” 123.

49 For the comments on 1 Tim 1:4 fabulis et genealogiis cited below see Textus biblie cum glosa ordinaria…(1520), vol. v, part vi, ff. 116b (Gloss and Nicholas de Lyra), 117b-118a (Paul of Burgos).

50 Merchavia, Ha-Talmud, 67–70, holds that Haymo was aware of a developed form of the Lilith midrash, like that in Midrash Abkir.
against Christ’s descent from David. Nicholas de Lyra, however, links the fables with the Jewish traditions on legal observances, following the connection noted above from Innocent IV and Aquinas, and he also refers to Matt 15. He says that as the Jewish commentaries, *glōsse iudeorum*, do not speak of Adam’s other wife, he prefers to take the “genealogies” as attacks on the genealogy of Christ (one of the possible interpretations noted in the Gloss); he evidently had not seen the passages from *Bereshith Rabbah* cited above in connection with Augustine on 1 Tim 1:4, whereas he did know contemporary Jewish polemic against the Gospels.

Paul of Burgos identifies the “fables” of 1 Tim 1:4 more generally with the “frivolous and empty fables which are often found in talmudic teachings,” as has been fully enough shown (he says) in his Additions on Isa 34 and Zech 5. In Isa 34:5–17 he had interpreted Edom as the Jewish people, the streams turning to pitch (verse 9) as pharisaic and talmudic teaching, and the *daemonia* (verse 14) as the demons known to the creators of rabbinic tradition; he gave examples of talmudic absurdities from haggadic legend with regard to the Deity, such as his nightly lamentation for having destroyed Jerusalem (*b. Ber.* 3a). In Zech 5 he had identified the flying roll and the ephah of the prophet’s vision with the Mishnah and the Talmud, respectively; he noted that he had already spoken of the absurdities in the Talmud in his Addition on Isa 34, and he now went on to list some talmudic *precepts* thought open to criticism. He clearly adheres to the tradition of talmudic criticism, as moulded especially by the Paris proceedings.

Paul of Burgos affirms that these talmudic fables do indeed descend from pharisaic teaching, as the whole Talmud does. He goes on, however, to correct Nicholas’s identification of the fables with the traditions on legal observances; these traditions can be called mistaken or pernicious, but should not, Paul says, be identified with fables. Here he seems to underline the distinction between halakhah and haggadah. The same distinction was implicitly observed in his interpretations of Isa 34 and Zech 5, as noted above. One may recall that the record of Yehiel’s deposition at Paris, also cited above, singles out the legal—halakhic—elements in the Talmud as representing Mosaic tradition.

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51 These passages are discussed, with a reprint of the Additions on Zech 5, by Merchavia, “The Talmud.”
distinction drawn by Paul also, however, had precedent in Christian Pentateuchal interpretation (perhaps allowance should be made for some impression left by Jewish exegesis in this regard). So Aquinas, interpreting “Jewish fables” in Titus 1:14, says that in the law there were twofold *documenta fidei*, “lessons of faith,” concerning belief on the one hand, and observance on the other—and the first are called “fables” (but this can be referred, he continues, not to the Pentateuch itself, but to stories going beyond the teaching of the law, which are fabulous, such as the Talmud).53

Here, as in his comment on 1 Tim 1:4, quoted above, Aquinas identifies the “fables” of the Pastoral Epistles with the Talmud or traditions within it; but in the earlier comment he seems to allow for a distinction between true Mosaic unwritten tradition and the rest. Paul of Burgos, by contrast, in this passage appears more globally anti-talmudic, although he could in other contexts appeal to post-biblical Jewish literature for confirmation of Christianity. Nevertheless, although he is clear that both the halakhic and the haggadic material in the Talmud should be censured, he strongly maintains—with Christian precedent—a distinction corresponding to the distinction upheld within the Jewish community between the halakhah and the haggadah.

The distinction found in Paul of Burgos and Aquinas was followed in the early seventeenth century by another standard commentator, Estius (Willem van Est, died 1613, of the university of Douai), who notes that some identify the fables of 1 Tim 1:4 as Jewish *deuteroseis*, but that the latter appear from Matt 15, Col 2 and Jerome’s letter to Algasia (all quoted above) to be “precepts” (Isa 29:13) rather than narratives; Estius suggests that the separate mention of “Jewish fables” together with “commandments of men” at Titus 1:14 confirms that there is a distinction to be drawn between fables and precepts.54

It is striking that, by contrast with the importance of the Pastoral Epistles for ancient and mediaeval discussion of the Talmud, none of the three passages from them which are connected with Jewish literature in that discussion receives any comment from Billerbeck. Once again the relative fullness of the consideration of Jewish sources in the Gloss and the commentaries read with it stands out.

54 Estius, *In omnes Pauli epistolæ*, v, 117, on 1 Tim 1:4; this commentary was first issued in 1614, after the author’s death.
These limited soundings in the New Testament interpretation of the Gloss Ordinary, Nicholas de Lyra and Paul of Burgos may suffice to confirm that their interest in Jewish and rabbinic tradition was applied to the New Testament as well as the Old. The Gloss mediated the patristic concern with Jewish exposition: Nicholas de Lyra brought fresh first-hand knowledge of Rashi (with his rich rabbinic material), many midrashim, and current Jewish interpretation: and Paul of Burgos added a critical but informative interest in specifically talmudic traditions.

It is clear, as already noted, that this aspect of the mediaeval commentary tradition was appreciated in the setting of sixteenth- and early Seventeenth-century Christian Hebraism, at the time when these commentaries were frequently reprinted. The mediaeval exegetical tradition can be said to make the *praeparatio rabbinica* complete. Yet it was not straightforwardly developed. So a widely used continuous commentary like that of the Jesuit Cornelius à Lapide (van den Steen), professor of exegesis in Leuven in the early Seventeenth century, for all its valuable learning, can show a stronger interest in contemporary religion and polemic than in the illumination of the New Testament from Jewish literature.\(^5\)

3. Christian Hebraism from the Seventeenth Century Onwards

John Lightfoot (1602–75) was the effective founder of specialized rabbinic commentary on the New Testament, although he had predecessors in this genre, as will be seen in a moment.\(^6\) By contrast with the late mediaeval commentary just studied, Lightfoot and others like him represented a new start. He himself used the phrase *inusatior hic noster commentandi modus*, “this our more unusual manner of explaining Scripture.”\(^7\)

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5. He cites little rabbinic material, and that through comments by others, according to Meuschen, *Novum Testamentum*, Preface, signature (b)3.


The established mediaeval tradition of commentary had indeed combined with the revived Christian Hebraism of the sixteenth century to encourage exploration of rabbinic texts for New Testament exegesis. Nevertheless, the incorporation of insights from Jewish sources into the broad ecclesiastical tradition of continuous comment on Scripture, as reflected in the Gloss, Nicholas de Lyra and Paul of Burgos, was something different from Lightfoot's publication of specialized notes on the rabbinic aids to interpreting a series of particular passages. In retrospect one is impressed by the continuity of concern with rabbinic literature in biblical interpretation, from the mediaeval to the early modern period; but it is comprehensible that the new wave of Christian Hebraist New Testament exegetes, in the mid-seventeenth century, felt themselves to be pioneers.

The medium they chose contributed to this sense. They were not so much commentators, as annotators. P. van Rooden, following H. de Jonge, has underlined the distinction between the two styles of biblical comment then current—continuous commentary, often with a greater degree of theological concern, and annotation of occasional verses, often with an inclination towards philology and history. Of course the same exegete could sometimes write in both styles, as was the case with Estius, mentioned just now. Nevertheless, the distinction was important. Lightfoot and his predecessors were not developing the continuous commentary classically exemplified in the Gloss and Nicholas de Lyra, with its existing rabbinic element, but rather the tradition of annotating the New Testament which went back to Erasmus and Beza, and was linked with the revival of Greek. A great example of such annotation, treating a broad range of historical and philological questions, including many connected with Hebrew tradition, was offered in Lightfoot's time by Hugo Grotius's *Annotationes* on the New Testament (published 1641–50).

The narrower field of specifically Jewish and rabbinic New Testament annotation was also being cultivated. Celebrated Hebraists showed the way by precept and example. Thus J. Buxtorf I in his Aramaic grammar (1615), with its selections from the Aramaic of the Targums, the talmudic writings and the *Zohar*, noted the continuity of rabbinic

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59 With his continuous commentary on the Epistles contrast his *Annotationes*, first issued in 1621.
tradition from pre-Christian times, and the use made of it by Christ himself; and he began also compiling a great aid to rabbinic reading in his rabbinic lexicon, eventually completed and published by his son J. Buxtorf II (1639)—Lightfoot expressed his debt to it in a letter to Buxtorf II. To pass to example, in 1612 the great Dutch Hebraist J. Drusius the elder had already published a book of New Testament annotations called Praeterita, citing Jewish material overlooked by Erasmus, Beza and others. Then in the Reformed community in France Louis Cappel issued rabbinic gleanings, Spicilegium, on the New Testament (1632), and he revised these for a second edition (1657), in which he printed them together with hitherto unpublished work of the same kind by his elder brother Jacques. In Germany Theodor Hackspan (1644) cited Louis Cappel’s Spicilegium, together with J. Buxtorf I’s Aramaic grammar, as testimony to the value of rabbinic texts for New Testament interpretation; he sought to bear them out by sixty pages of his own rabbinic exposition of texts from the Gospels, Acts, and Epistles. Lastly, in England Christopher Cartwright of York (1602–58), a contemporary of Lightfoot and for a time a Fellow of Peterhouse, Cambridge, issued work on Pentateuchal interpretation in the light of the Targums; but he also compiled biblical and other notes from his rabbinic reading in Mellificium Hebraicum. He sent the manuscript to London friends, with a view to publication, not long before he died. It was then issued posthumously by Bishop Pearson in the last volume of Critici Sacri (1660), the compendium of interpretative scholarship which formed a companion to the London Polyglot Bible. Cartwright’s notes include two books of New Testament annotations which draw considerably on the midrash, but also often cite talmudic texts.

Lightfoot’s work of this kind was still more extensive. His series of Horae Hebraicae on New Testament books moved, as had also been the case with Grotius’s annotations, somewhat nearer to the form of a continuous commentary. The series was introduced by Centuria Choro-

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60 On J. Buxtorf I’s Grammaticae Chaldaicae et Syriacae Libri III and J. Buxtorf II’s Lexicon Chaldaicum Talmudicum et Rabbinicum (with Lightfoot’s letter to Buxtorf II), see Burnett, From Christian Hebraism, 116f, 128–132, respectively.

61 Drusius senior and Cappel are picked out as predecessors of Lightfoot by Meuschen, Novum Testamentum, preface, signature b(3).


63 Cartwright, Mellificium Hebraicum, in Pearson, Critici Sacri, ix, cols. 2975–3056 (the New Testament chapters); his importance with regard to New Testament annotation was brought out by Moore, “Christian Writers,” 216f.
graphica (preface dated 22nd May, 1658), illustrating the topography of the Holy Land especially by the light of the Talmud—light which was unduly neglected, in his view, by topographers. Then the *Horae Hebraicae* on St. Matthew followed almost immediately, in June, 1658, and the *Horae* on the other Gospels (again with topographical inquiries), and 1 Corinthians were issued at intervals until 1674; those on Acts and Romans appeared posthumously, edited by Richard Kidder, in 1678. These works arose from Lightfoot’s own Hebrew and rabbinic reading over many years, and they stood out for their extent and substance; but they could be associated with existing Jewish and rabbinic annotations on the New Testament by other Protestant scholars. The separation of work of this kind from the still-influential tradition of mediaeval commentary is symbolized by L. Cappel’s twenty pages on the “gift” (corban) of Matt 15:5; he does not discuss the explanations of Nicholas de Lyra and Paul of Burgos noted above.

If the medium contributed to the sense of newness, so also, and perhaps to a greater extent, did the recovery of Hebrew and rabbinic knowledge which provided the matter for the annotations. Lightfoot and others worked largely from their own rabbinical reading. The fund of talmudic knowledge which had been stored up in translation in Theobald’s Extracts remained unpublished, and the *Pugio Fidei* was not printed until 1651, despite earlier efforts. On the other hand, the availability of printed books meant that primary texts and lexical and other helps to their understanding were more readily accessible. Rabbinic annotations on the New Testament were the fruit of a second Christian discovery of rabbinic literature, which made the period from the sixteenth to the early eighteenth century the second great age of Christian Hebraism. Lightfoot’s contemporary George Bright thought that the rabbinical study of this age had had somewhat the fortune of a new field of inquiry like Chemistry, taken up not just by the curious but by serious scholars. The publication of Lightfoot’s *Horae* was

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66 On attempts by Philippe de Mornay and others to have it printed in Basle see Burnett, *From Christian Hebraism*, 93–95.

framed by large-scale European efforts to make post-biblical Hebrew texts, especially the Mishnah and the Code of Maimonides, accessible to Christian scholarship, and to gain familiarity with the Talmud and the Jewish aids to talmudic study.\footnote{On these seventeenth-century endeavors see Danby, \textit{Gentile Interest} and my \textquote{Christian Hebraism}; for perspectives from the work of two individual scholars see van Rooden, \textit{Theology}; Burnett, \textit{From Christian Hebraism}.} A monument of these efforts, just after Lightfoot’s time, was the edition and translation of the Mishnah, with translations of the commentaries by Maimonides and Obadiah Bertinoro, and further explanations, issued in Amsterdam (1698–1703) by G. Surenhusius (W. Surenhuis).\footnote{Van Rooden, \textit{“Amsterdam Translation.”}} Lightfoot himself left in his Nachlass some elements of an introduction to the Talmud Yerushalmi.\footnote{\textit{Vestibulum Talmudis Hierosolymitani} and \textit{Index aliqualis Talmudis Hierosolymitani}; see Lightfoot, \textit{Opera Omnia} (1699), ii, in the separately paginated \textit{Opera Posthuma}, 27–62. Compare the remarks on the date of the Talmud Yerushalmi in \textit{Centuria Chorographica} (1658), chapter 81, on the history of Tiberias, reprinted in Lightfoot, \textit{Opera Omnia} (1699), ii, 227–229, English translation in Lightfoot, \textit{Works} (1684), ii, 72–74.}

Correspondingly, Lightfoot treats his concentration on rabbinic sources as a new feature which he expects to evoke opposition. He accepts most of the old commonplaces of criticism of the Talmud which have been met already in Paul of Burgos—it’s tendency to obscurity and triviality, its involvement with fables, magic and hostility to Christianity, its leading astray of those who revere its authority; but he notes that criticism can be over-rated.\footnote{For the criticisms mentioned here see two texts first issued in 1658: \textit{Centuria Chorographica} 81, cited in the previous note, and the Epistle dedicatory to the \textit{Horae} on St Matthew’s Gospel, in Lightfoot, \textit{Opera Omnia} (1699), ii, 245f.; English translation in Lightfoot, \textit{Works} (1684), ii, 93f.} These writings (he says) suffer the singular misfortune that, \textit{vituperata satis ab iis, qui legerunt, ab iis, qui non legerunt, vituperentur multo magis}; “they are sufficiently reproached by those that have read them, but undergo much more infamy by those that have not.”\footnote{For these words, and other passages paraphrased or quoted in the remainder of this paragraph and in the next, see \textit{In Evangelium Sancti Matthaei Horae Hebraicae et Talmudicae}, Epistle dedicatory (1658), in Lightfoot, \textit{Opera Omnia} (1699), ii, 245–6; English translation in Lightfoot, \textit{Works} (1684), ii, 93f.} He urges that, although they are indeed open to criticism, they also offer much of inestimable value: on the geography and topography of the Holy Land, on Jewish and early Christian history, and above all on the interpretation of the New Testament. It is in these areas, and especially with regard to the New Testament, that he has sedulously gathered material from them in his own reading.
Lightfoot concludes that justice can be done to the talmudic writings only by a series of paradoxes. One or two of them have often and justifiably been quoted:

*Non sunt auctores, qui lectorem magis terrent et torquent; et non sunt tamen, qui magis alliciunt et delectant. Apud nullos maior est, aut aqua, nugacitas; et vix tamen apud ullos maior, aut aqua utilitas. Aciores hostes, quam istos, non habet doctrina evangelica; et tamen planiores interpretes, quam istos, non habet textus evangelii.*

There are no Authors do more affright and vex the Reader, and yet there are none, who do more intice and delight him. In no Writers is greater, or equal, trifling, and yet in none is greater, or so great, benefit. The Doctrine of the Gospel hath no more bitter enemies than they, and yet the Text of the Gospel hath no more plain interpreters.

In the end, he says, his *Horae* must justify themselves by their matter. They succeeded in doing so. Rabbinic annotations on the New Testament, however new, themselves became traditional. Lightfoot was followed in eighteenth-century Dresden by C. Schoettgen, who supplemented the notes on the books annotated by Lightfoot, and continued the series to cover the whole New Testament (1733); the volume concludes with six dissertations on special subjects. His new matter included much from the *Zohar* and other mystical writings, still taken to be fundamentally from the third century. He begins by noting that many have accused Lightfoot of excess in following the Jews, a criticism which is, he says, for the most part unjustified; but on the other hand, he goes on, Lightfoot is praised by very many of equal judgment. He has taught them so much, that one might adapt the byword about Nicholas de Lyra, and say that if Lightfoot had not played the lyre, many would not have danced. Schoettgen followed this work with a second volume of *Horae* (1742), illustrating (again, often from the *Zohar*) Jewish teaching on the Messiah; these notes are not on the New Testament directly, although of course they often recur to it. The two volumes remained a standard resource until the nineteenth century.

Schoettgen’s first volume was almost immediately followed by J.G. Meuschen’s collection of work illustrating the New Testament from the Talmud and the antiquities of the Jews (1734). He published

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73 Schoettgen, *Horae Hebraicae et Talmudicae* (1733), Preface, section i.
74 Meuschen, *Novum Testamentum*. 
here, among other things, over two hundred pages of talmudic notes by Balthasar Scheid on New Testament texts, from Matthew to the Apocalypse, and sixteen treatises by J.A. Danz of Jena, amounting to over seven hundred pages, on New Testament passages and subjects in the light of rabbinic literature; a shorter series of tracts by J. Rheinferd include discussion of the Apocalypse in the light of mystical texts. Two studies by Meuschen himself, on the Sanhedrin and the ancient Jewish academies, conclude the collection. He notes the advantage that he had in access to Hebrew books through his residence as pastor at Frankfurt an der Oder, with its lively Jewish book trade.

Meanwhile much of the rabbinical New Testament interpretation mentioned so far had been passing into the mainstream of biblical exegesis through collections of notes by critics on the whole New Testament. Thus Matthew Pole's *Synopsis Criticorum* (first issued 1669–1676) brought Nicholas de Lyra, from the mediaeval tradition, together with the brothers Cappel, Christopher Cartwright, John Lightfoot and many other commentators and annotators, notably Grotius.75 Then in 1725 J.C. Wolf, famous for his bibliography of Hebrew literature, compiled philological and critical notes on the New Testament. He mentions Pole gratefully, but in deliberate divergence from him he draws not mainly on the commentators, but rather on books and dissertations which have incorporated some contribution to New Testament interpretation.76 These include works of a great many Hebraists, such as Hackspan and Danz, both noted above, John Selden and John Spencer.

Finally, a particular influence was exerted by J.G. Wettstein’s historical and philological commentary, in his edition of the Greek New Testament (1751–2). He says that when as a young man he was first teaching in Basle, and did not want to treat systematic theology, he followed the advice he was given to lecture on philological New Testament commentators like Grotius, Henry Hammond and John Lightfoot. His own commentary is drawn, as the title-page notes, from “ancient Hebrew, Greek, and Latin writers.” It is perhaps best known for abundant classical quotation, and illustrations from Greek and Roman religion; but it also quotes liberally from rabbinic literature (see for instance the catena of talmudic and midrashic passages on angels which illustrates Luke 2:19, on Gabriel). Wettstein’s register of sources includes Surenhusius’s

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76 Wolf, *Curae Philologicae et Criticae*, i, 9–10, with 15–32 (bibliography).
Thus the tradition of specialized rabbinical annotation on the New Testament was incorporated into the general work of exeges. Thanks to the international character of seventeenth- and eighteenth-century biblical study, the influence of this movement was not confined to its original home in northern Europe and the communities of the Reformation. Thus the great Italian Hebraist G.B. de Rossi saluted the work of Lightfoot and Schoettgen as showing how extensively the rabbinic literature illustrates the New Testament. It was indeed clear, in the eighteenth century as much as it had been at the end of the Middle Ages, that a responsible New Testament commentator would use rabbinic as well as classical literature. Then in the nineteenth century Lightfoot was reprinted in English translation, as noted above, but not until the beginning of the twentieth century was an attempt made to unite his special approach with the fresh knowledge of Jewish literature arising from the Wissenschaft des Judentums.

H.L. Strack (1848–1922) had made this new knowledge, together with that accruing from earlier work by Hebraists like Surenhusius and Wolf, widely accessible through his Einleitung in Talmud und Midrasch (1887, often revised and reprinted in German and in English translation, and eventually rewritten by G. Stemberger). On Strack’s initiative Paul Billerbeck (1853–1932) sifted the material of Lightfoot and Schoettgen, vastly amplified it, put it into German, and aligned it with modern rabbinical study, especially that of Wilhelm Bacher. The result was the famous Kommentar issued under the names of Strack and Billerbeck, but written by the latter (1922–8; index volumes were added by Joachim Jeremias after Billerbeck’s death, in 1956 and 1961). Billerbeck, like Meuschen before him, wrote while a pastor in the region of Frankfurt an der Oder. He shared Strack’s background of support for mission to the Jews (sometimes combined with defence of Jews and rabbinic literature against anti-Jewish allegations) and for the scholarly study of post-biblical Hebrew literature.

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Wettstein, Novum Testamentum Graecum, i, 191, 649f.; ii, 897f.; his significance as a link between Lightfoot and later times was underlined by Neill in Neill – Wright, Interpretation, 315, n. 3.

De Rossi, De praeceptis caussis (1769), 142.

On Billerbeck and his setting see Deines, Die Pharisäer, 257–259, 430–432; Schaller, "Paul Billerbecks ‘Kommentar’," 61–84.
Billerbeck gave scrupulous attention to dating. Most of Schoettgen’s mystical material was accordingly omitted as mediaeval, the generations and countries of the rabbis were carefully noted, and sometimes there was special discussion of the question whether seemingly relevant rabbinic and Targumic material could in fact be used to interpret the New Testament (for example in connection with the Logos in John 1, where the answer given is No). For all these changes and enlargements, Billerbeck visibly continues the form of Lightfoot and Schoettgen, combining notes on particular verses with longer dissertations; despite its great length and its title Kommentar, the work sticks to the tradition of Annotations, and does not offer a continuous commentary.

Like the earlier works in this tradition, Billerbeck’s Kommentar emerged from a setting of the rediscovery of primary rabbinic sources, manifest in Germany especially (but not only) in the series of the Giessen Mishnah (1912 onwards), and in England in Herbert Danby’s translation of the Mishnah (1933), with his earlier series of translations from the Mishnah and Tosefta (1919–27), and then in the Rabbinic Anthology of C.G. Montefiore and H. Loew (1938). Like the earlier works in this tradition, Billerbeck’s Kommentar emerged from a setting of the rediscovery of primary rabbinic sources, manifest in Germany especially (but not only) in the series of the Giessen Mishnah (1912 onwards), and in England in Herbert Danby’s translation of the Mishnah (1933), with his earlier series of translations from the Mishnah and Tosefta (1919–27), and then in the Rabbinic Anthology of C.G. Montefiore and H. Loew (1938).80

In England at the same time some work partly comparable with that of Billerbeck was appearing from Anglo-Jewish scholars. Israel Abrahams, who had given full attention to the New Testament in his 1909 study of “Rabbinic Aids to Exegesis,” cited above, published two series of rabbinic discussions of Gospel questions, Studies in Pharisaism and the Gospels (1917, 1924).81 Then a commentary from C.G. Montefiore, The Synoptic Gospels (1909), while not mainly drawing on rabbinic illustration, was concerned with the Jewish dimension, and in a revised second edition (1927) took account of Billerbeck’s work. This was followed by Montefiore’s book Rabbinic Literature and Gospel Teachings (1930), which, as the author generously acknowledges, is based to a considerable extent on Billerbeck; it is a kind of short English equivalent, written from a Liberal Jewish point of view. It includes contributions from and reflections of discussion with Herbert Loew. The two were then jointly responsible for their Rabbinic Anthology, mentioned already. Finally, a question of importance in the gospels and rabbinic literature alike was discussed in Herbert Loewe’s own Render unto Caesar (1940). These

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80 On these Mishnaic editions and translations see Danby, The Mishnah, pp. v–vi, n. 3.
works are part of a broader modern tradition of Jewish contribution to New Testament scholarship which has often encouraged attention to rabbinic interpretation, through a series of names from Samuel Krauss and Adolph Büchler to Menahem Kister and Daniel Boyarin.

Then from the 1940s to the beginning of the new century the tradition of Billerbeck, with fresh impulses from the discovery of the Targum of Codex Neofiti 1, helped to evoke a series of books on Jesus, Paul, and New Testament subjects in the light of rabbinic literature. Authors related in some way to this tradition of New Testament study include Joachim Jeremias, W.D. Davies, Roger le Déaut, Martin McNamara, Birger Gerhardsson, E.P. Sanders, Peter Tomson, Friedrich Avenarie and Markus Bockmuehl, and it is part of the background of work in the same field by Jewish scholars including David Daube, David Flusser and Geza Vermes. This series of writings is still in progress.

4. Early Modern and Modern Discussion of Rabbinic Approaches

Simply to name Billerbeck, however, is to recall the criticism which has been attracted by his own work, and by the approach to the New Testament which he continued. In part this criticism, especially since the 1960s, has been a reaction related to questions about the effect of Billerbeck’s own work in its place and time; did his conviction of the superiority of the gospel to rabbinic religion in some way contribute to the general atmosphere in which anti-Jewish measures were initiated shortly after his death—this despite his own steadfast insistence on the Jewishness of Jesus? In part, however, the criticism of Billerbeck’s work has been evoked by features which it shares with the scholarly tradition in which it stands, going back to Lightfoot. Thus it was quickly asked, after the Kommentar had begun to appear in the 1920s, if justice is done to rabbinic literature when selections are drawn from it to illustrate another text, especially one held by the selector to be intrinsically superior.82 The selections, which were issued at a time of rediscovery of rabbinic literature, should indeed be complemented by independent

82 For an instance of this type of criticism in detail see H. Loewe, “On ‘Acting Clev- erly’ (S.B. Vol. iv. pp. 14 foll.),” Appendix ii in Montefiore, Rabbinic Literature, 380–89; the general point was also central in Montefiore’s own critique of Billerbeck, discussed by Deines, Die Pharisäer, 261f.
rabbinic reading, as has often been noted. On the other hand, it must be remembered that the object of a work of this kind is not to give a representative anthology of rabbinic literature, but to contribute to the exegesis of the New Testament books.

Further criticism, however, has been focused on philological and historical questions which are still being broached. These concern the scholarly viability of the whole project of illustrating the Greek New Testament from Hebrew and Aramaic rabbinic literature, preserved in compilations made after New Testament times. The rabbinic studies of the New Testament during the last fifty years which were mentioned above have been appearing in a setting changed on the New Testament side by consideration of the Qumran finds, and on the rabbinic side by a critical emphasis placed in various ways, as such names as Louis Jacobs, Jacob Neusner and D. Weiss Halivni may indicate, on the importance of the redaction of the rabbinic documents and their ongoing life as texts. No longer are the rabbinic texts the only extensive attestation of the Hebrew and Aramaic used by post-biblical Jews in antiquity, and their relatively late date, now highlighted by critical trends, appears to put them at a disadvantage for New Testament illustration by comparison with the Qumran texts. None the less, as the series of rabbinic treatments of the New Testament suggests, the rabbinic material continues to vindicate its own aptness for this purpose. Against this contemporary background I should like to notice some of the earlier criticism of this project, the responses to it, and two arguments put forward in favour of the rabbinic approach.

The mediaeval critique of the Talmud, based as it was on the New Testament, had paradoxically contributed to the serious consideration of Jewish tradition in connection with the New Testament which was illustrated above. At the same time, of course, it helped to foster suspicion of any explanation of the New Testament from rabbinic material, as Matthias Döring shows. This was the suspicion which John Lightfoot tried to dispel, even as he accepted much of the old critique. Aversion from rabbinic sources as non-Christian, absurd, misleading and unworthy to be used in scriptural interpretation was to be reckoned with in the seventeenth century and well beyond it. This reaction was at the opposite pole from the modern sense, noted above, that justice is not done to the rabbinic literature by this use of it.

On the other hand, there was some movement towards criticism on philological and historical grounds. Thus in Pole’s survey of exegesis the tight mediaeval interconnection of Colossians and the Pastorals
with Matt 15 as specifically anti-talmudic polemic is somewhat loosened. In the interpretations he records, drawing especially on Grotius, Lightfoot and Drusius in Matthew, and Estius, Grotius and Drusius in the Epistles, the “traditions” of Matt 15 are indeed connected with the Talmud and the idea of the oral law; but Hellenic as well as Jewish identification of the “traditions” of Col 2:7 is offered, and the “fables” of 1 Tim 1:4 and Titus 1:14 are linked not with the Talmud specifically, but with Jewish sources including mystical literature and the Targums. Correspondingly, rabbinic interpretation can now be criticized not primarily because rabbinic material in Hebrew and Aramaic is doctrinally misleading, but because it is alien to the Greek New Testament.

This criticism on the ground of the Greek language of the New Testament is the first of the two main philological and historical objections to be noted here. Towards the end of the seventeenth century, it formed a regular contention of a great adversary towards enthusiasm for rabbinic sources in New Testament study, the Oratorian scholar Richard Simon. He was himself interested in contemporary Judaism and (up to a point) in post-biblical Hebrew literature, as attested by his translation of Leone Modena’s *Riti ebraici* (1674), soon supplemented by his own *Comparaison des cérémonies des Juifs et de la discipline de l’église* (1681). Nevertheless, in his critical history of New Testament exegesis (1693) he subjects rabbinic interpreters to a freezing blend of Enlightenment elegance and Greek as well as Hebrew scholarship. He spares nobody. To paraphrase selectively—the Gloss, after all, he says, is no more than the work of a monk, composed in barbaric times, “dans des tems de barbarie.” If only Nicholas de Lyra had known Greek as well as he knew Hebrew, his comments would have been more exact. Paul of Burgos is best when drawing on his good knowledge of Jewish literature, but Döring justly accuses him of adding doubtful matter. L. Cappel pretends that the New Testament is in rabbinic phraseology—and in fact the Rabbis speak through Cappel himself rather too often. As for John Lightfoot, Christians will not gain much from the rabbinic erudition of this Englishman, if they do not add to it the study of the Septuagint; that is much more useful for learning the style of the New Testament, when joined with a modest acquaintance with Hebrew and

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83 Pole, *Synopsis Criticorum*, iv, cols. 387–390, on Matt 15:2; v, col. 908, on Col 2:7; cols. 1008f, on 1 Tim 1:4; cols. 1146f, on Titus 1:14.

84 These are reprinted with introduction and comments by Le Brun – Stroumsa, *Les juifs*. 
Syriac, than “tout ce grand apparat de Rabbinisme”—which Lightfoot sometimes accommodates to his own ideas.  

“Who is able to abide his frost?” The effect of Simon’s valid insistence on the importance of Greek and the Septuagint is somewhat spoilt, however, by his evident impatience with a good deal of rabbinic literature. In his *Comparaison* he had stressed the fabulous character of much in the Talmud, suggesting that it is better to leave it aside and simply to read the summary in Maimonides (whose elegance and clarity strongly appealed to writers of this epoch). A little later, in a letter of 1685, he wrote that he had long ago left off reading rabbinic literature, and that it had never pleased him very much. He is not far in spirit from the rationalistic element in the mediaeval critique of talmudic “absurdities.”

At the same time Simon’s emphasis on Greek and the Septuagint indicates some disputes as noticeable now as then, in which sometimes perhaps alternatives are wrongly treated as mutually exclusive. Within the range of sources for New Testament illustration, should the Septuagint and Greek writings be used rather than rabbinic texts? In recent times, as already noted, the Qumran texts too have been considered as an alternative. In fact, however, much in the New Testament receives light from rabbinic rather than Qumran sources, and in the end Qumran texts, the Septuagint, Jewish and non-Jewish Greek writings, and rabbinic sources are all needed by New Testament exegetes. Again, is the Greek style of the New Testament in some way Semitic, and to be understood through Hebrew and Aramaic rabbinic literature, or is it to be approached through the Greek of the Septuagint and contemporaneous non-Jewish Greek material? The stylistic point was repeatedly brought to the fore by defenders of a rabbinic approach to the New Testament, from L. Cappel down to G.B. De Rossi; they urged, in the way resisted by Simon, that the rabbinic writings formed the key to the New Testament “Hebraisms.” This long-lived question received

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89 Cappel, *Spicilegium*, 4 (the understanding of the phraseology of the New Testament authors depends on knowledge of Hebrew, Aramaic, and the rabbinic idiom); De Rossi, *De praecipuis causis*, 111f. (they wrote Greek in a Hebrew way, being Jews).
fresh impetus in the twentieth century from the study of papyri, which underlined the importance of Greek usage in general for the description of New Testament Greek; but thereafter it was still possible to suggest that New Testament style was distinguished by a concatenation of Hebraisms, Aramaisms, and Septuagintalisms, indicating a Greek influenced both by Hebrew and Aramaic and by the Septuagint.90 Now once again the Qumran texts give aid in the study of Hebraisms and Aramaisms, but students of the subject continue to benefit from the abundance of rabbinic literature and its particular contacts with some New Testament usages.

A second criticism of the rabbinic approach which has come to the fore by the end of the seventeenth century concerns a point which is once again familiar from more recent discussion, the date of the rabbinic literature. Is it too late to be used for the illustration of the New Testament? The question was discussed by another learned theologian of the early Enlightenment, J.A. Fabricius of Hamburg, known for his comprehensive bibliographical works, notably on the history of Greek literature.

Fabricius began the treatment of Hebrew antiquities in his Bibliographia Antiquaria (first issued 1713) with a concise introduction to sources. He mentions Philo and Josephus, the Old and New Testaments with commentators who treat of antiquities (Lightfoot is among those named), and finally the Mishnah, the Talmud, and the Code of Maimonides, with reference in each case to editions, comments, and translated material. He notes that although the Mishnah is relatively old, being connected by Maimonides with the second century, the Gemara was not completed until the sixth century, and may include some still later material. On this point his emphasis recalls that of more recent rabbinic study. Like Simon, Fabricius stresses that the Gemara is hard and often fanciful and obscure, and that the substance of the Talmud is more clearly set out in Maimonides; but he refrains from saying that we should not try to read the Gemara. Similarly, although he underlines the fabulous aspect of the Gemara, he allows the reader to enter into Jewish as well as Christian discussion of this point by citing the defensive treatment of the talmudic haggadoth in Yehudah ha-Levi’s

Kuzari (3.67–74). The achievements of the Hebrew study of his time are themselves incidentally illuminated by the fact that he is able so readily to give this introduction to the literature, and to cite ongoing work on translating sections of the Gemara by Christian students of the Talmud (G.E. Edzard and Balthasar Scheid).

In the argument as to whether rabbinic literature can be used to illustrate the New Testament and the Jewish history of its age Fabricius himself seeks to stand, he says, between the two extremes of treating the rabbis as oracles, on the one hand, and dismissing them totally, on the other. He cites criticisms of John Lightfoot by Isaac Voss (1618–89), canon of Windsor and son of the Dutch humanist theologian G.J. Vos (Vossius). An ardent advocate of the Septuagint and Hellenistic and patristic sources, Isaac Voss urged that the rabbinic literature, by contrast, was essentially late and derivative, itself taking over Hellenistic and Christian material, and mainly shaped by the creativity of the Jews of the early Byzantine age. Here again one recalls more recent scholarly emphasis on the Byzantine setting of Palestinian rabbinic works and the formative influence of the talmudic redactors in Mesopotamia. Fabricius himself roundly asserts that he himself would rather have one testimony of Philo or Josephus than ten rabbis, but he allows that the older rabbinic texts are indubitably very useful for Jewish history and antiquities. He will give some credence to the possibility that rabbinic tradition may itself draw on Philo, Josephus and the New Testament, but he will not aver with Voss that it preserves no genuine independent contact with Jewish history before Justinian. Rather, the older rabbinic material, especially the Mishnah, forms a treasury of knowledge of Jewish custom, and can profitably be used to illuminate Scripture, as Lightfoot and others have shown.

A few years later, Schoettgen (1733) says that a twofold criticism has emerged among those who knew the work he was undertaking: first, Jewish writers are much later than the New Testament; secondly, they knew the New Testament books (as in the objection considered by Fabricius) and inserted in their own writings matter which would entice and mislead later Christian students (here the heritage of the old critique of the Talmud is once more visible).

These points seem plausible, Schoettgen says, but only to those who have never studied rabbinic literature. He makes gentle fun of the sec-

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91 Fabricius, Bibliotheca Antiquaria, 1–6.
92 Fabricius, Bibliotheca Antiquaria, 6–8.
ond claim, noting among other things how improbable it is that Jews in antiquity should have foreseen the appearance of Christian readers like Drusius or Lightfoot over a thousand years later. On the first point about dating, he notes that the Mishnah reflects the second century, not long after the apostolic age, and that Simeon b. Yohai (the principal authority in the Zohar, and hence a key figure for Schoettgen) lived in the early third century, still close to the time of the disciples of the apostles. Moreover, although many rabbinic books were compiled at a later date, they include early material, which has been handed down with care. He has himself also cited later rabbinic material, when it seems to him of profit for the illustration of a text.\footnote{Schoettgen, \textit{Horae Hebraicae et Talmudicae} (1733), Preface, sections xiii–xv.}

Together with the two main philological and historical criticisms, concerning the Greek language of the New Testament and the late date of the rabbinic texts, some answers have been emerging. These relate especially to Jewish aspects of New Testament style, idiom and content, and to the transmission of earlier as well as later material in rabbinic literature. Now two main arguments used in favour of the rabbinic approach can be sketched. The first can be called a pragmatic argument: that rabbinic materials do in fact illuminate New Testament texts. Both Fabricius and Schoettgen, as discussed above, conclude with this point. It was the main argument offered by Hackspan; having quoted Buxtorf I and L. Cappel on the importance of rabbinic tradition for an understanding of the customs and speech of Jews in New Testament times, he passes straight to his extended series of \textit{examples} of the way in which rabbinic texts illuminate the New Testament.\footnote{Hackspan, \textit{Liber Nizachon}, 423f.} Perhaps the pragmatic argument has been most persuasively put by Lightfoot, partly in the paradoxes quoted above, partly in his objection to a seeming aspersion cast on the rabbis (as the only authorities for a disputed use of a cup at Passover) by Samuel Rutherford of St Andrews in the Westminster Assembly. “There are things in the New Testament,” said Lightfoot, “which we must be beholden to the Rabbis for the explanation of them.”\footnote{J. Strype in Lightfoot, \textit{Works} (1684), i, xxvii.}

Here he came close to Origen, “we should not have comprehended it, if one of the Hebrews had not expounded to us the subject-matter,” as quoted at the beginning of this sketch.

A second argument met in the seventeenth century was formulated in the Middle Ages, and like the pragmatic argument it persists to the
present day. It is founded on Jewish claims for an oral law handed down since biblical times, as integrated, in controversy against Karaites, with a history of rabbinic tradition, and then eventually summed up by Maimonides. The corresponding mediaeval and later Christian claim took the form that there is indeed a Jewish tradition going back to biblical times, and that valuable remnants of it survive in rabbinic literature. This claim is associated especially with Raymund Martini, and was allowed with caution by St Thomas Aquinas, as noted above. In the seventeenth century this argument appears, again allowed with due caution, in Mishnaic studies by the royalist divine Robert Sheringham in Cambridge, and by Surenhusius in Amsterdam. Maimonides’s introduction to the Mishnah was disseminated at this period especially through E. Pococke’s *Porta Mosis* (1655), and then through Surenhusius.

In modern times the claim can be restated in the form of recognition of an interpretative tradition accompanying the transmission of biblical and other authoritative texts, combined, as in earlier times, with some critical acknowledgement of the transmission of edited forms of earlier as well as later material in rabbinic literature. Without this argument in some form one is hard pressed to explain the aptness of rabbinic explanations for New Testament texts in so many cases, the point which permits the pragmatic argument just noted. These two lines of thought still deserve consideration in present-day discussion of rabbinic approaches to the New Testament.

**Conclusions**

Now some conclusions which have been suggested by soundings in the development and critique of these approaches can be recapitulated.

(i) The New Testament can be said itself to suggest recourse to Jewish and rabbinic tradition for its interpretation. The gospels, Acts and epistles include a prominent group of passages on Jewish “traditions” and Jewish “fables.” These helped to indicate to early interpreters the continuance of Jewish tradition. At the same time they invited consultation with Jews for exegetical aid. This was occurring, as shown by

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Origen and Jerome, during the period of the formation of the rabbinic literature.

(ii) These New Testament passages suggested a critique of Jewish tradition, but at the same time allowed a commendation of it, symbolized by the presentation of Gamaliel and Paul in the Acts of the Apostles.

(iii) Just as patristic interpretation of the New Testament on “traditions” and “fables” formed the outline of mediaeval and later criticism of the Talmud, so the patristic use of material from Jewish and rabbinic interpreters formed a precedent of high importance for later Christian use of rabbinic interpretation.

(iv) The Carolingian and twelfth- and thirteenth-century rediscoveries of Jewish and rabbinic sources affected the study of the New Testament as well as the Old. The additions made from these sources to patristic exegesis come to be reflected in standard mediaeval commentaries on the New Testament: the Gloss Ordinary, followed by Nicholas de Lyra, who introduces rabbinic material especially but not only through his use of Rashi, and Paul of Burgos, who concentrates critically but also helpfully on the Talmud.

(v) These New Testament commentaries circulated widely in the fifteenth and sixteenth centuries. They helped to prepare the way for the specialized rabbinic annotation of the New Testament undertaken in the seventeenth century and later. Yet this movement, effectively founded by John Lightfoot although initiated before him, was in some ways a new start.

(vi) Lightfoot’s Horae were supplemented and developed to cover the whole New Testament by C. Schoettgen in the eighteenth century and, with outstanding abundance and care, by P. Billerbeck in the twentieth. At each stage much from these comments entered the exegetical mainstream. Since Billerbeck this has been evident especially in rabbinically-orientated New Testament work from both Christian and Jewish scholars.

(vii) Despite disjunctions and new beginnings, there is a measure of continuity in this approach to the New Testament, from patristic times to the present day. Recourse to rabbinic literature for New Testament interpretation corresponds to the prominent place of Jewish tradition in the New Testament itself.

(viii) More recent criticism of this approach has included questions on Billerbeck’s work in his own setting, and on the image of rabbinic literature which this method of annotation may suggest. Criticism is mainly posed, however, by long-standing philological and historical
questions. Should not the Greek New Testament be illustrated from Greek texts? Does not the relatively late date of the rabbinic literature make it inappropriate as material for comparison? The Qumran finds complement but do not replace rabbinic texts in New Testament interpretation; together with critical emphasis on the importance of late stages in the formation of rabbinic literature, they sharpen but do not fundamentally alter the question of date.

(ix) In the seventeenth and eighteenth centuries these questions concerning language and date were strongly debated, in terms which often anticipate later argument. The defence mounted by early modern Hebraists includes two points which are still worth consideration. First, some parts of the New Testament can hardly be understood without rabbinic knowledge (John Lightfoot on this point can be compared with Origen); secondly, in some form the rabbinic claim to a continuous tradition going back to the teachers of the Second Temple period is to be upheld.
METHODOLOGY IN RABBINIC STUDIES
Preparing myself to speak on the subject assigned to me by the organizers,1 “The Modern Study of Rabbinics—Historical Questions,” I was not quite sure which direction to take. For me such uncertainty is not without precedent: it would not be the first time I found myself not quite knowing what I was talking about. I did, however, ponder: should I talk about questions relating to the history of modern talmudic research, or rather focus on questions of a historical nature that emerge from the modern study of rabbinic literature, a problem usually formulated as “rabbinic literature as a source for history.”2 My way of responding to this dilemma was to append an equally ambiguous subtitle, that hopefully would address both issues. And so I called it: “The Tale of the Text,” referring of course to the rabbinic text. Here, too, a dual message is implied. Do I mean “the tale” or story of modern rabbinic textual studies, or do I wish to focus on “the tale that the text supplies,” that is: what do rabbinic texts tell us about the rabbinic period, and in general about Jewish history in Late Antiquity? Hopefully I will provide some thoughts on both of these questions. You will notice, however, that I have steered away from yet a third problem arising from the original title, namely trying to determine what time frame was intended by the “modern” study of rabbinics. Historians like myself love nothing more than to hold forth on when “modernity” begins (or, for that matter, “Late Antiquity”).

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1 This article adheres closely to the format of the lecture delivered at the colloquium, with the minimal addition of citations to relevant literature.

2 Growing attention has been paid to this problem in recent years, and the present lecture does not assume to summarise the entire issue, but only to point to a very small number of related issues. For a representative collection of some very diverse opinions on the matter see: J. Neusner and A.J. Avery-Peck, eds., Judaism in Late Antiquity, 123–230. For an incisive overview of the different approaches see: H.I. Newman, “Closing the Circle: Yonah Fraenkel, the Talmudic Story, and Rabbinic History,” 105–13.
In our case, however, I think the early 19th century might serve as a major point of departure, and so I will begin “the tale of the text” there, and rapidly work my way up to contemporary times. Indeed, if I were pressed to point to a watershed in the use of rabbinic materials for historical purposes, I might answer on a personal level. Having reached a certain age, I like to recall what the state of the field was when I arrived at the Hebrew University forty-five years ago and what has evolved since then. I say this not because I played any major role in these developments, but because every new direction or departure from what we were taught by our revered teachers, especially in our youth, is somewhat traumatic and leaves its mark on us. Parting from “girsa de-yankuta,” the learning of our youth, is never easy. But I do hope that the following remarks will offer a brief background and introduction to many of the questions that we will encounter at this gathering.

Establishing the Text

Our tale begins in the 19th century, for it was then that critical approaches to rabbinic literature began to crystallize, albeit slowly. But going back to my title, and profession, it is clear that the practitioners of rabbinic history at the time truly believed that the tale was in the text, that is: the history of the Jewish people in the rabbinic period can be found primarily in the rabbinic texts. This is striking, because I doubt that a tenth century Jewish historian such as Rav Sherira Gaon would have considered his stringing of rabbinic stories into a sequential narrative as a history of “the Jewish People.” He was, to my mind, acutely aware of the fact that his epistle was, at most, a history of rabbinic tradition. By the 19th century, however, this same weaving of rabbinic stories into a narrative was now being presented as “Geschichte der Juden,” and the renowned Heinrich Graetz would see nothing wrong with assigning chapters in Jewish history with subtitles such as: “The first generation of Palestinian amoraim,” “the 2nd generation,” and so on. Graetz was not the first modern Jewish historian to believe that the tale was in the text. During the years 1820–1826 Isaac Markus Jost published his nine-volume “Geschichte der Israeliten,”3 described by Ismar Schorsh as “the first comprehensive Jewish history by a Jew in a

European language since Josephus.” To the best of my knowledge, Jost was the first person in modern times to address the topic of rabbinic literature as a historical source. In a thirty-page excursus appended to the 4th volume of his work, Jost elaborated on the possibilities of using the Talmud as a source for history. Among other things he distinguished between the well-organized and—to his mind—carefully preserved Babylonian Talmud, which he considered of primary importance, and the Palestinian Talmud, for which he had less use, given its supposed lack of organization and coherence. This of course is ironic, as he could not yet know that within a few years the “Wissenschaft des Judentums” would embark on a protracted love-affair with the Yerushalmi, while at the same time denigrating the Bavli for all sorts of contemporary agenda-driven reasons. Moreover, Jost was no great lover of rabbinic Judaism, and he makes it clear that had its enemies succeeded in destroying the Talmud, this would have represented no great disaster for the fate of Judaism or the Jewish people. It would, however, have deprived historians of a major source of information.

Because 19th century scholarship truly believed that the tale was in the text, the culmination of that first stage dovetailed perfectly with the textual and philological orientation of the times. If, these scholars believed, we could only establish the pristine text, remove the corruptions, glosses, scribal errors and similar contaminations that crept into the text over the centuries, we would be that much closer to “the tale” as well. Enterprises such as Rabinowitz' *Dikduke Soferim* on the one hand, and the spawning of a series of publications of critical editions of various midrashim in the late 19th and early 20th century on the other, were considered crowning achievements in the modern study of rabbinic literature. I would quote, to this effect, the scholar considered by many to be the greatest philologist of rabbinic literature in the 20th

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4 I. Schorsch, *From Text to Context: The Turn to History in Modern Judaism*, 305.

5 Vol. 4, 264–294.


7 Cf. S. Baron, *History and Jewish Historians*, 251: “This otherwise quiet and cool-headed man occasionally loses his temper when he speaks of the Talmud and its laws...he is ready to denounce the Talmud as the source of many evils throughout Jewish history.”

8 On Jost’s approach to the Talmud as a historical source see Schorsch, 360–361; R. Michael, *I.M. Jost—Founder of the Modern Jewish Historiography*, 41–45 [Hebrew].
century. In his speech at the opening of the Institute of Jewish Studies at the Hebrew University, an Institute that I humbly chair today, entitled “Ha-Madda ha-talmudi we-tsorkhav” (Talmudic Scholarship and its Needs), Jacob Nahum ha-Levi Epstein proclaimed: “Our primary need today is the book, the accurate book. We lack a critical edition of the Mishna, critical and precise, a decisive publication which establishes a text that can be relied upon.” My own teachers were the immediate disciples of Epstein, and this was the ethos of critical rabbinic studies to which I was introduced as a young student. One of my teachers, Shimshon Rosenthal, never ceased to declare that talmudic history can only begin its scholarly course after we have produced critical editions of the entire rabbinic corpus. The ultimate philologist, Rosenthal went on to encapsulate what he thought the agenda of rabbinic research should be, and this, in a paean to Saul Lieberman published in 1963, entitled “Ha-Moreh”:

All philological-historical research relies on three things: the text, the language, and the literary and historical-realía context. Only after the establishment of these elements, in that order (i.e. text, language, context—IG) is there any hope of arriving at the meaning, the “logos” of the work.

Rosenthal was in fact restating the very same ideas asserted by Lieberman 20 years earlier in his “Martyrs of Caesarea,” wherein that giant of rabbinic scholarship argued that the Talmud can serve as an excellent historical document once issues of text, language meaning, time and place have been established.

The Deconstruction of the Text

Nevertheless, the early 20th century witnessed the first cracks in this conviction. Yes, said Gershom Scholem, the text may tell the story—but which text? How can we be certain that what was considered until now the definitive and normative text, namely rabbinic literature, tells the

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9 Cf. S. Lieberman, Siphre Zutta, 135, who refers to Epstein as “the father of critical, precise talmudic research.”
10 Yediyot ha-Makhon le-Mada’ei ha-Yahadut, 2, 5.
11 This argument was vigourously restated by Y. Sussman, “The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach,” 85 n. 178.
12 E.S. Rosenthal, “Ha-Moreh,” 15 [Hebrew].
whole story or even the real story? Might not heretofore marginalized texts preserve the “real” tale, rather than the supposed “normative” testimony of rabbinic literature? While the results of these questions, and the counter history of the Jewish religion that they produced, have by now become history, one can only wonder what role Scholem’s doubts had in moulding similar reservations in the mind of a young former Episcopalian priest who studied under him in Jerusalem in the 1940s, and who then returned to the US where he, too, raised serious questions regarding the very notion that there was only one normative tale to be told, a tale found in a hitherto conceived “normative” text. And while Morton Smith raised the question first regarding the nature of Jewish society in Second Temple times, he did not lack students who would pose the same question regarding the post-temple period of Jewish history, and the degree to which post-Temple literature indeed tells the story of the majority of Jews at the time, or even of a significant part of the Palestinian Jewish community, to say nothing of those throughout the diaspora. Indeed, one of Smith’s most illustrious students, and in fact his literary executor, noted correctly the movement among many mid-20th century historians of the pre- as well as post-70 CE period from the camp of the “unifiers,” that is those who until now had referred to “the Jewish people” as a normative and identifiable group, to the camp of the “separators,” for whom diversity among Jews, even to the extent of concurrent “Judaisms,” was the more accurate perception, and for whom “rabbinic literature” hardly reflected the beliefs or lifestyles of a vast segment of those people who nevertheless referred to themselves as Jews, or who others saw as such. But while this realization—albeit to varying degrees—was slowly winning over more and more historians, upon my arrival at the Hebrew University I was  

14 Scholem, of course, remained the great philologist who still believed in “the tale” of the text, but only questioned “which text.” Scholem’s commitment to the text was succinctly described by M. Idel, *Kabbalah—New Perspectives*, 23: “For most of his students and followers, Scholem’s initial commitment to the centrality of text study became an inert ideology of textology.”

15 For this connection between Scholem, Smith and a third scholar, Goodenough, who also challenged the “normative” model, see most recently: S. Fine, *Art and Judaism in the Greco-Roman World*, 38–41 (see Fine’s footnote 10, p. 220, for my use of “counterhistory”).


17 Fine, 41, identifies these students as part of a specific contemporary social and academic milieu.

still presented with the words of my mentor’s teacher, Gedaliah Alon: “The sages, acting alone, created a centralized and inclusive structure of leadership that was ultimately to put the nation back on its feet, to give it solidarity, and to enable it to survive… the concentration of national leadership into the hands of the scholars… did not take place without a struggle… the company of scholars also mirrored the varying social levels of the nation at large.” For Alon, the sages were a reflection of Jewish society, and the story of that society could still be found in the text, although Alon made great strides by realizing the need to contextualize that text within the broader scope of the ancient Roman and Byzantine world.

But less than a generation after Alon’s death, more cracks in the structure began to appear. Literary criticism of the mid-20th century slowly made its way to the shores of Israel, taking a few more years to come up from the coast and arrive in Jerusalem. In what was something of a watershed at the time, Jonah Fraenkel produced in 1978 the first of a series of articles, applying critical literary techniques of reading to rabbinic literature, most notably the aggadic components of that corpus. His conviction was that the vast majority of these traditions are literary constructs with overarching didactic messages, totally removed from events that were unfolding outside the walls of the bet-midrash. Rabbinic stories were precisely that: stories produced by rabbis for rabbis, so sophisticated in their structure that only those of their community could really appreciate their message and meaning. Thus created in a closed cultural and literary environment which he defines as “Geschlossenheit,” they could not possibly serve the real needs of the historian for hard, factual evidence of “what really happened.” The “tale” that until now we believed was in the text, had been exposed as a “tall tale.” Literary criticism as practised by Fraenkel and others leaves us with precious few hard facts after taking into account the “artful use of language, shifting play of ideas, conventions, tone, sound, imagery, syntax, narrative viewpoint, compositional units” and all the other measures that, to the literary critic’s mind, must be applied.

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20 For an appreciation of Alon’s work see the four lectures delivered to commemorate fifty years to his death, in: Jewish Studies 41 (2002): 71–106 [Hebrew].
22 Ibid., 157.
Indeed, scholars of this school are convinced that we historians must stand patiently in line until they have finished doing “their thing” on the texts, and only then—somewhat like scavengers—can we begin to nibble on the meagre remains.

Fraenkel’s indictment leaves nothing to the imagination: “The historian of the Talmudic Era cannot begin to use aggadic stories until the literary critic has completed the literary analysis…(but) historians are not willing to commit to this procedure….”

If the philologists demanded that historians hold off until we have a precise and reliable text, literary scholars demanded yet a further wait. And while this sort of scepticism was taking root among scholarly circles in Jerusalem, overseas—even among those who had begun their academic careers as historians of the talmudic era—additional questions were now being raised. In particular, the ugly spectre of rabbinic pseudepigrapha, the false attributions of statements to specific rabbis, was now bandied about as yet another nail in the coffin of rabbinic history. “How can you know R. Yohanan really said this,” we were constantly asked (when I say “constantly” I also mean scores of times by the very same scholar), and if this phenomenon of unreliable attribution is indeed widespread, not only does this preclude the possibility of producing rabbinic biographies, but the entire underpinnings of a dating system—the historian’s lifeblood—were now placed in question.

At the Mercy of the Redactor

As if all this were not enough to keep people like myself awake at nights, there appeared during the last third of the 20th century, questions deriving from the redactional processes that shaped the literature as we now have it. Much of this work has focused on the Babylonian Talmud, and conjures up in particular the names of Shamma Friedman and David Weiss-Halivni. Both of these scholars are extremely prolific and were successful in producing, through their teaching and writing,
students and entire schools that now accept their premises as fact, with the concomitant conclusions of their work striking yet another blow to the way we were accustomed to read rabbinic literature for historical purposes. The question here will always amount to the same issue: do we indeed have access to statements made by third and fourth century sages, or, as Friedman states in his introduction to *Perek ha-Isha Rabbah* (1978): “All we have is a contrived literary rendition of the opinion of an amora, formulated concisely and according to fixed literary models, which were inserted throughout the Talmud… and so we do not possess ‘divrei ha-amoraim’.”  

27 But not only do we not have “what they said” in its original, we are in effect totally at the mercy of the anonymous redactors who, in the words of Halivni “produced an almost entirely independent work.”  

28 The date of this new product has been periodically pushed off by Halivni. He started by suggesting that the redactional process of the *stammaim* (anonymous sayings) occurred primarily after Rav Ashi and until the end of the 5th century; later he opted for the mid 6th century. In a very recent article  

29 Halivni now maintains that stammaitic activity continued for 200 years, from the mid 6th century to the mid 8th. I need not tell where this leaves the author of a book on talmudic Babylonia,  

30 who still believes we can use the Babylonian Talmud as a major source for the 3rd to 5th centuries. Indeed, the impact of editorial processes on a whole range of contemporary historical representations of the Talmudic era has now only begun to emerge, with one recent conference producing a number of important studies of this issue and its potential for a radical reshaping of our image of the Talmudic past.  

31 Similar redactional problems adhere to all the books of the rabbinic corpus. Do these works reflect only the last stages of their formulation, rather than the periods of their rabbinic heroes? How heavy was the hand of the redactors in each case, and does each work represent the
Permit me to cite a very recent example of how important redactional criticism can be for our particular interests. I refer to the case of ʿam ha-ares, a social phenomenon of post-Temple (and possibly late-2nd Temple) Palestine. This precise nature of this social class has been submitted to over one hundred years of scholarly research, and is frequently connected to studies on the nature of Galilean Jewry and early Christianity. The definitive study of the issue is that of Aharon Oppenheimer.33 Of all the rabbinic references to ʿam ha-ares, the most commonly quoted is the long cluster of statements in b. Pes. 49b, wherein a very prominent list of tannaim, from before and after the Bar Kokhba uprising, are quoted as responding, in the harshest of language, to the hostility evinced towards rabbis by these anti-rabbinic groups in tannaitic Palestine. The picture of this relationship suggests a very dire reality. But in a critical edition of Pesahim published in 2000 by one of Friedman’s students, Steven Wahl,34 something very interesting emerges. While these statements are all attributed to Palestinian sages, almost all have no parallels elsewhere, or are quoted out of their original context. In certain cases the statements are even reworded, and what emerges is that before us is a distinctly Babylonian literary construct, which reflects an animosity between rabbis and laymen that is not attested as fiercely elsewhere in Palestinian sources, and apparently was far closer to the mindset of the Babylonian redactors.

This is not a singular example, and what has emerged over the past few years is that a long list of supposedly Palestinian episodes, some dealing with central events in the development of the rabbinic frameworks so familiar to us all, have also now been shown to be later Babylonian constructs. I refer here, inter alia, to the deposition of Rabban

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34 S.G. Wald, BT Pesahim III—Critical Edition with Comprehensive Commentary, [Hebrew]; the study of the am ha-arets text appears on pages 211–239.
Gamliel at Yavneh,\textsuperscript{35} the attempted deposition of his son Rabban Shimon at Usha,\textsuperscript{36} and much more. A glaring example is the story of Rav Kahana at the Tiberian academy of Rabbi Yohanan. Not only is the version before us of late Babylonian provenance, but—as has been shown very recently by my student Geoffrey Herman, is in fact clearly fashioned after Iranian and Armenian folk tales.\textsuperscript{37} And so in many ways Friedman is correct when he states that “before you search for the historical kernel (of a rabbinic tradition), you must search for the literary kernel, and base your historical research on it.”\textsuperscript{38} Friedman was clearly responding to the all-too-familiar assumption that “historical kernels” can be isolated by removing all the extraneous and obviously either late or imaginary elements of a story, thereby reducing it to its original historicity. (A case in point is the Rabban Gamliel deposition story in \textit{b. Ber.} 27b–28a, that was incorporated almost in its entirety as reliable testimony by one scholar into a recent historical rendition of the Yavneh period, save for one “fact” which was nevertheless omitted, namely: R. Elazar ben Azariah’s overnight growth of a beard or grey hairs! After all, credulity can go just so far.)

So maligned has the rabbinic text become as a historical source, that it was only a matter of time before it became dismissed almost out of hand. A case in point may be the very learned and stimulating recent work by Seth Schwartz.\textsuperscript{39} For Schwartz certain phenomena will only be established as historically proven if they can be corroborated by hard physical evidence, meaning archaeological testimony. The bar in this case, however, may have been raised too high, such as his claim that “we simply cannot be certain, in the absence of external confirmation, that Torah reading was universally practiced and that all synagogues possessed scrolls.”\textsuperscript{40} One might ask what sort of external confirmation might we expect to find—once all literary sources have been dismissed as either apologetic (Josephus and Philo) or literary constructs (NT and rabbinic literature). The Theodotus inscription is too early to serve as

\begin{footnotes}
\footnotetext[35]{Cf. H. Shapira, “The Deposition of Rabban Gamaliel—Between History and Legend,” 5–38 [Hebrew].}
\footnotetext[37]{G. Herman, “The Story of Rav Kahana (BT Baba Qamma 117a–b) in Light of Armeno-Persian Sources,” (forthcoming).}
\footnotetext[38]{S. Friedman, “On Historical Aggada in the Babylonian Talmud,” 122 [Hebrew].}
\footnotetext[39]{S. Schwartz, \textit{Imperialism and Jewish Society, 200 BCE to 640 CE}.}
\footnotetext[40]{\textit{Ibid.}, 241.}
\end{footnotes}
testimony for the rabbinic era, since it dates to pre-70 CE and predates the disintegration of 2nd Temple Judaism as posited by Schwartz. We are thus left to wonder what sort of archaeological evidence might confirm Torah-reading in synagogues, short of the discovery of shards in some monumental Galilean structure with the words shlishi or maftir on them! Anything outside the rabbinic corpus, according to this approach, almost automatically assumes a higher historical relevance and veracity.41 To a certain degree, this sort of test reminds us of a similar scepticism evinced by Azariah de Rossi in the 16th century. He, however, was careful not to dismiss the historicity of rabbinic sources out of hand, but rather suggested that their real significance can only be appreciated when compared with external evidence, be it classical literature or—as in the present case—corroboration of a more material nature.42

The History of the Text

Having said all this, the question begs itself: can the text be rehabilitated as a source for historical purposes? This, of course, depends on how we define history.

If we think of it as “what really happened” we are indeed courting a major letdown. But this need not push us to the other extreme, namely removing or isolating the rabbinic text from surrounding realities, be they social, cultural or theological. Here I concur entirely with Jeffrey Rubenstein’s critique of Fraenkel’s over-isolationist propensity: “His principle of closure causes him to neglect both the literary and cultural context of rabbinic stories… likewise [he] does not make much of the wider cultural context, namely the values, concerns, symbols, motifs and conventions of the culture in which the story was produced.”43

42 Cf. J. Weinberg, The Light of the Eyes, xxxi: “Rabbinic texts were elucidated by means of non-Jewish sources divested of all ideological or religious bias.” In a sense, de Rossi represented the Jewish version of the critical historian of the renaissance and the harbinger of an antiquarian methodology that believed that by aligning any ancient text with a similarly ancient artifact, some historical result would be forthcoming. de’ Rossi was convinced (but careful not to admit) that the “real” truth resided in the classical material that was employed opposite the Talmud, and that the veracity of the latter would stand or fall only if some harmonizing between the two was achieved. See: S.W. Baron, “Azariah de Rossi’s Historical Method,” 205–239.
43 Rubenstein, Talmudic Stories, 12.
This point, to my mind, is best made when we have before us parallel stories in two distinct works, such as the Bavli and the Yerushalmi. For example, in his above-mentioned watershed article Fraenkel takes up the story of how Hillel was appointed Nasi by the Benei Bathyra, after solving the pressing question of whether the Passover sacrifice takes precedence over Shabbat and may be offered up notwithstanding certain violations of Sabbath prohibitions. He cites the two versions of the story, in Bavli and Yerushalmi Pesahim, and finds in each of them a moral or didactic message, namely that Hillel at first evinced a certain hubris, stressing that only his Torah-learning could solve the problem, was chastised for this, and then finally cited legal precedent that proves convincing, and is appointed Nasi. Fraenkel analyzes both versions (comparing both with a more concise and apparently earlier version in the Tosefta) and correctly notes all sorts of literary techniques. What he fails to ask, however, is why we have radically diverse versions in the two talmudim: While in the Yerushalmi the crowd will have no part in accepting Hillel’s Torah erudition and legal acrobatics, and in fact rejects each of his attempts, accepting in the end only the cited tradition of the local sages Shemaya and Avtalion, the Bavli has absolutely no problem conveying the message that it was Hillel’s Torah-agility and learning that carried the day and warranted his appointment as leader, with the citation of an earlier tradition only an afterthought. To my mind this case reflects a critical, and yes, historical dispute between the two rabbinic centres, at least by the late talmudic period. The new Babylonian centre, vying for primacy in the world of Torah, would stake its claim on the argument that authority is vested in those who maintain the highest level of Torah knowledge and ingenuity. Hence it was Hillel’s erudition that warranted his appointment. Not so claims the Yerushalmi: leadership is still vested in a tradition-oriented authority, and in this case one that resided in Palestine. Time constraints prevent me from showing how this divide manifests itself in a whole series of divergent traditions. It is certainly evident in the Hananiah story, wherein a Palestinian sage leaves the Land of Israel for Babylonia and proceeds to intercalate the calendar, thereby usurping what had hitherto been the sole prerogative of the Palestinian authorities. Again, we are presented with two versions

44 b. Pesah. 66a; y. Pesah. 6:1, 33a.
of the tale.\textsuperscript{46} The Bavli has a detailed inner story, wherein Hananiah argues with emissaries sent from Palestine, over the question of where the most outstanding Torah-scholars of the day are to be found. The assumption of that inner story is clear: Torah-learning is the ultimate source of authority. The Yerushalmi makes its point quite differently, by having the emissaries base their opposition to Hananiah’s act not on their superior erudition, but by simply stressing Scripture: “For out of Zion shall come Torah” (Isa 2:3)—Zion and not Babylonia.\textsuperscript{47}

How such parallel versions of a tradition found their way down to us—is itself a source of current debate among scholars of rabbinic texts. Indeed, here again one actually encounters two distinct schools, with major implications for the antiquity of sources in our possession. When confronted with parallel versions of a tradition relating to tannaitic times (e.g. a \textit{baraita} in the Tosefta that is also quoted differently in the Bavli), one camp of scholars will stress that a plurality of \textit{batei-midrash} already existed in the tannaitic period, and that a story or saying may have been formulated and subsequently recounted in a number of parallel versions, each going back in time almost, if not entirely, to the moment of the particular source’s genesis. Henceforth luck takes over: in certain cases both of these parallel versions will survive, even down until their eventual incorporation into rabbinic texts that might have been redacted many hundreds of years after the fact, while in other cases only one version survived, be it in a tannaitic corpus (Mishna, Tosefta or Tannaitic Midrash), or in one of the two Talmudim. In like manner, according to this approach, textual variants preserved in different manuscripts of the same text were also frequently established at the earliest stages and subsequently preserved and transmitted independently,\textsuperscript{48} with the rationale being that, after their formulation, who—in the process of transmission—would have had the audacity to overhaul them so radically. The logical consequence of this approach is to play down the late date of a book’s final redaction as a critical factor in determining the age and pedigree of a source preserved within that document.

\textsuperscript{46} \textit{b. Ber.} 63a–b; \textit{y. Sanh.} 1:2, 19a.

\textsuperscript{47} Cf. I.M. Gafni, \textit{Land, Center and Diaspora—Jewish Constructs in Late Antiquity}, 107–111.

\textsuperscript{48} For this approach applied to the Babylonian Talmud see: E.S. Rosenthal, “The history of the Text and problems of Redaction in the Study of the Babylonian Talmud,” 1–36 [Hebrew].
Not so the other school, which posits a far more creative editorial intervention, maintaining that traditions were constantly undergoing repackaging, aimed at improving their language, rendering them more comprehensible to later audiences or those living in an environment removed from the original, or—and this is crucial—with the aim of channelling the tradition to meet or support the opinions of the later transmitters. Parallel sources in the Talmud, this school maintains, were reformulated to meet these needs, and are not the result of some ancient plurality of original versions. The most staunch supporter of this second approach is again Shamma Friedman, who would also maintain that in most cases when we encounter parallel stories we must assume that one was an earlier version, while the other—for whatever reasons—a reformulated one. Friedman’s tendency is almost always to see a Babylonian version as being a later and reworked version of its Palestinian predecessor.

One of the most recent manifestations of this debate relates to the new and most impressive publication by Vered Noam of Megillat Ta’anit and its commentary, commonly referred to as the scholion. The nature of this commentary, its provenance and antiquity, has puzzled scholars for generations, and Noam went on to show that in fact we are confronted by variant scholia, which are represented by two distinct manuscripts, Parma and Oxford. Noam, following the first camp’s approach, sees these two versions as being independent works, both of whose origins reach far back in time. Friedman, in a recent article, again disputes this premise, and labours hard to prove that in fact we have a sequential reworking of a commentary, in certain cases actually basing this reworking on the Babylonian Talmud and thereby clearly dating the commentary later than Noam’s conclusions.

The implications of these debates for the talmudic historian should be obvious, and coming down on one side of the debate or the other has immediate implications for the incorporation of rabbinic sources into any attempt at a historical narrative.

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50 V. Noam, Megillat Ta’anit—Versions, Interpretation, History.

51 S. Friedman, “Hannukah in the Scholion of Megillat Ta’anit,” 5–40; in pages 6–9 of this article Friedman provides a clear summary of the basic arguments of each of the two schools of thought: independent transmission vs. editorial intervention.
But if we have come to deal with parallel traditions, and especially
in light of this conference’s major focus, I cannot continue without at
least commenting on another type of parallel tradition, this one linking
rabbinic literature with two major non-rabbinic works: Josephus and
the New Testament. I assume that we will hear more about the latter
of these two during the next two days, and so permit me to comment
on the former, which nevertheless has implications for the latter.

There are to the best of my knowledge approximately twenty-five
(or twenty-six) obvious parallels between Josephus and different com-
ponents of the rabbinic corpus. The overwhelming majority of these
parallels with Josephus are to be found—somewhat surprisingly—not
in the Palestinian Talmud, but in the Bavli. A few appear in the Mishna
and Tosefta, a smattering in some midrashim (and one in the scholion
to Megillat Ta’anit)—and more than half in the Bavli.

This statistic is already puzzling, and to date no convincing solu-
tion has been proffered. It would be nice to think that the Bavli was
accessing the work that Josephus claims to have originally written in
his native language and sent to the barbaroi beyond the Euphrates.
The only problem here is that the book he refers to is the War, while
the vast majority of parallels between Josephus and the Bavli are from the
Antiquities. And since there are nevertheless significant differences
between the parallels, shall we assume that both are accessing ancient
parallel traditions (camp number one?) or again—was there an early
source reworked independently by Josephus and the Babylonian rabbis?
How this source made its way to Babylonia would still be open to
speculation.

What is even more puzzling is that the same phenomenon exists
regarding the NT. The stories about Jesus’ execution made their way
to the Bavli, and more interestingly—the one obvious reference to
a NT text, and not just the one line in Matt 5:17 but a whole section
in that chapter—also found its way into the Bavli, Šab. 116b, and not
into Palestinian sources. What is still missing is an identification of

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52 A brief preliminary study of a few of these parallels was conducted by S.J.D.
Cohen, “Parallel Traditions in Josephus and rabbinic Literature,” 7–14. Dr. Noam has
informed me that she has recently undertaken a comprehensive study of the parallels
between Josephus and rabbinic literature.
53 War 1:3,6.
54 This would seem to be the option preferred by R. Kalmin, “Josephus in Sasanian
Babylonia,” 149–172.
55 See most recently P. Schäfer, Jesus in the Talmud.
the conduit, which of course may have been elements of the Eastern Church that ultimately struck roots in Iran as well. 56

But this was a partial digression, and I would like to conclude by counterbalancing all the pitfalls I have cited in mining the rabbinic corpus for historical purposes, by referring to at least some mitigating phenomena.

“THE REHABILITATION OF TALMUDIC HISTORY”

Obviously, I agree that stories frequently tell much more about the storytellers than about the heroes of the tale, and in that sense—while there still might be a tale in the text, it is likely to be far different than the one we had originally been taught.

Nevertheless, I am not willing to submit to the extreme view that considers the hand of late redactors to have been so heavy, that they succeeded in eradicating any hope of accessing and dating information. Here I will rely in part on my own work, as well as that of colleagues such as David Goodblatt and Richard Kalmin. Our conclusions relate both to tannaitic as well as amoraic texts, and we have consistently found that, late redactions notwithstanding, a clear stratification of material permeates much of the rabbinic corpus. For the mishnaic period, to be sure, an ideal study of any historic phenomenon should ideally limit itself only to Mishnah, Tosefta and Halakhic Midrashim,57 with sceptics of Babylonian baraitot always quick to quote Menahem Moreshet and to stress that these do not reflect the linguistic stratum of Mishnaic Hebrew.58 In my study of tannaitic attitudes towards Eretz Yisrael I followed this rule, and found—quite conclusively to my mind—that statements stressing the requisite allegiance to the land are issued exclusively by tannaim living in the post Bar-Kokhba period. Inasmuch as these ideas about the centrality of the Land became so popular, how easy—and indeed expected—it should have been for later editors or pseudo-epigraphic formulators to have inserted these statements into the mouths of such notable authorities as R. Aqiba, R. Yoshua, Rabban

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58 M. Moreshet, “The Language of the Baraytot in the T.B. is not MHe1,” 275–314 [Hebrew].
Yohanan ben Zakkai and their peers. And yet not one example of this appears anywhere in the hundreds of statements attributed in tannaitic literature to the luminaries of 70–132 CE, to my mind a clear sign of the preservation within the tannaitic corpus of an attitudinal change that took place at a particular point in time, hence a development requiring the services of a good historian.

Proceeding into the talmudic age, while studying the terminology of formal gatherings among the Babylonian amoraim, both David Goodblatt and I were struck by the fact that well known phrases such as Pirqa and Kallah appear for the first time at very specific stages within the talmudic period, neither in the early generations on the one hand, nor only in the anonymous “stammaitic” stratum on the other, but davka beginning in the 3rd generation of rabbis, and multiplying as we head into the 4th.59 Again, heavy-handed redactors notwithstanding, there is a clear delineation of generations here and the gradual emergence of a formal development within the rabbinic community, precisely the type of phenomenon that a social historian would be interested in discovering and addressing. Indeed, Goodblatt cites these cases as typical examples that should lead us “towards the rehabilitation of Talmudic history,” which is precisely the title of his important article where these examples are cited.60

Kalmin has gone on to note the consistency of chronological and geographical data throughout rabbinic literature. Particular rabbis do not happen to live in one generation in the Mishna, another in the Tosefta and yet another in Genesis Rabbah. Pumbedithans invariably talk with their local peers, and not with Surans. Kalmin has stressed not only this generational and geographical demarcation, but the attitudinal differences that set off one generation against another. Thus for example, 4th century Babylonians—and not their predecessors—begin to assume certain Palestinian attitudes. There is absolutely no reason to believe that this is the systematic whim of some late Babylonian redactor, thus leading us to argue for the preservation of distinct sources, rather than some homogenized mix.61

60 D. Goodblatt, “Towards the Rehabilitation of Talmudic History,” 31–44.
61 Kalmin has consistently shown that “while the Talmud is a heavily edited work, it contains diverse sources which often can be identified and objectively described,” cf. R. Kalmin, Sages, Stories, Authors and Editors in Rabbinic Babylonia, 2 and n. 5.
Indeed, while we certainly would be hard-pressed to produce rabbinic biographies, there frequently is, in fact, a halakhic as well as conceptual consistency in the statements of individual sages when these are collated and examined. Systems of exegesis, halakhic tendencies, and most importantly to my mind—conceptual attitudes, show clear idiosyncratic clusters around particular sages. These latter are important because they are the least obvious, frequently centring around questions that interest us rather than the redactors, and thus lending a sense of authenticity. Kimelman, as far back as his study of Rabbi Yohanan, showed this in a number of cases. Thus, for instance, when one gathers up all the statements of Rabbi Yohanan and Resh Laqish, not just from one document but from the entire rabbinic corpus, what emerges is a definite debate between the two sages surrounding the nature of leadership in the rabbinic world and the role therein of the Patriarch.62

All these demarcations (generational, geographical and conceptual) seem to suggest the absence of an all-powerful late redactor, inventing attributions as he goes along in the manner of a literary shadchan (matchmaker): maʾamar zeh le-rabbi ploni, maʾamar zeh le-rabbi almoni. Such a heightened degree of pseudoepigraphic activity should more logically have led to a Zohar-like mishmash, in which tannaim and amoraim meet on the street, rabbis quote the statements of their disciples’ disciples and so on.

Conclusion

My point in all this is that we will have to mine the rabbinic corpus for a different type of history. We may be hard-pressed to talk about specific events, but we most certainly can note attitudinal changes and developments, and these must be contextualized into the political, social and cultural contexts surrounding the rabbinic world. Yaakov Elman has recently been trying to do this with Babylonian sources in an Iranian context,63 in a manner not dissimilar to my attempts at using contemporary Nestorian sources for a greater understanding of

Kalmin elaborates on this in his chapter “Rabbinic Literature of Late Antiquity as a Source for Historical Study,” 187–199.


63 E.g. Y. Elman, “Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity,” 31–56.
the inner organization of the Babylonian rabbinic world. While I may have misgivings about some of Boyarin’s conclusions and assumptions, he too suggests that there is a tale to be told in the rabbinic texts, when compared with contemporary Christian materials.

In sum, I freely admit that I am a historian of the old school: that is, I still believe that “things happened” in the Talmudic period. I even believe that we can retrieve some of these things through a judicious use of rabbinic materials. The tale that emerges will, indeed, be quite different from that of Graetz and Alon, but we need toil and must not throw the baby out with the bathwater. The text still has a tale to tell, and it is our job to retrieve it.

65 See Boyarin, Border Lines, 46.
FROM THE BEST TEXT TO THE PRAGMATIC EDITION:
ON EDITING RABBINIC TEXTS

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WHAT IS AN ANCIENT EDITION?

Editing a text belongs to the oldest of scholarly activities, since scholar-
ship functions not only through the modality of transmission by
memorization, but also by writing down and publishing ideas, traditions
and useful texts.1 This was the activity of ancient libraries, which were
privileged centres of learning, teaching and research, academies com-
parable to modern universities and research centres.2 The first edition
of Homer’s verse in the Alexandrian library offered clear-cut criteria
to scholarship in defining what is an author’s reading and what can be
deemed spurious text. The same or similar criteria were adopted when
producing the Christian edition of the Bible in Origen’s Hexapla and
in editions made in Christian medieval centres like abbeys, monaster-
ies and church libraries. The humanist renaissance of ancient literature
was nothing but a philological movement of editing and translating
texts and commenting on them. Finally, German enlightened research
on Greek, Roman, and subsequently “Oriental” literature started by
putting together criteria and rules to render ancient texts readable for
contemporary audiences.

A fertile boom in editing Jewish texts is seen in the 15th and 16th
centuries in various centres of learning, above all Italy. Basically, the
nature of such editions is the attempt to offer a vulgata—a common
readable text—of some manuscripts, mostly by an eclectical method.
Not until the 19th century, and following the major trends of the new

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1 An excellent presentation of the status quaestionis on editing ancient text is in
G. Thomas Tanselle, “Classical, Biblical, and Medieval Textual Criticism and Modern
Editing,” 21–68, also to be downloaded at http://etext.lib.virginia.edu/collections/jour-
nals/ (December 2005).

2 See my book Libraries, Translations, and “Canonic Text.” The Septuagint, Aquila,
and Ben Sira in the Jewish and Christian Traditions, 26–99.
academic sciences, did the scholars developing the *Wissenschaft des Judentums* consider it of utmost importance to reach standards in editing texts of rabbinic and medieval literature. Leopold Zunz, the “founder” of the science of Judaism, critically noted that the “so-called editiones principes, as soon as they accomplish more then a reproduction of manuscripts, (...) can rightly make the claim of being preliminary literary studies.” A significant number of editions were completed in this key period and remain an indispensable tool on the desk of every scholar of rabbinic, medieval and early modern literature.

Yet there has been a change in the history of scholarship on text editing and textual commentary. The principle of searching for, creating or re-creating the *best* possible text, *re-covering it*, has been supplanted by the quest for the *original* text by criticizing, analyzing, and commenting on the manuscript tradition. The “original text”, reconstructed by intuition, reflection, and supposition, became the hypothetical beginning of the tradition and/or of the author’s intention. The search for the original text was also the prime question in the final decades of the 20th century and will doubtless also concern us in the future. I will attempt here to give some outlines of this field of research, offering some general considerations gleaned from modern editing activity as *status quaeestions*.

The edition of ancient, medieval, and, on occasion, modern texts is a titanic task. Provided the text was produced by *one* author, the main question is whether to record all the different versions of the textual creation, if extant, or to single out the “original” text seen either as the absolute beginning of the creative process or its final redaction. In regard to the final redaction by the author, it is necessary to distinguish between his/her former manuscript and the corrections of the text in print and after first print.

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This aspect is faced by Theodor Kiesel’s critique of the complete works (Gesamtausgabe) of Heidegger. Kiesel found numerous errors in translating the lecture course History of the Concept of Time which had to be corrected on the basis of the original manuscript. Kiesel took the redactors sharply to task because they demonstrate “contempt of philology” and “still have not mastered and truly ‘overseen’ their holdings to the degree needed to manage the publication of an archive with some degree of scholarly competence.” For example: the occurrences of the term “Existenz” in the typescript of 1925 were interpolated by Heidegger himself some time later. There is no mention of this fact in the Gesamtausgabe, because its editors insist on producing a “final edition,” a so-called Ausgabe letzter Hand, i.e. with no distinction between the original text and later emendations, and an “edition without interpretation.” Kiesel condemns these principles as “devastating fictions totally at odds with Heidegger’s lifelong thought.” Reviewing Kiesel’s criticism, Richard Polt concludes: “A philosopher who insisted that existence itself is essentially hermeneutic could hardly endorse the ideal of an edition free of all interpretation.” So the first question a student of philology should answer is whether a manuscript edition can be achieved without interpreting the text itself.

A similar debate can be detected in other fields of research, for instance the edition of musical texts. What is the original text of a modern or contemporary composer? In musicology, an original text, if anything, is principally not the text issued by the author but the reconstruction of a fictive text by taking into consideration all the elements which should lead us to the author’s intention. However, even on the assumption that we can successfully reconstruct the original text, can we safely infer that we (re-)cover the author’s real intention? By no means! Gustav Mahler changed the score every time after a performance. The conductor’s experience led him every time to correct and implement his understanding of his own musical idea.

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6 Ibid., 6 and 8.
7 Ibid., 150.
8 See footnote 3 above.
Therefore a second question to be answered by our virtual student of text editing is the following: should we construct/re-construct a text every time after having interpreted it? The question is not so far off the mark as it might seem to be at first glance. Looking at the edition of fragments of lost works, every scholar would agree that every further interpretation presupposes a new edition, as recent scholarship on the fragmentary documents of Qumran and of the Cairo and “Italian” Genizah sufficiently proves. A typical recent example is the edition of the so-called “Wisdom Text from the Cairo Genizah,” a fragmentary gnomic text which probably goes back to the 11th century. Within the short span of four years (1989 to 1993), it was edited four times. The new editions were justified because the text was subsequently supposed to be a creation of (1) New Testament times; (2) the 6th century; (3) of the 8th century or (4) of the 10th century. Every supposition implies the need to deposit a new edition.

If we look at Jewish literature as an object of edition, the situation is certainly not easier than in other branches, but rather exceedingly complicated. Looking first at literature by and ascribed to a single author, so-called authored literature, we have to face not only the question of different manuscripts and fragments, but also that of different text versions, perhaps consciously created by the author, or at least by scribes and schools on the basis of reasons difficult to reconstruct. Furthermore, centuries of Church censorship, of voluntary or forced expurgation of allegedly anti-Christian variant readings and texts, of public burning of manuscripts and prints of Talmud and Midrash as well as authored tractates, render modern edition-making no easier.

A typical example is the status quaestionis of manuscripts, fragments, and versions of Josippon, a Hebrew re-working of Josephus. How can we edit a book existing in at least three very different versions, a great many of manuscripts and fragments, and translations into Arabian and Ethiopic to boot? Some excerpts transmitted by the Chronicle of Yerahmeel and fragments from the Cairo Genizah were not included

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10 See the status quaestionis in Giuseppe Veltri, “Letteratura etico-sapienziale del primo medioevo: Alcuni frammenti dalla geniza del Cairo,” 349–366; and idem, Gegenwart der Tradition, 234–263.

in the edition of David Flusser. The editor’s rather naïve conviction to have discovered the original text was very short-lived. His edition produced an eclectic text avoiding every discussion of the other configurations of the tradition.

The editing of rabbinic texts is much more complicated. The documents which have come down to us in the multifarious forms of mishnayot, midrashim, halakhot, aggadot, targums and talmuds cannot be considered to be authored literature. They are only a kind of snapshots from a world of exegesis and school opinions. When recently reading the Mishnah tractate Sotah together with Midrash Sipre be-Midbar with my students, we had to answer the question of variant readings in parashat sotah with reference to the warning of witnesses in the case of adultery or suspicion of such. One student asked in some surprise: do the different manuscripts of one treatise also testify to different schools of opinion? Such indeed is the everyday experience we have in studying a rabbinic text using manuscripts and the subsequent tradition more or less based on manuscripts. A third question should therefore be addressed by the virtual student of text editions: is the original text what we imagine as being such, or perhaps rather the beginning of a tradition, or indeed both?

I shall now attempt to address the three questions raised by way of commenting on the following three propositions: (1) ancient editions are the product of time and authority; (2) editing a text is nothing but interpreting it; (3) an edition should be pragmatically heuristic without pretending to answer the difficult questions on the text’s transmission.

1. Editions are a Product of Time and Authority

In order to explain what I mean by “a product of time,” I would like to quote an ancient Christian controversy: Jerome’s defence of his new Latin translation of the Bible against the Septuagint, which was also called “ekdosis,” in English “edition” or “publication.” Augustine’s argument against the new translation is known: “Whatever the Seventy (translators) wrote can either be obvious or obscure; if obscure, one could be in fallible too in translating the same passage; if obvious, one

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12 Saskia Dönitz from the Institute of Jewish Studies in Berlin is preparing a study on the tradition of Josippon.
13 See my critique in Gegenwart der Tradition, 122–131.
cannot believe they were fallible.”14 Answering ad hominem, Jerome introduces the hermeneutic argument of the necessity of commentaries. He argues that when some ancient writers wrote commentaries on the whole Bible, they either commented on it in a perfect way and therefore there is no need for further commentaries, or they did not. But how can one hope to solve what they could not yet decipher (tu quomodo post eos ausus es disserere, quod illi explanare non potuerunt)? And he concludes in his Apology against Rufinus:

Some interpret the passage in this sense, some in that; some try to support their opinion and understanding of it by such and such evidence or reasons: so that the wise reader, after reading these different explanations, and having many brought them before his mind for acceptance or rejection, may judge which is the truest, and, like a good banker, may reject the money of spurious mintage.15

We are dealing here with “canonical” texts, and consequently we cannot draw a general conclusion on all editions from the ancient period. However, the position of Jerome, endorsing the authoritative function of the reader who like a good banker rejects money of spurious mintage, cannot hide the fact that every publication, ekdosis, represents more or less a canonization of meaning. If accepted, the new version or publication crystallizes a fleeting moment in the tradition, and in so doing makes further commentaries possible. It depends on the authority of the writer if his composition is to be considered a step forward in the tradition. If we consider a piece of tradition literature like the Mishnah, the situation is similar but not precisely the same. For we can imagine various attempts to publish Mishnayot, orally or in writing, to canonize a particular school’s tradition. That is, in my view, the main reason for the differences between the Mishnayot of the corpus of the Mishnah, the Tosefta and the Halakhic Midrashim, as well as the Mishnayot presupposed in Yerushalmi and Bavli. However, we have to be careful because ancient and medieval manuscript composers and writers could have had different “quotations” of the Mishnah before them, and the successive copyists could have harmonized their quota-

14 “…aut obscura fuerunt quae interpretati sunt septuaginta, aut manifesta. si obscura, te quoque in eis falli potuisses credendum est. si manifesta,illos in eis falli non potuisses perspicuum est”, text likewise mentioned by Jerome in letter CXII (CCSL 55), 389.
tions according to the “vulgate,” namely according to the commonly used text in the academies.

This aspect can be clarified further by the unique story of redactional activity transmitted in Talmud and Midrash, in particular around the Aggadah of the “three scrolls of Torah found in the Temple court”.

According to this tradition, three scrolls were found in the Temple court: one of the me’onim, the second of the hi’ hi’ and the third of the za’ʿatutim.

In one scroll the words 
蒹葭苍苍 (Deut 32:27) were found (written), in two others the words 
蒹葭苍苍; the Sages declared the first to be invalid, the second valid. In one scroll nine 
יהdance were found (written), in the other two eleven; the Sages declared the first to be invalid, the second one valid. In one scroll it was written:

In the other two 
ישראל בני נערי ואת וישלח and 
ישראל בני אצילו ואת וישלח. The Sages declared the first to be invalid, the second one valid.

As Saul Lieberman rightly stated, the terminology here is very similar to the Alexandrian grammarians: “it was found written,” nimṣe’u katuv, corresponds to heuromenon gegrammenon. According to Lieberman, a specimen copy of the Torah was stored in the Temple as an authoritative text, an idea which he based on the Midrash Deuteronomy Rab-bah. According to him, the aggadah does not deal with a correction of the original text of the Bible stored in the Temple, but rather with a revision of the “common text,” the vulgata. I would argue, on the contrary, that here the aggadah suggests or tells about a comprehensible

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17 Sipre Devarim 356. For the other versions of this Midrash, see Veltrī, Eine Tora für den König Talmai, 81–82.

18 Lieberman, Hellenism, 21.

19 See above.

20 Frank M. Cross rightly states: “The distinction ‘official versus vulgata’ must be abandoned, however, as anachronistic. Official and vulgar text do exist, but after official
correction of the stored manuscripts on the basis of a chosen Vorlage or pre-existing text. That the text declared valid is always identical with our Masoretic text is a testimony to the accurate work of the “commission,” regardless of whether this aggadah refers to a unique work or to continuous assiduous care to assure accurate copies of the Torah. We thus have precisely the text that they wished to be handed down. This is not a matter of orthodoxy or heterodoxy, as Shemaryahu Talmon puts it, because the Talmud Yerushalmi attributes a very similar discussion on grammatical peculiarities, a non-Masoretic variant reading or pronunciation of letters, to the people of Jerusalem, without noting that they are minim!21

This story gives exemplary testimony as to how ancient Judaism published and preserved a given text. By entrusting a book(scroll) or a simple document to the Temple, an ancient scholar or group of scholars sought to give it a two-fold function, intrinsically conjoined: to publish it as well as to have a guaranteed controlled preservation of the author’s text. In the Temple, the scrolls were preserved in order to have an authorized copy in the frequent case of controversy or if arguments should arise about legal, historical, liturgical documents, customs and traditions. There, a college or advisory board was instituted to keep an eagle eye on the texts & scrolls to safeguard the literary past and its present actualisation for future generations.

21 While the first two variant readings found in the Temple scroll are concerned with Masorah (the text as written and pronounced), the third is not a variant reading (and therefore not to be included here) but a problem of pure exegesis, which nonetheless denotes a change in the understanding of the authority on the biblical texts. According to the rabbinic literature, the young people who made burnt offerings and sacrificed young bulls as fellowship offerings have no precise identity as priests or Levites. According to Mishnah Zevahim 14:4, they are the first-born who practised the sacerdotal service before the Levites. A sign of a radical change are Targum Onkelos, Mishnah Kallah 1:17, and Seder Eliyahu Rabbah (ed. Friedman, 52), for they interpreted them purely as common Israelites (“Even Israel is capable of offering offerings on the altar”). Targum Onkelos offers the same translation in Exod 24:5 and Exod 24:11 in reference to the ašile bne Israel. Here was a radical change in leadership and a new shift in understanding. For the first time, as testified by Josephus, the storage of the biblical books was a sacerdotal task (Contra Apionem 1:35ff.). The priests were entrusted with the correction of the Torah for the king (Sipre Devarim 160), a task passed on to the Sanhedrin in Yerushalmi Sanhedrin 2:4 (20c). The list of the three scrolls testify to this radical change in leadership, stressing that the people chosen to see God without suffering death are not priests or Levites, but the young Israelites.
This historical background regarding ancient libraries can shed light on the historical framework of Deuteronomy 31:9–13, where the Torah of Moses is handed over to the priests, the sons of Levi, and the Elders with the obligation of reading it “at the end of every seven years . . . before them in their hearing . . . ” The procedure, also followed in the book of Ezra 7:12–26 and in the proclamation of the Greek Torah in the so-called letter of Aristeas, is intended to be a publication of the text of the Torah and an official proclamation of the observance of the commandments, both of which meant as a means to educate the people. However, the procedure can also be interpreted as checking the text and actualizing it before a public audience: the act of reading before an audience then would be a guarantee that the text will be safeguarded against arbitrary changes. Moreover, the story of the scrolls “discovered” by Josiah in 2 Kings 22–23 follows a similar logic, i.e. to illustrate fictiously the event of reading the word of the book found in the Temple “in the hearing” of the elders, priest and prophets. Reading and hearing was the ancient way to propose and accept the authoritative actualisation of the effective tradition.

A first conclusion is that the principle of the oral Torah let the rabbis have full control over the transmission and actualization of texts considered important for the community. If the rabbis were not afraid to change the text of the written Torah, if possible, that did not deter them either from expurgating every other text not in agreement with their teaching. Yet, rabbinic Judaism lacked a central authority and an orthodoxy capable of suppressing other opinions. We are facing a most diverse approach by the rabbis to the written and oral Torah, which also explains the ocean of variant readings in the manuscripts and of tractates being interlaced with the most divergent literary forms of transmission down to the period of authored literature in the Middle Ages. The edition of these texts is therefore a truly titanic task for scholars who intend to establish the pure, original text. For the word “origin” is not identical with the idea of a tradition born in the world of authority, and authority can also be a plural attribute of a tradition over the course of the time. And that is likewise the premise to understand the contemporary discussion on text redaction.

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22 A very interesting late parallel is the procedure of the listening to texts as described by Stefan Leder, *Spoken Word and Written Text: Meaning and Social Significance of the Institution of Riwāya.*
2. To Edit Means to Interpret a Text

Turning now to recent decades of scholarly editing of rabbinic texts, I would like to discuss some controversial aspects. This concerns the *status quaeestionis* of scholarship on rabbinic literature raised by Peter Schäfer, who was first to speak of the “fluidity” of text transmission. Consistent with his theory, he offered a “neutral” text tradition synoptically edited either in columns or in lines—a so-called “score” or Partiturtext. The word “interpretation” is avoided for the most part by the Berlin edition school which was initiated by him and followed, among others, by Hans-Jürgen Becker in his edition of *Abot de-R. Nathan*. Rivka Ulmer, herself active in text editing,23 expressed some ironical criticism of such large scale edition projects,24 where superior technological support is not thought to preclude “academic oversight.” However, this would seem to apply rather to Daniel Bomberg’s commercially astute production of text editions in 16th century Venice, resulting, e.g., in the first complete editions of the Bavli and the Yerushalmi. Those were different times, when every Jewish or Christian librarian was keen on buying manuscripts and printed editions of Jewish texts, with little care for cost or sacrifice. Today, very few libraries in the world are ready to buy editions of rabbinic texts on a scale anywhere comparable to the renaissance period.

The success of the Berlin school is but an attempt to find another methodological paradigm in editing rabbinic literature. That was the real reason which convinced the German National Foundation to fund Schäfer’s projects (*Hekhalot*, Yerushalmi etc.). Schäfer was of the opinion that the texts of mystical and rabbinic academies were transmitted in a constant process of interpretation in schools, similarly to the Heraclitean principle of pan-metabolism: *panta rhei*, “all things are in a constant flux.” In this way, he tried to contrast the current procedure of text editing by searching out the supposed original text, or at least the text imagined as close to the original as possible. His pessimism as

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to the textual manuscript tradition resulted in the sceptical conclusion that indeed there is no original text at all.

Schäfer started his project with the edition of the so-called Hekhalot literature, the mystical literature of the “descenders to the Chariot” (yordei la-merkavah). With reference to the manuscript composition and the variety of the variant readings, he preferred to edit all of them without giving preference to any as original text. He did not view his task in choosing the better readings for his readers, for “the so-called better variant reading is too frequently at the mercy of the chance or intuition of the editor. Thus we cannot see in such a ‘critical’ edition a real alternative.” Schäfer presented what he saw as the results of the fluid text, the manuscripts, in a synoptic format in order to avoid speculation on the better reading as intuited by the editor. It goes without saying that the translation differs from this theoretical approach: the team did not translate all the testimonies synoptically, but only those texts which substantially differed from each other. Beginning thus from Jerome’s theoretical approach on the text as being an open work and of the reader as a ‘good banker’—or, to use Umberto Eco’s intriguing terminology, as a lupus in fabula—Schäfer ended up in the position of the scribes, correcting the manuscripts in order to offer a coherent text.

My observations on Schäfer’s conception of editing are not in any way a criticism of the synoptic method per se, for his theory of the text remains a challenge for every student of Jewish mysticism. Yet a translation cannot copy the tradition, it must be a commentary. On the other hand, in the view of Peter Schäfer, every edition is also a commentary, because he had at least to subdivide the manuscript texts into some unity, and this involves the difficult task of interpretation. Only if the text is given in the form of a facsimile is the “reader” synonymous with the editor. The position of Sussmann’s recent edition of the Talmud Yerushalmi is very similar, because he published one manuscript with restoration and correction.26


26 Yaacov Sussmann, ed., Talmud Yerushalmi According to Ms. Or. 4720 (Sal. 3) of the Leiden University Library with Restoration and Correction, new printing.
In his oft-quoted and much-discussed article on the “Status quaestionis” of “Research into rabbinic literature,” Schäfer outlines the major trends of scholarly inquiry into ancient Jewish literature, taking as a point of departure the very fluid situation of the variant readings in all forms of rabbinic writings, and ending with the statement: “The terms with which we usually work—text, ‘Urtext’, recension, tradition, citation, redaction, final redaction, work—prove to be fragile and hasty definitions that must be subsequently questioned.” His conclusion is clear and unmistakable: we must concentrate on the manuscripts, while avoiding creating new eclectic or so-called critical editions. Only the manuscripts can be (more or less) dated, and the historical and social context of scribes and copyist established. “That means,” he concludes, “that it is not ‘the’ text as such that is to be fixed in time and space, but rather the history of the text as reflected in the transmission of its manuscript traditions.”

In his response to Schäfer, Chaim Milikowsky sharply criticized this approach, deeming it programmatic rather than analytic. The number of minor variants reading in rabbinic texts is immense, but, in his view, irrelevant to a discussion of redactional identity. He is thus of the opinion that “we have barely begun the groundwork which will let us decide if recensional variants exist.” In his optimistic view, an Urtext of almost every rabbinic text can be reconstructed. His first answer on the delimitation of redactional entities of early rabbinic texts is clearly positive, attributing the variants to the history of transmission. In his opinion the situation of later midrashic works such as Tanhuma-Yelamdenu is different because of the lack of an earlier redactional work. Milikowsky’s argument does not stand scrutiny, however, because it is circular: we cannot draw any conclusion on the redactional identity of early rabbinic writings because we still have not examined all the manuscript testimonies. However, if analysis leads us to suspect that at the beginning there was no clear redactional unity, the tractate is later. But: what is the reason to date Yelamdenu as a later homiletic

28 Ibid., 150.
29 Ibid., 152.
work? The absence of an initial redaction? Also the reference to quotations of early midrashic texts in *Yelamdenu* is not convincing. I have tried to prove elsewhere that the negative tradition on the Septuagint in the tractate *Sefer Torah* is a quote from the Talmud Yerushalmi, while negatively changing its wording. In this case, I can only say that this tradition is later then the text of Yerushalmi. No other conclusion can be safely drawn about Yerushalmi and *Sefer Torah* as tractate or textual unity.

However, I think that Milikowsky is right when stating that the editing of rabbinic texts is still in its infancy and we need to do far more work in this field before we can draw conclusions about the nature of rabbinic literature. Without going into the details of the particular scholarly theme of dating redactional entities, I would like to propose for discussion my model of edition which is based on the consideration that when analyzing manuscripts and early prints, we can establish something of a “family” relationship between them, using Milikowsky’s term. However, the members of the “family” often do not behave monogamous, nor do they go back to one begetter. The pragmatic solution is not to find or to create but rather to collect the major witnesses of the tradition in a synoptic edition, though not all of them. The reader then is not supposed to be an editor, but he can recognize the most important branches of the “family” without being overburdened with the innumerable but often unimportant variant readings. That is our experience in editing the *Midrash Tehillim*.

3. **Pragmatic Editions: The Example of Midrash Tehillim**

The edition of *Midrash Tehillim* is a joint project of the Department of Old Testament Studies at the University of Münster and the Department of Jewish Studies at the University of Halle. Salomon Buber offered the first scholarly edition of this text in 1891, utilizing eight manuscripts and the Constantinople 1512 and Venice 1546 printed editions. He took as his basis the text of the manuscript of Parma 2552, with collations

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of other manuscripts. As do other editions of Buber’s, this edition of
Midrash Tehillim does not excel in accuracy.

While distinguishing three recensions of the text, Buber’s basic intu-
ition regarding the manuscripts to be used was correct. Nevertheless, a
new edition is indispensable, because he could not take into consider-
ation all the manuscript witnesses and the the Cairo Genizah fragments
known to us today\(^\text{32}\) and, above all, because he created an eclectic text
which does not do justice to the composition of the material.\(^\text{33}\)

In his 1891 edition, Buber related the testimonies known to him to
three “recensions” (mahadurot).\(^\text{34}\) His first criterion to delimit these
was the presence or absence of the partly extensive additions in some
of the manuscripts. While this criterion has proven itself to be reliable
at least in most cases, the manuscript he collated as a base-text (Ms
Parma, Biblioteca Palatina Cod. 2552 / de Rossi 1232) seems, in the
light of the new manuscripts taken into consideration, to belong to an
already extended version of Midrash Tehillim. Creating a new eclectic
text, as Buber did, or selecting one single manuscript as a base text in
combination with one extensive critical apparatus, would blur even the
most eminent differences between the versions—or between the most
distant branches of the “family”, to speak with Milikowsky. If we aim
at a printed edition, presenting all manuscripts as a score text is practi-
cally impossible in view of the great number of extant text-witnesses
and of the extent of this work. Also, it seems hardly reasonable since
the mass of minor differences between the witnesses of one version
may adequately be represented as a list of variants in a separate critical
apparatus for each “recension.”

For these reasons, a synoptic edition in a small number of columns,
each containing the text of a manuscript representing one “family,”
will be the better solution, presenting the reader with textual entities

\(^{32}\) In comparison to the Buber Edition, The Halle-Münster project will take into
account six additional comprehensive manuscripts and about 15 important fragments,
mostly of the Cairo Genizah, which promise to be highly informative in regard to the
history of the text.

\(^{33}\) Esther M. Menn, “Praying King and Sanctuary of Prayer, Part I: David and the
Temple’s Origins in Rabbinic Psalms Commentary (Midrash Tehillim),” 1–26, 1, footnote
1: “The absence of a modern critical edition, which would not only take into account
additional manuscripts including those found in the Cairo Geniza but also adequately
present the diversity of the earliest manuscripts, continues to hamper research on
Midrash Tehillim.”

\(^{34}\) Midrasch Tehillim, ed. Buber: 81f.
not present in Buber, and at the same time avoiding to overburden the reader with the innumerable errors of the scribes. That will be what can be called a pragmatic edition.35

Conclusion

In view of the immense work of text editing still ahead of us, every theory is good if it gives a sufficient reason to students of Jewish studies to engage in this field of research. I must confess that I remain sceptical about the 19th century aim to create the “perfect edition,” or the 20th century endeavour to gather together a collection of evidence on the “original text.” However, I am also hesitant to agree with Umberto Eco when he supposes the openness of the artistic work, although it remains a fascinating theory. The reason has to do with our tendency when faced with multiple variety to prefer choosing one way of interpretation. We cannot just offer to the reader technical tools, merely editing manuscripts and avoiding any other way of giving away our interpretation of the text. When editing all the variant readings of the text, we overtax the reader with a task he or she cannot fulfil without becoming a specialist. This can discourage readers from taking our scholarship seriously. Any edition cannot be but an interpretation to be added to the mosaic of tradition. As Rivka Ulmer rightly observes, paraphrasing Ernst Cassirer: “The synthesis obtained from the data that one experiences adds a new attribute to the subject that one investigates.”36

Moreover, text editing is a necessary hermeneutic tool for students and scholars of Jewish studies. Every student should be introduced to the world of text-critical analysis and avoid considering any edition as a revelation from Sinai. Or rather, he or she should consider the text as written revelation, as Torah she-bikhtav, and apply to it the same rules applicable to the written tradition, i.e., that the text can become meaningful only by the intervention of a reader/interpreter. As the

35 The same was done by Abraham Goldberg in his editions of Mishnah Shabbat and ‘Erubin, printing Ms Kaufmann as representative of Palestinian-type readings and the editio princeps representative of Babylonian-Spanish type readings, each with their own apparatus.

Midrash Sifra states it with an ironic dictum of R. Yishmael, quoting Rabbi Eliezer:

R. Yishmael said to him: You say to the text (katuv): be silent until I explain you!

א"ל רבי ישמעאל holem את אומר להווב שתהו עד שאדרよう

The silence of the text is the indispensable premise for revelation to happen through the commentary.38

37 Sipra, Tazria, par. 5 Nega‘ím 13:2 On the irony of this dictum, see Günter Stemberger, Der Talmud. Einführung, Texte, Erläuterungen, 67.
38 I wish to thank Bill Templer (Phitsanulok/Thailand) for his correction of my English text. Therese Hansberger, Münster, and Gert Wildensee, Berlin, who are responsible for our edition of Midrash Tehillim, provided me with some new information concerning our project shortly before the publication of this paper, for which I also wish to express my thanks.
DATING RABBINIC TRADITIONS

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How can we date rabbinic traditions? For most of the traditional study of rabbinic literature, this question was not posed; it was even considered irrelevant. The eternal truths of the Oral Torah and the exact determination of the halakhah were all that counted for the traditional Torah scholar. History was beyond his interests. With the redactors of the Bavli, he would answer: מאי דנהוה הוה, “what is done, is done,” the past is of no interest to us.1 But even for traditional study, this is only part of the truth. Some sages of the rabbinic texts were already sometimes highly interested in tracing down the origins of a certain tradition. The Epistle of Sherira Gaon directly addresses the question posed by some members of the Jewish community of Kairouan as to how the rabbinic texts had come into being, who was responsible for their main components and how the texts had been transmitted, in oral or in written form.2

Everybody who wants to use rabbinic texts for the reconstruction of Jewish history in the rabbinic period or for a history of the halakhah and Jewish thought in general, is confronted with the question of how to date rabbinic texts and traditions. Until a few decades ago, most people believed in the full reliability of the Oral Torah not only in questions of Jewish religious life, but also for what it says about its own origins; the faithful transmission of rabbinic traditions over the generations was accepted for an undisputable fact. These assumptions allowed a

1 Most of the 16 occurrences in the Bavli (plus b. Yoma 88a and b. Sanh. 31a where some manuscripts read instead שמי דרי סלקא דענצר, or דמי שפיר) refer to halakhic discussions—“what is done, cannot be made undone;” but a few texts refer to historical circumstances; thus b. Git. 80a (regarding a writ of divorce dated according to an era no longer applicable): “with respect to the empires of Media and Greece…what's done is done;…with respect to the building of the Temple, what's past is past;” cf. b. Ketub. 3a in J. Neusner's paraphrase: “So what happened before the ordinance of Ezra is just so much water over the dam!” The phrase seems to belong to the latest stratum of the Bavli; the Hebrew phrase מאי דנהוה הוה occurs only rarely in post-talmudic midrashic collections.

2 See Schlüter, Auf welche Weise.
rather uncritical approach to the question of dating rabbinic traditions. Thus, e.g., the statement of *b. Ber.* 28a, that ‘*Eduyyot,* “Testimonies,” was taught on the day when Eleazar ben Azariah was installed in place of Gamaliel the Younger, until rather recently was taken as evidence that the mishnaic tractate ‘*Eduyyot* or at least its kernel goes back to the end of the first century. Similarly, the tractate ‘*Uqṣin* is supposed to have existed already in the time of Shimon ben Gamaliel because of a reference in *b. Hor.* 13b. These and similar judgments go back to Sherira Gaon and have only slightly been adapted in order to accommodate elements in these tractates which are evidently later. Based on other rabbinic statements, some tractates of the Mishnah were attributed, at least in their original form, to certain named rabbis and thus dated (*Šeqalim* is attributed to Abba Yose ben Hanin in *y. Šeqal.* 6:2, 49d, *Tamid* to Simeon of Mitzpah by R. Yohanan in *y. Yoma* 2:3, 39d, *Mid- dot* to Eliezer ben Jacob in *y. Yoma* 2:3, 39d; *b. Yoma* 16a). Baraitot, traditions “external” to the Mishnah and marked by their introductory formulas, were as a whole uncritically attributed to the period of the Mishnah. Other texts were dated by the names of the rabbis mentioned in them; anonymous texts were considered to be very early, predating attributed sayings unless there was clear evidence to the contrary. I could go on with this description of a *status quaestionis* most of us were still used to when we studied or wrote our early studies in the field.³

Many of these positions are to be encountered in publications up to the present. It was only during the past half century that for most students of rabbinic literature questions of method became central and the use of rabbinic texts for specific topics had to be justified. But how could it be done? In this paper I shall go over the general criteria for establishing absolute and relative dates of rabbinic documents and shall briefly deal with the main problems of dating.

1. A History of Rabbinic Literature

For a long time, the metaphor of the “Sea of the Talmud” has served as an excuse to exploit the Talud or rabbinic literature in general without regard to where sayings and stories were to be found. It all formed part of the one and uniform “Oral Torah” or “oral tradition;” in a slightly

mitigated form, one still encounters it. The reasoning that even late texts frequently preserve very old traditions, is still very common. It is frequently bolstered up with the undeniable fact that, for example, some paintings of Dura Europos are based on interpretations preserved only in the latest rabbinic writings. Thus the biblical scene of the contest of Elijah and the priests of Baal on Mount Carmel contains an element not to be found in the biblical text: a man hidden underneath the altar who is attacked by a serpent; this seems to reflect a story about Hiel who rebuilt Jericho preserved only in the medieval Yalqūṭ. But even dozens of such examples should not excuse us from taking seriously the literary context in which a tradition first occurs; it is the first criterion we have for dating a tradition, more precisely, it is the terminus ante quem and the point of departure for any analysis.

Since no rabbinic document reveals its own date of redaction nor the names of those responsible for it, we have to combine a range of different criteria by which to date them with any degree of certainty. These criteria consist of: traditional attributions in the texts themselves or in texts composed shortly afterwards, most importantly the Epistle of Sherira Gaon already mentioned, supplemented with the names of rabbis or recognizable historical data mentioned in them; the language of the texts, though a still very awkward criterion; and instances where later rabbinic texts quote earlier ones—or, to be more exact, quote traditions or textual units contained in them.

It would go too far in this context to discuss the knotty problem of how we are able to identify a quotation and to say what exactly is being quoted or referred to. The simple fact that up till now there is no agreement among scholars as to whether the Tosefta as a literary work was known to the redactors of the Bavli or not, indeed whether they used earlier textual units or only still un-edited traditions which found their way also into the Tosefta, clearly shows the problems we are confronted with. The fact that we find many texts quoted in the Bavli as baraitot, some of them rather extensively, and also preserved in the Tosefta in more or less the same wording, still fails to convince some students of these texts that the Tosefta as such is actually quoted in the Bavli. The same could be said regarding the Halakhic Midrashim. The fact that copyists of rabbinic manuscripts who were well versed in rabbinic literature tended to harmonize the parallels renders the discussion

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4 See Elman, Authority; Fox/Meacham, Introducing Tosefta.
even more complicated. In short, none of the above criteria or of others not mentioned is without problems.

In spite of these difficulties, scholars roughly agree on the chronology of the history of rabbinic literature. The Mishnah is usually dated to about 200 CE, the Yerushalmi to about 400 CE. There is less agreement regarding the Tosefta and the Halakhic Midrashim, but the majority would place them somewhere between Mishnah and Yerushalmi, probably closer to the Mishnah. For our purpose, I need not enter here into the discussion whether some sections or perhaps even an earlier redaction of the Tosefta preceded the redaction of the Mishnah; the same could be argued regarding some Halakhic Midrashim, above all Sipra. The classical Amoraic Midrashim, Midrash Rabbah on Genesis, Leviticus and Lamentations, and the Pesiqta de-Rab Kahana, are normally dated in the fifth century, and many other Midrashim are thought to fit the time bracket between 400 and 600. As to the Bavli, the traditional dating to about 500 is still maintained by many; a date somewhere after the Islamic conquest seems to be more realistic. And finally we have a group of later Midrashim—e.g. Pirqe de-R. Eliezer or Seder Eliyahu Rabbah—which are generally considered to be post-talmudic, late eighth or early ninth century.

This rough outline satisfies most people working in the field. It conceals, however, a problem which has become more and more urgent in recent years: What exactly do we mean by “edition” or “redaction” in the context of rabbinic literature? We used to speak of the “final redaction” of this or another document. But can we apply this notion to works of literature which must not be attributed to a single author but to a group of contemporaneous rabbis or even to successive groups working on a certain literary project (all of them taken together by Jacob Neusner under the term “authorship”)? How can we distinguish the extended process of writing and editing from later additions and adaptations of a work (a problem most clearly described by Hans-Jürgen Becker with regard to the Yerushalmi and Berešit Rabbah)? There is no easy answer.

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5 Strong arguments in favour of this thesis are presented by Friedman, Tosefta Atiqta; Hauptman, Rereading.

6 See, e.g., the following statement, regarding Sipra: “I have appealed to the conception of not a single author, which is beyond demonstration though possible, but of an authorship, a body of composers, working at an indeterminate time and place, all bound to a single protocol of generative conceptions and a distinctive protocol as to rhetoric and logic” (Neusner, Uniting, 4).

7 Becker, Sammelwerke.
to such questions. Advocating a pragmatic approach to them, I should assume that from the moment when a work is being quoted and referred to by others, it may be considered a more or less clearly identifiable unit although others might still try to adapt and “improve” it.

The rough chronological outline of rabbinic literature possible at present should be taken seriously when dating rabbinic traditions. The redaction of the earliest rabbinic document in which we find a certain tradition is its *terminus ante quem*. Wherever we have parallel traditions, we should study them in sequence, in order to discern what changes have been introduced in them over the generations and what might be learned from these. We certainly cannot assume that parallels are always conscious reworkings of literary texts which later authors had before them. This might sometimes have been the case, but since this was a society in which written literary texts and their oral representation existed side by side, we have to reckon with more complicated relationships between varying parallel units of tradition. In no way, however, can this serve as an excuse for returning to past methods, trying to pick from every version what looks old and to compose an “original” version. The documentary approach, advocated in so many studies by Jacob Neusner, is our first guideline.

2. Beyond the Document: How to Identify Earlier Traditions?

Identifying the document in which a tradition first occurs cannot be but a first step. The editors of rabbinic documents certainly did not wholly make them up on their own; but to suppose the opposite, i.e., that they were mere collectors of earlier traditions which they transmitted unchanged—as Chanokh Albeck claimed for the Mishnah and other texts—is equally untenable. What criteria can help us identifying earlier units and dating them? Most work in this area has been done on the Mishnah to which therefore I shall limit myself.

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8 The most important recent study of the role of orality in rabbinic tradition is Jaffee’s *Torah in the Mouth*.
9 See, for example, Neusner, *Narrative*.
Stylistic differences of certain tractates or passages have frequently been regarded as indicating earlier sources. The most striking case is tractate ’Eduyot. Unlike the rest of the Mishnah, the material is arranged not according to topic, but according to names of tradents and formal criteria. Much of the contents of the tractate recurs in topically appropriate contexts in the other tractates. Another example would be tractate ’Abot, the only non-halakhic tractate of the Mishnah. Because of its singularity within the Mishnah it was also frequently considered to be a very early text, in its earliest form a remnant from the period of the Temple. But does difference mean chronological priority? Or is it better explained by its supposed provenance from a different school than the rest of the Mishnah? A verifiable evaluation of such literary observations for the dating of mishnaic units has not yet been achieved.

Often, contents in combination with linguistic observations are also taken as a criterion for dating specific units of the Mishnah. Textual units concerning the Temple and its service or which still presuppose a king are frequently taken to be early, deriving from before 70 or not much after 70, as for example by Jacob Epstein:

Some remnants of early mishnayot from the time of the Temple remained in our Mishnah, be they complete tractates or chapters and series of halakhot; be they halakhot concerning the cult in the Temple, its order and all that belongs to it, or decisions in civil and criminal law.

A frequently cited text adduced also by Epstein is m. Bik. 3:2–6 which describes Agrippa’s offering of first fruits in the Temple. The supposed archaic language and idiosyncratic expressions found in this text are regarded as evidence of its antiquity. Some, though not Epstein, also insisted on the frequent present tense of the verbs in this passage, as though its author was an eye-witness to the scene described (in the Gießener Mischna, this is cited for other reasons: there could not have
been such an elaborate and festive reception for every group with their first-fruits in Jerusalem):\textsuperscript{15}

An ox walks before them (השר הולך ...) And all the craftsmen in Jerusalem stand before them and greet them (ועמדו והואלים ...) even Agrippa the King puts the basket [of first fruits] on his shoulder and enters (אפילו אירופס המלך נסמ הסל על כתפו ...) While the basket is still on his shoulder, he recites [the confession of first fruits] (ויהיו הסל על כתפו, קרא כלוגתי ...) .

In descriptions of ritual the Mishnah sometimes uses the perfect, sometimes the participle, perhaps reflecting different sources used.\textsuperscript{16} At any rate, the tenses used in a description cannot indicate how close the author was to the event described. As Daniel Schwartz emphasized, “King Agrippa” in rabbinic sources is a stock character; they do not even care to distinguish Agrippa I and Agrippa II:

The Mishnah does not say that Agrippa brought first-fruits: not “took” or “used to take,” but rather the present participle “takes,” which, in rabbinic parlance, denotes obligation. Our text means only that “even King Agrippa,” an important man who would normally be expected not to carry his fruit basket himself, must do so on this occasion.\textsuperscript{17}

Alan J. Avery-Peck places the whole passage “in the Ushan stratum ... on the basis of the participation of Judah. There is no evidence that this description was known before Judah’s day”.\textsuperscript{18}

One might argue that R. Judah in 3:6 only comments on an earlier text, limiting the time while one has to carry the basket on one’s shoulder. This is the position of David Instone-Brewer who only doubts whether the older tradition ends before the statement of R. Judah or continues afterwards:

The tradition by R. Judah was either interjected into an older tradition ... or the tradition of R. Judah has been added onto the end of a

\textsuperscript{15} Albrecht, \textit{Bikkurim}, 41.

\textsuperscript{16} See Breuer, “Perfect and Participle.” Cf. already Albeck, \textit{Einführung}, 119 regarding \textit{m. Bik.} 3: “Von hier ist jedenfalls kein Beweis für die Redigierung der ganzen in unserer Mischna enthaltenen \textit{Schilderung} (über die Darbringung der Erstlingsfrüchte) zur Zeit des Agrippa zu erbringen, sondern nur für die Festsetzung einer alten \textit{Halacha} in ihrem Wortlaut ... In Wahrheit ist aber der Stil der erzählenden Schilderung in der Mischna so, dass die Form des Partizipium Präsents mit der Vergangenheitsform abwechselt.” What Albeck says about the fixing of an old halakhah in its wording, is problematic, but his general reasoning is correct.

\textsuperscript{17} Schwartz, \textit{Agrippa}, 164.

\textsuperscript{18} Avery-Peck, \textit{Agriculture}, 350 (repr. 1:335).
tradition…The latter is more likely because it is very unusual to insert later comments into the middle of an established tradition.19

As to the greater part of *m. Bik.* 3:2–6, Instone-Brewer attributes it to the period before 70, although at a rather low level of confidence (level 8–9 of 13), reasoning as follows:

This account contains some colourful and irrelevant details which one would expect from an original eyewitness account but not from a later third-party summary of the event… the presence of confusing details (such as the pigeons) and theologically irrelevant details (such as the flutes) help to suggest that this was not invented at a later date.20

Can we rely on such impressions for a dating of the text? I shall return to the general reasoning of Instone-Brewer at the end of my paper.

A general problem when trying to date Mishnaic traditions is the purpose of texts describing the Temple ritual. Are they based on traditions from the time when the Temple was still standing or written down soon after its destruction? Although there is some evidence of priestly traditions being incorporated into the Mishnah and later rabbinic texts (mainly names of leading priests, mentioned also by Josephus), the majority of these texts seem to be based on exegesis of biblical texts and general principles regarding the cult. Unless there is evidence to the contrary, we should regard such texts as later reconstructions of an ideal cult to be put into practice once the Temple would be rebuilt with memories of old being inserted only rarely. A thorough analysis of all traditions concerned with the Temple and still redacted before 70 or not much afterwards should constitute the basis of comparison for a new study of the whole problem. Before that is done, we should proceed with extreme caution when trying to propose early dates for textual units regarding the Temple and its cult; stray linguistic observations are too problematic to rely on them.

### 3. The Use of Attributions

In the example of *m. Bik.* 3:2–6, we have already seen how Alan Avery-Peck uses the name of R. Judah—the only name in an otherwise anonymous pericope—in order to date the passage to the period of

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Usha, the generation after the Bar Kokhba-revolt. This leads us to the general question of how reliable names are for the dating of rabbinic traditions. In our case, as in most, the problem is rather complex: is the attribution of the saying to R. Judah reliable? Is his saying a comment on a pre-existing tradition or literary unit? In that case the name would give us a *terminus ante quem* for this unit. Or is the name the *terminus post quem* of the redaction of this unit which combines a description of the rite—an anonymous ruling stating the point in the confessional recitation to which one has to carry the basket on one’s shoulder—and a divergent ruling by R. Judah on the same point? Here the question raised by Instone-Brewer comes in how exactly the saying of R. Judah is related to the preceding or surrounding text.

Instead of dealing with this particular case, I turn to the general question of the value of rabbinic attributions for purposes of dating. There are certain problems of pseudepigraphy (above all where famous rabbis are concerned and the temporal distance between the rabbi in question and the document in which such a tradition first occurs, is great) and mistakes in the transmission of names. There are certain mistakes which occur rather frequently, e.g., exchanging Eleazar for Eliezer, but in general this problem has been somewhat exaggerated: the manuscript tradition at least of the central works of rabbinic literature is much more consistent than frequently asserted. As to pseudepigraphy, in Mishnah, Tosefta and Halakhic Midrashim it is mainly a problem regarding the Houses of Hillel and Shammai; among individuals Hillel is the most likely candidate. In later amoraic and post-talmudic literature the problem becomes more urgent, but hardly the large-scale phenomenon it became in the early middle ages. The reliability of attributions to sages of the period before 70, above all from the time before the common era, remains beyond any serious control. The only thing that can sometimes be verified is whether ideas or halakhic positions attributed to a person were known at the time when he is supposed to have lived, or not.21

With regard to the time between 70 and the redaction of the Mishnah, we are on somewhat safer ground. Based on his analysis of Mishnah and Tosefta, Jacob Neusner has developed the method of attestation to show that at least in tannaitic collections attributions of sayings are largely reliable (the narration of stories about named rabbis is, of

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course, a completely different matter). The accuracy of the tradent’s name cannot be positively proved, but the historical period connected with that name generally can, because frequently, an idea quoted in the name of a rabbi is commented upon, glossed on, or taken for granted by a rabbi of the subsequent generation(s). I quote Jacob Neusner:

I do not believe we have any way of verifying whether a person to whom a saying is attributed actually said it… The simplest possible hypothesis is that the attributions of sayings to named authorities may be relied upon in assigning these sayings to the period, broadly defined, in which said authorities flourished… We have laws which interrelate in theme and conception, and which also bear attributions to successive authorities, for example, to a Yavnean, to an Ushan, and to an authority of the time of Rabbi. If we are able to demonstrate that what is assigned to a Yavnean is conceptually earlier than, and not dependent upon, what is assigned to an Ushan, then, on the face of it, the former indeed is an earlier tradition, the latter a later one. The unfolding of Rabbis’ ideas on legal and other questions may be shown to take place through sequences of logic, with what is assigned to later masters depending upon and generated by what is assigned to the earlier ones. When we find a correlation between such logical (not merely thematic) sequences and temporal ones—that is, if what is assigned to a later master does depend in theme, conception, principle, and inner logic upon what is attributed to an earlier master—then we have history: we know what comes earlier, what comes later. We are able therefore to describe ideas probably characteristic of authorities between the disaster of 70 and the Bar Kokhba debacle, from that time to the period of Rabbi, and in the time of Rabbi.

As Jacob Neusner himself adds, the logical unfolding of the law helps us in verifying the period to which a certain saying is attributed, but this method does not help where certain ideas are not followed up and developed in later strata of the Mishnah. There is also the problem whether, and if so to what extent, later sages quoting earlier ones adapt their position to suit their own argument and redactional context. Although in some publications Neusner seems to have become more sceptical than in earlier statements, I think that as far as it goes this test of attestations is highly useful.

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22 The method was first proposed in Neusner, Pharisees 3:180–238; for further developments see idem, “The history”; “The documentary history”; “Evaluating.” The third essay which deals with the more general question as to the purpose of attributions in rabbinic writings, is slightly modified in: “What use attributions?”

We are dealing, of course, with contents of sayings only. *Ipsissima verba* are beyond recovery in heavily edited texts such as those of the rabbis. For this very reason, linguistic and stylistic analyses will not help in this context—beyond the fact that our knowledge of mishnaic Hebrew is not detailed enough to allow differentiating within a century or two. We should also mention the fact that sometimes the same saying or position is attributed to different persons in different documents. As far as these persons belong to the same generation, is does not matter for our purpose, but in other cases it might be a sage taking over an earlier position. There is no general explanation of this phenomenon. The temporal and logical development of the halakhah allows us in most cases also to deal with anonymous sayings and to attribute them to a certain stage of the mishnaic period. Much more problematic is the dating of stories. Many rabbinic stories are paradigmatic; rabbis being mentioned in them serving only as examples easily to be exchanged for others. Thus the names mentioned in them may sometimes not even serve as *terminus post quem*. In such cases it is nearly impossible to move beyond the period of redaction of the document containing the story.

As to later texts of the rabbinic period, the Talmudim and the Amoraic Midrashim, Jacob Neusner writes:

Doubtless work on amoraic materials will yield the same series of disciplined sequences of correlated attributions and logical developments, allowing us to test the general reliability of the attributions by periods and making possible a description of ideas held in a given period by various authorities. On that basis, indeed, we can describe the ideas really characteristic of one period in the historical unfolding of talmudic Judaism and relate them to ideas characteristic of earlier and later periods.24

As a matter of fact, it is much more difficult to differentiate individual strata in the amoraic literature, where we deal with much vaster periods of time and where the specific methods of redaction are still much less known than is valid for the Mishnah (and, to a lesser extent, for the Tosefta and the Halakhic Midrashim). David Kraemer would allow for the possibility of verifying named attributions in the Bavli, although others are much more sceptical in this regard:25

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25 Kraemer, “On the Reliability”; Halivni, “Doubtful Attributions”; Stern, “Attribution,” 51, “It would be necessary to clarify the talmudic notion of individual authorship in order to appreciate, regardless of whether talmudic attributions were historically ‘reliable’,

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No final author of the Bavli flattened all distinctions in his sources to create a single, undistinguished whole. To the contrary, the Bavli retains a multiplicity of formally distinct voices. These distinctions assure us that we may still discern the parties for whom this traditions speak... The characteristics generally distinguish generations but not individuals. What we may speak of with assurance, therefore, is the nature of the literary production of a generation as a whole but not of individuals who comprise that generation. And even speaking of a generation may be overreaching because... the first two generations were highly similar, as, in different degree, were the third and fourth generations, and then the fifth and the sixth.26

Insofar as the general development of amoraic commentary on the Mishnah and the halakhic argument goes, this position has much to recommend it. It does not help us much, of course, as regards haggadic traditions, in particular narrative ones. Only recently have such traditions in the Bavli received more attention, especially with regard to the large extent of post-amoraic (stammaitic or saboraic) elaborations, even to modifications of stories which for a long time were considered old and useful for historical reconstructions.27

4. The Value of Baraitot

For a long time, baraitot have been taken for traditions dating from the tannaitic period without regard as to where they are first documented. In reality, they are quite diverse regarding language, contents and reliability. As to the language of the baraitot, Menahem Moreshet has shown that their Hebrew is a later stage of Mishnaic Hebrew.28 As to contents, one has to distinguish between halakhic and narrative baraitot. In general, halakhic baraitot seem to be more reliable; with respect to them we can frequently follow a line of tradition from early to late documents. Narrative baraitot, on the contrary, frequently appear for the first time in the Yerushalmi, Amoraic Midrashim or the Bavli. In this case we must be very cautious and take care to trace the antecedents of traditions first encountered in such passages.

...the meaning of attribution from the talmudic perspective itself, and the significance of its pervasive Talmudic usage.”

26 Kraemer, The Mind, 42. For a similar position see Kalmin, Sages.
27 See the most valuable collection of essays edited by Rubenstein, Creation.
In an earlier study, I have tried to analyze all the narrative baraitot in *Yerushalmi Yoma*. For this corpus of texts I could show that the Palestinian rabbis without doubt had in some way access to (literary) sources of the late Second Temple period (genealogical lists, priestly traditions etc.). This is confirmed above all by parallels to Josephus which with certainty do not derive from Josephus’ text. Many details not confirmed by Josephus or other sources are likely to be equally trustworthy, but in such cases we are unable to check the traditions. Wherever a comparison with earlier texts was possible, it could be shown that the Yerushalmi does not slavishly transcribe its sources but reformulates them freely. In the sample I studied, there was not a single case of identical wording in *y. Yoma* and its parallels. This and additional information in Tosefta parallels (e.g. fuller names of certain priests) which the redactors of the Yerushalmi would have had no reason to omit, make it doubtful whether the present text of the Tosefta was available to them. The Yerushalmi does not systematically distinguish between baraitot and other material. This explains the frequent lack of introductory formulae. Many texts which *y. Yoma* introduces as *ma’aseh* or which by other criteria give the impression of representing earlier material, are paralleled in the Tosefta and Halakhic Midrashim. I could not find any criteria why certain texts are introduced by *teni* whereas most texts other which equally qualify as baraitot do not have such an introduction. In the Bavli, the parallels with *y. Yoma* are almost always explicitly introduced as baraitot. Its editors systematically seems to try to clearly designate tannaitic traditions, perhaps even in cases where they did not have earlier sources.29

But this particular corpus of texts relating to the cult and to priestly traditions should not be generalized. There are baraitot in the Yerushalmi and even more so in the Bavli where it can be demonstrated how a baraita was derived from the attempt to understand earlier traditions and formulations (as is the case in the baraitot about the “Eighteen Decrees” decided upon in the upper chamber of Hananya ben Hizqiyya Garon, and which have frequently be taken as a historical source for the events directly before the outbreak of the great war against Rome in 66 CE).30 Especially the Bavli is likely to use introductory formulae characteristic of baraitot and late Mishnaic Hebrew not only when

29 Stemberger, “Narrative Baraitot.”
30 Stemberger, “Contributo.”
bringing early traditions, but also when it wants to speak about events of the tannaitic period without disposing of such traditions.

The problems we are faced with are already considerable when we want to evaluate the reliability of narrative texts about the first century in Mishnah and Tosefta. With baraitot documented for the first time in the Talmudim, these problems grow immensely. We should be extremely careful in our use of such texts. Their being presented as baraita simply does not suffice as a historical criterion. It was frequently used as such in the collection of materials offered by Paul Billerbeck, *Kommentar zum Neuen Testament*, when citing texts from late rabbinic writings which are marked as baraita. This practice, unfortunately, continues in more recent publications.

5. Rabbinic Traditions from the Era of the New Testament?

In this last section I shall very briefly deal with the question which in a conference on “The New Testament and Rabbinic Literature” perhaps should have been at the centre of my paper, but which I had to postpone because of more general considerations. Is there a legitimate way to date rabbinic traditions to the period of the New Testament and to use them directly for its interpretation?

For lack of space, I shall limit myself to the most recent attempt in this area: David Instone-Brewer, *Traditions of the Rabbis from the Era of the New Testament. Vol. I: Prayer and Agriculture*, which is the first volume of a planned series of six covering the whole Mishnah and parallel traditions. The author states at the outset: “The traditions collected here are, on the whole, a faithful reflection of the ideas and practices of rabbinic Judaism before 70 CE” (1). Then he continues:

The assumption of this present work is that these editors attempted to faithfully transmit early material, because the veracity of later conclusions was partially dependent on the accuracy of the earlier stages (5).

There are good reasons to believe that much of the content of the early materials has been faithfully preserved… not the actual words of the early rabbis. Editors abbreviated them and made them conform in vocabulary and style in order to make them memorizable. However, all this was done with the motive of preservation (28).

Unlike Billerbeck, Instone-Brewer does not follow the order of the New Testament, but that of the Mishnah, thus giving due weight to
the context of the rabbinic sayings; discussions of relevant NT texts come only at the end of each section. He rightly concentrates on the Mishnah and its parallels in the Tosefta; later rabbinic texts are adduced only where they might help to clarify Mishnaic sayings. This approach is very promising and raises the highest expectations.

In his introduction, Instone-Brewer includes a special section on “Dating Rabbinic Traditions” (28–40) where he confesses his heavy dependence on Jacob Neusner and in the end offers a scale of levels of confidence in dating, going from 1 (dating fairly certain) to 13 (almost certainly a later fabrication):

These volumes contain all the traditions which can be dated with a confidence level between 1 and 8, and a few which have a level of 9 or 10 if they are of particular interest for other early traditions or the New Testament (40).

In the corpus of his text, every tradition is attributed its degree of confidence in dating. Instone-Brewer is well aware of the many problems inherent in dating rabbinic traditions and offers many judicious caveats, but in general he tends to accept the reliability of traditions much too easily.

Disputes between the Houses of Hillel and Shammai are in general accepted as reliable, based on the unproven assumption that they…

appear to have been edited shortly before this destruction, and have been passed on relatively intact, as seen from the fact that the Shammaites win some of the debates. However, it is likely that many of these debates have been lost, and that many have been tampered with (4).31

References to the Temple and practices related to it are also too easily accepted as criterion for dating a tradition before 70. Some basic assumptions in favour of the origin of traditions before 70 are reasonable, but they would have to be corroborated by additional arguments instead of repeating permanently in the sections on the dating of particular passages: “There is no reason to doubt….” Such a petitio principii is not sufficient.

A good example for the problems inherent in Instone-Brewer’s approach is his extensive discussion of the Eighteen Benedictions. He correctly states that although some prayers can be argued to originate

31 Cf. ibid. 45: “The school debates were collected together before 70 CE, though a few may have been added later.”
before 70 CE, “we do not have the words of any in rabbinic literature.” But then he continues: “However, it may be possible that a surviving version of the Eighteen can be dated back to Temple times…it is possible that it preserves some wording from before 70 CE” (95). On pages 97–101 he prints a text of the Eighteen Benedictions from the Genizah and highlights all words which he considers to originate before 70. He assumes that the full Shemone Esre was recited in the Temple, benedictions 1–3 and 16–18 by the priests, the rest by the people or perhaps also by the priests, but because of the additional sacrifices not on Shabbat (61). Abstracts of the Eighteen Benedictions are claimed to have also existed before 70:

The Lord’s Prayer appears to be an abstract of the Eighteen…It was used in the early church in the same way as the Eighteen—i.e., they prayed it three times, standing, and used it as an outline for a longer prayer (55).

(...) The Lord’s Prayer was probably said standing, as it was in the early church, because it was the equivalent to the Amidah (64).

Here, Instone-Brewer goes far beyond what is known of the early history not only of the Amidah, but also of the use of the Pater Noster in early Christian prayer. Equally problematic is his historical exploitation of the story about the insertion of the benediction against the minim under Gamaliel which is to be found only in the Bavli (b. Ber. 28b–29a; b. Meg. 17b). He accepts its characterization as a baraita, but tries to apply textual criticism to date it even earlier than the Bavli does. He refers the story not to Gamaliel the Younger, but to Gamaliel the Elder of the early first century, based on his unproven opinion that the words “in Yavneh” and “before the Sages” are later additions; Samuel the Small is in due course also dated to the early first century. Similarly, it is said that the incident when he latter forgot the wording of the benediction “took place before or immediately after 70 CE” (69; cf. 108–110).

Instone-Brewer tends to interpret the New Testament on the assumption that already in Jesus’ time, the people, including Jesus and his followers, observed later rabbinic halakah in the smallest details. To give just one example:

The crowds of 5,000 and 4,000 men who ate the miraculous five loaves and seven loaves treated the food as doubtful, and therefore left twelve and seven baskets of broken-off fragments…It is likely that these fragments were the elevation offerings which individuals had removed prior to eating the loaves…The disciples picked the fragments up carefully,
either to give them to a priest, or to destroy them so that no one would accidentally eat them” (182; referring to Matt 14,20; Mark 6,43 etc.).

There is no need to say that for the time before 70 we do not have any evidence regarding the laws of demai (doubtfully tithed food) and the necessity to separate from such food the elevation offerings for the priests.

The major problems in Instone-Brewer’s reconstruction and compilation of rabbinic traditions assumed to derive from the period before 70 are his belief in a full continuity of the halakhah from the period of the Temple with that of the rabbis; his assumption that Jesus and his followers, as most Jews of their time, followed the Pharisaic halakhah which is directly continuous with that of the rabbis; and his lack of any doubt about the absolute dominion of the rabbinic sanhedrin headed by Gamaliel immediately after 70. This conception of Jewish history that completely ignores scholarly literature of the last decades, is accompanied by the assumption that even in late texts one is able to identify the elements that are early. Thus in his translations of the rabbinic texts he frequently highlights single phrases and even single words in bold print indicating the belief that these parts derive from before 70. Behind this procedure stands an idea of the growth of rabbinic texts which might perhaps fit a modern written text reworked and enlarged again and again, but which is certainly incongruous for rabbinic writings.

It is not my intention to completely demolish or even to ridicule Instone-Brewer’s valiant efforts. His project is worth the effort; his procedure in taking the Mishnah as the basis of his analysis (instead of seeking parallels to New Testament texts) is certainly the right way; and many of his observations are excellent and interesting. But the general execution of the project suffers from a too facile belief in the continuity of Judaism before and after 70, an antiquated, monolithic conception of Jewish history of the period, and anachronistic assumptions regarding the growth and transmission of rabbinic texts. While the documentary history of rabbinic Judaism is duly respected, the problems inherent in the use of baraitot are neglected, and within Mishnah and Tosefta themselves, topics (Temple and cult) overshadow the question of dating.

If must offer my apologies to Instone-Brewer for having taken his book as the example of how not to date rabbinic texts. His enterprise is important and might yield valuable results. To that end, however, his procedure in the announced five remaining volumes has to be
considerably refined. Dating rabbinic texts remains a complicated task. It is perhaps too early to combine it with a New Testament agenda. But I should certainly not discourage researchers in the field of the New Testament (or of Second Temple Judaism in general) from using rabbinic texts. The question is and remains how to find the adequate methods.
FORM-CRITICISM OF RABBINIC LITERATURE

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Although no form-history of rabbinic literature has been written yet, individual literary forms transmitted in rabbinic documents have been studied by scholars in more detail, especially since the 1960s and 70s.1 Scholars of rabbinic literature such as Abraham Weiss, Jacob Epstein, and Joseph Heinemann have been interested in the so-called “building blocks” or small units of the Talmud and Midrash, which were used by the compilers of the larger genres.2 Henry Fischel has compared certain rabbinic literary forms with their Graeco-Roman counterparts and detected commonalities with regard to rhetorical elements, motifs, and style.3 Influenced by literary-critical approaches to the New Testament Jacob Neusner applied form-critical methodology to rabbinic texts, but his conclusions were often one-dimensional, lacking historical depth.4 Arnold Goldberg also refrained from tracing the transmission-history of the smaller literary forms he identified in rabbinic works, especially in midrash.5 His approach can be called phenomenological-descriptive, analyzing literary patterns and determining their functions within the larger literary whole. The study of particular literary forms and the refinement of form-critical methods was continued by these scholars’ students and others in the 1980s and -90s and is still being carried on nowadays.6

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1 For an earlier survey of form criticism of rabbinic literature see Antony Saldarini, “Form-Criticism of Rabbinic Literature,” 257–74.
4 See e.g., Jacob Neusner, Rabbinic Traditions About the Pharisees Before 70, 3 vols.
6 See the discussion below.
In the following paper a number of issues concerning the form-critical study of rabbinic texts shall be addressed. The first problem faced by anyone who wants to study rabbinic literary forms is how to distinguish small and originally independent literary units from their context, where to draw the line. Secondly, the particular form of the literary unit has to be identified. Comparisons with similar forms in Graeco-Roman and early Christian literature have often been helpful in this regard. In order to trace the transmission-history of a particular form, synoptic comparisons may be necessary. They may also help to distinguish the redactional changes which a tradition underwent. The fifth and last step in the form-critical analysis of a text is to determine its “Sitz im Leben,” its possible rhetorical function within ancient Jewish society. Only hypothetical conclusions can be reached in this regard.

1. The Identification of Small and Originally Independent Literary Units

In the edited versions of the texts, smaller literary forms have been more or less well integrated into their literary context. Separating them from this context constitutes an artificial step which needs to be justified. Therefore some scholars have decided to merely describe the surface structure of a text and to determine the ways in which the various parts of a text interact with each other on this level (e.g., Arnold Goldberg). This text-immanent approach fits the structuralist agenda of the 1970s and -80s, but leaves the historically interested scholar dissatisfied. It refuses to consider the literary history and social context of rabbinic texts. If the literary history of a text is to be analyzed, however, the text has to be dissected and each building block examined by itself.

Sometimes certain technical terms which repeatedly introduce particular forms help to identify the “seams” between a text and its literary context. For example, the formula . . . שドレス למלך [Hebr.] ("A parable. The matter is similar to a king of flesh and blood who...") usually introduces a parable, whereas the terms . . . מעשה ("An event") and . . . עבדא הו [Aram.] ("There was a case concerning...") introduce case stories. It remains uncertain, however, whether these terms were attached to the literary forms by the editors of the larger documents, or whether they already introduced these forms in pre-redactional collections of parables and case stories, respectively. The occurrence of the related term . . . קומי עבדא Comey [Hebr.] or . . . בכם מעשה [Aram.]
(“the case came before…”) in the middle of a case story may either mean that the entire formulation of the story is editorial, or that these technical terms were already part of the pre-redactional formulation of the story—in both cases we would be unable to gain access to the “original” non-formulaic form of the tradition which the editors of the story collection or the larger documents used.7

This is meant to indicate the complicated nature of rabbinic text construction and the lack of “fool-proof” methods of identifying originally independent literary forms. The transmission- and redaction-history of rabbinic texts was usually much longer than the time in which New Testament texts such as the gospels were created. If introductory formulas are not particular to a story but occur repeatedly, they are probably editorial. If their usage is limited to a particular sugya (logical unit of Talmud discussion) or tractate and they fit in with the general editorial strategies of a particular sugya or tractate, one may assume that the editors of that particular portion of text are responsible for their formulation. If such formulas appear in many different tractates or even different documents, it is likely that they were part of the tradition at a stage prior to its “final” redaction and inclusion into the present literary context.

Not all originally independent traditions, however, are introduced by particular technical terms. Traditions are also often separated from each other through attributions to rabbis or entire transmission chains (“R.X. said”, “R.X. taught in the name of R.Y.” etc.). William Scott Green has emphasized that the main function of such attributions was the separation of traditions.8 They did not serve historiographical purposes, that is, the rabbi to whom a tradition is attributed cannot be assumed to have been the author of a tradition. Within the textual context attributions indicate where a new teaching, argument, or story begins. Obviously, the attribution is not part of the tradition itself but was added at a later stage when the tradition was transmitted orally or integrated into the Talmud or Midrash by the editors. Whether the rabbi to whom a tradition is attributed was associated with that tradition at an early stage of transmission already can never be ascertained.

7 On case-stories see Catherine Hezser, Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin, 292–303.
8 See William Scott Green, “What’s in a Name?—The Problematic of Rabbinic ‘Biography’,” 77–96.
If neither technical terms nor attributions are available for separating a text from its context, a change in formulation and style may help to determine its beginning and end. For example, a parable or story will be recognizable by its narrative style, if it is preceded by a legal statement or discussion. Problems arise in the case of longer narratives with changes of scenes and personages. Such longer narratives, which are especially common in the Babylonian Talmud, may be composed of several originally independent units. The building blocks and seams of such narratives may be detected by paying attention to the changing thematic focus, changing personages and/or settings, and parallel formulations (an indication of editorial intervention). Sometimes editorial continuations of stories are recognizable. Editors may have tried to expand the scope of applicability of a case story, to make it applicable to a greater variety of circumstances besides those explicitly addressed in the tradition. If such an expansion fits the concerns of the discussion surrounding the text, the “final” editors may be considered responsible for its formulation. Otherwise the expansion may have happened at the pre-redactional stage already.

Most of the traditions which were eventually integrated into the Talmud and Midrash will have originally circulated orally, sometimes for hundreds of years. The long process of transmission and redaction makes it impossible to reconstruct “original” versions of traditions, if they ever existed. Stories about rabbis and teachings associated with them will have circulated in various different versions and were adapted to the contexts and purposes for which they were retold and rewritten. Therefore, even if one assumes that a certain text had a prehistory, one cannot trace that prehistory back to its origins or early stages.

2. Rabbinic Literary Forms

The next step after having identified a small literary unit is to determine its literary form. A number of literary forms used by the rabbis also appear in Graeco-Roman and early Christian literature. These forms have often been studied more or less comprehensively in the non-Jewish contexts, but less so as far as their rabbinic configurations are concerned.

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9 See Jeffrey L. Rubenstein, *Talmudic Stories. Narrative Art, Composition, and Culture*, 244.
10 See Catherine Hezser, “The Codification of Legal Knowledge in Late Antiquity: The Talmud Yerushalmi and Roman Law Codes,” 592–94.
This is because historians of ancient Judaism and Talmudists have generally been interested in other issues, and historical-critical approaches to rabbinic texts are a relatively new phenomenon which started in the 1970s. Already at the beginning of the 19th century New Testament scholars such as Paul Fiebig and Paul Billerbeck studied rabbinic literary forms. They usually had their own anti-Jewish agendas, however, and used the rabbinic texts as “background” material for the allegedly formally, morally, and spiritually superior Christian specimens of the form. Other New Testament scholars have dismissed the relevance of the rabbinic analogies altogether on the basis of the allegedly too great chronological difference between the early Christian texts and the edited versions of the rabbinic documents. They tried to view ancient Christian literature on the background of Hellenistic Judaism instead.

The close formal analogy between some rabbinic and New Testament literary forms certainly validates their comparison. The traditional search for direct influences of one text on another has been criticized and given up by many scholars nowadays. Instead, one should try to reconstruct the general cultural context in which a certain literary expression emerged and developed. The cultural context in which some early Christian and rabbinic literary forms originated was determined by Judaism in late Roman Palestine, a Judaism which was based on the Hebrew Bible but which was also, to various degrees, amalgamated with Graeco-Roman culture. Often a literary form developed within the Graeco-Roman cultural environment (e.g., the *chreia* or *apophthegma*) and was later adopted by Jews and Christians. In this process of adoption and integration into new contexts, various elements of the form were changed to suit the new circumstances. It is this cross-cultural adaptation and transformation of literary forms which makes their comparison within ancient literary culture so interesting and rewarding: they may point to both cultural similarities and peculiarities.

The parable is a literary form which has been studied by New Testament scholars in great detail. Rabbinic parables were studied within

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12 See, for example, Martin Hengel, *Judentum und Hellenismus* (Tübingen, 1969).

13 See Peter Schäfer, “Introduction,” in *idem: The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, 14–16.
their midrashic context by David Stern. Against earlier attempts to isolate the rabbinic parables from their contexts and to use them as background material for the New Testament, Stern emphasizes the parables’ embeddedness in Midrash and their use as a means of biblical interpretation. He focuses on the final edited form of the text and believes that the individual traditions’ original oral setting cannot be reconstructed anymore. This structural and a-historical approach, which refuses to isolate the parables from their present contexts, is not so useful for New Testament scholars, but it constitutes a necessary counterweight to Strack-Billerbeck’s methods. A more recent and more sophisticated attempt to present rabbinic parables to New Testament scholars for comparative purposes has been undertaken by Clemens Thoma, who follows the parameters set by David Flusser. Together with other scholars Thoma has produced four compilations to date, comprising the parables found in Pesiqta de Rav Kahana (vol. 1), Bereshit Rabbah (vol. 2–3), and Shemot Rabbah 1–30 (vol. 3–4). In these volumes the rabbinic parables are translated and commented upon, and their parallels in other rabbinic documents and the New Testament are mentioned. The actual work of comparison is left to subsequent scholars for whom this collection will constitute a useful tool. One such comparative study based on Thoma’s collection has already been undertaken by Dschulnigg.

Another rabbinic literary form which has analogies in rabbinic texts is the chreia, also called apophthegma or pronouncement story. The chreia has its origin in Hellenistic rhetoric and was adopted by both Jews and Christians in antiquity. It consists of a more or less brief narrative introduction, culminating in a poignant statement by a “wise man”, whether a philosopher, rabbi, Jesus, or desert monk. The stories served to propagate the teachings and life styles of exceptional sages by juxtaposing their views and behaviors with those of mainstream society. They had both an ethical and epideictic function: the wise main served as a moral paradigm for his followers and was, at the same time, venerated by his students and sympathizers of later generations.

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14 David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature.*
15 See David Flusser, *Die rabbinischen Gleichnisse und der Gleichniserzähler Jesus, Teil 1: Das Wesen der Gleichnisse*; Clemens Thoma (et al.), *Die Gleichnisse der Rabbinen.*
Other types of narratives have also been identified within rabbinic sources. At one end of the spectrum we find the anecdote about prominent rabbis or known historical figures such as Alexander the Great or Roman emperors. At the other end there are concise case stories which present the most important legal details of particular cases only. Neither of these traditions can be considered historically reliable. They must all be seen as literary constructs which try to convey certain religious, moral, and ideological messages (anecdotes) or transmit legal instructions (case stories) which may help later legal experts in making their own decisions.18

A lot has been written about midrashic forms of scriptural exegesis.19 The midrashic unit consists of the quotation of a biblical verse followed by its rabbinic interpretation or comment, which may consist of a short sentence only or be expanded, including various types of narratives, lists, or discussions. The question here is to distinguish between originally independent literary forms and later editorial combinations of material, a task which is complex and can produce hypothetical conclusions only. Whereas comments on particular verses, attributed to individual rabbis, are easily distinguishable from fully-fledged “homilies”, many in-between cases of sometimes unattributed lists and thematic units are recognizable.20 Some such units, such as the enumeration of scriptural examples, have already been studied in more detail.21 A number of studies deal with particular aspects of rabbinic hermeneutics and exegetical techniques.22

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18 On case stories see Hezser, Form, 292–303. See also Eliezer Lorne Segal, Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin.
21 See Wayne S. Towner, The Rabbinic ‘Enumeration of Scriptural Examples’.
Besides the case story, which is formulated as a narrative, other halakhic literary forms have not received as much scholarly attention, because they were not always seen as literature but as documentations of legal decisions and proceedings. Therefore the contents and “realia” of these traditions were usually considered more important than their forms. Bernard S. Jackson’s structuralist approach to rabbinic legal texts can be considered exceptional in its focus on the linguistic aspects of the texts. In recent years the structuralist approach to literary texts has been replaced by the post-modern approach which focuses on intertextuality and indeterminacy. Such approaches have been applied to midrash but have not been sufficiently exploited in the study of legal texts. In addition, rabbinic legal literature and hermeneutics may be compared with the forms and rhetorics of Graeco-Roman and other Ancient Near Eastern legal traditions in order to determine shared forms and styles.

3. Synoptic Comparisons

Despite some scholars’ warnings against parallelomania and disputes over the usefulness of synoptic comparisons of rabbinic material, such comparisons are indispensable for form-historical approaches. The comparison of parallel versions of a narrative or legal statement in different rabbinic documents may allow us to distinguish between tradition and redaction and to determine the form of a tradition before its inclusion into the broader redactional context. It should be clear, though, that synoptic comparisons of rabbinic texts can never lead to

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24 For examples of the application of such approaches to Midrash see especially Daniel Boyarin, Intertextuality and the Reading of Midrash. See also Neil Douglas–Klotz, “Midrash and Postmodern Inquiry. Suggestions Toward a Hermeneutics of Indeterminacy,” 181–193. For suggestions on a possible application to legal texts see Jerry Leonard, “Introduction: (Post)Modern Legal Studies As (Critical) Cultural Studies.”


the detection of an “Urtext,” because such an “Urtext” is out of reach, if it ever existed at all. Various versions of a tradition will have circulated at one and the same time, and they will have been constantly changed and adapted to new circumstances.27 Synoptic comparisons may therefore indicate the main traits of a tradition before its inclusion into the present context, but not the exact words in which it was created or circulated.

As in the case of synoptic parallels between the gospels, the main purpose of synoptic comparisons of rabbinic texts is to determine which elements are shared and which are different. The differences may either be features of the different pre-redactional versions, or they may be editorial. They are likely to be editorial if they fit—or even replicate—the subject matter, formulation, structure, ideology of the surrounding context into which the tradition was integrated. If there is no neat transition between the tradition and its context, that is, if there is no shared formulation and the purpose and theme of the tradition seem to differ from the context, editorial changes cannot be detected.

There may be differences between the parallel versions which cannot be attributed to the editors of the respective documents. For example, one version may have additional scenes and details, or the names of the personages or places may differ. In such cases, similar criteria as those applied in synoptic comparisons of New Testament texts apply: expansions may have been made by pre-redactional editors (of story collections?); harmonizations which serve to clarify the meaning of a text may similarly be conducted by pre-redactional editors at some stage. On the other hand, one should keep in mind that the goal is not to reconstruct an “original” version or “Urtext,” something which often guided synoptic comparisons of the gospels. Differences between the versions without any obvious redactional purpose may simply be due to a long transmission process in which different versions circulated at different places.

Synoptic comparisons may clarify the main formal and structural features of a tradition and thereby help to trace its form-history. For example, a chreia may have consisted of a short narrative introduction and poignant saying only, but also circulated in expanded form in which dialogue was added to the narrative introduction or the poignant saying was transformed into a parable. Such transformations indicate the

inherent possibilities of a form, the range of structural changes which it may have experienced and its assimilation of other forms.

4. Redactional Changes

As already pointed out above, the distinction between traditional variants, pre-redactional, and redactional changes must always remain hypothetical but is nevertheless necessary in a form-historical approach. Studies which describe the structure of the texts within the edited documents only must necessarily remain superficial. Similarly unsatisfactory are studies based on the assumption that the editors left their traditions basically unchanged. Close examination usually reveals a certain amount of editorial reworking and adaptation ranging from attributions and introductory phrases to the entire formulation of narratives and halakhic statements.

Scholars have presented a number of examples of such editorial revisions, especially as far as rabbinic story traditions are concerned. For example, Baruch Bokser has examined the various versions of the story concerning Chanina b. Dosa and Shamma Friedman has traced the development of the R. Aqiba legend and the story about Rav Kahana.28 Bokser has also analyzed the ways in which traditions associated with one particular rabbi, Samuel, were integrated into rabbinic works, and the rabbinic transformation of cultic terminology.29 I have examined the redactional adaptation of case stories in y. Neziqin,30 and Peter Schäfer has studied the relationship between tradition and redaction in Hekhalot literature.31

When examining redactional changes, one obviously has to pay particular attention to the nature of the document into which a tradition was integrated. In order to properly understand editorial procedures affecting a particular literary form, one needs to consult studies

29 See Baruch M. Bokser, “Two Traditions of Samuel: Evaluating Alternative Versions,” 46–55; see also idem, Post Mishnaic Judaism in Transition: Samuel on Berakhot and the beginnings of Gemara; idem, “’Ma’al’ and Blessings Over Food: Rabbinic Transformation of Cultic Terminology and Alternative Modes of Piety,” 557–574.
30 See Hezser, Form, 228–68.
which examine the redaction of the specific document at large. For example, Ronen Reichman and Alberdina Houtman have presented studies of Mishnah (and Tosefta), Günter Stemberger has analyzed the redaction of a part of Sifra, Richard Kalmin has written studies on the redaction of the Babylonian Talmud, and Gerd Wewers and Yaaqov Sussman on redactional strategies of the editors of the Talmud Yerushalmi. Such redaction-critical studies of rabbinic documents have been undertaken during the last twenty years only and are still in their beginnings. They are of utmost importance to form-historical studies as well. In fact, form- and redaction-criticism must be considered two sides of the same coin. They look at texts from different perspectives but nevertheless affect each other and should be combined in a critical study of rabbinic texts.

5. The “Sitz im Leben” or Social Context

One important task of traditional form-criticism has been the determination of the “Sitz im Leben” or social context in which a particular literary form may have been used at the pre-redactional (oral) stage. The assumption is that one particular form has its distinct “Sitz im Leben,” that is, the various exemplars of this form were employed for one and the same purpose in everyday life. For example, it was believed that parables were used for the instruction of the populace, that teachers such as Jesus used images which were familiar to common people from daily life to provide moral and theological instruction orally. Whether rabbinic parables have a similar “Sitz im Leben” as the gospel parables and whether their “Sitz im Leben” can be reconstructed at all has been questioned, though. As already pointed out above, some scholars focus on the present stage of the text only. They would determine the structural role of a parable in the midrashic context (e.g. Arnold Goldberg, David Stern), its “Sitz in der Literatur,” but refrain from tracing its

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34 Richard Lee Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*.
function in a non-textual oral environment which they believe is forever out-of-reach to scholars nowadays.

As has been stressed by David Kraemer and others, rabbinic literature—unlike many of the literary forms and genres found in the New Testament—should primarily be seen as scholarly literature, composed and transmitted by scholars for scholars of later generations. This does not only apply to the final documents but to most of the traditional material as well. We may assume that the teachings of rabbis and stories associated with them were transmitted by these rabbis’ circles of students. Students were probably also the ones who first told stories about their teachers, whether anecdotes, case stories, or apophthegmata. Only rarely are traditions formulated in the first person, and even then, the authenticity of the first-person account is questionable.

Rabbis would, of course, also occasionally address the public, whether on the street, in the market or synagogue. But it is unlikely that they did so by using the literary forms which are transmitted in the written documents. Neither the brief exegetical comment nor the longer midrashic proem are imaginable as actual sermons delivered in synagogues. Even the parables usually presuppose a certain amount of biblical knowledge which the ordinary person is unlikely to have possessed. They may have served rabbis to clarify certain aspects of biblical verses during the oral instruction of their students rather than providing moral and theological instruction to the populace. Apophthegmata or pronouncement stories memorialized rabbis’ wit and wisdom. Again, later generations of students would have been most interested in transmitting and preserving such stories about their teachers to make these teachers immortal and to maintain the reputation of their “schools”.

The decisions underlying halakhic teachings and case stories may have once been applied to specific legal situations. But the abbreviated and stylized versions which we find in rabbinic documents will have been devised for the specific purpose of transmission within rabbinic circles. In this form they would not have been recited before the general public. In their concise form they are often only understandable within a specific halakhic context and require a large amount of biblical and halakhic knowledge in order to be intelligible. They clearly point to a scholarly context with regard to their formulation and circulation.

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36 See David Kraemer, “The Intended Reader As a Key to Interpreting the Bavli,” 125–40.
37 See Hezser, “Verwendung.”
The only forms for which a “popular” background may be assumed are proverbs and other folkloristic traditions and legends such as those about Alexander the Great. Proverbs, which are found in almost any culture, transmit the pragmatic knowledge of the common people, a set of values which the religious and intellectual elite may partly share and partly reject. Rabbis occasionally quote these sayings to support their arguments, or they distinguish themselves from them, reject them, and use them as the antithesis of their own Torah-based morality. Legends about emperors and other famous historical personalities will have circulated in many different versions amongst Jews, Christians, Greeks, and Romans in antiquity. The way in which a ruler was presented would, of course, depend on the political, social, and economic circumstances of the people amongst whom such tales circulated. Whereas Greeks and Romans represented Alexander as a cultural hero and the great civilizer of barbarians, Jews would naturally assume a more critical attitude towards him.

Such stories would not only circulate in rabbinic circles, but we have to assume that rabbis formulated the versions which they eventually used for their own literary and halakhic purposes.

6. Conclusion

Altogether, then, important steps towards the form-critical and form-historical analysis of rabbinic literature have already been taken, but a lot of work still needs to be done in this regard. It is especially important not merely to describe the surface structure of the texts but to trace the literary history of the traditions which were integrated into the documents. Unlike structuralist approaches which interest a small group of literary critics only, the results of such historical-critical approaches are also relevant to scholars of ancient history and comparative religion.


Only on that basis can comparisons with similar Graeco-Roman and early Christian traditions be undertaken. Hopefully, the analysis of both individual traditions and recurrent literary forms will continue and a form history of rabbinic literature, similar to form histories of the New Testament, will be written in the near future.
THE SOCIAL PROFILE OF THE PHARISEES

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INTRODUCTION

Let me start with a personal remark. Not being a sociologist, I had to find out for myself what meanings could be given to the term the organizers of the colloquium invited me to discuss, the “social profile” of the Pharisees. In the vast literature on the Pharisees, a lot of very different answers have been given in the last 150 years using “social” as a kind of catchword. In the introduction to his already classical book on Pharisees, Scribes and Sadducees in Palestinian Society, Anthony Saldarini gave a fairly exhaustive survey of opinions:

Scholars have pictured the Pharisees as a sect within Judaism, a powerful religious leadership group, a political leadership group, a learned scholarly group, a lay movement in competition with the priesthood, a group of middle-class urban artisans or some combination of these.¹

To these pictures Saldarini adds his own, in which he understands the Pharisees in their majority as belonging to the so-called retainer class, which “were mostly townspeople who served the needs of the governing class as soldiers, educators, religious functionaries, entertainers and skilled artisans.”² This picture is heavily based on Gerhard Lenski’s influential book Power and Privilege: A Theory of Social Stratification,³ and on the assumption that Palestinian Society during the Hellenistic

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¹ Saldarini, Pharisees, 3.
² Pharisees, 37f. Cf. ibid. 4f.: “Retainers included the bureaucrats, soldiers and functionaries associated with the Hasmonaens, the Herods and the Romans as well as the Temple servants and officers associated with the chief priests. It is among the retainers that we shall find the scribes and most of the Pharisees;” and 313 “Glossary,” under “Retainer Class.” Here he adds that they “shared the life of the governing class to some extant, but had no independent base of power or wealth (in contrast to the modern middle class).” For various criticisms on these point see VanderKam, “Foreword,” xvif, xixf.
³ Lenski is highly interested in the religious factor as well, cf. his The Religious Factor.
and Roman periods was an “agrarian society,” which, as part of the Roman empire, was integrated into a “large agrarian, bureaucratic and partly commercialized aristocratic empire” (35). The main characteristic of this type of agrarian society is the absence of a “middle class” with the effect of a wide gulf separating the small governing class from the majority of the people who belong to the peasant class and whose main function is to fuel society with food and all other necessities for survival. The retainer class, belonging to the upper classes, does not make up more than 5 to 7 pct. of the population (38) and functions like a hinge between the ruling elite and the peasant class. Its main societal function is to support the governing class in its attempt to maintain its position (cf. 37). Retainers can have a great impact on society and culture, especially at times when the governing class is weak (41).

Saldarini offered many insights and scrutinized the available evidence with great care and—as I showed elsewhere—in his analysis of the sources attributed the Pharisees with much more influence in society than in the methodological and summary parts of his book. Nevertheless I think that his overall treatment is too much oriented towards

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5 This overall picture is hardly true. The Roman province of Egypt was an agriculture-based society as well. The documentary papyri with their precise data on prices, contracts, dowries and similar financial items illustrate the relative wealth of a not too small portion of society including Jews. They were neither purely peasants (which still formed the majority) nor bureaucratic functionaries or other “retainers” but members of a financially secured and self-confident “class” who were able to put forward their requests against the official administration as well as against their fellows, cf. Lewis, *Life in Egypt*, 18–83. Jews are well documented as members of this “middle class” (cf. also the newly published papyri of the Jewish politeuma in Herakleopolis, which give valuable insights into the social reality of Jewish communities [Cowey, Maresh (eds.), *Urkunden*]) and a similar picture should be estimated for the Land of Israel as well. The documentary papyri from the Judean desert which until are now underrated in the discussion on social stratification are one potential source to support this point. In addition, the massive scholarly work done with respect to Galilee has shown that the “agrarian society” is not a sufficient and ample enough model for understanding first century Jewish society with its strong “urban” characteristics either, cf. Freyne, “Urban-Rural Relations;” id., “Town and Country;” id., “Urban Culture;” id., *Jesus*, 37–59; Reed, *Archaeology*, 62–99; for the economic situation see Freyne, “Herodian Economics;” Ostmeyer, “Armenenhaus.”


7 Cf. Saldarini’s summary with respect to material from Josephus: “Whatever influence they achieved, they usually achieved it with the help of a powerful patron and they entered into coalitions with other groups among the upper classes in order to gain influence and move those who had power” (*Pharisees*, 120).
the mechanisms of “official” power and influence. To put it differently: the Pharisees’ societal status as a goal in itself seems to be more in the foreground than their religious values or goals, and religious practices and beliefs are treated primarily as ways to engage society, not as being meaningful in themselves or for Heaven’s sake alone.8 This is partly due to Saldarini’s use of “the structural functionalist approach to sociology,” with its main categories of class, status, and power. Two basic assumptions underly this approach. First, it is assumed “that all human action contributes to human living and specifically human society” (Saldarini, 18), and consequently, each action is to be understood in its societal function. Second, it is thought that the main task of human action is the creation of order and the regulation of conflicts with the intention of keeping society stable. Saldarini is well aware of the limitations of this approach9 and uses a set of other analytical tools to compensate for it, but the right “group type” (280) and their related “communal activities and functions in society” comprises the main focus throughout. “Beliefs and teachings” are only a minor and perhaps underestimated factor in this programme (cf. 289–291).

To avoid repeating what Saldarini has already done extremely well, I have tried to formulate an outline of the task of describing the social profile of the Pharisees, starting mainly from Saldarini and, in addition, from Albert Baumgarten’s insightful study on The Flourishing of Jewish

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8 Meier, in his helpful lengthy description of the Pharisees as Jesus’ competitors, takes for granted throughout scholarship that “the Pharisees (as well as the Sadducees) were a Jewish group with both political and religious interests” (Marginal Jew, 313; the chapter on the Pharisees, 289–387). No one would doubt this statement, indeed. But in its generalizations it is far from being illuminative. What is necessary is to clarify in which relation the “political and religious interests” stood to each other. Concerning the Pharisees, the religious interests should be seen as dominant, whereas politics was just a means to serve these religious ambitions (a position which, as far as I can see, is quite close to Meier’s, see ibid. 315f.). Cf. also Grabbe, “Sadducees and Pharisees,” 45 (cf. 60), summarizing the presentation of Josephus as “both Pharisees and Sadducees (having) political aspirations much of the time.” In addition he states “both groups are portrayed as having religious beliefs”—but again, the interaction between political and religious interests does not become clear (but cf. id., Judaism, 483f.). One gets the impression that the Pharisees concentrated on piety only when politics was not possible for them. For the discussion between Grabbe and Mason on Pharisaic influence see Mason, “Revisiting Josephus’ Pharisees,” 44–54; Grabbe, “Response.” A more helpful portrait of the Pharisees, closer to Wellhausen’s view in which religious interests dominate politics, can be found in Schaper, “Pharisees,” 409–26.

9 For Saldarini’s use of the “structural functionalist approach to society” see 34 (cf. 17–20), for the limitations see 19. For further discussion of its merits and limitations see Theißen, “Einordnung,” 30–4; id., “Theoretische Einordnung,” 58–76; Hezser, Social Structure, 40f.
Sects in the Maccabean Era. I will address two points: the question of power and influence, and the question of organization. The result will not be another attempt to find the right class-label for the Pharisees which in itself reflects a reductionist approach with its implied presupposition that the Pharisees can be pigeon-holed as one class or another. My questioning is more towards the societal orientation which can be perceived in the available sources, or in other words, asking for the target group the Pharisees wanted to reach or influence.

1. Seeking Power and Influence

As a starting point for the following deliberations I take for granted the existence of a social phenomenon or in the terminology of Max Weber a “historical individuality” (“ein historisches Individuum”) called Pharisaism. Weber defines a “historisches Individuum” as a multifaceted complex of historical data and interrelations that with regard to its cultural meaning can be grouped under a single term. The New Testament and Josephus view the Pharisees and their interaction with Jewish society as a similar phenomenon, which obviously needs no further explanation. The Pharisees existed as an identifiable entity and already in the first century formed a “historical individuality,” following Weber’s terminology. This is why most references in our sources speak of them in the plural, “the Pharisees,” and much less of individuals. One of the tasks, therefore, is answering the question of how, why, and when this “historical individuality” came into being. This was done masterfully by Albert Baumgarten in his books, and there is no need to do it again. Baumgarten sees the main ferments for the development of the Jewish sects in “the encounter with Hellenism” which influenced the daily life of individual Jews in many ways, in the rise of literacy and education, in urbanization, and in a specific eschatological out-

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10 Out of 99 references in the NT (including Matt 23:14) 84 are in the plural, mostly with the definite articles (77 times); from the 13 singular references 11 are to be found in the Gospel of Luke, cf. Deines, "Pharisäer," 1462; for attempts to sort out individual Pharisees until the destruction of the temple see Cohen, “Significance of Yavneh,” 36 n. 20 (listing eleven individuals). Sievers, “Who were the Pharisees?” lists twelve named individuals plus at least two unnamed ones (from Luke 11:37; 14:1). A different picture would emerge if one follows Neusner, Rabbinic Traditions, naming more than fifty “Pharisees” and the traditions attributed to them.

11 Cf. further id., “City Lights,” describing the Pharisees as a city-based “reference group” whose function was to guide and direct a society in transition, especially for the
look. Especially helpful seems to me his comparative approach, trying to understand the emergence of Jewish sectarianism with a view to “analogous situations in other times and places.”

While Baumgarten concentrated on the formative period of what in the end came out as a “historical individuality,” I want to ask in which way Pharisaism partook in Jewish society in *Eretz Israel* in the first century before and after the common era. In order to get an idea what kind of social player Pharisaism might have been, it is necessary

“newcomers” in the city, which for Baumgarten only concerns Jerusalem. Taking into consideration the strong urbanization of Galilee under Herod Antipas (s. above n. 5) and the probable fact that Herod’s relation to at least some Pharisees was not too bad (cf. *Ant.* 14.172–76; 15.3–4.370, although the text and its transmission contains some inconsistencies) the possibility that along with the cities, the Pharisees also became more prominent in Galilee seems quite plausible. That the Pharisees exerted some influence within Herod’s family is visible from *Ant.* 17.41–5 as well (cf. *J.W.* 1.571). Mason, *Josephus on the Pharisees*, 116–119, 260–280, interprets Josephus’ description of the relation between Herod and the Pharisees as more hostile, but this is partly due to his overall approach according to which Josephus was opposed to Pharisaic influence in society and therefore his description is biased (cf. ibid., 373, see further Meier, *Marginal Jew*, 312; Schaper, “Pharisees,” 417–9); for further discussion of the Pheroras episode see Saldañini, *Pharisees*, 100f; Grabbe, *Judaism*, 471, 483s; for an unconvincing attempt to separate the Pharisees from the episode in *Ant.* 17. 41–45 see Rivkin, *Revolution*, 321–324 = id., “Who were the Pharisees,” 30–33. That Pharisaism was linked with urbanism and the social changes caused by it is a long-standing tradition in scholarship, see Jeremias, *Jerusalem*, 247; Finkelstein, *Pharisees* 1: 4–5, 11–23, 82–100 (cf. xxv: “the rural-urban conflict is one of the few constants in the recorded history of civilization”); Rivkin, “Who were the Pharisees?,” 24f.; Schaper, “Pharisees,” 405 (“It was the urban lower middle class that provided the soil for the growth of Pharisaism”), cf. also Sanders, *Judaism*, 404–407. For the rabbinic movement see now Miller, *Sages and Commoners*, 446–66, who describes a clear hierarchy from city to village with respect to the reputation of the sages, but not in the way that study of the Torah or a life according to the halakhic rules was only possible in the cities. What he describes is a “rabbinic network” (451) which has its centres in Sepphoris and Tiberias but reached with its “tentacles” even the smallest villages (459). Similar conclusions were drawn by Hezser, *Social Structure*, 157–184.

12 *Flourishing of Jewish Sects*, 35. For similar approaches comparing Pharisaism with Christian pietist and dissenting groups see Regev, “Comparing Sectarian Practice;” Deines, “Pharisäer und Pietisten.”

13 I regard the first century CE as decisive in more than one respect. Our best sources originate in and deal mainly with the first century (Josephus, *New Testament*). Also, the destruction of the Temple in 70 CE on the one hand marks the termination of Pharisaism as an inner-Jewish movement labelled under this name, and on the other, the starting point of the transformation of Judaism into what will become in the course of time rabbinic Judaism of which Pharisaism was one of the principle and formative forerunner. For a minimalist view of Pharisaic influence within the rabbinic movement see e.g. Stemberger, “Qumran,” cf. also id. “Mishna Avot.” For my own view see Deines, *Pharisaer*, 538–40. Cf. also Grabbe, *Judaism*, 594: “Developing Judaism at Yavneh appears to owe a great deal to the pre-70 Pharisaic tradition;” Miller, *Sages and Commoners*, 21–6.
to ask about the rules, the team mates, adversaries, opponents and—of course—about the referee in this game. In other words, what were the rules according to which society was organized and governed? Which modes of participation were possible and accessible? And, in addition: was participation possible for all, or only for those with special immutable qualifications, e.g., pedigree? Knowledge, for example, is a contingent qualification. What institutions existed and what was their influence upon social reality? A glance at the literature reveals mainly discussions of the Sanhedrin, legal courts, synagogues, and schools. We have to ask: what intentions and limitations are connected to these different institutions? These, as already mentioned, are mainly the questions Saldarini tried to answer. With respect to the Pharisees, he took it for granted that they were after active participation, after “influence and power in Jewish government,” wherever they saw a chance (42 and often). To pick up on the image used above: for Saldarini as for many others, it is beyond doubt that the Pharisees were playing the game of “who runs what.”

But is this really the way Pharisaism exerted its apparent influence? Was indeed “Jewish government” the sphere they aspired most

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14 Cf. Sanders, Judaism, 458–490, “Who ran what?” with its misleading conclusion: “...the Pharisees governed neither directly nor indirectly” (459), which in my eyes results from asking the wrong question, see Deines, “Pharisees,” 448 n. 14. Sanders is right when he writes “it is important to distinguish between the popularity of the Pharisees and their ability to control official and public events” (389). For the reasons of Pharisaic popularity see 402–404. But this still does not explain why the Pharisees with their “numerous, usually minor adjustments” to “common practice” (402) gained popular prestige within Jewish society when they did nothing other than ordinary Jews did. As opposed to this I would maintain that the type of household Judaism (see n. 47) that emerged since the first century BCE is not understandable without an influential group promoting this type of Jewish piety and its strong concerns about purity in the daily life of common people. Purity was surely not the only concern of this new movement but the one which can be best seen through archaeological findings (cf. Berlin, “Jewish Life”). Other elements are visible through the anti-pharisaic polemic of the Gospels. The only known group which matches the search criteria of being influential in the first century BCE (admitted by Sanders, Judaism, 381–383), oriented towards the people, interested in the development of “everyday halakha” allowing the average citizen to practice a sanctified life within his own house, community, and during daily work and routine, are the Pharisees. Therefore the common Judaism as reflected in the “household Judaism” is the result of Pharisaic influence on noticeable portions of Jewish society. This explains in my view the visible changes in Jewish religious practice as well as Pharisaic popularity. Additionally, it allows us to locate the connecting lines between Pharisaism and rabbinic Judaism.

to become influential in? My impression is that the denial of a significant Pharisaic influence on Jewish society so popular in parts of recent scholarship is based on a sociological model implying that such influence must be channelled through “official” government-based institutions.16

A glance at our most important sources for the study of Pharisaism, the New Testament and Josephus, allows us a different picture. Starting with the polemical passages in the New Testament, the Pharisees are charged with a lot of bad behaviour. This is not an objective description of Pharisaism of course,17 but the polemics allows us to locate the

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16 Cf. Saldarini, *Pharisees*, 120: The Pharisees “were a literate, organized group which constantly sought influence with governing class”, cf. 122; similar Sanders, *Judaism*, 383: “They were not aristocrats, but they nevertheless wished to have governmental power for themselves” (for Sanders they came quite close to their ambitious aims in the time between John Hycanus and Salome Alexandra, but they lost most of their political power during Herod’s reign and regained it only for a short period during the outbreak of the revolt against Rome). In order to minimize Pharisaic influence Sanders therefore tried to show their absence not only in political decision making bodies but also in the Sanhedrin and the Synagogues, cf. *Judaism*, 176f., 472–88; Meier, *Marginal Jew*, 297. It is worthwhile to mention that already Julius Wellhausen in his famous book *Die Pharisäer und die Sadducäer* (1874) featured the Pharisees as a kind of “ecclesiastical party” that did not actively engage in politics for politics’ sake and whose influence was not based on a formal control of the Sanhedrin or other institutions but on their personal authority within the ordinary people as experts in the Law (cf. Deines, *Pharisäer*, 44–67). Only in 2001 was his book translated into English, and it received a rather hostile reception, cf. the review by D.C. Stoutenburg, *JBL* 122 (2003): 376–379; id., *RBL* 5 (2003): 332f. More influential obviously was the position of Emil Schürer according to which the Pharisees were more closely connected to Sanhedrin, schools, and synagogues (cf. Deines, *Pharisäer*, 80–88), a connection which is still visible in the revised edition of Schürer, *History*, esp. 2:389, where the Pharisees are described as “men who sought earnestly and consistently to put into practice the ideal propounded by the Torah scholars of a life lived in conformity with the Torah.” This way of “Torah Scholarship” is described in Schürer’s §25, which included a list of “major Torah scholars” consisting only of rabbinic sages. Then follows §26 on “Pharisees and Sadducees” before he dealt with “School and Synagogue” (§27). On the Sanhedrin and the influence of the “Torah scholars” see §23.III (199–226). The second edition of Schürer’s work was already translated in 1890–3; an abridged one volume version appeared in 1961. Thus Schürer, much more so than Wellhausen, became the main representative of the initial research in Pharisaism and its place within Jewish society. Sanders’ opposition against the “all powerful-Pharisees” (Jeremias, *Jerusalem*, 265) is nurtured considerably by Schürer’s representation of the Pharisees, cf. de Lacey, “Search,” 355f.

17 Cf. the famous dictum of Wellhausen against those who take a polemical statement at face value (Pharisäer, 127, and further Deines, *Pharisäer*, 66).
points of Pharisaic interest and public “visibility.” In the woes against the Pharisees, a tradition that goes back to Q and therefore to the time before 70, they are attacked for keeping purity regulations with respect to ordinary household items like cups and dishes (Luke 11:39 par. Matt 23:25), that they are precise concerning tithing (Luke 11:42 par. Matt 23:23) and that they “love to have the seat of honour in the synagogues and to be greeted respectfully in the marketplaces” (Luke 11:43; similarly Matt 23:2, 6–7). In Matt 6:1–5, 16–18, the Sermon on the Mount, the hypocrites are likely depicted in a “Pharisaic” fashion. From Matt 23 we may add the attempts at being visible in society through identifiable clothing (23:5) and by being addressed with the honorific title “rabbi” (23:7b–8). They teach the people how to swear (23:16–22) and are engaged in building memorials for the prophets (23:29). The isolated saying of being “lovers of money” (φιλάργυροι, Luke 16:14) seems to be pure polemics.

What can we learn from these texts with respect to our overall question? First, that the Pharisees used their religious prestige—which I would claim, involves all 99 references in the New Testament, covering a time span roughly between 50 and 100 CE, or, allowing that some sayings go back to Jesus, from 30 to 100 CE—to impress on their fellow citizens what a life according to God’s will looks like. To pray publicly; to openly show respect towards a specific commandment through clothing; to honour important parts of the nation’s religious tradition with monuments; and to help and instruct others in adopting a similar

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18 Cf. my paper “Die Pharisäer und das Volk” (forthcoming 2007).
19 Having read my paper, John Levison made the remark: “What about the accusation that they put heavy burdens on the poor?” As he explains to me, this is an especially important topic in South American liberation theology partly as a result of books like Saldarini’s, portraying the Pharisees as bureaucrat functionaries of the exploitation of poor peasants; cf. Leison—Pope-Leison, Jesus in Global Contexts. As far as I see, there are no remarks in the literature that the Pharisees oppressed the poor, besides Matt 23:14 (“Woe to you, scribes and Pharisees, hypocrites! For you devour the houses of the widows and for a pretence you make long prayers; therefore you will receive the greater condemnation”), which is text-critically doubtful and not an original part of the seven woes in Matt 23. The saying is obviously a late combination of Mark 12:40 par. Luke 20:47 (addressed against the scribes) and Jas 3:1 (addressed against the ‘Christian’ teachers). Against this see Ant. 18.12: “The Pharisees simplify their standard of living, making no concession to luxury.” But cf. Horsley, “Pharisees,” who sees the Pharisees as retainers and as “representatives of and advocates for the Jerusalem temple-state’s interests in Galilee” (134), which means they are functionaries of an imperialistic regime which exploits the Galilee. Jesus’ woes against scribes and Pharisees in Q 11:39–52 should therefore not be seen as focussed “on the Law and/or purity at all but on the social-political-economic role of the Pharisees and scribes/lawyers” (142).
divinely-favoured life-style—all these are elements of religious behaviour oriented not primarily towards institutionalized political influence but towards the people living next door or across the street. In the New Testament the Pharisees are not accused of striving for political power or of seeking influence through key figures in society. Furthermore, they are not accused of collaborating with the mighty ones, even though it is clear in the New Testament that Pharisees did have connections with influential networks in society like the scribes, Herodians, Sadducees, High Priests and the Sanhedrin (in Acts). They did not disappear from public life with the downfall of the Hasmonean kingdom, nor did they change their major orientation From Politics to Piety as Jacob Neusner puts it. Nevertheless, as far as intentions and motivations can be detected from the texts, their striving for influence was directed towards the religious practice of the ordinary people (as representatives of Israel as a whole) and not towards the ruling elite. Accordingly, the topics the Pharisees are interested in are, with one exception, religious. The only question which might be worth considering

20 Cf. texts like Mark 3:6 (cf. 8:15; 12:13); 7:1, 5 par. Matt 15:1; Matt 3:7 (cf. 16:1, 6, 11); 12:28 (cf. 23:2ff); 21:45 (cf. 27:62); Luke 5:17, 30 (cf. 6:7; 11:53; 14:3; 15:2, cf. John 8:3); 13:31; John 7:32, 45–8; 11:47 which hint to connections between the Pharisees and the bearers of ‘official’ power. In some NT texts individual Pharisees are even described as ruling officials (John 3:1; Acts 5:34; 23:6–9; cf. Luke 14:1). For the relationships between Pharisees and Herodians see Meier, “Historical Jesus;” Taylor, “Herodians;” for Pharisees and the chief priests see Mason, “Chief Priests;” von Wahlde, “Relationships;”

21 Cf. the accusation against the Pharisees as striving for “rank at table,” Luke 11:43 par.; Matt 23:6; 14:1–11 (cf. 20:46–7). Also the list of “misdeeds” in Matt 23:2–7 hints to attempts to win over the “crowds” (cf. 23:1). In the Gospels the Pharisees along with the scribes are responsible for the failure of Jesus’ mission within the Jewish people, which again hints to their popular influence, cf. i.a. Moessner, “Leaven of the Pharisees;” Garbe, Hirte Israels, 57–60. To interpret the conflict between Jesus and the Pharisees as a literary device from the post-70 period mirroring conflicts between the early Christian communities and emerging rabbinic Judaism is not at all convincing, because this presupposes a powerful rabbinic movement in the time between 70 and 90 which the readers should be able to identify with the former Pharisees. What is often forgotten is that this picture of rabbinic Judaism taking over the lead immediately after the destruction of the temple is again an unhistorical myth created around the so-called “synod of Yavneh.” In the years 70–90, which are relevant for the writing of the Synoptics, the participants at the Yavnean attempt to restructure Judaism as social and religious order were not “necessarily recognized as representatives of Jews of the country” (Grabbe, Judaism, 593). It is therefore much more likely to see it as ongoing conflict between Jesus and the Pharisees and still alive when the gospels were written.

22 Mark 12:13–7 par. Matt 22:15–22; Luke 20:20–6, the question about tribute to the Roman Caesar. As it is visible from the Pharisee Zaddok, one of the founders of the
is whether in some respects they tried to imitate the status-related behaviour of the ruling class in enlarging their own influence on the population.

At first glance, Josephus’ works give a different impression. Very often, the Pharisees are directly linked here with the Hasmonean court (Ant. 13.288–298, cf. b. Qidd 66a; J.W. 1.110–113 par. Ant. 13.408–412, 432f), the Herodian court (J.W. 1.571; Ant. 17.41–49, cf. Luke 13:31 and n. 11), and the Sanhedrin (Ant. 14.172–176; 15.1–4; J.W. 2.411; Vita 189–98, cf. J.W. 4.158–61; Ant. 20.200–1). But again, a closer look shows that Josephus mostly describes the Pharisees as being invited to partake in court and government affairs. The initiative for establishing the Pharisees to powerful positions came from the ruling elite and not from the Pharisees (Ant. 13.289–90, 402–8 cf. J.W. 1.111; Ant. 14.176; 15.3, 370). The reason according to Josephus was their enormous influence on the population. This was so to say the practical reason; but very often a religious motivation on behalf of the rulers is mentioned as well. According to Josephus, for example, John Hyrcanus confessed before Pharisees he had invited for a banquet that “he wished to be righteous and do everything to please God” (Ant. 13.289). Similarly, Salome Alexandra is praised for her strict observance of the national laws (τὰ πατρία), which “deprived of office any offenders against the sacred laws” (εἰς τοὺς ἱεροὺς νόμου, J.W. 1.108). The picture Josephus thus creates is that the Pharisees gained influence partly because some of the Has-

“fourth philosophy” (Ant. 18.4), the question of paying tribute to a foreign emperor is on the borderline between religion and politics. According to Josephus, the refusal to pay taxes and provide political loyalty was motivated by a specific religious conviction (J.W. 2.118, cf. Ant. 18.5). The refusal of the 6,000 Pharisees at the time of Herod to swear loyalty (Ant. 17.42–3; J.W. 1.571; the oath described in Ant. 15.368–71 should not be confused the later story about the 6,000 Pharisees) might be similarly motivated by religious concerns based on 2 Sam 24:1–10 (cf. Ant. 7.318, the census being against Mose’s command). See also n. 40.

23 Cf. Ant. 13.288: their influence with the masses (παρὰ τῷ πλῆθει) is so great that they can set them up even against the high priest or king. For a one-sided but typical summary of Josephus’ text about Pharisaic influence in the time of John Hyrcanus see Meier, Marginal Jew, 316: “During the early part of Hyrcanus’ reign, when the Pharisees enjoyed his favour, they apparently were able to impose their special laws on the people.” In Ant. 13.296 the νόμιμα are mentioned which the Pharisees “had established for the people” (similarly in 297) and which Hyrcanus abrogated. Not a single word in Josephus hints at the point that the Pharisees had been able to introduce their παράδοσις τῶν πατέρων (297) because of Hyrcanus’ favour. The opposite is true: he is described as μοθητής of the Pharisees (289), which means he is their partyman and not vice versa.

24 The history of Pietism offers many parallels.
moneans shared their religious aims and partly because their religious tradition had the support of the masses, without which the ruling elite could not keep society in equilibrium and achieve their goals. Societal interests and religious goals were closely interwoven and therefore we should give some more attention to the religious factor as compared with the societal than was hitherto done in critical analysis.

Referring to the comparative approach of Albert Baumgarten which involves the Puritans in Great Britain, I want to hint at the influence German 18th and 19th century Pietists had on aristocrats—in Prussia even on the ruling dynasty. Pietists such as August Hermann Francke were invited to make a contribution to the society, which they did. But as with the Pharisees in Josephus, it was a kind of influence “on demand.”

To make sense of these observations with respect to the struggle for political power I would like to distinguish between intended and unintended influence. A person or group may become influential because they want to be. Others eventually become politically influential while following a different goal. For example, the Christian hermits who appear from the 3rd century onwards did not select far remote places\textsuperscript{25} in the desert in order to become famous or influential. They were primarily concerned with sin and personal salvation. Nevertheless some of them became very influential in the monastic movement as spiritual guides and teachers, or even as bishops within the churches, from which at one occasion they withdrew.\textsuperscript{26} This is what might best be called “unintentional influence.” Similar phenomena can be found in later Christian history and in the general history of religion.\textsuperscript{27} Besides religious motives, such developments obviously also highly depend on economic, cultural and political developments. Also, mutations and adjustments to changed conditions and different surroundings occur. In their formative stages, religious groups, often have a fluid character,

\textsuperscript{25} The adverb “far” is contested by Brown, \textit{Body and Society}, 213–240, but a look at the hermits’ dwellings and their locations, e.g. in Palestine, makes it obvious that is adequate, although Brown is right in the sense that actual distances between the desert and inhabited areas were seldom more than a two-days’ journey. Cf. also Dummer, “Mönch,” 207; for the relation between hermits and “official clergy” see 210f.; for the unintentional influence of monasticism see id., “Leitbild und frühes Mönchtum.”

\textsuperscript{26} Cf. Frank, \textit{Geschichte des christlichen Mönchtums}, 13–34.

\textsuperscript{27} For examples see Kehrer, \textit{Organisierte Religion}, 75–90, ch. 6, “Religiöse Gruppenbildungen in den indischen Religionen und im Islam.”
and it may even be inappropriate to speak of “groups.” The most one can say is that they are a group *in statu nascendi*.

With regard to the social profile of the Pharisees, then, my assumption goes more in the direction of their becoming unintentionally influential, because in times of substantial change and crisis, people regarded them as a role model for right practice and belief. Pharisees tried to live a sanctified life, while following inherited traditions based on the Torah and accepted standards of right pious behavior, not in isolation but within their larger social environment of family, residence, profession, and similar social networks. Their “separation” was not based in the first place on a societal ideology or group-identity aimed against other parts of Jewish society, but on a religious and spiritual orientation which places the person apart. But as in the case of Elijah, it happens that this isolation does not last for long. Whereas Elijah thought that he was the only one left who had not bent his knees before Baʿal (1 Kgs 19:10, 14, “I alone am left”). God himself informed him that he had kept for himself a remnant of more than seven thousand men (1 Kgs 19:18, and cf. the argumentative use of these verses in Romans 11:1–5).

That means that at times when a specific religious commitment is either no longer self-evident, as in the Hellenistic crisis, or new ways of religious practice arise, a kind of religious “Vergesellschaftung” of like-minded individuals is often discernable. Even if individuals for the most part or a small groups such as families stood at the beginning with no plans of forming a group of any kind but only the aspiration to do what they regarded as God’s will, in the end they may form a more or less tight-knit network of social relations. The first two chapters of First Maccabees can serve as an example: individuals and families want to keep the inherited Jewish traditions and are unwilling to give them

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28 For this cf. Schwartz, “Kingdom of Priests.” He showed very clearly that the Pharisaic imitation of priestly practice was not intended to produce priests but to achieve the same holiness as a priest. As Mek. R.Y. on Ex 19:6 (ed. Horovitz-Rabin, p. 209) formulates, the mandate to be *perušim* is found in the biblical call for holiness: “(You shall be) holy and sanctified, separated (perušim) from the nations of the World and their abominations” (63), cf. also Deines, *Pharisäer*, 494f.


30 Cf. the very illuminating description of this kind of network in Hezser, *Rabbinic Movement*, 228–239, 492–494; and now in Miller, *Sages and Commoners*, 446–466.

31 For a similar development within the emerging pietistic movement, cf. Jakubowski-Tiessen, “Eigenkultur und Traditionsbildung.”
up because of the foreign king’s order, so they flee to remote places. This was not an organized movement, there was no strategy behind these flights, only the will to find a way to serve God in the “right” way. With the public resistance of Mattathias, the priest and head of a large family, the situation changes and suddenly, as in the case of Elijah, no longer only individuals but many are seeking the “right” way. In the person of Mattathias and subsequently of his sons, the individuals gain a voice and become a group—not an organized one, but one with a common goal: keeping the law of God and the covenant with God: “Then Mattathias cried out in the town with a loud voice, saying: Let every one who is zealous for the law and supports the covenant come out with me!” (1 Macc 2:27).

The description of the Pharisees in the New Testament and in Josephus referred to above illustrates a more developed stage in the history of the Pharisees, but not an entirely different one. They are still bent on living a holy life with a primary orientation towards the people at large, not the ruling bodies for the sake of political influence or power. I assume that an analysis of the Mishnah and other earlier parts of rabbinic literature would result in a similar portrait. The orientation of the sages is towards the right halakhic practice of the people, and one important principle is what the majority can bear. Politics is, if in view at all, one of the means to reach the people, certainly not the most important. Conflicts between the sages and the “crowds” or the ḥam ha-ares are not based on fundamental disagreement but result from different expectations with respect to the level of commitment.

Let me summarize my main points:

1. Looking only at political and government-based influence is inadequate to the way Pharisaism might be described as being influential.
2. A differentiation between intentionally sought and unintentionally gained political influence should be made and developed further in scholarship.

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32 Cf. Saldarini, *Pharisees*, 280 for the changes due to the existence of a group over a longer period.
33 Cf. Baumgarten, *Flourishing of Jewish Sects*, 34 about what makes a group extreme. These mechanisms are used neither by the Pharisees nor by the rabbis.
34 Cf. the short but helpful observations in Goodman, “Ancestral Tradition,” 18f.
3. Individual religious motives which nevertheless are held by many must be taken more seriously into account as a formative factor in the genesis of religious groups.

A similar attitude of wishing to do the will of God in specific situations or in normal life is hard to get by with the methodological tools introduced by Saldarini. The aspiration for sanctity which must be recognized as one of the formative factors in the genesis and development of Pharisaism is not restricted to the retainer class, although it is possible that many belonged to it. A poor artisan or peasant can live according to these convictions as well as a member of an aristocratic and affluent family. Even priests and Levites can adopt such a way of living; Mattathias and his sons are a telling example. As against Saldarini, I would argue that we should not concentrate so heavily on the question of which overall class the Pharisees belonged to, but rather look for clues to different social backgrounds within Pharisaism. Both Paul the artisan and the aristocrat Josephus can boast on close links with Pharisaism. And if, as many scholars argue, Jesus and his family were at least influenced by Pharisaic ideas, we have another artisan family that belonged to the wider phenomenon of Pharisaism, while on the other hand we may point to Nicodemus (in John 3:1 described as ἀρχων τῶν Ἰουδαίων, cf. 7:50–2; 19:39) and the Gamaliel family for aristocratic examples.

The magisterial treatment of The Social Structure of the Rabbinic Movement in Roman Palestine by Catherine Hezser includes a lengthy chapter on “Status Differences amongst Rabbis” in which she identifies different levels of Torah learning, social status, genealogy, political influence, relations with leading figures, personal gifts, and geography. I do not want to say that what is true for the rabbis must be true for the Pharisees as well. But the way the rabbis formed a group and exerted influence through an “informal network of relationships,” as Hezser

35 Cf. Rivkin, Revolution, 253: “The Pharisees were powerful because they had revealed the road to life eternal, a road whose milestones were marked by the fulfillment of the commandments of the twofold Law.”
36 For other named Pharisees see above n. 11.
puts it (228ff.), might be helpful for allowing a similar phenomenon for pre-70 Pharisaism as well. This brings us to the next set of problems.

2. The Organizational Quest

What kind of group or social entity did the Pharisees constitute? Was it a party, a sect, an identifiable organization, a reformist or a religious movement? What was their self-understanding and how were they seen by others? This is not just asking for the right label, but for their major self-definition. To put it simply: Were they a “closed group” (however one likes to define it) with membership lists and clear admission regulations, or were they a more or less informal interest-group (“Interessenvereinigung”), with a kind of inner-group social life? Or is it possible that both possibilities existed under a huge umbrella which we call Pharisaism, whereas the men and women under the umbrella would have called it something else, such as “a Jewish life according to the law of Moses and the traditions of the elders,” a life which corresponds to the call to be holy? Would they see it as a way of life directed only at serving God in daily life because it is good to do so, for oneself and for the nation, because God’s promises of blessing and help are addressed to Israel as a whole?

Scholars who have dealt with the social profile of the Pharisees, and many others as well, have opted mainly for the first solution, seeing Pharisaism as a closed sect or movement. Various data, as well as a modern bias, have informed this picture. I first give the data:

1. the name perušim, interpreted to mean “being separated” from fellow Jews who are regarded as unclean;\(^{39}\)
2. Josephus’ report in Ant. 17.42 that 6,000 Pharisees refused to swear allegiance to Herod;\(^{40}\)

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\(^{39}\) For example Schürer, *History*, 2: 396ff., cf. further Baumgarten, “Name.”

\(^{40}\) Cf. Jeremias, *Jerusalem*, 252. Against any historical value of the number 6,000 (as well as 4,000 for the Essenes) see Schaller, “4000 Essener—6000 Pharisäer.” I do not think it acceptable to interpret the number 6,000 as meaning that Josephus wanted to give the number of “the entire community” of the Pharisees (as for example, Grabbe, *Judaism*, 471, takes it). It is only the number of Pharisees who refused the oath of loyalty and it might just be the politically more uncompromising wing within the overall movement (see n. 22).
3. The *haver/havurot*-texts in Mishnah and Tosefta, taken to mean that the terms *haverim* and Pharisees can be used interchangeably;\(^{41}\)
4. Related to the *haverim*-tradition, a deep split and a hateful relation supposed to exist between Pharisees and *’ammei ha-ares;*\(^{42}\)
5. The theory of the *havurot* advanced after the discovery of the Dead Sea Scrolls seems to be confirmed because the *yahad* with its strict membership regulations and means of punishment is similar to the description of Pharisaism by many scholars;\(^{43}\)
6. A tendency to describe the Pharisees more and more as a sect and no longer as a party, movement or philosophy.

As to the last tendency, Jacob Neusner’s *From Politics to Piety* was highly influential in trying to show the development from a political party to a purity sect. Even if the term “sect” is used in very different ways and much effort was spent in liberating it from a negative undertone, it comes down to the same. Using Baumgarten’s wide definition, a sect is “a voluntary association of protest, which utilizes boundary marking mechanisms—the social means of differentiating between insiders and outsiders—to distinguish between its own members and those otherwise normally regarded as belonging to the same national or religious entity.”\(^{44}\)

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\(^{42}\) Billerbeck, *Kommentar*, 2:494–496 discusses the *haverim*-tradition in connection with the statement of the Pharisees quoted in John 7:49: “But this crowd, which does not know the law—they are accursed” (άλλα ὁ ὁχλος οὗτος ὁ μὴ γινώσκων τὸν νόμον ἐπάρατοι εἰσιν). Cf. further Jeremias, *Jerusalem*, 259, 266f. Besides the Pharisees’ “uncharitableness and pride” with respect to the *’ammei ha-ares* (259), Jeremias saw them as “the people’s party” because “they represented the common people as opposed to the aristocracy on both religious and social matters. Their much-respected piety and their social leanings towards suppressing differences of class, gained them the people’s support” (266).


There are good reasons for including all the six points, but it should be accepted that they gain their persuasiveness mainly in combination. If analyzed separately, one might get a different picture. I for one see neither in Josephus nor in the New Testament any hint of membership regulations in the movements described as Pharisaism. This is especially noteworthy in Josephus, because he describes the membership regulations of the Essenes in some detail (J.W. 2.122, 137–44, 150), betraying his interest in these matters. It is hard to believe that he would have overlooked such regulations with respect to the Pharisees should they have had them.\(^45\)

Be this for the moment as it may, there are some more reasons why the “sect” model continues to be attractive.

1. Pharisaism as a “sect” fairly well fits Christian anti-Judaism. If the Pharisees were the archetype of the Jew, all negative stereotypes can be heaped upon them. They are narrow-minded, selfish, concerned more with purity than with the poor. In Christian tradition the \(\text{`ammei ha-ares}\) are often identified, erroneously, with the oppressed masses or with orphans and widows.

2. As a “sect” the Pharisees would have kept their distance from the state, the nation as a whole, and politics; they even would have preferred foreign rule because they regarded purity as more important than freedom. This is a formula which does not hold for periods of national awakening, neither in 19th century Germany nor in 20th century Israel.\(^46\)

3. The “sect” concept may be so attractive for modern scholarship because it reduces Pharisaic influence and leaves room for many other sects besides. My impression is that a modern desire for a pluralist, not religiously dominated society in America, Europe, and Israel has been instrumental in reducing Pharisaism to a mere sect.

As against this picture of a distinct and closed-off group, I would again like to identify an element in the sources which seems to me to be underestimated although not entirely overlooked in scholarship, namely religious competition and the freedom or burden of choice. What is meant by this? Religious groups and movements normally find themselves in a situation of competition. The moment a main religion splits


\(^{46}\) For examples in the history of scholarship see Deines, \textit{Pharisäer}, 41f., 112f., 504f.
up into different ways of life or interpretative traditions, the individual member sees him- or herself forced to choose a way of behavior and of commitment within the given religion. For Judaism, the Seleucid era was such a period where every individual Jew had to choose how to practice Judaism or abandon it altogether, and this includes the cultural implications implied by this religion. This is not the place to contemplate why and how a main religion differentiates into diverse branches. On the whole, such developments seem interwoven with changes in society as a whole. The moment it reaches a state which allows its members an array of life scripts and in which the position and tasks of the individual are no longer fixed by pedigree and family, the main religion of this society is likely to develop a corresponding pluralism.

Another important factor is education and the level of individuality a society allows its members. For first century Judaism, we have to allow

47 The gender differentiation makes here perfect sense because at least since the days of the Maccabees the religious commitment of women became essential for Jewish religious practice, cf. 2 Macc 6:10; 7:1, 5, 20–41; 4 Macc 1:8, 10; 12:6–7; 14:11–17:10; 18:6–24. The honorific title of a νομοφύλαξ given to the mother of the seven brothers (4 Macc 15:32) is remarkable and fully understandable: to keep a household kosher was mainly the duty of the wives. Without her commitment (and knowledge of the relevant halakhic details) a life in purity would not be possible. Pharisaism’s special influence on women is shown by Ilan, “Attractiveness.” One reason surely was that her daily routine became religiously meaningful for Israel as a whole. Every household became able to contribute to Israel’s obedience and therefore to Israel’s divine blessing. Andrea Berlin described Jewish religious practice based on archaeological evidence as "household Judaism” adopted by Jewish families from the early mid first century BCE on, “in order to incorporate a religious sensibility into their daily lives” (“Jewish Life,” 417). Although she contends that this new form of Judaism “developed outside halakhic or priestly concerns” (417, cf. 468) it is hard to see how this remarkable change could have taken place without a group or movement promoting the concerns which are visible within this “household Judaism.” The most probable candidates until 70 CE in my eyes are still the Pharisees, whose religious practices as described especially in the New Testament indeed reflect a strong element of “household religion.” Also the Psalms of Solomon whose Pharisaic dye finds new defenders (Lindemann, “Paulus,” 321–37, cf. esp. 330 n. 97) show a similar concern, cf. esp. 3:7–8; 4:5, 9–12, 20; 6:5; 12:5. For the Mishnah’s orientation along the ideal of Israel made up of households cf. Neusner, Mishnah, 117–137; id., Political Theory, 137–148, 180–214. “The householder, who stands wholly outside the repertoire of political persons and classifications, bears the burden of systemic responsibility, willing to do God’s will” (138).

48 m. Hor. 3:8 might be of some help to see the differences. In the first part, the traditional hierarchy of Jewish society as based on the Torah is given: Priest, levite, Israelite, bastard (mamzer), temple slave (natin, pl. netinim), proselyte, freed slave. The religious status (besides the last two) is defined through ancestry and is crucial for the status and basic function in the society. But this classic or basic differentiation of Jewish society is quoted only to be surpassed by the rabbinic value system: one who has knowledge of the Torah, even if a bastard, precedes a High Priest ignorant of the Law.

a high level of religious diversity. This is the *communis opinio* in recent scholarship and it means that right from the beginning, the diverse traditions of construing Jewish identity found themselves competing with each other. Even if somebody—Paul, for example—was close to Pharisaism because of his family’s upbringing, he had to choose at a specific point in life which type of Judaism he wanted to follow. Josephus described this tellingly in his *Vita*. According to this autobiographical note he tried the three different schools in Judaism and afterwards spent some time with a Jewish hermit, before choosing for himself a Pharisaic lifestyle. The use of *αἵρεσις* and similar terms in Josephus and the New Testament for the different Jewish ways of life (with no terminology contradicting this) supports the picture in the *Vita*.50

In addition, what can be derived from Josephus (and the New Testament as well) is the non-exclusive and intra-Jewish character of the *αἵρεσις* he describes. To be a Sadducee or a Pharisee, an Essene or a Zealot means an intra-Jewish differentiation which is not fixed by birth (as it is the case with priests and Levites and in a different sense with the Samaritans), nor wealth or other status-markers, even if they might somehow be important as well. If Josephus wanted to choose the best one (*Vita* 10f: *αἵρήσεσθαι τὴν ἀρίστην*), he admitted that another choice cannot be regarded as wrong or as something which drives one to the limits of Judaism, but merely as an inferior option—at least in his eyes and in view of the aims he is after (cf. *Vita* 12: *πολιτεύεσθαι*).51 This impression which one receives from Josephus of a decision that could be made by an individual with respect to his socio-religious commitment should be taken into account when describing the organizational pattern of a specific religious system or belief. Is it not possible that in second Temple Judaism—at least in its inception—a form of intra-religious pluralism was possible which Christianity reached only in the last century—if at all.52

50 *αἵρεσις* is used in *J.W.* 2.137; *Ant.* 13.171, 293, and *προαίρεσις* in *Ant.* 13.293; 15.373. See Acts 5:17 referring to clients of the high priestly families; 15:5; 26:5 referring to the Pharisees, and 24:5, 14; 28:22 to the “new choice” of the Nazarenes. Cf. Saldarini, *Pharisees*, 123f.: “A *hairesis* was a coherent and principled choice of a way of life, that is, of a particular school of thought” (123).

51 For a different interpretation of the passage without a religious commitment on the part of Josephus see Mason, *Life of Josephus*, 20f.

52 This is not to idealize plurality within Judaism. Especially at times of crisis the boundaries were drawn much more tightly and militant actions against competing groups or individuals took place, cf. Hengel–Deines, “Sanders’ ‘Common Judaism’,” 8f., 39f., 52f.
It is my impression that Christian scholarship on the Pharisees in interpreting the sources was unconsciously conditioned by a Christian and Euro-centric perspective and informed by the “Sozialgestalt” of the Christian church. The religious and intellectual tradition of Europe since the 4th century is dominated by the concept of church versus “sects” and inner-religious deviations, or versus “wrong” religions such as Judaism and Islam. Individuals belonging to the same basic religion, in this case Christianity, are either members of the church, the community of the saved, or of sectarian groups in the margins of that safe haven—either still within but in danger of being driven outside, or already outside. In all cases the official membership of the church is the necessary prerequisite for being saved. Membership was or is still regarded as crucial.

The problem is in the tendency to apply this model of membership and its organizational pattern too quickly to the social conditions of first century Judaism and especially to the Pharisees. The frequently asked question, “Who was a Pharisee?” is the expression for this scholarly quest for “factual” or “real” membership. Behind this question lies the Christian paradigm which allowed no real choice. You are either a member of the “right” church or community and thus saved, or you are not. This was and is not the case in Judaism and therefore I would like to advocate re-reading the texts in view of the question of choices and options.

Conclusion

Let me finish with two impressions. During the preparation of this paper I was looking for what is new in the discussion of the ḥaverim in Mishnah and Tosefta Demai, because, as I already said, this set of texts was one of the most important starting points for a “sectarian” understanding of Pharisaism.

The first author whose work I examined was Saldarini. He points to unsolved problems connected with these texts and concludes, “The exact nature of these associations remains unknown” (Pharisees, 220). Nothing can be taken from these texts for the understanding of Pharisaism.

53 This goes back to Troeltsch, Sozialehren, which differentiates between three social formations of the Christian church: church, sect and spiritualism. Cf. Theissen, “Einordnung,” 23.
ism except for the single point “that the Pharisees were a typical group among many in Jewish society” (ibid.). That did not sound not very promising.

Another book I looked through was Jacob Neusner’s *Encyclopaedia of the Law of Judaism* which in a highly idealized way describes what the author calls the “religious principles of Demai.”54 According to this analysis the reason behind the halakhah of the treatise and especially its “differentiating Israel from within” (467, treating the ha’averim under that heading) is that “the more observant . . . conduct themselves as to take responsibility for the presence of the less observant.” On this view, the halakhah of the dual Torah accepts different standards of behavior; it “sets forth no recriminations and pronounces no exclusions” (472). All Jews “form a single community” and the practice of the whole community is taken into account in relation with God. The observant Jew’s tithing of Demai-products is therefore his contribution to the welfare of all Israel, and the “merit” is not his but Israel’s. If I understand Neusner correctly, he is interested not in the “real” practice of halakhah, but takes halakhah as a vehicle for a coherent Jewish worldview in which *Demai* stands for “relationship and relativity” (470).

Despite some doubts, what I find impressive is the fact that Neusner describes rabbinic Judaism as non-exclusive, and its “theology” (Neusner uses this term explicitly) as being directed towards the whole nation. What is even more important, the religious system he formulates is able to accommodate various levels of commitment, so that the more observant do what they do for the sake of all Israel. This means that the formation of smaller groups inside “Israel” such as the ha’averim or the different schools having a higher commitment to the religious values cherished by the people should not be regarded as attempts to create a new and better “Israel” in the sense of replacement or substitution, but rather as volunteer groups who support Israel in performing its obligations in this world for the sake of the coming one (*m. Sanh.* 10:1). In other words: a religious agenda within an overall soteriological horizon created a specific social profile and guided social interactions between adepts of this belief and their surroundings.

I am inclined to argue that this “ideology” is Pharisaism’s heritage. Among the findings of my dissertation is the conclusion that the Pharisees did not conceive of themselves as the holy, but as the sanctifying

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54 Neusner, *Halakhah*, 470.
remnant for the sake of all Israel and as a “separate movement within the nation for the nation.” Their attitude towards “Israel” should be understood as a “restitution,” which was thought to be achieved “by way of representation and participation.” It was their choice and free will (cf. the Pharisees as champions of the free will in Josephus!) to do this. This might be a good starting point for a re-reading of the sources—including the rabbinic ones.

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55 Deines, *Pharисäer*, 501f. Cf. Dunn, “Pharisees,” 274: “But that there were at the time of Jesus a number of Pharisees, and probably a significant body of Pharisees, who felt passionately concerned to preserve, maintain, and defend Israel’s status as the people of the covenant and the righteousness of the law, as understood in the already developed halakoth, must be regarded virtually as certain;” Meier, *Marginal Jew*, 330.

56 Early drafts of this paper were read and corrected by Prof. John Levison and Dr. Crispin Fletcher-Lewis. For stylistic editing I received help and welcome support from my Nottingham students Timothy Lewis and Rebecca Mirtescu. I wish to thank all of them very warmly.
HALAKHAH IN THE NEW TESTAMENT:
A RESEARCH OVERVIEW

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The aim of the present paper is to survey the relatively new discipline of studying halakhah in the New Testament. Instead of “halakhah” we could simply say “Jewish law”; we shall presently discuss the various meanings of the term and its possible origins. The infant discipline has to deal with complicated obstacles which, although scholars are not equally susceptible to their influence, deserve to be kept in view from the start.

Christian attitudes to the Jewish law are characteristically ambivalent. On the one hand, the Jewish origins of Christianity and its loudly acclaimed Old Testament basis would suggest the law is a basic ingredient. On the other, a strong tension if not antagonism towards the law is visible at least from the second century onwards. One central question is to what extent this antagonism may justifiably be read into the NT. It has become an acceptable insight by now that Jesus conformed to the acceptance of the Mosaic law as the basis of Jewish life, even if he had his own views in particulars. To the extent that his teachings are preserved in the Gospels, one would therefore expect halakhah to be found in them. The question is then how the evangelists, the subsequent editors of the Gospels, related to this. Did they basically follow their master, or had they meanwhile evolved to more negative approaches to the law?

A negative view of the law is thought to be particularly prominent in Paul’s letters, although these are decidedly earlier than the Gospels. Especially in Protestant milieus, Paul’s “theology of the law” is considered a veritable “bulwark” against Judaism and its law-centeredness. Since the 1970’s, however, there has been a marked tendency to correct the negative view of Judaism this implies and to go for “a new perspective on Paul.” Indeed, from then on a rising interest in the halakhah contained in Paul’s letters can also be observed, though at a much smaller scale and not in the first place among advocates of the “new perspective.” This may be noted in all soberness. Things appear
to be more complicated than is often thought. A real upsurge of attention being paid to halakhah is visible since the 1990’s. We are about to survey an interesting development.

In section 1, we discuss parameters: the term “halakhah,” the social phenomenon of halakhah, and the various sources for its study, including early Christian texts.

Then in section 2 starting our research survey, we shall first face the apparent dilemma: is there “law theology” in the NT, or is there halakhah? We shall also review work by scholars who simply ignored the dilemma. A comparison of theological studies into law in the NT then shows that more of it was found in the Gospels than in Paul. More recent general works yield the information that the idea of halakhah coexisting with Christian theology of the law is no longer thought to be strange.

In section 3 we move on to Paul. After some hermeneutical reflections, we shall review the early work done, before arriving at the period of the “new perspective.” We shall then review the actual studies on halakhah in Paul. Finally, we must try to view the halakhah found in Paul together with his “law theology.”

Section 4 covers halakhah in the Jesus tradition. Theologically, things are simpler here, but certainly not easier by method. After more methodological reflections, we shall address the work done on law and halakhah in the Jesus tradition. The number of studies is larger here, and it is interesting to go by decade starting from the 1960’s.

Readers who occasionally lose track in the drawn-out enumeration of studies are advised that the writer as well had difficulty in steering a clear course. The subject matter is still new and beset with intricate problems of interpretation. The writer has felt an urge towards exhaustiveness, being afraid of overlooking seemingly less relevant works that might hide important elements. The categories by which the research literature is classified are rather provisional and certainly liable to adjustment. It is hoped that in another couple of years we shall be able to see more clearly.

Finally, the paper was originally conceived as comprising a fifth section dealing in detail with the matter of divorce law. For obvious editorial reasons, this part was made into a separate paper located at the end of the “Halakhah” section of the volume.
1. Parameters

1.1. The Term “Halakhah”

Since the rise of the *Wissenschaft des Judentums* in the early nineteenth century, scholars have been calling the phenomenon of Jewish law by the term “halakhah.”1 The generic use of the word was new in the scholarly world, but it linked up with ancient rabbinic usage where someone could be called 베타 계豪车, “expert in halakhah.”2 In this sense the word denotes the discipline or genre of legal study and legislation,3 as distinct from aggadah or non-legal learning.4 The distinction between these fields of learning probably obtained especially in Pharisaic-rabbinic circles, but it was known also elsewhere. Such would appear from the Mishnah and related texts that embody the specific aim to formulate religious law independently from Scripture. The singular set of such “independent” laws contained in the *Damascus Document* (see below) also reflects this aim and documents the existence of the genre by the second century BCE, even though the term itself is not found.

Adopting the rabbinic distinction, modern scholars also accepted the specific term while extending its application to include “halakhah” found reflected in non-rabbinic sources. This usage is spreading since the last two decades, coinciding with a novel and remarkable interest in halakhah in circles of non-Jewish scholars. Some have protested, however, especially since the word has not yet been found in Qumran texts or other non-rabbinic sources.5 But scholars cannot be prevented

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1 E.g. Frankel, *Darkhei ha-Mishnah*, passim; idem, *Gottesdienstliche Vorträge* (1832), see Vahrenhorst, *Nicht schwören*, 24f. The study of halakhah, however, was not a first concern, see the judgment by Ginzberg, “Significance,” 78: “The founders of the *Wissenschaft des Judentums* began their labors at a time when there was great need to demonstrate to the nations of the world . . . the beauty and virtue of our literature, and they therefore chose the field of the *haggadah* . . . The time has surely come, however,. . . to define the distinguishing characteristics of the Jewish people. Such a recognition is impossible until we clarify the character of the *halachah*.”


3 Cf. also the phrase t. *Hag.* 3:9, *משם הלכה ישנותмирחה בישארalmö* “from there (i.e. from the court of 70 in Jerusalem) halakhah would issue among Israel.”


5 Van Uchelen, “Halacha in het NT?” and “Halakhah at Qumran?”; Meier, “Halaka . . . at Qumran?” concludes that though the word is not evidenced at Qumran, the phenomenon is, and therefore he uses the word to compare “the rules for behavior in Qumran and Jesus’ teaching” (151 n. 1). Cf. my response to Van Uchelen in *NedTT* 49 (1995): 190–3. See also P. Davies, below n. 63.
from inventing terms fit to describe the phenomena they study. We also speak of “apocalyptic” writings, a term that scholars have been using since the early 19th century as well, even though it causes some difficulties. In comparison, the generic scholarly term “halakhah” is certainly more felicitous.

Apart from extending the application of the term, modern scholarly usage differs in yet another respect from the ancient one. Where we would now indicate the whole or a set of commandments as, e.g., “the Sabbath halakhah,” the ancient rabbis would rather use the plural: הלכות שבת, “the laws of Sabbath.” There is also the standard phrase indicating the threesome areas of study, תורת הלכות אגדות midrash, halakhot, and aggadot. It corresponds to the use of the singular in the sense of “formulated law,” as in the Hebrew phrase, הלכהODY לאיליעזר, “the law is as formulated by R. Eliezer.” The definite singular has no visible article here: הלכה for “the formulated law,” not ההלכה, and the same is seen in a number of other rabbinic utterances.

The origin of the word does not seem to be in Hebrew; the popular derivation from the Hebrew verb הלך, “to go”—hence “that in which Israel walks”—is not satisfactory. On various grounds, an Aramaic
background for the word has been proposed. Saul Lieberman suggested rabbinic ḥalakha derives from the Aramaic technical term ḥalka, a masculine noun from Persian administrative usage ultimately deriving from Akkadian ilku / alku / alāku and meaning “service,” “tariff,” “tax,” or “rule,” which is thus used in Ezra 4:13, 20; 7:24. This comes close, but it does not square with the existence of the Aramaic equivalent ḥilketā, like ḥalka a feminine word and frequently found in the Talmud. More recently, Tzvi Abusch has made a more reasonable proposal viewing both Hebrew ḥalakha and Aramaic ḥilketā as borrowings from the feminine Akkadian alaktu, “course, sign, decree.” If this is acceptable, ḥalakha is another heritage of the Persian period, similar to a number of administrative terms of Aramaic/Persian/Akkadian origin whose earliest mentions are found only in rabbinic literature. The avoidance of the word at Qumran could


14 Lieberman, Hellenism, 83 n. 3 (still followed by Tomson, “Halakhic Evidence,” 132).

15 KBL, s.v., derive from Akkadian ilku / alku / allūku / alāku, from which they think also derived old Persian harāka. Referring to the bankers’ house of Murashu, Frye, Heritage, 113f. also mentions Persian harāka, a land tax. The Akkadian connection is denied by Driver, Documents, 70, but confirmed by Stolper in his cuneiform study on the Murashu archives, Management, 50: “taxes are summarized by the term ilku, service,” and p. 60 n. 46: “Babylonian ilku is rendered by Aramaic ḥalka [ḥilketā].” The rabbis knew this meaning, see Esth. Rab. petihta 5, האנקעריו פדו (ेग्यूरेन, i.e. forced labour); b. Ned. 62b, ארנו (annona, tax paid in kind)—both referring to Ezra 4:13; and cf. Gen. Rab. 64,9 (Theodor-Albeck p. 711) footnote.

16 Esp. in the Bavli and related texts and indicating “the prevailing halakha.” Cf. also y. Kil. 4, 29c, “ממרות ההלכתא: ממרות הלכתא: ממרות הלכתא: ממרות הלכתא: ממרות הלכתא: המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא לזרוע המרא L.” Abusch (following note) points out the meaning “law” is restricted to Jewish Aramaic.

17 Abusch, “Alaktu and Halakha,” esp. 35–42.

18 Cf. the administrative functions from the Temple, m. Šeqal. 5:2), Persian loan words denoting “administrator” and “treasurer”; and מירד (m. Tamid 5:3), Aramaic—Persian (؟), “overseer.” מירד has been found in an non-sectarian Aramaic Tobit fragment from Qumran (4Q196 fr 2:6–7), cf. Fitzmyer, “Publication.” For the Iranian backgrounds see Greenfield, “Iranian Loanwords,” and Shaked, “Iranian Loanwords.”

19 Cf. Meier, “Is there ‘Halaka’.” In a private communication, Professor Meier admits the possibility of the word existing in early Second Temple days but says he must await hard evidence to be found.
well be due to its post-biblical character, since the Qumran sectarians preferred to write a somewhat artificial “biblical Hebrew.”

Following modern scholarly usage, we shall use the term “halakhah” to indicate the phenomenon of Jewish law as reflected in rabbinic literature or elsewhere. It is not meant at all imply homogeneity. On the contrary, to the extent that ancient Judaism was multiform, it is obvious that halakhah in that period must be viewed as a variegated, unsystematic whole of laws and customs. The full publication of the Qumran scrolls has given us a better idea of the range of divergence. When studying the ancient halakhah, we must be ready to accommodate any amount of differences within a larger whole, as well as any degree of development over the successive periods.

1.2. The Social Function of Halakhah

The foundations of Judaism as the religious tradition we know today can be said to have been laid in the Persian period, when the elements of ancient Israelite religion were recast in a new structure. While sources from this period are scarce, we can discern basic dimensions taking shape: the adoption of “the law book of Moses” as the “constitution” of the Jews; its being read out aloud regularly and implemented in the community; and the celebration of Sabbath and festivals as prescribed. The words used for this “law” were Hebrew הָלָכָה and Persian-Aramaic תּוּרָה. As it goes with written laws, it must have implied interpretation and specification from the start. And as life changed and ideas developed, the amount of exposition and amplification of the written

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20 Similarly, they preferred not to use (rabbinic and Jesuanic) מָן but instead used “biblical” מָן (I owe this observation to David Fusser, orally); as also the “biblical” relative pronoun אשר over ש.
21 Cf. Frye, Heritage, 127: “It was under Persian rule that the Torah was established as the law of Israel, probably at the same time and in much the same manner in which Egyptian laws and the laws of other peoples were codified or revised.”
22 מָשֶׁת מִסְּרֹת מֶשֶׁה, Neh 8:1; also Jos 9:31; 23:8; 2 Kgs 14:6.
24 Passover: Ezra 6:19–22; Tabernacles: Neh 8:13–18; Sabbath: Neh 13:15–21. The sense of the new is everywhere to be felt, as is the idea of “discovering” what is written in the Torah (Neh 8:14; 13:1).
25 Ezra 7, esp. vv. 14, 26: דַּרְתָּא דְיָא אַלְּאָלֵךְ, “the law of your God,” next to דַּרְתָּא דְיָא דָּלָאָלֵךְ, “the law of the king.” Ezra is מִסְּרָה מֶשֶׁת מֶשֶׁה (v. 6), or respectively, מִסְּרָה מֶשֶׁת מֶשֶׁה (v. 12). דַּרְתָּא דְיָא דָּלָאָלֵךְ is the Persian-Aramaic equivalent of תּוּרָה (Koehler—Baumgartner s.v., no. 3). תּוּרָה remained in use in the phrase תּוּרָה מֶשֶׁת מֶשֶׁה, m. Ketub. 7:6; t. Ketub. 7:6.
26 Cf. the much-discussed verse Neh 8:8.
law must have been increasing. If our above suspicion is correct, the term “halakhah” denoting such interpretation and specification must have emerged sometime during this period, though not all Jews would adopt the word.

In the Hellenistic period that followed, the basic structure of Judaism probably remained the same, even though the terminology changed, at least in administrative circles in most areas. For Greek-speaking Jews in Alexandria, for example, מַשְׁחָתָה תּוֹרָה now was translated into νόμος Μωϋξέως. Otherwise, the change probably was not dramatic, and “Hellenisation” may often be thought equivalent to an elegant Greek attire adorning well-entrenched “Oriental” institutions, law, and culture. This includes the constitutional position of Jewish communities. According to Josephus, such privileges as the Jews possessed in the various cities in the early Roman period fundamentally derived from the rights granted them by “the Persians and Macedonians.” These variously included the right to build synagogues and celebrate festivals including the Sabbath, to be exempt from military service or forced labour, especially during festivals, and to monitor the purchase of wine and oil. Often, it is expressly stated this was to guarantee the right of Jews to live “according to their ancestral laws,” κατὰ τὸν πατρίου νόμον. In view of the numerous practical questions arising in daily life, it must have included not just the written laws of Moses but the whole of what in one such statement of privileges are called “the customs in use” (τὰ νομιζόμενα ἔθη).

It is thus that we can understand how halakhah, Jewish law, became a major dimension of Jewish life during the Second Temple period. Halakhah structured and defined Jewish life both internally and

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27 Cf. Tarn – Griffith, Hellenistic Civilisation, 170–2 on the relative degree of Hellenisation prevailing in Asia Minor.
28 As in 1 Kgs 2:3 LXX. In 2 Esd 7:6 a. fr. we find the less Hellenised form, νόμος Μωϋξη.
29 Hengel, Judaism and Hellenism 1, p. 2.
30 Ant. 14:185f., enumerating the ancient privileges reconfirmed by Julius Caesar.
33 Cf. the exposition of the relationship between halakhah (including Quman and Josephus) and Scripture in Müller, “Anmerkungen.”
34 Ibid. 14:260. Cf. the “sketch” of “Jewish Identity in the Diaspora” by Barclay, Jews, 399–444, esp. the questions about gentile oil and Sabbath observance in the diaspora, 435, 441. Ginzberg, “Significance,” 79–86 discusses just such halakhic questions as they are dealt with in ancient traditions within rabbinic literature.
outwardly and thus provided the parameters of Jewish identity.\(^{35}\) Outwardly, in the eyes of non-Jews, the halakhah defined as a Jew one who observed the laws of Sabbath and circumcision, of diet and purity, and not to forget marriage. Internally, it structured one’s identity vis-à-vis fellow-Jews who based themselves on the same law of Moses but could follow any different tradition of interpretation. It was the calendar one followed and the way of celebrating the Sabbath this involved, as also the way in which one observed the other commandments, that decided what kind of Jew one was.\(^{36}\) Calendar, Sabbath, purity, and marriage were some of the major areas where the Jewish “sects” of the Second Temple period marked off their different identities, as is most visible today in the differences between Qumranic and rabbinic halakhah.\(^{37}\)

Understanding the diversity native to ancient Judaism is important when it comes to the NT, since Christian exegetes habitually approach Jews and Judaism as a uniform mass. If Jesus quarrelled with Pharisees on a certain legal matter, this does not automatically mean he clashed with all Pharisees and even less that it caused them to side with the Sadducee temple authorities who wished to do away with Jesus. Similarly, Paul’s violent conflict with certain Jewish or Jewish-Christian missionaries does not of necessity imply he condemned all Jews and the Jewish law along with it. Halakhah, as the articulation of Jewish behaviour, strives for specificity and diversity, it shuns generalization, and it fosters concreteness. Stating this insight, however, also necessitates the observation that in medieval Judaism the halakhah did develop a trend towards uniformity and homogeneity, a major turning point of which were the codification of the law by Maimonides and the Shulhan Arukh.\(^{38}\)

\(^{35}\) A similar social “identity grid” is proposed by Barclay ibid. 400f., adding a third, subjective dimension which, as the footnote ibid. indicates, is not easy to handle. In any case the aspect of halakhah adds specification.

\(^{36}\) According to Qimron, “Halakha,” 175f. the misleading impression of theology as the major factor of division was created by Josephus’ exposés about the “sects.” “But the fact that only matters of practice are mentioned in MMT confirms the view that it was not dogma, but law that was apt to produce lasting schisms in Judaism.” However this seems to reflect a special Qumranic over-valuing of halakhah; and cf. Baumgarten’s caveat below.

\(^{37}\) Similarly, in brief, Lupieri, “Halakah qumranica,” 69f. For comparisons of the Qumranic and rabbinic systems see the work of J.M. Baumgarten and L.H. Schiffman, as also Harrington, Impurity Systems.

\(^{38}\) Maimonides’ Mishneh Torah (1180 CE), a revolutionary systematic revision of the Jewish law, at first was violently opposed but finally become adopted in the mitigated, conventionalised form of the Shulhan Arukh; see Elon, “Codification.” In this light,
Halakhah in the New Testament: A Research Overview

Rabbinic tradition informs us that in the later Second Temple period, important divergences also existed between the two “schools” of the proto-rabbinic or Pharisaic branch of Judaism, those of Shammai and Hillel. Reports on theological differences are minimal, though they must have existed. The discussions we hear about are almost all on halakhah, and they are seen as normal. The importance of halakhah did not mean that halakhic dispute automatically produced a schism. Albert Baumgarten recently wrote: “…There is no issue so small that it cannot lead to schism and none so great that it cannot be resolved by compromise.” It is not the schools’ numerous differences on marriage and purity law that rabbinic tradition marvels at, but their ability nevertheless to maintain good relations. Moreover, there was no neat division, and there are scattered reports of Sages of one school occasionally following the halakhah of the other one. The express intention to avoid schisms is expressed in the saying of Hillel: אל תפרוש מין המברור, “Do not separate from the community” (m.’ Abot 2:4), which in fact may have been typical of the “school” called after him. Significantly, the saying sounds diametrically opposed to the Qumran covenanters’ declaration, reference being made to purity issues: אני פרוש ממרוב המברור, “For we have separated from the majority of the people” (4QMMT, synthetic text 92). Where the Qumran covenanters seem to have opted for a schism, the Hillelites did the opposite.

However, external circumstances and especially social tensions are able to put such social compromises at risk. Most extreme tensions are

the latter work can be seen as a remarkable modernisation of Judaism, even though Maimonides’ inexorable rationalism was one bridge too far.

39 Cf. the story that the Schools of Shammai and Hillel disputed for two and a half years over the justifiability of the creation of humankind, b. ‘Erub. 13b; cf. Urbach, Sages, 252–4.


41 R. Tarfon, m. Ber. 1:3; Bava ben Buta, t. Hag. 3:11. Cf. hyperbolically, Sanders, Judaism, 467ff.: “Some rabbinic prohibitions prove that most people did something else”; he refers to t. Ter. 3:12 where R. Yehuda observes that the halakhah is according to Beit Shammai, but most follow Beit Hillel. See Safrai, “Decision” for the degree of multifority and non-conformism, as well as the gradual process represented by the “decision” according to the school of Hillel.

42 See above at n. 39. As my teacher the late Shmuel Safrai used to point out, the cases in which the Schools are reported to have changed their opinion are those where, the School of Hillel adopted the view of the School of Shammai,” m. ‘Ed. 1:12–14; cf. m. Yebam. 15:2, 3; m. Git. 4:5; m. Kelim 9:2; t. ‘Ed. 1:6. On the other hand, the episode of the 18 Decrees shows to what length the Shammaites were ready to go in enforcing their opinion.
generated by war and social violence, and this is what happened in late Second Temple Judaism. In the run-up to the “Great War” against Rome (66–70), differences between the Pharisaic schools exacerbated and finally radicalized to armed animosity. In particular, the Shammaites appear to have been eager to go to war against the foreign oppressors, whilst the Hillelites, who entertained more tolerant views of foreigners, resented war. At one occasion, probably at the beginning of the war, the Shammaites are reported to have imposed a number of halakhot on the Hillelites by force of arms.\footnote{m. Šabb. 1:4; t. Šabb. 1:15f.; y. Šabb. 1,7 (3c–d). Cf. Graetz, Geschichte, 470–472, 795f. Notes 24, 26, 27; Hengel, Zeloten, 204–211; Abr. Goldberg, Mishna Shabbat, 15–22; Tomson, Paul, 173–177. See also Ben Shalom, School of Shammai.} These developments are relevant not only for the study of halakhah as such but have important implications, e.g., for the study of Paul’s letters, which were written during the decade and a half preceding the war. A separate important aspect is that also in more peaceful times, ancient halakhah was far from static and that in a number of areas, great developments can be pointed out. We shall come back to that later.

One conclusion is that halakhah has a definite social function. This works two ways. As for the sources, it means we may expect them to register significant halakhic divergences and changes, reflecting as many social differences and developments that may have occurred. For modern scholars, it means such changes and differences as are registered provide them with reliable footholds on which to base their reconstructions of ancient Jewish society.\footnote{Cf. Ginzberg quoted above n. 1, in a lecture given in 1929 at the Hebrew University of Jerusalem.} When in the late nineteenth century a document was discovered in the Cairo Geniza that must have belonged to “an unknown Jewish sect,” a pioneer study was published under that title (1922) by the great scholar of Jewish law and lore, Louis Ginzberg. In the preface, he noted that many scholars trying to identify the sect disregarded halakhah since it only “regulates . . . the individual acts of human life” and these would be of no interest “for the total religious life.” However, precisely that specificity is crucial for determining social identity. He went on to write: “For the correct understanding of the circle in which the fragments that here engage our attention originated, the Halakah contained in them is much more important than their theological position.”\footnote{Ginzberg, Sect, xviii, 105. On his identifications see further below n. 59.}
In view of its significant social function, halakhah is also a very useful historical source. Whereas theological views and ideas are often difficult to pin down historically, halakhic stances tend to offer more manageable social and material evidence. Also, for example, the rabbinic sources are much more precise in attributing and dating halakhic views than others. The importance of halakhah for historical study is exemplified in the oeuvre of Gedalyahu Alon.46

Given the pervasiveness and social function of halakhah, it is natural that not only Jesus himself but also his early followers lived according to some halakhic tradition of their own. This is especially clear in the case of the Judaeo-Christians, one group of whom, as Origen derisively put it, “...have not at all abandoned the ancestral law; they rather live according to it, having become namesakes of the poverty inherent in accepting the law; for a poor man is called ebion among the Hebrews, and ‘Ebionites’ is the name of those Jews who have accepted Jesus as Christ.” Even Peter in his day “kept observing the Jewish customs involved in the Mosaic law, as long as he had not learned from Jesus to change from the observance of the letter to that of the spirit.”47 Clearly, observing the customs of the Jewish law is what the Church Father thinks abnormal, but that is what the Judaeo-Christians did. Today it no longer looks so self-evident that Peter did abandon his halakhic tradition after his revelatory dream (Acts 10). Would studying halakhah teach more adequate possibilities of interpretation?

1.3. Rabbinic Literature, Christian Exegetes, and Qumran

For many ages, the only available sources for studying halakhah were the central documents of Jewish tradition: Mishnah, Talmud, and related literature. The refractory character of these sources—their mere size, their elliptic literary style, their intimate attachment to the subjects of Jewish life and ritual—has been a main cause for their familiarity to remain restricted to Jewish scholars all along. There is also the theological or if you wish ideological motive: the antagonism to Judaism that made the Talmud forbidden literature for Christians to the occasional extent of burning the available copies. The bibliographic results are shocking: not only the rather unknown Yerushalmi, but also the Bavli which became standard for North European Jewry has survived, apart

46 For some further elaboration see Tomson, “Halakhic Evidence.”
47 Origen, Contr. Cels. 2.1. Origen relishes deriding the “poor” Ebionites.
from the numerous smaller manuscript fragments, in no more than one single complete medieval manuscript.\footnote{The Leiden Yerushalmi ms and the Munich Bavli ms; cf. Stemberger, Einleitung, 183, 210.}

The modern period is no less remarkable in this respect. As George Foot Moore has shown in his 1921 “Christian Writers on Judaism,” the rise of post-Enlightenment biblical scholarship coincided with a decline of the interest in rabbinic literature that until then existed among Christian exegetes. This is all the more curious since scholars did show a marked interest in such recently discovered ancient Jewish documents as *Jubilees* and *1 Enoch* that had been preserved by the Ethiopian Church. The reasons are open to interpretation, but it is quite likely that the literary and theological inhibitions that were just mentioned have something to do with it. One who has a general idea of the openness and broadness of mind of a scholar like Wilhelm Bousset,\footnote{Cf. his three prominent studies, *Die Religion des Judentums* (1903), *Hauptprobleme der Gnosis* (1907), *Kyrios Christos* (1913).} is bound to be struck by his narrow-minded portrayal of Jewish religion and law.\footnote{Moore, “Christian Writers,” 241–8.} Moore suggests a clear explanation. In his understanding, the modern scholarly disinterest in rabbinic sources went hand in hand with a lack of sympathy for the Jewish law.

Taking up Moore’s criticism, this is what E.P. Sanders set out to redress in his epoch-making *Paul and Palestinian Judaism* of 1977. Actually, the book was not so much about Paul himself as about the pre-condition for studying him: getting rid of the prejudiced image of the Jewish law. When James Dunn then stepped in and proclaimed “The new perspective on Paul,” it is important to underline that it concerns a new perspective on the Jewish law in the first place. The next question would be where to place Paul vis-à-vis re-focused Judaism. We shall come to that later, but let us meanwhile note that the study of ancient Judaism and especially of halakhah is tied up with developments in NT exegesis—and vice versa. We appear to be caught in a huge hermeneutical circle that encompasses the disciplines of ancient Christian as much as ancient Jewish studies.

This ambiguous state of affairs has decisively begun to shift since the Qumran scrolls came in view, more rapidly for some than for others, but inescapably nowadays. Qumran offers much the NT also has: interpretation of the Prophets, apocalyptic speculation, messianic
hymns, beatitudes, prayers. It has no parables, strikingly, but it does have halakhah, convincingly so. More generally as well, the Qumran documents raise a marked new interest in the early history of the halakhah. Another asset is that these documents neither belong to the tradition of rabbinic Judaism nor to that of Christianity. Indeed the thrill of such rediscovered ancient texts seems to be that the vacuum of their unknown background attracts personal identification, i.e. the natural impetus of a scholar’s imagination to create a sympathetic picture of the people behind the texts. Just so, the Qumran scrolls offer an epistemological bridge between the NT and rabbinic literature. If I am not mistaken, they have put the halakhah inescapably on the NT scholar’s agenda.

1.4. Primary Sources for Studying Halakhah

As for sources, we can distinguish between primary sources created with the visible purpose to formulate halakhah, and secondary ones which have no such aim. Our primary sources are those preserved in rabbinic tradition and the ones dug up at Qumran. They formulate halakhah in two ways: Scripture-bound, by way of commenting on or glossing the verse, and independently from Scripture or, as Joseph Baumgarten has called it, “apodictically,” i.e., following a thematic or other arrangement.

The Mishnah evidently reflects the aim to formulate halakhah independently of Scripture. While scholarship is divided here, the Mishnah probably also was the first rabbinic text to be given an authoritative editing and subsequently to be published in writing. The tradition that this was the doing of R. Yehuda the Prince seems probable; the date

51 Cf. Sussman, “History.”
53 Epstein, Mavo, 692f. Lieberman, “The Publication of the Mishnah” (in Hellenism, 83–99) demurred and argued that it was not only edited but also “published orally.” Goldberg, “Mishna,” 241f., while explaining this discussion reflects a divergence between the Spanish and French versions of Rav Sherira Gaon’s responsum, takes a middle view. Stemberger, Einleitung, 138–44 summarises the discussion (cf. 129f. on Rav Sherira) and leans towards Lieberman’s view (though more hesitant than before: p. 144 “vielleicht,” instead of “am ehesten” in the 7th edition, p. 141). Ancient tradition is epitomised in Rav Sherira’s letter, ed. B. Lewin, 31, Spanish version: Rabbi (Yehudah the Prince) wrote the Mishnah “two generations after that persecution,” i.e., obviously, the Hadrianic persecution in the 130’s. The French version stating that Rabbi merely “edited” the Mishnah at that juncture makes less sense.
may have been around 220 CE. As such, however, it appears to be
the end product of a sustained collecting, sifting and editing process
of five generations of Sages. Most prominent is what can be viewed
as the pre-final layer representing the generation of R. Meir and his
colleagues, mid second century CE. It often figures up front, with the
older material found towards the end of the tractate. This disposition
must relate to the editing process which according to rabbinic tradition
was done orally: the newer, larger material would first be rehearsed
before repeating the old stuff. In light of this it is interesting that the
Mishna appears to be the first rabbinic text to be officially written down,
and that the less authoritative secondary collection, the Tosefta, often
seems to betray an earlier arrangement of the material. The scholarly
discussion on the writing down of the Mishnah includes the question
whether indeed it must be seen as an authoritative halakhic codex, or
rather as an anthology drawing on different traditions. Both aspects
can be pointed out, and taking the middle view Abraham Goldberg has
proposed to view the Mishnah as “a study book of halakha.” Though
the editors evidently aimed at presenting a halakhic compendium, they
did not do so systematically and the work contains other materials
such as midrashim and stories, typically again at the end of tractates.
In spite of the desideratum formulated in 1922 by one of the founding
fathers of modern Mishnah study, Jacob Epstein, the gigantic work
of preparing a critical edition has still not borne fruit, and apart from
some separately edited tractates scholars must do with copies of the
primary manuscripts.

Next in line was the Tosefta, a collection of halakhot supposedly “left
over” when the Mishnah was edited; it was finalized and put to writing

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with Safrai, concludes that aggadic works were first to be written down. Targumim
could also be mentioned, cf. Z. Safrai, “Targums,” 250f. However, these probably were
personal notes far from carrying the ambition of authority of Rabbi’s Mishnah.
55 E.g. m. Git. 10:9; m. Yad. 4:6f.
57 Epstein, “Ha-Madda ha-talmudi ve-tsorkhehah” (Talmudic scholarship and its
desiderata), inaugural lecture (1922) at the Institute of Jewish Studies of the newly-
founded Hebrew University of Jerusalem, stating as a main desideratum: “Let me start
with . . . the Mishnah. Foremost among our desiderata is the book . . . the Mishnah in a
critical, punctilious scholarly edition” (5). Epstein’s untranslatable Mavo that appeared
more than 20 years later and set forth the tradition-, redaction- and text-critical work
to be done (already including the Geniza fragments) as a preliminary to the definitive
text edition, today remains the pillar of critical work on the Mishnah. The importance
of Epstein is seen also from the chapter on the Mishnah in Stemberger, Einleitung.
some two generations after the Mishnah. It often gives the halakhic opinion not adopted in the Mishnah, which not seldom seems the more ancient one.\textsuperscript{58} It follows the order of the Mishnah and often works as a commentary on it.\textsuperscript{59} Here too, the aim is to formulate halakhot independently from Scripture. However, the Tosefta has an even larger “margin” of midrash and aggadah than the Mishnah. As stated, an arrangement of material older than seen in the Mishnah often seems to have been preserved. However, the relation of the extant Tosefta to non-mishnaic earlier traditions quoted in the Talmudim remains disputed (cf. Günter Stemberger’s article in the present volume).

At about the same time, the so-called \textit{Halakhic Midrashim} or collections of halakhic midrash seem to have reached final editing and to have been written down. They represent the other form of formulating halakhah and indeed in their central sections are midrashic developments of the legislative parts of the Torah. In presenting these developments, they render many of the halakhot formulated in the Mishnah. They do not contain only halakhah, however, but also copiously comment on lengthy narrative passages of the Torah text. Since the early 20th century, critical editions were published and forgotten versions of these works were discovered, and this work still goes on.\textsuperscript{60}

The core purpose of the two \textit{Talmudim} is to comment on the Mishnah, although an even larger amount of aggadah came into the bargain here, especially in the Bavli. Furthermore, the Bavli has gained dominance in scholarship since the Middle Ages, especially among Ashkenazi or Northern European Jews. By all counts, however, the \textit{Yerushalmi} is closer to the continuous development of the halakhah in the Land of Israel and must methodically be given priority when studying the history of the halakhah. It reached final editing shortly after the abolition of the Patriarchate in the early fifth century. Apart from single tractates, there is as yet no critical edition and for most tractates the best texts to use are the Leiden manuscript or the Venice first edition that was made from it. The \textit{Bavli} contains the Babylonian strand of halakhah

\textsuperscript{58} E.g. \textit{t. Yad.} beginning of ch. 2, cf. \textit{t. Hag.} 3:2; \textit{t. Hag.} 2:10 (Abba Shaul).

\textsuperscript{59} See Goldberg, “Tosefta.”

\textsuperscript{60} Cf. Stemberger, \textit{Einleitung}, 245–9, and see now the seminal chapter by Kahana, “Halakhic Midrashim.”
which runs into the seventh-eighth century, the period of the Sevoraim who also did the final editorial touch-up.\(^6\)

Among the primary halakhic sources from the Qumran sect,\(^6\) the collection of halakhot now published as *Damascus Document* (CD) 9–16 stands out.\(^6\) A number of those halakhot are presented as deriving from Scripture, but most of them are formulated “apodictically” in the framework of thematic collections. They represent the earliest example of the type of halakhic collection known otherwise from rabbinic literature. It was uncovered in the Cairo Geniza in medieval copies, but the overlapping fragments found at Qumran clearly show it originated there. This decided Ginzberg’s question as to which was this “unknown Jewish sect.”\(^6\) The pertinent halakhot cover such areas as oaths, lost objects, purity, Sabbath, and the sect’s community life. It is uncomplicated halakhah, phrased in simple language. Some technical terms can only be explained from Mishnah and Tosefta.\(^6\) Conversely, this demonstrates the antiquity of some basic materials contained in

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62 See the excellent overview by Baumgarten, “La loi religieuse.” Cf. Bernstein—Koyfman, “Interpretation” for forms of biblical interpretation at Qumran.


64 Ginzberg, *Sect*, cf. above n. 43. As against Büchler and others who wished to define the fragments as spurious and based on rabbinic sources he wrote: “The Halakah in our document... is presented in a form which is different from any pattern known from Talmudic sources” (404f.); it must be an independent creation of an unknown sect of the 1st century CE. He identified the sect as Pharisaic, minimizing “the few actual differences between the sect and the ‘standard’ Halakah” as being the result of historical development (405 and n. 197 on marriage laws). He thought it “quite impossible” that CD 11:17 would prohibit saving a human life from drowning by means of a utensil, and therefore the text was in need of emendation (68f.). Baumgarten, “La loi religieuse,” 1015 also mentions the hints of the sectarian calendar as an item Ginzberg tried to explain away.

65 The enigmatic CD 10:12f.: “A man should not purify himself with water... from any בֵּאָר (אַבּוֹת) in the rock which contains less than a full מִרְעוּל (מִרְעוּל)” (cf. 4Q270 fr. 6 col. iv:20) is explained by rabbinic halakhah, which states that “water in cavities” (מִרְעוּל) is less fit for purification than “a mikveh containing 40 se’a,” m. Miqw. 1:1, 4; t. Miqw. 1:14; cf. Ginzberg ibid. 53–5. Ginzberg ibid. 51f. could not explain מִרְעוּל and conjectured מְרָעְל. However Lieberman, *Greek*, 135 n. 151 has pointed out that מְרָעְל is a measure of capacity and is found in rabbinic literature, also in the alternative form מְרָעְל, meaning a “big hamper” and containing 40 se’a or 480 liters. For the general point cf. Baumgarten, “La loi religieuse,” 1014f., 1023f., registering the contrary opinion of B.S. Jackson.
the Mishnah. It is important also to point out that in the Damascus Document the collection of halakhot is set in a framework consisting of eschatological exhortations relating the origin and “ideology” of the sect—thus showing that the formulation of halakhah was not the sole purpose of this document.

Something similar can be said of the Rule of the Community (1QS). It consists of theological and moral exhortation combined with special halakhah defining the stages and degrees of admission to or removal from membership. While these halakhot are most peculiar in content, the stratified admission procedure they set out resembles similar procedures preserved in rabbinic literature relating to the Pharisaic havurot and other social bodies.66 In addition, there is a particularly close overlap with the admission procedure of the Essenes described by Josephus.67 These data were recognised early on in their importance for identifying the Qumran sect and for better reconstructing the Pharisaic havurot.

A third important document is the Halakhic Letter (4QMMT). It seems to have begun with a fully spelled-out copy of the solar calendar which was used at Qumran and which was identified and deciphered in the Book of Jubilees by Annie Jaubert in the 1950’s.68 There follow a series of 20 halakhot mainly involving temple, purity and priesthood, and in many of which a polemic with Pharisaic halakah as preserved in the Mishnah can be detected.69 The letter ends with an exhortation to the effect that observing these “works of the law” (תורה מעשים) will mean “it is reckoned to you as righteousness” (לצדקה נחשבה). The combined links with the Mishnah and the NT will keep drawing our attention for a long time. One important question concerns the letter’s relationship to the halakhah contained in other Qumran texts.70

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66 t. Demai 2:2–19 (cf. m. Demai 2:2–3); b. Bek. 30b. See Lieberman, “Discipline.” There is no reason not to call these specific laws “sectarian” halakah, pace Ph. Davies and Ch. Hempel (above n. 63).
68 See VanderKam, “The Calendar”; Jaubert, La Date.
69 m. Yad. 4:6. See Qimron—Strugnell, “Unpublished Halakhic Letter.” Cf. Sussman, “History,” esp. 27–35; in n. 71 he reminds us that David Flusser in 1958 was the first to point out this anti-Pharisaic polemic. Cf. also Baumgarten, “Tannaitic Halakha and Qumran.” Noam, “Traces of Sectarian Halakha” points out that there is no absolute opposition but that, e.g., R. Eliezer’s Shammaite views resemble Qumran law up to a point.
70 Cf. the listing in the review article by Baumgarten, “The ‘Halakha’.”
There are a number of more fragmentary halakhic texts from Qumran. These sometimes present important variants vis-à-vis the larger documents, which at once raises the question to which group they belonged and how it could relate to other known groups.

Finally, a most important text to study is the Temple Scroll, the largest text from Qumran. As to form, it pretends to be a text revealed to Moses and hence claims an authority comparable to the written Torah. The sect’s halakhah is interwoven in paraphrastic commentaries on Torah passages. The scroll thus formulates halakhah dependent of Scripture by simply rephrasing the biblical commandments while slipping in the sect’s halakhic interpretation. This is less sophisticated—or, implicitly, more authoritarian—than the Halakhic Midrashim, where the biblical phrases are always formally distinguished from the exposition.

Both in general outlook and in numerous details, there are large differences between rabbinic and Qumranic halakhah. As to details, Qumran law is characterised by a tendency towards strictness and literalness. This adds up to only a gradual difference, since a stricter and more literalist position is also represented in rabbinic tradition, by the school of Shammai. A decisively different element is the solar calendar used at Qumran one of whose aims was to absolutely safeguard the Sabbath. As to outlook or “theology,” not only the halakhot contained in the Temple Scroll and the biblically underpinned halakhot in the Damascus Covenant, but, given the exhortative setting, even the special sectarian laws in the Community Rule and the “apodictic” halakhot in the Damascus Covenant present themselves as being divinely inspired. The halakhot contained are all anonymous, they are written down as the spiritual deposit of the sect, and they are supposed to be immutable. All of this differs widely from rabbinic halakhah, which especially since the first century CE is most often delivered by named Sages with other Sages differing, and hence belongs to a human process of deliberation.
and legislation. Viewed from this vantage point, the rabbinic concept of “oral Torah,” whatever its origins, seems to reflect a decisive sense of distinction between the immutable written Torah of Moses and the variable comments and independent legislation of the Sages.

A remarkable feature shared by the Qumran scrolls and rabbinic literature is that the halakhah proper contained in them is phrased almost entirely in Hebrew. Even in the Talmudim, we only rarely find halakhic comments in Aramaic, and then clearly in the later strata. It is all the more striking to observe how in the middle of a discussion in Aramaic, the Babylonian Amoraim can suddenly phrase a halakhah in Hebrew. This reminds us of the Hebrew of the Qumran covenanters, though their preference for “biblical” idiom is not shared by the rabbis. Through the ages, the unique meaning the “holy tongue” (לשון הקדוש) has had for Jews seems to apply especially to the halakhah.

In a later age, another stunning example of this linguistic predilection was given by Maimonides, who wrote his commentary on the tractate of Avot in Arabic but composed his codification of rabbinic law, the Mishneh Torah, in a crystal-clear, purified mishnaic Hebrew.

It was said earlier that the Qumran scrolls form an epistemological bridge between the NT and rabbinic literature. Given their archaeologically ascertained antiquity, they also provide a chronological railing to hold on to while crossing the chasm. The rabbinic sources are most extensive in size and content and therefore are an important resource for comparative study with the NT, but they are relatively late. Methodologically, the part of wisdom is to draw on the wealth of halakhic material in the rabbinic collections while going by the archaeologically ascertained Qumran scrolls.

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76 This was an insight conscious to the rabbis, cf. the famous story in b. B. Meši’a 59b with R. Yoshua’s dictum, quoting Deut 31:12, “(God’s commandment) is not in heaven.” For the legendary heavenly voice to the effect that “the halakhah is forever according to the School of Hillel,” see Safrai, “Halakha,” 194–200; “Decision.”
78 Many baraitot, seemingly of Tannaitic origin, were in fact phrased in Hebrew by the Babylonian Sages, cf. Goldberg, “Tosefta,” 292.
79 Cf. the saying of R. Meir extolling, among other things, the observance of purity and the speaking of the Holy Tongue, y. Šabb. 1:3, 3c.
80 In this context, the methodological strictures of Doering, “Parallels” are a healthy corrective.
1.5. Studying Halakhah in Other Sources

Halakhic aspects and elements can also be discerned in other than primary sources, i.e. texts whose purpose is not to formulate halakhah. This first of all concerns other rabbinic or Qumranic texts. Halakhic phrases or stories with some halakhic import are scattered all over midrashic and targumic literature. Likewise, other texts from Qumran reveal glimpses of halakhic procedures and rules. In these texts, the presence of halakhic data is obvious since they presuppose the same social context. It will be most interesting when halakhic variants point to the existence of a sub-group or an altogether different tradition.

A further step is to study halakhic aspects and elements reflected in such narrative or pseudo-biblical texts as Jubilees, 4 Ezra or other documents loosely related to the milieus of the Essenes or of the Pharisees and rabbis. Tobit, Judith and Maccabees would also come in, or in other words all writings reflective of ancient Jewish culture. Many such texts are known or supposed to be based on translations of lost Hebrew or Aramaic originals. Halakhic analysis of these works is not yet wide-spread but can be assumed considerably to increase the available information on ancient Jewish social history.81

We can likewise study the halakhah in Josephus and Philo, even though their works were authored in Greek (sometimes a secretary helping, as with Josephus’ Jewish War) and were preserved, even almost canonised, by the Church.82 These authors’ identification is clearly with the Jewish community, never mind Philo’s extended allegories freely borrowing from the gamut of Greek philosophers. It is exactly the halakhah they also reflect that proves this.83 It is useful to remind once again of Goodenough’s Introduction to Philo Judaeus. After years of study of Hellenistic Judaism and its supposed heightened susceptibility to syncretism and dilution of Jewish identity, Goodenough changed his mind and wrote about the meaning of Philo’s allegorical expositions of the law: “However much Philo may have enriched the meaning of the laws and customs with Greek metaphysics, science, and ethics, ideas for

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82 For Philo’s near-canonisation cf. Runia, Philo; for Josephus’ effective history, Schreckenberg, “Josephus und die christliche Wirkungsgeschichte.”
83 On halakhah in Josephus see Goldenberg, Halakha in Josephus; I wish to thank Professor Goldenberg for kindly making his work available to me. See also idem, “The Halakha in Josephus.” Weiss, “Sabbath”; Tomson, “Systèmes de halakha.”
him could not take the place of active observance.”\footnote{Goodenough, Introduction, 78, having meanwhile read the manuscript of Belkin’s Philo and the Oral Law. See further Tomson, Paul, 40–2.} In other words, agreeing with Ginzberg: the halakhah reflected is more telling of Philo’s Jewish identity than the “theology.”

A logical next step is to study halakhah also in early Christian sources. One obvious question is about the attitude to Judaism and the law we may suppose to find there. However it is not decisive. Given the Jewish origins of Christianity, traces of halakhah may even be present in early works that already evince the classic negative attitude on the law. The example was set by the Jewish scholar Gedalyahu Alon, in his studies on halakhah in the Didache and in Pseudo-Barnabas published in Tarbiz in 1939 and 1940.\footnote{Alon, “The Halacha” (a poor translation to be used with care) and “Ha-Halakha.”} In the case of the Didache, Alon could operate on the more simple premise that it is a Judaeo-Christian text which would naturally contain many halakhic traditions.\footnote{Cf. Van de Sandt – Flusser, The Didache.} Barnabas, however, even when in part drawing on the same tradition,\footnote{Barn. 18–20 contains another version of the Two Ways tractate contained in Did. 1–5.} is one of the most patently anti-Jewish early Christian texts. It plainly states that such commandments as circumcision, dietary laws, and Sabbath were never meant to be observed literally; that the angel of evil had inspired the Jews here; that they had gone corrupt since the Golden Calf; and that the Covenant was actually meant for the Church of gentiles.\footnote{Barn. 9:4; 10:2; 15:3. On the covenant, 4:6f.; 16:8.}

Unflinchingly, Alon was able to unearth the reflection of a number of midrash traditions the author had used and which contain halakhot unknown from other sources. Thus this anti-Jewish source is made to disclose information on the history of halakhah.\footnote{The studies on Didache and Barnabas were not contained in the 1977 English translation of Alon’s major studies. The editor, the late Shmuel Safrai, told me he considered this a mistake at hindsight.}

This would be enough for one who is only interested in the halakhah. It is not for someone who in addition is interested in the NT. The “new perspective” we are beginning to share presupposes a more realistic view of the Jewish law not only in the present-day reader, but also in the protagonists of the NT. While Christian exegetes are becoming more sympathetic to the Jewish law, they could also begin to imagine a Jesus or even a Paul more positive on the law. Again, Qumran helps.
If the unknown late Second Temple Jew whose psalms (hodayot) were preserved there could write about human sinfulness and utter insufficiency vis-à-vis God’s law and yet remain faithful to the halakhic interpretations of his righteous teacher, why could not Paul, in an analogous situation? Qumran helps usher in the new perspective on halakhah and the NT.

2. LAW THEOLOGY AND HALAKHAH

2.1. Law Theology and Halakhah as a Dilemma

The next step would be to study any halakhah contained or reflected in the NT writings. Their generally agreed-on Jewish substratum would make the presence of halakhah at least as likely as in the Didache and Pseudo-Barnabas. The problem is in the way we have been trained to read these texts.

One never reads the NT in isolation. The 27 brochures and letters gathered up eventually to form the “canon” of the “New Covenant” have become invested with ages of theology and with the heavy burden of Christian identity to the extent that no reader, Christian, Jew or other, can steer free from their influence. The tension between traditional Christian theology and halakhah seems such that the reader of the NT is forced to decide for finding either halakhah or Christian theology—or some way of mediating between them.

The case of Pseudo-Barnabas may be extreme, but it is by no means exceptional in early Christian literature. An anti-Jewish orientation became predominant from the second century onwards, classically targeting the Jewish law. In effect, the law became a major negative reference point in Christian thought, most poignantly so in the typically Lutheran antithesis of Gesetz und Evangelium, “gospel and law.” Inescapably, this idea was read back into the NT, whether justified or not. It is at this point that the quiet study of halakhah in the NT verges on the dramatic theological discussions about the law and its significance. These are discussions in their own right which deserve to be given their adequate place as well: both at Qumran and with the rabbis, the law undoubtedly also had a “theological” and a soteriological aspect. But this aspect should not be isolated and magnified to the

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90 For Qumran cf. Baumgarten, “Theological Elements”; Schiffman, “Dead Sea Scrolls,” 11–13: “‘Theology’ of Law.” In general one could add the clear soteriological
point of eliminating the practical aspects of the law in Judaism and early Christianity.

Exactly that is what has happened, however, resulting in what we shall indicate for a while by the shorthand “law theology:” an exclusive interest in the theological or soteriological significance of the law. It is often associated—though not necessarily so—with the rather vague and almost subliminal idea that the Jewish law and its practice as such have a negative meaning for Christians. Yet the law is a pervasive and central element in the NT, often in a clearly positive sense, and this makes for a permanent tension that begs explanation. The tension has only increased with the growing interest in the Jewish background of the NT and in the positive value of the law as an integral element of the Old Testament.

Most scholars till now have found this an insurmountable dilemma. Many have been absorbed in the maelstrom discussions on the significance of the law and did not get round to pay attention to the halakhah in the NT. Others preferred to ignore theological debates and decided simply to study halakhah. There have also been endeavours to overcome the dilemma and to establish some relationship between law theology and halakhah. In this first section of our overview, we shall review examples of these overall approaches on the theme of halakhah in the NT.91

It is neither feasible nor necessary to document the predominance of the “law theology” approach. A classic example may suffice: Rudolf Bultmann’s *Theologie des Neuen Testaments* (1948). This masterful and ever influential synthesis is conceived in an historical, more particularly a religion-historical perspective. Jesus is viewed within the framework of Palestinian Judaism with its apocalyptic world view, although at the same time, his teachings are thought to imply a fundamental “dislocation” of the Jewish law in its ritual aspects.92 Paul, in contrast, is

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91 For retrieval, I used among other means the Rambi search machine (Jewish Nat. and Univ. Libr., Jerusalem, http://jnul.huji.ac.il/rambi/) via such entries as “Halakha and Christianity,” “Halakha,” “Gospels and Law,” and “Gospels.” The Tübingen University Library data base of articles is also useful instrument. A number of titles can be found through Welch, *Biblical Law Bibliography*.

92 Bultmann, *Theologie*, 3: “Jesus (steht) im geschichtlichen Zusammenhang der jüdischen End- und Zukunftserwartung” (emphasis in original). Ibid. 17: “Tatsächlich ist die atl Gesetzgebung, soweit sie aus kultischen und rituellen Vorschriften besteht, durch Jesus aus den Angeln gehoben worden.” There is tension here with Bultmann’s
situated within Hellenistic gentile Christianity. In his basic “anthropology,” “flesh,” “sin,” and “law” stand opposed to “faith” and “Spirit.” Hence the law has a fundamentally negative function.93 To be sure, Bultmann’s work elsewhere shows quite different accents; his early form-critical work could even be open to quantities of aggadic material for comparison with the synoptic tradition.94 Nonetheless, the heavy emphasis on law theology in his *Theologie* obviously leaves no room for interest in halakhah. Of particular importance is the relation—or rather, non-relation—between Jesus and Paul in view of their different religio-historical settings. Paul’s “Hellenistic” theology in fact won the day and by consequence—thus the fateful opening sentence of the *Theologie*—“the teachings of Jesus belong to the mere presuppositions of NT theology.”95

The opposite view on the teachings of Jesus was chosen for a starting point by Bultmann’s idiosyncratic opponent, Joachim Jeremias, in the first and only published part of his *Neutestamentliche Theologie: Die Verkündigung Jesu* (1971). Here, the whole methodology is attuned to reconstructing the spiritual world of the historical Jesus or, as he

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95 Bultmann, *Theologie*, 1. It is striking how this basic structure contradicts Bultmann’s otherwise perceptive observations. Indeed, he seems to have adopted it wholesale from the history of religions approach of Bousset, *Kyrios Christos*, especially featuring the antithesis of “palästinensische Urgemeinde” (Jerusalem) and “hellenistische Urgemeinde” (Antioch). In turn, it was this antithesis which Schweitzer attacked in his *Mystik*. 
would be called in his own Galilean dialect, *Yeshu*. This is especially the proverbial material in the Jesus tradition that is thus studied and hypothetically re-translated into Aramaic. Characteristic styles and literary genres such as parables and riddle sayings are studied, as well as expressions like *Amen* or *Abba*. If these Jewish surroundings were Jesus’ spiritual word, the question is: what was his attitude to the written Torah and to its indispensable accompanying tradition of interpretation and implementation? “Jesus lived according to the Old Testament law,” as well as in the words of the prophets, and he attached great importance to the Temple and its cult. However, Jeremias thinks, “(Jesus’) attitude to the *halakhah* was quite different. He rejected it, and radically so.” In particular, this concerned the rabbinic Sabbath and purity *halakhah*. The reason was that “all of this legislation was a creation of men that stands opposed to God’s commandment” (cf. Mark 7:7!).

In contrast, Jesus had a lofty idea of marriage and he prohibited divorce—and here, Jeremias enters into the halakhic details of the discussion between the Schools of Shammai and Hillel. Jesus apodictically rejected divorce; it was only in the course of the synoptic tradition that this was made into “a casuistically formulated two part law” (Matt 5:32; 19:9). There is a strange contrast between Jeremias’ concerted efforts to penetrate the Jewish world of Jesus and his care to eliminate *halakhah* from it. Some hidden, negative “theology of the law” must be at work there.

Meanwhile, individual scholars working in almost complete isolation had conceived various different approaches.

Paul Billerbeck, when publishing his five volume *Kommentar zum NT aus Talmud und Midrasch* (1922–28), ignored theological debates but showed himself fully aware of the importance of *halakhah*. Vol. 4/1 contains a series of excursions on Jewish customs and festivals, to which must be added the extremely interesting excursion in vol. 2 under the title: “The Indications in the Four Gospels about the Date of Jesus’ Death in Consideration of Their Attitude to the Halakhah.” Fascinatingly, Billerbeck explains the seemingly irreconcilable contradiction between the synoptic and the Johannine dating of Jesus’ Last

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96 Jeremias, *Theologie*, 13 n. 1, following D. Flusser.
97 Ibid. 198–219, quotations (in my own translation) 198, 201, 202, 203, 217. A further paradox is that it was Jeremias who produced the large index volume to Strack-Billerbeck, *Kommentar*.
98 The three vols. of “commentary” and two of “excursions” were published only after H.L. Strack added his name to it.
Supper and death by supposing the use of two different calendars.\textsuperscript{99} The running commentary also offers much halakhic information, e.g. pertaining to divorce law at Matt 5:31–32 or the purity of hands at Matt 15:2.\textsuperscript{100} The accompanying interpretations are not always reliable, sometimes resulting in contradiction, as e.g. regarding meals with non-Jews. At Gal 2:11, the commentary refers to the excursion about “The Attitude . . . to the Non-Jewish World,” where we read: “For observant Jews, social intercourse with non-Jews was next to impossible . . . Table fellowship between Jews and Goyim was hardly thinkable.” But astonishingly, the commentary goes on to cite rabbinic rules exactly how to act when actually dining with a non-Jew!\textsuperscript{101} One could add the habitual complaint that Strack-Billerbeck presents the rabbinic material without a critically checked chronological framework. Such justified criticisms, however, should not prevent us from recognising the importance of the work and its lasting value for the study of halakhah in the NT.

Billerbecks commentary had been preceded by Claude Montefiore, \textit{The Synoptic Gospels} (1909, 1927\textsuperscript{2}). It is a running commentary on the Gospels showing little expertise on the halakhah, e.g., on purity when commenting on Mark 7, and even being quite dismissive about the importance of such “ceremonial laws.” Montefiore wrote from a Reform-Jewish point of view\textsuperscript{102} and he did not hesitate to criticise rabbinic divorce law. His \textit{Rabbinic Literature and Gospel Teachings} (1930) is in fact another commentary built on continuous study of Billerbeck’s work and has been said to be the first “to study the work (of Billerbeck) . . .

\begin{itemize}
\item \textsuperscript{99} Vol. 2, 812–53, “Exkurs: Die Angaben der vier Evangelien über den Todestag Jesu unter Berücksichtigung ihres Verhältnisses zur Halakha,” referring to Chwolson, \textit{Passahmahl}. A better version of this solution was developed by Jaubert, \textit{La Date}, on the basis of her deciphering of the \textit{Jubilees} calender and early publications of Qumran fragments, cf. her ref. to Billerbeck, 105 n. 1.
\item Vol. 1, 303–21; 695–704.
\item See vol. 1, 130: “From the point of view of Liberal Judaism it might be said that [Mark 7:1–23] . . . is the most important section of Mark . . . which seems to constitute one of the two chief justifications or reasons for the main way in which Liberal Judaism looks at the old ceremonial law;” and cf. Lou Silberman’s comment on this sentence in the 1968 Ktav reprint, p. 12.
\end{itemize}
as a whole.” There is little interest in theology here—nor an exactly lavish yield for halakhic study.

A more recent example of this approach is David Daube’s *New Testament and Rabbinic Judaism* (1956). It is a marvellous book, rich in documentation and subtle in outlook, but tight on theory. On commencing the invaluable study on “Terms for Divorce,” Daube tersely remarks (362): “Let us begin with Paul, whose terminology distinctly reflects the Rabbinic attitude.” The study contains, as do the sections on “Legislative and Narrative Forms” and “Concepts and Conventions,” a large proportion of halakhic information and material. The reader is informed on halakhic terminology and concepts—without neglecting Hellenistic and Roman law—involved in NT passages about the sabbath, divorce and baptism, or even in the report about Jesus’ “teaching with authority.” There are also more fundamental observations about halakhic reasoning (67–69) and about halakhah as such (97–104)—but no theology.

Hard to classify is the collection of studies by J. Duncan M. Derrett, *Law in the New Testament* (1970). The only article dealing with halakhah proper is “The Teaching of Jesus on Marriage and Divorce.” It is not clear why the overall title of “law” is chosen for this work (see also the entry on Derrett in section 3.4, p. 181).

Ignoring the dilemma can yield valuable contributions; we shall meet with other examples in further sections. We must realize, however, that as such, these authors were quite exceptional in their time. The opposite attitude was still absolutely predominant, i.e. the one letting the discussion about the law prevail and ignoring the halakhah. But beginning with the 1970’s, an upsurge of works on law in the NT began to be seen, along with an incipient openness towards halakhah.

A fairly recent example shows that for many NT scholars, a theme like “the Scriptures of Israel” does not evoke any associations with law or

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104 There is just one paragraph that winds up the preface (viii–ix). It involves the bare statement: “Modern research tends to support my approach,” for insight is growing that the conflict of Church and Synagogue was not over “secondary matters” such as the Jewish foundations of the teachings of Jesus and his followers but over the claims as to his “Messiahship and divinity.” Also, “Palestinian Judaism of the first century was . . . varied and flexible,” and “the sharp distinction between a Hellenistic and a Rabbinic Judaism in the New Testament period is being abandoned . . .”
105 Involving the explanation that the word means “the walking,” 97.
106 See below p. 329 n. 126.
halakhah. Of the 16 papers about *Paul and the Scriptures of Israel* (1993) edited by Craig Evans and Jack Sanders, not one pays attention to the subject. And among 22 contributors to *The Gospels and the Scriptures of Israel* (1994) edited by Craig Evans with Richard Stegner, there is only one that actually deals with halakhic aspects:107 Asher Finkel on “Jesus’ Preaching in the Synagogue on the Sabbath.”108

### 2.2. *Jesus as Compared with Paul*

If writing about Israel’s Scriptures does not generally induce theologians to touch on halakhah, this is more likely to be the case when they write about Jesus. Least of all, however, it seems to happen when writing on Paul. This is clearly seen when we are able to compare studies by the same author on Paul and on the Gospels.

Hans Hübner published a study on *Das Gesetz bei Paulus* in 1977 in which we find deliberations about the theological significance of the law only, without a shred of halakhah. By contrast, his earlier work on *Das Gesetz in der synoptischen Tradition* (1973) takes in halakhah concerning Sabbath, purity, and divorce, drawing mainly on Monte-fiore. Law theology predominates.

Stephen Westerholm remains more reserved. In *Jesus and Scribal Authority* (1978), he envisages Jesus as discussing halakhic aspects of the law with “the Sages of the Halakhah,” though he is reluctant to view Jesus as actually teaching “law.” A similar incipient openness to halakhah is not found in his work on Paul, *Israel’s Law and the Church’s Faith* (1988), expanded and republished in 2004 under the telling title, *Perspectives Old and New on Paul*. In both versions, the book comes squarely in defense of the “old” perspective. The “portrait of the ‘Lutheran’ Paul” (88–97) contains such phrases as: “Human nature, created good, has been so corrupted by sin that human beings are incapable of God-pleasing action,” and: “...The ceremonial demands of the Mosaic law foreshadowed Christ’s redemptive work but were annulled by his appearance...” The negative value of the law is strongly felt. It centres on Paul.

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107 Harvey, “Jesus on Marriage and Divorce” thinks Jesus never intended “to give halakhic rulings” but only moral injunctions, and that Matthew presented Jesus’ discussion with the Pharisees on divorce “as an exercise in halakhic definition.”

108 The article discusses lectionary cycles and related practices as documented in the OT and in rabbinic literature, and the question whether the Sabbatical year is pronounced in Jesus’ inaugural preaching on the Sabbath.
The same asymmetry can be found in Jewish scholars, which at least indicates common canons of interpretation. David Flusser wrote many studies on Jesus and the Gospels, but only a few on Paul. The popularly written *Jesus* (1968) portrays Jesus as a highly original Jewish teacher. His particular behavior vis-à-vis Sabbath, purity, and other halakhic items is noted, though not with great precision. On the whole, Jesus is seen as remaining within the parameters of Jewish law. In two essays on Paul of 1967 and 1979, however, Flusser agreed with the majority that Paul had abandoned the Jewish law and exhorted his followers to do the same. He later modified this view somewhat, but the basis was an undifferentiating reading of Paul’s letters.109

The prominent talmudic scholar, Ephraim E. Urbach, wrote on a large number of topics touching on Judaism in all periods, including the halakhah. His important synthesis, *The Sages: Their Concepts and Beliefs* (1969), contains a chapter discussing the value attributed to the law that also deals with such pre-rabbinic Jews as Philo, Paul and Jesus. While Paul’s attitude is seen as utterly negative, Jesus is attributed with Torah-faithful uttering’s such as Matt 5:17. There is no study of halakhah in the Gospels, let alone in Paul’s letters.

In his *Jesus and Judaism* (1985), E.P. Sanders describes Jesus’ behaviour vis-à-vis the law while paying some attention to halakhic details and concluding that Jesus nowhere transgressed the law. Conflicts over the law with Pharisees surely were no cause for his execution. But in his popular summary *Paul* (1991), Sanders works with a generalised conception of the law: for Paul “the law must do something bad, since it was not intended by God to save.” The general concept of “the law” having been dealt with, there follows a chapter on “Behavior” which, unsurprisingly, has no relation with halakhah. Sanders’ larger works on Paul shall be reviewed below.

The collected studies of James Dunn, *Jesus, Paul and the Law* (1990) show him to be in the middle of the discussion. The introduction opens on this note: “During the 1980s one of the main controversies among NT scholars…has focused on the attitudes towards the Jewish law within earliest Christianity.”110 In two studies from 1984 and 1985,111

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109 For more elaboration see Tomson, “Glaubensgerechtigkeit.”


Dunn traces the tradition history of Markan passages involving Jewish rituals such as Sabbath and purity in view of the continuity between Paul and Jesus. The conclusion is that the pre-Markan Church was “wrestling with questions of law and halakah in a way which seems to anticipate Paul to at least some degree,” and “Paul in effect was arguing for an extension of the principles Jesus enunciated.” In one way, these developments went beyond Jesus’ teachings, but in another they did not: “Within the terms of Jesus’ own proclamation and teaching Jesus certainly appears as one standing fully within the Judaism of his time, but simultaneously as one who questioned and challenged the normal understanding of (Palestinian) Judaism on boundary issues…” Dunn views the typical setting of the pre-Markan Church as “Hellenistic-Jewish Christian.”112 Hence it would appear he is trying to accommodate the “new perspective” on the Jewish context of primitive Christianity113 within a Bultmannian framework. There is yet no room here for attention being paid to the halakhah.

2.3. Halakhah in Early Christianity

As we noted, the interest in Jewish law or halakhah in the NT meanwhile began to increase. New ideas began to appear. Jacob Jervell published his “The Law in Luke-Acts” (1971) in which textual study leads to the conclusion that in Luke-Acts, the Mosaic law is thought to be valid for Jews and Jewish Christians alike. The important contribution here is that it draws attention to the Jewish followers of Jesus and their attitude to the law. Surprisingly, however, the study does not seek support from halakhic comparison. The same must be said about Jervell’s otherwise important commentary on Acts, Die Apostelgeschichte (1998).

A sudden increase of relevant studies is visible since the 1990’s. We shall review many examples in the below sections on specific themes and here only mention publications of general interest. Interesting to see is the persistence of the option ignoring the dilemma, “law theology or halakhah,” and its positive results vis-à-vis halakhah. Such is found in three studies in the 1997 issue of the Italian exegetical jour-
nal, *Ricerche storico bibliche*. Paolo Sacchi, “Qumran e Gesù” draws a series of analogies between the Markan Jesus and Enochic (Essene) writings including three halakhic items: divorce, impurity, and the 364 day solar calendar. More impressively, Edmondo Lupieri, “Halakah qumranica e halakah battistica di Giovanni” offers an analysis of the halakhically relevant properties ascribed to John the Baptist as compared with Qumranic and rabbinic halakhah: condemning Herod’s divorce; consuming “locusts and wild honey”; living in the “desert”; baptising in the Jordan waters; wearing a camel wool cloak; and keeping it together with a leather belt. “John the Baptist emerges as an independent halakhic teacher, sometimes close to the positions of the Pharisees, but almost always opposing those of priestly and Qumranic origin.” We see how halakhic study offers a welcome amplification of the tools of historical study.—A third article on Paul by Romano Penna will be discussed in the next section.

By now, scholars are beginning theoretically to come to terms with the dilemma and to envisage an integration of the halakhic elements in the reconstruction of earliest Christianity. Peter Richardson and Stephen Westerholm edited a collective work on *Law in religious communities in the Roman period* (1991) which offers useful overviews of earlier research. Especially interesting in this volume (93–107) is Michael Pettem, “Torah and early Christian Groups” dealing with Judaeo-Christian halakhah.

In their *Essai sur les origines du christianisme*, simultaneously published in English as *The Origins of Christianity: An Exploration* (1998), Etienne Nodet and Justin Taylor resolutely decided to view the “central (Christian) institutions” of Baptism and Eucharist within the framework of Judaeo-Christian halakhah. As such these rites are comparable with the proselyte baptism and the *havura* meal of rabbinic halakhah. Furthermore, the Apostolic Decree of Acts 15 is seen as one version of the Noahide commandments also variously formulated by the rabbis.

Frédéric Manns, *Une Approche juive du Nouveau Testament* (1998) studies Jewish or Judaeo-Christian traditions contained in the NT

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114 For documentation on divorce, Sacchi adduces CD 4:20f. and 11QT 57:15–19; for the solar calendar, he depends on Annie Jaubert, adopting also her solution of the Synoptic / Johannine disagreement about the date of the last supper (see above n. 68).

115 Quoting the author’s summary on his website, www.uniud.it/istr/data/w/lupieri.htm; cf. idem, “The Law and the Prophets,” and his concise “Johannes der Täufer” in *RGG* 4.
documents that in their extant form may reflect a clash with the Synagogue. Thus analysing the “community rules” contained in Matt 16:16–19; 18:15–17 he comes to speak of “la ‘halaka’ dans l’Évangile de Matthieu.”

Markus Bockmuehl, *Jewish Law in Gentile Churches* (2000) in its subtitle includes our key word: *Halakah and the Beginnings of Christian Public Ethics*. Apart from detailed studies, e.g. of Jesus’ teaching on divorce to which I shall come back, Bockmuehl discerns a halakhic basis to Christian ethical teaching in the period of the Apostolic Fathers.

François Blanchetière’s *Enquête sur les racines juives du mouvement chrétien* (30–135) of 2001 reviews the characteristics of earliest Judaeo-Christianity, including “Torah” and “Mitsvot” as headings of Christian “praxis.”

Peter Tomson, “*If this be from Heaven…*”: *Jesus and the NT authors in their relationship to Judaism* (2001) perceives both Jesus and Paul within the framework of Judaism, each interacting with contemporaneous halakhah. Paul’s law theology is based on a traditional Jewish view also found in Qumran and the Jesus tradition, but applied in a special sense in the dispute about the gentile Christians’ freedom from the law. The divorce prohibition offers a singular example of Paul’s adherence to Jesus’ particular interpretation of halakah.

Finally, Dan Jaffé, *Le judaïsme et l’avènement du christianisme* (2005) offers an interesting perspective on reports of meetings between rabbinic Sages and Judaeo-Christians seen in the framework of Jewish history. Of particular interest is the discussion of the “halakhic controversy between R. Gamaliel and a Judaeo-Christian judge.”

In these recent approaches, Christian-theological evaluations of the Jewish law are not thought to be mutually exclusive with the existence of halakhic traditions and both elements can be imagined to complement each other. There is no longer a dilemma.

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3. Paul and the Law—and Halakhah

3.1. Halakhah and Hermeneutics

We saw the obsession with law theology oblivious of halakhah is strongest where Paul is in view. We also have the impression that this somehow correlates with the predominant traditional reading of his letters. Therefore our overview of research literature must include some prior hermeneutical reflection on how to read them.

All-important is the decision who we suppose wrote the letters—and to whom. In the traditional reading, the author was an ex-Jewish apostle whose main point was that the Jewish law is obsolete and irrelevant. Let us visualise the consequences. If so, it would be totally indifferent to Paul whether he wrote these things to Greeks, barbarians, Scythians, or to Jews. Since the Jewish law would be thought obsolete, the repeated saying, “In Christ is neither Jew nor Greek” would effectively mean: “In Christ there is no place for Jews.” Nor could the law have retained a practical meaning. So much would be confirmed by the apostle’s law theology emphasizing “justification without works of the law.” In this approach, the law is perceived as the central issue in Paul’s letters, and it involves a generalized, undifferentiated idea of the law and of its human subjects.

There are passages, however, which make this undifferentiated approach difficult to maintain. There is the exceptional motto of Romans of “salvation for the Jew first, and also for the Greek” (Rom 1:16; 2:9f.). The same letter also emphasises that circumcision is “of much value in every way,” and even that to the Israelites, the author’s “kinsmen by race,...belong the sonship,...the law, etc.” (Rom 3:1f.; 9:3f.). Furthermore there is the remarkable “rule” in 1 Cor 7:18f. to the effect that a believing Jew must not have circumcision undone, nor a non-Jew be circumcised. Such passages make it unlikely that the apostle propagated the suppression of Jewish distinctiveness in his churches. More likely, he assumed practical differences between Jews and non-Jews to remain existing.

In light of the preceding, it is all-important that all of Paul’s extant letters appear to be addressed to non-Jewish believers. By consequence, where the validity of the Jewish law or of parts of it are discussed without

118 Tomson, Paul, 58–61. This was also stressed by Gaston, Paul, 7–9.
further specification, their applicability for gentiles must be meant, not for Jews. Nor is it correct that discussion on the law is central to all of Paul’s letters. On a closer look, it is the case in Romans and Galatians, not in other letters. It is not so, for example, in First Corinthians, a letter of undisputed Pauline authorship that interestingly contains a large amount of practical teaching scholars have recognised as being “casuistic.”

From this vantage point, we also get another view on Paul’s law theology. The phrase that “in Christ is neither Jew nor Greek” would mean that such differences as he does recognize between Jews and non-Jews are not soteriologically relevant, for, as his other phrase goes, neither Jew nor Greek are “justified (or saved) by works of law.”

On the other hand, the diversity the apostle does take into account is relevant from a halakhic point of view. In the halakhah, the distinction between Jew and non-Jew is axiomatic and has numerous consequences. Not the least one is that the Mosaic law as a whole is not incumbent on gentiles. Sabbath, circumcision and dietary laws do not apply for them, and the extra impurity thought to emanate from a human corpse is supposed to be ineffective in their case. This easily allows us to explain why Paul had no problem in teaching that gentile Christians need not keep typically Jewish commandments like Sabbath, circumcision and diet.

In sum, a concretely differentiating reading of Paul as here advocated would open the possibility of halakhic analysis. Specific, practical commandments would merit extra attention. Indeed, several scholars have noticed the particular features of First Corinthians in this respect. Furthermore, a differentiating reading would put the question of law observance as such in a different light. Even if in some letters it occupies a lot of space, it does not in others, and so it appears to represent one specific issue among many others. If this is correct, we would expect theological argument about law observance and practical instruction relating to halakhah to appear relatively unrelated, depending on the

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119 Weiss, *Korintherbrief*, 169 (“die Behandlung ist überwiegend kasuistisch”); furthermore von den Osten-Sacken, “Paulinische Treue,” 58f. quoting Congar, “Kasuistik.” At 34f., Congar feels the need for the standard remark: “In keinem Moment entwickelt (die paulinische Kasuistik) sich in juridischer oder legalistischer Perspektive, wie es bei der rabbiniischen Kasuistik geschehen ist un noch geschieht.” The danger is in the development of “Juridismus,” and the real polemics may be against ecclesial legalism. A non- or anti-casuistic approach is supposed by Jesus, see Jeremias, above at n. 97; Meier, below at n. 189; Westerholm, at n. 190.
situation addressed. We shall want to come back to this after concluding our research overview.

3.2. Early Studies

The relative independence of practical teachings in Paul and their halakhic relevance was recognized in 1935 by Samuel Belkin in his study, “The Problem of Paul’s Background.” He wrote: “...If we really want to ascertain to what extent Paul was influenced by Pharisaic doctrines we have to look for these not so much in Paul’s theology as in his references to customs, practical morality, and in rules which he formulated for his converts in Asia Minor and Europe.” Belkin successively treats halakhic aspects of circumcision, mixed marriage, marrying a virgin, the concept of ἐπίτροπος, and slavery. Belkin added that he hoped his study would usher in “a new phase” in the interpretation of Paul’s epistles. It has incurred some delay, but it still may.

A few years earlier, Albert Schweitzer had published his singular Mystik des Apostels Paulus (1930). It studies Paul on the basis of comparison with apocalyptic-mystical Jewish writings—a sound starting point, as has meanwhile become obvious in view of Qumran. As to the law theology, Schweitzer wrote the sentences that drew so much flak from Lutheran exegetes yet are so difficult to refute: “The doctrine of justification by faith is a subsidiary crater that originates in the main crater of the mystical salvation doctrine of being in Christ;” and, “Those who...make Paul’s doctrine of justification by faith into the centre of Christian faith will tragically experience that they operate with a soteriology from which logically no ethics can be derived.” While Schweitzer did not do justice to the biblical and Jewish roots of the justification doctrine, his thesis is basically correct given the traditional opposition of gospel and law. Certainly, Paul thinks “Christ is the

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120 Belkin, “Background,” 42.
121 Ibid. 44 and nn. 11–12, pointing to Gal 5:3 and the Pharisaic-rabbinic tradition behind it as noted by Moore, Judaism, vol. 1, 331; t. Dem 2:5 must be added to the sources adduced. See Tomson, Paul, 88f.
122 Schweitzer, Mystik, 220 (my translation).
123 Cf. Bultmann’s opposition of “Gesetz” and “pistis,” above n. 93. And cf. his “unworldly,” “a-nomistic” ethics, Theologie, 18f.: “Jesu Verkündigung des Willens Gottes (ist) keine Ethik der Weltgestaltung...Sie ist, indem sie die Forderung des die menschliche Gemeinschaft ordnenden Rechtes überbietet und vom Einzelnen den Verzicht auf sein Recht fordert, eine Ethik, die den einzelnen unmittelbar vor Gott verantwortlich macht.”
end of the law,” but, in Schweitzer’s explanation, the law remains in force as long as the messianic Kingdom is not revealed in full glory. This “status quo theory” surprisingly allows for halakhic diversity to exist in Paul’s churches. However Schweitzer did not proceed to study halakhic traditions in Paul because he shared the common negative prejudice on rabbinic literature.125

Schweitzer found an enthusiastic follower in W.D. Davies, Paul and Rabbinic Judaism (1948). As the title announces, Davies added rabbinic literature to the source material; he also corrected Schweitzer’s unqualified disregard of Hellenistic elements. Under the badly fitting chapter title, “The Old and the New Man: Paul as Teacher of the Individual,” Davies discusses Paul’s ethical teaching as we notably find it in 1 Corinthians. He notes that Paul writes to non-Jews and points out the ensuing likelihood that his moral teaching is based on the tradition later called “Noachian laws,” commandments rabbinic tradition thinks applicable to non-Jews, while also using Hellenistic thought patterns: “Paul is . . . employing Stoic terms . . . to expound those conceptions in Rabbinic Judaism which had led to the formulation of the Noachian commandments.” Davies also discerns the importance of the Jesus tradition for Paul’s ethical teaching: “(Paul) recognized in the words of Christ a νόμος τοῦ Χριστοῦ which formed for him the basis for a kind of Christian Halakah.”126 The point was not further elaborated on, nor did scholars pick up on it for a long time.

Samuel Sandmel, The Genius of Paul (1958), pitted Paul against the law on the supposed basis of the apostle’s personal experiences. Sandmel’s construal of diametrically opposed views on the nature of Torah in the rabbis and in Paul betrays heavy influence of the “Lutheran Paul.”

Though more substantial, Hans-Joachim Schoeps’ Paulus (1959), like Sandmel’s, was several steps back as compared to Schweitzer. It is a curious book full of contradiction.127 Presenting us again with a more or less a “Lutheran” Paul, Schoeps yet supposed, following Schweitzer, that the apostle thought the law remains in force till the messianic Kingdom. Again, Paul is thought to have used the rabbinic

124 Schweitzer, Mystik, 190–3.
125 Cf. Schweitzer, Geschichte, 38.
126 Davies, Paul, 111–46, quotes at 119, 144.
127 Cf. W.D. Davies’ review, reprinted as “Appendix D” in his Paul, 342–52. Halakhah does not come in view here either.
idea of freedom from the law through death and this even would have a “halakhic basis,” but at the same time it is impossible “to escape from the curse of the law.”

An influence inversely proportional to the restricted size of the work concerned was exerted by Krister Stendahl’s 1960 lecture, “The Apostle Paul and the Introspective Conscience of the West,” republished with other papers in *Paul among Jews and Gentiles* (1970). Paul was not worried by the general problem of the law, Stendahl wrote, but by the concrete relationship between Jews and non-Jews and by the respective validity of the law in that context. The subsequent interpretation by Augustine and Luther has generalized this concern into the abstract anthropological problem of sin, law, and the oppressive pangs of conscience. Paul did not share these, thus Stendahl: he had a “robust conscience,” just as he could frankly admit the grave sin of his former persecution of the churches of Jesus. Stendahl’s ideas were fiercely combated by prominent Bultmannians such as Ernst Käsemann, but in other quarters they were enthusiastically received.

C.K. Barrett’s well-known study about 1 Cor 8–10, “Things Sacrificed to Idols” (1964) deserves to be mentioned for its clarity and frankness of argument. The question of idol offerings would variously regard gentile and Jewish believers and has an obvious halakhic impact. Barrett quotes Strack-Billerbeck, but does not use the material there offered for halakhic analysis. He is content to draw a picture of Jewish law practice as a negative foil for Paul. In spite of W.D. Davies’ emphasis that Paul “throughout his life . . . was a practising Jew,” Barrett must conclude that “Paul is nowhere more un-Jewish than in his μηδὲν ἀνακρίνοντες” (do not inquire—1 Cor 10:25, 27). However, Paul clearly addresses these chapters to gentile Christians (1 Cor 12:2). Assuming uniformity in Paul’s churches, Barrett makes the distinction between Jews and non-Jews indifferent. The irrelevance of halakhah ensues.

We must also mention one of the rare Pauline studies in this period paying attention to the specific commandments: Wolfgang Schrage, *Die konkreten Einzelgebote in der paulinischen Paräneise* (1961). Schrage continuously opposes Paul’s parenesis to the Jewish law and considers

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129 *Paulinische Perspektive* (1972); trans. *Perspectives on Paul*.
the justification doctrine to be the centre of Paul’s theology.131 This excludes attention being paid to halakhah.

3.3. The “New Perspective” on Paul

Since the 1970’s, the question of “Paul and the law” was clearly on the agenda, both under the domineering aspect of law theology and, more timidly, of halakhah. The relation between the two remained problematic. Most titles are known to those who have studied the subject to any degree; our task now is to try and put them into perspective.132

Incontestably, E.P. Sanders’ *Paul and Palestinian Judaism* (1977) marked a watershed. The importance of the book, however, is more in its stated goal than in its method and conclusions. With hindsight, one even wonders what caused its appeal; maybe time was just ripe in the post-Shoa era. The book’s goal is to construct a more adequate image of Judaism to compare Paul with than the Judaism read from the “Lutheran Paul.” Such an antagonistic starting point must be handled with care, lest it prejudice observation and judgment, not only of the scholar in question, but also of those reacting to him. The “de-Lutheranised” image of Judaism Sanders constructed is certainly less negative than the “Lutheran” one, but it is equally schematic. Having set out to prove that Judaism is no religion of “works-righteousness,” he replaced it with a religion of “covenantal nomism” where law observance and merit are reduced to insignificance. Moreover, and this is important for us, the main interest is in law theology, or as Sanders put it: in “getting in and staying in.” This leaves no room for interest in the halakhah, neither in Judaism nor in Paul. On the whole, the Paul portrayed in the smaller, second part of the book has no relation with the schematic Judaism construed in the first part.

With surprising candour, Sanders stated this fundamental shortcoming in the preface of his next book, *Paul, the Law, and the Jewish People* (1983/85): “In *Paul and Palestinian Judaism* I did not intend to explore Paul’s Jewishness, his overall relationship to Jewish tradition and thought.”133 Reiterating that for Paul “the law is not an entrance

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132 A helpful and duly updated bibliography is found on *The Paul Page, dedicated to the new perspective on Paul* at http://www.thepaulpage.com/Bibliography.html.
133 Sanders, *Paul, the Law*, ix; there also the phrase “getting in and staying in” pertinent to the earlier book.
requirement,” Sanders now also emphasized that Paul thinks “the law should be fulfilled,” as is especially visible in 1 Corinthians. The question is what commandments should be fulfilled. Loving the neighbour “is a summary well-known in Judaism,” and the prohibitions of idolatry and sexual immorality are considered universal commandments in standard Jewish thought. Sanders concluded: “Paul did not work out a full halakic system, his rulings seem to be ad hoc,” and: “there is virtually no systematic halakah.” Most importantly according to Sanders, Paul “deleted” three areas from the law, without explaining why, and even for Jewish Christians: circumcision, dietary laws, and Sabbath. Clearly, Sanders does not count with halakhic diversity between Jews and non-Jews. Nor can he do justice to those passages where Paul says “the value of circumcision is much in every way” (Rom 3:1f.), and “those who observe the day” or “abstain from eating” certain matters, do so “in honour of the Lord”; others may not judge them (Rom 14:6, 10).

Two features of Sanders’ approach have determined the enormous discussion that ensued: the preoccupation with the soteriological aspect of the law, or in my shorthand: with “law theology,” and the failure to take account of halakhic diversity in Paul’s churches. Remarkably, two important later studies of ancient Judaism of Sanders’ do pay elaborate attention to the law: Jewish Law From Jesus to the Mishnah (1990) and Judaism: Practice and Belief (1992). Such attention apparently was not thought relevant when dealing with earliest Christianity.

Hans Hübner, Das Gesetz bei Paulus (1978) was mentioned already; it deals with law theology independently from Sanders. Stephen Westholm’s book on Israel’s Law and the Church’s Faith (1988, see above, section 2) clearly is a post-Sanders work reaffirming the Lutheran interpretation of Paul. Francis Watson, Paul, Judaism and the Gentiles (1986) rejects the “Lutheran Paul” and does come down to specifics, but his solution involves a halakhically uniform, non-Jewish Church. Lloyd Gaston, Paul and the Torah (1987) deals with law theology, quite positively, be it stated, but gives no clues on halakhah. Frank Thielman, From Plight to Solution (1989) explicitly takes his cue from Sanders. Mark Seifried, Justification by Faith (1992) establishes that Paul’s moral

134 Ibid. 95, 107.
135 Ibid. 101, 103.
teaching was based on his soteriology and concludes this deprived “the Law and its associated halakha” of any significance.\textsuperscript{136}

Axiomatically post-Sanders is James D.G. Dunn’s 1984 paper heralding “The New Perspective on Paul.” Taking stock of the discussion after Sanders, Dunn follows him in search of an adequate perspective on Judaism to compare Paul with. Like Sanders, Dunn thinks Paul rejected circumcision, purity, and Sabbath, coining the descriptive phrase that has since become popular, “Jewish identity markers.” Untenably,\textsuperscript{137} he identified these as the “works of the law” Paul speaks out against. Again, as does Sanders, Dunn ignores halakhic diversity, and in consequence he does not recognize the distinctiveness of Jewish identity in Paul’s thought. In an earlier paper about “The Incident at Antioch” (1983), Dunn did get down to specifics and even tried to find a halakhic explanation for the conflict related in Gal 2:11–14, but unfortunately he did not maintain that line of approach.\textsuperscript{138} Dunn recently republished his Pauline studies under the same title, \textit{The New Perspective on Paul} (2005), in the foreword explaining this as “a new phase in Pauline studies or a fresh way of looking at Paul’s gospel and theology (or at his teaching on justification by faith in particular).” The initial insight that it also involves another view on Judaism is not maintained. Halakhah remains very marginal; law theology is the main course.

Calvin Roetzel’s 1995 overview, “Paul and the Law: Whence and Whither,” opens by echoing Martin Hengel’s totally justified complaint (“The Pre-Christian Paul,” see below) that current research is “concerned \textit{ad nauseam} with Paul’s understanding of the law but reflects very little on Paul the Pharisee in this connection.”\textsuperscript{139} According to him, “Two historical factors have played a major role—the Holocaust and the discovery of the Dead Sea scrolls.” Attention is then given to contributions like those of Daube, Davies, and Stendahl, and to a number of studies provoked by Stendahl aiming among other things at “evaluating Paul’s Jewishness,” most importantly the one by Sanders. The overview ends with the critique of Sanders by Dunn and others.—Much on law theology, but indeed, little on “Paul the Pharisee.” Halakhah is behind the horizon.

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\textsuperscript{136} Seifrid, \textit{Justification}, 19 n. 62. \\
\textsuperscript{137} See e.g. Penna, below. \\
\textsuperscript{138} J.D.G. Dunn, “The Incident at Antioch (Gal. 2.11–18),” \textit{JSNT} 18 (1983): 3–57, repr. in Dunn, \textit{Jesus}, 129–73. \\
\textsuperscript{139} Roetzel, “Paul,” 249, quoting Hengel, \textit{Pre-Christian Paul}, 87 n. 2.
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The 1996 Durham-Tübingen conference volume edited by James Dunn under the title *Paul and the Mosaic Law* reflects the discussion in the early 1990’s. 16 articles by as many authors plus the editor’s introduction and conclusions mention halakhically relevant details only by exception; the program is clearly oriented towards law theology. John Barclay, however, formulated a different starting point: “In the scholarship on “Paul and the Law” by far the greatest attention has been paid to Paul’s theoretical statements…Yet there is a strong case to be made that an historical understanding of Paul requires much greater attention to the social function of his theological views, and that for his contemporaries what he did or encouraged others to do counted for much more than what he said.” Discussing Rom 14:1–15:6, he reviewed the practice of food and Sabbath laws by Roman Jews as documented by Josephus and other authors. He then posited, without actual halakhic analysis, that Paul rejected “the Scriptural distinction between ‘clean’ and ‘unclean’ food,” thus frustrating his wish to foster mutual tolerance and undermining the Jewish identity of the Judaeo-Christians. Peter Tomson fully shared Barclay’s starting point, but on the basis of 1 Cor 7 judged Paul’s position differently. The instruction on matrimonial life in that chapter contains halakhic elements underscored with apostolic authority to the extent that the epistle can be compared with the ancient Jewish genre of “halakhic letters.” Furthermore, the digression containing the “rule” in 1 Cor 7:18f. sets forth “the soteriological equality of Jewish and gentile Christians,” or in other words halakhic diversity within the church. It also follows that law theology and halakhic instruction operate on different levels in Paul as they do in Philo. Editor Dunn commented that for Paul, “the social reality of Jewish identity proved an effective stumbling block” and that he “cut at the root of those whom he himself had called simply ‘the circumcision’.”

A fundamental redress of Sanders’ schematic portrayal of Judaism was presented by Friedrich Avemarie in his study on rabbinic soteriol-

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140 See Dunn’s brief overview with references to review articles, p. 1f.
141 J. Barclay, “‘Do we undermine the Law?’ A Study of Romans 14.1–15.6” (in Dunn, *Jesus*, 287–308), quote at p. 287, emphasis in original.
143 Tomson, “Paul’s Jewish Background,” at p. 256f. referring to Belkin, “Paul’s Background.”
ogy, *Tora und Leben* (1996). Having analyzed 185 rabbinic pericopae involving Torah and salvation and having arranged them according to themes as these present themselves, he concluded upon the theological flexibility, the *Aspekthaftigkeit*, of *aggadah* or rabbinic thought. There is salvation by faith in God’s grace in rabbinic Judaism, as there is salvation by the merit of commandments observed; it all depends on the emphasis the homilist or midrashist chose to make, most probably in relation to the audience and situation he had before him. The flexibility and complexity of rabbinic thought “prohibits any systematic ordering free from contradiction,” and “probably the most adequate portrayal of the rabbinic conception of Torah is mediated by S. Schechter’s *Aspects of Rabbinic Theology*.”

Once this work being done, it was only natural for Avemarie to expose a similar shifting of “aspects” in NT authors like Matthew and Paul. As to Paul, this theological flexibility not only links him up with the rabbis, but also facilitated him to formulate his distinctive emphasis. Avemarie demonstrates this especially in a brief exposition on Romans, where he concludes: “Paul decidedly rejected the possibility that one could fulfil God’s justifying will by observing the law.”

The third relevant article in the collective *Ricerche storico bibliche* (1997) reviewed in the previous section is the one by Romano Penna, “Le ‘opere della Legge’ in S. Paolo e 4QMMT.” With great precision, he describes the expression “works of the law” as understood by Paul and his successive interpreters. Luther, following Augustine, proposed “a legalistic hermeneutic of Judaism,” which in turn inspired Bultmann and Käsemann to hold that the “the very execution of works of law is sin.” James Dunn then proposed to restrict the scope of the term, while maintaining its intrinsically negative meaning: Paul condemned not the legalistic, but the nationalistic aspects of circumcision, Sabbath, and dietary laws. Penna then turns to 4QMMT and concludes “works of law” is a comprehensive term and in fact represents the whole of Torah. “Paul excludes them from the justification of the Christian…not because they inevitably generate a sinful way of relating to God, but on

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145 Avemarie, *Tora*, 583, with the critical note that Schechter over-emphasized the “aspects” of Kingdom of God, joy of the commandments and sanctification.
146 Ibid. 584–9, quote 586.
two grounds: because they actually are not integrally observed (cf. Rom 1:18–2:29), and because they are henceforth considered surpassed by the unheard of faith in Jesus Christ (cf. Rom 3:27; 10:4).148

John Gager’s *Reinventing Paul* (2000) reverts to Stendahl’s desideratum of reading Paul in view of the specifics, concluding that in Sanders and Dunn there is still too much generalizing of Paul’s arguments against circumcision for gentile Christians into a universal polemic against the law. This illustrates “just how difficult it is to dislodge deeply entrenched paradigms.” Future work must continue in the direction of “relocating the apostle within the broad setting of Greco-Roman Judaism.”149 Cautious comparison with Qumran and rabbinic literature could yet be added.

Such criticisms were not widely heard, and the discussion continued on the terms called by Sanders. Two collective volumes focusing on law theology edited by D.A. Carson, P.T. O’Brien, and Mark Seifrid, *Justification and Variegated Nomism*, (2001, 2004) have for their aim to “attempt a competent evaluation of the multifaceted movement now commonly known as ‘the new perspective on Paul’.”150 Vol. 1 contains studies on Second Temple Judaism and its literature, vol. 2 deals with the NT. The essay by Martin Hengel on “The Stance of the Apostle Paul Toward the Law in the Unknown Years” (vol. 2, 75–103) offers much of information about Paul’s years in Jerusalem which would make the presence of halakhah in Paul’s letters likely, but this is not discussed.

Likewise, the recent volume edited by Michael Bachmann, *Lutherische und neue Paulusperspektive* (2005), by virtue of its title, also focuses on law theology. James Dunn was invited to write a response. In line with the “new perspective,” the authors generally think Paul interacted with Judaism as defined in its own terms.151 The ensuing question how Paul valued actual Torah commandments or “works of the law” is raised in several articles, most incisively in regard of Jewish believers in Paul’s churches.152 Peter Tomson’s suggestion that Paul assumed them to keep observing the commandments even if they were not justified by them

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151 Thus Klaus Haacker in Bachmann, *Paulusperspektive* 5, 14 and, in a negative formulation, James Dunn, ibid. 429.
152 Klaus Haacker (= cultic commandments), Roland Bergmeier (= ceremonial commandments), Hubert Frankemöller (= circumcision, Sabbath, purity), all thought to be negatively valued by Paul.
is rejected by Dunn on the same grounds again: the distinctiveness of Jewish identity and its halakhic expression are not thought to have a place in Paul’s mind.

Interest in Paul’s practical instruction had meanwhile been expressed in a curious way by Andreas Lindemann, “Die biblischen Toragebote und die paulinische Ethik,” in a 1986 volume edited by Wolfgang Schrage. Lindemann accurately located a series of concrete commandments in 1 Corinthians and set out to analyse their source. His conclusion is that it is not in the commandments of the Torah, but the gospel of Christ.

Behind Lindemann’s approach, the traditional Lutheran opposition of law and gospel was correctly identified by Brian Rosner, Paul, Scripture and Ethics (1994). Rosner’s own analysis led him to the opposite conclusion, i.e. that Paul did base his practical instruction on biblical commandments “and Jewish sources.” The discussion is interesting, but there is unclarity here. While Paul cites a biblical verse in 1 Cor 5:13, his multiple instructions in 1 Cor 7 never do, certainly not the divorce prohibition in 7:10f and 7:39. Rosner unfortunately failed to strengthen his case by overlooking the importance of the post-biblical Jewish sources.

More sophisticated, Hermut Löhr also studied practical details in his “Speisenfrage und Tora” (2003). Analyzing dietary laws in ancient Judaism and the NT and concluding they are “identification marks of the Jewish sense of election and identity,” he states that for Paul they have lost their sense. When 1 Cor 10:27–29 says the problem is not in the Christian’s meat but in his mind, this is taken to prove that for Paul “an appeal to Jewish dietary halakhah does not come into account.” This judgment is not based on analytical comparison with halakhic sources. Fundamentally, the “soteriological value of the requirements of the law” is thought to be annulled by “the soteriological relevance

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154 Löhr, “Speisenfrage,” 23: “Erkennungszeichen jüdischen Erwählungsglaubens und jüdischer Identität.” In the end (36), however, Dunn’s phrase “boundary markers” pops up.
155 Löhr ignores the argument in Tomson, Paul, 154–68 that Paul’s idea that “the reality of idolatry is not in objects, it is in the human consciousness” (συνείδησις) is analogous to halakhic reasoning (the concept of מִלָּחַץ attributed to R. Eliezer m. Hul. 2:7). Koch, “Seid unanstössig,” 44 n. 27 turns the same argument upside down, taking it to mean that for Paul it concerns “in halachischer Weise die Substanzen selbst.” “Halacha” is undifferentiatively understood as literalness.
of the Christ’s self-sacrifice.”156 Paul “consciously abandoned” the very reason behind the dietary laws, “…the segregation of a holy people…A clear distancing from Tora and Israel has taken place!”157 The point is that in this undifferentiated reading of Paul, Jewish identity has lost its sense. A similar distancing seems expressed in the extant version of Mark 7:1–23, though it probably was not the attitude of the historical Jesus. On the whole, Löhr correctly warns that the traditional idea of a wholesale break with Judaism by Jesus must not be replaced by that of uninterrupted continuity with Judaism, but that nuanced study of the details is called for.

3.4. *Halakhah in Paul*

The thrust of Sanders’ work was directed against Lutheran law theology, and this conditioned the huge discussion he gave rise to. Therefore it is important to remind that studies from the pre-Sanders era such as Belkin’s and Davies’ can be pointed out that are not preoccupied with law theology and involve a nuanced approach of halakhah. The same can be said of the post-Sanders era.

Without mentioning Davies, Peter Richardson posited that Paul developed a Christian halakhah in his study: “‘I Say, not the Lord’:… the Development of Early Christian Halakah” (1980). Dealing with 1 Cor 7, he draws attention to the careful distinction between Paul’s own authority as apostle and that of “the Lord” when giving his various precise instructions. Taking his inspiration from Birger Gerhardsson among others, Richardson draws the important conclusion that “the chapter in its entirety is a halakic exposition…. Paul should be seen as developing *halakah* in a way similar to the rabbis. This means that, to some extent at least, he has a positive view of *torah*.” At the same time, Richardson wonders why in 1 Cor 7 “Paul does not rely at all upon, nor even allude to, the Hebrew Scriptures,” such as Gen 2:24 about being “one flesh.” This is an important question, and it is where Rosner left off.


157 Ibid. 28, “Und auch die ratio der Speisegebote, die Aussonderung eines heiligen Volkes, ist bewusst verlassen. Eine deutliche Distanzierung von Tora und Israel hat stattgefunden!”
The analysis could be amplified by further comparison with halakhic material from rabbinic literature and Qumran.

Alan Segal, *Paul the Convert: The Apostolate and Apostasy of Saul the Pharisee* (1990) speaks of “Paul’s own conversion from the surety of Pharisaic observances to the freedom and uncertainties of his gentile Christianity” and thinks Paul taught neither gentile nor Jewish believers to eat kosher. Nevertheless, Paul’s instruction regarding “circumcision and dietary laws can be understood by putting aside the theological principle that no human actions can produce righteousness…. I maintain that Paul’s approach is halakhic, even if the problem he addresses is one that cannot arise within Pharisaic Judaism.” 1 Cor 7:17–20 shows “Paul does not shrink from using the language of commandments to discuss Christian responsibilities” and has no “strictly ideological position about circumcision” but is even able to accommodate circumcision of Jewish believers.158 In other words, even though starting from the traditional assumption of a halakhically uniform Pauline church, Segal does not use the justification doctrine as the universal hermeneutical tool and thus is able to perceive halakhic diversity in Paul’s “accommodation” approach.

Peter Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (1990) sets out to analyse halakhah in Paul’s letters as it has been studied in numerous other ancient Jewish and Christian texts. A theoretical framework is developed which allows viewing Paul’s theological discussions on the law on a different level and independently from his practical teachings with halakhic import. Analogies to this relative independence are found in Philo whose allegories of the law coexist with his apparent adherence to the practical commandments, and in the Qumran covenanters who combined rigid halakhic observance with extensive apocalyptic-mystical speculations. The important fact is noted that all of Paul’s letters address non-Jews. After an overview of halakhic elements contained in them, the abundant material in 1 Cor 5–14 is analysed, most remarkably on the subjects of sexual relations, matrimonial law, offerings to idolatry, and liturgy, as also in the passages about gentile-Jewish table fellowship in Gal 2:11–14 and Rom 14:1–15:13. In conclusion the halakhic material is summarily listed: dominical halakhah, apostolic halakhah, general halakhah and halakhah formulated by Paul himself. Also, Paul’s “rule for all churches”

158 Segal, *Paul*, 121, 192f., 214f., 238.
in 1 Cor 7:17–20 is found to summarize at once halakhic diversity, Christological unity, and Cynico-Stoic universalism. While a sketch is created of “the contours of Paul’s thought in the nexus of halakha and theology,” a positive construal of the latter is not given.159

Martin Hengel, The Pre-Christian Paul (“Der vorchristliche Paulus,” 1991) does not deal with halakhah, but the host of information about Paul’s “Graeco-synagogal” education in Jerusalem that is adduced would make its presence in Paul’s letters likely. Hengel thinks Paul’s conversion was theologically motivated by the doctrine of “radical grace” that was “best understood by Augustine and Luther.”

J. Duncan M. Derrett, “You Abominate False Gods” (1994) is an important study comparing the phrase in Rom 2:22 with Old Testament and ancient Jewish law, including Mishnah and Talmud. It is proposed that ἱεροσυλεῖν is a technical term that denotes taking forbidden profit from goods irrevocably dedicated to idolatry.

Paula Fredriksen, “Judaism, the Circumcision of Gentiles, and Apocalyptic Hope” (1991) refreshingly takes “another look at Galatians 1 and 2.” She re-reads Paul’s justification doctrine not on the traditional interpretation that it is “the fundamental statement of the difference between Judaism and Christianity,” but on the basis of Jewish ideas of non-Jews, i.e. their distinct position vis-à-vis the halakhah: idolatrous pagans, Godfearers, or proselytes. “From its inception, the Christian movement admitted Gentiles without demanding that they be circumcised and observe the Law. This was so precisely because nascent Christianity was Jewish. Diaspora Jews . . . routinely permitted sympathetic Gentiles access to their synagogues on a ‘Law-free’ basis . . . ” It remains to be explained what went wrong and caused the clash at Antioch (Gal 2:11–14). Fredriksen hypothesises heightened eschatological expectation and a novel proselytising “Jewish mission to the gentiles.”160 In her differentiated approach, Fredriksen uncovers the halakhic basis of Paul’s law theology. Come to think of it, the whole vexing question about the soteriological value of the law is none other than asking how salutary it is to be Jewish. As many Jews, as many answers. We know Paul’s, for one.161

159 Tomson, Paul, 268. See brief summary below.
161 Read Rom 3:1f. with Gal 5:2f.
A concerted attempt at studying halakhic elements was made by Peter Zaas in a series of studies on diet questions in Paul and elsewhere in the NT published in the *Jewish Law Association Studies* (1994–2000). Halakhic diversity is an obvious assumption. “The question which is at the heart of 1 Cor 8–10 should be phrased in halakhic terms: ‘Are Gentiles-in-Christ obliged to observe the halakhic prohibition of eating meat that originates in pagan sacrifices?’” The answer Zaas gives is: “The apostle has no desire to prevent his Gentile audience from eating non-kosher meat, but an overwhelming wish to keep them from even the appearance of participation in the idolatrous cult…. The problem is idolatry, not meat.”\(^{162}\)

Heinz-Wolfgang Kuhn, “A Legal Issue in 1 Corinthians 5 and in Qumran” (1997) illustrates the importance of the Qumran texts for our endeavour. Without the explicit aim of studying halakhah, the author analyses the internal judicial system found reflected in 1 Cor 5 and in Qumran. He correctly concludes not on dependence but on a common background in the Scriptures and in Jewish tradition. This makes the halakhic basis of Paul’s instruction to his gentile co-believers self-evident.

Jacob Neusner, “Vow-taking, the Nazirites, and the law; does James’ advice to Paul accord with Halakhah?” (1999) sets forth the halakhah of *nedarim* and of *nazir* and the religious principles behind them. The article assumes the Paul of Acts to be identical with the author of the Pauline letters and is vague about the stances of James and Paul described in Acts.

Joop Smit, “About the Idol Offerings” (2000) admirably combines rhetorical analysis with socio-historical analysis and to that aim takes in halakhic data. He elucidates what he calls “the rhetorical situation” with archeological and biblical data, as also with halakhic sources concerning idolatry, especially the Mishnah tractate *Avodah Zarah*. This leads him to understand Paul’s condemnation of idolatrous cults better than many other commentators.

In 2002 Yonder Gillihan published a learned study that not only deals with “Jewish Laws of Illicit Mariages, the Defilement of Offspring, and the Holiness of the Temple,” but along the line also offers “A New Halakhic Interpretation of 1 Corinthians 7:14.” Halakhic elements from Qumran and rabbinic literature are marshalled in an interesting

endeavour to explain Paul’s teaching on marriages with an un-believing partner.

Peter Tomson, “Paul’s Practical Instruction in 1 Thess 4:1–12” (2003) analyses the halakhically relevant elements in 1 Thessalonians “in a Hellenistic and a Jewish perspective.” While obviously not only the rhetoric of the letter but also such terms as φιλαδελφία appeal to Hellenistic culture, the specific items of practical instruction link up with Jewish traditions: sexual chastity, sanctity in marriage, honesty in business, and, indeed, “brotherly love” or hospitality.

In an interesting study conversant with social science and titled The Formation of Christianity in Antioch (2003), Magnus Zetterholm draws in halakhic comparison as a matter of course for studying the Antioch incident as narrated by Paul (Gal 2:11–14).

The dissertation by Albert Hogeterp, Paul and God’s Temple (2004) studies Paul’s use of temple imagery with the question whether it involves substitution of the real temple with the spiritualized one. Halakhic analysis on the basis of Qumranic and rabbinic sources is part and parcel of the tools applied. The outcome is that Paul could take knowledge of the cultic language for granted in his non-Jewish readers and gives no evidence of spiritualizing substitution.

Richard Bauckham, “James, Peter and the Gentiles” (2005) studies the conflict in Antioch between Peter, “the men of James,” and Paul (Gal 2:11–14), and develops a large-scope review of ancient Jewish sources for the ancient idea of gentile impurity. Taking his departure from the important study by Jonathan Klawans, Bauckham distinguishes between ritual and “moral” impurity and concludes that it was gentile impurity, in the second category, that was at stake in Antioch. Study of rabbinic sources is intimated in reviewing m. ’Ohal. 18:7–8, but unfortunately the underlying discussion of Klawans with Gedalyahu Alon on this point is not evaluated in this respect.164


164 Cf. Bauckham, “James,” 96 and n. 13. Alon, “Levitical Uncleanness,” is built on the very distinction between ritual impurity and the impurity of gentiles, which is “due to a spiritual fact” (188). On that basis, he establishes the vague and vacillating character of gentile impurity in ancient Jewish law and its secondary identification with particular categories of “ritual” impurity. For the identification as presupposed e.g. in m. ’Ohal. 18:7–8, which contradicts the rabbinic view that a gentile corpse is not impure (cf. Bauckham 108), see Alon 184–6. Klawans, Impurity, 134f. does not do justice to Alon, and his analysis is much closer to him than he gives the impression.
3.5. Summary: Paul’s Halakhah and “Law Theology”

The preceding overview allows us to conclude that while much energy has been put into explaining Paul’s “law theology,” there are also quite a few studies touching on halakhic elements found in his letters. In retrospect, we can also conclude that both elements are often studied separately, as though one does not necessarily presuppose the other. The fact is, both are found in Paul’s letters in varied combinations, and a balanced assessment must face this fact. To begin with, let us summarize the halakhic topics to be discerned in Paul when compared with ancient Judaism.\(^{165}\)

1. **Relations of Jews and Non-Jews.** Here, Paul probably sided with the more lenient Pharisaic opinion. Table fellowship followed by benedictions said in common is by all means possible (Gal 2:11; Rom 15:8f; for benedictions cf. 1 Cor 10:30; Rom 14:6); Paul even reckons himself among the “strong” here (Rom 15:1). This leniency was not uncommon among Jews in antiquity.\(^{166}\) According to Acts it was basic to the beginnings of gentile missions, although Acts 10–11 expresses the initial hesitation also attested in the Jesus tradition (Matt 10:5f; 15:24; Mark 7:27 and parallel). Paul’s letters, however, register tension growing in this area.

2. **Proselytism and Circumcision.** This item relates to the preceding. Paul accepts circumcision as the act symbolizing access to Judaism and the pledge to keep all commandments (Gal 5:3), but he refuses to consider it obligatory for gentile Christians (Gal 6:12). The opinion that believing gentiles by all means have their share in salvation (Gal 3:29) is (mutatis mutandis) also attributed to the first century Hillelite Sage, R. Yoshua, as opposed to his Shammaite colleague, R. Eliezer (t. Sanh. 13:2).\(^{167}\)

3. **Liturgy and Prayer.** In the sections titled “traditions” (παράδοσείς, 11:2–34) and “spiritual gifts” (πνευματικά, 12:1–14:40), 1 Corinthians contains several topics to do with liturgy and prayer that compare to

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\(^{165}\) For more detailed listings and documentation see Tomson, *Paul*, 262; Tomson, “Paul’s Jewish Background,” 261. An additional topic is the importance of earning one’s subsistence as compared to receiving community support, 1 Thess 4:9–12; 2 Thess 3:6–12; see Tomson, “Paul’s Practical Instruction.”


\(^{167}\) Cf. Ben-Shalom, *School of Shammai*, 273 n. 3.
ancient Jewish customs: the head covering for women; table order at community meals (11:20); the function of prayer leader (14:16); women’s lack of authority to speak up in community worship (14:34). Elsewhere, relevant items are the “cup of blessing” (10:16) and the benediction formulae (Rom 1:25; 9:5; 2 Cor 11:31).

4. Consumption of Idol Offerings. While Paul apparently does not acknowledge any dietary prescriptions for gentile Christians (whence the problem of the link with Acts 15:20 and parallels), he does recognize the problem of idol offerings. His solution is to let everything depend on the “consciousness” (συνείδησις) of those involved: as long as no one around feels the need to declare the food ἱερόθυτον (1 Cor 10:28), there is no inhibition to eat, but as soon as “the other one’s consciousness” (συνείδησιν δὲ λέγω... τὴν τοῦ ἑτέρου) interferes, it is prohibited. Again, this is formally analogous to the position attributed to R. Yose in opposing R. Eliezer’s Shammaite opinion, σαθμα ἡλεφοράς σελ νομίμει μικρά, “the unspecified consciousness of a non-Jew is oriented towards foreign cult” (m. Hul. 2:7). Paul does condemn, however, actual “idolatry” in gentiles (1 Cor 10:7, 14, 20).

5. Sexual Relations. Rules are given or implied both in 1 Corinthians (5:1; 7:2f.) and in 1 Thessalonians (4:4). They clearly relate to basic Jewish values.

6. Divorce. Here, Paul’s opinion is at the antipodes of the Hillelites, since he explicitly follows the Jesus tradition which, even more strictly than the Shammaites, prohibits divorce (1 Cor 7:10f.).

Keeping this summary of Paul’s halakhah in mind, let us now try to summarise his theological expositions about the law in a way that allows accommodating both elements in one coherent picture. Let us start out from the basic halakhic distinction which may be seen underlying both. It is the idea that there is a fundamental difference between Jews and non-Jews in that the latter are not subject to the Mosaic law in toto, whereas the former are. Such halakhah as we do find in Paul’s letters—

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168 ο ἰναπληρῶν τὸν τόπον τοῦ ἱδιώτου, a crux, cf. BDAG, art. ἱδιώτης 2. In Tomson, Paul, 142–4 it is proposed to see the expression, literally “he who takes the place of the common man,” as an equivalent of שפיחתי צבאי, “deputy of the community.” A similar expression is found in Justin, 1 Apol. 65.3–5, ὁ προεστός τῶν ἀδελφῶν.

169 Cf. the discussion in y. Beṣah 1, 60a, where R. Eliezer’s opinion from m. Hul. 2:7 is cited to explain the Shammaite stance in a related context.

170 For a more elaborated exposé see Tomson, “If this be from heaven…,” ch. 4.
items 1 through 6 above—must then be read as specifically applying to those being formally addressed in them, i.e. non-Jewish “believers.” It is couched in exhortative language replete with appeals to the example of Christ and his teachings. In other words: because the readers are followers of Jesus, they are obliged to observe those elements from the halakhic tradition associated with him that are thought to apply to non-Jews. This does not seem to require expositions about the law in general, either in a positive or a negative sense.

Such actually is the disposition we find in 1 Corinthians, a letter replete with practical instructions which was considered most authoritative in the early Church, as well as in 1 Thessalonians which also contains relevant material. Apparently the apostle, when giving these instructions, did not see the need to develop theological arguments about the law, even with a violent conflict with the local Jewish community looming in the background, as in 1 Thessalonians (cf. Acts 17).

In 2 Corinthians, Philippians, and Colossians, we do find trouble over the law reflected. It is caused by so-called “false apostles” who apparently emphasize their Jewish status (2 Cor 11:13, 22; Phil 3:4f) and the importance for the readers of Paul’s letters of keeping the law and its commandments (2 Cor 3; Col 2:16). As against the claims of these “Judaising” apostles, Paul criticizes the practice of Jewish commandments—if presented as obligatory for non-Jewish Christians, we may supply (2 Cor 3:14f.; Phil 3:2, 7f.; Col 2:16–23). Yet even here, there is no elaboration on the theological significance of the law. This is found only in the remaining two letters, if we stick to the seven epistles of practically undisputed Pauline authorship: Galatians and Romans. In both cases, the underlying halakhic distinction between Jews and non-Jews can be seen at work.

The letter to the Galatians as well reflects trouble caused by “false brethren” (cf. 2:4). They explicitly urged non-Jewish Christians to accept the Jewish law and circumcision (6:13). Three times in this letter, Paul reiterates his principle that “in Christ,” there is “no longer Jew or Greek…” (3:28; 5:6; 6:15), meaning that non-Jewish Christians ought not to be pressurized to adopt the Jewish law. He cites the principle also in 1 Corinthians, adding that this is “what I command in all churches” (1 Cor 7:17, 19). In other words, it is his well-known principle which serves a mere illustration in a context which does not require its serious development. What the context in 1 Corinthians requires is the phrase applied in a different way: “Stay the way you are”—married or
unmarried, that is. In Galatians, the rule is most explicitly at stake: it is cited three times. Significantly, Paul calls it his “rule” (κάνων, Gal 6:16). Clearly, the “rule” has come under attack. A proselytizing movement has generated in the churches, urging gentile Christians to accept the law and “live Jewishly” (ιουδαίζειν, Gal 2:14). This clearly was in breach of the situation prevailing heretofore (Gal 2:1–10). And it is in this context that Paul develops his “law theology”: the motifs of the “curse of the Law,” of being Abraham’s children, and of slavery and freedom vis-à-vis the law (Gal 3–5). As we noted, Paul also embraced the halakhic concept that one who accepts circumcision and becomes a proselyte, is obliged “to keep the whole law” (Gal 5:3). Clearly, the status of being or becoming a Jewish “believer” exists side by side with the one of being a non-Jewish believer, without these being soteriologically relevant. The point of Paul’s “law theology” is precisely that one who makes either status obligatory for fellow-Christians, unjustly makes it into a soteriological requirement.

Romans in a sense presents the opposite arrangement of the same terms. It is an exceptional case among Paul’s preserved letters, although probably less so in the actual reality of Paul’s churches. Here it is Jewish “believers” who are being pressurised and whose “acceptance” in the local church has become a problem because of their particular law observance (14:1–15:13). Again, Paul operates on the premise that on the one hand, the basic halakhic distinction between Jew and non-Jew must be left untouched, and on the other, that it is not soteriologically relevant. From beginning to end, the letter strikes such themes as the gospel addressing “the Jew first, but also the Greek” (1:16; 2:9f.); “the advantage of the Jew, the value of circumcision” (3:1); the privileges of “my brethren, my kinsmen by race: they are Israelites...” (9:4). This is the case even if Paul must also say he has “a great sorrow and unceasing anguish in his heart” (9:2) about those of them who do not believe in Jesus as Christ. It is in this specific, multifaceted context that Paul develops his longest argument about the law, the “law theology” of Romans that was to be taken for a summary of his thought and for the gospel as such—erroneously, we could say with hindsight.

This “law theology” is Paul’s much-discussed “theological” argument about the relative soteriological value of the law and its commandments. In fact, it draws on an idea well-entrenched in ancient Judaism: the sense of utter human failure before God’s judgment and the faithful appeal to His forgiving grace. It is found most poignantly
in the Qumran Hymns (e.g. 1QH 4:29–31), but also, for example, in the synagogal liturgy for the Day of Atonement (the *Avinu Malkeinu* prayer) and, last not least, in the Jesus tradition (Luke 18:13f.). In all of these contexts, the dependence on God’s grace for salvation does not mean that the commandments must be abandoned. As far as the Jewish believers are concerned, this must then also be supposed for Romans, unless the evidence indicates the opposite. In Romans 1–8, Paul emphatically addresses both Jews and non-Jews. This double address is exceptional among Paul’s letters and undoubtedly reflects the specific rhetorical setting. Paul sees himself forced to “charge that all, both Jews and Greeks, are under sin” (3:9), and to state that “God has ‘locked’ all in disobedience, that he may be gracious to all” (11:32). For “now the righteousness of God has been manifested apart from law, although the law and the prophets bear witness to it, the righteousness of God through faith in Jesus Christ for all who believe. For there is no distinction” (3:20f.). The over-arching conception of God’s grace vis-à-vis human failure allowed Paul to plead with non-Jewish believers for acceptance of their Jewish brethren, without creating the impression that he sided with the “Judaising” apostles.

A specific historical setting may be presumed here—let us state this briefly. The 50’s of the first century saw a climate of rising tension between Jews and non-Jews leading up to the Jewish war against Rome. In this situation, Paul saw need to develop an argument of “justification by faith, without works of law” in defence of his original apostolic strategy: a church consisting both of Jews and non-Jews who mutually accept each other. It was the occasion that called this special “law theology” into being, with the ancient idea we mentioned providing the over-arching concept. But it was the genius of Paul, “according to the grace given him” (cf. 1 Cor 3:10), in this constellation to develop a message of inspiring faith and saving grace that keeps appealing to later generations—even if they continue to have trouble in figuring out what exactly he meant at the time of writing.171

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171 See further development, both of the “theological argument” and its historical setting, in Tomson, “Die Täter des Gesetzes.”
4. Halakhah in the Jesus Tradition

4.1. Methodological perspective

Obsession with law theology is densest where Paul is concerned, we saw. It involves an undifferentiated reading as also the assumption that law theology is central and ubiquitous in Paul. All of this did not prevent a number of authors to study halakhah in Paul, whether they managed to do some justice to law theology or not.

In the case of Jesus and the Jesus tradition, there is less hesitation and we find a much larger yield of relevant studies. Several reasons can be thought of. First, the Gospels and Acts contain a number of disputes with Pharisees and other Jews involving such central halakhic issues as Sabbath, purity, and divorce, as also passages of lesser prominence on vows, burial, and other items. Most of these topics evidently raise questions about halakhah, while they are not found in Paul. Second, what we do find in Paul but not in the Gospels is theological discussion about the law and its soteriological meaning. Endeavours to find Pauline influence have had meagre results. At most, a common Hellenistic context for Paul and the later gospel tradition may be hypothesised, but it is begging the question what is meant by “Hellenistic” in this context.172 Third, Qumran has made it impossible to continue ignoring the importance of halakhah in the narrative space of the Gospels, first century Jewish Palestine.

Lest we think things are simple, however, providence has endowed us with two other theological mine fields in this area: the problem of the historical Jesus and the synoptic problem. The question is how to go by these problems in relation to halakhic study. A conscientious scholar like John P. Meier felt obliged to deposit three big preparatory volumes of his Marginal Jew before head-on attacking the teachings of Jesus. On the other hand, those not brought up in the fear of synoptic studies, such as many Jewish scholars, tend to take a rather light view on these problems. One can also observe that the circles where Jesus studies and synoptic studies developed the most extreme positions were also those where Pauline law theology predominated: the Tübingen tradition and the Bultmann school. And a predominance of

172 Cf. Dunn, above at n. 13.
law theology, we have seen, does not make a stimulating environment for studying halakhah.

I would take another tack, neither idolizing nor marginalizing both “problems” but positing that halakhic analysis has a dynamic of its own and, as in the case of Paul, offers a valuable amplification of our analytical toolbox. It may even help relaxing unhealthy preoccupation with the “historical” Jesus and the synoptic problem and reduce these to more realistic proportions. The social function of halakhah makes halakhic analysis a rather effective tool in socio-historically pinpointing groups and individuals, and this supposedly would also go for the protagonists and authors of the NT. So much has often been clear to Jewish scholars, which may be a more serious reason why they tend to be less impressed by the Jesus and synoptic problems. Nor will it be advisable, of course, to ignore these problems. Halakhic study which does not engage with the classical questions in these areas will also give a lesser yield as to their answers.

Let us start from the consensual insight that Jesus had his place somewhere in first century Palestinian Judaism, and that his was also true of his immediate disciples. It follows that the traditions and interpretations of the law they adhered to must also be studied in that context. In other words, the early phase of the Jesus tradition must be studied as being part of first century Judaism. The pertinent halakhic positions must be clarified by comparison with the available sources: Qumran, Josephus and early rabbinic traditions. The reverse also applies: NT passages can throw an early light on halakhic sources as to particular problems.

One thing rabbinic and synoptic studies share in common is the awareness that we must do with the written and edited forms of oral traditions. The problem is in the actual attribution of a particular saying to a particular Sage. Did rabbi X say such and such a thing; was he only repeating what he heard from his teachers; or was he posthumously attributed with this nice saying by followers? We could also turn around and state that the problem is with our idea of “authorship.” Authorship is something very different in the framework of a culture cherishing oral tradition than of one whose criterion is in written texts. In the case of oral tradition, formulations are much more a matter of convention and of mnemotechnical practicability, and there clearly is much less

173 Cf. the interesting observations of Lindeskog, Jesusfrage, chs. 8 and 9, esp. re Montefiore, 176–84.
“authorship.” Precisely so, uncommon or characteristic formulations stand out and seem to reflect a personal note. In all, however, there is an ineluctable margin of uncertainty that one has to live with when working both with rabbinic literature and with gospel material. Grappling with the limits of this uncertainty is the aim of the method of form-criticism discussed elsewhere in the present volume.174

As in the case of Pharisaic and rabbinic sages, it seems most adequate to speak of the tradition of Jesus, i.e. the whole of traditions and interpretations as created and transmitted in his name and as they could have been created by himself, his disciples, and possibly also his teachers. Such a tradition is not monolithic but relatively coherent, related to yet distinct from other traditions. In the field of halakhah, e.g., it is possible to trace the Shammaite tradition at least through the second century CE as distinct from the by then dominant Hillelite one.175 The social implication of halakhah means that differences and changes caused these to be relatively well marked and preserved by rabbinic tradition, and this also concerns the names of those who supported them. On a smaller scale, the more personal traditions, e.g., of Hillel and of Eliezer can be traced via their later transmitters through double attributions.176 In like manner, we can gather elements that will allow us to identify the halakhic Jesus tradition among other contemporaneous traditions. A convincing example is in the field of divorce law, which will be studied further on in the present volume.

The need to read specificity and diversity was underlined in the section on Paul. It applies here as well. For one thing, the differences between Pharisees and Sadducees which the sources locate not in the last place in the halakhah make it very unlikely that legal disputes with Pharisees would automatically have made Jesus suspect in the eyes of Sadducee high priests—all but to the contrary. Conversely, his conflict with the Sadducees quite probably was about quite different matters.

174 See the articles by Catherine Hezser and Günter Stemberger. A pioneer study of comparative form-criticism is Morton Smith’s Tannaitic Parallels to the Gospels (1951). Also important is Birger Gerhardsson’s Memory and Manuscript (1961) which in 1998 was surprisingly reprinted with a foreword by Jacob Neusner.

175 For one example see Epstein, Introduction, 106–25 on R. Yehuda, son and disciple of R. Ilai, disciple of R. Eliezer the Shammaite (ibid. 65). The comparative source material is all halakhic.

176 For example, aggadic sayings attributed both to Hillel and to R. Yoshua or Aqiba, as noted by Bacher, Agada der Tannaiten, 7f. See also ’Abot R. Nat. B 27 (Schechter 28b), the saying about the floating skull attributed to R. Yoshua, but in ’Abot R. Nat. A 12 (28a) and m. ’Abot 2:6, to Hillel.
When we get down to specific questions such as purity, Sabbath or divorce, it becomes envisageable to identify the halakhic background of Jesus’ interrogators (Shammaite? Hillelite?) and the intention of their questions (“Is he an Essene? A Hillelite?”). Satisfactory answers found here will inevitably have their spin-off for the synoptic problem and the problem of the historical Jesus.

Diversity also works diachronically: halakhah is not at all static. The amount of early Jewish sources is comparatively limited, but one gets the impression a considerable increase in halakhic formulation was under way especially during the first century. Critical insight in this episode has been particularly advanced by Gedalyahu Alon who was mentioned a couple of times already. The studies that remained at his early death (1950) pay particular attention to the development of the halakah in the pre-Tannaitic and early Tannaitic period. In his approach, comparison of the Tannaitic texts with extra-rabbinic literature such as Josephus, Philo, and early Christian literature became especially important; the Qumran documents would undoubtedly have had his close attention had he lived to see them. Alon took issue with illustrious predecessors and colleagues such as Alfred Büchler and Isaac Heinemann who in their comparative studies involving the NT and Philo worked with a static conception of the halakhah and uncritically used the extant Mishnah for referring to the earlier period. Alon’s approach was further applied to the Tannaitic period by the late Shmuel Safrai.

On this basis, the later development of the synoptic tradition may also come out more clearly. This is especially true of the post-70 period, when the break with the synagogue ensued, an independent gentile Church developed, and the various Judaeo-Christian groups continued to have a shadowy existence. The social grid emulated in the halakhah is of great help in determining whether the conflict of a certain early Christian community was still within its Jewish surroundings or already turned against it. An instructive example can be found in the Didache

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177 Alon, Jews, Judaism; Studies. See also his two volume History.
179 For a summary see his fundamental article “Halakha”, esp. 185–207 for the stages of development. Cf. his collected studies, Times. The overview by his former student, Aharon Oppenheimer, “L’Élaboration,” tends to underestimate the degree of diversity within Tannaitic halakah.
180 For a synthesis see Tomson, “Wars against Rome.”
as it related to the Gospel of Matthew. This in turn enhances our understanding of the history of the synoptic tradition.

In this way we may be able to approach the most thorny problem: the envelopment of halakhic discussions of Jesus and contemporaries in the successive stages of the synoptic tradition. This especially concerns the subjects that became an issue in Christian-Jewish polemics: Sabbath, purity, and diet. Are we to reckon with the evangelist’s criticism of the law, and if so, can we isolate it from the attitude of his predecessors in the synoptic tradition? And, how critical of the law may we presume the attitude of Jesus was, supposing we could distinguish it from the subsequent development? Reconstructing the development of the pertinent halakhah in the first century will enable us better to appreciate what were probable discussions between Jesus and Pharisees, and what must be assigned to subsequent generations. In the meantime, another option is studying halakhic areas that have not become the subject of polemics between Jews and Christians. One such area is divorce law, which shall be studied further on in this volume.

Let us now review the relevant studies, paying special attention to their way of handling the traditional methodological problems in relation to halakhic analysis. It turns out to be worthwhile to go by decades.

4.2. Law and Halakhah in the Jesus Tradition: Decades of Study

The early approaches of Montefiore, Billerbeck and Daube were mentioned already. Law and halakhah were a natural ingredient of their study of the Jesus tradition.

The same can not be said without qualification of Josef Klausner’s world-famous Jesus of Nazareth (1922). While he routinely conceded that the historical Jesus shared the regular Jew’s occupation with halakhah, this was not the subject for him to study. Whether this was more due to his own (liberal Zionist) conception of Judaism or to the rhetorical situation of the book it is hard to decide.

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181 Halakhic analysis seems to prove the Didache community to be Judaeo-Christian, though declared heretical by Rabban Gamliel and his colleagues, cf. Tomson, “Halakhic Evidence.” The evidence of a break with Judaism as expessed in the prayer for the ingathering of the Church in Did. 9:4 and 10:5 adduced by Huub van de Sandt and David Flusser (cf. ibid., intro by Van de Sandt, 6–9 and n. 4) is less unequivocal. But all agree about the import of this discussion for the history of Matthew.
Mention must be made at this juncture of Gerhard Kittel, who fatally doomed his later career by joining the Nazi party. His early work, *Die Probleme des palästinensischen Spätjudentums und das Urchristentum* (1926) sketches a program of comparative study of the NT and rabbinic literature in which halakhah has its natural place, although it is not so called. Taking the critical methods of synoptic study for granted, he mentions the items of oaths, divorce, hypocrisy and integrity, loving kindness and ritual, the Golden Rule, and love of enemy, with quotations of rabbinic literature throughout.

Some NT studies with halakhic import can be mentioned from the 1960’s:

Eduard Lohse’s article “σάββατον, κτλ” in the *TWNT* (1960) is a “classical” treatment of the Sabbath in the Jesus tradition. On the one hand, there is a clear and sympathetic exposition of halakhah and theology concerning the Sabbath from the Old Testament till the Talmud, including “the Jewish Sabbath in the NT.” On the other, the gentile Christian rejection of the Sabbath is viewed as a consequence of the teaching of Jesus and the apostles.

A readiness to engage in halakhic analysis is announced by W.D. Davies, *The Setting of the Sermon on the Mount*, (1963). Under the heading of “Mosaic Categories Transcended” (93), we read all the same that in the areas of Sabbath observance, purity and divorce, Matthew, modifying the Markan material, “makes it clear that the teaching of Jesus is not in antithesis to the written Law of Moses, though it is critical of the oral tradition…” (103–105). While being dependent on Daube, the analysis involves some rabbinic sources.

Asher Finkel, *The Pharisees and the Teacher of Nazareth* (1964) mainly consists of rather traditional expositions of rabbinic midrash and halakhah. No attention is paid to the synoptic problem or that of the historical Jesus.

We already mentioned David Flusser’s popularizing *Jesus* (1968). Though ready to tackle complicated scholarly questions, he had little patience with the trade’s historical problems concerning Jesus and the synoptic tradition. Law and commandments are an integral part of Jesus’ teachings, though, as noted, this is not analysed with great precision.

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182 On Kittel’s nazi career see Weinreich, *Hitler’s Professors*.
183 Kittel, *Probleme*, 97–120.
184 Thus Back, *Sabbath Commandment*, 3f., criticising Lohse’s position.
A short note by S.M. Reynolds (1966) on the well-known exegetical aporia πυγμῇ in Mark 7:3 provoked a learned reaction by Martin Hengel. Reynolds, basing himself on m. Yad. 2:1 and on a written communication of the great talmudic scholar, Saul Lieberman, proposed to read the phrase as a dative of respect to be translated “with cupped hand”—the hand in which since ages the water is poured from the special vessel in the Jewish practice of hand washing. Hengel (1969), drawing on the gamut of sources and the treasure of commentaries new and old, notes that this explanation was already mentioned by Scaliger and Grotius in the 17th century, but thinks it is incorrect. Instead he reads a Latinism derived from linguistically related pugno or pugillo. Hence the translation “washing hands with a fistful (of water)”—which would equally in harmony with the rules for washing hands in rabbinic literature.  

As in the case of Paul, the 1970’s showed a marked increase and enriched us with a number of substantial dissertations on Jewish law in the Jesus tradition. They all have difficulty in imagining the phenomenon of halakhah as an integral part of Jesus’ immediate surroundings. In the preface to his dissertation, Die Gesetzesauslegung Jesu (1972), Klaus Berger warns that we should not approach the subject on a narrow redaction-historical basis but work within a larger tradition-critical framework. “This author recognizes both a strictly scholarly and a theological interest in pointing out the degree to which Jesus logia are traditionally and socially bound up with contemporaneous Judaism.” Also, one must beware of reading the Gospel tradition backwards from its later stages, where the struggle over Christology and the conflict over the law have become dominant. Berger locates Jesus’ law interpretation tradition-historically in apocalyptic, sapiential and Hellenistic Jewish frameworks, rather than in rabbinic ones, and gives this for a reason why rabbinic literature is relatively little quoted in this densely documented work. The Hellenistic-Jewish framework becomes a straitjacket, however, where it guides Berger’s decision hat purity and Sabbath issues do not belong in the early Jesus tradition and hence only verses 6–13 from Mark 7:1–23 deserve being treated.

In Hans Hübner, Das Gesetz in der synoptischen Tradition (1973, cf. section 2 above), law theology dominates even when halakhic material

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185 In a rejoinder, JBL 62 (1971): 295ff., Reynolds rebuts Hengel’s arguments and repeats his own proposal.
186 Berger, Gesetzesauslegung, vii, 1f., 10f.
187 Ibid. 51.
concerning Sabbath, purity, and divorce is being dealt with. Rejecting the suggestion made by Herbert Braun and others that Matthew “re-Judaizes,” “re-Qumranizes” or even “re-halakhizes” the synoptic material, Hübner thinks there is reason to speak of Rethorisierung, “re-Torah-izing” in Matthew, witness Matt 5:17–20.

Robert J. Banks, Jesus and the Law in the Synoptic Tradition (1975) has a strong Christological emphasis. Jesus’ teaching on the Sabbath “leads to a consideration of his own authority, and of the response that is appropriate to it, rather than to reflection on the status of Law”; his teaching on divorce “has no parallel with the contemporary Jewish position which it surpasses in its absolute prohibition of divorce”; it exceeds the Mosaic law but does not abrogate it.188

Under the apposite title Law and History in Matthew’s Gospel (1976), John P. Meier’s dissertation reads Matthew’s redaction of the Jesus traditions concerning the law in the framework of the history of Matthew’s church, a “church in transition” from a Jewish-Christian to “an increasingly Gentile church.” “To solve the problem, (the redactor) reformed stringent statements about the validity and permanence of the Law with redactional additions and provisos. Legal sayings that originally appeared unyielding could thus be fitted into his overarching schema of salvation-history.” Somewhat contradictorily, Meier does not think this to be the case with the particular Matthaean version of the divorce prohibition, to which we shall come back. Furthermore, Matt 23:16–22 contains a polemic of the redactor “against the hair-splitting casuistry of the scribes and the Pharisees, as exemplified in their ḫalakhot on oaths.”189

Stephen Westerholm, Jesus and Scribal Authority (1978, see above, section 2) was written as a dissertation under the guidance of Birger Gerhardsson. It sees Jesus as actually engaging in halakhic discussions. As to purity, he “shows an apparent indifference towards certain aspects of scriptural law,” and he “found the will of God not in statutes but in a heart in tune with the divine purposes.” As to Sabbath, Jesus emphasizes “not casuistry, but compassion.” On the other hand the saying on divorce in the Markan and Matthaean version “is rather casuistic than apodictic in form.” On the whole “it should not be thought that Jesus

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188 Banks, Jesus, 123, 155–9.
189 Meier, Law, 23, 156.
is introducing a new law.” The emphasis is not on literary criticism but on theology and the difficulty is in calling Jesus’ teachings “law.”

The article by Jacob Neusner, “First Cleanse the Inside” (1976) deals, as per its sub-title, with the “halakhic background” of the controversy about the in- and outside of the vessel, Luke 11:38–41 // Matt 23:25–26. Starting point is *m. Kelim* 25:1, “All utensils have outer parts and an inner part . . .,” and it is explained with the help of related passages in Tosefta and Yerushalmi. The relation to a Schools disputation is pointed out, and it is concluded that Jesus’ saying sides with the Hillelite opinion that one should “first cleanse the inside.”

Discussion advanced in the 1980’s. Karl Kertelge, *Das Gesetz im Neuen Testament* (1986) obviously reflects the intention in Catholic circles to come to terms with the Jewish law in Jesus’ surroundings. There is no halakhic analysis.

A pioneer study of halakhah in the Jesus tradition was offered by Philip Sigal in his dissertation, *The Halakah of Jesus of Nazareth According to the Gospel of Matthew* (1986). On the first pages the author states he sees the halakhah contained in the NT as an integral part of the history of the halakhah. He “take(s) no side in the complex controversy surrounding the synoptic problem” but “leans toward some of the views expressed by . . . the ‘Scandinavian school’” represented by Riesenfeld and Gerhardsson. The Qumran texts are definitely part of the analysis; the Pharisees mentioned in the NT must be distinguished from the rabbis of the Mishnah. The extant Gospel of Matthew is thought to reflect a community still wholly within the fold of Judaism, prior to the “nationalist” and “isolationist” policy of Gamaliel II. After an overview of the formation of rabbinic halakhah, two major areas are singled out for comparative study: divorce and Sabbath law. On the issue of divorce, the Matthaean Jesus is found to stand “between Qumran and the Mishnah”; as to Sabbath, his attitude was similar to the vanguard of lenient rabbinic Sages. On the whole, Sigal’s points of departure are sound, and the social positioning of the Matthaean Jesus on the basis of his attitude in two prominent halakhic areas deserves more attention than it seems to have earned so far.

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190 Quotations Westerholm, *Jesus*, 91, 103, 119, 122.
Harvey Falk, *Jesus the Pharisee* (1985) contains some important insights in first century halakhic circumstances that would deserve to be presented in a proper scholarly manner.

Roger Booth, *Jesus and the Laws of Purity* (1986) is an important endeavour to combine tradition and form criticism (part I) with “legal” i.e. halakhic history (part II). The conclusion of part I, the accepted methods of critical analysis and criteria of authenticity having been applied, is that the logion Mark 7:15 is probably an authentic saying of Jesus. Part II investigates the development of eating common food in purity and the rise of the Pharisaic custom of hand washing, and concludes that it is indeed probable that in Jesus’ time, Pharisees would insist on washing hand before eating common food. Thus a discussion did take place, and Jesus rejected hand washing because he thought cultic impurity “of less gravity than moral impurity.”

Conclusions follow for the position of Jesus’ early followers and the evangelists.

The unpublished dissertation by R.H. Scott, *Jesus and the Sabbath* (1988) was not available to me.

Among Christian exegetes, protests were also heard in these years. Notable is Jürgen Becker who in “Das Ethos Jesu und die Geltung des Gesetzes” (1989) took issue with scholars like Joseph Klausner, Gerhard Kittel (!) and Karl-Heinz Müller who try to “seamlessly incorporate Jesus in Judaism.” Becker sticks to the view that Jesus in his presumed authority placed himself above the law. The real question of course is about the measure of diversity one supposes within Second Temple Judaism.

Again as in the case of Paul, studies on law in the Jesus tradition are clearly on the rise since the 1990’s, with increasing interest and expertise in halakhah.


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192 This conclusion seems correct but could be further supported. An additional link could be made with the categories of אוכל ראשון ואוכל שני that according to *m. Zabim* 5:12 and related passages are thought to render one impure, cf. Tomson, “Zavim 5:12.”

Philo, *Migr.* 89–93, the last passage offering a parallel with Johannine radical spiritualizing.

In 1992, Berndt Schaller followed with a paper about “Jesus und der Sabbat.” While earlier exegetes still thought Jesus abolished the Sabbath, others, more knowledgeable about the halakhah, maintained he observed it, though with an argumentation that does not convince. Careful comparison of the synoptic data with rabbinic literature, however, shows that Jesus indeed did observe the Sabbath, but he gave it a meaning of his own in connection with the nearness of the Kingdom of God.

The dissertation by Roland Deines, *Jüdische Steingefässe und pharisäische Frommigkeit* (1993) describes archaeological finds of mikwaot, ossuaries, synagogues, and especially stone vessels from the Land of Israel, as also their halakhic background and application. Stone vessels became popular in the later Second Temple period for their attributed incapacity to become impure. This information is used to illuminate the mention of the λίθιναι ὕδριαι in John 2:6. A section on the role of “water as means of purification in the Gospel of John” is included. The question of the Gospel’s attitude towards Jewish ritual is not raised.

The collective volume *Jesus und das jüdische Gesetz* published in 1993 by Ingo Broer and Jens-W. Täger gathers up several articles emphasising Jesus’ positive attitude to the law. Broer’s own study on “Sündenvergebung durch den historischen Jesus” offers a useful overview of views on Jesus and the law from Reimarus through Dibelius. It then sets out to show that Jesus’ conciliatory attitude to sinners does not at all imply a break with the law and with Judaism. Another study of Broer’s, “*Ius talionis* im Neuen Testament” (1994) obviously deals with law but does not engage in comparison with halakhah.

The studies published by Craig Evans and Bruce Chilton in *Jesus in Context: Temple, Purity, and Restoration* (1993) touch on purity laws and discussions with Pharisees but do not contain halakhic comparison.

In his dissertation, *Jesus of Nazareth and the Sabbath Commandment* (1995), Sven-Olav Back set himself the aim to outline ancient Sabbath halakhah and in that light to analyse Jesus’ attitude. A succinct but broadly oriented halakhic overview is followed by thorough

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tradition- and redaction-critical analysis. Back emphasizes the importance for Jesus of the Kingdom of God as a “theocentric, dynamic, eschatological, soteriological and antithetical concept.” This made him a man with authority who was “not concerned with keeping the Sabbath halakhah… in an exact manner.” No account is taken of the differences between the Schools of Shammai and Hillel.

In the framework of a synchronic reading of Matthew that leaves little room for tensions or contradictions, Hubert Frankemölle, “Die Tora Gottes für Israel, die Jünger Jesu und die Völker nach dem Matthäusevangelium” (1996) pays some attention to Jesus’ divorce halakhah as well as to his view of the Sabbath.

Yong-Eui Yang, Jesus and the Sabbath in Matthew’s Gospel (1997) offers a decent overview of halakhah and “theology” pertaining to the Sabbath in pre-rabbinic and rabbinic texts before departing on a study of the important passages in the Gospel of Matthew. While it remains doubtful whether Jesus actually transgressed valid Sabbath laws, the conflict with the Pharisees and their “casuistic” approach is thought to be violent and even mortal. The potential contradiction is not questioned; instead much attention is being given to theological motifs. Jesus is not thought to have expected his Jewish followers to observe the Sabbath.

Werner Kahl, “Ist es erlaubt, am Sabbat Leben zu retten oder zu töten?” (1998) compares two Qumran passages and mishnaic law on the relative importance of Sabbath and human life, before confronting these with the healing story in Mark 3:1–6. Engagement with halakhic scholarship is slight, comparison with other ancient Jewish sources lacking.

The dissertation by Lutz Doering, Schabbat: Sabbathalacha und -praxis (1999) aims at providing a coherent overview of Sabbath halakhah in the various domains of sources, without losing sight of the specificity of previous research in each domain. Halakhic analysis is a full-blown instrument of this study. Thus after the successive surveys of the respective scholarly literature, clear and punctilious descriptions are given of the halakhic data contained in Jubilees, Qumran, Hellenistic-Jewish literature, the NT, Josephus, and, in one chapter, Pharisees—Sadducees—early Tannaim. A separate chapter deals with the theme of war on Sabbath. The large chapter on the NT (398–478) is relevant for the present review. It analyses Sabbath stories from the Gospels with a critical eye on the probable behaviour and ideas of Jesus; Paul is not dealt with. The conclusion is: “Jesus healed in an eschato-
logical perspective, especially on Sabbath, chronically ill people, thus transgressing the Sabbath commandment...at least also according to the Pharisees.” In the development after Jesus, his “a-halakhic” position was further radicalized (477ff.).

Proportionally, the first half decade of the 21st century shows an even larger yield. If we read the signs correctly, the study of halakhah is well under way to become a full-grown NT discipline.

The brief article of Menahem Kister, “Law, Morality” (2001) takes us to a higher level of discussion. Familiarity with halakhic analysis is fully presupposed when the reader is shown how in a number of sayings of Jesus (Matt 23:13–39; Matt 15:11 = Mark 7:15), a rhetorical shift is made from a halakhic topic to a moral emphasis, thus revealing the interrelation between ritual and spiritual purity that is often found in Judaism.195

The dissertation of Thomas Kazen, Jesus and Purity Halakah (2002) is a model of cautious yet imaginative comparison between ancient halakhic sources and synoptic material. After discussing any possible methodological hurdles, the approach taken by Roger Booth is analyzed. The problem there is that Mark 7 is a controversy story, in which it is very difficult to distinguish between tradition and redaction. Instead, Kazen prefers to approach the memories of Jesus’ behaviour that are sedimented in the synoptic tradition through non-polemical stories involving impurity from skin disease, genital flux, and the human corpse. The outcome is that Jesus often ignored accepted conventions, which leads to the question where to locate Jesus. Kazen follows Vermes in associating Jesus with the “ancient hassidim.”

The volume The Missing Jesus edited by Bruce Chilton (2002) contains an exchange between Herbert Basser and Craig Evans touching on halakhah in the Jesus tradition and how to study it.196 Discussing comparative study of the (synoptic) Gospels and rabbinic literature, Basser states, e.g., that legal dispute with Pharisees does not signal conflict with the temple authorities. In his reaction, “Reconstructing the Halakah of Jesus,” Evans agrees that Jesus’ clashes with Pharisees were “of a non-lethal variety,” but he does not deal with halakhah.

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195 Cf. the remark relating to m. Zabim 5:12, above at n. 192.
William Loader, *Jesus’ Attitude Towards the Law: A Study of the Gospels* (2002) offers what he calls a “sequential analysis” of the canonical Gospels and of some extra-canonical material as to the attitude to the law, and most usefully lists research literature on every issue. The domain of halakhic study is not accessed.

Eric Ottenheijm published an important study in Dutch on “Healing as Charity; Halakhic Reasoning in Matt 12:9–14” (“Genezen als goed doen,” 2002). Against the background of the Sabbath disputations of the Schools of Shammai and Hillel—the subject of his dissertation197—the author complements a redaction-critical analysis with a “history of halakhah analysis.” Having discussed the halakhic problems of healing on the Sabbath and of “the sheep in the pit,” he attributes the motive of “performing charity on the Sabbath” to the behaviour of the Matthaean Jesus.

Another full-blown dissertation on halakhah in the Jesus tradition was presented in 2002 by Martin Vahrenhorst: *Ihr sollt überhaupt nicht schwören*. After theoretical considerations on the study of halakhah and the synoptic problem, the author sets out to analyse the attitude of the Matthaean Jesus in the matter of oaths and vows, comparing it with the evidence in Apocrypha and Pseudepigrapha, Qumran, Philo, Josephus, and Tannaitic literature. The synoptic problem is tackled in the same way as in Sigal’s study, taking the final text of Matthew for a starting point. The Gospel is viewed as reflecting a Jewish-Christian community. Vahrenhorst adds brief studies of the issues over Sabbath, hand washing for meals, and divorce in Matthew.

Despite the word “halakhah” being mentioned in its title, the study by N.S. Rabbinowitz, “Matthew 23:2–4” (2003) contains no halakhic analysis. Instead, there is theological exegesis of Matt 23 attributing the Pharisees with “wrong motives.”

James Crossley, “Halakah and Mark 7.4: ‘…and beds’” (2003) involves intense discussion of the textual variant καὶ κλινῶν in Mark 7:4 from a linguistic point of view. What is meant is equivalent to rabbinic מיטה (“bed”), which opens the possibility that indeed the mishnaic use of “immersing couches” is meant. Gentile unfamiliarity with the use would explain its omission in the primary manuscripts. If acceptable, the variant proves the evangelist’s knowledge of things Jewish.

197 Ottenheijm, *Disputen omwille van de hemel*. 
Andrea Mayer-Haas, *Geschenk aus Gottes Schatzkammer* (2003) is a wide-ranging analysis of the attitudes to the Sabbath in the various NT writings against the background of an overview of contemporaneous Sabbath practice, and with a conclusion as to the attitude of Jesus himself. The intentional contribution in relation to Doering is in the sophisticated, redaction-critically and socio-culturally astute analysis of the Pauline letters, the Gospel of Mark, Luke-Acts, the Gospels of Matthew and John, and Hebrews, each work being read both as a literary whole and in relation to its possible sources. While the community of Mark is moving away from Jewish Sabbath practice, Luke’s presupposes a fully legitimate side-by-side of gentile and Jewish Christians, and Matthew’s is particularly devoted to Sabbath observance. The Johannine community has definitely parted ways with Sabbath practice as a result of the separation from the synagogue. Finally, the figure of Jesus as reflected in this varied practice is tentatively depicted: he behaved within the multiform, indeterminate world of late Second Temple Judaism, performing his Sabbath healings as natural outflows of his message of the imminent Kingdom of God.

Peter Tomson, “The Halakhic Evidence of Didache 8 and Matthew 6” (2005) combines halakhic evidence on polemics against the “hypocrites” about fasting and prayer in Matthew and in the Didache with rabbinic reports about the institution of statutory daily prayer. The conclusion is that the Didache community sees itself sidelong as a Jewish “sect,” but the Matthaean community apparently already has become a predominantly gentile church.

Rivon Krygier, “Le Chabbat de Jésus” (2005) starts from the observation that all of Jesus’ healings concerned chronic and non-critical diseases. When compared with rabbinic legislation, this shows a provocative aspect, which is also formulated in paradoxical sayings. Johannine reports are prominent in the analysis. The motivation is sought in Jesus’ eschatological expectation and messianic consciousness.

5. Afterthoughts

In retrospect, it is clear that scholars find studying halakhah or Jewish law in the Jesus tradition much more obvious than in the letters of Paul. The Jewish milieu which is implied by the narrative of Jesus’ life—even if the narrators’ surroundings may be remote from it—makes it difficult to deny the pertinence of halakhic details and principles. Confirmation
of this trend is found in the fact that apart from the serious but well-known difficulties imposed by the synoptic problem, the study of halakhah in the Jesus tradition shows a linear development from the emergence of major interest in the 1970’s on.

Thinking now about the very different situation with Paul’s letters, it seems helpful to raise the question which milieu is implied here as well. Does the fact that formally they all address non-Jews mean that Jewish law and halakhah are irrelevant? Are there no halakhic elements that are relevant to non-Jewish Christians? There are. And would there not have been Jewish Christians around for whom other halakhic elements were relevant as well? There would, as—of all documents—Paul’s letters clearly document (circumcision, Rom 3:1!). An important circumstance to keep in mind is that as opposed to the Gospels—i.e., Matthew and John—Paul’s letters do not contain any sign of a real or formal break between Judaism and “Christianity.” Believers of Jewish extraction in his day would formally remain subject to traditional Jewish custom and law.

We must again raise the question of hermeneutics. The “New Testament” has become accepted as the “canon” of gentile Christianity and in consequence is classically read from an exclusively non-Jewish viewpoint, i.e., one which does not allow for Jewish viewpoints. Given the Jewish milieu naturally implied by the Gospel narrative, this generates an intrinsic contradiction in the case of the Gospels. The obviousness of the contradiction would seem to explain why modern readers are more ready to find halakhah in the Gospel narrative. The contradiction is less obvious when reading Paul’s letters. Although we can now see it is inadequate, it has proved much easier to read these Christian documents, in line with the classical reception, as addressing an exclusively gentile readership for which the Jewish law has no relevance.

Therefore the exercise is to try and read Paul in the framework of pre-70 conditions, when there was yet no formal break between “Christianity” and Judaism, even though relations between Jesus followers and other Jews could be far from friendly. In that context, Jewish law and halakhah would be relevant for Paul’s Jewish readers, while non-Jewish readers would have to take into account only a limited number of halakhic rules.

Seen from a different angle, the exercise is to read Paul with a view on the specific issues and readers he is addressing, in particular whether they are Jews or non-Jews. A halakhically specific reading enables us to imagine Paul as violently protesting against forcing the
law on non-Jewish believers, while still supposing Jewish believers to remain law-observant. In parallel to this specific reading, we are able to see that Paul’s “law theology” does not intend to do away with the law but to argue its distinctive value for Jews and for non-Jews. Yes, there is “law theology” in Romans and Galatians, but its application is halakhically specific: it has distinct practical implications for Jews and for non-Jews. Both are justified by faith only—therefore non-Jews must not start observing the law and Jews must not stop doing so. Such is the message of Paul’s “ecclesiastical rule” in 1 Corinthians (7:17–20), and it is telling that when writing that letter, he did not think a development of law theology necessary.

In retrospect, the fact that law theology and practical instruction appear in relative independence in Paul fully justifies studying halakhah in the New Testament only, without paying attention to law theology—or the reverse of course. Only in this context does it become understandable how Paul’s law theology could be so replete with elements from Jewish tradition, such as the very emphasis on “faith.”

Another afterthought is that all this attention paid to Paul could mean that the study of halakhah in his letters is not only more complicated, but also hermeneutically more decisive than studying halakhah in the Jesus tradition. In a way, Paul is the “Archimedean point” from where the world of New Testament studies can be set in motion: if it were impossible to find halakhah in his letters, it would be very difficult elsewhere in the New Testament, but if it is found, and in a positive sense at that, how much the more so elsewhere!

The question can still be raised what caused the step-by-step growth of scholarly interest in the subject. In the 1990’s, the recent publication of the full range of Qumran texts and the media hype surrounding it seem to offer a major explanation. The interest now shown by orthodox Protestants and Evangelicals is telling. An explanation for the nascent interest in the 1970’s is less obvious and must be sought in deeper layers. We are led to think of “theological” motives generated by the new demographic-geopolitical relationship of Christians and Jews. The Jewish population of Europe, the erstwhile Christian continent, had been shockingly reduced to half its size, and a Jewish state in the ancient homeland had emerged centre stage in the press and media.

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Cf. the compilation of derashot on אמונה in Mek. Y., Bašallah / Vayehi 3, ed. Horovitz 98–100; ibid. 6, Horovitz 114f.; and the parallels in Mek. Sh. and Bavli.
Both circumstances together must have brought the Jewish basis of the New Testament strongly to mind.

However that may be, the study of halakhah in the New Testament is in full upswing, as can also be gathered from the pertinent studies in the present volume our survey may finally refer to.
1. Introduction

My contribution entails two limitations with respect to the Sabbath in the New Testament. It focuses on Sabbath laws, therefore disregards other aspects of the Sabbath, such as liturgical or theological ones; and it is limited to the Gospels, thus leaving out possible references to the Sabbath in other parts of the New Testament. However, since the New Testament is not a law code, I wish to add that I am not only looking for Sabbath laws but also for legal practice that may or may not conform to any set of rules, sometimes called “halakhah,” as known from the various ancient Jewish sources. I am not primarily interested in Jesus’ historical stance vis-à-vis the Sabbath here but rather in how the topic is represented in the relevant texts. However, after looking at the texts in synchronic perspective, with an eye to their legal issues, I shall also try and view these legal issues in their historical contexts, and this entails asking for possible growth of texts, including the question whether a tradition derives from Jesus’ historical ministry. I am aware that in some areas it is impossible to simply take the Gospel evidence and shed light on it by “adducing” comparative material from ancient Jewish texts, since the Gospel texts are themselves the earliest, and at times even for long the only, witness of a specific detail of halakhah and practice. While Second Temple Jewish sources remain extremely important due to their date relative to the Gospels, rabbinic texts should in my view not be generally discarded as “irrelevant because late.” Apart from the possibility of asking for earlier strata and logical development of rabbinic halakhah, more often than not we shall see that a stance comparable to a rabbinic view is already presupposed in the New Testament.

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1 For both areas see now Weiss, Gladness.—The present article updates and, where necessary, corrects my treatment of the relevant text and issues in Doering, Schabbat.
2. Plucking Ears of Grain on the Sabbath

2.1. Mark

In Mark,² the incident of the disciples’ plucking ears of grain on the Sabbath (Mark 2:23–28) is to be found in a series of controversies on various issues of Jesus’ and the disciples’ practice (Mark 2:1–3:6).³ The pericope itself can be classified as a “controversy story” or, as R. Tannehill has proposed, “objection story.” As such, it belongs to the “apophthegms” (R. Bultmann) or, in Tannehill’s terminology, the “pronouncement stories.”⁴ Like the preceding pericope about fasting, it deals with the disciples’, not Jesus’, practice, but it is Jesus who is questioned about it. While he is passing through (παραπορεύεσθαι) the cornfields, his disciples began “to make (their) way, plucking the ears of grain” (ὁδὸν ποιεῖν τίλλοντες τοὺς στάχυας, v. 23). “The Pharisees” complain to Jesus about this behaviour: “Look, why are they doing on the Sabbath what is forbidden” (ἰδε τί ποιοῦσιν τοῖς σάββασιν ὃ οὐκ ἔξεστιν, v. 24). The Greek wording in Mark is famously ambiguous and makes it difficult to establish what the point of the Pharisees’ complaint exactly is. However, none of the textual features is sufficient to suggest that what we have here is not an infringement of Sabbath law, but rather the creation of a path through a cornfield, which is always forbidden for ordinary people but counted amongst the privileges of the king (see m. Sanh. 2:4).⁵ Inter alia, this is also rendered unlikely by the clear reflection on the institution of the Sabbath in verses 27f.

Let us study this in greater detail. While ὁδὸν ποιεῖν can mean “to build a path,” it can as easily be taken here in the sense of “to make a journey”—either as a Latinism (iter facere)⁶ or as an active voice vari-

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² For the purpose of the present article, I shall work on the basis of the two-source hypothesis, even though Mark 2:23–28 is fraught with a considerable number of Minor Agreements, which cannot be dealt with in detail here; but see below, (at) n. 68 for a possible approach to the problem.

³ Whether this forms—in total or in part—already a pre-Markan collection is debated in scholarship. Such a collection (limited to Mark 2:1–28) has been argued by Kuhn, Sammlungen, 53–98; critical Weiß, Neue Lehre, 20–31 (reviewing and dismissing also other delimitations of the assumed collection).


⁵ Thus, however, Murmelstein, “Jesu Gang”; Benoit, “Les épis arrachés”; Derrett, “Judaica in Mark”.

⁶ Thus, e.g., Gnlik, Markus, vol. 1, 121 n. 16.—The varia lectio ὁδοποιεῖν, represented by B f² and a few other mss, does not seem preferable.
ant to usual ὁδὸν ποιεῖσθαι, for which one might refer to ποιῆσαι τὴν ὁδὸν αὐτοῦ in Judg 17:8 LXX, which renders לְנֵנְשׁת תֵּדֶר. Admittedly, the circumstantial participle construction τίλλοντες τοὺς στάχυας may seem awkward, but Greek usage allows for the participle carrying the stress.8 And although the word order in the Pharisees’ complaint is again somewhat odd, this is not enough to enforce the assumption that the incriminated transgression is one generally forbidden and only incidentally committed on a Sabbath.9 Moreover, the reversal of infinitive and participle in ὁδὸν ποιεῖν τίλλοντες τοὺς στάχυας might have been triggered by the wish to express the disciples’ movement parallel to Jesus’ wandering, for which the infinitive παραπορεύεσθαι is used in v. 23.10 However, it is possible that on the redactional level the ambiguity of ὁδὸν ποιεῖν is deliberate, since Mark elsewhere sees John as the one “who prepares the way” for Jesus (Mark 1:2f.) and uses ὁδός “for the road to Jerusalem and the path to discipleship” (10:32, 52).11

Thus, the ambiguities notwithstanding, the disciples’ action incriminated by the Pharisees is most likely to be seen in the phrase τίλλοντες τοὺς στάχυας. While most commentators translate this as “plucking the ears of grain,” a few, such as Édouard Delebecque, Ceslas Spicq, and J. Duncan M. Derrett, have suggested that what is at stake is not the plucking but rather the removal of the grain from the ears.12 Derrett’s main piece of evidence adduced for this usage is Diod. Sic. 5.21.5: The ancient inhabitants of Britain, having cut off no more than the ears of corn and stored them in roofed barns, are described as ἐκ δὲ τούτων τοὺς παλαιοὺς στάχυς καθ’ ἡμέραν τίλλειν, in order to prepare their meal; the phrase is understood to mean “they stripped grains from the mature ears each day.” Delebecque and Spicq also point to papyrological evidence, where τίλλειν is used of grain-producing plants like

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7 Thus, e.g., Pesch, Markusevangelium, vol. 1, 180 n. 5. For active instead of (classical) middle voice cf. BDR §310.
9 Apart from making of a path through a cornfield (see above), consuming new grain before the offering of the ‘omer has been suggested; see Kampling, Israel, 96–102.
10 Thus Weiß, Neue Lehre.
11 Cf. Hooker, Mark, 102, who with common sense denies this as the scene’s original misdemeanour: “Had they [sc. the disciples] indeed behaved in this way, one would expect the field’s owner to protest even more vigorously than the Pharisees!”
chickpeas, vetch, lentils, or sesame, claiming that the verb means, “to pull out grain or seeds” (French égrener, German auskörnen). To be sure, τίλλειν is used with the direct object denoting either the matter being plucked off or the matter from which things are plucked off. The latter is frequently found with respect to animal hide or fowl or a beard, but occasionally also to a wreath or a tree (what is plucked off is never mentioned here, since it is self-understood). However, none of the passages adduced by Delebecque and Spicq establishes this meaning unambiguously with respect to vegetables and grain; on the contrary, a number of them suggest that the topic is rather “pulling out” or “plucking” the plant, for which we have further evidence in other texts, locating these references firmly within the first group of usage. Even in the passage quoted from Diod. Sic. the phrase could refer to picking out the ripened ears from the barns (ἐκ δε τούτων!), as suggested in the Loeb translation. Apart from these general linguistic concerns, it can be noted that the Lukan version explicitly has the disciples rub the ears (ψώχοντες ταῖς χερσίν), presumably in order to obtain the grain; this formulation would be somewhat tautological if τίλλειν

13 E.g., Homer, Od. 15.527; Herodotus, Hist. 3.76; Aeschylus, Pers. 209; Aristophanes, Aves 352, 365; Ps.-Lucianus, Ocyrus 59.
14 E.g., Theocritus, Id. 3.21 (τὸν στέφανον τίλαί με); Plutarch, Them. 18.4 (πλατάνῳ […] τίλλειν καὶ κολούειν)—note that τίλλειν is not construed with a direct object here, similarly in the parallels Plutarch, Mor. 185e and 541e; different: Aelianus, Var. hist. 9.18 (τίλλοντας αὐτὰς [sc. the trees]).
15 Chick-peas: PCZ iii 59719.11; vetch and lentils: SB vi 9409, no. 5, lines 24, 31 (note that θερίζειν is frequent in the context); viii 9711, col. iv, line 2f.; viii 9715 verso col. ii, line 3 (τίλλειν parallels κόπτειν "to cut"); sesame: SB iii 6797.3 [where τίλλοντας is restored]; cf. vi 9408.55 (λάχανον "herbs"). For the practice (at least in the Levant) of harvesting plants like lentils, beans, chickpeas and sesame by pulling them out, cf. Dalman, Arbeit und Sitte, 34–37.
16 Cf. P. Flor. 321.47 (τίλλαντες χόρτον τοῖς κτήσι); 322.20 (τίλλοντες χόρτον; cf. line 22 about tying the plucked grass together [δεσμεύοντες]). Cf. for the plucking of hair, e.g., Homer, Il. 22.78, 406; Od. 10.567; Philo, Legat. 223; Ios. 16; cf. 2 Esdr 9:3 (ἐτίλλον ἀπὸ τῶν τριχῶν τῆς κεφαλῆς μου, following the Hebrew); Ps. Sol. 13:3 (ἐτίλλοντον σάρκως αὐτῶν). To the same group belongs PCZ iv 59782(b), lines 32, 121, 160; Edgar’s comments (Catalogue, 211) that τίλλειν relates here to “the extraction of the fibre of the flax,” not to plucking the plant, form only seemingly a contradiction, since his reason for this assumption is that the direct object used here, στίππυον, denotes not the plant, but the material, which aligns this example with the previous ones (direct object denoting the matter being extracted). It is debated whether Dan 7:4 LXX belongs here (ἐτίλη τὰ πτερὰ αὐτῆς)—it is as possible that the wings are “plucked” (i.e., the feathers removed) as they are “pulled out” (i.e., the wings removed; Theodotion ad loc. has ἔξετιλη).
17 C.H. Oldfather et al. (transl.), Diodorus of Sicily in Twelve Volumes (LCL; London: Heinemann, 1933–1967) 3.154: “and then each day they pick out the ripened heads.”
itself here also meant pulling grain from ears. Finally, as Delebecque assumes, the actual plucking of the ears would not have been narrated in any of the synoptic accounts, but tacitly been presupposed, which I deem arbitrary in view of its halakhic relevance (see below). While we shall consider “rubbing” later in the context of Luke, it plays no role in Mark. Therefore, the incriminated demeanour is most likely plucking ears of grain. Such an action is generally conceded in Deut 23:26 (for weekdays); as the rabbinic provisions for pe’ah show, this passage could have been intertextually linked to the issue of pe’ah according to Lev 19:9f.

It can therefore be assumed that the Pharisees mentioned in Mark considered the plucking of grain inadmissible on the Sabbath. How does this, in historico-legal perspective, tie in with other ancient evidence on Sabbath law? Jub. 50:12 demands the death penalty for the one “who cultivates a field (Ge’ez yetqannay wafra), be it at his house or any (other) place.” We can assume that the earlier temporal commandment to rest on the Sabbath during harvest time (cf. Exod 34:21 תשבת ובקציר בחריש “even in ploughing time and in harvest time you shall rest” [nRSV]; cf. further Neh 13:15) has been understood in a modal way here, as a commandment to rest from ploughing and harvesting. However, it is unclear what Jubilees would include in “cultivating a field,” but this text tends to proclaim a ban on whole areas of labour, with no or little room for differentiation. More detailed is

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19 Cf. Delebecque ibid. 140: “Si les disciples égrènent les épis en les froissant, c’est qu’ils ont arraché tout la tige” (second italics LD). Not very likely is Flusser’s assumption that the original form of the story dealt only with ears fallen off before the Sabbath; see below, 2.3.

20 See Casey, “Culture,” 2–4 (with slight alterations: idem, Sources, 140–43). However, note that I do not agree with Casey’s assumption that the disciples (historically) took pe’ah on the Sabbath. See further below on the issue of plucking in the history of halakhah.

21 For the comparative method cf. Doering, Schabbat, 13–16; idem, “Parallels”. I have suggested the term “halachageschichtlicher Vergleich”; an English equivalent might be “historico-legal comparison”.

22 The temporal notion in Exod 34:21 is argued, e.g., by Hausmann, “קצר,” 110.

23 Similarly vague is the practice claimed by Agatharchides of Cnidus (2nd c. BCE) for the time of the conquest of Jerusalem by Ptolemaeus I Lagou (ca. 300 BCE) that the Jews there would, inter alia, “not engage in agriculture” (μήτε γεωργίας ἀπεσταθεί) on the Sabbath (apud Josephus, C. Ap. 1.209).

24 Cf. Doering, “Concept”.
CD 10:22f, according to which one may consume only what has been “prepared” (המוכן) beforehand or “from what perishes in the field” (מן בשדה); therefore, any removal of vegetables, fruit or grain from either the stalk or, together with the stalk, from the soil would be deemed forbidden. In Alexandria, Philo states that the (Sabbatical) rest (ἐκεχειρία) extends “also to every kind of trees and plants” (πρὸς δένδρων καὶ φυτῶν ἄπασαν ἱδέαν),

οὐ γὰρ ἔρνος, οὐ κλάδον, ἀλλ’ οὐδὲ πέταλον ἐφεῖται τεμεῖν ἢ καρπὸν ὑπνινοῦ δένσασθαι…

For it is not permissible to cut any shoot or twig, not even a leaf, or to pluck for oneself any fruit whatsoever… (Mos. 2:22)

To be sure, it is debated whether Philo represents legal reality or rather legal ideal in his statements; in terms of context and genre, the passage appears within a section devoted to the respect paid to the Mosaic law by other nations, not in a reformulation of the law for practical purposes. Nevertheless, one may assume that, in order to be convincing, Philo had to reflect at least the general tenor of legal practice within (Alexandrian?) Jewry. In the immediate co-text, the statements on Sabbatical rest for slaves and cattle (Mos. 2:21f.) find their counterpart both elsewhere in Philo (Spec. 2:66–70) and in other sources of Second Temple Judaism, and very generally Philo suggests further (Migr. 91) that one would normally abstain from “cultivating land” (γεωπονεῖν) on the Sabbath. Notably, the statement on cutting and plucking in Mos. 2:22 requires that the prohibition of harvesting on the Sabbath has been applied to any removal of parts of a plant, even for one’s own benefit only (note the middle voice δένσασθαι) or without any patent economic benefit (as perhaps in the case of a “leaf”). Our range of evidence from pre-rabbinic literature is then (to our present knowledge) completed by the Pharisees’ complaint in Mark 2:24. Although few, these data point to a prohibition of plucking vegetables, fruit or grain on the Sabbath that was held, perhaps with some differences in detail, across various

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25 For different analyses of this passage cf. Schiffman, Halakhah, 98–101; Doering, Schabbat, 155–58.
26 ‘This term (originally “truce”) is used for Sabbath rest also at Mos. 2.211; Spec. 2.69; Josephus, J.W. 2.456; Ant. 1.33.
27 CD 11:5–7 (cattle); 11:12 (slaves); see Exod 20:10; 23:12; Deut 5:14; cf. Doering, Schabbat, 175–78, 190–93.
groups in Second Temple Judaism. Nevertheless, we may assume that not everyone agreed with it.

In rabbinic literature, we find that “plucking” (תַּחֲלֹת), alongside other forms of removing agricultural products, is grouped together with “harvesting” (קָצֵר)—one of the 39 main kinds of labour forbidden according to m. Šabb. 7:2—to form “one (kind of) labour” in t. Šabb. 9[10]:17, and it is classified as a sub-kind of “harvesting” in y. Šabb. 7:2 [9c; 10a]. In view of the earlier traditions from Second Temple times it is likely that not the substance but only the systematization of this prohibition is late: It seems that reflection on the main kinds of labour (מלאכה אבות) started only with the generation of R. Aqiba’s pupils at Usha, which suggests an even later date for the formation of groupings and sub-kinds of labours.

If these considerations are correct, the “Pharisees’” position in Mark 2:24 will certainly be conceivable of historical Pharisees; but, as the other references show, it would not, in any way, be a distinctively Pharisaic rule, and, contrary to much that is stated in modern commentaries on Mark, it would not yet imply a classification in terms of the later rabbinic system (“plucking” as a sub-category of “harvesting”).

It should be noted that we have no reason to suspect a second Sabbath transgression implicit in this text, as suggested by some commentators, namely that the disciples would have walked a forbidden distance on the Sabbath. The difficulty of this suggestion can already be gathered from the fact that one would have to assume that both the complaining

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28 Contra Casey, “Culture,” 5f., who thinks Philo’s remarks are “exaggerated” (more cautious: idem, Sources, 146–48) and downplays the juridical terminology in Mark 2:24 (οὐκ ἔξεστιν). It is impossible to take the reference to “22 kinds of works” in the Ethiopic text of Jub. 2:23 as evidence for a number lower than the 39 kinds of work prohibited in m. Šabb. 7:2, implying less comprehensive Sabbath restrictions (thus Casey, “Culture,” 5; Sources, 146): The relevant Hebrew fragment from Qumran (4Q216 vii 14f.) shows that this reference belongs to a later gloss; cf. VanderKam, “Genesis 1,” 316. For Jubilees’ strict, undifferentiated prohibitions, see above, at n. 24.

29 This is the particula veri in Casey’s argument. See, e.g., the so-called Alexandrian “extreme allegorizers” (Philo, Migr. 89–91), cf. Hay, “Philo’s Reference” and Doering, Schabbat, 347f., or those engaging in practice as reflected on the Palestinian ostraca published by Yardeni, “Ostraca”, cf. Doering, Schabbat, 387–97.

30 Thus Goldberg, Shabbat, 159.

31 E.g., Pesch, Markusevangelium, vol. 1, 181 with n. 11; Guelich, Mark 1–8:26, 128; France, Mark, 143.

32 Cf. Schweizer, Markus, 34; Weiß, Neue Lehre, 290–93. Ebner, Weisheitslehrer, 141–45 hypothesizes that walking a forbidden distance, not plucking ears of grain, was the original single theme of the pericope.
Pharisees and Jesus himself would have broken the Sabbath in the same way, too. Neither point is anywhere addressed in the pericope. Apart from this, not all “walking” would be forbidden on the Sabbath. For one, it is likely that a conceded “Sabbath limit” (of 2000 cubits, in Qumran texts also of 1000 cubits) was widely known by the first century.33 Second, we know from various sources that fields were as close to dwellings as to allow for reaching them without transgressing the Sabbath limit.34 Therefore, the story as it stands does not point to an infringement of the Sabbath by walking a forbidden distance.35

In the remainder of the pericope, Jesus replies, on behalf of his disciples, to the complaint of “the Pharisees” (v. 24) with two or three arguments, depending on whether one thinks vv. 27f. form one single argument or two. The first argument lacks any explicit reference to the Sabbath, but instead draws on “scriptural precedent”36 regarding holy things, taken from 1 Sam 21:2–7:

οὐδέποτε ἀνέγνωτε τί ἐποίησεν Δαυὶδ ὅτε χρείαν ἔσχεν καὶ ἐπείνασεν αὐτὸς καὶ οἱ μετ’ αὐτοῦ, πῶς εἰσῆλθεν εἰς τὸν θεοῦ ἐπὶ Ἀβιαθὰρ ἄρχεσθαι καὶ τοὺς ἄρτους τῆς προθέσεως ἔφαγεν, οὐ̃ς οὐκ ἔδωκεν καὶ τοῖς σὺν αὐτῷ οὖσιν;

Have you never read what David did when he was in need and had hunger, he and his companions, (26) how he entered the house of God under Abiathar the high priest and ate the breads of the presence, which it is not lawful for any to eat except for the priests, and gave also his companions? (Mark 2:25f.)

To be sure, it is possible to combine the David incident intertextually with Lev 24:8 and claim that the changing of the shewbread on the Sabbath provides a setting, a view also reflected in a few rabbinic texts.

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33 For the Sabbath limit of 2000 cubits cf. Acts 1:12; further b. 'Erub. 30a, b; m. Yoma 6:4f.; m. Roš Haš. 2:5. Within the Qumran texts, there is a distinction between a limit of 1000 cubits for normal walking and one of 2000 cubits for pasturing cattle; cf. CD 10:21; 4Q421 13+2+8 1 par. 4Q264a i (frg. 1) 1 (1000 cubits); CD 11:5f.; 4Q265 7 4f. (2000 cubits); cf. Doering, Schabbat, 145–54, 175f., 228; see Baumgarten’s edition of 4Q264a and 4Q265, DJD 35, 53–56, 57–75.

34 Cf. CD 10:20f.; Lev. R. 34.16 [on Lev 25:35] (Margulies 815); b. 'Erub. 38b. b. Šabb. 127a relates that Rabbi (Yehudah ha-Nasi) once went “from one place” to a “field” on the Sabbath. Jub. 50:12, quoted above, mentions fields next to one’s house; even the strict position of this source, which does not seem to know any Sabbath limit (outside a town) (ibid.), would therefore allow for “walking through a field”.

35 Here I concur with Casey, “Culture,” 1; Sources, 140, but I view the issue of walking a plausible element on the narrative, not the historical, level.

36 Loader, Jesus’ Attitude, 33.
(Yalq. to 1 Sam 21:5 [$130]; b. Menah. 95b).\textsuperscript{37} But that does not yet make it an argument from Sabbath law proper; rather, it remains an inference from the infringement of holy things (perhaps on the Sabbath) to the violation of a Sabbath regulation. Stylized to a considerable extent to suit the scene vv. 23f. and containing a few erroneous details,\textsuperscript{38} vv. 25f. emphasize the scriptural provenance of the example (“have you never read”), the need and hunger of David and of his companions (in 1 Sam 21:2f. referred to as absent), as well as their consumption of bread (thus also 1 Sam 21:5 LXX, 4QSam\textsuperscript{b}), and implies a (typological?) correspondence between David and Jesus: Like David earlier, Jesus has the authority to cover for an exceptional transgression caused by hunger (but, unlike David, does not participate himself in the transgression). Unlike in rabbinc texts,\textsuperscript{39} we find no clear reflection on the life-threatening quality of hunger in Mark. It has been suggested to relate Jesus’ authority here with Jewish traditions about the authority of a “prophet like Moses” to suspend commandments in specific

\textsuperscript{37} This is too much downplayed by Meier, “Historical Jesus,” 575–77 with n. 28. Although the absence of a reference to the Sabbath in Josephus’s elaboration on the Nob incident (\textit{Ant.} 6:242–44) shows that the Sabbath did not necessarily come to the mind of ancient Jews reading 1 Sam 21:2–7 (but note that Josephus equally speaks only of ἐφόδια “provisions” and passes over the issue of holy bread), certainly 1 Sam 21:4f., 7, particularly the availability of holy bread for consumption, can be understood in light of Lev 24:8f. with its instructions on Sabbatical change of the shewbread and its (subsequent) consumption. Note that Mark 2:25f. clearly deem the consumption a (permissible) infringement (as Ps.-Philo, \textit{LAB} 63:1 deems it an unlawful one); this is informed by the restrictions in Lev 24:9 and not taken from 1 Sam 21, which sees the “holiness” of David and his companions as sufficient to allow them to eat the bread. Further, Meier’s dismissal of Yalqut Šim’oni on account of its late redaction date (“some-time around the thirteenth century AD”) is premature, since this work excerpts from earlier compositions and gives as the source \textit{ad loc.} ($§130$, middle) the Yelammedenu, which may in part at least go back to ca. 400 CE; cf. Stemberger, \textit{Introduction}, 305f. (and 351f. on Yalq.). Although this does not make it contemporary with the NT, it is not quite as much off the mark as Meier suggests.

\textsuperscript{38} Meier, “Historical Jesus,” 577f., capitalizes particularly on the erroneous name of the priest (Abiathar instead of Ahimelech) and his mistaken title “high priest,” and castigates the author (not Jesus, Meier believes) for his ignorance of the OT. However, when compared with other ancient presentations of the Nob incident, these points look less extravagant. Thus, the designation as “high priest” is also found in Josephus, \textit{Ant.} 6.242, Ps.-Philo, \textit{LAB} 63.2, and in ms C of \textit{Tg. Jon.} on 1 Sam 21:1, see van Staalden-Sulman, \textit{Targum of Samuel}, 412 n. 1659. And the confusion between Ahimelech and Abiathar may be more pardonable if we take into account that the former, who is the latter’s father, is often given as “Abimelech” (LXX-B; Josephus [ibid.], a reading now also restored for 4QSam\textsuperscript{b} by the editors; see F.M. Cross et al., \textit{Qumran Cave 4.XII: 1–2 Samuel} (Oxford: Clarendon, 2005) 230, 238.

\textsuperscript{39} Apart from the Yalqut above, see \textit{m. Yoma} 8:6; cf. also \textit{y. Yoma} 8:4 [45b].
situations, but we note that the text itself is content with a reference to the precedent of David.

In contrast, the next argument given by Jesus in this pericope has directly to do with the Sabbath:

τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σάββατον· ὦστε κύριός ἐστιν ὁ νῦς τοῦ ἄνθρωπου καὶ τοῦ σαββάτου.

The Sabbath has become for humankind, and not humankind for the Sabbath; (28) therefore, the Son of Man is lord even of the Sabbath. (Mark 2:27f.)

The saying in v. 27 proposes a taxonomy in the relation between Sabbath and humankind in which humankind takes precedence and the Sabbath is viewed in a serving function. Similar antithetical sayings can be found in Jewish texts, in Greco-Roman literature, and in Paul. Particularly pertinent is the well-known rabbinic saying, attributed to R. Shimon ben Menasya (late 2nd cent. CE) in the *Mekilta*, also dealing with the Sabbath:

לשהבת מסורים, ולא מסורים לשבת.

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

(Mek. Y., *Sabbta, Ki tissa* 1, on Exod 31:12, 14; Horovitz-Rabin 341, line 3f., 14f.)

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40 Thus Jackson, “Jésus et Moïse,” 352f. with n. 54; idem, “The Prophet”. I wish to thank Prof. Jackson, Manchester, for drawing my attention to these publications.

41 2 Macc 5:19: ἀλλ’ οὐ διὰ τὸν τόπον τὸ ἔθνος ἀλλὰ διὰ τὸ ἔθνος τὸν τόπον ὁ κύριος ἐξελέξατο, “But the Lord has not elected the people because of the temple, but the temple because of the people”; 2 Bar. 14:18: “(…) so that it be known that he [sc. the human being] was not made for the world, but the world for him.”

42 Plutarch, *Moralia* 230f: Why may none of the old laws be changed? ὅτι τοὺς νόμους, ἕφη [sc. Pausanias], τῶν ἄνδρων, οὐ τοὺς ἄνδρας τῶν νόμων κύριος εἶναι δεῖ, “He said: For the laws are necessarily (the lords) of the human beings, not the human beings the lords of the laws”; idem, *Moralia* 107d–e: The Stoics turn the traditional order upside down: γεγονέναι τὴν ὑγίειαν τῶν φαρμάκων ἑνεκα, μὴ τὰ φάρμακα τῆς ὑγίειας, “health has (allegedly) come into being because of the drugs, not the drugs because of health”; (Ps.) Crates, *Ep.* 24 (Malherbe 74); ὁι γεγόνασιν οἱ ἄνθρωποι τῶν ὑπών χάριν, ἀλλ’ οἱ ὑποῖ τῶν ἄνθρωπών, ὡστε πειράσθη ὡμῶν ἢ τῶν ὑπών ἐπιμελεῖσθαι, “Human beings have not come into being because of horses, but horses because of human beings; therefore, try to care rather for yourselves than for the horses.”

43 1 Cor 11:8f.: οὐ γὰρ ἐστιν ἄνηρ ἐκ γυναικῆς ἀλλὰ γυνὴ ἔξ ἄνδρος· καὶ γὰρ οὐκ ἐκτίθη ἄνηρ διὰ τὴν γυναῖκα ἄλλα γυνὴ διὰ τοῦ ἄνδρα, “Indeed, man was not made from woman, but woman from man. Neither was man created for the sake of woman, but woman for the sake of man” (nrsv).

While the structure and the taxonomy of R. Shim'on’s saying are comparable to Mark 2:27, we should not overlook the difference in verbs. Whereas R. Shim'on speaks of the “deliverance” of the Sabbath, Jesus uses ἐγένετο, which might be compared with other references of γίνομαι signifying “to come into existence” and referring to God’s creative act and thus relate to the institution of primordial Sabbath. One possible interpretation of this relation is to view it in the context of a restoration of paradisal conditions proclaimed by Jesus as part of his eschatological mission of the kingdom of God, which cannot be further developed in the confines of this article. Although the excluded possibility in both sayings may be a purely theoretical one, they both gain profile from denial of this alternative and plead to concentrate fully on the affirmed side. Thus, both the rabbinic saying and Jesus’ logion have the quality of an appeal, not of a legal ruling.

The interpretation of the following “Son of Man” saying in Mark 2:28 is hotly debated. As it stands in the Greek text, it claims the specific authority of the Son of Man over the Sabbath. Readers of Mark may perhaps establish a connection between David in vv. 25f. and the Son of Man in v. 28, of whom they know that he is even greater than David (12:35–37). However, the connection of this verse with v. 27, achieved by concluding ὥστε, remains problematic for logical reasons, since the authority of the Son of Man over the Sabbath does simply not follow from the taxonomy expressed in the preceding verse. Perhaps one can get around this problem regarding the text as it now stands by assuming that ὥστε is not to be strongly emphasized, like sometimes English therefore or German also. Many commentators assume that v. 27 was at first an independent saying and that the Christological argument in

45 As emphasized in recent research; cf. Schaller, “Jesus und der Sabbat,” 137f.; Back, Jesus, 98–100; Ebner, Weisheitslehrer, 167; Tomson, Jesus, 92, 153; Mayer-Haas, Geschenk, 165f.—In view of the Rabbi’s floruit it is difficult to claim the existence of this saying for the 1st c. CE. However, the present comparative argument does not depend on such existence of the saying.

46 Whether this refers to the revelation of Torah on Mount Sinai, the literary context for R. Shim’on’s comment, is unclear: There are other references in the Mekilta where מֵסֶר, together with “Sabbath,” does not relate to the giving of the Torah at Sinai (cf. Mek. Y., Sabbta, Ki tissa 1, on Exod. 31:15, Horovitz-Rabin 343: “To the Name [i.e., God] the Sabbath has delivered, and it has not been delivered to the beit din”).

47 Cf. BDAG s.v. γίνομαι.


49 Cf. Loader, Jesus’ Attitude, 34. The importance of the Son of Man saying in v. 28 (and Mark 2:10) for Mark has been aptly highlighted by Guttenberger, Gottesvorstellung, 128f.
v. 28 was added later. Still, it needs to be asked why ὡστε was chosen to form a conclusion that is logically wanting. It should further be noted that there is at least one other literary example in Greek that draws a consequence with ὡστε from a similarly antithetical statement; thus, there are no compelling formal grounds to argue a composite nature of vv. 27f.\(^{50}\) Therefore, I think that the minority view has something to commend, which takes both verses as originally belonging together and assumes that the Greek translates an earlier Aramaic saying in which the term in v. 28 (“[8][נש][8] ר ב”) was idiomatically used in the sense of “an (individual) human being.”\(^{51}\) I am aware that this assumption is vulnerable to the charge of dealing with hypothetical entities instead of the Greek text as it stands; but the Greek text as it stands (and for the interpretation of which I have made some suggestions) shows a problem that is best explained in diachronic perspective here. Therefore, vv. 27f. in their hypothetical earlier form would have stated: The Sabbath has become for the sake of humankind, not vice versa; therefore,\(^{52}\) the individual human being is “lord also” of the Sabbath. It is debated whether a first century speaker would have referred particularly to himself (but also to others) in using the term (8)נש(8) ר ב.\(^{53}\) Such an understanding requires two further comments: First, “lord of the Sabbath” does not necessarily have Christological overtones,\(^{54}\) although in the context of Mark it could easily be interpreted in line with Christological-titular use of κύριος. Neither does it, in an antinomistic spirit, imply that a human being would be entitled “to validate or cancel the Sabbath.”\(^{55}\) Seen in light of the interpretation of v. 27

\(^{50}\) (Ps.-) Crates, Ep. 24; see above, n. 42.

\(^{51}\) Cf. for proponents of this view the references in Doering, Schabbat, 420 n. 126, to which add Casey, “Culture,” 13–20; Sources, 158–66; Dunn, Jesus, Paul, 26, 33; Bockmuehl, Jewish Law, 13. For the “titular” view cf. Doering, ibid. nn. 121–3, to which add Ebner, Weisheitslehrer, 161f.; Mayer-Haas, Geschenk, 169–71; Meier, “Historical Jesus,” 570 with n. 13.

\(^{52}\) It should be noted that it is difficult to establish which word would have been the Aramaic equivalent of ὡστε; for suggestions see Casey, Sources, 164f.

\(^{53}\) This is argued for by Casey, ibid. 163, but denied for the early 1st cent. CE by Fitzmyer, “Son of Man,” 152–54.

\(^{54}\) Pace Mayer-Haas, Geschenk, 170. Note that Mark 2:28 is the only functional use of κύριος in Mark.

\(^{55}\) Thus Colpe, “ὑιὸς τοῦ ἀνθρώπου,” 452, as a possibility that he rejects in favour of an attribution of the whole of v. 28 to the Greek speaking community; he thus dismisses the idiomatic notion of ὁ ὑιὸς τοῦ ἀνθρώπου here, which he otherwise endorses for Mark 2:10; Matt 11:18f.; 8.20.
developed above, the statement is rather about the Sabbath being put into commission by a human being. Second, the conspicuous “also” (καί) may either be a redactional addition referring back to Mark 2:10 or else have been an original part of the Aramaic logion, emphasizing that a human being’s “lordship” is not only related to the creatures of the hexaemeron but “also” to the Sabbath created later.

Amongst scholars who consider the tension between the various arguments in Mark 2:23–28 too strong as to allow for a unitary composition, some have argued that particularly the correspondence between Jesus and his disciples (vv. 23f.) and David and those with him (vv. 25f.) suggests that vv. 23–26 were the original Streitgespräch, with vv. 27f. being secondary additions. However, this correspondence could well be the result of redactional adjustment (on either pre-Markan or Markan level), and the lack of an explicit gearing towards the Sabbath in vv. 25f. can, in my view, be better explained by assuming that these verses were integrated into a previous controversy story, containing already an argument relating to the Sabbath (vv. 23f., 27 [−28]), than by the opposite theory, which leaves us with the question why, taken by itself, such a partly unsuccessful argument would have been developed in the first place. In contrast, according to the view adopted here, the David example in Mark, perhaps triggered by the indirect connection with the Sabbath (see above), is meant to add a scriptural foundation and a criterion for the disciples’ transgression to the pithy proverbial statement in vv. 27 (−28), which perhaps was—as its history of reception and interpretation would suggest—open to misunderstanding.

However, it should be noted that amongst scholars arguing for the priority of the saying vv. 27 (−28) it is debated whether the saying was ab initio connected with the scene of grain plucking: It has been

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56 Schaller, “Jesus und der Sabbat,” 139 n. 58, suggests that the motif of dominion from Gen. 1.28 is taken up. Cf. also Jub. 2:14 wa-‘aslaṭo “and he made him rule” (mss and Syriac excerpt have “them”); 4Q483 I 1, with a possible reference to the dominion motif: נ questão נ.

57 Thus, e.g., Schaller ibid. 139 n. 58.

58 Thus Meier, “Historical Jesus,” passim. Further proponents are listed in Doering, Schabbat, 409 n. 65.

59 Contra Meier ibid. 572f., who endorses Gundry’s objection why no OT text more suitable to the Sabbath would have been chosen if vv. 25f. had been added secondarily. Which text might this have been?

60 Cf., for the former, already the lack of Mark 2:27 in Matthew and Luke, for the latter, universalist-antinomistic interpretations of v. 27, such as Benoît, “Les épis arrachés”, 84; Beare, “The Sabbath”; Gils, “Le sabbat”; for v. 28, see above, n. 55.
suggested that the original context in which the saying was used in the earliest tradition was justification of healing on the Sabbath, the only incriminated Sabbath activity reported about Jesus in the Gospels. In contrast, the scene of grain plucking, clearly focusing on the disciples’ practice, reflects more likely an early Christian setting than an episode in Jesus’ life. It might therefore have been construed adapting v. 27 (–28) to a new context. The scepticism regarding the scene notwithstanding, most scholars assume that v. 27 or—if originally belonging together—vv. 27–28 can be attributed to the historical ministry of Jesus.63 While it long used to be the “sovereignty” of this saying, it is today more its “plausibility” within an ancient Jewish context on which this claim rests. Apart from this, the commissioning of the Sabbath for human beings and reference to creation in halakhic matters would match other elements in the Jesus tradition.64

2.2. Matthew

In Matthew, both Sabbath pericopae are prefaced by the Heilandsruf Matt 11:28–30, with the invitation to Jesus’ easy yoke and his promise of rest (v. 28 κἀγὼ ἀναπαύσω ὑμᾶς, v. 29 καὶ εὑρήσετε ἀνάπαυσιν ταῖς ψυχαῖς ὑμῶν). It is, however, debated what this implies for the understanding of the Sabbath texts, since Matt 11:28–30 refer to the expected rest for the people of Israel in general, not to Sabbatical rest in particular. It might be justified to view the Sabbath rest dealt with by the Matthean Jesus as related to the expected rest for Israel, now fulfilled in Jesus (Laansma speaks comprehensively of a “rest motif”); in this perspective, the Sabbath pericopae in Matt represent one aspect of Matthew’s notion of fulfilment.65 However, due to the merely partial overlap

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61 Cf. Kollmann, Jesus und die Christen, 248; Doering, Schabbat, 417.
63 Cf. the authors listed in Doering, Schabbat, 414 n. 91, mentioning also a few dissenters.
64 Cf., e.g., Jesus’ therapies in the context of eschatological fulfilment as reflected in Matt 11:5 par. Luke 7:22; his company with tax-collectors and sinners, Mark 2:13–17 parr.; his inclusive and proactive approach to impure persons (e.g., leper, Mark 1:40–45 parr.; bleeding woman, Mark 5:25–34 parr.; corpse, Mark 5:21–24, 35–43 parr.), cf. Kazen, Jesus, passim. For reference to creation in halakhic matters cf. Mark 10:6–8.
of the different notions of “rest” there is not enough evidence to view the Heilandsruf as directed against Pharisaic Sabbath “legalism.”

In Matt 12:1–8, the disciples’ hunger is emphasized; in fact, it is clear from the beginning of the pericope that they were hungry and plucked the ears of corn in order to eat them (ἐπείνασαν καὶ ἠρξαντο τίλλειν στάχυας καὶ ἐσθίειν, Matt 12:1). Apart from a clarification of the plot, the motif of hunger is utilized explicitly in much the same way it is used implicitly in Mark, in the David precedent, providing a criterion and motivation for the Sabbath infringement. Once more, however, we do not find this hunger said to constitute a threat to the disciples’ lives, nor do we see a reflection on the life-threatening quality of hunger in general. Instead, Matthew creates a perspective in which the disciples’ hunger is suggested as a valid reason for the infringement. Obviously, Matthew was not content with the force of the argument he was provided with in Mark.

It is not fully clear why both Matthew and Luke lack a parallel to Mark 2:27. It has been suggested that both evangelists perceived a tension between the Christological argument (Mark 2:28 par. Matt 12:8 par. Luke 6:5) and the saying about humankind and the Sabbath. Nevertheless, Mark 2:27 with its stress on human benefit from the Sabbath would have matched particularly Matthew’s profile quite well. It might therefore be considered that this verse was already absent from the copies of Mark available to Matthew and Luke; but I would urge cautious employment of such a hypothesis, since a number of Minor Agreements can be explained by independent redaction along comparable lines.

In Matthew, then, a further argument is inserted (Matt 12:5–7). On the one hand, its form and content are thoroughly familiar from Jewish sources; on the other, the argument moves characteristically beyond these. Like in the David precedent, with which this argument is well co-coordinated in Matthew, Jesus asks whether his interlocutors have

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66 Thus, however, Yang, Jesus, 156–61, who works with a problematic contrast between “God’s original intention and ultimate goal” for the Sabbath, which is “eternal/eschatological rest for God’s people,” and the “increasingly meticulous casuistry” that has made Sabbath practice allegedly “more burdensome” (305).

67 E.g., most recently Tomson, Jesus, 258.

not read in the Law (i.e., Num 28:9f.) that “on the Sabbath the priests in the Temple desecrate (βεβηλούσιν) the Sabbath and are (nevertheless) innocent (ἀναίτιοι)” (v. 5). This argument is an important link regarding ancient Jewish evidence on the topic, which is otherwise only attested for either considerably earlier or later periods.69 Jesus then goes on to state that “here is something greater than the Temple” (τοῦ ἱεροῦ μεῖζὸν ἔστιν ὃδε, v. 6). V. 7 then proceeds to state that if the interlocutors had understood what it means, “I desire mercy and not sacrifice” (Hos 6:6), they would not have condemned the disciples, who are presented as “innocent” (ἀναίτιον), as much as the priests in the Temple.

It is debated what μεῖζον in v. 6 refers to. If we referred it, despite the neuter, directly to Jesus, then Jesus’ superiority and authority would be highlighted in providing a justification for the transgression.70 This would match the Christological closing in v. 8 particularly well. However, in this approach the link between the two analogues becomes weak: How might the relation between the two priests and the Temple be comparable to the one between the disciples and Jesus? After all, the disciples are not “serving” Jesus in their plucking grain.71 A further weakness is that the relation of Hos 6:6 to Jesus’ superiority remains indirect. Both problems are resolved when we assume that μεῖζον has

69 Earlier: Jub. 50:10f.; implicit: CD 11:17f.; cf. 1QMM 2:4–6; 11QPs xxvii (=11QDav-Comp) 5–7; 11QT* 13:17–14:2; and the fragmentary rule in 4Q264a i (frg. 1) 2–3 par 4Q421 13+2+8 2, see Baumgarten, DJD 35, 54 (but for Baumgarten’s erroneous placement of 4Q421 frg. 8 cf. Doering, Schabbat, 218 n. 546; Tigchelaar, “Sabbath Halaka”; idem, “More on 4Q264a”). Later: the rabbinic rule הַשָּׁבָּתָּה אָתָּה מְצַבֵּת (“Temple) service overrides the Sabbath,” see Mek. Š., Mišpatim (on Exod 21:14, Epstein-Melamed 171); t. Šabb. 15[16]:16; b. Šabb. 132b; cf. Mek. Y., Sabbatha, Ki tissa 1 (on Exod 31:13, Horovitz-Rabin 340f.); b. Yoma 85b. Note also, for similar concerns, a Roman tradition in Macrobius, Saturn. 1.16.10 (Willis 1.75, ET Davies 106), referring to the requirement that the priest see no one work on public feriae: sed Vmbro negat eum pollui qui opus vel ad deos pertinentis sacrorumve causa fecisset, vel aliud urgentem vitae utilitatem respiciens actitasset “but Umbro says that to have done work that concerns the gods or is connected with a religious ceremony, or any work of urgent and vital importance does not defile the doer.”

70 Thus Loader, Jesus’ Attitude, 202f.; Repschinski, Controversy Stories, 100; Lybæk, New and Old, 160f.; Deines, Gerechtigkeit, 486 with n. 85; Vahrenhorst, Matthäus, 383 n. 13, 389.

71 This is entirely overlooked by Repschinski ibid. 100, 104f., 107, who even claims that Matthew “goes on to identify the disciples with the priests” (107). However, the structure of the present analogical argument a minori ad maius (see below) requires a certain momentum of non-identity.
to be taken as a proper neuter, referring to something, not someone.\textsuperscript{72} The best referent in the text would be \textit{ἔλεος} “mercy”; this can also easily be connected with the Christological argument in v. 8, since Jesus is the one who represents Torah interpretation orientated towards the criterion of mercy as the supreme will of God (cf. Hos 6:6 also in Matt 9:13).\textsuperscript{73} If we referred \textit{μεῖζον} to mercy, the argument would state that, “in (the sphere of the) mercy” inaugurated by Jesus, the Sabbath can all the more be violated than “in the Temple”; if the disciples’ behaviour driven by hunger (cf. v. 1) is seen from the viewpoint of mercy they must be regarded as innocent as the priests. To be sure, the argument is not totally smooth here either because of the shift from local “in the Temple” to implied modal “in mercy.” It is, however, likely that the argument does not aim at establishing any one specific situation or action for which a violation of Sabbath law might be admissible—not even hunger\textsuperscript{74}—and is thus no halakhic ruling proper;\textsuperscript{75} it rather creates a perspective on human behaviour that is informed by the centre of God’s will as proclaimed by the Matthean Jesus. In this perspective, minor violations of Sabbath law, committed by people in need, can be justified,\textsuperscript{76} and it is the specific “lordship” of the Son of Man over the Sabbath (v. 8) on whose authority such a perspective is founded.

Formally, the Matthean argument is a conclusion \textit{a minori ad maius} and is therefore close to the rabbinic reasoning \textit{qal wa-homer}, which was particularly in use with respect to issues overriding the Sabbath

\textsuperscript{72} The seeming parallels in Matt 12:41f. (\textit{πλεῖον Ίωνᾶ / Σολομῶνος ὤδε}) do \textit{not} contradict this, since \textit{πλεῖον} (\textit{πλέον}) is the regular substantive form (“more”; see BDAG 849), while \textit{μεῖζον} (\textit{μεῖζων}) are used according to gender; cf. only Matt 11:11a; cf. also juxtaposition of (grammatical) masculine and neuter at Matt 23:17, 19 (adjectives).


\textsuperscript{74} Matthew does not simply state: “Hunger overrides the Sabbath”!

\textsuperscript{75} Against the view that Matthew here aims at instructing his community on acting mercifully on the Sabbath and that Hos 6:6 is quoted here as “halachische Weisung,” thus Hummel, \textit{Auseinandersetzung}, 43.

commandment. However, it depends, first, on recognition of the possibility to draw conclusions for Sabbath conduct, in situations other than mortal danger, from the prevalence of mercy over sacrifices; and, second, this perspective is founded on Christ’s authority. Thus, the Matthean argument is, on the one hand, clearly a Torah-related legal reflection in a Jewish context, but it has, on the other hand, the tendency to open up new paths, introducing into legal reasoning premises that were not shared by other Jews in antiquity.

2.3. Luke

Like Matthew, but without explicitly referring to hunger, Luke clarifies the plot by rephrasing the disciples’ activity and inserting that they “ate” (ἠσθιον) the ears of grain; he further adds that they were doing so “rubbing (them) with the(ir) hands” (ψώχοντες ταῖς χερσίν, Luke 6:1). It is debated whether this is meant to introduce yet another infringement of Sabbath law. According to a later rabbinic tradition, rubbing (ears of) grain is considered a sub-category of “threshing” (דשה) (y. Šabb. 7:2 [10a]). However, we have already doubted earlier whether such categorizations can be assumed for the first century CE. Since “rubbing” is a usual way of obtaining the grains from the ears, Luke’s reason for mentioning it may have simply been to fill in a narrative detail merely implied in the parallels.

There have also been speculations as to whether a specific form of rubbing was of importance here. The late David Flusser made the case that an earlier version of Luke (that he deemed to be the earliest of the synoptic Gospels) contained only rubbing ears of grain, not plucking, which was allegedly introduced by Luke, who was unaware of thus creating a Sabbath violation. Flusser tried to corroborate this view

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77 See, e.g., t. Šabb. 15[16]:16, R. Eliezer; Mek. Y., Šabbta, Ki tissa 1 (on Exod. 31:13, Horovitz-Rabin 340f.) R. Eleazar b. Azariah, on the inference from circumcision to saving of life; see below, 3.4.

78 The lexeme ψώχειν is rarely attested in the extant Greek literature; see however, e.g., Nicander, *Theriaca* 629 (middle); Aristophanes Gramm., *Hist. anim. epit.* 2.507; Dioscurides, *Mat. med.* 5.159; *Euporista* 1.97 (passive); Aelius Herodianus, *Orthogr.* 3.2 607; *Partitiones* 155. Related is the composite verb κατασώχω “rub in pieces, pound” in Herodotus, 4.75 (both active and passive).

79 Ms Leiden: “A woman (is liable) . . . when she rubs the heads (of grain): on account of threshing (דשה).” The following statement relates another activity in preparing flour (מספייא) to “grinding” (טוחנת), but the exact meaning of מפי is unclear here; cf. Sokoloff, *Dictionary*, 385.

80 Cf. Flusser, Jesus, 2nd ed., 58f. (1st German ed. 44); Kister, “Plucking.”
with reference to a late tenth-century Arabic text, discussed by Shlomo Pines, containing excerpts of a Jewish-Christian source, and to the Arabic Diatessaron, which both mention only rubbing and eating the ears of grain. According to Flusser, the “original form” of the pericope was about what kind of rubbing was permissible, emulating later rabbinic debate: According to the Sages, this was only allowed with the fingers, whereas R. Yehudah (bar Ilai), a Galilean like Jesus—although a century later—, permitted to do so with the hand. However, Flusser’s intriguing theory is problematic on several counts and therefore hardly tenable. First, it will be difficult to find wider support amongst New Testament scholars for a theory of Lukan priority; the other synoptists, however, know only of “plucking” (see above). Second, it is debated how the Arabic Harmony relates to Tatian’s (lost) Diatessaron and what text-critical value the original would have here, given that in the Arabic version the respective verse clearly conflates Matt and Luke (with the possibility of textual loss). Third, the rabbinic texts in question, t. Šabb. 14[15]:11 and b. Šabb. 128a, may not state what Flusser makes them state. The passages are fraught with text-critical problems, but even if we accept the reading of Ms Vienna for R. Yehudah’s saying, הבול בלולו, but take it in a positive sense, as suggested by Lieberman (“only that he rub with the hand”), it does not follow that Yehudah disagrees with the sages; he rather seems to exclude rubbing with an instrument (cf. the previous statement in the Tosefta; this is reflected in the reading בכלי “with an instrument / vessel” in Ms Erfurt and in the Bavli parallel). The sages then merely specify that this should rather be done with the fingers of the hand, and not in such quantities as on ordinary days. Moreover, these texts speak of spices previously gathered as food for animals, not of grain, which raises questions as to

81 Pines, *Jewish Christians*, 63. The author of this text is ‘Abd el-Jabbar.
82 See for the text Marmardji, *Diatessaron de Tatien*, 66f. Similarly, Ephrem’s commentary on the *Diatessaron* at v 23 mentions only rubbing and eating ears of corn (*Saint Éphrem, Folios additionels*, 54f.), while the Armenian version retains the plucking (*Saint Éphrem, Version arménienne traduite*, 52); both mention only rubbing at xiii 5, where the David example is referred to in the context of the Bethsaida pericope (*Syriac*: 104f.; *Armenian*: 129). For a circumspect explanation of the “extra-canonical” readings in the (hypothetical) Diatessaron cf. Petersen, *Tatian’s Diatessaron*, 427f. Petersen provides a convenient review of scholarship on the Diatessaron. (We note that major Western Harmonies retain “plucking”; thus, e.g., Codex Fuldensis [ch. 68], the Liège Diatessaron [ch. 86], and the Tuscan Harmony [ch. 69]; for editions see Petersen, ibid. 463–89.)
comparability. Finally, the link assumed by Flusser between R. Yehudah and Jesus’ disciples, namely a common Galilean practice, would remain speculative.\textsuperscript{84}

One further element of Luke’s pericope\textsuperscript{85} needs to be discussed here: The lack of a parallel to Mark 2:27 leads to an immediate juxtaposition of the authority of the Son of Man and the David precedent, since, unlike in Matthew, no further material is added. Thus, the justification of the disciples’ transgression, more directly than in Matthew, focuses on the sovereign authority of the Son of Man,\textsuperscript{86} who is presented as the divinely authorized Lord (κύριος) of the Sabbath.\textsuperscript{87}

3. Healing on the Sabbath

3.1. Mark

The main legal issue regarding Jesus’ healing of a man with a withered hand on the Sabbath (Mark 3:1–6) is whether it would have constituted a violation of Sabbath law according to the view of the Pharisees.\textsuperscript{88} They appear again as Jesus’ interlocutors, although we gather this at first merely from the implication that the third person plural used in this pericope (Mark 3:2, 5) relates back to the occurrence of the Pharisees in 2:24; but then 3:6 mentions them alongside the Herodians in the plot to kill Jesus. This reaction to Jesus’ healing a man with a withered hand on the Sabbath has been taken as exaggerated in recent scholarship. The infringement will at any rate have to be considered a minor one, if at all, and the Passion narratives of neither the synoptic Gospels nor John suggest that Sabbath infringements played a role in Jesus’ trial(s) and verdict.\textsuperscript{89} Thus, scenarios assuming that Jesus, after being warned in the

\begin{itemize}
\item\textsuperscript{84} Cf. already Schaller, “Jesus und der Sabbat,” 131f.; Doering, \textit{Schabbat}, 426f. Tomson, \textit{Jesus}, 153 wants to leave the question of the plausibility of Flusser’s proposal “undecided.”
\item\textsuperscript{85} For the placement of Luke 6:5 after v. 10 in \textit{Codex Bezae} and implications of the agraphon about the Sabbath labourer offered instead (Luke 6:5 D), see Doering, \textit{Schabbat}, 438–40; Nicklas, “Agraphon.”
\item\textsuperscript{86} Cf., e.g., Loader, \textit{Jesus’ Attitude}, 312; Wilson, \textit{Luke}, 33f.
\item\textsuperscript{87} Cf. Rowe, \textit{Christology}, 105–11.
\item\textsuperscript{88} Cf. for the following in greater detail my article, “Much Ado,” 217–41
\item\textsuperscript{89} This is different later in \textit{G. Nicodemus (Act. Pil.)} 1:1; 2:6; 6:1 (ET: Elliott, \textit{Apocryphal New Testament}, 170, 173, 175), where desecration of the Sabbath, i.e., healing with “evil deeds” (= exorcism), is mentioned alongside claims to being the Son of God and a king.
\end{itemize}
preceding incident in the cornfields is now accused, and found guilty, of a Sabbath transgression that carries the death penalty\textsuperscript{90} have justly become obsolete. Most probably, Mark 3:6 is a redactional attempt to foreshadow the Passion at an early stage in Mark.\textsuperscript{91} But then it is likely that also v. 2, mentioning the Pharisees’ watching of Jesus “so that they might bring a charge to him,” has been edited by the redactor.

In this pericope, Jesus heals a man with a “withered” hand on the Sabbath (v. 1: ἐξηραμμένην ἔχον τὴν χεῖρα, v. 3: τὴν ξηρὰν χεῖρα). This is a popular label, not an exact medical diagnosis. From 1 Kgs 13:4 we know that someone with a “dried” hand was unable to move his arm (“hand,” according to both Hebrew and Greek parlance, denoting 
\textit{pars pro toto} the “arm”).\textsuperscript{92} Elsewhere, 
\textit{ξηραίνω} is used in connection with a stiffening body (Mark 9:18, of a possessed boy). Thus it may be assumed that the man was suffering from some dysfunction of muscles and sinews relating to his arm.\textsuperscript{93} Such a condition—despite its unusual function as a reversible form of divine punishment in 1 Kgs 13:4—is a chronic disease, certainly not one threatening a person’s physical life.

According to Mark 3:5, Jesus says to the man, “Stretch out your hand,” and “he stretched (it) out, and his hand was restored.” It has been argued that by healing with a mere word Jesus did not transgress mainstream first century Sabbath halakhah at all.\textsuperscript{94} This view seems to be indebted, often tacitly, to J.N. Epstein and Y. Kaufmann.\textsuperscript{95} Epstein bases his judgement upon rabbinic texts allowing for “whispering over the eye and over the snake and over the scorpion” on the Sabbath,\textsuperscript{96}
it should be noted that he concedes that the Pharisees in debate with Jesus would have taken a view stricter than that represented in rabbinic literature. However, it is unlikely that Jesus would have deliberately anticipated a stance akin to the later rabbinic position here. First, “whispering” is a specific treatment for the selected ailments or dangers mentioned and has clear magical connotations. Neither of this fits Jesus’ Sabbatical therapies according to the Gospels.\footnote{With the one possible exception of the mention of spittle in the healing of the man born blind (John 9:6), a healing agent also in magical contexts; cf. Veltri, *Magie*, 164 (with references).} Furthermore, the Gospel narratives do not emphasize the “verbality” of Jesus’ healings. To the contrary, the additional Lukan pericopae know of physical manipulations (Luke 13:13; 14:4), while even in Mark 3:5 the command “Stretch out your hand” is introduced with the same formulation as the call of the man into the centre (3:2): “(And) he said to the man” (ἐνυθρόποιο—certainly nothing to suggest an emphasis of the “verbal” mode of healing. It can even be questioned that the cure proper was *effected* verbally, since Jesus’ word may be understood as a command to *demonstrate* the healing, which is itself not narrated.\footnote{Cf. Kahl, *Miracle Stories*, 109f.} It thus emerges that neither Mark nor the other evangelists particularly emphasize the verbal character of Sabbatical cures, and we have no grounds for assuming that Jesus consistently healed with a mere word on the Sabbath.

On the other hand, it seems appropriate that scholars be more cautious than in the past as to claims about Jesus’ transgressing a prohibition while healing. The reason is that no pre-Tannaitic source apart from the Gospel tradition mentions healing at all as forbidden on the Sabbath.\footnote{CD 11:9f. prohibits merely carrying medicaments (?) (סמלין) out of or into a house.} However, it cannot be assumed to have been generally considered allowed. First, rabbinic tradition emphasizes that setting the Sabbath aside is reserved for cases of rescue from mortal danger (とりあה הנפש) or at least evidence for suspicion of such danger (סאפק נפשות).\footnote{“Nothing impedes life saving (נפש פוקוח) except (…) idolatry and licentiousness and bloodshed”: t. Šabb. 15[16]:17 parr.; “every suspicion of mortal danger overrides the Sabbath (אולף ספק ממיתו ודוחה את השבתה):” m. Yom. 8:6; cf. t. Šabb. 9[10]:22; 15[16]:11, 15–17, Mek. Y., Šabbta, Ki tissa 1 (on Exod. 31:13, Horovitz-Rabin 340).} We know that common people were reluctant to set the Sabbath aside for life saving and had to be encouraged for it.\footnote{Cf. t. Šabb. 15[16]:11, 13.}
of these provisions would have been necessary if healing had generally been allowed. Further, we know from a number of rabbinitic passages that intentional healing was considered forbidden, while “by the way” cures, such as therapeutic side effects of nutrition, were approved of. It seems that the presence of physical work was not decisive for discernment of forbidden labour. Inspired by Isa 58:13, talk about work is forbidden according both to the Dead Sea Scrolls and rabbinitic texts, and the House of Shammai forbade prayer for the sick for it was considered at variance with the doxological character of the Sabbath (t. Šabb. 16[17]:22 [b. Šabb. 12a, “visit the sick”]). To be sure, the Rabbis allow rubbing wounds with oil and similar ointments, and there is debate as late as the second century about mixing ointments on the Sabbath, but again this has to be distinguished from healing chronic diseases proper. In sum, Pharisaic opposition to Jesus’ sabbatical therapies appears to anticipate the reservations about cures of non-life threatening diseases in the Tannaitic texts. It is very likely that Pharisees in the first century would have considered healing such ailments forbidden on the Sabbath, no matter how they were carried out in detail.

The hostility of the Markan setting of the scene has already been noted. Recent scholarship has also suggested that the saying Mark 3:4, previously often considered authentic, owes its present shape to Markan redaction, because it contributes to the sharp juxtaposition of the healing Jesus and the opponents plotting to kill Jesus:

\[
\text{ἔξεστιν τοῖς σάββασιν ἄγαθον ποιῆσαι ἢ κακοποιῆσαι, ψυχὴν σῶσαι ἢ ἀποκτεῖναι; οἱ δὲ ἐσιώπων.}
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Is it permitted on the Sabbath to do good rather than evil, to save (a) life rather than kill? But they remained silent.

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102 Cf. m. Šabb. 14:3, 4; 22.6; t. Šabb. 12[13]:8–13.
103 Cf. CD 10:19; 4Q264a i [frg. 1] 5–8 par. 4Q421 13+2+8 3–4; b. Šabb. 113b; 150a.
106 Cf. the list of authors given in Doering, Schabbat, 453 n. 319.
Nevertheless, although Mark may have intervened to co-ordinate the saying with its literary micro- and macro-context (see on v. 6 above), it cannot be ruled out that the respective opposites here were generated directly from the “positive” verbs: “to do good—evil,” “to save life—to kill”—and this could as well have happened before the Markan interpretation. At any rate, however, it looks as if the expression “to save a life” (ψυχὴν σῴζατε) had a more solid root in legal debate about the Sabbath. In contrast to the other attestation of ψυχὴ + σῴζειν in Mark 8.35 (ὁς γὰρ ἔαν θέλῃ τὴν ψυχὴν αὐτοῦ σῴζατε), the reference in Mark 3:4 is construed without article and possessive pronoun; in this, it betrays formulaic use in the sense of “a person” as reflected in similar formulations with Hebrew nepeš, especially in the pertinent rabbinic expressions pīqquāh nepeš or sapeq nepašot. Against the claim often voiced that a reference to life saving would be inappropriate in the context of Jesus’ Sabbatical cures, I suggest that Jesus might have argued for the permissibility of his Sabbatical therapies by way of extending the principle “life saving overrides the Sabbath” to chronic diseases. Along similar lines, Sven-Olav Back has argued that in Jesus’ eschatological perspective such diseases are being taken “in dead earnest,” so that healing can be perceived as an extended form of life saving. We note that this would match the commissioning of the Sabbath to serve the need of human beings, as emerging from Mark 2:27f., quite well.

108 Cf. for this notion of ψυχὴ + σῴζειν in Mark 3:4 Dautzenberg, Sein Leben bewahren, 154–60.

109 Cf. Doering, Schabbat, 450–4 (but now with less confidence about what we can establish as “authentic” wording); also Pesch, Markusevangelium, vol. 1, 193; Guelich, Mark 1–8.26, 134f.; Kister, “Plucking,” 40; Schaller, “Jesus und der Sabbat,” 143–6; Casey, Sources, 182f.; Tomson, Jesus, 155. Guttenberger, Gottesvorstellung, 131 assumes a reference to Sabbatical self-defence and claims that, by contrasting its permissibility with “killing,” Mark 3:4 criticizes the Maccabaean decision in favour of self-defence. However, although both issues are linked by a common care for human life, Jewish sources tend to discuss saving another person’s life from every-day danger and self-defence when attacked separately (cf. Doering, Schabbat, 566–68); Mark 3:4 would clearly relate to the former.

110 Mayer-Haas, Geschenk, 207f. briefly considers the possibility that Mark 3:4b could have read, in a pre-Markan form, οὐκ ἔξεστιν τοῖς σάββασιν ψυχὴν σῶσαι; However, she eventually assumes that this verse is completely redactional and has replaced another Jesus saying on the Sabbath, which she suggests was a saying of the kind of Luke 14:5 par Matt 12:11 (ibid. 353–55, 451 even more affirmative as to the latter saying as original part of Mark 3:1–5). In my view, she thereby dismisses the possibility that Jesus argued with a saying referring to life saving too easily.
3.2. Matthew

Matthew introduces three main changes to the pericope: First, he develops the opponents’ silent expectation in Mark into a direct question on the permissibility of healing on the Sabbath (εἰ ἔξεστιν τοῖς σάββασιν θεραπεύσαι, Matt 12:10b), bringing the piece more in line with controversy stories. As the foregoing discussion has shown, no unqualified affirmative answer might be expected to this question. Second, in vv. 11–12a Matthew introduces an argument drawing on halakhic analogy: the example of the sheep fallen into a pit. Third, he transforms the double alternative question in Mark 3:4 into a conclusion: “Therefore, it is permissible to do well on the Sabbath” (ἂντε ἔξεστιν τοῖς σάββασιν καλῶς ποιεῖν, v. 12b). Already at first glance the shift from “healing” to “do well” is striking, and we will take it up later. But let us begin with the example of the sheep:

τίς ἔσται ἤμων ἄνθρωπος ὃς ἔξει πρόβατον ἐν καὶ ἐὰν ἐμπέσῃ τούτο τοῦς σάββασιν εἰς βάθος, οὐχὶ κρατήσει αὐτό καὶ ἐγερεῖ; πόσῳ οὖν διαφέρει ἄνθρωπος προβάτου.

What human being will there be of you who will have one sheep, and if this falls into a pit on the Sabbath will he not seize it and raise it up? (12) Now, how much more valuable is a human being than a sheep? (Matt 12:11–12a)

This argument, to which there is a close parallel in Luke 14:5, is again (see above, 2.2) a conclusion a minori ad maius, therefore similar to rabbinic reasoning. However, its historico-legal placement flags up a problem: Although we know of a similar Roman ruling for feriae by Q. Mucius Scaevola the Pontifex, no other ancient Jewish Sabbath text represents a halakhah corresponding to the practice assumed in this saying. The Damascus Document and 4Q265 (=4QM miscellaneous

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112 According to Repschinski, Controversy Stories, 107, Matthew’s lack of Mark 3:3 “lets the miracle recede to the background” too.

113 Macrobius, Saturn. 1.16.11 (Willis 1.75, ET Davies 106f.): Scaevola denique consultus, quid feriis agi liceret, respondit quod praetermissum noceret. quapropter si bos in specum decidisset eumque pater familias adhibitis operis liberasset, non est visus ferias polluisse: nec ille qui trabem tecti fractam fulciendo ab imminenti vindicavit ruina. “Scaevola, in fact, when asked what might be done on a rest day replied that anything might be done which it would be harmful to have left undone. And so a head of a household who, on a rest day, collected his labo[u]rs and freed an ox from a pit into which it had fallen was not thought to have desecrated the day; nor was a man who propped up a broken roof beam to save it from a threatening collapse.”
Rules) prohibit “raising” animals and lifting them up from a pit or similar place on the Sabbath:

ואם חסם על בור (14) ולא פחת אל קומת השבת

(...) and if it (sc. the animal) falls into a cistern (14) or a pit, he may not raise it up (or: “sustain it”—see below) on the Sabbath. (CD 11:13f.)

No man may lift up an animal that falls into a cistern or a pit, he may not raise it up on the Sabbath. (4Q265 6 5f.)

The Tosefta, in turn, allows caring for the animal but not rescuing it:

תמות שלמה ולא בו פחת ממקומה

An animal that is fallen into a cistern—one may provide it with food where it is, lest it dies. (t. Šabb. 14[15]:3 [Ms Vienna])

The Amora Rav Yehudah, in the name of Rav, goes even further and allows bringing cushions and pads and placing them beneath an animal fallen into a watercourse, and if the animal comes up, so be it. The Gemarah resolves the tension with the Toseftan Baraita by conceding Rav Yehudah’s view in the event that the animal cannot be sustained by feeding it. In doing so, the Gemarah is aware that a minor Sabbath transgression is being committed by bringing cushions, but this is a “rabbinical” prohibition and is superseded by the “biblical” prohibition of torturing animals (b. Šabb. 128b). Nowhere, however, do the Rabbis concede taking out the animal actively.

There has recently been some debate on the exact situation envisioned in Matthew. First, Peter Tomson and Eric Ottenheijm have asked whether ἐγείρειν “to raise up” really implies lifting the sheep

114 Read תפול; full justification for this emendation in Doering, Schabbat, 193 n. 423.
115 Ms Erfurt reads: שמלה לבאר (“well”)ешיע כל פורסמה (impure”) שמלה לבאר שמסימה בשבי שלמה ומות. The readings שמשמה שמשמה and שבלי שלמה are also in Ms London.
116 This is further corroborated by t. Yom Tov 3:2, which concedes for a holiday, on which—contrary to the Sabbath—it is permissible to prepare food, to lift up an animal from a pit only with the intent to slaughter it.
out of the pit, as most commentators assume.\textsuperscript{118} Strikingly, CD 11:13f.
raises similar questions: If we read קים אל as hif’il, “he may not raise
it up,” it is equally unclear whether the lifting out of the animal would
be implied, although this is what most scholars who have dealt with
this passage assume.\textsuperscript{119} It is quite probable that the Qumran text and
Matt reflect common halakhic terminology here. Semantically, three
explanations are conceivable. First, it is possible that the common
terminology is similar in meaning to Hebrewעלל hif’il and Greek
ἀνασπᾶν “lift up,” which are used in CD 11:16 and 4Q265 6 7, and in
Luke 14:5, respectively. In my view, this solution would account best for
the difference in verbs in the otherwise close parallels Matt 12:11 and
Luke 14:5. However, it would require an unusual meaning of קים hif’il
/ ἐγείρειν (as a technical term?); but since even עלל hif’il and ἀνασπᾶν
do not, as such, denote “to lift out”—which suggests that ancient Jewish
traditions do not perceive the removal of living beings from a pit as
transportation—, the required shift in meaning (“raise up”—“lift up”)
would be gradual. Alternatively, קים hif’il / ἐγείρειν might designate
“raising up” the animal merely inside the pit; we note, however, that this
aid would be effective only if the water level were lower than the full
height of the tumbled animal (not a necessary implication of βόθυνος,
while CD 11:13f. mentions בור, “cistern,” alongside פחת, “pit”). As a
third option, it has been suggested to read קים עלל in CD 11:14 as
פּלָל, which would amount to a prohibition to “sustain” such an animal
or “keep it alive.”\textsuperscript{120} Along these lines, the Matthean formulation might
be viewed as the result of a misunderstanding of Hebrew halakhic ter-
minology.\textsuperscript{121} However, we note that such an error requires involvement

\textsuperscript{118} Greek ἐγείρειν allows for the notion of raising an object from a position lower than
oneself—but raising it how far? Cf. BDAG 271, with classification of Matt 12:11 under:
“to cause to stand up from a position lower than that of the pers. rendering assistance,
raise, help to rise” (as opposed to “move to a standing position,” which is the next
rubric), together with 1 Clem. 59.4; Herm. vis. 3.2.4. Cf. further L&N 216 (“implying,
no doubt, up and out of the ditch or hole”; but ibid. n. 4 cautions: it is “possible” that
the term in Matt 12:11 “should be understood only in the sense of ‘to lift up’”).
\textsuperscript{119} Cf. Schiffman, Halakhah, 121f.; Kahl, “Ist es erlaubt,” 319; Doering, Schabbat,
193–95.
\textsuperscript{120} Cf. Rabin, Zadokite Documents, 56; Qimron, Hebrew, 103. On קים pi’el see also
Kister, “Plucking,” 42; and see the following note. At Qumran, קים pi’el is further
attested in CD 20:12 (my earlier statement in Doering, Schabbat, 193f. n. 424 misses
this reference and needs to be corrected).
\textsuperscript{121} As suggested by Jan Joosten and Menahem Kister in their contribution to the
present volume. I wish to thank these two colleagues for allowing me to consult their
manuscript.
of a written Hebrew text, which remains speculative, at least as Vorlage for Matthew,\(^{122}\) and that for other reasons (see below, 3.3) scholars have considered an Aramaic, not Hebrew, substratum of the saying and its parallel in Luke 14:5. Further, it is unclear what role “seizing” the sheep would play alongside “sustaining” it. Most importantly, however, this solution still leaves us with the question of how Matthew and his first recipients would have understood \(\varepsilon\gamma\varepsilon\iota\rho\varepsilon\iota\nu\), which brings us back to the two previous options. However one opines, the Damascus Document would forbid any care for the animal, while Matt takes direct and active rescue\(^{123}\) for granted.

Second, accepting the notion of getting the animal out, Martin Vahrenhorst has suggested that Matthew, speaking of “one\(^{124}\) sheep” and “seizing” it, has a situation in view in which the sheep could be taken out with one’s hands, in contrast to the Hebrew texts with their mention of an “animal, cattle” (\(\text{בהמה}\)), which would involve the use of instruments and is therefore forbidden.\(^{125}\) Although such a situation is of course possible for Matthew, we note that it would depend on a rather specific presupposition regarding the maximum depth of the pit, limiting the applicability of the example; further, this solution would require a narrow understanding of \(\kappa\rho\alpha\tau\varepsilon\iota\nu\), which is difficult to secure in view of the rather broad use of this verb in the New Testament.\(^{126}\) Alternatively, the undisputed concession in Matt 12:11 of actions regarding the animal that were not considered admissible in Qumran or Tannaitic texts might reflect pragmatic rural legal practice, perhaps of Galilean provenance. Matt 11:12a then draws the conclusion \textit{a minori ad maius}, from the sheep to a human being, apparently suggesting that if it is admissible to attend one’s only sheep in danger on the Sabbath it will all the more be admissible to attend the needs of a human being, who is more valuable than a sheep.

\(^{122}\) Joosten & Kister claim that the passage was “translated” from Hebrew to Greek but leave open where and when this happened.

\(^{123}\) Still, “seizing” and “raising up” relate to activities different from those mentioned in both Tosefta and Bavli.

\(^{124}\) Against doubts whether \(\text{ἕν}\) really functions as numeral and not rather as article here, e.g., in Davies—Allison, \textit{Matthew}, vol. 2, 319, see Luz, \textit{Matthäus}, vol. 2, 239: Matthew employs the word as article “nur ganz selten (…), zumal nicht bei nachgestelltem \(\text{ἐν}\).”

\(^{125}\) Vahrenhorst, \textit{Matthäus}, 388 n. 33.

\(^{126}\) Cf. BDAG s.v. \(\kappa\rho\alpha\tau\varepsilon\iota\omega\).
However, the further and final conclusion in v. 12b, “Therefore, it is permissible to do well on the Sabbath,” does not strictly follow from this example. It seems that this maxim emerges rather from an overarching perspective, in which a decision allowing such deeds has already been made. In my view, we are not misled to connect this with the perspective of “mercy” as introduced earlier in v. 7. We note that Matthew does no longer correlate healing with life saving, probably against the backdrop of increasing discussion on the conditions of \( \text{piqquah nepeš} \) amongst Yavnean Rabbis.\(^{127}\) In Matthew, the story as it stands exemplifies “well doing” by Jesus’ healing on the Sabbath. It does not, however, provide any hint as to how the permissibility of “well doing” on the Sabbath is materialized in other cases. Therefore, the maxim stated in v. 12b is, in my view, despite its formal traits, no halakhic ruling sensu stricto,\(^{128}\) but rather a commentary on Jesus’ practice of healing as an exemplification of the prerogative of mercy; literally, it corresponds to the Pharisees’ question on the permissibility of healing in v. 10b.\(^{129}\) Although Matthew appears to be aware of contemporary halakhic debate about the Sabbath and makes use of some of its arguments and logic, and although his community seems to have (in part?) kept the Sabbath (see on Matt 24:20 below, 4.1), a reliable system of halakhah becomes difficult in this perspective.

This might be somewhat different if we were able to follow Eric Ottenheijm’s suggestion that the Matthean Jesus shares a taxonomy regarding Sabbatical rest and “good works” as reflected also by traditions attributed to the House of Hillel in rabbinic literature. According to t. Šabb. 16[17]:22, the Shammaites prohibit distributing alms (צדקה) to the poor in the synagogue, matchmaking between bride and bridegroom, and praying for the sick on the Sabbath, while the Hillelites concede these; the parallel in b. Šabb. 12a records debates on arranging the engagement of small children, on preparations for teaching them, on comforting the mourners, and on visiting the sick, all of which the Hillelites permit and the Shammaites prohibit on a Sabbath. Activities like these are known as “deeds of loving kindness” (חסדים גמילות),

\(^{127}\) Cf. Doering, Schabbat, 462, 533.
\(^{128}\) Vahrenhorst, Matthäus, 388, speaks of “Lösung in Form eines halachischen Lehrsatzes” (cf. already Hummel, Auseinandersetzung, 45: “eine halachische Entscheidung”) but appears to be too optimistic as to compatibility with Jewish halakhic discourse in the first century CE.
\(^{129}\) Cf. Banks, Jesus, 126f.
which, together with the first item mentioned, almsgiving, come under the rubric of “good works” (תובים). Ottenheijm argues\textsuperscript{130} that the Matthean pericope, without providing an exact parallel to the rabbinic texts, is nevertheless conceptually related to the Hillelite position in that it allows for healing the man with the withered hand in order to prevent poverty, and that this is classified as permissible “doing of good” on the Sabbath. However, it needs to be asked whether prevention of poverty is really the point in the Matthean story: The correlates in the a minori ad maius argument vv. 11–12a are, after all, the “human being” (ἀνθρωπος), i.e. here the handicapped man, and the sheep, not the poor owner (also ἀνθρωπος) of the “one” endangered sheep: As the owner will care for the sheep’s need, so, a fortiori, will the handicapped man’s need be catered for—by Jesus’ healing him, as is implied.\textsuperscript{131} Whether this need has to do with poverty is left open in Matthew. That the “withered” hand was the man’s “strong” hand, which would have prevented him from working for a livelihood, is not stated here (contrast Luke 6:6 ἡ χεὶρ αὐτοῦ ἡ δεξιά).\textsuperscript{132} Moreover, it should not be overlooked that the Markan alternative ἀγαθὸν ποιῆσαι ἢ κακοποιῆσαι is replaced here by an adverbial construction, καλῶς ποιεῖν, whose translation as “to do good,” i.e. “to do good works,” is not certain; the expression may equally denote “to do well” or “to act rightly”\textsuperscript{133} and

\textsuperscript{130} Ottenheijm, “Genezen,” 356f.

\textsuperscript{131} Thus also Ottenheijm, ibid. 356f., who then, however, goes on to claim that the reference to “one sheep” evokes the Nathan fable (here 2 Sam 12:3) and therefore shifts the focus to the need of the owner who knows his one sheep is in danger. While an echo of 2 Sam 12:3 is possible in characterizing the owner as poor (see above, n. 124), I cannot see why it would introduce such a shift in focus that would sit uncomfortably with the logic of the argument.

\textsuperscript{132} See Jerome, Comm. in Matth. 12:13, from the “Gospel of the Hebrews,” according to which the man says: “I was a builder (coementarius), earning my living with my hands (manibus); I pray you, Jesus, that you restore my health lest I disgracefully have to beg for food (ne turpiter mendicem cibos).” With Luz, Matthäus, vol. 2, 240ff., this is “spätere, legendäre Ausschmückung,” while Ottenheijm, “Genezen,” 362f. thinks it is closer to the issue in Matt 12:9–14.

\textsuperscript{133} Cf. Mayer-Haas, Geschenk, 452 n. 203. In the lxx, καλῶς ποιεῖν translates "act well"; cf. Judg 9:16; 3 Kgs [MT 1 Kgs] 8:18; 2 Chr 6:8; Zech 8:15. Elsewhere in the NT, καλῶς ποιεῖν is used with the nuances “to do fitly, rightly,” thus BDAG s.v. καλῶς, which gathers both Matt 12:12 and Luke 6:27 (Matt 5:44 v.l.) under the rubric “in a manner that is beneficial/acceptable, well,” then translating “do good” (for which, however, Bauer-Aland, s.v., has “wohltun”). Note that in Matt 12:12 the phrase is used without dative object (thus Luke 6:27). The "parallel" from Lucian, Ep. Saturn. 3.31 does not lead to the concept of "good works" but benefaction: ταῦτα ἔστιν οὗ πάντα χαλεπὰ ύμίν ἀπὸ τοσοῦτον ὃ καλῶς ποιοῦντες ἔστε.
may therefore be less related to the rabbinic concept of “good works” than Ottenheijm assumes.\footnote{Similarly, it should be noted that the common direct identification of the Matthean expression καλὰ ἔργα (Matt 5:16; cf. ἔργον γὰρ καλόν [Matt 26:10 par. Mark 14:6]) with the rabbinic concept of טובים מעשים has recently been questioned by Deines, \textit{Gerechtigkeit}, 237–52.}

\section*{3.3. \textit{Luke}}

Luke 6:6–11 is closely related to its Markan \textit{Vorlage} but contains a number of significant changes,\footnote{For a full discussion cf. Mayer-Haas, \textit{Geschenk}, 309–11. My earlier assessment, “Diese Änderungen haben v.a. stilistische Bedeutung” (\textit{Schabbat}, 457), appears to be somewhat superficial.} such as the dating on “another” Sabbath, the added rationale for the Sabbatical visit to the synagogue “in order to teach” (v. 6; cf. Luke 4:14–37; 13:10), the addition of “scribes” to the Pharisaic opponents (v. 7), Jesus’ “knowing” of their plotting thoughts (v. 8), and the presentation of Jesus’ saying as an explicit interrogation (ἐπερωτῶ ὑμᾶς εἰ ἔξεστιν κτλ., v. 9); some of the changes clearly highlight Jesus’ dignity in Luke. For the scope of our investigation, however, the most important changes are the precision that the “withered” hand was the man’s right hand (v. 6), and the reaction of Jesus’ opponents (v. 11). With the former, Luke increases again (as in 6:1, where he emphasizes the disciples’ eating of ears of corn; see above, 2.3) the plausibility of the narrated action: The right hand represents the strong, important and active hand that apparently deserves to be restored on the Sabbath.\footnote{There are no indications of a broader consideration of the prevention of poverty, as discussed for Matthew by Ottenheijm; see above, 3.2.} With the latter, Luke sets a markedly different tone from Mark and Matthew: The opponents become filled with “folly” and discuss “what they might do to Jesus.” Though inadequate, their reaction remains more moderate and less violent than in the other synoptics, thereby remaining closer to likely reactions to Sabbath infringement in ancient Judaism (above, 2.1).\footnote{This may be a secondary adjustment and does not necessarily point to the “priority” of the Lukan version of the story; \textit{pace} Tomson, \textit{Jesus}, 155 (“probably reflects the oldest layer of tradition”).}

Luke provides two additional stories about Sabbatical therapies performed by Jesus, 13:10–17, dealing with a “bent” woman, and 14:1–6, about a man suffering from “dropsy.”\footnote{There is no compelling evidence that the issue of the Lukan Sabbath pericopae is Christian preaching and missionary activity in synagogues, as argued by Klinghardt, \textit{Gesetz}, 230–40; against this also Loader, \textit{Jesus’ Attitude}, 313f. with n. 61.} I shall discuss the second
pericope first, since the saying in Luke 14:5 parallels Matt 12:11. Luke 14:1 marks the beginning of the meal scene in 14:1–24: Jesus arrives at the house of one of the Pharisees’ leaders to sup on the Sabbath, where “they” watch him closely. A person with “dropsy” (ὑδρωπικός) is there (v. 2). Jesus “answers” to the lawyers and Pharisees (presumably reacting on their watching him), “Is it permissible to heal on the Sabbath, or not?” (ἐξεστιν τῷ σαββάτῳ θεραπεύσαι ἢ οὐ; v. 3). They remain silent, but from the two preceding pericopae in Luke on Sabbathical therapies it is clear that they would not approve this; therefore, their silence rather flags up their inability to counter Jesus’ question properly (as emerges also from the concluding v. 6). Jesus then heals the person by touching him (ἐπιλαβόμενος ἰάσατο αὐτόν), and sends him away (v. 4). Finally, he asks (v. 5):

τίνος ὑμῶν υἱός ἢ βοῦς εἰς φρέαρ πεσεῖται, καὶ οὐκ εὐθέως ἀνασπάσει αὐτὸν ἐν ἡμέρᾳ τοῦ σαββάτου;

If one of you has a son or an ox that has fallen into a well, will he not instantly pull it out on a Sabbath day?

As already stated, this is a parallel to Matt 12:11, although the saying functions differently in Luke, since by mentioning the “son” alongside the “ox” in the example proper it is a mixed argumentum a pari and a fortiori. Taking for granted rescuing a person or animal from danger is meant to suggest that healing a long-term sick person would also be justifiable. In terms of halakhic logic, this analogical argument “is again weak, because it compares an emergency situation with one where the healing could be performed on any other day.” It may be considered to read Luke 14:5, with its emphasis on loss and rescue, in the context of ch. 15, reflecting God’s salvific attention to the “lost ones” of Israel.

Recent scholarship tends to assume that Luke 14:1–6 is a redactional passage corresponding to Mark 3:1–6 par. Luke 6:6–11 and connected

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139 A serious (cf. Diogenes Laertius 4.27) but medically treatable condition; cf. only P. Oxy. viii 1088.63 [–65] with a recipe of a “draught for dropsy-patients”.

140 Cf. for the reading υἱός, to be preferred over the variants, Neiryk, “Luke 14,1–6,” 196f.

141 Loader, Jesus’ Attitude, 335, with Salo, Luke’s Treatment, 133.

with the traditional saying Luke 14:5.\textsuperscript{143} There is some debate about the provenance of Luke 14:5 and its exact relationship with Matt 12:11. Some assume that both go back to a saying in Q.\textsuperscript{144} Others have questioned this, partly because such a saying would need a narrative context lacking in Q and partly because it would be difficult to find a context for a one-off mention of the Sabbath in Q’s composition; after initial consideration by the International Q Project, the saying has eventually not been included in the \textit{Critical Edition of Q}.\textsuperscript{145} It is equally possible that Matthew and Luke found a variant of a common saying\textsuperscript{146} in their respective special material. At any rate, the differences between Mark 12:11 and Luke 14:5 may suggest an Aramaic linguistic background of the common saying. Particularly the origin of the mixed argument in Luke, combining the “son” with the “ox,” is difficult to explain on the level of the saying in Greek.\textsuperscript{147} Matthew Black has suggested assuming a pun on the three terms בֵּית אָדָם “cattle,” בֵּית אֱלֹהִים “well,” and בֵּית אָדָם “son,” while Joachim Jeremias has commented that the occurrence of בֵּית אָדָם should be viewed as “eine echt orientalische Erweiterung”\textsuperscript{148} of the original pun, consisting of (the almost identically pronounced) words בֵּית אָדָם and בֵּית אֱלֹהִים. The alteration to “one sheep” (Matthew) could have


\textsuperscript{146} That Matt 12:11 and Luke 14:5 go back to a common saying is suggested by the similar introduction (τίνος / τίς . . . ἐξ ὑμῶν), the similar situation, and the formulation as a question with the expectation of a negative answer implying that everyone would help.

\textsuperscript{147} Tuckett assumes that the original wording (in Q) included only the “son” (Luke) but neither of the animals mentioned in Matthew and Luke; see above, n. 144. However, it is more probable that an original \textit{argumentum a fortiori} would have been enforced by an \textit{argumentum a pari} than vice versa—notably, the argument in Luke, already peculiar in that it concludes from emergency onto healing (this is overlooked by Tuckett, \textit{Studies on Q}, 415f.), would not have gained any halakhic-logical strength by the alleged addition of the “ox.”

been introduced at any level, Aramaic or Greek, but we note that the reference matches Matthew’s redactional interests well. Whether a form of these sayings can be traced back to Jesus, is equally debated. While the introduction with τίνος / τίς . . . ἐξ ὑμῶν has been claimed to be indicative of authentic short parables, it needs to be taken into consideration that we have here no parable but a halakhic analogy, which would, as far as animals are considered, have hardly been of appeal to the Pharisaic opponents of Jesus—judged from other Ancient Jewish texts on this matter—, perhaps with the one exception of a sheep seized with bare hands, which, however, does not seem to be in view in the oldest layer of tradition. In sum, some caution is warranted with respect to an assumption of authenticity.

The other additional Lukan Sabbath story, Luke 13:10–17, introduces yet another variant of halakhic analogy. Jesus is again in a synagogue on the Sabbath in order to teach (v. 10). There, he sees a woman, having had a “spirit of illness” (πνεῦμα ἔχουσα ἀσθενείας) for 18 years and being “bent” (συγκύπτουσα) and unable to stand up straight (v. 11), and he heals her by the command, “Be released (ἀπολέλυσαι) from your illness” (v. 12) and the laying-on of hands (v. 13). This healing story is followed by a controversy in vv. 14–16, in which the archisynagogus, indignant that Jesus has cured (ἐθεράπευσεν) on the Sabbath, first says to the crowd:

ἐξ ἡμέραι εἰσὶν ἐν αἷς δεῖ ἐργάζεσθαι ἐν αὐταῖς οὖν ἐρχόμενοι θερα-πεύεσθε καὶ μὴ τῇ ἡμέρᾳ τοῦ σαββάτου.

There are six days on which work ought to be done; on these come and be cured, and not on the Sabbath. (Luke 13:14)

This is roughly the position regarding cures of non life-threatening diseases as earlier considered probable for first-century Pharisees (note particularly the rubric ἔργαζεσθαί), although it is not stated whether the

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149 Cf. Matt 18:12–14. It remains, however, an open question when and why the Lukan and Matthean version came to employ verbs for the act of rescue that are equivalents of halakhic terminology in Hebrew texts from Qumran; see above, 3.2. This is glossed over by Fleddermann, Q, 710 who declares: "Matthew’s two verbs (sc. κρατήσει and ἐγερεῖ) are original."

150 Foundational: Greeven, “Wer unter euch...”; cf. further, e.g., Lohse, “Jesu Worte,” 70; Back, Jesus, 140f.; Kollmann, Jesus und die Christen, 249; Mayer-Haas, Geschenk, 357f.

archisynagogus is a Pharisee. Jesus answers him with a saying referring to accepted practice amongst the bystanders:

 hưκριταί, ἐκαστὸς ὑμῶν τῷ σαββάτῳ οὐ λύει τὸν βοῦν αὐτοῦ ἢ τὸν ὄνον ἀπὸ τῆς φάτνης καὶ ἀπαγαγῶν ποτίζει; ταύτην δὲ θυγατέρα Αβραὰμ οὖσαν, ἣν ἔδησεν ὁ σατανᾶς ἵδιον δέκα καὶ ὀκτὼ ἕτη, οὐκ ἔδει λυθῆναι ἀπὸ τοῦ δεσμοῦ τούτου τῇ ἡμέρᾳ τοῦ σαββάτου;

Hypocrites! Does not each of you on the Sabbath release their ox or donkey from the manger and lead it away to give it water? Did not this daughter of Abraham, whom Satan had bound for no less than eighteen years, have to be released from this bondage on the Sabbath day? (Luke 13:15f.)

It is taken for granted that anyone would “release” or untie their livestock on the Sabbath and lead it away to let it drink. Untying a knot, however, is counted amongst the 39 prohibited labours according to *m. Šabb*. 7:2 (יהלモית).

Elsewhere, rabbinic texts provide further specifications: One is guilty on account of tying and untying the knots of the camel drivers and sailors, but according to R. Meir one is not guilty on account of a knot that can be untied with one hand (*m. Šabb*. 15:1). There are knots in the domestic area, for which one is not guilty, such as knots on a woman’s dress or for storage of wine, oil, or meat; according to R. Eliezer b. Jacob, one may tie (a rope) in front of an animal lest it go out, and, according to R. Yehudah, one is not guilty on account of any knot that does not remain (15:2). One may also untie (מתיר) ropes fastening on a donkey objects one is not allowed to move on the Sabbath, as well as strips holding together sheaves of animal food (24:1f.; cf. *t. Šabb*. 18:1 [17:20]). Equally, tying up things is permissible when it is urgent, such as determining the size of an opening in the roof (which might transmit impurity; *m. Šabb*. 24:5).

It has been suggested that Luke 13:15 again attests to a deviant pragmatic smallholder practice.152 Alternatively, it may be considered that tying and untying of knots came under prohibition only in the course of time, and then mainly for more robust knots outside the domestic sphere. This might be corroborated by the fact that the Qumran fragments dealing with Sabbath law do not mention knots at all but at the same time allow for pasturing animals up to a distance of 2000 cubits

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it is neither conceivable that cattle, to be pastured according to these texts, would be generally left untied over the Sabbath nor that the strict Sabbath observers of the Qumran texts would be exceptionally lenient in an area with already established rules. Therefore, they might not have included tying and untying of knots with forbidden labour.153

Regarding giving an animal water, it is less clear than assumed by some exegetes154 that we have here again a lenient position. A baraita quoted twice (b. ‘Erub. 20b; 21a) prohibits only directly offering drawn water to one’s livestock (ויתן במתה בשבת) but allows pouring water (ושופך) in front of it, so that it may drink on its own (והיא מאיליה). Mere ποτίζει in Luke 13:15 simply does not convey the mode of providing water.

Thus, the premise in the present argument might be more widely shared than in other arguments within the Gospel Sabbath stories. We note that the issue in v. 15 is regular care for animals on the Sabbath, not rescuing an animal. The conclusion from analogy drawn in v. 16 is again an argument a minori ad maius, this time implicit, with the superior quality of the woman being underscored by the honorific designation “daughter of Abraham”: If livestock is unquestionably “released” on the Sabbath for giving it water, how much more will it be right that this female member of the covenantal people had to (ἔδει) be “released” from her illness, understood as bondage by Satan! It has been argued that the tertium comparationis here is more literary in character than in the other analogies.155 It is therefore possible that an initial, implicit argumentum a fortiori was later augmented by v. 16, once the tertium “to release” has been discovered. At any rate, the Sabbatical therapy here is not viewed in terms of rescue from danger but of care and relief.156 Whether v. 15 can be traced back to Jesus is difficult to say; limited coherence with Matt 12:11 par. would suggest so, but the latter’s authenticity is not beyond doubt in my view.157 The

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153 See, more broadly, Doering, Schabbat, 464ff.
154 E.g., Kollmann, Jesus und die Christen, 250.
155 Cf. Dibelius, Formgeschichte, 94. This need not imply that we share Dibelius’ assessment of the saying as “minder jüdisch” (ibid.), against which already the title “daughter of Abraham” speaks. See also below, n. 157.
156 This would rather speak against the view that behind Luke 13:15 and 14:5 par. stands one common saying, as argued by Busse, Wunder, esp. 308–10.
157 Equally, the title “daughter of Abraham” is not sufficient to prove authenticity. To be sure, in the Yihuse Tanna’im we-Amora’im of Yehuda b. Calonymus (Maimon
story as a whole shows signs of successive growth, combining a healing story lacking the Sabbath dating (vv. 11–13) and a controversy (vv. 14–16), all of which was framed by vv. 10, 17. While this framing is clearly Lukan, there is some debate whether for the rest Luke prefaced a traditional controversy by the miracle scene or vice versa, or whether both were joined at a pre-Lukan stage; due to the largely non-Lukan character of vv. 14–16 and at the same time their arguable dependence on vv. 11–13 (a woman has been freed from her illness) I tend to the third solution.\textsuperscript{158}

\section*{3.4. John}

The Gospel of John has three passages dealing with Sabbatical therapies: John 5:1–18, 7:15–24, and 9:1–41. I will discuss these only as far as the Sabbath laws reflected are concerned.\textsuperscript{159} As is well known, John 5:1–18 can be subdivided into vv. 1–9c, a therapy of an ill man at the pool of Bethesda, devoid of any reference to the Sabbath, and vv. 9d–18. The latter part introduces the Sabbath motif (v. 9d), then connects it with reproach and interrogation of the healed man by “the Jews” (vv. 10–13), Jesus’ finding the man in the Temple (v. 14), Jesus’ identity being conveyed to “the Jews” by the man healed, with the result that they “persecuted” Jesus, “because he had done this on the Sabbath” (vv. 15f.). The passage culminates in Jesus’ answer to “the Jews,” “My father is still working (ἕως ἄρτι ἐργάζεται) and I also am working” (v. 17), and “the Jews’” plot to kill Jesus “because he has not only broken (ἔλυεν) the Sabbath but called God his own father, thereby making himself equal to God” (v. 18). Most contemporary commentators

\begin{itemize}
\item \footnotesize\textsuperscript{159} For a broader analysis cf. Mayer-Haas, \textit{Geschenk}, 494–605; Asiedu-Peprah, \textit{Johannine Sabbath Conflicts}.
\end{itemize}
would assume diachronic growth of the passage, with a seam between v. 9c and the Sabbath motif in v. 9d and either two or three stages of development.160

What precisely is the Sabbath infringement of the healed man implied in John 5:10? Most interpreters refer to the prohibition of carrying from a “private domain” into the “public domain” and vice versa, as generally stated in m. Šabb. 7:2 (ה mainWindowַת הָלָה).161 But this halakhic diagnosis is at least imprecise and therefore insufficient. As suggested by both vocabulary and scene in John 5:10, the issue is more likely to be the prohibition of carrying a burden in the open air or, as the Rabbis would put it, within the “public domain”: The verb αἴρειν has the meaning “to carry” here,162 in the LXX, it frequently translates נָשָׁה qal. In Jer 17:21, 27, this lexeme designates carrying in general, not specifically carrying out. The latter is expressed by other terms, such as ἐκφέρειν (thus at Jer 17:22 LXX regarding transport “out of your houses”). Moreover, the scene does not suggest that “the Jews” would have indeed watched the man come out (of the “porticoes” of Bethesda?), bringing his mattress out. Although they arguably would have also objected to carrying such an item out of a building163 and perhaps even within and out of a portico,164 it is more likely that their

160 A recent synopsis of advocates of a “three layer” model (Bultmann, Fortna, Schnackenburg etc.) and of a “two layer” model (Dodd, Haenchen, Martyn etc.) can be found in Mayer-Haas, Geschenk, 518–527, opting herself for a “two layer” theory with the introduction of the Sabbath motif by the evangelist. Pace Brown, John, 208–10, who considers 5:1–15 a coherent layer.

161 Cf. further m. Šabb. 1:1; 11:1f.; t. Šabb. 1:1–4, and m. Šabb. 10:5, where it is implied that one may not carry out a bed without a living person on it (see below, n. 188). Carrying out is mentioned, e.g., by Brown, John, 208; Barrett, John, 254f. (by reference to m. Šabb. 7:2; 10:5); Labahn, “Spurensuche,” 167f.; and particularly Thomas, “Fourth Gospel,” 171f., who tries to correlate John 5:10 with the development of the rabbinic concept of “domains.” Typically, the 39 forbidden labours are mentioned in commentaries ad loc.

162 Note that αἴρειν in 5:8, 9b, 11, 12 has the different, unemphatic meaning “to take” [sc. “and walk”], which again speaks in favour of a literary seam between v. 9c and v. 9d: A redactor would have picked up the term from vv. 8, 9b but construed a breach of Sabbath from it in v. 10 while in vv. 11, 12 referring back to Jesus’ command in v. 8.

163 See the Tannaitic references in n. 161, and further Jer 17:22; Jub. 2:29, 30; 50:8; CD 11:7–9; 4Q251 1–2 4–5.

164 We note that rabbinic texts normally consider the “portico” (ותיבנִיסָתִין) neither private nor public domain but classify it as kemellet (neutral domain). Within such a domain, one may not move vessels more than four cubits, and one may not transport items between such a domain and either private or public domain, but whoever does so remains innocent (“free”); cf. t. Šabb. 1:4; y. Šabb. 1:1 [2d]; b. Šabb. 6a–7a. However, m. Tehar. 6:10 includes the portico amongst those places considered
monitum here concerns carrying it around in the open air. This would be a widely held position across various Jewish groups. Thus, according to 4Q265 6 7, one may not carry an implement [sc. to a waterhole] (יִשָּׂא אֵל לַחֲלֹל; probably, the interdict of ἀχθοφορεῖν in Philo, Migr. 91 also refers to carrying a burden in the open air. The rabbinic provision is that in the “public domain” one may not move objects beyond four cubits.165

According to John 5:16, “the Jews” persecute Jesus “because he had done this (ταῦτα ἐποίει) on the Sabbath.” E. Haenchen has suggested that this does not refer to the healing but rather to Jesus’ command to the healed man.166 But this is unlikely: As Sven-Olav Back has justly noted,167 ἐποίει (v. 16) needs to be viewed together with ποιήσας (…) ἰγνή (vv. 11, 15), clearly referring to the healing, while Jesus’ command is expressed by forms of λέγειν (vv. 8, 11, 12). Therefore, v. 16 relates the persecution of Jesus to Sabbatical healing. Thus, the re-lecture of the miracle in 5:9d–16 mentions two Sabbath infringements altogether: apart from carrying, whose real cause is of course Jesus’ command, also Jesus’ healing activity.

At the end of the passage, “the Jews” give as one reason for their plot to kill Jesus, together with the charge of blasphemy on account of his identification with God (v. 17), that he “dissolved” (ἔλυεν) the Sabbath (v. 18). It may be asked whether this implies a (momentary) suspension or an abrogation of the Sabbath, both of which would be linguistically possible.168 In this respect, the parallel structure of the reasons for the persecution of Jesus in vv. 16 and 18 deserves attention; compare ὅτι ταῦτα ἐποίει ἐν σαββάτῳ (v. 16) with ὅτι οὐ μόνον ἔλυεν τὸ σάββατον (…) (v. 18).169 V. 18, with οὐ μόνον, arguably refers back to something

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165 Cf., e.g., m. ‘Erub. 10:4f.; Mek. Y., Wayyassa’, Beshallah 5 (on Exod 16:29, Horovitz-Rabin 170, line 8); Mek. Š., Beshallah (on Exod 16:29, Epstein-Melamed 114, line 18), the latter two interpreting תחתיו איש שבו.


167 Cf. Back, Jesus, 150 n. 17.


169 The imperfects in both verses are most likely imperatives of description, see BDR §327. Pace Back ibid. 151 n. 18, opting for iterative imperfects (cf. BDR §325); but see John 7:21, speaking about the Sabbatical therapy as the “one work” (ἕν ἑργον). Equally
already known, i.e., ταῦτα ἐποίει, which we have interpreted as relating to Jesus’ healing activity. Thus, v. 18 perceives the “dissolution” of the Sabbath in the sense of a punctual suspension, not of a wider abrogation. Generally, the Sabbath motif in John is characterized by its strong Christological implications (see also v. 17). It is reasonable to assume that this is because Sabbath observance was no longer an issue in the Johannine community. The ironical situation regarding John is then that Jesus’ Sabbath conduct is not portrayed as exemplary for its audience, while the audience’s disregard for the Sabbath most likely has to do with the Jesus tradition received in the Johannine circle.

John 7 probably affords us a glimpse into this process with a much more argumentative reference to the Sabbath. 7:21–23 take up the Sabbath motif again. V. 21 ἑν ἔργον clearly refers back to the healing of ch. 5, while vv. 22f. provide a conclusion a minori ad maius:

Μωϋσῆς δέδωκεν ύμῖν τὴν περιτομήν—οὐχ ὅτι ἐκ τοῦ Μωϋσέως ἐστίν ἄλλ’ ἐκ τῶν πατέρων—καὶ ἐν σαββάτῳ περιτέμνετε ἄνθρωπον. εἰ περιτομὴν λαμβάνει ἄνθρωπος ἐν σαββάτῳ ἴνα μὴ λυθῇ ὁ νόμος Μωϋσέως, ἔμοι χολάτε ὅτι ὅλον ἄνθρωπον ψηφίσα ἐν σαββάτῳ.

Moses gave you the circumcision—not that it is from Moses but rather from the patriarchs—and on the Sabbath you circumcise a man. If a person receives circumcision on the Sabbath lest the law of Moses be broken, you are angry with me because I restored a whole person to health on the Sabbath? (John 7:22f.)

The role of Moses in this argumentation is striking. The parenthetical construction may be explained as acknowledging that circumcision, as is well known, goes back to Abraham but at the same time, like the Sabbath, is under the authority of the Mosaic law. The argumentation hinges on the reasoning that healing a whole human being is more important than circumcision. A similar saying is, with slight variations, assigned to Tannaitic Rabbis:

R. Eliezer says: Circumcision overrides the Sabbath—why? Because they will incur the karet punishment on account of it (if it is administered) after (the prescribed) time. And are things not like lighter and weightier: If he overrides the Sabbath on account of one of his limbs (על אבר איזד על ממנו), will he not as an entire person (על חולה; Ms Vienna: על כלו) override the Sabbath? (t. Šabb. 15[16]:16; cf. Tan., Yitro 8)

problematic is Haenchen’s proposal of imperfects of the relative temporal stage, since according to BDR §230 these occur only with verbs of perception and belief.
R. Eleazar b. Azariah answered and said: If circumcision, which (affects) only one of a person’s limbs, overrides the Sabbath (the conclusion) from lighter to weightier (will apply) to the rest of his entire body (כללשאר גופו). (Mek. Y., Sabbath, Ki tissa 1, on Exod. 31:13, Horovitz-Rabin 340, line 11f.; cf. b. Sabbath 132a; b. Yom 85b; Tan. B., Wayyešev 8 [2.91a = 181])

However, the Rabbis argue from circumcision further on to piqquah nepeš, not healing. Particularly in the Tosefta passage it clearly emerges that the comparability of both hinges on the requirement that neither is to be delayed, since delay of circumcision will incur the karet punishment, while delay of piqquah nepeš, thus it is implied, will incur the loss of life. The reasoning in John is similar in that it argues from one limb to the whole person, but differs—again, one notes—in that the action relating to the whole person is healing, not saving from mortal danger. Since it is rather unlikely that the saying would understand circumcision in terms of either “saving” or “healing,” the argument seems to function only if one accepts that healing a sick person meets the intention of the law of Moses. Thus, this saying forms part of those traditions in the New Testament that typically have “healing” where rabbinic reasoning would argue for life saving; at the same time, it is particularly close in its details to rabbinic “parallels.” It has been suggested that we have here old Jesus tradition, even considered by some to be authentic; but at any rate, it is an argument from the tradition of the Johannine community, which shows an approach taking circumcision for granted and being close to synoptic sayings arguing positively about the Sabbath. In contrast to John 5 and 9, it represents a view of Sabbath law that aims at arguing for the permissibility of healing, at the same time depending on premises not shared by many Jews in antiquity.

With John 9, however, we return to the tone of ch. 5. Appended to the story of the healing of the man born blind (vv. 1–7), we find the Sabbath motif in v. 14, which within the debate with Pharisees (vv. 13–17) is used to make some of the latter deny Jesus’ authorization as miracle worker: “This person is not from God, because he does not keep (οὐ τηρεῖ) the Sabbath” (v. 16). If, as is widely acknowledged, the Sabbath motif, as well as the following scenes of the chapter, have

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170 Cf., e.g., Schnackenburg, Johannevangelium, 189; Kollmann, Jesus und die Christen, 245 (perhaps adaptation of an authentic saying); Tomson, Jesus, 319 (“in no way excluded that the Jewish-Christian tradition in John goes back to Jesus himself”).
been introduced at a later stage—either by a pre-Johannine tradent or the evangelist himself—, our present investigation must methodically be limited to what the redactor responsible for the expansion took as Sabbath violation in the record of the therapy in vv. 6f. In this respect, v. 14 highlights two actions: that Jesus made the mud (τὸν πηλόν) and that he opened the eyes of the blind (ἀνέῳξεν αὐτοῦ τοὺς ὀφθαλμούς), thus, effected his healing\(^{171}\) (which, however, was only completed with the man’s washing in the pool of Siloam). John 9:14 is the earliest literary reference for objection against making a mud; the Rabbis have later included “kneading” (שַׁלּוּם) amongst the 39 forbidden labours (m. Šabb. 7:2; the reference is to dough, following the paradigm of food preparation) and have “rabbinically” prohibited “stirring” (גָּבֹלִין) watered bran, used as animal food (m. Šabb. 24:3). Again, healing is considered forbidden on the Sabbath—and justly so, in accordance with our earlier observations. Note that spittle was generally viewed as a curative for eye diseases in antiquity.\(^{172}\) As in ch. 5, there are no corollaries being drawn for the Sabbath practice of the community. The Sabbath motif is Christologically focused.

4. Further issues

4.1. Matt 24:20

This verse has caused considerable debate.\(^{173}\) For here, Mark’s wording (Mark 13:18), “Pray that it (Matt explains: “your flight”) may not be in winter,” is supplemented by “or on a Sabbath” (μηδὲ σαββάτῳ). It is difficult to explain the textual excess of Matt over Mark by the assumption that Matthew either inserted Jewish apocalyptic tradition in which he was no longer interested or merely took over a hypothetical

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171 This duality renders it rather unlikely that the redactor perceived a threefold Sabbath breach, adding “spreading” the mud (or: “anointing,” ἐπέχρισεν [vv. 6, 11]), which is forbidden by the Rabbis on the Sabbath if done in a way other than on ordinary days (m. Šabb. 14:4; t. Šabb. 12[13]:11); thus Thomas, “Fourth Gospel,” 173. In v. 15, where this action is referred to, the word ἐπέθηκεν is used, thus not specifically “anointing”; it is likely that the redactor subsumed it under the broader activity of “healing.”

172 See Suetonianus, Vespasianus 7.2f.; and see above, n. 97, for magical connotations. “Tasteless spittle” (טַפֶל רָכִל), i.e., immediately after one’s night sleep (m. Ned. 9:7), is forbidden for eye cure on the Sabbath according to y. Šabb. 14:4[14d]; b. Šabb. 108b; y. Ḳadd. 2:2 [40d]. According to b. Ḳadd. 28b, only certain acute eye diseases may be treated on the Sabbath.

173 For history of research cf. Stanton, “Pray,” 18–21; Yang, Jesus, 230–34.
Jewish-Christian addition to Mark 13.174 Rather, the insertion is most plausibly explained as reflecting Matthew’s redactional concerns.175 Does it then suggest that the implied audience or readership of Matt would, broadly speaking, cling to Sabbath observance? This could sensibly be contested only if the reason for the insertion were external to this audience, relating to the Sabbath observance of (other) Jews. Graham Stanton has advanced such an interpretation, claiming that, although the implied readers or audience of Matt would themselves flee, “they know that in doing so they would antagonize still further some of their [sc. Jewish] persecutors.”176 However, apart from the problem whether the “persecutors” in view here are indeed Jewish,177 it ought to be noted that most ancient Jews would have agreed to life saving on the Sabbath (even in Qumran do we find a conservative form of saving [other people’s] lives on the Sabbath).178 Whether possible external factors, such as logistic restrictions on the Sabbath, play a role here is difficult to decide: They may do so in an area densely inhabited by Jews and under the assumption that the (other) Jews around would not recognize the urgency of the situation and therefore keep Sabbath, as usual.179

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174 For the former, cf. Strecker, Weg, 18 n. 3, 32, assuming influence of community tradition; cf. Walker, Heilsgeschichte, (86,) 134: “ein Anachronismus, der als irrelevant im Text stehengeblieben ist” (but how has it got there?). For the latter, cf. Luz, Matthäus, vol. 3, 429, who speaks of “vormt judenchristlichen Zusatz,” and Balabanski, Eschatology, 164f.: “a variant version of the Judean oracle,” “made available by certain Jewish Christians fleeing Judea.” The whole approach is dismissed by Stanton, “Pray,” 19 as looking “like special pleading.” Both Luz, Matthäus, vol. 3, 425–29 and Balabanski ibid. 153–65 argue that vv. 15–20 refer back to the Jewish War, not forward to future events. However, Judaean conditions are only referred to in vv. 16–19, while vv. 15, 20 continue the 2nd person plural address; cf. Stanton ibid. 23. Luz ibid. 428 admits his view is weak in that the addition would have been added at a moment when the timing of the flight would have already been known.

175 Thus, e.g., Gnilka, Matthäusevangelium, vol. 2, 320, 323; Schaller, “Jesus und der Sabbat,” 129f.; Mayer-Haas, Geschenk, 455.

176 Thus Stanton, “Pray,” 24f., with whom I reluctantly disagree here.

177 Wong, “Matthean Understanding,” 11–13 questions this and proposes that the envisioned persecutors were Romans; cf. also Yang, Jesus, 238f. (“Gentiles”).

178 See the exclusion of using a ladder, a rope, or an implement while rescuing a human being fallen into a pit according to CD 11:16f. and the smart allowance to lower one’s vestment to such a person according to 4Q265 6 6–7. See Baumgarten DJD 35, 68, 78; Doering, Schabbat, 201–04, 232–35.

179 Cf. Banks, Jesus, 102, mentioning “shutting of gates of the cities, difficulty in procuring provisions, etc.,”—this under the condition that such logistics would be kept up in the tribulations, thus, e.g., Gundry, Matthew, 483. However, it does not seem sensible to turn this into the main reason and conclude a pre-70 CE date as the most likely setting for the Matthean addition (thus Yang, Jesus, 238–41).
I deem it therefore likely that the insertion reflects indeed a care for Sabbath observance, at least as one part of Matthew’s audience or readership is concerned. However, I remain unconvinced that the insertion suggests the implied audience would consider fleeing on the Sabbath forbidden. There is nothing to indicate that the implied audience or readership of Matt would advocate a position stricter than that of most Jews in antiquity. The crucial point seems to be that, as in winter, a flight on the Sabbath would not so much be forbidden (to anyone) as it would be undesirable—one might expect “considerable emotional repugnance” to desecrate the Sabbath even when generally permitted to do so, an unwillingness documented also in rabbinic texts. At any rate, the issue is not a prohibition of such flight, and there is no need to assume an overly strict observance of the Sabbath within the implied recipients in Matthew, which would be inconsistent with ancient Jewish positions in general and the attitude to the Sabbath in Matt 12:1–14 in particular.

4.2. Inferred Sabbath Observance

At a few other places within the Gospels, one might infer that Sabbath observance, corresponding to certain Sabbath laws, is involved. One possible passage is Mark 1:32:

"Ὅψις δὲ γενομένης, ὅτε ἔδυ ὁ ἥλιος, ἔφερον πρὸς αὐτὸν πάντας τοὺς κακῶς ἔχοντας καὶ τοὺς δαιμονιζομένους·"

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180 Thus Wong, *Interkulturelle Theologie*, 80; according to the general tenor of Wong’s study, this part would be the one from Jewish provenance.
181 Thus Saldarini, *Community*, 126f.
182 Here, I agree with Yang, *Jesus*, 238–41. Therefore, the question is not whether the Matthean “community” had “Angst” to transgress the Sabbath law in emergency, thus Luz, *Matthäus*, vol. 3, 429, with a negative answer, which necessitates his assumption of a pre-Matthean Jewish-Christian addition.
183 Or: bad weather; cf. BDAG s.v. χειμών; Luz, *Matthäus*, vol. 3, 428: “Sturmwetter.”
185 See, e.g., t. Šabb. 15[16]:11, 13, 15. Cf. also Tan. B., Mas’ê 1 [5.81a = 161]: R. Eliezer b. Parta was asked whether one may flee in case of threats by the government. “But he shied away from telling them, ‘Flee on the Sabbath’ (האין מתיירא ז’il כתב אין למכים), but instead argued permissibility of the flight from Scripture. Reluctance to desecrate the Sabbath has led to quite “conservative” positions (such as the initial sentiments of the folks around Asinaeus and Anilaeus in Babylon according to Josephus, Ant. 18.319–323), but the question of Sabbatical self-defence was not as open in general in the first century as claimed by Vahrenhorst, *Matthäus*, 386 (whose view ibid. 381 n. 2 that Matt 24:20 deems flight in winter or on the Sabbath difficult rather than forbidden is otherwise close to the position argued here); see the discussion in Doering, *Schabbat*, 537–65; Herr, “Problem of War.”
At the evening, when the sun had set, they brought to him all the sick and possessed with demons.

It has been suggested that the double temporal definition is indicative of an interest in emphasizing the end of the Sabbath. This has been combined with a specific interpretation of φέρειν—now, after the end of the Sabbath, was it possible to carry the sick, which implies that such carrying would have been considered forbidden during the Sabbath. However, it may be asked whether this is not in danger of being an over-interpretation. Neither the First nor the Third Evangelist have picked up the point—the First, in moving away his corresponding material (Matt 8:14–17, here: v. 16) from the Sabbath, the Third, by replacing φέρειν by ἀγέιν (Luke 4:40), which does not imply carrying at all. But it may also be asked whether φέρειν in Mark 1:32 can really “carry” the weight allotted to it in this interpretation: Though the lexeme can of course mean “to carry,” it may also signify “to bring,” and this may be the preferable meaning here, particularly with human beings as object. In contrast, Mark 2:3, referring to the paralytic, clarifies beyond doubt: φέροντες πρὸς αὐτὸν (...) αἰρόμενον (...). Apart from this, such an interpretation needs to make specific assumptions about the medical condition of the sick and, importantly, also the ones possessed by demons. It is unlikely that they all were “carried” and more likely that they were “brought.” It may well be, then, that this reference is not about carrying at all. The temporal definition at the beginning of v. 32 may have been given for mainly narrative purposes. These may have included the contrast between the people waiting until sunset and Jesus healing on the Sabbath (see above 3.1), although more commonly the Sabbath ends slightly later, with nightfall (cf. the role of the lamp in the nabdalah, m. Ber. 8:5, and later discussion in y. Ber. 1:1 [2b]).

Another inference about Sabbath practice can be made from the sequence of temporal indicators in Mark 15:42 and 16:1. “When it was

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186 Thus, e.g., Hooker, Mark, 71; and esp. Mayer-Haas, Geschenk, 152–55. More citations in Collins, Mark, 175–76.

187 The explanation given by Mayer-Haas, Geschenk, 301, that by the use of ἀγέιν “wird (...) jeglicher Verdacht besser ausgeräumt, der Transport der Kranken mittels von Tragen von weiter entfernten Orten habe womöglich bereits vor Sabbatende begonnen” is merely imaginative and speculative.

188 In addition, we note that at least rabbinic texts consider carrying out a living person on a bed not culpable (m. Sabb. 10:8; cf. t. Sabb. 8[9]:18) and allow dragging a child (m. Sabb. 18:2; R. Yehudah: only if already able to walk; cf. CD 11:11). The Talmudim supply the maxim, “A living being carries itself” (y. Sabb. 10:6 [12c]; b. Sabb. 94a).
already evening” (ἠδη ὀψίας γενομένης) on the day before the Sabbath (or day of Preparation: παρασκευή ὁ ἐστιν προσάββατον, 15:42), i.e., still before the Sabbath,\footnote{189} Joseph of Arimathea asked for Jesus’ body and cared for Jesus’ burial, which entailed also purchasing a linen cloth (ἀγοράσας σινδόνα, 15:46). Then, “when the Sabbath was over” (διαγενομένου τοῦ σαββάτου), the women “bought spices (ηγόροσαν ἀρώματα), so that they might go and anoint him” (16:1). In light of 15:42, the women would have bought the spices after nightfall on Saturday, although it is possible that Mark’s audience would have taken the end of the Sabbath to immediately precede the women’s walk to the tomb “very early on the first day of the week” (λίαν πρωῒ τῇ μιᾷ τῶν σαββάτων), “just after sunrise” (16:2) (cf. Collins, Mark, 794–95). At any rate this sequence betrays an awareness that burials and purchases are not pursued on a Sabbath,\footnote{190} as is later reflected in rabbinic law\footnote{191} (but Mark 15 presupposes burial arrangements for the first day of Passover).\footnote{192} The Sabbath rest of the women is explicitly emphasized

\footnote{189} Cf. Collins, Mark, 776: “‘Evening’ (ὧμια) signifies the time between late afternoon and darkness.” Contrast Mark 1:32 (above).

\footnote{190} Cf. Mayer-Haas, Geschenk, 228–31.

\footnote{191} m. Šabb. 23:5 allows merely to anoint and wash a corpse on the Sabbath and to slow down its decay. Buying and selling on the Sabbath, already implied as prohibited in Neh 10:32; 13:15f. (cf. Am 8:5), are considered (biblically forbidden) “labour” in Mek. Š., Wayyaqhel (on Exod 35:2, Epstein-Melamed 224), and b. Šabb. 150a “your affairs are forbidden” arguably bans business on the Sabbath. Money is considered mutoshek that must not be handled on the Sabbath (b. Šabb. 124a). Already Philo implies that the transfer of money and goods on the Sabbath is forbidden (Mos. 2:211; Ōpif. 128; and esp. Legat. 158 οὔτε λαμβάνειν οὔτε διδόναι).

\footnote{192} In comparison, Matthew shows some peculiarities in the temporal references, of which the most severe is the crux interpretum in Matt 28:1: The women went to the tomb ὃνε δὲ σαββάτων, τῇ ἐπιφώσκοι (ἐν μίᾳ σαββάτων. The adverb ὃνε can mean both “late” and (with gen., functioning as a preposition) “after” (BDAG 746, with references), thus allowing for both “late on the Sabbath” and “after the Sabbath.” Generally, ἐπιφώσκειν can relate to either evening (Luke 23:54; G. Petr. 2:5) or morning dawn (e.g., P. Lond. i 130, line 39f. [ca. 81 CE]). Here is not the appropriate place for a detailed discussion of possible solutions to this crux. For our purposes, suffice it to note that the renditions “late on the Sabbath” would set Matthew apart from the rest of the NT (and G. Petr. 12:50) in stating that the women set out on the Sabbath (although halakhically this journey would only be problematic if exceeding the Sabbath limit [probably 2000 cubits]). Contra Luz, Matthäus, vol. 4, 401, I do not consider the verse evidence that Matthew reckoned the day Romanorum more (vulgo), sc. from morning (although, again, some audiences may). Rather, I take the data in Matthew to provide two distinct pieces of information (similarly here Goulder, “Mark xvi. 1–8,” 238): that it was, generally, “after the Sabbath” (which terminates at nightfall) and, more specifically regarding the hour of the day, “when (day) was dawning on Sunday” (cf. BDR §247.1 for εἰς / ἐν variation).
in Luke 23:56 (καὶ τὸ μὲν σάββατον ἡσύχασαν κατὰ τὴν ἐντολήν); according to this passage, the women prepared spices and ointments just before the onset of the Sabbath (but again it is implied that these preparations took place on the first day of Passover).

5. Conclusion

In the course of our discussion it has emerged that the prohibitions of plucking ears of grain and of healing (chronically sick) on the Sabbath were not only held by “extremists” but mark a position that corresponds, at least in its overall direction, to what appears later, albeit in a much more developed and systematized form, in rabbinic rulings about the Sabbath. According to the Gospels, Jesus’ own disputed Sabbath actions focused on healing chronically sick; this may be related to his mission in the horizon of the inaugurated kingdom of God, in which the Sabbath was viewed as instituted (probably in creation) for the benefit of humankind (Mark 2:27f.), and therapies of chronically sick on the Sabbath were most likely justified as an extended form of life-saving (Mark 3:4). While Jewish patterns of argumentation regarding the Sabbath, as witnessed by later rabbinic tradition, are clearly present in the Gospels (cf., e.g., Matt 12:5–7, 11f.; Luke 14:5; John 7:21–23), and ongoing concern with Sabbath observance has been traced at various points and in different contexts, the Jesus tradition nevertheless shows a growing tendency of introducing into halakhic reasoning premises that were not shared by other Jews in antiquity. Thus, it reflects a Sabbath practice that was decreasingly susceptible to standardization and halakhic shaping.

193 In contrast, in John 19:31, 42 concern about the preparation day (and therefore the Sabbath) is associated only with “the Jews.”
JESUS AND PURITY

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1. The Question

It is one of the fundamental achievements of contemporary Jesus research that it has come to appreciate the deep-rooted Jewish identity of the teacher of Nazareth. Jesus lived as a Jew, and his teaching and practice, despite all tensions, essentially sprang from the Jewish culture and religion of his day.² His Jewishness comes to the fore even in his critical statements on questions of the Mosaic law. This can be seen from the fact that in a number of the legal debates related in the gospels he draws on arguments which occur in other ancient Jewish sources too.

Two important examples are found in the debates concerning divorce and healing on the sabbath. Jesus’ argument against divorce relies on the creation of the first humans as male and female according to Gen 1:27 (Mark 10:6), a verse quoted by the Damascus Document as the “principle of creation” (בריאה והברואות) which precludes the practice of remarriage permitted by other strands of Judaism.³ The justification of a sabbath healing by arguing that one would rescue even an animal if it fell into a well on a sabbath (Luke 4:5) in fact does not conform with any known legal teaching in ancient Judaism,⁴ but the question of helping an animal in a well is discussed both in the Dead Sea Scrolls and in the rabbinic tradition.⁵

¹ Previous versions of this contribution have been presented at Leipzig, Bonn and Kassel. I wish to thank Thomas Kazen for an inspiring discussion, Gabriel Brand, Roland Deines and Peter Tomson for a number of helpful suggestions, and Christopher Williamson for correcting my English.
² For a prominent example it may suffice to mention the present-day German standard work by Theissen – Merz, Jesus.
³ CD-A IV.20–21 (= 6Q15 1.2–3).
⁴ Cf. Doering, Schabbat, 459.
⁵ CD-A XI.13: “And if it falls into a well or into a pit, he shall not lift it up on a sabbath” (= 4Q270 6v18 and 4Q271 5i8–9; DJD 18:161 and 181). Cf. furthermore 4Q251 1–2.3 (fragmentary; DJD 35:29) and 4Q265 6.5–6: “Let no man raise up an animal
Albeit in disagreement with his interlocutors, Jesus in both cases makes use of an argument which must have appealed to them, because it corresponds to their way of halakhic reasoning. Thus, the debates of the synoptic gospels convey an impression which easily fits into the overall picture of the legal controversies of Second Temple Judaism.

Jesus’ understanding of purity, however, as condensed in the antithetical statement that one is not defiled by what goes into one’s body but by what comes out (Mark 7:15), is taken by many New Testament scholars to lie far off the common framework of ancient Jewish legal debates. A landmark was the judgement of E. Käsemann, who tersely claimed that “wer bestreitet, daß die Unreinheit von außen auf den Menschen eindringt, trifft die Voraussetzungen und den Wortlaut der Thora und die Autorität des Moses selbst.”

Nevertheless, the saying of Mark 7:15 is firmly anchored in the gospel tradition. Moreover, its central motif, the criss-crossing of the contrast of pure and impure with the contrast of outside and inside, appears also in the sayings source Q, where Jesus inveighs against Pharisees who purify the outside of their dishes but leave the inside full of greed and excess (Matt 23:25, Luke 11:39). In view of this twofold attestation, Mark 7:15 cannot be explained away as a late coinage by a no-longer-Jewish Christianity that regarded the biblical ritual commands as generally obsolete. Even though it cannot be taken for granted that the saying goes back

which falls into the water on the sabbath day” (trans. J. M. Baumgarten, DJD 35:68). For a rabbinic outlook see t. Šabb. 14(15):3: “If cattle falls into a cistern, one takes care of it on the spot, lest it die” (ed. Lieberman, vol. 2:65). This is also quoted in b. Šabb. 128b, along with the more lenient ruling that “If an animal falls into a dyke, one brings pillows and bedding and places [them] under it, and if it ascends it ascends” (trans. H. Freedman, The Babylonian Talmud, Shabbath, vol. 12, London: Soncino, 1938, 639).

For a typical example see again Theissen – Merz, Jesus, 326–27. It is, however, characteristic of contemporary Jesus research that Theissen and Merz conclude their discussion of Mark 7:15 by observing that Jesus “war und blieb ein Jude, wenn er solche Gedanken äußerte. Aber er war ein radikaler Jude.” For a substantiation of this claim cf. Theissen, “Reinheitslogion”, 251: Jesus “[stellt] den dinglichen Reinheitsgedanken grundsätzlich in Frage”.

Käsemann, “Problem”, 207. That this view was quite customary in the past decades of scholarship is illustrated by a number of similar judgements adduced by M. Kister, “Law, Morality, and Rhetoric”, 150 n. 15. For further references see Tomson, “Jewish Purity Laws”, 85 n. 46.

Cf. Kazen, Jesus, 222, who in addition to Mark and Q adduces the Gospel of Thomas (logia 14 and 89) and P. Oxy. 840.

For a different view see Räisänen, “Jesus and the Food Laws”. Räisänen argues that if the saying were authentic, it should be expected to be quoted as a teaching of Jesus in places like Acts 10 or Galatians 2. He admits, though, that this view is based “on an argument from silence” (148).
to Jesus himself, the possibility of authenticity is not so unlikely that the problem could be neglected.

It recommends itself, however, to start the investigation with a deviation. For aside from the mentioned sayings, there is yet another complex of synoptic materials which may offer insight into Jesus' understanding of purity, namely the various accounts of miraculous healings of lepers. According to a number of scholars, these narratives give evidence that the early Jesus movement accepted the purity principles of the Mosaic Torah.

2. The purification of lepers in accordance with Leviticus 14

From the pathological point of view it remains doubtful what kind of illness is referred to by the biblical term צָרַעַת, despite its common rendering by λέπρα in Greek and ‘leprosy’ in English. The symptoms described in Lev 13 point to a conflation of various skin lesions rather than to a particular ailment such as Hansen’s disease or, perhaps, psoriasis. Quite obviously, however, the book of Leviticus treats

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10 We thus pass over some passages which are rather unlikely to throw any light on the views held by Jesus. They refer to the purification of his mother after childbirth (Luke 2:22), the “pure linen” in which his body was shrouded (Matt 27:59) and a certain “Simon the leper” in whose house he was anointed (Mark 14:3; Matt 26:6; whether or not in Simon’s presence is unknown; for possible halakhic implications see n. 33). The beatitude on those who have a “pure heart” in Matt 5:8 is probably a secondary addition to an originally shorter sequence of beatitudes. It reflects the ideal of an ethical purity which was widespread in ancient piety, and was championed also by Jesus himself; see below on Mark 7:20–23.

11 Cf. e.g. Guelich, Mark, 77; Theissen – Merz, Jesus, 327; Dunn, “Jesus and Purity”, 461. For a different view see Kazen, Jesus, 89–198.

12 The traditional identification with leprosy proper (i.e. Hansen’s disease) was advocated, e.g., by Preuss, Medizin, 371–73, and is still presupposed in Brockhaus Enzyklopädie (19th ed., vol. 13, Mannheim: F.A. Brockhaus, 1990), 292–94, s.v. ”Lepra”; for further references see Weissenrieder, Images, 133. For counter-evidence cf. Wright – Jones, “Leprosy”. For an identification with psoriasis see the discussion in Weissenrieder, Images, 135–36. Rosner, Medicine, 11 suggests for various biblical types of צָרַע various modern medical equivalents, albeit without any explanations. Milgrom, Leviticus 1–16, 816–17, argues that neither psoriasis nor any other chronic skin disease would disappear within in the quarantine periods prescribed in Lev 13, and prefers to render צָרַע by “scale disease.” In the Greek world, knowledge of Hansen’s disease is attested from the Hellenistic age onwards, which suggests that it was imported in the wake of Alexander’s Indian campaign; cf. Wohlers, “Aussätzige reinigt”, 299. Archaeological evidence of Hansen’s disease in ancient Palestine is scarce, cf. Weissenrieder, Images, 134. On S. Gibson’s discovery of the bones of a leper deceased in
'leprosy' as a kind of impurity, and ancient Judaism generally adopted this outlook.

In Mark 1:40–45 (and in both synoptic parallels) a leper begs Jesus, “If you will, you can cleanse me (δύνασαι με καθαρίσαι).” Jesus agrees, touches the leper, the leprosy vanishes, and Jesus directs the man to present himself to a priest and to bring the purification offering as prescribed in the Torah. In Luke 17:11–19 there are ten lepers whom Jesus orders to show themselves to “the priests”, and “as they went, they were cleansed”. One of them, a Samaritan, upon seeing “that he was healed”, turns back, prostrates himself at Jesus’ feet and praises God.13

Both narratives reflect an unreserved respect for the Mosaic purity laws. The levitical classification of 'leprosy' as impurity is maintained, as is shown by the verb καθαρίζειν.14 Touching a leper, though rendering impure,15 does not imply a transgression.16 In the end the lepers are sent to priests, who, according to Lev 13 and 14, are to carry out both the inspection of the leprosy symptoms and the ritual purification after their disappearance. To be sure, by having the lepers sent to priests, these narratives primarily aim at a demonstration of the miracle17—so


13 The question of the historicity of the related events need not be resolved; it may suffice to assume an early kernel of tradition. Bruners, Reinigung, 303, argues that Luke made up the story of 17:11–19, his model being the healing of Naaman in 2 Kgs 5. This seems to me somewhat exaggerated.—The healing story in P. Egerton 2, fragment 1 recto (Lührmann, Fragmente, 147) depends on the canonical gospels, with borrowings from Mark 1:40–45, Matt 8:2, Luke 17:14 and John 5:14. J. Jeremias (in Schneemelcher, Apokryphen, 83) doubted that it could originate from Palestine; but Jesus’ final injunction, “Do not sin any more,” interprets leprosy as divine punishment (cf. below n. 24) and thus betrays at least a Jewish-Christian background. In the Greek world, the idea of “scale disease” being a divine punishment seems to occur rather rarely; cf. the examples in Milgrom, Leviticus 1–16, 820 and 823.

14 Mark 1:40, 41, Matt 8:2, 3, Luke 5:12, 13 and Luke 17:14, 17. Outside the healing narratives, the verb is used in connection with leprosy in Luke 4:27 (Naaman was “cleansed”), Luke 7:22 par. Matt 11:5 (the cleansing of lepers proves the arrival of the messiah) and Matt 10:8 (“Cure the sick, raise the dead, cleanse the lepers, cast out demons”).

15 Although in the case of the leper the biblical law nowhere states contamination through physical contact, it might imply an analogy to the laws of genital fluxes (Lev. 15:1–12). Cf. Kazen, Jesus, 112–13. According to rabbinic halakhah, touching a leper clearly renders impure, see m. Zabim 5:6.

16 For a somewhat different view see Kazen, Jesus, 118, who assumes that “the behaviour ascribed to Jesus” in these narratives “would have been objectionable” to strictly observant Jews.

17 This is suggested in particular by the words εἰς μαρτύρων αἵτως in Mark 1:44, which either are the conclusion of Jesus’ order or a comment from the perspective of
thoroughly the leprosy has vanished that even a specialist cannot doubt it, nay more, so thoroughly that the accomplishment of the inspection need not even be told. At the same time, however, the command to go to a priest displays a compliance with the levitical purity rules which in a narrative framework could hardly be topped.

Besides, Luke 17 shows conformity also in that the lepers remain “at a distance” (πόρρωθεν, v. 12), which accords to the biblical injunction that they must keep apart from the community (“He shall live alone,… outside the camp”, Lev 13:46), even though it is not perfectly clear from the sources to which types of settlement this rule was applied in the first century.

Thanksgiving after purification is a further possible point of agreement. The liturgical texts of the Qumran library include numerous recitals which apparently were destined to accompany purification rites, such as benedictions before and after immersion, praise of God for

the narrator. According to these words, the consultation of the priest aims at a demonstration. However, what is to be demonstrated cannot obviously be the healing power of Jesus, as Jesus at the same time obliges the healed man to silence. Provided that the narrative is consistent, it is, then, the recovery of the leper which is to be demonstrated, and which can be attested by a priest without knowing the cause of the healing.

To be sure, since the priestly inspection was not bound to a sanctuary, it would not have been necessary for the healed to travel to Jerusalem; cf. Jeremias, Jerusalem, 233. Nevertheless, both the anonymous leper of Mark 1 and the Samaritan of Luke 17 seem to dispense with the consultation, as they immediately understand the miracle that has happened; cf. Böhm, Samaria, 275. For contrast, the other nine healed of Luke 17 who set off for the priestly inspection rather than turning back are even blamed by Jesus, despite their compliance with his command and the Mosaic purity laws.

According to m. Kelim 1:7 lepers must keep outside walled cities, but according to Josephus, C. Ap. 1.281, any “town” (πόλεως) and even “village” (κώμη) is prohibited to them. This, however, seems to be in conflict with Mark 14:3. Cf. Maier, “Systeme”, 78–79 and 90–91.

The material is found mainly in 4Q512 (ed. M. Bailliet, DJD 7:262–86), 4Q284 (ed. J. M. Baumgarten, DJD 35:123–29) and 4Q414 (ed. E. Eshel, DJD 35:135–54); see the introduction by J. Baumgarten in DJD 35:92–97. These texts refer to purification rituals required for particular days of the calendar and after the termination of various individual states of impurity.

Benedictions before, during and after the immersion are fragmentarily attested in 4Q414 2ii+3+4: While the words “in the truth of your covenant” in line 3 are addressed to God, line 5 continues: “And afterwards he shall enter the water”, and line 6 adds: “And he shall respond and say, Blessed are y[ou” (DJD 35:141–42); cf. 4Q512 42–44ii.2–3: “And then he will come […] / and say: Blessed [are y[ou, [God of I}srael” (DJD 7:275). On the difficulties in determining the proper order of the fragmentary benedictions see Eshel, DJD 35:136.
giving Israel the purity laws, praise for the purification just obtained, and, remarkably enough, also supplications and thanksgiving for the remission of sins. Equally noteworthy, Tannaitic halakhah rules that of all ritual benedictions it is the one concerning immersion which must be recited after the execution of the rite rather than before. And Josephus interprets the sacrifices which a cleansed leper must procure to be gifts of thanks. Hence, Luke 17 may reflect ancient Jewish purity practice also in that Jesus expects gratitude on the part of those who have been healed.

There is only one feature which in a certain way impairs the overall conformity with the Mosaic Torah. Rather than the activity of a priest it is that of Jesus which the gospels place at the centre. This is apparent not only from the omission of a report on the priestly inspection, but also from a remarkable terminological shift. For whereas the Septuagint of Lev 13–14 uses καθαρίζειν mainly to describe the actions of the

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22 4Q284 3.3–4: “…he shall respond and say, Blessed are you, God of Israel…/[…] you engraved true purity for your people to […]” (DJD 35:127, translation by Baumgarten); 4Q414 ii+3+4+6–7: “And he shall respond and say, Blessed are you […] / for by what goes forth from your mouth, [purity] was decreed for all…” (reconstructions by E. Eshel according to 4QS12 42–44ii.3–4; DJD 35:141).

23 4Q512 39ii.1–2: “And I, I shall praise [your] name […] / for you cleansed me and brought me […]” (DJD 7:263).

24 Cf. חטתי and חסאתי in 4Q512 29–32.18 and 28.4 (DJD 7:266–67); 4Q512 34.15: “supplicate for all hidden [dee]ds of guilt” (DJD 7:265); 4Q512 29–32.9: “you delivered me from all of my iniquities and cleansed me from the shame of impurity <and you made atonement> that [I may] come […]” (DJD 7:265). For further references see E. Eshel, DJD 35:136–47. The incorporation of such elements may have been motivated by the belief that leprosy is a divine punishment and by the characteristic Essene idea of an intimate relationship between purification and atonement (cf. 1QS III.4–9 etc.). For the understanding of leprosy as punishment in the O.T. and in ancient Judaism see Preuss, Medizin, 388–89; Milgrom, Leviticus 1–16, 820–23; Klawans, Impurity, 98–104; P. Egerton 2 (see above n. 13). On the Essene amalgamation of ritual and moral impurity see Klawans, Impurity, 67–91; idem, “Impurity of Immorality”; for contrary views cf. Harrington, “Nature”; Himmelfarb, “Impurity”.


26 Josephus, Ant. 3:264: A purified person “repays God with many sacrifices (ποικίλαις ἁμείτεις θυσίαις τὸν θεόν).” According to Philo, Deus 132, the purified are “wont to perform the prayers, sacrifices, holy rites for everybody (τὰς ὑπὲρ ἡσύχαιων ἁγιασμῶν εὐγένειας ἱεροσυνεργίας εἰσθῆ ποιεῖσθαι).”

27 In rendering the intensive stems of ישות: Lev 13:6, 13, 17, 23, 28, 34, 37, 59; 14:4, 7, 8, 11, 14, 17, 18, 19, 25, 28, 29, 31, 48. A further pi’el form in 14:7 is rendered by means of the adjective καθαρός.
priest,\textsuperscript{28} in Mark 1:40 the subject is Jesus: “If you will, you can cleanse me.” The passive \textit{ἐκαθαρίσθη} in Mark 1:42, then, implies the agency of Jesus too, and the overall character of the miracle story of Luke 17 suggests the same for the passive \textit{ἐκαθαρίσθηαν} in vv. 14 and 17.

However, even though the ‘purification’ emanates from Jesus, this does not mean that these texts arrogate for him what the Torah had reserved to priests.\textsuperscript{29} In fact, the book of Leviticus knows of a purification prior to and independent of the priestly rites: “He is clean (\textit{טָהֹֺר})”, says Lev 13:37 of a leper whose itch has not spread, “and the priest shall pronounce him clean (\textit{טִהֲרֹֺ}).” Rabbinic exegesis explicitly notes the difference: “If a priest pronounces an unclean person to be clean, can it be that (this person) is clean? (No, for) Scripture teaches, clean, and the priest shall pronounce him clean.”\textsuperscript{30} The priestly purification ritual must not be performed except for those who have become clean.

In the Septuagint, accordingly, a person whose leprosy symptoms have vanished is called \textit{καθαρισθείς}, “cleansed”, even during and before the priestly ritual.\textsuperscript{31}

The distinction between the ritual cleansing and the prior \textit{becoming clean} is presumably due to the fact that the Mosaic Torah conceives of leprosy not only as a kind of impurity but at the same time also as a disease,\textsuperscript{32} which as such cannot be removed by any ritual. In the gospels, too, the understanding of leprosy as a disease is obvious. The Samaritan leper according to Luke “was healed” (\textit{ιάθη}, v. 15). The cleansing of the leper in Mark 1 is part of a series of healing miracles at Capernaum (1:23–2:12). The Lukan parallel relates that after the cleansing had become known, people flocked together in order “to be cured of their diseases” (5:15).\textsuperscript{33}

\begin{footnotes}
\item As the grammatical or real subject of \textit{καθαρίζειν}, the \textit{ἱερεύς} functions in Lev 13:6, 13, 17, 23, 28, 34, 37, 59; 14:11, 48.
\item For an apparently different opinion cf. Theissen, “Reinheitslogion,” 243.
\item Furthermore, the classical reconstruction of P. Egerton 2 by H.I. Bell and T.C. Skeat, according to which a leper contracted his disease when consorting with other lepers, clearly suggests infection, not contamination in the levitical sense (\textit{λε[προίς συν]οδεύουσι καί συνεσθίουν αὐτοῖς} ἐν τῷ πανδοχείῳ ἐξ [ἐπηρήματα] καὶ αὐτὸς ἐγὼ, in Lührmann, \textit{Fragmente}, 147). However, Kazen, \textit{Jesus}, 123–126, prefers a different reconstruction, which views Jesus as the one who consorts with lepers, and thus eliminates the idea of an infection. In fact, if Jesus in the end enjoins the leper, “Do not sin any
\end{footnotes}
Also Philo and Josephus regarded leprosy as a disease (νόσος or ἄσθενεία).\textsuperscript{34} Plutarch and Tacitus attributed the Jewish prohibition of pork to the belief that “leprosy” (λέπρα, λεύκη) or “scab” (scabies) is transmitted by pigs.\textsuperscript{35} According to the Essene Damascus Document, leprosy is caused by a “spirit” ( дух) which impedes the blood circulation.\textsuperscript{36} Rabbinic teaching explains it by an imbalance of the body liquids.\textsuperscript{37} Even as early a text as Lev 13–14 described the fading of leprosy symptoms by the root ישן, which the Septuagint rendered by υγιαίνει, “to recover,” and ἱάσθαι, “to be healed.”\textsuperscript{38}

There is one thing, however, which these chapters in Leviticus do not tell us, namely, how and by whom the healing of the leper is brought more,” this seems to explain his leprosy rather in terms of a divine punishment (cf. above n. 24). According to rabbinic halakhah, if one touches a leper or stays in the same room with a leper, one does not contract leprosy, but is merely rendered impure; cf. m. Kelim 1:1–4, m. Neg. 13:11; on Mark 14:3 see above n. 10.

\textsuperscript{34} Josephus, Ant. 3:264 (νόσος); Philo, Post. 47 (ἐσθένεια, νόσος), Det. 16 (ἐσθένεια).

\textsuperscript{35} Plutarch, Quaest. conviv. 4.5.3, 670F–671A: τὸ δ᾽ ὕειον κρέας οἱ ἀνδρεὶς ἀφοσιοῦσται δοκοῦσιν, ὅτι µάλιστα . . . οἱ βάρβαροι τὰς ἐπὶ χρωτὸς λεύκας καὶ λεπρας δυσχεραίνουσι καὶ τῇ προσβολῇ τά τοιαῦτα καταβόσκεσθαι πάθη τῶν ἀνθρώπων ὀἴονται, and Tacitus, Hist. 5.4.2: Sue abstinent memoria cladis, quod ipsos scabies quondam turpaverat, cui id animal obnoxium, according to Stern, Greek and Latin Authors, vol. 1:552 (Plutarch) and vol. 2:18 (Tacitus).

\textsuperscript{36} 4Q269 (= 4QD\textsuperscript{b}) 7.2–3; 4Q272 (= 4QD\textsuperscript{a}) 112–3: “When the spirit ( дух) comes and takes hold of the artery, making the blood recede upwards and downwards…” (reconstruction and translation by Baumgarten, DJD 18:129–30 and 188–89). One may differ as to whether הרוח in this context denotes a “demon” or rather a “wind” moving in the artery. Baumgarten, “Zadokite Fragments”, 163, points to ancient Greek medical authors who thought that in the healthy body πνεῦμα was moving. For further evidence and discussion see Wohlers, “Aussätzige reinigt”, 300–1; Weissenrieder, Images, 155–59. However, these Greek authors explain pathological disturbances by interruptions in the circulation of the πνεῦμα, whereas the Damascus Document apparently speaks of two spirits, the one which causes leprosy, and another one, the “spirit of life,” which prevails when the leper recovers, which seems to be in line with the general dualistic world-view of the Qumran Essenes; cf. 4Q269 7.7–9; 4Q272 116–8; 4Q273 4ii2–4: “The priest shall examine him on the seventh day; if the spirit of life ( הרוח החיים) moves up and down and the flesh has grown, the plague is healed ( הנגע ונרפא, . . . )” (reconstruction and translation by Baumgarten, DJD 18:129–30, 188–89 and 196–97).

\textsuperscript{37} Cf. Lev. Rab. 15.2: “And he meteth out the water by measure (Job 28:25). Man is evenly balanced (балансирует), half of him is water, and the other half is blood. When he is deserving (যשע), the water does not exceed the blood, nor does the blood exceed the water; but when he sins, it sometimes happens that the water gains over the blood and then he becomes a sufferer from dropsy (תואנקיתריה, ὑδρωπίκος); at other times the blood gains over the water and he then becomes leprous.” (ed. Margulies, 323–24; trans. by J. Israelstam, Midrash Rabbah, vol. 4, London: Soncino, 1951, 189–90).

\textsuperscript{38} Cf. Lev 13:18, 37 and 14:3, 48, respectively. 14:48 deals with the healing of a “leprosy” spot on a house.
about. The passive participle καθαρισθείς conceals the cause. Another Old Testament text, 2 Kgs 5:7, is a bit more explicit. When the king of Israel receives a letter from the king of Aram requesting him to heal his commander-in-chief of his leprosy, he exclaims in bewilderment, “Am I God, to give death or life, that this man sends word to me to cure a man of his leprosy?”

The possibility of a medical treatment of “leprosy” was obviously beyond the imagination of the kings of Aram and Israel, and for the contemporaries of Jesus, things were no different. God, who gives life and death, was the only one who could heal.39 When Jesus in the gospels is portrayed as a ‘purifier’ of lepers, it is this divine power of life-giving and healing he is credited with. Such power is of immeasurably higher quality than the office of the priest, who can merely make a subsequent diagnosis of what has happened. This explains why the gospels, to the detriment of the priests, focus on the activity of Jesus.

The result of these considerations is clear and simple. When Jesus ‘cleanses’ lepers, this is not to say that he does what according to the Torah should be done by a priest. The point is rather that he does what only God can do, in that he heals the leprosy. With the Mosaic purity laws these narratives thoroughly comply. Keeping this in mind we can turn to Mark 7:15.

3. Mechanisms of defilement at issue in Mark 7

The statement that a person is not defiled by what comes in but by what goes out is embedded within Mark 7 in a twofold context. At first Jesus discusses with some Pharisees and scribes about the custom of washing hands before eating, and afterwards he explains his view to his disciples.40 Therefore it seems advisable to consider the saying first

39 According to b. Sanh. 107a, David too was inflicted with leprosy, and entreated in Ps 51:9 to be purified by hyssop in accordance with Lev 14:4–6. According to Exod. Rab. 1.34, a quasi-medical treatment of leprosy was tried by Pharaoh, whom astrologers had promised recovery if he took a bath in the blood of Jewish children (which explains Exod 1:16). God, however, ended the massacre by healing Pharaoh. Cf. Preuss, Medizin, 389, n. 6, and 169, n. 5.

40 The necessity of a comment is signalled by the classification of the saying as a παραβολή and thus as enigmatic. Combined with the idea of an esoteric instruction, this seems to be part of the broader Markan concept of the disciples’ incomprehension; cf. Mark 4:11 and Räisänen, “Messianic Secret”, 196–97, 216.
in the context of the debate and then to ask for the meaning it gains within the subsequent instruction to the disciples.

3.1. The washing of hands and the contamination of food

The debate is elicited by the disciples eating their bread without having washed their hands, whereby, to the opinion of the Pharisees and scribes, they transgress the παράδοσις τῶν πρεσβυτέρων, the “tradition of the elders.” The mention of παράδοσις makes allowance of the fact that the ritual washing of hands before meals, as far as we know, was an invention of Pharisaism. The Pentateuch does not mention it, and the Talmud presents it as a rabbinic institution: “The washing of hands for ordinary food (חולין) (is meant) as an exercise for heave-offering (תרומה), and furthermore in the sense of a commandment. Which commandment? Abbaye said: The commandment of giving heed to the words of the sages.”

41 The contention of Maccoby, Ritual and Morality, 157–59, that the hand-washing of Mark 7:2 was for purely hygienic reasons is unwarranted. The mention of παράδοσις clearly points to a legal tradition (cf. Josephus, Ant. 13:296–298, and Deines, “Pharisäer”, 742), and while purity matters figure prominently in ancient Jewish legal debates, hygienic concerns do much less so, to say the least. If after his polemics against the παράδοσις Jesus speaks about defilement, this perfectly coheres with the background of Jewish purity halakhah (see below). To be sure, this is not to exclude that hygienic concerns may have been an additional, and latent, motive in the promotion of hand-washing.

42 Biblical mentions of ritual hand-washing relate to contexts other than the consumption of food; cf. Exod 30:18–21, Lev 15:11; see also Ep. Arist. 305–6; Booth, Jesus, 156–58; Kazen, Jesus, 70.

43 b. Hal. 106a; cf. also b. Nid. 43a. Early evidence for hand-washing is provided by a debate between Hillelites and Shammites in m. Ber. 8:2. For inner-Tannaitic doubts regarding the purification of hands cf. m. ‘Ed. 5:6. In ‘Abot R. Nat. A 1.67–68 (ed. Becker, 22–23) the avoidance of eating with “impure hands” appears as a practice that was generally accepted but easily neglected. In m. Yad. 4:6 Sadducees mock at the Pharisaic theorem of the separate susceptibility of hands to impurity; on the origin of this theorem see the discussion in Booth, Jesus, 156–73. Mark 7, of course, provides additional evidence for the origin of ritual hand-washing before meals in Herodian days; cf. Tomson, “Zavim 5:12”, 65.—Theories exploring the latent reasons for hand-washing before ordinary meals abound and need not be discussed here. For an account of the traditional views (Neusner, Sanders), see von Dobbeler, “Auf der Grenze”, 59–62. Regev, “Pure Individualism”, 192–99, surmises that the Pharisees by promoting “non-priestly purity” aimed at gaining influence over the Jewish masses. This could be easily substantiated from the portrayal of the Pharisees and Jesus in Mark 7, but fails to explain the particular character of the Pharisaic purity observances as well as the readiness of other Jews to adopt them. Poirier, “Pharisees”, assumes that the washing of hands was intended to safeguard the interior physical purity of the eaters. For the position of H. Maccoby see above n. 41.
Archaeological evidence suggests that the custom originated from Herodian days. From the last hundred years before the destruction of the Second Temple numerous scooping and storage vessels made of stone have been preserved, many of which have a size that makes them fit for the ritual washing of hands.\(^{44}\) According to rabbinic ruling, vessels of stone are not susceptible to contamination, and thus the function of these vessels seems obvious: Scooping for hand-washing by a stone mug prevents the water from incurring defilement before it fulfils its purpose of purification.\(^{45}\)

If it is true that ritual hand-washing emerged no earlier than in Herodian days, it is easily explicable why in Mark 7:5 it can be termed a Pharisaic παράδοσις. By the time of the early gospel tradition people were still aware that the rite was a post-biblical innovation; it had not yet become a general and unchallenged custom. If the digression in Mark 7:3–4\(^{46}\) explains to gentile Christian readers that not only the Pharisees but “all Jews” are accustomed to wash their hands before their meals, this is undoubtedly exaggerated.

By the catchword παράδοσις, however, the answer is almost prompted to Jesus: Precepts that are παράδοσις are not given by God.\(^{47}\) The nasty example of the refusal of a child’s duty to one’s parents, which παράδοσις permits,\(^{48}\) shows how much human ruling, if it comes to

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\(^{44}\) Cf. Deines, *Steingefäße*, 51–165 (41 on the dating of the Jerusalem finds, and 228–33 on the suitability of the vessels for hand-washing); Reed, *Archaeology*, 49–51. Miller, “Some Observations”, questions that purity was the primary function of the archaeological finds by arguing that the sharp decline in their production after 70 CE does not match the fact that in talmudic sources the insusceptibility of stone vessels to impurity is maintained throughout the second century. This is not very convincing, for the whole mishnaic order of Qodashim is evidence that the rabbis cultivated quite a lot of halakhah which after 70 CE was of merely theoretical value.

\(^{45}\) Cf. Deines, *Steingefäße*, 231–233, who points to rabbinic requirements concerning the state of purity of the water used for hand-washing.


\(^{47}\) For an analysis of the argument see Breytenbach, “Vorschriften”, 27–30.

\(^{48}\) The korban-formula is a shorthand designation for a “withdrawing of something from profane or common use,” Davies – Allison, *Matthew*, 523. Thus, Mark 7:11c can be paraphrased, “Whatever goods you may demand of me, they shall be reckoned as an offering (which forbids them to you).” However, in view of the unanimous tendency of the rabbis to press for the annulment of such vows (cf. *m. Ned.* 9:1), Mark 7:12 should be understood in the sense of a permission of the vow rather than of a prohibition of its annulment; hence not “You no longer allow him to do anything…,” but “You allow him to no longer do anything….”
the extreme, can be at variance with the word of God. In short, Jesus repudiates the custom of ritual hand-washing.

However, in which way does this link up with the claim that a person is not defiled by what goes in but by what comes out? It seems clear that there can be only a connection if what comes in is food, because the Pharisees have caught the disciples in the act of eating. Obviously the most likely reference of things that “enter” a person is to foodstuffs anyway. According to the inherent logic of the narrative, it must be furthermore presupposed that the loaves of the disciples were impure, because only *impure* food can be suspected to defile the eater.

From the halakhic point of view these matters are interrelated indeed. By the consumption of impure food the consumer is contaminated. In the Mishnah this rule is discussed by rabbis of the early second century, which permits the assumption that its roots may go back to the late Second Temple period. However, it is certainly not of biblical origin. Just like the custom of ritual hand-washing it belongs to the realm of scribal innovations. Hence, if Jesus, in view of bread purported to be impure, declares that human beings are not in the least defiled by eating impure food, this is, within Mark 7, perfectly in line with the preceding polemics against Pharisaic παράδοσις.

In order to get a full grasp of the halakhic dimension of these polemics, however, we must be aware of a further circumstance: The consumption of food which has been defiled is by no means a transgression. The Mishnah even discusses a case in which defiled food *must* be eaten in

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49 This is reflected by addition of εἰς τὸ στόµα in Matt 15:11.
50 M. Ṭehar. 2.2: “R. Eliezer says: He that eats food of first-grade uncleanness suffers first-grade uncleanness; if it was food of second-grade uncleanness, he suffers second-grade uncleanness; if it was food of third-grade uncleanness, he suffers third-grade uncleanness. R. Joshua says: He that eats food of first-grade uncleanness or food of second-grade uncleanness, suffers second-grade uncleanness” etc. (trans. H. Danby).
51 Booth, Jesus, 184–85 (with 165–73), argues for a date in the mid first century on the basis of traditions concerning the decrees which had been pushed through by a Shammaite majority and among which y. Šabb. 1:73, 3c (ed. Schäfer – Becker, vol. 2/1–4:11 ) includes the profanation of heave-offering by an eater of impure food. Booth’s combination of data and sources, however, involves doubtful assumptions at a number of points.
52 The Bible mentions only the defilement by eating meat of animals which have not been ritually slaughtered, Lev 11:39–40 and 17:15; and M. Ṭehar. 4.1 lists the consumption of impure food among various kinds of defilement based on “words of the scribes”. Cf. Booth, Jesus, 184; Kister, “Law, Morality, and Rhetoric”, 151–153.
order to fulfil a biblical requirement of consumption.\textsuperscript{53} Regarding the debate in Mark 7 this means that Jesus could have simply retorted to the Pharisees that the disciples by eating impure bread did not commit any offence.

But he reacts differently. He does not say that a defilement by impure food does not matter, but he argues that such a defilement does not at all take place.\textsuperscript{54} He claims purity, even though contamination would not have caused a problem. This is what strikes about Jesus’ reaction. Rather than indifference in matters of purity it displays a positive interest. The point is not only that the disciples are permitted to eat impure bread, but also that in doing so, they keep their original state of purity unimpaired. The idea of purity is not only not discarded, it is clearly confirmed.

There is, however, another difficulty—and this is the last halakhic point to be noted—which eventually may suggest that the debate on hand-washing does not provide the original setting of the saying of Mark 7:15. The problem is that rabbinic teaching does not consider the impurity of hands as strong enough to impart itself on foodstuffs.\textsuperscript{55} According to the halakhah, the unwashed hands of the disciples would not have been able to contaminate the loaves.\textsuperscript{56} Why, then, should Jesus counter the call for hand-washing by an answer which presupposes that the bread of the disciples has been defiled? From the halakhic point of view, the linkage between the washing of hands and the contamination by food seems inconsistent. It would be different only if Mark 7 either had in view a Pharisaic teaching that was stricter on impure hands

\textsuperscript{53} It is the second tithe (שני מﬠשר), which according to Deut 14 must be consumed by its dedicator in Jerusalem. \textit{m. Ma’as.} S. 3:9 rules that second tithe which has been defiled must be redeemed before consumption, and the only point of disagreement between the houses of Shammai and Hillel is whether the consumption is to take place in or outside Jerusalem.

\textsuperscript{54} This feature of the saying seems to be neglected by the otherwise brilliant study of Kazen, \textit{Jesus}, 60–88 (and 67 and 88 in particular).

\textsuperscript{55} Kazen, \textit{Jesus}, 71, aptly calls this the ‘missing link’ in the logic of the Markan account.

\textsuperscript{56} According to rabbinic tradition (cf. \textit{m. Yad.} 3:1), the impurity of hands is second-degree impurity, which means that it can induce only third-degree impurity in other objects. Third-degree impurity, however, cannot occur in ordinary food but only in heave-offering and sacrifices. An exception is made in \textit{m. Yad.} 3:1 for hands entering a house afflicted with leprosy, which according to R. Aqiba are thereby rendered impure to the first degree (and thus can induce second-degree impurity in ordinary food). However, such an exception is obviously not in view in Mark 7:15.
than the later rabbinic one, or presupposed that the loaves of the disciples were moistened by some liquid, which would have rendered them contaminable at the touch of impure hands. Neither of these possibilities can perhaps be ruled out, but since the rabbinic tradition lacks any traces of a formerly stricter halakhah on impure hands, and since Mark 7 does not display any awareness of the particular function of liquids in contamination, the most likely assumption is that the juxtaposition of the debate of vv. 1–13 and the saying of v. 15 is due to a secondary amalgamation during the process of tradition.

In any case, however, the catchword παράδοσις provides a plausible point of contact between the debate and the saying. Like hand-washing, the rule according to which contaminated food contaminates the eater is παράδοσις, and against this second case of παράδοσις, the saying poses an antithesis which is entirely commensurate. It not only implies that the consumption of contaminated food is permitted, but it also claims that the consumption of such food will not affect the consumers’ purity.

In this respect the saying is indeed at variance with the Pharisaic tradition. However, in its emphasis of the importance of maintaining one’s status of purity it firmly sticks to one of the fundamental concerns of the biblical purity laws. This impression can be easily confirmed by a closer look at the second half of the saying, the warning against defilement coming from inside.

57 This is deemed possible by Deines, Steingefäße, 273 with n. 569, and Hübner, Gesetz, 163.
58 This is assumed by Booth, Jesus, 183–84, and Kazen, Jesus, 81–82. The basic idea is that the interposition of certain liquids such as water and oil (ַּמְכַסִי, ‘enablers’, cf. m. Makš. 6:4) causes first-degree impurity in ordinary foodstuffs to be induced even by objects of (the lesser) second-degree impurity, such as impure hands; cf. m. Parah 8:7; t. T. Yom 1:3. The biblical basis for this particular capacity of liquids is Lev 11:37–38, and the Dead Sea scrolls provide attestation to this principle for the late Second Temple period, cf. Avemarie, “Tohorat ha-Rabbim”. Booth, Jesus, 184, assumes that at the time of Jesus the principle was generally acknowledged in Judaism, and by arguing that “any meal…usually comprises…drinking” he concludes that “hands were very likely to defile hullin at a meal, through the medium of liquid.”
59 They could be expected for instance in the context of R. Akiva’s teaching in m. Yad. 3:1 on hands entering a “leprous” house; see above n. 56.
60 One may wonder whether the saying could assume a different meaning if removed from the context of Mark 7, and perhaps this possibility should not be excluded. However, that things which ‘enter’ a person are foodstuffs is in any case the most likely implication.
61 On the widespread concern in ancient Judaism for maintaining a status of purity even in the profane realm see Regev, “Pure Individualism,” 177–86; Dunn, “Jesus and Purity,” 452–53.
3.2. Moral impurity

If contamination by things going into the human body is denied, a different, and in fact exactly opposed, type of contamination is maintained: contamination by things coming out of the human body. Theoretically these things could be the menstrual blood and the genital discharge, which belong to the typical sources of defilement specified in Lev 12–15. If the saying, as a response to Pharisaic innovation, referred to such types of bodily discharge, it would simply point to the biblical foundations of purity halakhah, from which the notion of a defilement by eating, except for the rare case of the consumption of the carcass of a permitted animal, is absent. However, the idea that defilement originates from bodily discharges would hardly work as an abstract of the biblical purity laws, as it fails to cover leprosy and the dead body, which are the two most vigorous sources of impurity. Hence, the second half of v. 15 in all likelihood refers to some other kind of defilement.

One may assume that if things coming in do so by passing a person’s mouth, things going out will do so by the same way. If this can be presupposed for Mark 7:15, it entails, however, that the second half of the verse does not speak any longer of ritual impurity. What kind of impurity it is that issues from a person’s mouth is then quite obvious; we need not even look at the explanation given in vv. 21–22. Defilement which consists of sin is a very old biblical theme. Already Isaiah, in his vision of the divine glory, confesses to be “a man of unclean lips,” whereupon one of the seraphs touches these lips with a live coal and tells him that thereby his “sin is blotted out” (Isa 6:5–7).

The contrasting of moral and ritual impurity is likewise rooted in the Jewish tradition. Josephus considers the water ritual administered

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62 This is what Zaas, “What Comes out of a Person,” 224, actually takes v. 15b to mean, concluding that Jesus here basically adopts a Sadducean position.
63 See above n. 52.
64 This is again made explicit in Matt 15:11, and it does not hinder that the vice catalogue in Matt 15:19, just like that in Mark 7:21–22, includes also sins which are not necessarily committed by mouth. This broadening in scope is accompanied by a move in Matt 15:19 from ‘mouth’ to ‘heart’, in accordance with Mark 7:21. For an intriguing attempt to interpret Mark 7:15b as a warning against sinning by ‘mouth’ in the light of rabbinic admonitions against slander (לְשׁון הרע), see Svartvik, Mark and Mission, 375–402.
by John the Baptist as a secondary physical expression of a foregoing, and of course decisive, purification of the soul by ‘justice’.\textsuperscript{66} \textit{Lamentations Rabbah} clearly accords greater importance to the process of repentance in the human ‘heart’ than to the halakhic details of the immersion ritual when it uses the latter as a simile for illustrating the former.\textsuperscript{67} The \textit{Testament of Moses} inveighs against hypocrites who touch impure things “with hand and mind”, but talk big and say, “Do not touch me, lest you pollute me in the position I occupy…”\textsuperscript{68} The \textit{Talmud Yerushalmi} tells of a fatal knifing among the junior priests in the temple: The father of the stabbed young man comes running along, sees that his son, with the knife stuck in his wound, is still wriggling, and exclaims in relief, “The knife has not yet been defiled”!

For a defilement of the holy instrument would have been caused only by the corpse. Sarcastically the Talmud comments, “This teaches that impurity was harder for them than bloodshed!” And leaving no way for any malevolent modern misinterpretations, it adds, “…to their shame.”\textsuperscript{69} Conversely, morality could be considered so powerful as to suspend ritual impurity. Thus, a post-talmudic legend relates that R. Akiva after his martyr death was buried by the prophet Elijah. Knowing that Elijah was not only a prophet but also a priest, a colleague of R. Aqiba objected. Elijah, however, replied, “The corpses of the righteous do not defile.”\textsuperscript{70} In the New Testament, the inner-Jewish critique of an attitude which attaches highest importance to ritual purity but is prone to moral neglect manifests itself in Jesus’ woe against Pharisees who purify the outside of cups and plates but leave the inside full of greed and intemperance (Matt 23:25–26; Luke 11:39–41).\textsuperscript{71}

\textsuperscript{66} Josephus, \textit{A.J.} 18.117.
\textsuperscript{70} Midrash Elleh Ezkerah 31.42–45, in Reeg, \textit{Geschichte}, 72* (parallel versions read, “There is no impurity in the righteous,” ibid.).
\textsuperscript{71} On the linking of moral and ritual purity to the ‘inside’ and the ‘outside’, respectively, see Kazen, \textit{Jesus}, 222–262. The same polemical attitude against the ‘outward’ character of ritual purity is reflected in the apocryphal gospel fragment P. Oxy. 840, and Kazen, \textit{Jesus}, 260, even thinks that it retains in this respect an authentic ‘memory of Jesus’. For a similar distinction between physical and mental presence in profane and sacred places see Philo, \textit{Leg.} 1:62.
The saying of Mark 7:15 goes beyond such polemics, for rather than subordinating the concern for ritual purity to moral conduct, it denies its necessity altogether: Impurity which “penetrates man from outside”—to put it in the words of E. Käsemann—simply does not exist. In the context of Mark 7, however, only a Pharisaic innovation is at stake, namely the idea of contamination by the consumption of contaminated food. Contrary to Käsemann’s judgement, the “wording of the Torah and the authority of Moses” are not affected at all. Rather, in maintaining the importance of being pure rather than impure the saying in both parts proves to be firmly rooted in the matrix of ancient Jewish piety.

The matter looks different, though, once we extend our considerations to the explanation given in vv. 18–23.

### 3.3. The comment in Mark 7:18–23

The two parts of v. 15 are explained in vv. 18–23 each separately. The comment on the second half in vv. 20–23 is of little interest, since it does not go beyond the obvious implications of the saying itself. The explanation of the first half in vv. 18–19, however, calls for attention, for what it says about food entering the stomach and then going into the latrine sounds far more general than what a debate about unwashed hands and contaminated loaves would make us expect. And indeed, the conclusion of v. 19, καθαρίζων πάντα τὰ βρώματα, arrives at an explicit

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72 Booth, *Jesus*, 68–71, and Kazen, *Jesus*, 65–66, argue for a relative understanding of the first part of the saying, taking the whole to mean “that things outside a man do not defile him as much as things coming from him” (Booth, *Jesus*, 71, italics in original). With Markan Greek, such an interpretation is probably consistent, cf. Mark 9:37 (despite the criticism advanced by Theissen, “Reinheitslogion,” 238). However, nothing in the text requires such an understanding, and the strife against παράδοσις which governs Mark 7 from the beginning rather suggests that the (Pharisaic) tradition on contamination by the consumption of impure food is wholly rejected than merely relativized. I would agree, however, that if one isolates the saying from its Markan context, its weight lies clearly on the warning against moral impurity, which the denial of ritual contamination is merely to underline.

73 See above n. 7.

74 Kister, “Law, Morality, and Rhetoric”, 154, even doubts that the saying is “necessarily antihalakhic,” apparently considering the negation in the first part of the saying as a mere rhetorical device.

75 Cf. Flusser, *Jesus*, 44–45. It is certainly true that Mark 7:5–13, 15 sounds “different from the scholarly casuistry of Mishnah,” as has been observed by Hengel – Deines, “Common Judaism”, 12. It might be, though, that this impression is largely occasioned by the difference in genre. Moral teachings in rabbinic haggadah can come quite close to Mark 7:15; cf. the drastic episode in *y. Yoma* 2:2/4 (see above n. 69).
generalisation: Jesus,\textsuperscript{76} by his teaching, “declared all foods clean.” Now does that mean that not only the contaminated loaves of the preceding debate, but also the hare, the pig, the camel and the rock-badger (cf. Lev 11:4–8, Deut 14:7–8) must be regarded as pure and palatable? Gentile Christian readers of this text, as are addressed in 7:3, may assume this without hesitation.

Thus, after the saying of v. 15 has contested the contamination of the \textit{eater}, which is a Pharisaic innovation, the comment of vv. 18–19 denies the impurity of the \textit{food}, and this not only contradicts the Pharisaic \textit{παράδοσις} but also the Mosaic Torah, which in Lev 11:38 explicitly states that grain is susceptible to defilement. Thus, it does not seem that \textit{καθαρίζων \πάντα \τὰ \βρώματα} still reflects the same, and despite all criticism, deeply Jewish attitude as the saying of v. 15 itself.\textsuperscript{77}

This leads us to the question of the inner logic of the linkage between the saying and the comment. In principle there are two possibilities. Either the comment is in line with the original intention of the saying, which probably would imply that our previous conclusions concerning its halakhic background are erroneous. Or the comment attaches to the saying a secondary meaning which substantially goes beyond its original intention. In this case we would have to clarify what circumstances may have led to such a deviating reinterpretation.

The possibility that the comment fits the original meaning of the saying should perhaps not be excluded. For even though the two passages do not say the same, they are not at variance either. We should, then, ask ourselves whether the assertion of an incorruptible purity of foodstuff refers only to eatables \textit{permitted} by the Torah or whether it includes plainly \textit{unkosher} food, such as pork and the like. And accordingly we would have to gauge the extent to which Jesus—or at least some of his early followers—may have brushed aside the Mosaic purity laws. An argument \textit{against} such a possibility arises, as far as I can see, only from the aforementioned reports on healings of lepers which suggest that

\textsuperscript{76} Even though the syntactical subordination of \textit{καθαρίζων} to the main clause \textit{καὶ λέει αὐτοῖς} at the beginning of v. 18 turns the 35 words in between into one single parenthesis, the logical subject of \textit{καθαρίζων} can reasonably only be Jesus. Cf. e.g. Zaas, “What Comes out of a Person”, 221.

\textsuperscript{77} It is highly revealing that Matthew eliminates \textit{καθαρίζων \πάντα \τὰ \βρώματα} in 15:17 and adds instead at the end of the section in 15:20, “but to eat with unwashed hands does not defile”. Matthew clearly knew how to re-adapt the Markan Jesus to the Mosaic Torah. It seems even possible that Matthew relied here on an oral tradition older than Mark 7; cf. Dunn, “Jesus and Purity,” 464.
the earliest strands of the Jewish-Christian tradition basically endorsed the principles of ritual purity.

However, the possibility of a substantial discrepancy between the original meaning of the saying and its explanation cannot be ruled out either. Against the backdrop of the development of earliest Christianity, a change in the understanding of the saying seems to be perfectly explicable. This can be seen from the very different context in which the saying is embedded in logion 14 of the Gospel of Thomas. It sounds very much like a part of a commissioning speech:

And if you go into any land and wander from place to place, (and) if they take you in, (then) eat what they will set before you. Heal the sick among them! For what goes into your mouth will not defile you. Rather, what comes out of your mouth will defile you.79

The clumsy arrangement80 of this passage seems to preclude the possibility that it retains the original setting of our saying. Nevertheless, it points to a plausible Sitz im Leben in which a recontextualisation of the original saying may have occurred: Itinerant missionaries who in a foreign environment inevitably had to neglect their customary table taboos would have felt it to be most comforting that impurity proper did not come from outside but from within.

However, in the context of an inner-Jewish mission the scope of the saying hardly would have exceeded the restricted meaning it conveys in the anti-Pharisaic polemics of Mark 7:1–15, at least if we may assume that Jewish hosts normally would not have entertained their guests on pork.81 Prohibitions of weightier kind would have been affected only inasmuch as the Christian mission expanded into the gentile world.

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78 This would presuppose of course that the comment is a secondary (perhaps redactional) attachment to the saying. This, however, seems likely in any case; cf. e.g. Zaas, "What Comes out of a Person," 222.
80 Thematically, the commission to healing interrupts the connection between the permission of eating what is served and the saying about things passing the mouth. Less awkwardly construed (and thus perhaps more original?) is the parallel in Luke 10:8–9, which lacks the passage about things passing the mouth and continues instead, "and say to them, The kingdom of God has come near to you."
81 Cf. Kister, “Law, Morality, and Rhetoric,” 152 (“...simply because kosher food is the only food eaten by Jews”). Wahlen, Jesus, 79, surmises that such a restriction underlies also καθαρίζων πάντα τὰ βρωμάτα in Mark 7:19, which he paraphrases, “Thus he declared ritually pure all (permissible) foods.”
In this new context, however, guidance in matters of table taboos was urgently needed, as can be seen from the quarrel about commensality at Antioch mentioned in Gal 2:10–14,\textsuperscript{82} from Peter’s vision before his visit to Cornelius in Acts 10:9–16, the apostolic decree of Acts 15:29, the Corinthian troubles regarding food offered to idols and the Pauline saying “All is pure” in Rom 14:20. This is the environment where a saying which originally opposed no more than a Pharisaic innovation could gain the meaning of καθαρίζων πάντα τὰ βρώματα, which does away with the Mosaic purity laws.

To be sure, the problems related to commensality and table taboos in the context of the gentile mission are multi-layered and complex, but there is a common denominator in the manifold aspects of these problems, which consists of the fact that early Christians due to their different origins were accustomed to diverging dietary practices. Regardless of the specific issues which may have troubled the communities at Corinth or Antioch, therefore, this general issue of conflicting customs provides an historically entirely plausible setting in which a rejection of a particular Pharisaic teaching on defilement could be taken to imply a wholesale abandonment of the levitical purity system.

Hence, the fact that interpreted by καθαρίζων πάντα τὰ βρώματα, Mark 7:15 assumes a far broader meaning than it has within the foregoing debate on Pharisaic innovations does not tell against the assumption that indeed its first, negative part originally aimed at nothing more than a particular Pharisaic teaching on defilement by eating. The conspicuous shift in focus from the purity of eaters in v. 15 to the purity of foodstuff in v. 19 is anyway clearly indicative of the secondary character of καθαρίζων πάντα τὰ βρώματα.

We may summarize, then, that the point which v. 15 makes against the Pharisaic idea of a contamination by defiled food lies in the claim that such food does not have the power to contaminate. The second part of the saying, however, draws the attention to things that have such power: Sinners are defiled by their sins; a person’s state of purity therefore is by no means invulnerable. The common theme that links the two halves of the saying is clearly the question of how and how not human beings can be rendered impure. This guiding question suggests

\textsuperscript{82} It is hardly conceivable that Peter at Antioch was merely reproached of having eaten, together with gentiles, food which had contracted uncleanness or which had not been tithed.—Whether Jews in Antioch in the first century were obliged to tithing is difficult to determine; cf. Schürer, History, 2:269.
that purity is here not so much a levitical but rather an anthropological concern. This impression, I think, can be further substantiated if we turn, in a last step, once more to those stories which connect the theme of impurity with that of Jesus’ power of healing.

4. Purification by healing—a neglect of levitical concerns?

When Jesus touched a leper at Capernaum, “the leprosy immediately left him, and he was cleansed”, and then, in perfect compliance with the levitical purity laws, as we have seen, Jesus directed the man to undergo the purification ritual as “Moses commanded” (Mark 1:42, 44). Nevertheless, according to rabbinic teaching, a person who touches a leper is thereby rendered impure, so that the behaviour of Jesus at least at this point seems to betray a certain negligence towards levitical defilement, just as if he did not care very much for his own state of purity, contrary to what our analysis of Mark 7:15 would suggest. The case of the woman that suffered from a discharge of blood, Mark 5:25–34, is not as clear, since here the contact is not intended by Jesus and since the particular case of an impure person touching only the clothing of a clean person is nowhere discussed in ancient halakhic sources. However, when Jesus in Mark 5:41 raises the daughter of Jairus by seizing her hand, the defilement by corpse-impurity according to Num 19:11 is obvious, and according to rabbinic halakhah, Jesus would be defiled also by touching the coffin of a young man at Nain as related in Luke 7:14. Traditions of such kind, as it seems, may easily imply that Jesus and his earliest followers were indifferent to defilement and

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83 Cf. m. Kelim 1:1–4 (see above n. 33). The Mosaic law does not mention any defilement caused by lepers; but this may be implied in the regulations concerning the segregation of lepers in Lev 13:46; cf. Kazen, Jesus, 112–116.
84 This is argued at length by Kazen, Jesus, 127; cf. ibid. 164 (on genital fluxes) and 196 (on corpse impurity).
85 It is likely, however, that such a contact was indeed considered contaminative; cf. Kazen, Jesus, 161–164.
86 Cf. m. ‘Ohal. 1:3 and Kazen, Jesus, 176–77.
87 The fact that the two Sondergut narratives in Luke 7:11–17 and 17:11–19 do not mention any direct contact between Jesus and the defiling human body can perhaps be taken to betray a particular halakhic sensitivity on the part of Luke; cf. Koet, “Purity”, 100–1. It might, however, also be the physical contact as such which Luke tries to avoid; cf. Luke 4:39, 9:47, 18:17, against Mark 1:31, 9:36, 10:16.
to the offence their behaviour may have caused to the more scrupulous Jews.

On the other hand, the seeming negligence reflected in these stories could be also taken to express a strong consciousness of the superiority of Jesus’ healing power. It could imply that the defiling force of the various sources of levitical impurity was neutralized by this power at the very moment of physical contact. As soon as they were touched, the leper was no longer leprous and the deceased no longer dead, so that their bodies instantaneously stopped emitting impurity. From this viewpoint the Markan εὐθύς, which is present in all three narratives (Mark 1:42, 5:29, 42), proves all the more suggestive. Furthermore, the use of καθαρισθῆναι in Mark 1:42 and Luke 17:14 clearly shows that the healing of ailments involving levitical uncleanness is simultaneously conceived as an elimination of the impurity. When we read in Mark 5:29 that “the source of her blood immediately dried up” and in 5:30 that “power had gone forth” from Jesus, it becomes apparent that the healing process is a clash of opposing forces, the δύναμις of Jesus being stronger than the “source” which produces the blood and the impurity. Quite aptly, this specific notion of power has been described by various scholars as a *dynamic purity*, a power which turns uncleanness into cleanness and thus reverts the contaminative impact that is characteristic of levitical impurity.

This active intervening against impurity materializes even more obviously in the accounts of Jesus’ exorcisms. It is particularly the Gospel of Mark which designates the demons whom Jesus casts out as πνεῦμα ἀκάθαρτα, “impure spirits”, and since this expression is unknown in

88 Cf. Berger, “Jesus als Pharisäer”, 240: “unter ‘offensiver Reinheit/Heiligkeit’ verstehe ich eine Reinheit/Heiligkeit, die nicht durch Unreinheit verletzt oder bedroht wird,…die sich von ihrem Träger aus verbreitet, die ‘ansteckend’ ist, die Unreines rein machen kann”; Chilton, “Generative Exegesis”, 306: “Jesus’ concern…appears to have been with cleanness as a matter of production, rather than of consumption.”

the pagan Greek of the first century, but well-attested in the Ancient Jewish literature, it is most likely that the Markan usage reflects here the notions held by Jesus and his earliest followers. According to this usage, demonic possession must be counted as a further type of disorder that involves impurity, the exorcism functioning as the elimination of a particular source of defilement, quite similar to the vanishing of leprosy and the drying up of a flux of blood.

It must not be overlooked, however, that the concept of impurity is here no longer the levitical one. The impurity of the demons is not covered by the Mosaic legislation and is therefore fundamentally different from the impurity of corpses, leprosy and fluxes. The famous story of Rabban Yohanan ben Zakkai explaining the purification ceremony of Num 19:17–19 in terms of an exorcism is a rather recent piece of haggadah, and above all, its point is that such a demonological explanation may perhaps satisfy a gentile, but not the disciples of Rabban Yohanan. Obviously the synoptic tradition mirrors an understanding of impurity which differs from that of the Mosaic Torah, and also the techniques of purification Jesus is credited with are different. While the levitical notion of impurity is based on a limited set of sources of defilement, the synoptic one seems to be open for any serious obstruction of human life—which explains why the elimination of such impurity can

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90 According to Wahlen, Impurity of Spirits, 1 its first occurrence outside the Jewish and Christian literature is in a quotation of Mark 5:8 in Porphyry, Contra Christianos 49.5.

91 Cf. Zech 13:2 and its ancient versions (on the likelihood of the “spirit of impurity” being a demonic power see Lange, “Considerations”); 1 Macc 1:48 Codex Sinaiticus (“to soil themselves with an impure spirit and profanation”); T. Benj. 5:2 (“If you do good, the impure spirits will flee from you”); Jub. 10:1 (“the polluted demons began to lead astray the children of Noah’s sons”, trans. O.S. Wintermute in OTP 2:75); 1QS IV.22 (purification from בנות וַלֶּכֶת; 4Q444 (= 4QIncantation) 1–4i+5,8 (“bastards and the spirit of uncleanness”, which E. Chazon takes to refer to Gen 6:1–4, see DJD 29:377); 11Q05 (= 11QPsa) XIX.15 (“Let not Satan reign over me, nor an impure spirit”); Ps.-Philo, L.A.B. 53:5 (spiritus immundus); T. Sol. 3:7 (and additions in 2:5 and 26:8, as well as recension D 2:4, 3:1, 4:12, 13). For a discussion see Wahlen, Impurity of Spirits, 24–59.

92 The possibility that the frequent use of πνεῦμα ἁκάθαρτον is due to a Markan predilection can be excluded, since Mark equally often uses the synonym δαιμόνιον (thirteen occurrences, besides eleven in Matthew, 23 in Luke, six in John, one in Acts and nine in the rest of the New Testament).

93 Pesiq. Rab Kah. 4.7 (ed. Mandelbaum, 74). The narrative pattern underlying this story occurs no earlier than in the Talmud Yerushalmi, which renders the possibility that the story contains an authentic teaching of Rabban Yohanan ben Zakai rather unlikely. Cf. Avemarie, Tora und Leben, 205 and 159–60. A closer comparison between Pesiq. Rab Kah. 4.7 and Mark 7 has been attempted by Ottenheijm, “Impurity”, 143–46.
be understood as a healing and why therapy can be termed a cleansing. As has been already noted, the orientation is anthropological.

However, do these differences between the synoptic tradition and the levitical purity system amount to an antagonism? On the one hand, the narratives on healings of lepers display a substantial agreement with the levitical notion of purity in that they clearly present leprosy as a kind of uncleanness. Likewise, it may be readily surmised that in the case of the haemorrhaging woman the problem of levitical uncleanness plays at least an implicit role. On the other hand, the concept of dynamic purity which seems to inspire these and other healing narratives may account for the slight disregard of levitical purity concerns they display. Quite obviously, resorting to the traditional levitical means of purification would seem superfluous in view of the overwhelming effectiveness of Jesus’ own purifying power. To be sure, a levitical ritual can be useful in that it confirms the healing, as in Mark 1:44. From a pragmatic point of view, anyway, there would be no difficulty in imagining that Jesus and his disciples joined in a purification procedure on account of corpse-impurity which the archisynagogos and his family might perhaps have undergone subsequently. The point is, however, that the synoptic narratives do not take any interest in corollaries of this kind. As has been noted, they do not even report on the priestly inspections of the lepers which Jesus had commanded. To all appearances, the Mosaic purity laws are regarded as valid, but they are not considered important. The strong concern for purity which manifests itself both in Mark 7:15 and in various exorcism and healing stories is not paralleled by an equal concern for the levitical purity system.

5. Conclusion

Two inferences may be drawn. First, if Jesus’ teachings on divorce and the sabbath do not abandon the common ground of ancient Jewish legal debates, it is likely that his arguments against Pharisaic purity observances such as hand-washing and the avoidance of defiled food do not do so either. Not only the traditions about healings of lepers, but also the argumentative structure of Mark 7 provide sufficient evidence

94 Presumably this would have been a first-day immersion, which is not prescribed in Num 19 but is mentioned in Tob 2:9; 4Q414 2ii+3.2; 11Q19 XLIX.17; cf. Eshel, "4Q414 Fragment 2", 7–8; Kazen, Jesus, 185–89.
for the assumption that for Jesus\textsuperscript{95} and his early Jewish followers, the validity of the Mosaic purity laws was beyond question. If nevertheless the sources betray a certain indifference regarding levitical purification rituals, the explanation may be in a concept of a dynamic purity, as it characteristically manifests itself in narratives about exorcisms and healing miracles. It also accounts for the rejection of the Pharisaic teachings on hand-washing and the like. The reason is simply that for attaining purity, Jesus and his disciples disposed of means stronger than ablutions and food avoidances. However, beyond this fundamental difference, there is a common concern which is still more elementary. It is the positive interest in purity, which the early Jesus movement shared with all other strands of ancient Jewish piety.

The second inference relates to the Jewish environment. The comparative analysis of Mark 7 in the light of rabbinic legal materials has shown that the positions rejected by the Markan Jesus to a large extent correspond to halakhic traditions preserved in early Tannaitic strata. The synoptic tradition proves here, once again, to be a principal source for our understanding of the legal debates in ancient Judaism. Moreover, since the positions refuted in Mark 7 are explicitly classified as Pharisaic, it seems that this chapter provides strong evidence for the traditional identification of the Pharisaic movement as the most important forerunner of rabbinic Judaism.

\textsuperscript{95} The question of authenticity in a classical sense has not been discussed here. However, in passing it has become sufficiently clear that the saying preserved in Mark 7:15 (a) fits into the general Jewish background of early first century \textit{Iudaea}, (b) reflects a particular view of purity which is attested by further strands of the early Jesus tradition, such as healing narratives and the anti-Pharisaic polemics in Q, and (c) had an early reception also in the Gospel of Thomas and possibly in Rom 14:20. Thus it seems that it matches most of the generally accepted criteria of authenticity. The case is different of course for the healing narratives; but even if we take a basic fictional element in miracle stories for granted, they nevertheless convey a reliable picture of the beliefs held by those who transmitted them.
Friedrich Avemarie’s article is well-written and I am in full agreement with the basic stance of this piece of research. Jesus must be interpreted within the context of Second Temple Judaism, as a Jew communicating with other Jews on Jewish terms. At the same time, there have to be some links between his positions and those of the developing Christian movement, which continuously re-interpreted the Jesus tradition and applied it to new contexts and circumstances. Jesus must thus be interpreted in a “continuum,”¹ and I consider Avemarie’s article to be an expression of such an outlook.

Some of his arguments, however, are not convincing and occasion some questions. In the present response, I would like to deal with three issues: a marginal note on the ghost of Käsemann, a different interpretation of the story of Jesus and the leper and, finally, a few questions concerning the purity dispute of Mark 7, of which the most important one is about the role of paradosis, “tradition.”

The Ghost of Käsemann

Our choice and arrangement of arguments is context-sensitive, and Käsemann as a point of departure must be quite natural in Germany,² and probably in some other European countries too, although this would not be as self-evident today as it was a few decades ago. But considering Jesus research in the international arena, I am not sure to what extent the ghost of Käsemann hovers over it any longer. I am not convinced that the idea of Jesus as more or less abolishing the Torah,

¹ For examples of a ‘continuum approach’, see Holmén, Jesus.
² Käsemann has probably continued to influence German-language scholarship to a higher degree than English-language scholarship. This may be seen in authors such as Merklein, Gnïlka, Becker or Strecker; cf. Dunn, Jesus Remembered, 78–92; Riches, A Century, 91–92.
cutting at the roots of Jewish self-understanding, is very prominent among scholars of the historical Jesus today. Hence the need to rebut Käsemann is perhaps not as urgent as the need to examine what kind of Jew and what particular kind of Jewish self-understanding Jesus represented. Our contexts thus affect the ways we argue and also the types of conclusions we draw.

**The Healing of the “Leper”**

Furthermore, I have some problems with Avemarie’s interpretation of the healing of the “leper” (Mark 1:40–45). I have dealt with the same material myself elsewhere, drawing slightly different conclusions.

To begin with, I agree that purity terminology (καθαρός/καθαρίζω) can be used—following the text of Leviticus—for being clean (i.e. the state resulting from the healing) as well as for being declared clean. The text can hardly be interpreted as meaning that Jesus plays the role of the priest. He rather does what the priest does not: he cleanses in the sense of healing. I also agree that Jesus complies with the levitical laws by sending the “leper” to the priest for inspection and declaration. But I would hesitate to conclude that this means “unreserved acknowledgment” and I cannot see that this observation proves anything. Rather, as William Loader stated: “Such detail is relatively incidental.” Jesus complies with the more obviously cultic part of the levitical “leprosy” laws, i.e. the sacrifice, which is necessary for social and spiritual reintegration. This might be an argument against Käsemann but not against all those who expect this to have been part of Jesus’ natural behaviour, asking how he could have done otherwise.

The issue that could possibly reveal an attitude in tension with others’ convictions is the touching. While I agree that touching a “leper” is not described as a *formal* transgression, I do not think that settles the question. Contact with a “leper” was indeed such a serious matter that it was *unthinkable*; hence we find no details of contamination or

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3 At least not in an English-speaking context, where the influence of scholars such as Vermes and Sanders has been crucial.
5 Cf. the use of καθαρίζειν and καθαρισθῆναι for describing healing in other contexts: Matt 10:8; 11:5; Luke 4:27; 7:22. For a discussion of details and further references, see Kazen, *Jesus*, 102.
6 Loader, *Jesus’ Attitude*, 23.
instructions for subsequent purification in Lev 13–14, only a brief note on purification after entering a “leprous” house, which I regard as a late addition. Touch was considered so serious a matter that it must not take place at all; this is why “lepers” had to shout “unclean, unclean” and dwell outside of towns and villages.

I cannot discuss all the arguments regarding the issue of touching here; I have done so elsewhere. But in order to invoke the healing of “lepers” as an argument for any position on Jesus’ attitude to impurity, we would have to discuss at least (1) the extent to which the touching belongs to the historical memory of Jesus’ behaviour; (2) the relationship between the variant readings in Mark 1:41 (compassion or anger?) and their possible implications for that historical memory; (3) the actual attitudes to “lepers” and the application or interpretation of “leprosy” laws among Second Temple Jewish groups. As I see it, touching was an important issue, and it was part of the historical memory of Jesus that became a link between Jesus’ attitude to impurity and the subsequent development and “expansion” of that attitude by early Christians. Certainly, they went far beyond what Jesus had intended in his own context. But they did so because they remembered Jesus as touching impure persons.

HANDS, LIQUIDS AND THE DEFILEMENT OF HULLIN

Turning now to Avemarie’s main argument, I agree that the issue at stake in Mark 7—for Jesus—is not that of clean and unclean animals (Lev 11) but a much more limited inner-Jewish discussion. The wider application represents subsequent Christian development.

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7 Lev 14:46–47. The whole section on ‘leprous’ houses is regarded by Milgrom as originating with the H source, Leviticus, 1–16, 886–887. Within this section, however, vv. 46–47 break the natural progression of the text, and Milgrom’s attempt to explain this by alternative positions possibly causing misunderstanding is hardly convincing (ibid. 875). Gerstenberger is puzzled by the brevity of these sentences, suggesting that the instruction might not be preserved in its entirety (Leviticus 191). Whatever the case, it seems clear to me that at some stage in the redactional process these verses were inserted, possibly at a stage when various purity laws were being harmonized.

8 Lev 13:45–46. For the interpretation and implementation of the exclusion of ‘lepers’ during the Second Temple period, see Kazen, Jesus, 109–112.

9 Kazen ibid. 112–116.

10 Ibid. 104–107.

11 Ibid. 103–104.

12 Ibid. 109–117.
I disagree, however, on three points. In the first place, I do not believe that Jesus reacts against a Pharisaic innovation, a *paradosis*, only. Secondly, I do not think that Jesus argued for defilement by impure food from the outside not taking place at all. Thirdly, I believe that unwashed hands were already considered to contaminate *hullin* (common food) through the interposition of liquid at Jesus’ time.

Working backwards, we agree that the washing of hands as a custom had spread in Herodian days, and that the numerous findings of stone vessels provide ample evidence for this. We also agree that the eating of defiled *hullin* was no transgression in itself. But I want to point out the general aspiration towards as high a level of purity as possible. The differences between “expansionist” groups—i.e. those who wanted to expand the range of purity—and people in general do not seem to concern observance as such, but the level of consistency! This explains the need for *haburot* and the Qumran community. When it comes to the eating of defiled *hullin*, we must expect varying practices among different groups, and discussions between groups regarding the circumstances in which defiled *hullin* could be eaten or not. The rabbinic discussion of defiled second tithe to be redeemed and eaten (*m. Ma’as. Š.* 3:9) within or without Jerusalem, which Avemarie refers to, might have been necessitated because in certain other circumstances, defiled *hullin* would have been discarded. Even in *m. Ma’as. Š.* (3:11), opinions differ whether meat of animals bought for second tithe money, slaughtered and then defiled, should be redeemed or buried. Thus, some restrictions on eating defiled *hullin* in a number of circumstances must be expected in the late Second Temple period. Like Avemarie, I also doubt Booth’s exact reconstruction of how the idea of separate contamination

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13 The discussion goes back at least to Büchler and Alon, including scholars such as Neusner, Sanders and Booth. Issues such as the development of *miqvaot*, the presence of a basic idea of *tevul yom*, and the defiling force of liquids are part of the argument. The numerous findings of stone vessels, probably aimed at preventing contamination, including cups containing an appropriate amount of water for ritual hand-washing, have somewhat altered the discussion. Cf. Magen, “Jerusalem,” 244–257; Regev, “Purity,” 223–244; Deines, *Steingefässe*. For details and further references, see Kazen, *Jesus*, 67–85.

14 This was pointed out already by Alon, *Jews, Judaism*, 207, in spite of his claim that the eating of *hullin* in a state of purity was established halakhah.

of hands was adopted. But I think the idea was present, widespread
and, together with the view on liquids and their interposition, caused
various restrictive practices that are suggested not only by rabbinc texts
but also attested in earlier texts from Qumran. It is true that Mark
does not mention liquids in this context, but why should we expect
him to do so? He is not interested in these aspects at all. Nevertheless,
liquids were always involved at a meal and would have caused problems
in any context where their defiling capacity through interposition was
considered. There was, however, no general and unambiguous view on
the chain of contamination; hence rabbinc comments are somewhat
disparate. I will return to this shortly.

Defilement from the Outside

Did Jesus say that defilement by impure food does not take place at
all? This depends on whether you choose a relative interpretation (“not
so much defiled by..., as by...”) or not. Avemarie’s Jesus does not
accept the paradosis of the Pharisees, but claims that unclean hullin
cannot defile persons at all. My Jesus is more “Jewish,” I think, in the
sense of being in dialogue with current groups, relativising a person’s
defilement from unclean hullin as being less important or potent in
comparison with moral defilement. I am challenged, however, by
Avemarie’s thought experiment to take Mark 7:15 literally: discharges
(from within) defile, but not food (from without). Maybe we should
pursue this idea further before dismissing it. To make a plausible case,
however, we need a relative reading here too, otherwise Jesus’ stance
would become un-Jewish indeed.

16 Combining m. Zabim 5:12 and m. Šabb. 1:4, Booth argues that a declaration of
impurity of hands as being constantly unclean (unless recently washed), took place in
the upper room of Hananiah in 51 CE. This view would have developed gradually from
an earlier decree of Hillel and Shammai (cf. b. Šabb. 14b), declaring hands susceptible
to actual defilement by first-degree offspring of impurity (Booth, Jesus, 162–173). The
idea of development, i.e. of hands becoming increasingly problematic, is reasonable,
but the detailed reconstruction far too speculative, lacking firm evidence.

17 Cf. 1QS 6:16–22; 4QMMT B55–58.

18 While Mark could have been aware of such details of purity law, his readers
would not, since they apparently needed elementary information about Jewish customs
(Mark 7:2–4). Mark’s point, however, was not to explain halakhic details, but to address
the more general and overarching question for a later period, namely the freedom of
gentile Christians from Jewish food laws in general.
A possible interpretation reveals itself when we attempt to include corpse impurity and “leprosy” in this idea, too. Jesus would then have considered defiling body substances (death “ooze,” genital discharges, and “leprosy-stuff” breaching the body envelope) as more “aggressive” impurity transmitters than food. The idea is interesting, because it would represent an additional stance on top of the various non-compatible ideas of impurity transmission found in the Mishnah (R. Eliezer: connection; R. Joshua: interposition of liquid; R. Aqiba: hands unclean in the first degree; standard view: hands unclean only in the second degree; categorising according to the concepts of “unclean” and “unfit”). I am not sure of this, but it could be worth an investigation, and it would definitely place Jesus in the type of interaction that Avemarie suggests regarding divorce and Sabbath in the introduction. This turns our attention to the paradosis issue.

The Role of Paradosis

The references to divorce and Sabbath in Avemarie’s introduction suggest that in the case of purity, Jesus should be expected to have interacted similarly with his interlocutors in legal discussions, sharing their “halakhic language and grammar.” With the help of rabbinic and Qumran literature we might reconstruct a plausible inner-Jewish dialogue with Jesus as one of the participants. But how does this square with the suggestion that in the case of purity, Jesus denies the post-biblical halakhah, or the paradosis, of the Pharisees?

I would suggest that comparisons with divorce and Sabbath point in other directions than those suggested by Avemarie regarding purity. For example, in the issue of divorce, the Essene argument referred to is not Scripture against post-biblical innovation, but creation principle (Gen 1:27) against Scriptural law (Deut 24:1–4). Divorce is explicitly allowed by Scripture. A similar way of subordinating legal commands of the Torah to narrative traditions, particularly from Genesis, is found elsewhere with early Christians, most prominently with Paul.

19 m. Yad. 3:1–2; m. Tehar. 2:2–7; cf. m. Ḥag. 2:5–7; m.’Ohal. 1:1–3.
20 Avemarie does consider the issue of creation principle in CD-A 4:20–21. The lack of any opposition here between Scripture and paradosis should perhaps make us hesitate to ascribe such motives to the historical Jesus.
In Jesus’ Sabbath conflicts, arguments are best understood as interpretation against interpretation. The Torah does not give instruction for detailed application of Sabbath law; that is why no one can do without halakhah.\footnote{Hence a number of studies talk about Christian halakhah; cf. Sigal, *The Halakah*; Tomson, *Paul*; Bockmuehl, *Jewish Law*.} In the Q material where Jesus discusses how to apply Sabbath law, there are no traces of him being against *paradosis* as such; he claims his own, or perhaps that of ordinary people.\footnote{Cf. Matt 12:11–12; Luke 13:15–16 and 14:5, where Jesus draws halakhic conclusions from *qal va-homer*-like arguments, that could either be understood as representing his own interpretation, or as representing a common-sense and ‘common people’ approach. Cf. Kazen, *Jesus*, 269–273.} In Mark this is not as clear. There are still remains of typical Jewish exegesis, but there are also possible claims for a superior authority.\footnote{The lack of proper halakhic arguments in Mark 2:23–3:6 may be understood as Mark portraying Jesus as seemingly indifferent, although not non-observant. The reference to David does not function well as legal analogy. Hence Matthew’s need to rework the tradition. For a different view, see Loader, *Jesus’ Attitude*, 26, 28, 35–37.} In addition, Matthew adds a typical Christian polemical note: “compassion before cult”, quoting Hosea in the same way as he does in 9:13 to justify Jesus’ behaviour in a context of table fellowship, thereby implicitly suggesting future conflicts over Gentiles and purity.

We find something similar in Mark 7, where the so-called “Isaianic reply” represents early Christian comment, quoting a version of Isa 29 that was often used by early Christians attacking what they considered as legalistic religion.\footnote{As Westerholm, *Jesus*, 76 points out, Isa 29 is frequently echoed in early Christian texts, e.g. Rom 11:8; 1 Cor 1:19; Col 2:22.} The accusation against “this people,” i.e. Jews in general, of preferring human commandments rather than divine, is a standard polemical *topos* in early Christianity. In my judgment, the opposition of Scripture to *paradosis* is redaction rather than Jesus tradition.\footnote{Cf. Westerholm, *Jesus*, 76; Hooker, *Mark*, 174; Booth, *Jesus*, 23–53, 60–65.} The pattern reflected by tradition is more often that of interpretation against interpretation. Just as Jesus in the antitheses of the Sermon on the Mount sets his own interpretations against those of his adversaries, in which scriptural commands and interpretations are (unconsciously?) blended, so here in Mark 7 he puts his own interpretation of purity and impurity against that of the Pharisees.

Scripture over against *paradosis* is then to me an anachronism when ascribed to the historical Jesus. It would possibly make him a Sadducee, but they were neither his associates, nor his primary discussion partners.
I would rather see this opposition as an early Christian development. While those with whom Jesus was in discussion knew what belonged to Scripture, they also knew how to negotiate it, whether with principles, prooftexts or *paradosis*. Halakhic interpretation was a necessary part of life for Jesus as well as for his adversaries.
1. The Interest of the Topic

The survey of research on halakhah in the New Testament offered earlier in the present volume concluded that halakhic study is more generally thought applicable to the Jesus tradition than to Paul’s letters. This seems to relate to the entrenched idea that, as distinct from Jesus, Paul considered the Jewish law obsolete and something to be liberated from. Such a generalised reading of Paul proved inadequate, however, and we have instead advanced the requirement to read him halakhically specific, i.e., clearly distinguishing whether Jews or non-Jews are addressed and what specific commandments are involved. With this in mind, it would be interesting to study a halakhic topic that appears both in Paul and in the Jesus tradition.

If halakhic study is more obvious with respect to the Jesus tradition, the problem there is that halakhic issues are entangled with the complicated development of the synoptic tradition and consequently with the evolvement of the early Christian movement in its relationship with Judaism. The way to tackle this head-on would be to produce a reliable reconstruction of the development of the pertinent halakhah in the framework of first century Jewish and Christian history. As long as that has not been done, however, an alternative method would be to seek oblique access via halakhic questions which could have passed relatively untouched by the polemics between Jews and Christians, as has been done for purity laws by Thomas Kazen, *Jesus and Purity Halakhah*.

There is indeed one domain that meets both requirements: divorce law. It is a fascinating topic, not because of its contents which today as in the past always involve injustice, pain, and suffering, not in the last place for the children involved. The subject is fascinating because of its historical and literary ramifications. Let me sum up.
Divorce law did not become a conflict area between Jews and Christians.\(^1\) In this exceptional domain, even gentile Christians from the start took a much stricter stance than most Jews and in fact rejected divorce altogether. If a widely shared interpretation is correct, this is because Christianity in this instance is the inheritor of a more rigorous Jewish tradition which did not make it in the Judaism that survived. Interestingly, third-fourth century rabbis state that “God did not give gentiles divorce.” This could reflect the intelligence that gentile Christians rejected divorce, especially since the alternative option among non-Jews is also mentioned that “the couple can divorce each other.”\(^2\) Obviously, neither for Jews nor for Christians was there a reason to start a dispute here. We can thus expect to be able to move more freely here than in other halakhic areas.

There is a telling overlap here between Paul and the Jesus tradition. It is very interesting to reflect on the apparent fact that Paul explicitly cites a teaching of Jesus, a teaching moreover which fits exceptionally well in early Judaism and is strongly attested by extraneous sources. Not only the relation between Jesus and the Pharisees and Qumranites or Essenes, but also that between Paul the ex-Pharisee and Jesus is illuminated when we compare all those sources. Thus the topic offers an exceptional view on Paul’s place both in early Judaism and in nascent Christianity. It also sheds new light on the earlier stages of the synoptic tradition.

As E.P. Sanders has formulated, the teaching on divorce is also “the most securely attested saying by Jesus,” since it is found quoted or reflected in Paul, in “Q,”\(^3\) in Mark, in Matthew, and in Luke.\(^4\) This comes down to saying that the divorce issue was of prime importance in early Christianity as well. A divergent opinion is attested in the so-called “exception clauses” in Matthew (5:32; 19:9) which shall have due attention below.

\(^1\) I see no support in the sources for the tentative suggestion by Sigal, *Halakhah*, 117 that anti-Christian polemic helped the Hillelite divorce halakhah win out.

\(^2\) *y. Qidd.* 1:1 (58c): “Do they have (the possibility of) divorce? R. Yuda ben Pazi and R. Hanin in the name of R. Huna the Great from Sepphoris say: Either they do not have divorce or couple can divorce each other (אָהָלָה יִנְיחָה אָהָלָה פָּרְסֻהָלָה אֲרֵבָהָ לְהֹנְךָ). R. Yohanan from Sepphoris, R. Aha, and R. Shmuel bar Nahman say: ‘For hating send away, etc.’ till ‘the God of Israel’ (Mal 2:16)—in Israel have I instituted divorce, but I did not among the nations.” Cf. *Gen. Rab.* 18,5 (Theodor-Albeck, 166f.).

\(^3\) The pronouncement Luke 16:18 and parallels is attributed to Q, see below.

(4) Although the true impact could only be realised after the publication of the Qumran scrolls, the matter of divorce law was among the first to draw attention to the importance of the Damascus Document for the Jewish background of the NT. In what discoverer and first editor Solomon Schechter had dubbed “the Zadokite document,” Ludwig Blau in 1911 recognised a halakhic approach that proved the Jewish origin of Jesus’ teaching on divorce.

(5) As Blau also made clear, the NT divorce passages have convincing ties with rabbinic sources as well. In particular the question the Pharisees asked of Jesus in Matthew and his answer including the “exception clause” relate to the Pharisaic-rabbinic schools of Shammai and Hillel. For over a century now, scholars have understood that the NT discussion on divorce has its place in Judaism. In other words: the NT here documents an important episode in the history of the halakhah.

(6) Indeed it is important to underline that divorce and, in a wider sense, matrimonial law was a prominent matter of dispute among ancient Jews. In a passage we shall investigate more closely, the Qumran covenanters stated the Jerusalem leadership was caught in the sins of “taking more than one wife during their lifetime,” which probably included remarrying after divorce, and of marrying one’s niece (CD 4:20f.; 5:7f.), while both items are legitimate options in Pharisaic-rabbinic law. On the other hand, the details of matrimonial law including the grounds for divorce are reported to be among the major disputed areas between the schools of Shammai and Hillel, even if they maintained good relations in spite of that (m. Yebam. 1:4).

(7) Indeed on the topic of divorce, divergent views are visible already within the Old Testament, the “teaching of Moses” being confronted with the opinion of a prophet (Deut 24:1–4; Mal 2:13–16, see below). Moreover the Mosaic passage presents exegetes with insurmountable difficulties, until we read it in the framework of ancient Near Eastern law. In turn, this allows us to understand later rabbinic divorce law.

(8) Matthew’s “exception clauses” speak volumes about that Gospel’s place in early Christian and Jewish history. While Paul, Mark, and Luke share the strictest opinion also attested at Qumran, Matthew seems to embrace the stricter option among Pharisees, that of the school of Shammai. This in effect comes down to a softening and a “rabbinising” or “pharisaising” of the Jesus tradition in a sensitive area. Added to

5 Cf. the short note by Jackson, “Ehescheidung.”
the head-on collision with the Pharisees also reflected in the Gospel, it heightens the impression of contradiction and inner struggle within this early Christian community.

(9) While these texts did not become a conflict area between Christians and Jews, they did among Christians and, since the Reformation, between Catholics and Protestants, as also among modern Catholics. For more than a century now, studies have been appearing on the history of interpretation of the NT divorce teaching. These efforts evidently reflect the interest the subject has, especially in Roman-Catholic circles. Apart from that, there has been a steady flow of studies on the teaching itself and its exegesis. From the start, this has included study of the Jewish basis of the NT passages.

Clearly, the NT teaching of divorce is an extremely interesting topic for the study of halakhah in the NT. We shall proceed by reviewing (2) important previous research; (3) the underlying Old Testament texts; (4) pre-rabbinic Jewish texts; (5) rabbinic texts; and (6) the NT texts. Finally (7) we shall draw conclusions for the development of divorce halakhah and of the Jesus tradition.

2. Previous Research

Much research into the matter has been motivated by the desire to shed light on the problems that arise today in the tension between changing social norms and ecclesial moral authority. This is entirely justified and on occasion will have our attention, but our focus is on the development of divorce law as this is expressed in the NT. We start out with a selection of previous research literature.

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One of the most important and comprehensive critical studies appeared in 1911. Ludwig Blau, *Die jüdische Ehescheidung,*\(^9\) offered a comprehensive and penetrating overview which recognised the importance of the then recently discovered “Zadokite Fragments” (the *Damascus Document*) and of the Aramaic Jewish papyri from Egypt. Both biblical law (Deut 24:1–4) and rabbinic law following the dominant school of Hillel grant the husband unlimited power to divorce his wife. There was also a dissident movement, represented e.g. in the prophet Malachi and in the school of Shammai, and culminating in the clear-cut prohibition of divorce in the NT. One of Blau’s central conclusions is: “The absolute prohibition of divorce . . . is the product of an inner-Jewish movement which already before the public appearance of Jesus had won over certain parts of the populace. The main stay of this hypothesis is the newly discovered document of the Zadokite sect of priests.”\(^10\) The only criticism would be that Blau sketched the development of opinions of the schools of Shammai and Hillel somewhat schematically.

Also in 1911, Anton Ott published his study of the Christian interpretation history of the NT divorce texts, *Die Auslegung der neutestamentlichen Texte über die Ehescheidung.* The motivation clearly is in the policy of the Roman Catholic Church, paying special attention to the Council of Trent where in 1563 the Protestant interpretation of the Matthaean exception clauses as allowing divorce upon adultery was declared anathema. As we shall see, this is the sore spot in much research from Roman Catholic quarters. The two parts of Ott’s study, devoted to the patristic period and to Middle Ages and Modernity, offer an interesting and helpful collection of documents. Ott himself endeavours to explain Matthew in accord with Trent.\(^11\)

These two works alone would offer much to describe the entire development of divorce halakhah in early Judaism and Christianity. But there are more noteworthy studies.

Back in 1896, David Amram had published *The Jewish Law of Divorce* (reprinted 1968 and 1975). It is a good overview of the rabbinic material taking also into account Philo, Josephus, and the NT, and it has

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\(^9\) Part 2 on *Der jüdische Scheidebrief* appeared in 1912.

\(^10\) Blau, ibid., 3f., my own translation; cf. ibid. 59–66.

\(^11\) Ott, *Auslegung*, 295–9; translating μὴ ἐπὶ πορνείας as “auch nicht wegen Unzucht,” and ἀφε κετός λόγου πορνείας as “ausgenommen sogar Erwath dabar.” See further below.
justifiably served as a text book on Jewish divorce law for many NT exegetes.

Claude Montefiore’s commentary on *The Synoptic Gospels* (1927) must be mentioned here because of his remarkable evaluation of the NT teaching on divorce. Representative of early Reform Judaism, he was not afraid to criticise his own tradition: “In no other part was the opposition of Jesus to the Rabbinic law of profounder significance. The religious position of woman in the law of divorce forms the least attractive feature in the Rabbinical system…. The reform, or rather the renouncement, of the Orientalisms in the laws about women is one of the greatest necessities of orthodox Judaism.”

Fritz Vogt, *Das Ehegesetz Jesu* (1936) is another item in the steady flow of Roman-Catholic studies on the matter. It focuses on Matthew’s exception clauses and follows the interpretation of Ott. Similar things can be said of the concise study by J. Bonsirven, *Le Divorce dans le Nouveau Testament* (1948). His confident conclusion, “Our dogma and our canon law are perfectly loyal to the teachings of Jesus and St. Paul,” is impeccable, except that it fails to do justice to Matthew.

Discussion in Catholic circles was brought on a higher level by Jacques Dupont’s *Mariage et divorce dans l’Évangile* (1957). It takes in rabbinic and ancient Near Eastern law, the important text in Malachi we shall presently study, and the *Damascus Document*, and unflinchingly concludes that Matthew’s exception clauses allow divorce on adultery. Nonetheless Dupont remains loyal to the Roman Catholic teaching and holds remarriage after such a divorce impossible. Without such genuflexion, Frans Neirynck, “Het evangelisch echtscheidingsverbod” (1958), and “De echtscheidingslogia in de evangeliën” (1996) critically interprets the important difference between Matthew and the other NT divorce passages in the framework of ancient Jewish law as evidenced by Qumran documents and rabbinic literature.

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13 Bonsirven, *Divorce*, 91: “Après les fluctuations du haut moyen âge, qui aboutissent à fixer les notions d’empêchement et de dispense, notre dogme et notre droit sont exactement fidèles aux enseignements de Jésus et de S. Paul; complètement éliminées sont les incidences des incises difficiles.”
14 Citing *Hermas*, 29:6, and following an apparent contradiction in Matthew; see below.
15 Especially following Daube (in 1958) and Neudecker (in 1996).

Ulrich Nembach, *Das neutestamentliche Ehescheidungsrecht im Rahmen des jüdischen Rechts* (1969) is exceptional in this context because it concerns a doctoral dissertation in law undertaking a systematic comparison of NT divorce law with ancient Jewish law: “In spite of the Hellenistic influence and the Roman administration, the crucial background of NT divorce teaching is in Jewish law.” Whereas the author thinks that in ancient Jewish law the discussion was over when divorce is permitted and when obligatory, in the NT the point is, he thinks, when it is prohibited and when obligatory—i.e. in case of adultery.16 This analysis is clearly based on Matthew’s teaching, the only one that the author found to be juridically coherent and original, as distinct from Mark, Luke, and Jewish teaching. The problem is of course that—as Nembach realises—neither ancient Jewish nor early Christian teaching were “systematic” and any attempt at full coherence runs the risk of losing one or more aspects out of sight. For a study in positive law this may be irrelevant, but it is at odds with the principles of historical research.

In 1976, Joseph Fitzmyer published an influential study on “The Matthean Divorce Texts and Some New Palestinian Evidence.” All relevant NT passages are reviewed, with the focus put on Matthew: “The major problem in the Gospel divorce texts is the Matthaean exceptive phrases.” The analysis is supported by comparison with Greek Jewish sources and Qumran, especially the *Damascus Document* and the *Temple Scroll*. In contrast to many other studies, this one does not review rabbinic evidence, apparently because it is thought to come “from rabbinic literature of a considerably later period.”17 This notwithstanding the fact that we are concerned with an exceptionally well-documented instance allowing the rabbinic texts to be read in a historically and archaeologically rather secure framework. Addressing Roman-Catholic discussions, the article closes with the open question why “a Spirit-guided institutional church” could not follow Matthew’s

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16 Nembach, *Ehescheidungsrecht*, 2, including the quotation.
17 Quotes Fitzmyer, “Divorce Texts,” 87, 97 (with n. 89 referring to Bonsirven and Dupont).
example and make prudent adaptations in view of problems in present-day Christian married life.\textsuperscript{18}

Philip Sigal, \textit{The Halakah of Jesus of Nazareth according to the Gospel of Matthew} (1986) has an important section on divorce law. It starts with a general overview of the NT texts and of the basic passage in Deut 24. It then focuses on Matthew and the question what is meant by the important term of πορνεία. Also, it takes account of the eschatological orientation of Jesus’ teaching as distinct from the average “Pharisaic scribe.” In effect, the Matthean Jesus agrees with the Pharisaic school of Shammai in allowing divorce in case of adultery, but he goes beyond that in prohibiting the ex-partners to remarry. This agrees with the analysis of Dupont, but it leaves the evidence of the other NT passages largely out of account. At that point, there follows an overview of ancient Jewish sources on divorce including the Egyptian papyri and the \textit{Damascus Document}. In conclusion, Jesus is found to stand “between Qumran and the Mishnah”—correctly so, it may be stated.\textsuperscript{19}

Also in 1986, Raymond Westbrook published his important study, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1–4.” His solution of the riddle of why in this case the woman is deemed “impure” for the first husband who divorced her but not for other men—reading this complicated passage in the light of ancient Near-Eastern law—seems convincing and decisive and is reviewed below.

In 1989 Markus Bockmuehl published his brief study, “Matthew 5.32; 19.9 in the Light of Pre-Rabbinic Halakhah,” seeking to avoid the supposed “easy shift in Matthew’s church” from Jesus’ absolute prohibition of divorce to the less radical position of the school of Shammai allowing divorce in case of unchastity. Drawing attention to a passage in the \textit{Genesis Apocryphon}, the author highlights sources which prohibit living with an adulterous spouse or even prescribe divorce. Matthew’s Gospel seems to support this tradition and to teach “that πορνεία makes husband and wife unfit for continued conjugal union.” Thus lining up with Sigal and Dupont, Bockmuehl, while focussing on Matthew, develops one possible line of interpretation of the crucial passage of Deut 24:1–3 also found in rabbinic tradition.

\textsuperscript{18} See also the bibliography on the divorce texts by Myre, “Dix ans d’exégèse,” mentioned by Fitzmyer, “Divorce Texts,” 102 n. 1.

\textsuperscript{19} Sigal, \textit{Halakhah}, 83–118, quotes 92, 93f., 116; cf. also the research survey above.
Another study from a Roman Catholic point of view was published by Raymond Collins in 1992: *Divorce in the New Testament*. Taking stock of the positions in the various NT texts, Collins soberly concludes that “virtually all the commentators” agree that Matthew, as distinct from Jesus, gave a “tannaitic-like formulation” that accords with the school of Shammai. Jesus’ own saying on divorce, prohibiting it in any case, is seen as “a prophetic utterance, rather than a community regulation.” “The fact that the tradition of Jesus’ saying on divorce exists in so many different versions . . . stands as evidence that the first generations of Christians experienced a need not only to pass along Jesus’ teaching on divorce but also to adapt it to ever new circumstances.”20

Mordechai Friedman, “Remarriage of One’s Divorcee” (1993) is a large study on the particular case set forth in Deut 24:1–4 and its interpretation by Philo and the ancient rabbis. In Friedman’s reading, the passage reflects a compromise between two opposite conceptions of marriage: one which considers it terminable by all means, and another which holds it sacrosanct except in case of violation by adultery. The second conception can be read from Jer 3:8 (on which see below); it surfaced in Qumran and in early Christianity. Friedman’s interpretation turns on the phrase in Deut 24:4, אָֽדֹם אֶתֶּלֹּלָה, “since she had been defiled,” as the reason for which the divorced woman cannot return to her first husband. Friedman concludes this makes her in a sense an adulteress for him, an interpretation avowedly close to that of Philo. The problem is that it does not explain why the divorcée can marry other men but not her first husband. Friedman also discusses the exegesis of the sages as well as several more specific cases subsumed under this law.

Having written a doctorate on Tosefta tractate *Gitin*,21 Reinhard Neudecker published a thorough study on the early interpretation history of in Deut 24:1–4 as background to the NT teaching on divorce: “Das Ehescheidungsgesetz” (1994). An important criterion is how the relation between the three protases and the final apodosis in the passage is interpreted. The first part of the essay studies the interpretations of the Septuagint, Philo, and Josephus; the important second part, rabbinic halakhah. Not unlike Bockmuehl, Neudecker draws attention to what he calls a forgotten halakhic tradition supported by the school

21 Neudecker, *Ehescheidungsrecht*. 
of Shammai, to the effect that an adulterous wife is forbidden and must be divorced. This tradition is seen as the background of Matthew’s divorce teaching. A question to be asked is to what extent we may suppose the Deuteronomy passage to lie at the basis of the discussion, rather than being one of the elements in a discussion driven by other reasons and causes.

Gershon Brin, “Divorce at Qumran” (1998) takes issue mainly with Fitzmyer’s opinion that at Qumran, divorce was rejected altogether. Taking his departure from Mal 2:16, he adduces the reading of the Qumran Minor Prophets scroll (“If you hate her, send her away”; see below) to indicate “that divorce was recognised as a legitimate phenomenon in Qumran.” This involves the doubtful argument of stressing “the Qumranic nature of the Malachi scroll” (237). We shall see, moreover, that “hate” as a reason for divorce stood diametrically opposed to Malachi’s real view. However, a realistic approach on divorce does seem to be intimated in the phrase לָמֵּרָשׁ in CD 13:17, “and also to the one who divorces,” which is confirmed by newly published fragments. This begs the important question about homogeneity at Qumran and about the genesis of the Damascus Document.

David Instone-Brewer, Divorce and Remarriage in the Bible (2002) is a richly documented book aiming both at finding hopeful answers to modern questions about divorce and at reconstructing the development of NT teaching on the matter. The successive chapters deal with law in the ancient Near East, the Pentateuch, the Later Prophets, early Judaism and rabbinic literature, and the teachings of Jesus and Paul. Referring to the study by Westbrook, Instone-Brewer interprets the Deuteronomy passage as distinguishing between “valid” and “invalid” grounds for divorce. He finds the attitude rejecting “invalid” divorce also in the Prophets, in Qumran, and in the NT. He supposes, however, that the Hillelite school of Pharisees “invented” a new interpretation of Deuteronomy allowing divorce “for any reason.” In fact, the author embraces the Matthaean teaching of adultery as a “valid” reason for divorce, which places him in the vicinity of Nembach. There is a trend in the book to minimise differences e.g. with the attitude found at Qumran and in Jesus according to Paul, Mark, and Luke.22

An interesting and important new approach to the formulation and development of early rabbinic divorce law is found in Ishai Rozen-Zvi’s article in the Bar-Ilan internet journal, “Analysis of Grounds for Divorce in Rabbinic Literature” (2004). The study, to which we shall come back, posits that the disposition of opinions presented by way of discussing the interpretation of the Deuteronomy passage in *m. Git. 9:10* embodies a *revision* of the original debate between the schools of Shammai and Hillel on whether divorce was fundamentally allowed or prohibited. The author supports his hypothesis by a newly discovered Tannaitic midrash and, more particularly, by the NT data, thus in effect reading the NT texts as important evidence to the history of halakhah.

Dealing in part with the same material, Vered Noam, “Divorce in Qumran in Light of Early Halakhah” (2005) compares Qumran passages about divorce and the *sota* (woman suspected of immorality) with rabbinic texts. The author identifies rabbinic rulings severe on divorce and remarriage as older halakhot tallying with the Shammaite opinion and also reflected in the Gospel of Matthew and certain Qumran texts. She explains these rulings not from “theological” conceptions of marriage but from “basic halakhic principles.” No notice is taken of the total rejection of divorce in other parts of the NT, nor is the possibility of different halakhic traditions being reflected in the Qumran finds thought through; following Gershon Brin, the Qumran Minor Prophets scroll is thought to represent the views of “the sect.” As we shall see, the “hate” divorce envisaged in that scroll agrees with the more common Jewish view and differs sharply from the Shammaite restriction to “indecent behaviour” as grounds for divorce.

We shall now turn to the source texts and unfold our interpretation as we are discussing these.

3. **Old Testament Texts**

3.1. *Torah*

The central passage Jewish and Christian authors keep referring to is in Deuteronomy. It is a complex piece of ancient case law difficult to penetrate because underlying principles are left implicit.\(^{23}\) By consequence, [23 Neudecker, “Ehescheidungsgesetz,” 351: this is not exceptional in ancient law and occurs also in Hammurabi’s code.]
it keeps giving rise to different interpretations. It appears that behind these, we must suppose important views on marriage and divorce to be at work in ancient Judaism, views that variously tend to exploit the different aspects of the complicated text. They may relate to external influences or to inner dynamics—possibilities we shall consider at the end of this study.

1When a man takes a wife and marries her, if then she finds no favour in his eyes because he has found some indecency in her (חן תמצא לא אם דבר), and he writes her a bill of divorce, puts it in her hand and sends her out of his house, and she departs from his house, and if she then goes and becomes another man’s wife, and the latter husband dislikes her and writes her a bill of divorce and puts it in her hand and sends her out of his house—or if the latter husband dies, who took her as his wife—then the former husband who sent her away may not take her again to be his wife, after she has been (declared) defiled (הטמאה אשר אחר), for that is an abomination. (Deut 24:1–4)

The case is made up of three stages. Stage 1: “because of some indecency,” the man divorces his wife by means of “a bill of divorce” and she remarries; the meaning of “some indecency” is vague since in Deut 23:15 the same term condemns the presence of excrement in the camp. Stage 2: the second husband “dislikes” her and divorces her by means of “a bill of divorce”—or alternatively, he dies. Stage 3: her prior husband cannot now remarry her, for the reason that “she has been defiled” and remarrying her would be an “abomination.” This is hard to understand: why would a divorcée be more “defiled” for her former husband than for another man? Even at stage 1, she could remarry, although she was divorced because of “some indecency!” Why is she considered “defiled” after the second divorce, but not after the first one?—Clearly, implicit conditions must be at work that cause the apparent contradiction.

While the paradox, if not overlooked, has plagued exegetes and lawyers, a coherent solution has been proposed by the specialist of ancient Near Eastern law, Raymond Westbrook (1986). He observed

24 For grammatical analysis, history of interpretation and secondary literature see Berger, Gesetzesauslegung, 508–20. His summary, ibid. 510, “Dt 24,1–4 ist das Verbot, die eigene Frau, ist sie einmal geschieden und wiederverheiratet gewesen, nochmals zu heiraten... Absicht ist der Schutz der Frau...,” is not adequate.
a difference between the two divorces: in stage 1, the stated reason is “some indecency” in the woman, but in stage 2, the man’s “dislike.” In ancient Near Eastern law, terms like “dislike” or “hate” (שָׁנָה) denote what Westbrook calls a “subjective ground” for divorce: he divorces her because he wants to, with no reason on her side. In such a case, the husband was obliged to pay her a compensation equaling at least the dowry. Rabbinic law formalised this in the ketubba, the money “described” by the husband upon marrying his wife in case he divorces her or dies. Something of the sort must be implicitly presupposed after the second divorce or the death of the husband in stage 2. The divorce in stage 1, however, was occasioned by “some indecency” in the wife, or in Westbrook’s terms, by “objective grounds.” In ancient Near Eastern and rabbinic legal terms, this would justify divorce without compensation. Accordingly, the first husband would have divorced her in stage 1 without paying her anything. If he would remarry her now in stage 3, he would profit from the money the termination of her second marriage entitled her to. But due to the declaration on which he has divorced her, she is now declared unclean. He can not now counteract his own prior declaration (what legal specialists call an “estoppel”). That would be an “abomination” on his side—not in a moral-sexual sense but in the sense of “hypocrisy.” In all its stages, the case is formulated in view of the man as legal subject. Both the two divorces, the “declaring unclean,” and the possible “abomination” are his doing; the woman is a mere legal object.

27 Westbrook, “Prohibition,” 399–403, referring also to an Elephantine papyrus; cf. Daube, New Testament, 366 and n. 3; Berger, Gesetzesauslegung, 511, citing also Jub. 41:2. Blau, Ehescheidung, 16f. maintains שָׁנָה equals דבר ערות דר רָמַת, but ibid. 19 concedes that in case of a 'hate' divorce “verliert der mann den Brautpreis.”

28 t. Ketub. 12:1 implies the ketubba existed long before Shimon ben Shetah (c. 100 BCE), cf. Lieberman, Tosefta ki-fshutah, vol. 6, 369f.; Albeck, Mishnah, vol. 3, 77–80 (introduction to Ketubbot), referring also to Tob 7:14.

29 Intending to interpret Westbrook, Instone-Brewer, Divorce, introduces a different terminology and misses the point: “The first marriage ended when the man cited a valid ground for divorce... The second marriage ended without any valid grounds for divorce” (7; cf. 23, 56f.; emphasis added). Instone Brewer also ignores the fact that the “hate divorce,” though “subjectively” motivated, is accepted as legal and valid in Mosaic law—as distinct, to be sure, from New Testament teaching.

30 m. Ketub. 7:6, see below at n. 82.

31 Friedman, “Remarriage,” 197 comes close to this insight when commenting on Philo. He also quotes important rabbinic halakhot implying that the husband’s declarations or vows made against the wife in order to divorce her cannot be later revoked, y. Git. 4:7, 46a; t. Git. 3:5.

32 Westbrook, 404, referring to M. Weinfeld.
To the extent that this interpretation is correct, it largely has an "archaeological" value since it does not figure in ancient endeavours to understand the text. Rather, depending on the particular views on marriage and divorce, the fact has drawn the attention that "some indecency" is mentioned as cause for the first divorce or that the woman after her second marriage is called "declared unclean"—without noting, usually, that she is not after her first divorce! On the other hand, the underlying legal principle has usually been recognised: marriage is terminated and the woman is free to remarry either if her husband dies or if he sends her away with a divorce bill on the grounds of his own "dislike" or of "some misbehaviour" of the wife. Deuteronomy takes the principle for granted without any explanation. It seems Ludwig Blau was right when he wrote in 1911, building on the work of other orientalists: "Mosaic legislation has not created the institute of divorce, but found it ready made." In last analysis, the Near Eastern context will be helpful in understanding the development of Jewish divorce law.

### 3.2. Prophets

A passage in Malachi shows that around 525 BCE, there were those who were apprehensive in this domain.

> And this again you do: covering the Lord’s altar with tears, with weeping and groaning...
> You ask, Why? Because the Lord was witness between you and the wife of your youth, to whom you have been faithless...
> For hating divorce (שלח שנא כי), says the Lord the God of Israel, and covering one’s garment with violence... (Mal 2:13–16)

The problem is in the grammatically unclear phrase יכ שנא שא which was variously interpreted in antiquity. Modern translations read a participle referring to God plus an infinitive, which yields, “for I hate divorce.” As we shall see, this reading was also known among ancient

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33 Similarly, Friedman, “Remarriage,” notes that most commentators and legislators have overlooked the primary meaning of the passage.
35 Sigal, *Halakhah*, in his overview of “Divorce in Post-Pentateuchal Sources,” 104–14, does not treat Malachi (but cf. 89, 102), but he does scrutinise Ezra and Nehemiah, ibid. 105f.
36 See below at n. 71.
rabbis. The version of the Minor Prophets found at Qumran, however, reads יִשָּׁנֵת אָם, “If you hate her, send her away,” 37 and this reading is confirmed by the Septuagint, on which below. Without such textual support, Westbrook reads two third person finite verbs, translating: “For he has hated, divorced… and covered his garment in injustice,” 38 and he concludes that Malachi disproves of “divorce for hate.” 39 This makes sense both of the grammar and the context. The implication that early post-exilic Judaism harboured rather different views on divorce is supported by other scholars. 40 To the extent that the Mosaic case law in Deut 24 reflected the norm, however, the question was bound to be what in the latter passage must be understood by בְּעָרֵר הָאִירָה, “some indecency.” 41

Furthermore, there are a number of verses in the pre-exilic prophets which use the metaphor of Israel as an unfaithful wife who is divorced but allowed to return. 42 Jer 3:8 teaches that unfaithfulness may provoke divorce: “For all the adulteries of that faithless one, Israel, I had sent her away with a decree of divorce.” Jer 3:1 could seem to imply the marriage cannot be restored since that would “pollute” or “desecrate” (נִבְּטָה) the land: “If a man divorces his wife and she goes from him and becomes another man’s wife, will he return to her? Would not that land be greatly polluted? You have played the harlot with many lovers; and would you return to me? says the Lord.” But again, a passage in Hosea gives the unfaithful wife a chance of return: “…That she put away her harlotry from her face… then she shall say, I will go and return to my first husband” (Hos 2:4.7[9]). Post-exilic Isa 50:1f rejects the thought altogether: “Where is your mother’s bill of divorce, with which I put

38 Suspecting the NT teaching plays a role here but overlooking the rabbinic evidence, see below at n. 71.
39 Westbrook, 402f. Similarly Blau, Ehescheidung, 26, although he follows the “modern” translation, “Denn ich hasse Scheidung.” In his summary, 75, he supposes this was the majority opinion at the time, “die selbe (Anschauung) hat wenigstens der Sittenlehrer Jesus Sirach” (for this interpretation of Ben Sira see below n. 50); he associates the evidence of Philo and Josephus with the “opposition” beginning with Hillel.
40 Cf. Brin, 233: “Malachi, who was close in spirit to the Deuteronomistic source…, held a totally different approach to divorce…” Brin connects this rather abruptly with Jesus’ attitude.
41 For a concise history of interpretation see Berger, Gesetzesauslegung, 515–518.
42 See below n. 77.
her away?... Why, when I came, was there no man?... Is my hand shortened, that it cannot redeem?"

The legal implications of these passages are not clear and remain disputed in subsequent Jewish teaching.

4. Pre-Rabbinic Jewish Texts

4.1. Egyptian Aramaic Papyri

In Jewish contracts contained in papyri found in Egypt and dated around 450 BCE, divorce for "hate" as used in Deuteronomy is an accepted condition, with financial compensations being stated but without mentioning a divorce bill, as in the following example:43

Tomorrow or the next day, should Miftahya rise up in the assembly and say: I hate (שנאת) Eshor my husband, the hate money (כף שנאה) is on her head. She shall place on the balance-scale... but all she brought in with her, she can take...

Tomorrow or the next day, should Eshor rise up in the assembly and say: I hate (שנאת) Miftahya my wife, her dowry shall be forfeited [to him]... and all she had brought with her, she can take...

Identical conditions appear in some other contracts, with the phrase שנאה דין being used to indicate "law of divorce."45 Interestingly, the initiative at divorce lies both with husband and wife, apparently reflecting local law,46 for this is not an option in average Jewish law.47 Nevertheless, the basis of marriage is patriarchal, as appears from the mention of the dowry in the second clause. The sum she must pay if


45 Porten-Yardeni ibid., (above n. 43) nos. 3.3 (60–63); 6.4 (139f.: נשא דין, lines 2, 6).

46 Cf. below n. 55 on Philo. Blau ibid. 21 n. 1 cites similar marriage conditions quoted in y. *Ketub. 5*, 30b:…שנאת ישנא אלי, שנאhips: *אלי נשים, שנאhips: דכתבין אילין*. Bammel, "Markus 10.11f.," 175 refers to J.N. Epstein who in *Jb. d. jüd.-lit. Gesellsch.* 6 (1908–09): 368f. [*non vidi*] cites two passages in y. *Ket.*, probably this one and y. *Ketub. 7*, 31c, *כאמור דיפשנא יליה של אלא פלונית פך*. Bammel considers divorce at the wife’s initiative a minor option in Jewish law that was repressed by the rabbis. For this matter, which also includes two Geniza ketubot, see Friedman, "Divorce;" idem, "Contracts," 440, 57; Jackson, "Mishpat ivri,“ 88–90.

47 Rabbinic halakhah empowers the court to enforce divorce on the wife’s behalf in certain cases, cf. m. *Yebam. 9*:3; m. *Ketub. 7*:9f.; t. *Yebam. 2*:4; 7:5.
she initiates divorce may be equivalent to the dowry paid to her or to her family at the wedding.

4.2. Septuagint

The phrase in Mal 2:16, שָׁלָח שֵׁנָה יִרְאֶה, is translated in the Septuagint: ἀλλὰ ἐὰν μισήσας ἔξαποστείλῃς, or, literally, “but if hating her you send her away”—as in the Minor Prophets Scroll. Thus the Alexandrian interpreters accepted the legal presuppositions of Deut 24:1–3. However, they also duly rendered Malachi’s disapproval of “hate divorce:” καὶ καλύψει ἀσέβεια ἐπὶ τὰ ἐνδύματά σου, “and he will cover with impiety (on) your clothes.”

The key phrases from Deut 24 are translated as follows in the Septuagint. Stage 1: the first husband divorced her “because he found in her ἀσχημόν πρᾶγμα, an indecent matter”; דִּבְרֵיהֶן is similarly translated in Deut 23:15, ἀσχημοσύνη πρᾶγματος. Then “having gone away, she becomes another man’s”: ἄπελθοῦσα γένηται ἄνδρι ἑτέρῳ. Stage 2:49 the second marriage ends by divorce, ἢ ἀποθάνῃ ὁ ἄνηρ ὁ ἐσχατος, “or if the second husband dies.” Stage 3: she cannot now return to the first husband μετὰ τὸ μιανθῆναι αὐτήν, “after her having been defiled.” The “indecent matter” is rather vague, as is the “being defiled,” but nor is the Hebrew very clear. It is up to the interpreters.

4.3. Ben Sira

Without a clear reference to the Deuteronomy passage but apparently presupposing the underlying practice, the advice is given here:

Do not give water an outlet, nor an evil wife power:50 if she does not walk at your side, cut (her) off from your flesh (מהשרר), give (the bill) and send (her) away (ושלח תן).51 (Sir 25:29f.[25f.])

48 The reading ἐνθυμήματα of most mss must be a misreading or mishearing for ἐνδύματα, which appears to be the reading of the Washington ms (Freer collection, mid 3rd cent.), see J. Ziegler ed., Duodecim prophetae, Göttingen: Vandenhoeck & Ruprecht, 1967, 334.
49 Neudecker, “Ehescheidungsgesetz,” 354 thinks Deut 24:3b ἢ ἀποθάνη is a new beginning.
50 מַמְשָׁל: ms A παρρησίαν (freedom), ms B ἑξουσίαν (power). Blau, Ehescheidung, 29, not knowing the Hebrew Ben Sira yet, prefers παρρησίαν and reads a Shammaite position. He also cites 7:27[26] (involving μὴ ἐκβάλῃς for ἀνεκβάλεται, “do not loathe”) and 28:15 (taking “Verleumdung” as incriminating “women of valour”).
51 The last part is not in the Greek.
The expression “if she does not walk at your side” is open to interpretation. It seems to include disobedience on the wife’s part, i.e. any way of displeasing the man.52

4.4. Philo

More explicit, though not clearer, is Philo on Deut 24:1–4 in his commentary on the “special laws”:

Now if, says he, a woman, having departed53 from her husband for whatever reason it may be (καθ’ ην ἄν τύχῃ πρόφασιν) and having been married to another, now becomes single again—the second husband still being alive or even having passed away—then she must not return to her previous husband, but become the companion of all others rather than this one’s, since she has trespassed the ancient ordinances, forgetting them and preferring novel love-potions over the old ones. But if any man is willing to proceed to a settlement with such a woman, he incurs a reputation of weakness and unmanliness . . . He has thoughtlessly associated himself with two of the greatest offences: adultery and pandering. The punishment to be meted out to him is death, along with the woman (Spec. leg. 3:30–31).

First, Philo renders Deut 24:1, ἄσχημων πράγμα, as “for whatever reason it may be.”54 This is not unlike Ben Sira’s vaguely Hillelite criterium, only stated more explicitly. Then, however, Philo interprets the Septuagint’s translation of the difficult Hebrew—μετὰ τὸ μιανθῆναι αὐτήν—morally: the woman has “defiled” herself through new love-potions, thus occasioning the first divorce. The emphasis on the woman’s initiative is striking; one is reminded of other evidence pointing to a legal empowerment of women particular to Egypt;55 how-

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52 Cf. the comments ad loc. by M.Z. Segal, Sefer Ben Sira ha-shalem, 2nd ed. Tel Aviv: Bialik, 1972. Blau interprets it in accordance with the Shammaite view, see n. 50 above, following his assumption that the Shammaite interpretation was “die ältere und allgemeinere,” cf. ibid. 31–5. For Sigal, Halakhah, 107 the passage “appears to allow divorce for any reason, Hillelite-style,” correctly, it seems.


54 Cf. Neudecker’s analysis, “Ehescheidungsgesetz,” 356–60. In n. 9 he pays attention to the grounds for the first divorce but does not link it with the Hillelite interpretation.

55 Heinemann, Bildung, 317 reports that the Greek papyri show a predilection for the verb ἀπαλλαγεῖσα: “die . . . geschieden wurde,” supposing Philo retains the patriarchal structure of Jewish marriage and divorce. Similarly Neudecker, “Ehescheidungsgesetz,” 356f., underlining that Philo paraphrases Deut 24:1–4 from the woman’s
ever that does not appear to be Philo’s opinion. The thrust of Philo’s whole explanation is to blame the divorce on the woman. The second part goes way beyond the case of Deut 24, stating that if anyone—not only the first husband!—now accepts marriage with her, he associates with adultery punishable by death. However the term μοιχεία is irrelevant to the extent that both the first and the second marriage were legally terminated, which Philo concedes by stating that the woman must remarry with “others” than the first husband.56 Thus the interpretation of the “indecent matter” as “whatever reason” for a cause of the first divorce stands in tension to the rest of the passage.57 It seems as though Philo duly cited it from accepted tradition, but then went on to state his own, rather more restrictive interpretation.

4.5. Josephus

Such complications are not found in Josephus. In his succinct commentaries on the Pentateuchal laws he renders Deut 24:1–4 as follows:

He who wants to divorce from the wife he lives with, for whatsoever reason (καθ᾽ ἁσδηποτοῦν αἰτίας)—and such may arise manifold among humans—must certify in writing that they shall never again come together, for thus she would acquire the right to live with another man, which beforehand was not allowed; but if it turns bad with her also with the second one or if he dies, and the former one would wish to remarry her, it is said she is not permitted to come back to him (Ant. 4:253).

As compared with Philo, Josephus’ comments are concise and sober.58 He does not go into the reasons why the first marriage can not be

56 Heinemann, 317–20, notes the difference with the average rabbinic interpretation, but 319 n. 3 rejects the suggestion by Blau, *Ehescheidung*, 41 of a “Sadducaean law book” (something like CD in Blau’s terminology) underlying Philo’s explanation. Maybe it was not a book but a particular tradition of reading; cf. the saying of R. Meir t. Sotah 5:9, on which below.

57 Belkin, *Philo*, 229–31, notes the Shammaite slant of Philo’s extended exposition but, wishing to avoid contradiction, stretches the phrase καθ᾽ ἂν τύχῃ πρόφασιν to accord with the wider “deutero-Shammaite” approach expressed in the *baraita* y. Git. 9, 50d (on which see below n. 74). Sigal, *Halakhah*, 108f. notes the tension but follows Belkin. Friedman, “Remarriage,” 196 rejects Belkin’s interpretation of the second part because of the phrase καθ᾽ ἂν τύχῃ πρόφασιν, thus denying any tension between the two parts.

58 Cf. the concise analysis by Neudecker, “Ehescheidungsgesetz,” 360f. See also the notes in Étienne Nodet, *Flavius Josèphe: Les Antiquités juives*, livres IV et V (Paris:
resumed. The only thing he expands upon are the reasons for divorce. Having said this may be “for whatsoever reason,” he feels the need to add that “such may arise manifold among humans,” as though underlining the “whatsoever.” Also, he explicitly mentions the same attitude in his autobiography. The liberal tradition on divorce that Philo cited but did not subscribe to was wholeheartedly embraced by Josephus.

4.6. *Qumran*

A very strict attitude towards marriage and divorce seems to be found in the Qumran scrolls.

... They are caught twice in fornication (זנות) taking two wives in their lifetime (לכלות נשים בחייהם), though the principle of creation is *male and female he created them* (Gen 1:17) and those who went into the ark went two by two into the ark (Gen 7:9), and about the prince it is written: *He shall not take many wives* (Deut 17:17) (CD 4:20–5:1)

And he must not take another wife in addition to her for she alone shall be with him all the days of her life, but if she dies, then shall he take another, from his father’s house, from his family (11QTemple 57:17–19).

The two passages are evidently related, but have different dynamics. The second one could be read like a comment on the end and the beginning of the first one, since it elaborates on the last verse quoted there, Deut 17:17. Indeed the second text quotes the same verse earlier on (11QTemp 56:18). “Not multiplying wives to himself” is explained as meaning that the king should not take another wife as long as his first one is alive; only when she dies can he marry another. This would exclude both marrying more than one wife at a time and remarrying after divorce. The same is implied in the scriptural quotes in the first passage: they came “two by two” into the ark, and the first humans were created a couple, as the author seems to read: “one male and one female He created them.” Since actual polygamy is alluded to only in its...
third quote, the first passage reads as being primarily directed against divorce. The second passage merely elaborates on the king’s obligation to monogamy, but implicitly excludes divorce as well.62

Thus it seems that at Qumran, both polygamy and divorce were strongly condemned and there was a tendency to rule them out completely.63 However, there also appear to be passages indicating that the reality of both was accepted;64 these make the radical tendency stand out. It means the Qumran covenanters, going beyond Malachi, wished to bypass the legal presuppositions of Deut 24:1–4. Although we do not possess a text explicitly confirming this, the tendency is clearly seen in the continuation of the CD passage we just quoted: the exposition of the twofold sin of fornication is interrupted in order to refute the legal case from David’s polygamy with the following argument: “David had not read in the sealed book of the law that was in the ark…” (CD 5:2f).

5. Rabbinic Literature

There are two difficulties here: the material is overwhelming, and it is difficult to penetrate. Just as in Deuteronomy, much is left unsaid and there is no systematic approach, not to speak of conflicting attitudes. We must content ourselves with reviewing some of the most important early rabbinic passages, starting from the Mishnah, but also considering the possible earlier stages of Pharisaic divorce halakhah.

5.1. Definitions

First let us hear the definition of legal means:

The woman is acquired גָּנַת הָאָרֶץ (ניקנת האשה) by three means and acquires herself פרֶס (Free her) by two means. She is acquired by money, by a document, and by intercourse—the school of Shammai say…and the school of Hillel

62 Interestingly, Blau, Ehescheidung, 63f. proposes to read Jub. 3:3–7 which expands Gen 2:24 in light of the CD passage, esp. the added phrases, “(God) took one bone from the midst of his bones for the woman…He brought her to him and he knew her and said to her: This is now bone of my bone and flesh of my flesh, this one will be called my wife…” Cf. the emphasis of Berger’s rendering, Gesetzesauslegung, 530. This highlights the significance of Gen 2:24 in Jesus’ argument, see below.

63 Thus Fitzmyer and many others. Lehmann, Vermes, Instone-Brewer, Noam and others think only polygamy was forbidden in CD; cf. Kampen.

64 E.g. CD 13:17, see Brin, above. And see already Baumgarten, “Restraints,” 14 and n. 6, referring to 11QT 54:4; 64:1ff. and commenting on Fitzmyer, “Divorce Texts.”
say...—and she acquires herself by a bill of divorce and by death of the husband *m. Qidd.* 1:1 (ms Kaufmann).

Patriarchy is unmistakable in this ancient language: the woman is “acquired,” as are slaves and cattle! The tradition, which comprises a dispute on details between the schools of Shammasi and Hillel and hence is supported by both, summarises the two legal means by which marriage is terminated: a divorce bill and death of the husband. They are identical with those implied in Deut 24:1–4. In other words this mishnah formulates the legal principles behind that passage, principles we saw accord with ancient Near Eastern law. As to the divorce bill, the Mishnah lays down:

The essence of the divorce bill: Lo, you are permitted to every man (הרי אדם לכל מותרת את). R. Yuda says: [Aramaic] Let this be for you a writ of separation, [and a bill of divorce,] a letter of sending away, that you may go and be married to any man you want (תצביין די גבר לכל מותרת את) (m. *Git* 9:3, ms Kaufmann).

Two formulae are given for the legally decisive phrase. The Aramaic formula is preserved in common usage till the present day. “Permitted to any man you want” defines he freedom of the woman to remarry and thus legally constitutes divorce. Any restriction on the freedom to remarry would undermine the concept of divorce. Exactly that is what R. Eliezer is advocating earlier on in the same Mishnah chapter:

He who divorces his wife saying to her, Lo, you are permitted to every man except NN (ריוואת מותרת לכל אדם אלה לאיש מ), R. Eliezer accepts this, but the Sages prohibit (m. *Git* 9:1, ms Kaufmann).

R. Eliezer, who is said to belong to the school of Shammasi and is known for his conservative opinions, may be presumed to represent the older halakhah. This is confirmed by a passage in Paul. The Sages reject Eliezer’s ruling as being contrary to the principle of divorce.

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67 1 Cor 7:39, see below.

68 Thus the discussion *t. Git.* 7:1–5; *Sipre Deut.* 269 (p. 289), with the repeated conclusion, לא למדה שאין זה הכרונה.
5.2. The Schools Dispute

We must now study the mishnah which presents the difference on divorce between the two schools as a discussion on how to interpret Deut 24:1:69

The school of Shammai say: One is not to divorce his wife except when he found indecency in her (ערוה בה זג, as it is said: if he found in her an indecent... The school of Hillel say: Even if she spoilt his dish (אפילו תבשילו היקדיח), as it is said: if he found in her a... matter. R. Aqiba says: Even if he found another more beautiful than her (אפילו מצא ממנה נוה מקונה), as it is said: and if she does not find grace in his eyes (אם לא בעיניו חן תמצא), etc.70 (m. Git. 9:10, ms Kaufmann).

The school of Hillel accept any reason given and in effect allow the husband full power to divorce his wife, as this is reflected in Deut 24. The opinion of R. Aqiba given at the end even seems to drive this interpretation to the extreme; we shall have to come back to that. This position is identical with the one adopted by Josephus and duly transmitted by Philo, in spite of the latter’s own more restrictive opinion. The school of Shammai are also restrictive and hold that the husband has no right to divorce his wife unless she trespassed in the sphere of “decency.”

The restrictive position of the Shammaites reminds us of Mal 2:16, where as we saw divorce on the grounds of revulsion is deplored. Indeed, the passage kept drawing attention, though it was differently understood.71 The following baraita (third century tradition) exploits different possible vocalizations of the difficult words in Mal 2:16:

Ki ś-n’ š-l-h [for hating sending away] (Mal 2:16)—R. Yehuda says: When you hate her, send her away (ki śone’, šlah). R. Yohanan says: Hated is the one sending away (ki sanu’ šoleah). But there is no contradiction: one speaks of the first marriage, the other of a second marriage. For R. Elazar says: He who divorces his first wife, the altar sheds tears over it, as it said: And this is the second thing you do: covering the altar of the LORD with tears... (Mal 2:13) (b. Git. 90b).

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70 Cf. also the pertinent Tannaitic discussions in Sipre Deut. 269 (p. 288); Midr. Gad. Deut 23:15 (p. 523); 24:1 (p. 436f.); b. Git. 90a.

71 Cf. Brin, “Divorce,” 235 n. 4, taking his point of departure from the medieval commentators.
R. Yehuda reads the difficult words as did the Septuagint and the Minor Prophets Scroll: “hating her he sends her away.” He isolates the words, however, and comes to a conclusion opposite to their context, upholding divorce. R. Yohanan does interpret the words from their context. He reads the phrase “hated is the one” as a divine passive, thus rendering the same meaning as the modern translations: God hates divorce. In light of the absolute rejection of divorce in the Qumran scrolls we cannot afford to take this hesitation vis-à-vis divorce lightly. It must represent a sentiment within the Pharisaic-rabbinic movement that was felt even in the third century and that found support in the Malachi verses.

Clearly, rabbinic tradition remained divided over marriage and divorce. In this connection there is an interesting and important saying: “R. Meir used to say: Like the different tastes about food are the different tastes about wives…” Fully embracing the patriarchal framework that obtains here, he goes on using the metaphor of how to deal with a fly menacing one’s dish. There are those who just wait for their wife to make any mistake so they can divorce her; there are those who lock her up when going out so she can not make any mistakes; there are those who would not tolerate big mistakes but accept her small liberties, this is the common attitude; and there are those who relish even her big mistakes: “This is the godless character, who looks at his wife going out with uncovered hair, with bare arms…laughing with everyone; it is a duty to divorce her (מגוה לערשה), as it is said:…Let her depart from him.” The quote is from Deut 24:2, which R. Meir is here expounding hyperbolically, and he goes on: “The second husband, if he is righteous, expels her from under his authority; if not, she will bury him in the end, as it is said: Or if the second husband die, for the man is bound to die because he took that woman into his house.”

We are again reminded of Philo, who in his extended interpretation also speaks of a well-deserved death, only not for the second husband, but the first. The common point of departure is in the grounds for the first divorce: indecency. Both Philo and R. Meir actually read “lewdness,”

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72 t. Sotah. 5:9; cf. b. Git. 90a.
73 R. Meir does not make Philo’s mistake and accepts the first and second divorce for legal facts, thus ruling out the charge of adultery. The Mishnah does envisage restoration of the first marriage: נרצשת נרצשת (m. Yebam. 4:12, in more detail t. Yebam. 6:5); R. Aqiba wants to disqualify the restored marriage as well as the wife and possible children, but the Sages disagree, imposing divorce but preserving the rights of wife and children.
which looks like a Shammaite position. This is remarkable for Philo, in view of his initial interpretation of Deut 24 as “whatever reason it may be.” It is also for R. Meir, who as R. Aqiba’s main disciple is heir to the Hillelite tradition.

As we said, rabbinic law is no more coherent than is biblical law. There is an independent motive here that is not explicitly brought to bear on the discussion of divorce but clearly has its influence. This is the idea found scattered both in biblical and in rabbinic law that an adulterous wife is “impure” and hence forbidden to cohabit with. If the biblical injunction that she is punishable by death (Deut 22:22) was not carried out in Pharisaic-rabbinic law, it would mean at least a pressure for her to be divorced. On the Hillelite approach, that was no problem to start with, but in the restrictive Shammaite approach it was. This is where the “impurity” of the woman turns into the obligation to divorce her, hence R. Meir’s saying: “It is a duty to divorce her.”

Yet in view of R. Meir’s Hillelite affiliation, contradiction seems to remain. It sounds as though he is arguing in order to convince someone else. Indeed it seems we are confronted here with rabbinic discussions in the second century aiming at bridging the gap between the Sham-

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74 y. Git. 9, 50d actually interprets R. Meir’s tradition as a Shammaite position, see above n. 57.
75 Cf. Num 5:13 and passim נמטאה, מְנֵעַ אֵּלֶיהָ מַוַּת הָאִית מְסָרֶיהָ ולָאָמָר, ל’ישלא’בר ה́יא אסורה. Also Sipre Deut. 269 (p. 288), “she is forbidden for (her husband) who normally could cohabit with her.” Cf. Blau, Ehescheidung, 38f.; Nembach, Ehescheidungsrecht, 18; Sigal, Halakhah, 97; Bockmuehl, “Matthew,” 18; Rosen-Zvi, “Analysis,” 2 n. 5; and the sober reflections of Vahrenhorst, Schwören, 407f.
76 m. Sotah 9.9, ה́וא דא םנסא מִסָא ה́א תוב ה́תיל, רָבָא ויָתָב יָבֵי נא מְסָרֶיהָ. “When adulterers became numerous, the bitter water trial ceased, and it was R. Yohanan ben Zakkaï who made it cease.” John 8:2–11, a woman caught in the act of adultery whose conviction is left pending.
77 Albeck, Mishnah, 3, 265f. and 407 concludes from R. Meir’s saying that one must divorce a licentious wife, as against Blau, Ehescheidung, 25 who refers to Jer 3:1:8; Isa 50:1 and Hos 2:4. Albeck ibid. 265 n. 3 protests that there is no proof from such prophetic visions, but Blau’s interpretation of them is supported by Sipre Deut. 406 (p. 330), where Mal 2:16 is counterbalanced by Hos 11:9 and Isa 50:1, and Pesiq. Rab. 44 (184a), “God deletes his own words in face of repentance”; Deut 24:1–4 is cancelled out by Jer 3:1 on the basis of Hos 14:22f. Albeck overlooks that Blau 38f. maintains that as against the opinion of the prophets, “gilt im Talmud der Ehebruch widerspruchslos als zwingender Ehescheidungsgrund.” Incidentally, it must be observed thatancel inne Neunz (“a duty” in R. Meir’s saying) when taken as a technical term denotes a rabbinic injunction as distinct from a Tora commandment, cf. G. Alon, “Shevuṭ, reshut, mitsva,” in idem, Studies, vol. 2, 111–119. The baraita in b. Git. 90b, מאתה נתרה, מאה, is clearly an elaboration of t. Sotah 5:9, מאתה נתרה, cf. Rosen-Zvi, “Analysis,” 7f.
maite and Hillelite approaches by means of broadening the Shammaite concept of “indecency” as grounds for divorce. This is what Yishai Rosen-Zvi thinks also happens in a recently published Tannaitic midrash where R. Aqiba expresses himself in a very similar sense:

If she ate at the market, quaffed at the market, fed her child at the market, went out with bare arms and uncovered hair at the market: in all these cases did R. Aqiba say: let him divorce her. Said R. Yohanan ben Nuri to him: You will not leave Abraham our Father with even one woman whom you do not cause to be divorced. It is said: If he found in her a “word” of indecency—if he found in her a “word.” Just as “indecency” must be a clear matter (דבר כעין מנהיג), so a “word (of indecency)” must be a clear matter.

R. Aqiba represents the Hillelite position, but using “Shammaite” terms: all these minor “indecencies” are reasons to divorce the woman, while in the Hillelite view, they would be as good as any others. Yohanan ben Nuri objects they must be actual indecencies. He reflects the Shammaite position that does not acknowledge divorce except in the case of “actual indecency”—but he does so in Hillelite terms, defining them as minor “indecencies.”

5.3. The formulation of m. Git. 9:10

Rosen-Zvi’s theory is able to explain both the particular form of m. Git. 9:10 and the apparent contradiction in the above sayings of Meir and Aqiba. In his analysis, m. Git. 9:10 is the outcome of a process of re-interpretation and blurring of differences between the schools in

[85x618]314 Peter J. Tomson

78 The same is seen in the Tannaitic tradition contained in Midr. Gad. Deut 24:1 (ed Fisch, 522). ר’ ישמעאל אומר: בהברור יוהו על דבר בתרה ממדר... רבי: מושמ... בפי.


80 Cf. y. Git. 9, 50d; y. Sotah 1, 16b, where the qualification of the fourth woman in R. Meir’s saying in t. Sotah 5:9 is dubbed a “Shammaite” position: בתי שלמה אומרים: היא שלמה עמה שלמה (בפי מ thous בתרה, בתי שלמה אומרים פורים, רחמים פרחים, מחפשים למדא׳, מחפשים למדא׳, מחפשים למדא׳). The school of Shammai say: Thus far, it includes only the woman who must depart because of (sexual) indecency; whence also the one who goes out with uncovered hair, open clothing, or bare arms? Scripture teaches: If he find in her something indecent.” This seems to be part of the 2nd cent. rephrasing and mitigating of the earlier schools debate.
the second century.\textsuperscript{81} The extant mishnah would then be a revision of the earlier debate, where the two positions quite likely were more clearly opposed.

For this hypothesis Rosen-Zvi has two pieces of evidence, apart from the midrash just quoted. First, there is a mishnah summing up women who are divorced without financial compensation using quite similar terms, without there being a link with the dispute on the grounds for divorce: “These women are divorced without their ketubba: she who . . . goes out with uncovered hair, or spins at the market, or speaks with everyone . . .”\textsuperscript{82} The list clearly reflects a Hillelite point of view, as it includes matters such as tithing that have nothing to do with decency. This makes it likely that existing lists of minor infringements on decency were used by Aqiba and Meir in their strategy to bend the Shammaite argument the Hillelite way. Rosen-Zvi’s other argument is the particular phrasing of the question of the Pharisees in Matt 19:3: “Is a man allowed to divorce his wife for any reason?” which obviously suggests the Hillelite opinion, just as Jesus’ answer that divorce is prohibited “except in case of unchastity” reflects the Shammaite position. If indeed Matthew aimed at better adapting his Gospel to his Jewish surroundings (see below), the suggestion is very strong that this was the way the debate was formulated in the latter part of the first century CE.

This also gives insight into R. Aqiba’s rather shocking opinion in the Mishnah. In the very same context, the Yerushalmi cites another tradition where Aqiba overrules an ancient halakhah to the effect that women during their period must use no kohl or rouge, explaining: “If thus you rule, she will tend to make herself ugly so he will start planning to divorce her.”\textsuperscript{83} Aqiba wants to prevent her from looking repulsive during her period, precisely because on the Hillelite approach he adheres to, \textit{even} another woman’s beauty can serve as a reason to divorce her. In other words, on the Hillelite premise of “divorce by all means possible,” he reduces the means that could make the possible real, thus protecting the woman and pre-empting Shammaites worries. The Yerushalmi correctly identifies the “ancient halakhah” as the Shammaite one,\textsuperscript{84} in

\textsuperscript{81} Cf. also Blau, \textit{Ehescheidung}, 34 n. 2; and the pertinent remarks by Neudecker, “Ehescheidungsgebet,” 366f.

\textsuperscript{82}벌ева אלל ותא ישבנ בכרפה: ישתה וראשה פרות ותעות בפשון, תותה לע כֶלֶם, נועה בכתובת השם, נשים ויתאות הה באתה Attribution: m. Ket. 7:6, a mishna related to m. Ned. 11:12, ששלש שגנה ויתאות הה אأمرה.

\textsuperscript{83} y. Git. 9, 50d end; cf. b. Šabb. 64b.

\textsuperscript{84} Cf. the ancient apprehensions on this point in 1 En. 8:2; cf. 1 Pet 3:3.
which, as Blau explains, her repulsiveness would be no problem since
she could be divorced only if she was “indecent”—which her isolation
excluded. We see Aqiba here active in reformulating the halakhah and
deciding in a dispute between the Houses.

The Yerushalmi quotes this tradition precisely in connection with
Aqiba’s midrash in m. Git. 9:10, “if he finds another.” The two sayings
can be read together, illuminating the Mishnah: if the woman makes
herself up also during her period, she is less likely to “find no grace in
his eyes” and he to “find another” and wish to divorce. Seen in this light,
Aqiba’s midrash does two things. Based on Deut 24 it provocatively
defines the legal extent of the Hillelite position: divorce is possible on
any grounds. At the same time, it exhorts the woman to keep making
herself attractive during her period. In the ancient halakhah, as still
today in traditional African cultures, women live separately from the
others during their period. Aqiba seems to advocate diminishing their
segregation, which can be seen in connection with his predilection for
neighbourly love as the “great commandment” and for the Song of
Songs as the gateway to mystical love.

Thus, we can imagine, m. Git. 9:10 developed. Basically, the Hillelites
did not need any “grounds for divorce.” The Shammaites did and appealed to Deut 24:1, הלל
ביחבiller
. Accepting the appeal
to this text, the Hillelites then stressed the words דברי
in the text: “a matter . . .,” i.e. “anything.” Thus the discussion went on
for some time, until R. Aqiba came up with another of his brilliant
midrashim, using the same key word: “Even if he found (מצא) another

\[85\] y. Git. 9, 50d last sentence: Blau, Ehescheidung, 33f.
\[86\] See esp. Neudecker, “Ehescheidungsgesetz,” 367 and n. 32: Aqiba as the preacher
of the love commandment.
\[88\] In Akan circles in Ghana, the indication for a menstruating woman is “one who
lives in the back yard” (oral communication, Rev. Brandford Yeboah). For the halakhah
see Alon, Jews, Judaism, 227f. and nn. 99–100, referring to the 
( m. Nid. 7:4)
and to Jos. Ant. 3:261, women withdrawing during their period and returning after
the seven days.
\[89\] Love of neighbour: Sipra, kodashim 2,4 (Weiss 89b); y. Ned. 9, 41c; Song of
Aqiba sees marriage as a love relationship; Rosen-Zvi, “Analysis,” 11 n. 32 rejects
M. Kahana’s interpretation to the same effect as being an “anachronism.” I am not
sure that is correct.
\[90\] According to Sipre Deut. 269 (p. 288) // b. Git. 90a; see Neudecker, “Ehescheidungs-
gesetz,” 362–4 for a convenient display.
prettier than her, for it is said: *If she does not find grace (חן תמצא) in his eyes.* This clinched the Hillelite law of absolute male power to divorce, while meeting the Shammaites’ objections half-way: the wife would make herself prettier than all the others! It remains to recall that the extant Mishnah appears to be based on R. Meir’s collection of mishnayot, which in turn was built on R. Aqiba’s.


6.1. Paul

Oldest among the NT documents are the letters of Paul; they also contain the earliest Christian divorce texts. Two important texts are in the same chapter in 1 Corinthians; a third one, paralleling one of the former, in Romans. The context in 1 Corinthians is altogether fitting: it concerns an entire chapter of “casuistic” instruction on abstention from marital relations, marriage, or remarriage, in order to devote oneself to the service of God. In this chapter, Paul is also remarkably explicit about his sources of authority.

The married I command, not I but the Lord: the wife must not depart (μὴ χωρισθῆναι) from her husband—and if she has departed, let her either stay unmarried or be reconciled with her husband—and the man must not send (μὴ ἀφιέναι) his wife away (1 Cor 7:10f.).

Paul gives a “command” but corrects himself and mentions the source: it is “the Lord” who commands. While it cannot be decided here who the “Lord” is, the phrase sounds authoritative and must be meant to do so. The command implies that the married woman, if she has “departed,” is not allowed to remarry but must either remain single or be reconciled with the husband. Also, the husband is not to “send away” the wife. As David Daube has shown, “depart” and “send away” are terms for

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92 Goldberg, “Mishna.” This is supported both by tradition (Rav Sherira’s letter) and by literary analysis.
93 For this aspect see Congar, “Kasuistik;” see above, “Halakhah in the New Testament,” n. 120. The “casuistry” implies practical teaching in conflicts between several moral options.
94 See for these aspects Richardson, “I Say;” Tomson, *Paul*, 259–264; idem, “Background”.
95 Cf. the language in 1 Cor 7:25, ἐπιταγὴ κυρίου; 1 Cor 14:37, κυρίου ἐντολή.
divorce in Jewish law. We noted Jewish law generally does not allow the woman the possibility to initiate divorce, though it is mentioned in the Egyptian papyri; moreover the option of “departing” from the husband was known in Hellenistic law as practiced in the Roman period.

In other words Paul is divulging the Lord’s divorce prohibition to gentile Christians (cf. 12:2; 7:12–16), while supplementing it in view of the Hellenistic legal option of “departure” by the wife.

The second passage is in the same chapter and relates to this. However it reveals a further stage of legislation.

The woman is bound (δέδεται) during all the time that her husband lives; but when the husband passes away, she is free to be married with whomever she wants, only in the Lord. But she is happier if she stays so, according to my opinion, and I, too, think I have the Spirit of God (1 Cor 7:39f.).

Of the two sentences, the second one reflects Paul’s own “opinion”: a “believing” widow is better off when not remarrying. The first sentence differs and by form is a rule: it defines the woman’s rights in the third person. It is less strict than the personal opinion Paul gives, a recurring pattern in the chapter. The wife is bound in marriage as long as her husband lives, but when he dies she is free to remarry, “only in the Lord,” i.e., apparently, only with a believer. “The Lord” apparently is short for “the church of the Lord.” We are dealing with a church rule, but it must be built on the divorce prohibition of “the Lord” himself.

To be more precise: it is a church rule with several interesting halakhic aspects. After the death of the husband it is said of the woman: ἐλευθέρα ἐστὶν ὃ θελεῖ γαμηθῆναι, μόνον ἐν κυρίῳ, “she is free to marry with whomever she wants, only in the Lord.” These are halakhic formulations also found in rabbinic law. In m. Git. 9:3, the “essence of the divorce bill” is said to state alternatively: “You are permitted to any man” or, “You may go and be married to any man you want.” In m. Git. 9:1, however, R. Eliezer wishes to reserve the husband’s right to make a condition: “You are permitted to every man except NN.” The

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98 Similarly, 1 Cor 7:25 and 7:6. Interestingly, Baumgarten, “Qumran Essene Restraints,” 15 and n. 7 notes a vaguely similar “two-tiered approach to halakhah” in the Temple Scroll.
Mishnah rejects this, but the condition on remarriage is analogous to Paul's clause, “only in the Lord,” i.e. within the Church. In Paul's and Eliezer's time, such conditions were still conceivable, but they were rejected by the Sages of the second century. We must be very clear, though, that Paul does not accept the legal conception underlying Deut 24 and Pharisaic-rabbinic halakhah in these matters: divorce by writ. Paul here follows a specific, rather more stringent legal tradition.

The rule of 1 Cor 7:39 is also quoted in Romans, but with a different aim. It serves as a metaphor in a “theological” argument about the mystical union with Christ in his death and resurrection, with “freedom from the law” ensuing. Given the overwhelming attention exegetes have given to “law theology,” (see above p. 156) it does not surprise the actual law involved here has passed almost unnoticed.

Or do you not know, brothers—for I am addressing people that know the law—that the law lords it over a person as long as one lives? For the married woman is bound by law as long as her husband lives; but when the husband dies, she is liberated from the law of the husband. Now as long as the husband lives, she is called an adulteress if she becomes another man’s; but if the husband dies, she is free from the law, so that she will not be an adulteress when she becomes another man’s.

Therefore, my brothers, you also have died for the law through the body of the Christ, in order to become someone else’s, the one’s who arose from the dead—that we may bear fruit to God (Rom 7:1–4).

Comparison shows Paul not only uses the rule as a metaphor but adapts it to this particular context. The readers are supposed to “know” this “law,” in Rome no less than in Corinth. The entanglement of “law theology” with actual law is intriguing here and raises important questions about their relative value. On the other hand the practical application of the law in 1 Cor 7:39 is entirely serious and reveals that the law theology in Rom 7 cannot be taken to reflect the abolition of the law.

An interesting aspect of the Romans passage are the allusions to Deut 24:1–4. We saw that in the Septuagint, marriage no. 1 having ended with divorce, the woman can remarry: ἀπελθοῦσα γένηται ἄνδρὶ ἑτέρῳ, ἰνδρὶ ἐτέρῳ.

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99 t. Git. 7:1–5; Sipre Deut. 269 (p. 289); see Tomson, Paul, 121f., mentioning also the Bar Kokhba get with a formulation analogous to Paul’s.

100 Romans as well formally addresses gentiles, 1:13; 11:13.

101 For more elaboration see Tomson, “What did Paul mean.”
“having gone away, she becomes another man’s”, and that the alternative termination of marriage no. 2 is described as follows: ἢ ἀποθάνη ὁ ἄνηρ ὁ ἐσχάτος, “or if the second husband dies.” Exactly these phrases are echoed in Rom 7:3, ζῶντος τοῦ ἄνδρος μοιχαλίς χρηματίσει ἕαν γένηται ἄνδρι ἐτέρῳ ἕαν δὲ ἀποθάνη ὁ ἄνηρ ἐλευθέρα ἔστιν… In other words Paul explains the rule of 1 Cor 7:39 using phrases from the model case in Deut 24: “As long as the husband lives, she is made an adulteress when she becomes another man’s, but if the man dies, she is free…” He also glaringly omits the legal basis of Deut 24: termination of marriage by divorce.

It is now clear that Paul’s teaching on divorce and remarriage is not only rooted in the tradition of the church and of “the Lord,” but that both teaching and tradition must be understood in the framework of ancient halakhah. We are strongly reminded of the phrases in the Damascus Document and the Temple Scroll to the effect that people are not to take “two wives during their lifetime,” and that only “after she dies can he take another (wife),” a rule polygamous and “uninformed” King David was ignorant of.

6.2. Luke

Exegetes agree that the Lukan version of the divorce pronouncement—true to Luke’s respect of his sources—is preserved in purest form and can almost certainly be identified with the hypothetical source “Q,” which represents the Jesus tradition; in both Mark and in Matthew, by contrast, the rule is adapted to circumstances different from the probable context of origin. Thus the following saying is attributed to Jesus:

Whoever divorces his wife and marries another, commits adultery; also he who marries a divorced woman commits adultery (Luke 16:18).

The pronouncement has two phrases which corroborate each other and exclude any ambiguity. Divorce does not terminate the marriage bond, so remarriage or marrying a divorcée means adultery. This accords with what we heard from Qumran and resembles what we read in Paul. In fact, the corollary clauses seem to elaborate on the phrase from Deut

102 Jer 3:1, which can also be heard here, καὶ ἀπέλθῃ ἀπ’ αὐτοῦ καὶ γένηται ἄνδρι ἐτέρῳ, seems to be only another reflection of Deut 24.

103 Thus also Blau, 61f.

24:2 which is also alluded to by Paul: “if she goes away and becomes another man’s…” When the partner dies, however, the surviving partner is free to remarry.

The passage in Luke occasions some important conclusions for Paul. The attribution of the saying to Jesus shows that Paul when ascribing his divorce prohibition in 1 Cor 7:10 to “the Lord” means none other than Jesus. Furthermore, the development of the prohibition into a Church rule about remarriage of widows seen in 1 Cor 7:39 and Rom 7:2f makes it convincingly clear that Paul had received the divorce halakhah of Jesus through apostolic tradition. It may as well have been in the primary form preserved in Luke, since that Gospel shares much in common with Paul and his letters.

6.3. Mark

While the near-consensus is that Luke based most of his Gospel on Mark, the divorce saying must belong to the parts he borrowed from other sources. The form of the saying in the extant Mark clearly reflects subsequent elaboration. Moreover it is attached to a narrative not found in Luke.

And Pharisees came asking him: Is it permitted for a man to divorce his wife; testing him. He answered and said to them: What did Moses prescribe you to do? They said: Moses commanded to write a divorce bill and to send her away. But Jesus said to them: It was in view of your hard-heartedness that he wrote that commandment. But from the principle of creation, Male and female He made them (Gen 1:27); Therefore a man shall leave his father and mother . . . and they shall be one flesh (Gen 2:24)—hence they are no longer two but one flesh. Now what God has made into a couple, man must not separate.

And when in the house the disciples further interrogated him about it. He said to them: Whoever divorces his wife and marries another commits adultery with her; and if she divorces herself from her husband and is married to another, she commits adultery (Mark 10:2–10).

Pharisees come “testing” Jesus with the general question whether divorce is allowed. Depending on the evolution of the synoptic tradition, the

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105 Fitzmyer, “Divorce Texts,” 81 thinks it was “the risen Kyrios.”
106 Cf. the textual accretion from 1 Cor 11:24f. in Luke 22:19f., the sympathy of the Lukan author for Paul, and the detailed information about him in Acts, including the three first person plural passages. According to ancient traditions, it was “Paul’s gospel” that Luke wrote down.
“testing” could either be heard within the later framework of generalised Christian-Jewish polemics or in the earlier one of Jesus or his disciples actually disputing with Pharisees. It would not make an impressive difference, however, for in both cases the Christian viewpoint is more severe than the Pharisaic one. That is why the divorce issue is such an interesting case for studying halakhah in the NT. The “testing” obviously means no more than that the Pharisees in question want to know where to put Jesus on the map of Judaism in this important question.

The implication that this might as well concern the historical Jesus (pace Bultmann cum suis) is confirmed by the ensuing debate on the fundamental passage, Deut 24. The Pharisees adduce the passage in order to prove that divorce is based on the Torah, but Jesus rejects it for another, higher principle in the Torah: lifelong monogamy as read in the two verses in Genesis. This, we are able to see now, accords with the halakhah of the Qumran scrolls. One of Jesus’ two proof texts even seems identical with one of the three in the Damascus Document: [ἀπὸ δὲ ἀρχῆς κτίσεως, ἄρσεν καὶ θῆλυ ἐποίησεν αὐτοὺς actually sounds as a rendering of ἱσόδ οἱ ἀνθρώπαι ἡκατέρῳ ἡδὲ ἔφαπτον. Moreover the radical harking back to Genesis in view of the “hardness of heart” of the Deuteronomic law practice strongly reminds of the Damascus Document’s reverting to the sealed Book of the Law before King David’s lax behaviour. The Pharisees know where to put Jesus now: in matters of divorce, he stands with the Essenes or at least with the radical ones. This conclusion is corroborated by the above analysis of m. Git. 9:10 and its prehistory: the possibility of divorce was strongly debated in first century Judaism, and only in the second century rabbinic debates did a compromise of sorts emerge.

Finally, the pronouncement on divorce which we already found in Luke and which is appended to the narrative has received an important adaptation here: the initiative of the woman to divorce in the second clause. As in 1 Cor 7:10f., this represents an adaptation to Roman-

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108 The phrase καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ from Gen 2:24 is lacking in the primary mss A, B and should be omitted, as in E. Nestle’s NT ed., pace Nestle-Aland, 27th ed. Gen 2:24 is read in various applications by the rabbis, see Tomson, Paul, 115f. For learned reflections on the ideal of monogamy and its background see Daube, New Testament, 71–83; see also the observations by Baumgarten, “The Qumran-Essene Restraints on Marriage.”
Hellenistic law which must reflect the situation of the evangelist or his readers. We found the more original form of the saying in Luke, concluding also that added to the evidence in Paul, it reminds us of Qumran halakhah. The dispute narrative as preserved in Mark and compared with the Qumran documents fully confirms that impression.

6.4. Matthew

Whereas earlier research used to investigate the Matthaean teaching on divorce first, it is fitting to review it at the end, both for its evidence as to the development of the synoptic tradition and for its characteristic halakhic adaptations. In line with a feature typical of Matthew, the teaching is found twice: once in an elaboration of the Markan narrative-cum-pronouncement, and a second time in summary form as an apparent insert into the “antitheses” of the Sermon on the Mount.

And Pharisees came to him, testing him, and said: Is it permitted for a man to divorce his wife for any reason? He said in answer: Did you not read that He Who created from the beginning—Male and female did He make them—also said: Therefore a man shall leave his father and mother and cling to his wife, and the two shall be one flesh. So that they are no longer two but one flesh. Now what God has made into a couple, man must not separate. They said to him: Then why did Moses command to give a divorce bill and divorce her? He answered: For your hard-heartedness did Moses give you the command to divorce your wives, but from the beginning, it was not so. And I say to you: Whoever divorces his wife for another reason than unchastity and marries another, commits adultery (Matt 19:3–9).

It was also said: Whoever divorces his wife, must give her a divorce bill. But I say to you: Everyone who divorces his wife other than for a matter of unchastity causes her to be involved in adultery, as also whoever marries a divorcée, commits adultery (Matt 5:31f).

Comparison of Matthew and Mark reveals the particular character of both. To begin with, the dispute narrative is different. In Mark, the narrative is in two parts, the second one containing a modified form of the pronouncement known from Luke and being addressed to the
disciples. In Matthew, the pronouncement has been integrated into the dispute narrative with the Pharisees. Moreover in Mark, Jesus gives a scriptural argument to the effect that divorce is absolutely prohibited, which he then clinches with the pronouncement. In Matthew, the scriptural argument yields an absolute prohibition, but Jesus’ pronouncement contains a qualification: one who divorces μὴ ἐπὶ πορνείᾳ, “not for unchastity,” and remarries, commits adultery; hence in case of adultery, divorce is allowed. πορνεία, “unchastity,” is a general term covering sexual transgression\textsuperscript{112} equivalent to Hebrew רָעָה.\textsuperscript{113} An inner tension is revealed which shows Matthew’s text to be complex.\textsuperscript{114}

Furthermore, the opening question which defines the course of the dispute is different. In Mark, the Pharisees ask whether divorce is allowed \textit{at all}, but in Matthew, they ask for the precise grounds for divorce: “May a man divorce his wife for any reason?” As Blau and many others have observed and was noted already in the above, the dispute narrative in Matt 19 has been re-formulated to coincide with the Pharisaic schools dispute.\textsuperscript{115} The question in Mark is whether Jesus accepts the agreement of all Pharisees that divorce is possible, and in his answer, he identifies with the Essenes, even using very similar scriptural arguments. But asking, as in Matthew, whether one can divorce “for any reason” comes down to asking Jesus whether he sides with the Hillelites,\textsuperscript{116} while in his answer: “No, except in case of unchastity,” he confesses to the Shammaite view.

The tension observed in Matt 19 returns in condensed form in Matt 5:31f. Incidentally, the passage formally contrasts with the five other “antitheses” in vv. 5:21–48 and gives the impression of being a later

\textsuperscript{112} Cf. the generalised usage in the Apostolic Decree, Acts 15:20, 29; 21:25; and in Paul \textit{passim}.


\textsuperscript{115} Amram, \textit{Jewish Law of Divorce}, 35; Blau, \textit{Ehescheidung}, 52f.; Rosen-Zvi, “Analysis,” 5f. Kirchschläger, \textit{Ehe}, 72–5 and R.F. Collins, \textit{Divorce}, 115 conclude this is now the view of “virtually all (Catholic) commentators.” Cardellino thinks the exception clauses reflect Jesus’ original message of forgiveness, while Mark and Luke omitted them for gentiles who could not follow this casuistry. Instone-Brewer, \textit{Divorce and Remarriage}, 134 agrees Matthew added the phrases and that they agree with the Shammaite view (152–9), yet maintains “Matthew’s versions represents more aspects of the original debate” (174).

\textsuperscript{116} Similarly Fitzmyer, “Divorce Texts,” 98.
adaptation. It mentions a “bill of divorce,” which reveals that what is at stake is how to read Deut 24:1. Then another form of the synoptic divorce pronouncement follows. Hence these two verses read as a summary of the adapted narrative-cum-pronouncement in Matt 19. Again, discussion is about the grounds for divorce, not, as in Mark, whether divorce as implied in Deut 24 is allowed at all. The interpretation contained in the pronouncement first renders the Shammaite approach: divorce is possible, but only in case of unchastity. The typical phrase λόγος πορνείας, a glaring Hebraism, makes sense as an interpretive rendering of דִּבְרֵי דָּבָר, thus once again alluding to Deut 24. Then, however, the corollary follows: “...and whoever marries a divorcée commits adultery.” The corollary is unqualified: no exception is made for an adulterous divorcée. This suggests an absolute prohibition of divorce, as in Luke, Paul, and Mark, and as distinct from Matt 19:9 where it is said, “he who divorces not for unchastity and remarries, commits adultery.” Here, it sounds more radical: one may not remarry at all, apparently, even after adultery.

We conclude that the Matthaean evangelist reformulated both the narrative and the pronouncement and adapted them to the Shammaite view. He even did so twice, also inserting, it seems, a summary of the narrative-cum-pronouncement from Matt 19 into the programmatic antitheses of Matt 5 and thus expressing the urgency the matter had for him. This urgency must reflect the needs of his church, which at that moment apparently sought integration in a Pharisaic or more precisely a Shammaite Pharisee framework. But for some reason he was not fully consistent. He appears to have left parts of the received, more radical formulations in place, allowing contradiction to develop. Did he do so on purpose, intending the adaptation to be superficial or partial only? Or was it because he was not a creative writer who could remake his own text at will, but an “evangelist” obliged to handle his tradition with due respect, even at the risk of contradiction? The answer was for later

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117 Only here, the introductory formula ἠκούσατε ὅτι ἐρρέθη is abbreviated to ἐρρέθη δὲ; cf. Luz, Matthäus, vol. 1, 357. The reasons for Kampen, “Matthean Divorce Texts,” 162 to conclude from here on a closer link with vv. 27–30 are unclear to me. Kooyman, De joodse kontext, 152 notes that the phrase normally introduces a quote (ibid. 142ff.), but in this case only an allusion.

118 Thus Dupont, Mariage, 87; Neudecker, “Ehescheidungsgesetz,” 386; Neirynck, “Echtscheidingsverbod,” 32ff.; as against Ott, Vogt, Bonsirven; Lagrange, Romains, 105.
generations to find, in the ongoing exchange between sacred text, actual life, and learned interpretation.

7. Conclusions

7.1. Paradoxes and Shifts in Jewish and Christian Divorce Law

We have seen that Mosaic legislation had adopted the institution of divorce as it existed in ancient Near Eastern law, while there was also a trend resenting divorce, represented by the prophet Malachi early in the post-exilic period. Both trends remained active in the period under discussion, sometimes resulting in paradoxical constellations. Part of the explanation may be that we are confronted with shifting combinations of primeval dynamics: the perennial force of the sexual urge, the tireless effort to domesticate it, and the resilience of the patriarchal system. We must restrain ourselves in imagining another motive at work in antiquity whose absence for many moderns is unthinkable: the idea of legal equality between men and women.

One of the paradoxes is in the configuration of opinions of Shammaites and Hillelites. In principle, it seems simple: the latter allowed divorce in its undiluted patriarchal, ancient near-eastern form, while the former considered it a last resort when marriage has broken down in adultery. The paradox is revealed when we realise that otherwise the Shammaites appeared to be the more conservative, literalist, and rigid, and the Hillelites, innovative, open-minded, and humane. In the area of divorce it somehow works out the opposite, if we consider the position of women. The school of Shammai limit male power and protect the woman, although as stated it is not at all likely that they were motivated by ideas of legal equality. In contrast, the more “enlightened” school of Hillel leave men almost unlimited power to dispose of their women. Adding confusion to paradox, however, the Shammaite position also generated the view that an adulterous wife must be divorced and may not be re-married “because she has been made unclean.”

At the other extreme, we have the absolute rejection of divorce apparently attested at Qumran and most characteristically formulated by Jesus. It seems to reflect both an elevated conception of marriage as a mystical union created by God and a view of sexual relations as something to be feared and controlled because of their definitive and indelible effects. Its adoption by Paul represents a most remarkable halakhic shift. While still a Pharisee, if not as a Hillelite teaching
divorce to be allowed on “any grounds,” he would at least have thought it possible “in case of unchastity,” in the Shammaite sense. As to this topic, Paul’s conversion did not mean an abandonment of the Jewish law or of Pharisaic “strictness,” but on the contrary, the adoption of a much stricter halakhah, and such, to be sure, on the authority of “the Lord,” i.e., Jesus. There were other areas of halakhah where different effects may be presumed. If the Jesus tradition was liberal in the area of Sabbath and somewhat negligent on purity,119 we can imagine that these elements had a similar influence on Paul’s halakhic orientation. In any case, there is no reason to isolate the topic of divorce from the whole of the Jesus tradition. In this area, it involved a former Pharisee to adopt a stricter halakhah.

The rise to world dominion of this halakhah through the movement of Jesus’ followers is another series of paradoxes. On the whole, mainstream Christianity has hardly been more of an exception to universal patriarchy than has Judaism. But while the gentile Church effectively shed the Jewish law contained in Scripture and tradition, it clung just as self-confidently to the strict halakhah of lifelong monogamy. In this, we could say, a notable element of the Essene branch of ancient Judaism has survived in Christianity.120

The Matthaean revision is a curious exception, the more so since apparently it did not gain real authority until the Reformation. Extraordinary circumstances must have called for a shift in the opposite direction than seen in Paul, i.e., toward the abandoning Jesus’ anti-Pharisee divorce prohibition and adopting the Shammaite view. As we shall see in a moment, there is reason to think of the prelude to the Roman war during the 50’s and 60’s of the first century.

Half a century later, an important shift must have occurred in Pharisaic-rabbinic tradition. Whereas the extant m. Git. 9:10 discusses the correct interpretation of Deut 24:1 as to the grounds for divorce, the original schools dispute probably was between the “Mosaic” and the “Malachian” conceptions of marriage and divorce. After the rise to power of the Hillelites by the second century, both attitudes were brought together by re-defining them mutually in each other’s terms.

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120 The clear formulations of Roman Catholic canon law (Codex iuris canonici, 199) could seem to reproduce Qumranic halakhah: Matrimonium ratum et consummatum nulla humana potestate nullaque causa, praeterquam morte, dissolvi potest.
R. Aqiba and R. Meir (first half of the second century), effectively stretched the Shammaite concept of “indecency” to coincide with the Hillelite tradition of “any grounds.” It was clinched in Aqiba’s midrash which declared even the ugliness of the wife to be a reason for divorce, while paradoxically also liberating her from the older, Shammaite halakhah which encouraged ugliness during her period.

The net result of all these developments is paradoxical again. Rabbinic Judaism came to teach the Hillelite conception of divorce as a privilege of the husband. Gentile Christianity, on the other hand, propagated the Essene idea of lifelong monogamy. The peculiar teaching of Matthew did not go completely unobserved by the Church Fathers. The common solution was separatio a thoro et mensa, the “separation of bed and board” that seems to result from Matt 5:31f and is explicitly documented since the Pastor Hermæ.

During the Reformation, when different exegetical viewpoints caught wind from strong forces of social change, the Shammaite revision in Matthew was re-discovered and used to review marriage law. In an equally extraordinary reaction, the council of Trent effectively declared the biblical exception clauses from Matthew out of bounds. Modern Catholic exegetes striving to interpret Matthew accordingly propose to read the clauses as a negative exception meaning divorce not to be allowed, “not even in the case of unchastity.” Others read it as the

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121 Ott, Auslegung, part 1. Cf. the interpretation proposed by Tertullian, “Whoever divorces his wife in order to marry another, commits adultery,” refuted by Blau, Ehescheidung, 52f.
122 Herm., 29:6, answering the question what a man with an adulterous wife must do: Ἀπολυσάτω, φησίν, αὐτήν, καὶ ὁ ἄνηρ ἐφ᾽ ἑαυτῷ μενέτω, ἐὰν δὲ ἀπολύσας τὴν γυναῖκα ἔτεραν γαμήσῃ, καὶ αὐτὸς μοιχᾶται, “He must, he said, send her away, and the man must stay single, for he who sends away his wife and marries another, commits adultery.”
123 Ott, Auslegung, part 2; Vogt, Ehegesetz, 30f.; and esp. Olsen, Logia. Olsen 20–7 interestingly describes how Erasmus unearthed “deviant” rulings and opinions among the Church Fathers, notably Origen. There was a more liberal Erasmus-Zwingli-Bucer line among the Reformers, over against a more restrictive Melanchthon-Beza-Calvin line, while Luther was somewhere in the middle.
124 Session 24, canon 7, Nov. 11, 1563, quoted by Dupont, Mariage, 116:… Propter adulterium alterius contiguum matrimonii vinculum non posse dissolvi; cf. the principle of canon law on divorce, above n. 120.
125 Ott, Auslegung, 295–9; Vogt, Ehegesetz, 66; Bonsirven, Divorce, 45; cf. discussion by Baltensweiler, Ehe, 87–90. This leads to the canonical solution of separation, see below n. 128, and as in the (Roman!) Hermæ, above n. 122.
obligation to divorce an adulterous wife,\textsuperscript{126} or only as the obligation to dissolve a previously contracted irregular marriage.\textsuperscript{127} The classical, mediating solution of “separation” is chosen not only by Catholics but also by certain Protestants.\textsuperscript{128} Other Protestant, Catholic and even Evangelical exegetes favour using the Matthaean exception to enable divorce on pastoral grounds in certain circumstances.\textsuperscript{129}

7.2. The Development of the Jesus Tradition

Some important conclusions follow for two classical topics in NT scholarship: the relation between Paul and Jesus and the development of the synoptic tradition. It seems illuminating to view these explicitly in the perspective of first century CE history.

The shift Paul made from his presumed Pharisaic stance towards the exclusion of divorce and remarriage until the partner dies proves that the Jesus tradition had gained supreme authority for him. This confirms his own reports as also those in Acts about his fundamentally positive relationship with James and the main disciples of Jesus, Peter and John.\textsuperscript{130} It must have been through these contacts that Paul had received the share in the Jesus tradition that is documented both in the divorce halakhah we have studied and in his explicit references to traditions which he has “received” and now “hands on.”\textsuperscript{131} When conflict

\footnotesize{\textsuperscript{126} Thus Nembach, \textit{Ehescheidungsrecht}, 50–8, finding only Matthew coherent on the premise that the discussion was about grounds for divorce. Similarly Kleinschmidt, \textit{Ehefragen}, 187–9, following Neudecker, “Ehescheidungsgesetz;” and Witherington, “Exceptional Situation?” Derrett, “Teaching,” 374 thinks the Matthaean clauses mean divorce “to avoid adultery.” From an evangelical viewpoint, Keener, “Divorce and Remarriage,” 44, 105 allows divorce upon adultery. Cf. also the discussion in the section on divorce in Vahrenhorst, \textit{Nicht schwören}, 404–9.

\textsuperscript{127} Baltensweiler, \textit{Ehe}, 101 and Meier, \textit{Law and History}, 146f.: it concerns incestuous marriages of proselytes to Matthew’s Church.


\textsuperscript{129} Fitzmyer, “Divorce Texts;” R.F. Collins, \textit{Divorce}; Keener, \textit{Divorce and Remarriage}; Instone-Brewer, \textit{Divorce and Remarriage}, 268–99 (with a review of earlier interpretations and accepting even more ‘biblical’ grounds such as desertion and emotional or material neglect). For an overview of the history of interpretation and the present situation see Luz, \textit{Matthäus}, vol. 1, 365–9.

\textsuperscript{130} Gal 1:19; 2:7–9; Acts 15:13; 21:18.

\textsuperscript{131} 1 Cor 11:23; 15:1–3; 1 Thes 4:1f. This confirms the interpretation of Gerhardsson, \textit{Memory}, 288–306, including the interpretation ibid. 297f. of ἱστορῆσαι Κήφαλα in Gal 1:18 as “gaining halakhic information from Peter,” that was adopted also by}
arose with certain Jewish-Christian circles in Jerusalem, this positive basis may be supposed to have persisted, as indeed Paul’s own report in Galatians intends to establish. Also, in the midst of his fierce resistance to the pressure on gentile believers to become proselytes, he reminds his readers that he who does accept circumcision, engages himself to keep “the whole law.” There is no trace here of the idea presumed by many exegetes that the law had gone obsolete for Paul, only that he squarely rejected forced proselytism of gentile Christians.

In the research overview earlier in the volume, the question was raised a couple of times what may have caused the growing tension between Jewish and gentile believers in Paul’s churches and especially the pressure exercised by what appear to be Jewish “false apostles” on gentile Christians to accept the law of Moses. Taking into account that all of the generally recognised Pauline letters are from the 50’s of the first century, it is obvious to relate this development to Josephus’ reports about the chaos and the social violence which arose in Palestine especially since Felix became procurator in 52. Reports in rabbinic literature lead to the conclusion that in these years, the school of Shammai was predominant. Halakhic evidence is strong here since the Shammaites not only were stricter in Sabbath observance and more reserved towards non-Jews, but also—paradoxically—more than the Hillelites appreciated military manoeuvres on the Sabbath. Combined evidence leads to the conclusion that it was especially the Shammaites who supported the war against Rome and initiated it, or in other words, who represented the “zealot” ideology. It seems likely that this growing anti-gentile mentality also influenced the primitive Church and induced the “false apostles” to put pressure on gentile Christians to accept circumcision. Indeed this is confirmed by the reports in Acts on the radical Pharisees and “zealots for the law” who had joined the Jerusalem Church when Paul returned there about the same period.

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133 J.W. 2:223–407; Ant. 20,97–215. For more documentation see Tomson, “Täter des Gesetzes.”
134 See Goldberg, Commentary, 15–22; Ben Shalom, School of Shammai.
135 Acts 15:5, τινες ἀπὸ τῆς αἱρέσεως τῶν Φαρισαίων πεπιστευκότες who insist on circumcision of gentile Christians; 21:20 Ἰουδαῖοι πεπιστευκότοι...καὶ τὸ νόμου ὑπάρχοντος.
Although it is difficult to think of any particular connection, it seems likely the shift Matthew made in the standpoint on divorce must be dated to the same episode. We may presume it was not a private decision of the evangelist but represented an evolution within his community. Hence it is likely that pressures in Jewish society at large were also at work behind this shift. It concerned a shift from the Essene-like rejection of divorce of the Jesus tradition to the clearly Shammaite position of divorce in case of adultery, a change which is most difficult to explain within the framework of early Christian tradition alone. We get the impression of an extremely divided Church—which again would fit the chaotic image of Jewish society in these years as described by Josephus. If correct, it would mean that in this confusing period, Matthew’s community moved closer to the very same anti-gentile, “zealot” circles that caused such difficulties for Paul and his churches.

That, however, can only be part of the Matthew story. Towards the end of the first century, a further development must have occurred. The Gospel also reflects a violent clash, even a break, with the Pharisees, which is reminiscent of the separation of Church and Synagogue effectuated by Gamaliel the Younger around 100. Thus we can imagine the last two stages of the Gospel’s development. Beginning with an elaboration on Mark, the evangelist(s) must have supplemented large amounts of material from other sources and edited them in a style which reminds us of Pharisaic tradition.\footnote{Most characteristically, the Sermon on the Mount, Matt 5–7.} This could have been the time when the “Shammaite” adaptation of Jesus’ divorce halakhah was made. Presumably this was in the 50’s or 60’s, when (primitive) Mark could have been available. After the war, tension with the Pharisees must have been rising till Gamaliel the Younger triggered the break. The final stage of Matthew would have then ensued, comprising the break with Pharisaic (now rabbinic) Judaism.\footnote{For elaboration on this final phase see Tomson, “Wars.”}

Our halakhic analysis thus confirms the consensus of scholars on the synoptic problem: Matthew is based on Mark.\footnote{Cf. Fitzmyer, “Divorce Texts,” 99: comparison of Mark and Matt with Qumran material “merely serves to accord to the Two Source Theory its merited place as the most plausible solution to the Synoptic Problem.”} It adds, however, social distinction as to the repeated shifts, starting from the typical milieu of Jesus, on to a Shammaite or at least Pharisaic milieu, and finally towards an extra-Pharisaic or gentile Christian milieu. It would in turn better
explain the strange contradictions in Matthew between inner-Jewish materials\textsuperscript{139} and materials reflective of the break.\textsuperscript{140} Halakhic analysis adds social specificity.

It is amazing that nothing of this is found in Luke. That Gospel serenely seems to preserve the materials of the Jesus tradition in practically untouched form, as is generally accepted in synoptic and “Q” studies. It is most clearly seen in the Lukan form of the divorce pronouncement.

Finally, we must admit there is truth in the saying of Jesus that “Moses wrote the divorce commandment in view of your hardness of heart” (Mark 10:5). Indeed we have seen Mosaic divorce law is based on the acceptance of prevailing Near Eastern principles. Rather than in the “proofs” Jesus and other Jews drew from Genesis, however, the stricter attitude that arose in Israel upholding the ideal of lifelong marriage is clearly expressed in Malachi. Even if realities of life and hardness of heart often are stronger, the still voice crying from the altar begs being heeded.

\textsuperscript{139} Cf. the sayings about the law (Matt 5:17–19; 23:23) and about gentiles (5:47; 6:7, 32; 10:6; 15:24; 18:17).

\textsuperscript{140} Matt 8:10–12; 21:43–45; 27:62–66; 28:15.
MIDRASH
THE NEW TESTAMENT AND RABBINIC HEBREW

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**Prolegomena**

The above title contains an unusual collocation. It suggests some kind of connection between the two terms. But what possible relevance could Rabbinic Hebrew have to the study of the New Testament? Several objections spring to mind. The New Testament is written in Greek, not Hebrew. Moreover, if there is a Semitic background to New Testament writings, that background is usually held to be Aramaic. Finally, there is a chronological mismatch, Rabbinic Hebrew being essentially a language of the third–fourth centuries or later, while the New Testament belongs to the first century. Nevertheless, the collocation is not absurd. Let us take up each of the objections in turn.¹

a) The NT writings were composed in Greek, for a Greek-speaking readership.² The first task of the exegete is to explain the Greek text. All this is true, and yet the Semitic background of the text and traditions of the NT cannot be denied. The historical nucleus of the message of the NT was not originally formulated in Greek: Jesus and his disciples did not speak Greek—at least not habitually—but a Semitic language. Somewhere in the chain of tradition, between the original words of Jesus and the account thereof in the Gospels, translation into Greek occurred. Translation always implies a measure of “carry over” from

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¹ The introduction and section 2 were written by Jan Joosten; section 1, on Matt 12:11 was written jointly by both authors.

² According to ancient testimonies, Matthew wrote his Gospel in Hebrew, which was translated into Greek only later. It appears, however, that the Gospel of Matthew that was transmitted by the church goes back to a Greek Mark and a Greek Q. Comparison of the synoptic Gospels makes it very unlikely that any of them was originally composed in a language other than Greek. For literature, and for a possible (though improbable) solution to the discrepancy between patristic witnesses and the attested text, see U. Luz, *Matthew 1–7*, 80f.
one language into the other.\textsuperscript{3} Other types of Semitic influence, too, should be taken into account:

– “secondary Semitisms” originating in the Septuagint;\textsuperscript{4}
– traces of bilingualism on the part of certain authors or tradents;\textsuperscript{5}
– loanwords and calques reflecting the Jewish Palestinian sociolect.\textsuperscript{6}

Semitic influence gave rise to many features in NT Greek that are unparalleled in other Greek texts. Study of the Semitic background often illuminates these peculiarities in the language of the NT. A nice example is the use of the word ἵλεώς, “propitious, merciful,” in Matt 16:22:

καὶ προσλαβόμενος αὐτὸν ὁ Πέτρος ἦρξατο ἐπιτιμᾶν αὐτῷ λέγων· ἵλεώς σοι, κύριε· οὐ μὴ ἔσται σοι τοῦτο.

Then Peter took him aside and began to rebuke him, saying, ἵλεώς σοι, Lord! This must never happen to you.

Elliptic expressions of this type occur in Greek texts with the meaning “may (the god) be favourable (or merciful) to you.” Peter’s words might be understood in light of this Greek usage, as is done in the Latin translation of the Codex Bezae (misereatur tibi, “may God have mercy upon you”) and more recently in Walter Bauer’s lexicon (Gott möge dir gnädig sein). Contextually, however, this reading is not very satisfactory. Most interpreters have therefore rejected it. Instead, a different meaning is given to the expression, to wit “far be it from you,” “God forbid,” an interpretation found already in the Old Latin (absit a te, “far be it from you”). This interpretation fits the context well. Moreover, the meaning “God forbid” is attested in the Septuagint, where ἵλεως + dative corresponds sometimes to הֵלִילָה, “far be it from…” As I have argued elsewhere, the explanation of the remarkable phrase in the Septuagint and in Matthew is to be found, in the Aramaic idiom הֵל זה.

\textsuperscript{3} A large collection of possible instances of such carry over in the Gospels, most of them culled from work by earlier scholars such as G. Dalman and J. Wellhausen, can be found in M. Black, \textit{An Aramaic Approach to the Gospels and Acts}.


\textsuperscript{6} See, e.g., F.C. Burkitt, “ΕΠΙΦΩΣΚΕΙΝ,” 538–546.
This expression has the same meaning as Hebrew הלחילוה, but derives from a root, חוש, meaning literally “to have mercy, to spare.”

In cases like this, the exegete finds himself in a bind. Should one take the meaning of the Greek text as it stands, or is it legitimate to reach back behind the Greek to the meaning expressed in the more original (and necessarily hypothetical) Semitic? Should we translate “God have mercy on you” or “Heaven forbid”?

b) Now, ל וה “far be it from…” is, admittedly, Aramaic (although it is used in Hebrew too). In general, scholars opt indeed for an Aramaic approach to the NT, and to the Gospels in particular, practically excluding Hebrew. This methodological option goes back to the end of the 19th century when it was extensively argued by Arnold Meyer, Julius Wellhausen and, especially, Gustaf Dalman. More recent research however, as well as the discovery of new manuscripts show that there is no reason to be one-sided in this matter. Aramaic was indeed widely known and used in Jewish Palestine throughout the first century CE, but so was Hebrew. To begin with, Hebrew remained the language of the Bible. Although the Biblical idiom had become to a certain extent a dead language in the time of Jesus, the Hebrew Scriptures were widely read and studied in the original text. Aramaic Targums existed, but they did not replace the Hebrew. Secondly, Hebrew was used, much more than Aramaic as far as we can judge, in liturgy and religious teaching. If Jesus did indeed discuss the fine points of the Jewish law with scribes and Pharisees, as he is depicted doing in the

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8 See the explicit statement in Black, Aramaic Approach, 46–49.
10 With regard to new manuscripts, it should be noted that the majority of the writings found in Qumran are written in Hebrew. According to the best experts, Qumran Hebrew witnesses to a living practice of Hebrew in the late second temple period, see the discussion in A. Hurvitz, „Was QH a ‘Spoken’ Language? On Some recent Views and Positions: Comments,” 110–114. For other Hebrew texts from the same period, see J. Naveh, On Sherd and Papyrus. Aramaic and Hebrew Inscriptions from the Second Temple, Mishnaic and Talmudic Periods [in Hebrew].
Gospels, he almost certainly did so in Hebrew.\textsuperscript{12} Thirdly, contrary to what most Christian theologians believe, Hebrew had not died out as a living dialect in the first century CE.\textsuperscript{13} Although Jesus’ mother tongue may have been Aramaic, he almost certainly spoke both Aramaic and Hebrew. Many other Palestinian Jews of the same period had Hebrew as their native language.

It would be unwise, then, to exclude Hebrew from the study of the Semitic background of NT Greek. Both Hebrew and Aramaic should be taken into account. In doing so, one should realize that Hebrew and Aramaic are closely related Semitic languages. Among Palestinian Jews, they also influenced one another a great deal.\textsuperscript{14} In the period of the NT, Hebrew and Aramaic are like two sisters who delight in borrowing one another’s clothes. Telling them apart through the medium of a Greek text is often impossible. Usually, it is also of little importance.

c) Finally, it is of course true that the main rabbincic writings were composed in a period much removed from that of the NT documents. Nevertheless, it does make sense, when one wishes to retrieve Hebrew usage of the first century CE, to take account of RH (Rabbinic Hebrew). This indirect approach is imposed by the available sources. If we had an abundance of first-century Jewish writings of Palestinian origin, we would not need to consult the later, rabbincic sources. But Hebrew documents from the 1st century CE are scarce. And the rabbincic sources certainly transmit many words, expressions and turns of phrase that must have been in use earlier. One can extrapolate from the later texts what first-century Hebrew may have been like. In some cases, the relative antiquity of rabbincic expressions can actually be proven from earlier Hebrew writings. An example is the expression “flesh and blood” meaning “a mere mortal.”\textsuperscript{15} The expression \textit{בשור והדם} is found

\begin{itemize}
\item \textsuperscript{12} This point is conceded by H.P. Rüger, “Die lexicalischen Aramaismen im Markus-evangelium,” 73–84.
\item \textsuperscript{13} See, e.g., J. Barr, “Hebrew, Aramaic and Greek in the Hellenistic Age,” 79–114 (in particular 82–83).
\item \textsuperscript{14} A word like \textit{רבי}, “master, teacher,” is originally Aramaic but in Jesus’ time it was used in Hebrew as well. Conversely, \textit{שבת}, “Sabbath,” is a Hebrew word, but Jews used it also in Aramaic, \textit{שבתא}.
\item \textsuperscript{15} See J.M. Grintz, “Hebrew as the spoken and written language in the last days of the Second Temple,” 32–47, in particular 36.
\end{itemize}
very frequently in a variety of RH writings. Rabbinic usage illuminates the use of this expression in Paul’s letters and in Matt 16:17:

μακάριος εἶ, Σίμων Βαριωνᾶ, ὅτι σὰρξ καὶ αἷμα οὐκ ἀπεκάλυψέν σοι ἀλλ᾽ ὁ πατήρ μου ὁ ἐν τοῖς οὐρανοῖς.

Blessed are you, Simon Baryona: for flesh and blood has not revealed this to you, but my Father in heaven.16

The usage does not reflect idiomatic Greek, neither formally nor semantically.17 Nor does it come from the LXX. It is unattested in the Hebrew Bible. The phrase is proven, nonetheless, to be an old one by the Book of Ben Sira, Sir 14:18 (ms A):

כפ הרות בישroduction: אחרון ואותו גנין

So it is with human generations: the one expires and the other comes to ripeness.18

The occurrence in Ben Sira shows that rabbinic usage, in this case, harks back to NT times and well before.

It is not always possible, however, to demonstrate the antiquity of RH expressions from earlier Hebrew texts. Sometimes the NT stands alone in attesting the first-century use of an expression known from RH. This is the case, as far as I know, for the phrase “the Kingdom of Heaven.” The phrase שמיותמלוח is abundantly attested in rabbinic sources.19 It throws light on the NT use of the expression ἡ βασιλεία τῶν οὐρανῶν. But the existence of the Hebrew phrase in NT times is indicated only by the NT itself.

In a way, then, the use of RH in the philology of the NT epitomizes the methodological problem of using rabbinics in NT exegesis. The Hebrew of the Mishna and the Midrash is considerably removed, both culturally and chronologically, from NT Greek. Nevertheless, there is an historical link between RH and the Hebrew spoken and written in

16 See also Gal 1:16; 1Cor 15:50.
17 The expression does occur in Philo, but not in other Greek writers. Moreover, where flesh and blood are mentioned together in Greek literature, the context is usually a medical one, not a theological one.
18 See also Sir 17:31 where, however, no Hebrew text has been preserved. Menahem Kister has drawn my attention to an occurrence of the expression in 1 Hen 15:4. The original Semitic text of the latter passage has not been preserved but was probably Aramaic.
Palestine during the first century, and thus between RH and the Semitic background of the earliest Christian traditions. Of course, the meaning or use of a Hebrew expression may have evolved between NT times and the period when the rabbinic teachings were put into writing. There may also have been a change in meaning due to interpretation or adaptation on the part of the Christian tradition at some stage. RH may draw attention to a Semitic element standing at the back of a Greek expression in the NT. But the interpretation of the expression must still be done in view of the context.

In what follows, two examples will be presented where RH may throw light on a problematic detail in the Greek text of the NT, one from the Gospel of Matthew and one from a Pauline epistle.

1. Raising a sheep?

A philological detail in the Gospel text that has drawn relatively little attention is the use of the verb ἐγείρω with reference to a sheep fallen into a pit. Having been asked whether it is licit to heal on the Sabbath, Jesus brings an example:

Matt 12:11 τίς ἔσται ἐξ ὑμῶν ἄνθρωπος ὃς ἐξει πρόβατον ἐν καὶ ἐὰν ἐμπέσῃ τοῦτο τοῖς σάββασιν εἰς βόθυνον, οὐχὶ κρατήσει αὐτὸ καὶ ἐγερεῖ;

He said to them, “Suppose one of you has only one sheep and it falls into a pit on the sabbath, will you not lay hold of it, and lift it out?” (NRSV)

The translation of the NRSV, although contextually serviceable, does not accurately render the Greek text. The verb ἐγείρω means “to wake, to rouse,” and hence “to raise, to help to rise” (in intransitive usage: “to rise”). It is not the mot juste in the present context. To put it somewhat simplistically, when a sheep falls into a pit, its problem is not that it is in a fallen position but that it is stuck in the pit. Consequently, one will not “raise it up,” but “pull it out,” or “lift it out.” Most translations, ancient and modern, disregard the Greek, in fact, substituting more suitable expressions.20

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20 Partly, the translations may reflect the parallel text in Luke 14:5 where the verb ἀνασπάω, “to pull out,” is used (see below in the excursus).
It is a curious fact that a similar anomaly should turn up in a Qumran text dealing with the same question:21

CD 11:13–14 (cf. 4Q 270 6 V 18; 4Q 271 5 I 8–9)

ואם תפיל (תפולי) אל בור ואל פחת אלא י㎏מיה בשבת

And if it (the beast) falls into a well or a pit, one should not raise it (?) on the Sabbath.22

What is presumed to be legitimate by Jesus and his contemporaries (according to the saying in Matthew) is forbidden in the Damascus document. Otherwise, however, the present passage is very similar to Matt 12:11. Strikingly, this Hebrew text appears to present exactly the same semantic problem as Matt 12:11. The lexical meaning of קום, hiphil, is “to raise.”23 But this meaning does not fit the context. Most translations substitute a more satisfying meaning such as “to lift out,” “to take out.”24 These renderings do not correspond to the Hebrew text of CD 11:13–14.

It is hard to escape the impression that there is a link of some sort between Matt 12:11 and CD 11:13–14: the subject matter is the same, the formulation is similar, and the philological problem well-nigh identical.

Now, the interpretation of CD 11:13–14 has already found a satisfactory solution. As has been pointed out by Qimron, the form י㎏מיה could easily be read as a piel (yqaymeha) instead of the hiphil (yqimeha).25 In Biblical Hebrew, the piel of קום mostly means “to confirm, to establish,” as in Aramaic. But in RH, the piel stem is used in the meaning “to keep alive, to preserve, to sustain” (m. Sanh. 4:5 ms Kaufmann):

לפוליט נבש אדם לרvoie
וללא י杜兰 המאשמ נפש אדם מעלף עליה כיוב עדות כל
וכל המוחים נפש אדם מעלף עליה כיוב עדות כל

21 The similarity has been noted by Peter Tomson, If this be from Heaven, 93, 154.
22 The Geniza manuscript clearly reads תפול, which might be interpreted to mean that the animal drops a new-born young into the pit. See C. Rabin, The Zadokite Documents, 56. The manuscripts from Cave 4 make it clear, however, that the correct reading is תפיל.
23 See A. Dupont-Sommer, in La Bible. Écrits intertestamentaires, 172: “et si elle tombe dans une citerne ou dans une fosse, qu’on ne la relève pas le sabbat.”
24 See G. Vermes, The Dead Sea Scrolls in English (London, 1987”), 95: “And if it should fall into a cistern or pit, he shall not lift it out on the Sabbath”; F. Garcia Martinez, E. Tigchelaar, The Dead Sea Scrolls. Study Edition, 569: “And if <it falls> into a well or a pit, he should not take it out on the sabbath.”
25 E. Qimron, The Hebrew of the Dead Sea Scrolls, 103 and 24 (§ 100.9).
Therefore, one single human being was created in the world, to teach that whoever destroys one life is considered as if he had destroyed the whole world, and whoever preserves one life is considered as if he had preserved the whole world.

Note that in this passage from the Mishna, the verb קיים is opposed to the verb אבד, “to destroy.”

The meaning “to keep alive, to preserve” makes excellent sense in the context of CD 11:13–14: “If (an animal) falls into a well or a pit, one should not sustain its life on the Sabbath.” In another passage in the Qumran scrolls, 4Q265 7 I 6–7, what is forbidden on Sabbath is to pull out an animal that has fallen into a pit (see the excursus below). The Damascus Document goes one step further: if an animal falls into a pit, one may do nothing to preserve its life in any way, even without actually pulling it out of the pit.

Rabbinic halakha makes the same distinctions, although it rules differently. Rabbinic halakha rules that one is not allowed to pull out an animal from a pit on the Sabbath, but one is permitted to sustain its life during the Sabbath while it remains in the pit (t. Shab. 14:3, Lieberman):

If an animal falls into a well, they give it sustenance where it is so that it does not die.

The term קיים, “to sustain,” in the Damascus Document is the synonym of עשה, “to sustain,” in the rabbinic source.

Thus, pulling out an animal on the Sabbath day is forbidden in both halakhic systems, whereas preserving the life of the animal in situ is permitted in rabbinic halakha but illicit according to the Damascus Document. It is not surprising that the Qumran sect should be stricter.

26 See already Rabin, Zadokite Documents, 56.
27 See the comments gathered by Strack-Billerbeck in relation to Matt 12:11.
28 See the parallel in b. Šabb. 128b. In this passage an early Amora, Rav, suggests a further concession.
29 In an earlier study, Menahem Kister has shown that the expressions נש命中 and עשה מפרנסה are parallel and express the meaning “to sustain, to keep alive.” See M. Kister, “Telisha be-shabbat weha-pulmus ha-notsri-yehudi,” 356, n. 20a. Compare y. Šabb. 7,1 (9a), “(The one who does not know on which day falls the Sabbath…) treats each day as if it could be the Sabbath and does (only) what is necessary to sustain his life (עושה כרぴ קים),” on b. Šabb. 69b, “(The one who doesn’t know on which day falls the Sabbath…) does on each day what is necessary for his sustenance (עושה, לא כרぴ פרטיסה).”
in this matter than Pharisaic-rabbinic Judaism. In conclusion, the interpretation of CD 11:13–14 in the sense “he should not sustain it” ought to be adopted.

Unfortunately, in Matthew things are not so simple. There is no question in this Greek text of turning a hiphil into a piel. Nevertheless, the subject matter in Matthew is indeed very close to that of passage in the Damascus Document. It would be attractive if the problem could be solved in the same way. If the verb ἐγείρω could be taken back to the notion of “keeping alive, preserving” as expressed by Hebrew קיים this would fit the context admirably: “Suppose one of you has only one sheep and it falls into a pit on the sabbath, will you not lay hold of it, and keep it alive?” “Keeping alive” is indeed something one might wish to do for an animal that has fallen into a pit.

The interpretation based on Hebrew קיים, “sustain,” is attractive also in that it conforms Jesus’ argument to the extant records of halakha in rabbinic literature. As was stated above, the translation “…will you not lay hold of it, and lift it out?” disagrees with received rabbinic teaching. Such a discrepancy could of course be explained. Perhaps in Jesus’ time the later halakha hadn’t yet crystallized and lifting an animal out of a pit on the sabbath was still considered legitimate. Or later Christian tradents ignorant of the fine points of Jewish law altered the original account. Alternatively, one might suppose Jesus himself was ignorant of the precise rule, or that he appealed to popular practice in disregard of it. All these explanations are somewhat forced, however. It would be preferable if we could argue that the account reflects an authentic discussion between Jesus and contemporary lawyers, and that the common starting point was rabbinic, or rather proto-rabbinic, halakha.30 This is precisely the effect of taking ἐγείρω in the meaning of Hebrew קיים.

Finally, the connection with Hebrew קיים, “to keep alive, to preserve” would enhance the coherence of the pericope. Jesus appears to base his case in favour of healing on the Sabbath on the notion of נפש פיקוח, “preservation of life”—the idea that danger to human life overrides the sanctity of the Sabbath.31 In the Lukan and Markan parallels this argument is rendered explicit: “Is it lawful on the sabbath to save life

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30 See however below on Luke 14:5.
31 See, e.g., the comment on Mark 3:4 in the Traduction Oecuménique de la Bible: “…il était admis que la loi du sabbat cesse quand une vie est menacée; ce n’est pas le cas ici, mais Jésus étend ce principe à toute guérison et à toute bonne action accomplie le jour du sabbat.”
or to destroy it?” (Luke 6:9 ψυχὴν σῶσαι ἢ ἀπολέσαι; Mark 3:4 ψυχὴν σῶσαι ἢ ἀποκτεῖναι). As Menahem Kister has argued, ψυχὴν σῶσαι here corresponds closely to the rabbinic expression פיקוח נפש, or rather to the synonymous פיקוח נפש found in a manuscript of the Mekilta from the Cairo Geniza. If קיים stands at the back of Matt 12:11, an obvious verbal link is to be recognized. Jesus’ argument is similar to the one he develops in the discussion related in Luke 13:10–17, where the legitimacy of healing on the Sabbath is deduced from halakhic rules regarding the wellbeing of animals.

It would be desirable to establish a connection between Matthew’s ἐγερεῖ and Hebrew קיים. How can this be done? The only way is by supposing the Greek text reflects an error of translation. If the verse transmits a piece of authentic tradition, as appears to be the case, the discussion must have been formulated originally in Hebrew. Discussions concerning the halakha are, in the period concerned, always formulated in that language, as far as we know. In light of the formulation in CD 11:13–14, the use of the verb קיים, “to keep alive, to sustain,” in the Hebrew version of Matt 12:11 appears likely. When the passage was translated into Greek, the rare pi’el form would have been mistaken for the much more frequent hiphil. A correct translation would have been οὐχὶ κρατήσει αὐτὸ καὶ σῶσει (or ζῳογονήσει), “will he not lay hold of it, and keep it alive?”

32 See M. Kister, “Plucking on the Sabbath and Christian-Jewish Polemic,” 35–51, in particular pp. 40–42. The antonym, שֵׁבָתָא איבוד, “destruction of life” may underlie Luke’s ἀπολέσαι and Mark’s ἀποκτεῖναι. For the opposition between these terms, see m. Shan IV 5, quoted above.

33 In a sense, Jesus’ argument would come down to a play on words more than a legal argument, since qiyyum nepesh as a halakhic term, synonymous to piqquah nepesh, is not extended to animals (for a more general use of this expression in the sense of sustenance, see n. 29). Perhaps we may submit that the permission to sustain the life of an animal on the Sabbath was considered a concession (קולא), the stricter rule being the one enounced in the Damascus Document. In this case, Jesus’ argument would be more substantial: if his Pharisaic opponents admit leniency with regard to the sustenance of animals on the Sabbath, how much more should one be lenient toward human beings on the Sabbath.

34 Some NT exegetes submit that Jesus appeals to popular practice against the law in Luke 13:15. Menahem Kister has shown, however, that it is more probable that Jesus appeals to a halakhic midrash based on Exod 23:12 and attested also in the Mekhilta. See M. Kister, “The Sayings of Jesus and the Midrash,” 39–50, in particular pp. 41–42.
Translation errors in the textual tradition leading up to the Gospels have been postulated now and then. Admittedly, many such conjectures lack a solid basis, and few if any have found universal acceptance. Nevertheless, the basic methodology underpinning such hypotheses is sound. Much of the gospel tradition did undergo translation from a Semitic language into Greek, and translators do sometimes make mistakes. In the present case, three elements concur to make the hypothesis likely. First, there is a problem in the Greek text of Matthew. The odd use of the verb εγείρω can be disregarded, but it cannot easily be explained. Second, the exact parallel in the Qumran scrolls shows as clearly as one could wish what a Hebrew version of Matt 12:11 would have looked like. In this version, confusion of the meanings “to raise” and “to sustain” could easily arise. Third, the key to a correct understanding of the Qumran passage—and, according to our hypothesis, to that of Matt 12:11—is provided by RH phraseology.

**Excursus: Pulling out an animal on the Sabbath**

The Lukan parallel to Matt 12:11 is formulated differently and does not contain the philological problem discussed above:

Luke 14:5 τίνος ὑμῶν υἱὸς ἢ βοῦς εἰς φρέαρ πεσεῖται, καὶ οὐκ εὐθέως ἀνασπάσει αὐτὸν ἐν ἡμέρᾳ τοῦ σαββάτου;

If one of you has a child or an ox that has fallen into a well, will you not immediately pull it out on a Sabbath day?

At the point where Matt 12:11 is difficult, Luke’s text is clear and logical. And just as Matthew finds a precise parallel in the Damascus Document, Luke is paralleled by a halakhic fragment from Cave 4:

4Q265 7 I 6–7 אַלּ יִלּוּ אַישׁ בָּחוּמָה אַשָּׁר תָּפֹל אֵין בְּחֵם בָּחוּמָה יֶשֶׁב׃

No one should lift out an animal that has fallen into the water on the Sabbath day.


36 The juxtaposition of the child and the ox is surprising, however. Probably the reading preserved by the codex Sinaiticus and many other manuscripts and versions, “an ass or an ox,” should be preferred.
Note that in both cases, what is forbidden in the Qumranic source is presumed to be allowed in the Gospel. In rabbinic halakha, as we saw above, pulling out the animal is forbidden, while sustaining it is allowed.

The exact parallelism between Matt 12:11 and CD 11:13–14 on the one hand, and between Luke 14:5 and 4Q265 7 I 6–7 on the other hand is hardly due to accident. It tends to show that both Gospel passages go back to earlier tradition, where the casuistry of Sabbath rules was discussed in these terms. If it does reflect an authentic tradition, the Lukan passage creates a problem in regard to what was argued above. In Matt 12:11, interpreted in light of our hypothesis, Jesus’ teaching accords with rabbinic sources. In Luke 4:5, however, what is supposed to be licit by Jesus is expressly forbidden in rabbinic halakha.

2. Raising up Pharaoh

Champions of the Semitic approach to the NT have often spent their best efforts on the Gospels. But the letters of Paul too may benefit from such an approach. Admittedly, Greek will have been Paul’s native language. He wrote his letters directly in Greek, addressing a Greek readership. Nonetheless, different types of Semitic influence affect his writing. In his letters, Paul includes a few Aramaic and Hebrew expressions, such as μαραναθα and ἀμήν. Under the influence of the Septuagint, he uses “Greek words with Hebrew meanings”—think of διαθήκη, which normally means “testament” but is used by the Septuagint to render מנה, “covenant.” Moreover, Paul probably knew both Aramaic and Hebrew, and may have used traditional material formulated in these languages.

An interesting example illustrating some of these issues is the way Paul quotes Exod 9:16. In the course of a discussion of God’s righteousness in regard of the unbelief of his Jewish contemporaries, Paul evokes the case of Pharaoh:

Rom 9:17 λέγει γὰρ η γραφὴ τῷ Φαραώ ὅτι εἰς αὐτὸ τοῦτο ἐξήγειρά σε ὡς ἑαυτὸν ἐξῆλθεν καὶ ὡς ἐνδείξεις ὅτι δύναμιν μου καὶ ὄνομά μου ἐν πάσῃ τῇ γῇ.

For the scripture says to Pharaoh, “I have raised you up for the very purpose of showing my power in you, so that my name may be proclaimed in all the earth.”
This appears to be a somewhat free rephrasing of the Septuagint version of Exod 9:16:

καὶ ἐνεκεν τούτου διετηρήθης ἵνα ενδείξωμαι ἐν σοί τὴν ἰσχύν μου καὶ ὅπως διαγγέλῃ τὸ ὄνομα μου ἐν πάσῃ τῇ γῇ.

And for this purpose hast thou been preserved, that I might display in thee my strength, and that my name might be published in all the earth (Brenton).

The comparison clearly shows that Paul’s version is based in the LXX (the words in italics are identical). Since the version quoted is otherwise unknown, Dietrich-Alex Koch judged that it represents Paul’s own reworking of the Septuagint in view of the point he wants to make.37 Koch’s conclusion is plausible, but a further consideration is called for.

The main divergence in the text quoted is the rendering ἐξήγειρά σε, “I have raised you up,” as against διετηρήθης, “you have been preserved,” in the LXX. On this point, there can be no doubt that the Septuagint is more faithful to the meaning of the Hebrew:

But this is why I have let you live: to show you my power, and to make my name resound throughout all the earth.

God’s argument, in the context of Exodus, is that he could have destroyed Pharaoh long ago, but did not do so on purpose. By maintaining Pharaoh alive, God plans to show the full extent of his power. The Greek translator captured this nuance well. He merely changed the active form of the Hebrew into a more discreet divine passive.

So why did Paul diverge from the Septuagint? Before invoking theological motivations, one ought to observe that there is a linguistic explanation for the change. As several linguists have observed, the verb עמד underwent a semantic change during the history of the Hebrew language. While in classical Hebrew עמד is a stative verb meaning “to stand, to be in a standing position,” the verb later takes on the inchoative meaning, namely, “to stand up, to rise.” In classical Hebrew, this later

meaning is expressed by קום. Similarly, the hiphil of עמד means “to station, to maintain in a standing position” in classical Hebrew, but “to raise, to make to rise” in later Hebrew. The change can be noticed in the later books of the Bible, in Qumran Hebrew and in rabbinic sources:

1Sam 16:22, לְפָנַי דָוִד יַﬠֲמָד־נָא לֵאמֹר אֶל־יִשַׁי שָׁאוּל וַיִּשְׁלַח And Saul sent to Jesse, saying, Let David, I pray thee, stand before me.

m. Sotah 9:15, הבונים יעם מתני קנסים The aged shall rise before the young.

Gen 47:7, פַרְﬠֹה לִפְנֵי וַיַּﬠֲמִדֵהוּ אביו את יַﬠֲקֹב יוסף וַיָּבֵא And Joseph brought in Jacob his father, and stationed him before Pharaoh.

Mekilta, Jitro (Horovitz-Rabin 237) נביא תעיח אנל להועמיד מהם I will raise up for them a prophet.

Exod 9:16 conforms to classical usage: העמיד is “to keep in a standing position, to preserve.” This meaning was correctly perceived by the Alexandrian interpreter. Paul’s rendering, however, reflects the later meaning: “to raise up.”

Koch may be right in arguing that the change serves Paul’s main argument: God did not only preserve Pharaoh throughout the ten plagues, but he raised him up, he practically created him, in order to punish him. In this interpretation, the quotation would illustrate Paul’s idea that God may predestine human beings to destruction (see Rom 9:22). However, Paul did not arbitrarily decide to adapt Exod 9:16 to the point he was arguing. Rather, his knowledge of Hebrew led him to interpret the verse in a way that conformed to his theological ideas.

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39 Contrast Lev 19:32.
40 Contrast Deut 18:18.
41 For this meaning of the verb ἐξεγείρω, see BAGD.
42 Alternatively, Paul picked up an existing revision of the Septuagint where the verb had been corrected under the influence of post-classical Hebrew.
It is interesting to note a similar phenomenon in an ancient sermon on Exod 9:16, preserved in the *Pirqe de-Rabbi Eliezer* and, in a slightly different form, in the *Yalqut Shim‘oni on Jonah*:

The Holy One Blessed Be He saved him (Pharaoh) from the dead. Whence do we know that he died? Because it is said, “For by now I could have put forth my hand and struck you” (Exod 9:15). And He raised him (השׁם) from the dead so that he might recount his power. Whence do we know that He raised him up? Because it is said, “but for this purpose הועמדיך” (Exod 9:16).

The exegesis proposed in this piece of midrash will seem far-fetched until one realizes that it is grounded in a linguistic phenomenon. The verb הועמד is no longer taken to mean “to preserve, to keep alive,” but “to raise up.”

The interpretation of Exod 9:16 is elaborated differently in the midrash and in Romans. Whereas the former interprets the raising of Pharaoh as a resurrection from the dead, the latter takes it to refer to God’s setting up of Pharaoh. Nevertheless, the linguistic point of departure remains the same in the two passages: the classical Hebrew of Exodus was read in the light of later Hebrew.43

**Conclusion**

It is time to draw this paper to a close. The two case studies proposed illustrate very different aspects of the large question of Semitic influence in the Greek text of the NT. What both of them show is that an informed interest in post-biblical Hebrew may shed light on philological details in the NT text. The study of RH—its vocabulary, grammar, phraseology, and style—should be given a place in the toolbox of the NT exegete.

What the examples also show, however, is that RH should not be used in isolation. Perhaps it is still possible, in some cases, to jump straight from a passage in the Gospels to rabbinic phraseology—as is done systematically by John Lightfoot in his *Horae hebraicae et talmudicae*

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43 There are many other cases of this phenomenon in the midrash. Note, e.g., the interpretation of דסח, “piety,” as “alms” in comments on Hos 6:6, see J. Joosten, “דסח, "bienveillance" et ἔλεος ‘pitié.’ Réflexions sur une équivalence lexicale dans la Septante,” 25–42, p. 40.
(1658), for instance. Most often, however, the information provided by RH will be just one piece of evidence in a much larger array. Finally, the test cases indicate that the study of language links up with exegetical, historical and theological questions. Such wider questions can of course be studied without reference to linguistic issues. But they can hardly be studied adequately without this reference.
There are three passages in Paul which deal with the characters of Adam and Christ and the theological relationship between the two. One of the passages, Rom 5:12–21, was analyzed in detail elsewhere in order to demonstrate its Jewish source.1 Another study dealt with 1 Cor 15:21–22 and its Jewish setting.2 The remaining passage, 1 Cor 15:45–49, also contrasts Adam with Christ in the context of the resurrection, but with considerably different nuances. It will here be shown that a comparison of the passage with rabbinic midrashim concerning Adam’s creation can help in interpreting and understanding both sets of sources.

As will shall see, Paul’s passage employs exegetical techniques, approaches of Scripture, and theological themes comparable to those found in rabbinic texts. Paul wrote Greek and used Hellenistic terms which would be readily understandable to the recipients of the epistle at Corinth. Nevertheless, a similar dualism between earthly and heavenly aspects in human beings is found in those rabbinic parallels, which suggests a Jewish context for Paul’s ideas, rather than the non-Jewish Hellenistic one some scholars have proposed.3 It will be argued that the Pauline idea of Christ as the “last Adam” should be attributed to bilingual, Greek and Hebrew thinking and results from a midrashic thought model applied to a quasi-rabbinic concept. Thus what may emerge from our paper is a clearer appreciation of Paul’s exegetical methods and of the extent to which early Jewish traditions concerning Adam’s creation and human resurrection shaped his innovative thinking.

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1 M. Kister, “Romans 5:12–21 against the Background of Tannaitic Torah-Theology and Hebrew Usage,” 391–424.
2 M. Kister, “‘In Adam’: 1Cor 15:21–22; 12:27 in their Jewish Setting,” 685–90.
3 Some of the Jewish ideas were influenced by Hellenistic conceptions; see below nn. 16, 20.
Conversely, the passage from Paul, as also some others from early Christian writers such as Theophilus of Antioch and Origen, may shed new light on the interpretation and dating of the rabbinic texts.

Let us now read the passage to be discussed, along with some of the preceding verses for a better understanding:

35 But someone will ask, “How are the dead raised? With what kind of body do they come?” 36 You foolish man! . . . 38 God gives it a body as he has chosen. . . . 39 For not all flesh is alike, but there is one (kind) for men, another for animals, another for birds, and another for fish. 40 There are celestial bodies and there are terrestrial bodies; but the glory of the celestial is one, and the glory of the terrestrial is another. 41 There is one glory of the sun, and another glory of the moon, and another glory of the stars; for star differs from star in glory. 42 So is it with the resurrection of the dead. What is sown is perishable, what is raised is imperishable. . . .

It is sown a body pertaining to the soul (σώμα ψυχικόν), it is raised a spiritual body (σώμα πνευματικόν). If there is a body pertaining to the soul, there is also a spiritual body (σώμα πνευματικόν).

45 Thus it is written, “The first man Adam (ὁ πρῶτος ἄνθρωπος Αδάμ) became a living soul (εἰς ψυχὴν ζῶσαν); the last Adam (ἔσχατος Αδάμ) became a life-giving spirit (εἰς πνεῦμα ζωοπιοῦν).” 46 But it is not the spiritual (πνευματικόν) which is first, but what is pertaining to the soul (ψυχικόν), and then the spiritual. 47 The first man is from earth, a man of dust (ἐκ γῆς χοϊκός); the second man (δεύτερος ἄνθρωπος) is from heaven. 48 As was (the man) of dust, so are those who are of the dust; and as is (the man) of heaven, so are those who are of heaven. 49 Just as we have borne the image of (the man of) dust (τοῦ χοϊκοῦ), we shall also bear the image of (the man of) heaven.

1. ΨΥΧΙΚΟΝ AND ΠΝΕΥΜΑΤΙΚΟΝ AND THE INTERPRETATION OF GEN 2:7

In the passage above Paul cites Gen 2:7 (in v. 45) as a proof-text for two kinds of human bodies, ψυχικόν and πνευματικόν (v. 44), related to the dichotomy between the “first Adam” and the “last Adam,” Adam and Christ. Paul contrasts the “body pertaining to the soul” (related to the “first Adam”) with the “spiritual body” of the resurrection (related to

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4 The word ἔρχονται as a term for being resurrected is known from talmudic literature; see t. Sanh. 13:9–10; Abot de-Rabbi Nathan, Version A chapter 36; Deut. Rab. 2.9.

5 English translations render the word ψυχικός as “physical” or “natural”. I cannot use these renderings, because they would prevent one from noticing the close relationship between the “physical man” and the “living soul” (see below). “Soulish” would have been a literal rendering, but I prefer to avoid such an awkward neologism.
the “second man / last Adam”). In vv. 47–49, the comparison between the two Adams is continued and applied to the believers at the resurrection, but the contrast in these verses is between “a man of dust” (χοϊκός) and “a heavenly man” (ἐξ οὐράνου, ἐπουρανίος).

Where should we look for the cultural and exegetical origins of the Pauline anthropological conceptions in this passage? A Hellenistic background has been suggested. Most scholars assume that the “Two Adams” teaching in vv. 45–49 relates to Philonic ideas, and that both are related to Gnosticism; many also take Paul’s statements as reflecting the ideas of the Corinthian opponents of Paul, but this is a matter of much speculation. V. 46 is especially crucial for its relation to Philo, because it is often interpreted as a polemic against Gnostic and Philonic theories, according to which the “spiritual man” came first.

Let us begin, however, by taking a very different route and asking an exegetical question: how did Paul read Gen 2:7 and what might have been the exegetical motive for such a reading? The verse in Genesis reads:

MT: וירש ה,’ אלים את adam עפר מה adam ויאמר便可 נפשו יהוה

LXX: καὶ ἐπλάσεν ὁ θεὸς τὸν ἀνθρωπόν χοῦν ἀπὸ τῆς γῆς καὶ ἐνεφύσησεν εἰς τὸ πρόσωπον αὐτοῦ πνοὴν ζωῆς, καὶ ἐγένετο ὁ ἄνθρωπος εἰς ψυχὴν ζωὴν

(a) And the Lord God formed man (ha-adam) of dust from the ground,
(b) and He breathed into his nostrils (LXX: face) the breath of life,
(c) and man became a living soul.

The Hebrew נשבע is rendered in this Pauline passage not as πνοή, “a breath,” as in the Septuagint, but rather as πνεῦμα, “spirit,” a rendering...

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8 See, e.g., Sellin, Streit, 79–90. This is rejected by W. Schrage, Der erste Brief an die Korinther, 4.272 n. 1340; 302. I think, however, that taking the word πνεῦμα as a variant of LXX πνοή is the key to a correct interpretation of the whole passage. On the word πνοή see E. Schweizer, s.v. πνέω, TDNT 6.453.
found also in Philo. This πνοή or πνεῦμα gave life to Adam, and it is therefore understandably labeled “life-giving.” The word πνεῦμα replaced πνοή either in the transmission of the Septuagint text (i.e., in Greek) or as an alternative rendering of the Hebrew word used in Genesis, which has both meanings, “breath” as well as “spirit.” Paul contrasts Adam as a living soul, the first Adam, with the spirit, which is the second Adam. It is clearly very difficult to interpret Gen 2:7 this way. After all, “He breathed into his face the spirit of life” (interpreted by Paul: the life-giving spirit) is written before the words “and man became a living soul” (interpreted by Paul as referring to the “physical” man). When seen in this context, the function of verse 46 is clear: it does not have any polemical significance (as argued, or even assumed, by a vast majority of scholars), nor should it be interpreted as having an especially significant theological content; rather, it is an exegetical note. Paul stresses here that his interpretation of Gen 2:7 in the preceding verse (verse 45) deviates from the order of the verse in Genesis: although the spiritual (“life-giving spirit,” Gen 2:7b) is mentioned in Genesis before “living soul” (Gen 2:7c), Paul argues that, in actuality, the “living soul” (identified with the man moulded of dust, Gen 2:7a) is the first.

But what might be the motive for such a seemingly awkward interpretation? Elsewhere in this epistle it is made clear that, for Paul, ψυχικόν is inferior to πνευματικόν (1 Cor 2:14), and this could have played a significant role in his interpretation. There is also an exegetical reason, however, that could explain a pre-Pauline reading of the verse in Genesis along these same lines. (Paul himself might have added the Christological component to an existing tradition.) The Hebrew expression nepesh hayya and its Greek rendering, ψυχὴ ζῶσα, “living soul,” occur in Gen 1:24 and Gen 2:19 (cf. also Gen 1:21 in the Hebrew), and in these contexts it refers to the animals. A plausible interpretation for

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11 The neuter forms πνευματικόν and ψυχικόν may be regarded as abstract nouns referring to the double creation of Adam (rather than to σῶμα of v. 44).

the usage of this expression in Gen 2:7 could be that it was perceived as designating the lower faculties of the human being, common to both human beings and animals.\(^\text{13}\) Especially important is Gen 1:24, in which God’s actions on the sixth day of creation, before creating the human being(s), are described as follows: “And God said, ‘Let the earth bring forth living soul according to its kinds: cattle and creeping things and beasts of the earth according to their kinds.’” A possible way to harmonize Gen 2:7 with Gen 1:24–27 is to assume that “living soul” in Gen 2:7c refers to human beings inasmuch as they have the same “soul” as non-human creatures.\(^\text{14}\) This might be a good reason for the emergence of an exegetical tradition, probably pre-Paulinian, which distinguished—

\(^{13}\) In Targum Onqelos to Gen 2:7, 9 (as well as in many modern translations), the expression nefesh hayya in this verse is rendered quite differently than in the other verses. The Fragment Targum translates: אֱלֹהִים אֲדֹנָי נֵפְשׁוֹ הָיָה (M. Klein, The Fragment-Targums of the Pentateuch, 126; note the readingقطع נפש rather thanقطع נפש in the margin of Targum Neophiti [A. Diez Macho, Neophyti 1: Targum Palestinenense ms de la biblioteca Vaticana, 9]). May these renderings be regarded as reflecting an understanding of Gen 2:7c as a pluperfect, similar to Paul’s reading? Note also Gen. Rab. 14:10 (ed. Theodor-Albeck, 134), where Rabbi Yehuda the son of Rabbi Hiyya infers from Gen 2:7 that Adam was first created with a tail like an animal.

\(^{14}\) “For not all flesh is alike, but there is one (kind) for men, another for animals, another for birds, and another for fish” (verse 39). In this verse, the creatures of Gen 1:21–27 are mentioned in reverse order. Cf. the enigmatic midrashic interpretation to Gen 1:24: “‘Let the earth bring forth living soul’—Rabbi Elazar said: ‘living soul’ is the spirit (רוח) of Adam” (Gen.Rab. 7:5, ed. Theodor-Albeck, 54). In this connection it is important to mention an ancient Samaritan sermon, which has hitherto passed unnoticed. It describes Moses and Aaron as arguing with Pharaoh, saying: “You [= the Egyptians] say that both animals and human beings [literally: the mute ones and the speaking ones] share having spirits (רו”ח), but we [= the Hebrews] say concerning the soul (נפש) and the spirit (רוח) for those having bodies (א”ל), and the spirit (רוח) for the speaking ones (לממלך): human beings are sustained by soul and spirit (נפשו ורו”ח), while animals [literally: the mute ones] are sustained only by soul (נפשו).” (Tibat marqe, ed. Z. Ben-Hayyim, 78 [Book I §55, fol. 34a]). The passage with which we are dealing appears in the most ancient part of the compilation, written, according to Ben-Hayyim, in genuine Samaritan Aramaic (that is, before the Arab conquest of Palestine). The whole composition is attributed to Marqe (4th cent. CE). The anthropology of the Samaritan passage is: animals and human beings have souls, since the soul is related to the body, but human beings have, in addition, spirits, which are responsible for the higher faculties of human beings, such as speaking (and thinking). The philosophical terminology, “soul” and “spirit,” is well-known to the writer and the readers. There are no traces of Christian or Gnostic terminology in this passage (or in the work as a whole), nor is it the product of a midrash on Gen 2:7 (it uses the word הרוח rather than נשמת used in Gen 2:7), the two suggested explanations for Paul’s theology. In spite of the relatively late date of the Samaritan text, it can perhaps shed some light on Paul’s terminology in this passage from a different perspective. Be that as it may, notwithstanding the chronological gap between Paul and the Samaritan work, the latter might shed some light on the reconstruction of the anthropology reflected in the interpretation of Gen 2:7.
due to exegetical considerations—between “spirit” and “living soul.” Because the latter is inferior to the former, it seems quite natural to assume that the “living soul” existed before the “spirit,” although in the verse the phrases are actually found in the reverse order.

2. Celestial and Terrestrial Bodies

After the resurrection, the spiritual human beings will be included (according to Paul) among the celestial beings. Paul says in verse 40: “There are celestial bodies and there are terrestrial bodies; but the glory of the celestial is one, and the glory of the terrestrial is another.” Examples of (terrestrial) beings made of flesh are given in verse 39 (human beings are on the same scale of ‘flesh’ as the other creatures), whereas examples for celestial beings are mentioned in verse 41. The broader context of verse 40 should be remembered: Paul is continuing his answer to the question “With what kind of body do they [the dead] come [i.e., with what kind of body will they be resurrected]?” (verse 35). Paul’s answer is: “If there is a body pertaining to the soul, there is also a spiritual body” (verse 44). It seems, therefore, that Paul asserts that the believers will have “spiritual bodies” similar to the spiritual bodies of the celestial beings.16

A striking parallel to Paul’s statement can be found in a tannaitic midrash:

Rabbi Simai used to say: The souls and the bodies of all the creatures that were created from heaven (שהם מן השמים), the souls and the bodies of all the creatures that were created from the earth (שהם מן האדמה) are earthly, except man: his soul is

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15 In a Qumranic fragment of the work labeled Berakhot, immediately after describing the blessings of the angels, the most holy spirits רוחי ובברכות (we read: בברכה כי כל בראשית כלמה נשבר בחזק בר עשה בברך), we read: בברכה כי כל בראשית כלמה נשבר בחזק בר עשה בברך, and let all the creatures of flesh that you have created [in your world] bless you [man and animals and birds and reptiles and fish of the seas and all [...” (4Q287 3 1–4; ed. B. Nitzan, “4Q287,” Qumran Cave 4.VI: Poetical and Liturgical Texts, Part 1, 54. (The reconstruction is mine.)

16 This interpretation is not very different from Origen’s view about the resurrection; for his position as well as for its Hellenistic background, see A. Scott, Origen and the Life of the Stars: a History of Ideas, 150–164. Origen interprets Paul’s statements in our passage, and might have been influenced by similar Jewish ideas (see below). Elsewhere, I argued that arguments in the inter-Christian debate concerning resurrection sometimes originated in a Jewish context; see M. Kister, “Ahor wa-Qedem,” 255–257.
heavenly while his body is earthly. Therefore, if he observes the (commandments of the) Torah and does the will of his Father in Heaven, he is like the creatures of above (בריות שלמעלה), as it is said, "I said, ‘You are gods, sons of the Most High, all of you’" (Ps. 82:6); if he does not observe the (commandments of the) Torah and does not do the will of his Father in Heaven, he is like the creatures of below (בריות שלמטה), as it is written, "Indeed you die like men (or: like Adam)" (Ps. 82:7). (Sipre Deut. 306, ed. Finkelstein, 340f.).

The ideas expressed here are strikingly similar to those which Paul suggests in our passage. Firstly, the rabbinic passage distinguishes between celestial and terrestrial bodies; although both kinds of creatures have “bodies,” they are of a very different nature. The midrash, like Paul, states that the human body is made of flesh, as is that of animals—in contradiestinction to the heavenly creatures who have a body “from above,” what Paul calls “spiritual,” but also ἐξ οὐράνου and οὐρανιός. According to the midrash, one who observes the commandments is “like the creatures from above.” Does this reading mean that his body is transformed into a different one (inevitably referring, according to this reading, to the Age to Come), similar to the body of those heavenly creatures (be they merely angels, as one tends to think at the first reading of the midrash, or also stars)?

In an ancient *piyyut* of Yose ben Yose (5th century?), we read concerning the duality involved in Adam’s creation: “If he obeys my words, he will be like God, but if he disobeys my commandment, I will return him to his soil”. The wording of both midrash and *piyyut* is rather vague, and can be interpreted either ontologically or eschatologically (namely that the righteous will be like heavenly creatures after the resurrection). It seems, however, that the eschatological interpretation of this tradition is ancient (and perhaps also the original one).

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17 Note that “spiritual” is not the opposite of “physical” and there is no dualism of “material”/“immaterial” in this passage, as rightly emphasized by Martin in his *The Corinthian Body*.

18 The Greek expressions ἐξ οὐράνου and οὐρανιός used by Paul are two renderings, the former literal and the latter free, of the Hebrew words min ha-šamayim used in the passage of the Sipre. (I translated min ha-šamayim there as “heavenly”). See also G.D. Fee, *The First Epistle to the Corinthians*, 792f.; contrast, e.g., Horsley’s assertion that “the statement that “the second man” is “from heaven” (v. 47) is an unmistakable reference to Christ’s *parousia*” (R.A. Horsley, *1 Corinthians*, 212).


20 Compare this rabbinic saying to Epictetus’ statement, “inasmuch as two elements were comingled in our begetting, on the one hand the body, which we have in common with the animals (*τὰ ζώα*), and, on the other hand, reason and intelligence which we
interpretation gains considerable plausibility from a striking parallel to the Jewish passages (the Sipre and the piyyut) in Theophilus of Antioch, a generation or so before Rabbi Simai. Theophilus’ passage reads:

Neither, then, immortal nor mortal did He (= God) make him (= the human being), but rather . . . if he should incline to the things of immortality, keeping the commandment of God, he should receive as reward from Him immortality, and should become God; but if, on the other hand, he should turn to the things of death, disobeying God, he should himself be the cause of death to himself . . . For as man, disobeying, drew death upon himself; so, obeying the will of God, he who desires is able to procure for himself life everlasting. For God has given us a law and holy commandments, and every one who keeps these can be saved, and, obtaining the resurrection, can inherit imperishability. (Ad Autolycum 2.27)

The last words of the above passage are reminiscent of 1 Cor 15:50 (as noted by the editors of Theophilus’ work), but the passage as a whole is almost a word-for-word parallel to Rabbi Simai’s saying in the Sipre, cited previously. Even what seems to be a doublet in the ancient Jewish tradition recorded in the Sipre, “observes the (commandments of the) Torah and does the will of his Father in Heaven,” is retained in the Christian passage. The nomistic language is remarkable. Evidently, the Christian passage is an adaptation of a Jewish passage stressing the soteriological significance of the Torah and its commandments. The whole point in the Christian passage, and probably in its Jewish source, is the immortality and “imperishability” obtained through resurrection,

have in common with the gods, some of us incline towards the former relationship which is unblessed by fortune and is mortal, and only a few towards that which is divine and blessed,” most people “becoming” thus “wolves,” “lions,” and “foxes” (Epictetus, Discourses, 1.3.3, 25). Cf. also Philo, Opific. 135; see D. Runia, Philo of Alexandria on the Creation of the Cosmos according to Moses, 327–329. The Jewish eschatological conceptions have, then, their counterpart in various Hellenistic notions referring to the ontology of human beings, and to the immortality of the soul (or of human beings who free themselves of their body).

22 For a detailed analysis of Theophilus’ passage and its relationship to Romans 5, see M. Kister, “Romans 5:12–21.”
23 The expression is found in 2 Pet 2:21; the context, however, is quite different from the one in the present passage of Theophilus.
24 The numbering follows the editions of Grant and Marcovich; the translation follows ANF, with some alterations.
when the righteous will be “like God” (thus the piyyut and Theopilus;\textsuperscript{25} cf. “I said you are gods” in the Sipre) or die both corporal and eternal deaths. Thus, what is vague in the Sipre is explicit in Theophilus. The future resemblance of the righteous to angels or astral bodies, an element missing in Theophilus’ passage, is well-attested in the Jewish literature of the Second Temple period and in rabbinic literature.\textsuperscript{26} The passage in Theophilus reflects, then, an ancient version of an even more ancient tradition, whose transmitter was Rabbi Simai. According to this version of the tradition, at least, human beings will become “imperishable” and “like God” \textit{in the resurrection}. This is the Pauline argument, which seems to have existed in Jewish circles well before Paul.\textsuperscript{27}

3. The Two Adams

The midrash recorded in the Sipre thus supplies one of the closest parallels to the Pauline passage. But are there suggestive parallels also to the dominant component of the Pauline passage, namely the comparison between the “first Adam” and the “last Adam”?

The relation between this Pauline passage and Philo’s mention of “two men” created according to the narrative in Genesis 1–2 is a subject of debate among scholars.\textsuperscript{28} Philo refers several times to this issue. He says:

\begin{quote}
Speaking here of the man whom God moulded (\textit{ἔπλασεν}), it merely says that He “placed him in the garden.” Who, then, is it whom it says later on “the Lord God took the man whom He had made (\textit{ἐποίησεν}) and placed
\end{quote}

\begin{footnotes}
\textsuperscript{25} Clearly, then, Theophilus did not derive his idea of human beings “becoming like God” from Christian doctrines related to Jesus; rather, it belongs to his Jewish inheritance, which received its Christian sense from its being included in a Christian work.

\textsuperscript{26} According to 2 Baruch 51:1–10, the bodies of the righteous will change after the resurrection and they will become like angels and stars. Elsewhere in rabbinic literature, the transformation of the righteous into stars and luminaries in the “Age to Come” is emphasized (Sipre Deut. 47, ed. Finkelstein, 105); note the sentence “as the light of every star is different from the light of the other stars, so are the righteous,” and see also Sipre Deut. 10, ed. Finkelstein p. 18). These passages might assume that the righteous would have bodies like those of the stars. See also Scott, \textit{Origen and the Life of Stars}, 91.

\textsuperscript{27} Contrast Martin, \textit{The Corinthian Body}, 129, 135.

\textsuperscript{28} See above, n. 7.
\end{footnotes}
him in the garden to till it and to guard it” (Gen 2:15 LXX)? It would seem then that this is a different man . . . and the one he receives (λαμβάνει, Gen 2:15 LXX) and the other he casts out (ἐκβάλλει, All. 1.53–55).

For the man stamped with the spirit, which is after the image of God, differs not a whit, as it appears to me, from the tree that bears the fruit of immortal life: for both are imperishable (Plant. 44).

Some scholars have emphasized that, in spite of considerable similarity in terminology, Philo and Paul have very different systems. As Dunn puts it:

When we set Philo’s exegesis of Gen 1–2 within the wider context of his thought it becomes quite clear that he does not think of the heavenly being as a person, let alone as a divine redeemer. Philo’s distinction between heavenly and earthly man derives basically from the Platonic distinction between the heavenly world of ideas and the real world of inferior copies . . . the world of ideas does not exist in some place.30

Considered by itself Philo’s passage thus may not provide as strong a parallel as appears at first glance. It might be instructive, however, to note other works in which similar exegetical lines are drawn, albeit within different theological systems. It emerges that Paul and Philo, as well as other works, share a similar traditional interpretation of the biblical verse, to which a different significance is given in each system. First, let us analyze a passage of Theophilus of Antioch, in which Gen 2:8 and Gen 2:15 are contrasted in a similar fashion:

When man was formed in this world, it is mystically written in Genesis, as if he were twice placed in Paradise (Gen 2:8, 15); so that the one was fulfilled when he was placed there, and the second will be fulfilled after the resurrection and judgment. (Ad Autolycum 2.26).

The idea that the righteous will gain the return to Eden is very ancient, as mentioned above, and it occurs already in 1 Enoch 25:5. This passage of Theophilus has no Christological overtones. It should be stressed, however, that what is implied here exegetically is that Genesis 2:8 and 2:15 refer not only to Adam’s creation, but also to the resurrection, the

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30 J.D.G. Dunn, Christology in the Making, 123f., following Scroggs analysis (Scroggs, The Last Adam, 122). See also Schaller, “Adam und Christus.”
second creation of human beings. This line of exegesis may elucidate the following passage in *Genesis Rabbah*:

“And there He put the man ( אדםְ‬) whom He had created” (Gen 2:8)—

[A] ("and there He put")—as it is said, “and they are there to this day” (2 Chron 5:9).31

[B] ("the man whom He had created")—Rabbi Levi bar Zecharia said: this applies only to this creation [of man] (בריאת אדם). (Gen.Rab. 15:5 [138])

The two sayings are rather enigmatic. It seems plausible, however, that [A] interprets Gen 2:8 as referring to the permanent stay of human beings in Paradise, a striking parallel to Philo and to Theophilus’ differentiation between Gen 2:8 and Gen 2:15 (although for Philo the imperishable man is mentioned in Gen 2:15). The saying of Rabbi Levi bar Zecharia in [B], obscure as it is, seems to distinguish between two creations of man. The redactor of *Genesis Rabbah*, at least, wanted his readers to believe that saying [B] applied to [A], i.e., to the everlasting stay of man in Eden (but taken by itself [B] is too abrupt to be adequately interpreted). In this context it is noteworthy that Gen 2:7 is interpreted in *Genesis Rabbah* as referring to two creations of man (בריאת אדם), the one that took place in this world and the one that will take place in the World to Come32 (Gen. Rab. 14:5 [128–129]).33

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31 For the interpretation of the word “there” in 2 Chr 5:9 as indicating staying in the same place and state, see b. Yom. 54a; see also *Aboth de-Rabbi Nathan, Version A*, chapter 36 (ed. Schechter, 108).

32 Scroggs has suggested, with due hesitation, that in 1 Cor 15:45–49 “the Apostle may...be reworking this Jewish midrash for a Greek Christian audience. The most acute problem is that Paul quotes the last half of the verse in Genesis while the rabbis work from the first half. Yet Paul could not explicitly reproduce for his Greek readers the midrash...” (R. Scroggs, *The Last Adam: A Study in Pauline Anthropology*, 86f). That Paul quotes Gen 2:7b–c whereas the midrash quotes 2:7a is scarcely a problem; similar phenomena are known from rabbinic texts. It is questionable, however, whether this sort of a midrash on the spelling of biblical words was widespread in Paul’s time (cf. S. Naeh, "Did the Tannaim Interpret the Script of the Torah Differently from the Authorized Reading?” 401–448 [in Hebrew]). Nevertheless, it is quite possible that the exegetical trigger might have been originally somewhat different (e.g., the similarity in vocabulary between Gen 2:7 and Ezek 37:9. This is, however, purely speculative).

33 In *Genesis Rabbah*, this interpretation is followed by a dispute between the House of Shamai and the House of Hillel concerning the precise order in which the resurrected carnal bodies will come back to life. As we have seen above, other conceptions, according to which the righteous will attain spiritual bodies at the resurrection, did exist in the Second Temple period and in tannaitic literature.
The passages in *Genesis Rabbah* and Theophilus demonstrate that Philo’s scheme was part of a larger exegetical approach, according to which the text of Genesis 2 described not just the creation of the first man, but also the creation of an *imperishable human being*. For Philo, a philosophical interpretation of this figure is natural, while in rabbinic and Christian writings this figure is associated with the resurrection. Seen in this broad exegetical context, Paul’s interpretative assumption that Gen 2:7b refers to a type of heavenly substance of humanity, to which the earthly substance of those believing in Christ will be transformed at the resurrection, is not surprising.

What is unique to Paul, however, is the Christologization of this anthropological motif. For him, Gen 2:7b represents not only another kind of human existence, a man who received God’s spirit. For him the “second Adam” is not a human being on whom God’s spirit is, or will be, bestowed, but rather the “life-giving spirit” (verse 45), a spirit in whom all will be made alive, according to verse 22. “The Lord is the spirit,” as Paul says elsewhere (2 Cor 3:17).

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34 The substantial inconsistencies in Philo’s writings have been noted by Scroggs (*The Last Adam*, 115–122), and from a very different perspective by Tobin, *The Creation of Man*, 102–176. The basic assumption of the latter, that “[Philo] did not stand alone but was the representative of a tradition of interpretation” (Tobin, 5) seems to me very productive, and it dovetails with Scroggs’ statements that “to one who comes to Philo from haggadic literature such lack of consistency is not surprising” (Scroggs, 117). The study of Philo’s traditions could considerably benefit from a careful comparative study with rabbinic exegesis.

35 This figure is connected in Philo’s writings to the man created according to Gen 1:26–27, but other commentators might have interpreted Gen 2:8 + 2:15 without necessarily referring to Gen 1:26–27 (or they might have referred to it and drawn different conclusions). Collins has suggested that 4QInstruction (4Q417 1 i 14–18) refers to the double creation of man, representing “people of spirit” and “spirit of flesh”; see J. J. Collins, “The Mysteries of God: Creation and Eschatology in 4QInstruction and the Wisdom of Solomon,” 299–303 (Collins does not mention 1 Corinthians, although it fits his argument). The meaning of the Qumran fragment, however, is far from clear. I hope to discuss this fragment elsewhere.

36 The word κύριος, found in some MSS in verse 47, is not original. For Paul, the “second man” is Christ; but this could be his adaptation of a Jewish paradigm.

37 See on this aspect J.D.G. Dunn, “1 Corinthians 15:45—Last Adam, Life Giving Spirit,” 127–41.

38 A commentator of this Pauline passage has noted: “An anonymous last Adam is the inspired one. Inspired, the last Adam is life-giving” (R.F. Collins, *First Corinthians*, 571.) Paul himself, however, does not supply the link between “inspired” (which is more natural in Genesis) and “life-giving spirit;” contrast Fee, *First Corinthians*, 789f.
The background of the Pauline appellations “last Adam” and “second man” for Christ (which is hitherto unattested in Jewish literature) might well stem from a Hebrew usage known from Mishnaic Hebrew. The word adam in Hebrew has three meanings: (1) a man; (2) the personal name of the first man, Adam; (3) humankind. In order to distinguish between “man” in general and “Adam,” the first human being, Mishnaic Hebrew denotes the latter by the expression Adam ha-rišon. This term, if interpreted literally, may suggest that if Adam is Adam ha-rišon, there must also be an Adam ha-šeni, or Adam ha-‘aharon, i.e., a second or a last Adam, or man; the Hebrew word adam can be rendered either “Adam” or “man,” and the antonym of “first” is either “last” or “second”. Thus, the appellation “last Adam” for Christ may well be a midrash on the term Adam ha-rišon. If this midrashic treatment of the post-biblical expression is to be attributed to Paul himself, the use of “last Adam” and “second man” in almost two successive verses (45, 47) reflects Paul’s bilingual thinking at this point.

The relation between Christ and the believers is explained most clearly in verses 48–49. It seems to me that these verses refer to Gen 5:3, which states that Adam’s descendants were born in his image rather than to Gen 1:26–27, as assumed by most commentators. The “genetic” inheritance from ancestor to posterity is transferred by Paul to a spiritual inheritance given by Christ to his believers, who are considered Christ’s spiritual posterity. Although, as stated above, the content of the two other Pauline passages contrasting Adam and Christ (1 Cor 15:21–22;
Rom 5:12–21) is different, one element is demonstrably common to the three passages: divergent Jewish ideas concerning the relationship between an ancestor and his descendants are used in these passages, and the role of the ancestor is transferred to Christ. Phrases such as “the second man is from heaven,” which emphasizes the ontological contrast between Adam and Christ and the eschatological dimension of the latter, a theme found at the core of 1 Cor 15:45–49, scarcely fit Romans 5:12–21. And yet, the latter passage is related to another aspect of an ancestor: his redemptive power for his descendants. In 1 Cor 15:21–22, on the other hand, the emphasis is on perceiving the descendants of an ancestor as a corporate personality.

Conclusions

1. The central theme of 1 Cor 15:45–49 is the contrast between the bodies of human beings in this world (similar to those of the animals), and the “spiritual” bodies of the resurrected. Paul’s term for the “physical” body is ψυχικόν, literally “pertaining to the soul”. Regardless of the source of this terminology, it is used in this passage to interpret Gen 2:7. Verse 46 should be read, I contend, as an exegetical comment on Gen 2:7: although in the biblical text “spirit” precedes “soul,” the “living soul” in the verse refers to “the first Adam while the “life-giving spirit” refers to the last Adam.

2. The bodies of human beings in this world are similar to those of animals, while the spiritual bodies of the resurrected are similar to the bodies of the luminaries. This notion has a striking parallel in the Sipre and in a nomistic passage in a treatise by Theophilus of Antioch.

3. Paul’s proof-text for this dichotomy is Gen 2:7, a verse interpreted as referring to two Adams. The interpretation of Genesis 2 as referring not only to Adam in Paradise but also to the future of humanity in (the same) Paradise is attested in some writings of the Second Temple period and apparently also in rabbinic literature.

4. In 1 Cor 15:35–49, these motifs, which also have close parallels elsewhere, are combined, and a Christological twist is added. Jesus

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45 For a detailed discussion, see my article mentioned in n. 1.
46 For a detailed discussion, see my article mentioned in n. 2.
Christ is described as the second or last Adam. I suggest that these terms are a product of Paul’s bilingual thinking and constitute a midrash, apparently created in Paul’s mind, on the Hebrew term Adam ha-rišon, well-known in rabbinic literature. The Second Adam is heavenly, and His believers will wear his image as all human beings are created in the image of their forefather, Adam. Moreover, and this is probably Paul’s innovation, this “last Adam” is identified with “the life-giving spirit,” an identification motivated by Paul’s Christology.

5. The parallels to Paul and Theophilus in rabbinic literature are important for interpreting Paul’s argument in this passage, for understanding his bilingual thinking, and for elucidating the cultural background to Theophilus’ passage. On the other hand, Paul and Theophilus are no less significant for dating and interpreting some passages in rabbinic literature.47

47 I thank Mr. Michael Guggenheimer for improving the English style of this article.
Midrash is creative interpretation of the Holy Scriptures of the kind most typically found in rabbinic literature. The present paper starts from the premise that this type of interpretation is found also in the New Testament and other early Christian literature, where it has a special purpose of its own. In our view, early Christian midrash is not concerned with a neutral or open inquiry of the Scriptures, but is conditioned by the prior assumption that all Scriptures bear witness to Jesus Christ. This assumption appears in the epistolary writings—in the form of dialectical exegesis with a rabbinical flavour; in the apocalyptic writings—extended allegorical exegesis; in didactic writings—a kind of homiletic exegesis; and in the Gospels—where it has a singular character we want to deal with here.

The aim of this paper is to show how this singular character can often be detected in the Gospel narratives. In such cases, these narratives reproduce Old Testament scenes as a theatrical representation, generally with Jesus as central actor. It also happens that the Gospel narrative is merely a scenography of a wisdom-sentence or a prophetical word.\(^1\) Of course, such scenography could have been intended and even prepared by Jesus himself—think of Jesus entering Jerusalem, reminding us at least of Zech 9,9—but it in other cases such mise-en-scène obviously is a creation of the Christian scribe. Thus Matt 1:20–21, the return from Egypt, represents Moses’ return from Midian (Exod 4:19–20). Also,

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\(^1\) Bultmann, *Die Geschichte der synoptischen Tradition*, 246, had already noted that some miracle-stories could have been developed from a sentence, a process also detected in Hellenistic literature: “Dass die Verfluchung des Feigenbaums Mark 11,12–14.20 aus einem Gleichnis entstanden sei (vgl. Hos 9,10.16; Mi 7,1), ist mehrfach vermutet worden.” Klausner, *Jesus of Nazareth: His Life, Times, and Teaching*, 267 records a kind of miracle “due to a wish to fulfil some statement in the Old Testament or to imitate some Prophet”; the re-edition by Jesus of the miracles of Elijah and Elisha is noteworthy.
many details in the narrative of Jesus’ death are a mise-en-scène of texts from the Prophets and Psalms.\(^2\)

These observations suggest we should follow a methodology which can be summarised as follows:

1. determining the biblical source-texts of the Gospel narrative;
2. showing their interpretation in the Gospel and how the Christian writer arrived at such an interpretation;
3. considering the interpretation of the source-texts in Jewish tradition (the rabbis, Qumran, or other);
4. comparing the different exegetical traditions in the NT (even in the NT there are different interpretations of the same biblical texts) and in Jewish tradition.

Some further preliminary comments are in place. Occasionally there is not a single source-text, but various sources. Sometimes a biblical text does not work as a model but as a source of inspiration for the NT writers. On the other hand, the Gospel scene may take into account not only the OT source-texts but the whole of Jesus’ teaching and other parallels from the NT traditions. In this way the midrashic development of the Gospels becomes a biblical theology of its own.\(^3\)

It is obvious that parallels of the Gospel narratives may exist—and indeed do exist—in extra-biblical literature, e.g., in the classical and Hellenistic literature (cf. Crossan’s works). However, it is just because both rabbinic literature and the NT are interpretations and/or re-readings of the ancient biblical texts that the one is able to explain and evaluate the other.\(^4\) An advantage of this reading of both literatures is

\(^2\) A question we can pose about some Gospel scenes is whether the interpretation of the source-texts belongs to the Christian scribes or if Jesus himself could have performed some scenes as a theatrical and impressive midrash. No hypothesis can be rejected \textit{a priori}. In a paper written many years ago (Pérez Fernández, M., “Lectura del Antiguo Testamento desde el Nuevo Testamento. Estudio sobre las citas atribuidas a Jesús en el Evangelio de Marcos,” 449–474), my conclusion was that Jesus seems to have used the Scriptures less than the Gospels show. I wonder if the marked midrashic character of the Gospel can be attributed to a large extent exclusively to the art of the scribes.

\(^3\) This also happens in the rabbinic midrash, as the meaning taken from the biblical text is enriched and completed by other traditions and by the Oral Torah.

\(^4\) “Parallels to the NT may be found in worldwide literature of all times. There are plenty in Cynic and stoic literature. Sometimes they are trans-cultural borrowings that cross borders inadvertently. In other cases, they are absolutely independent and probably originate in the sapient and prophetic background common to the best spirit of all cultures and periods of human history. In order to have significance and clarify the
that a mutual illumination of the contents is enabled, without supposing literary dependencies—which moreover are hardly reliable. Thus, following the method I suggest, chronology is not the first criterion for selecting rabbinic texts, although, of course, the date is taken into account. More important for selection is the theological relevance of the rabbinic texts, and especially the inspiration they might reflect for NT writers using the same OT texts.

Recourse to the source-texts allows evaluating of coincidences and differences between Jewish and Christian interpretations. The parable of the wedding guests is a good example (Matt 22:1–14, cf. Luke 14:15–24; Qoh. Rab. 9.8, cf. b. Šabb. 153a). Here, we may appreciate the different applications of the source text: “Let your garments always be white; do not let oil be lacking on your head” (Qoh 9:8). In this way we try to respect de identity and legitimacy of both traditions.

Our method reveals the mastery of the Scriptures by the Christian scribe and his skill in the art of theatrical representation. One can detect how the same scenography has been explained differently by different Christian writers, e.g., in the parallel Gospel narratives. These differences are common and easy to understand because the original meaning of the scenography was lost—perhaps the source-text was unknown to subsequent writers—or because the connection with a source-text was merely added a posteriori to an originally autonomous scene.

Another and different question is the degree of historicity of such updated representations of the sacred history. This is the question of passing from the literary to the historical. A literary criterion alone is not sufficient to assert that a formally theatrical composition is a pure fiction. In my opinion, what is important for the exegete is the coherence between the interpretation and the ensemble of Christian comprehension. Given that our primary concern is the singular characteristics of the Gospel midrash as a theatrical representation of the OT texts, some kind of concrete historical support (place, actors, date,
words, etc.) must be supposed for some of the stories, although its details cannot be recorded.

As an example of this method, let us analyse the narrative of the curse of the fig tree in Mark 11:12–14.20–24.

<table>
<thead>
<tr>
<th>Mark 11:12–14.20–24</th>
<th>Matt 21:18–22</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 On the following day, when they came from Bethany, he was hungry.</td>
<td>18 In the morning, when he returned to the city, he was hungry.</td>
</tr>
<tr>
<td>13 Seeing in the distance a fig tree in leaf, he went to see whether perhaps he would find anything on it. When he came to it, he found nothing but leaves, for it was not the season for figs.</td>
<td>19 And seeing a fig tree by the side of the road, he went to it and found nothing at all on it but leaves.</td>
</tr>
<tr>
<td>14 He said to it, May no one ever eat fruit from you again. And his disciples heard it.</td>
<td>Then he said to it, May no fruit ever come from you again! And the fig tree withered at once.</td>
</tr>
<tr>
<td>[vv. 15–19: Jesus cleanses the Temple]</td>
<td></td>
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<tr>
<td>20 In the morning as they passed by, they saw the fig tree withered away to its roots.</td>
<td>20 When the disciples saw it, they were amazed, saying, How did the fig tree wither at once?</td>
</tr>
<tr>
<td>21 Then Peter remembered and said to him, Rabbi, look! The fig tree that you cursed has withered.</td>
<td>21 Jesus answered them,</td>
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<tr>
<td>22 Jesus answered them, Have faith in God.</td>
<td></td>
</tr>
<tr>
<td>23 Truly I tell you, if you say to this mountain, Be taken up and thrown into the sea, and if you do not doubt in your heart, but believe that what you say will come to pass, it will be done for you.</td>
<td>Truly I tell you, if you have faith and do not doubt, not only will you do what has been done to the fig tree, but even if you say to this mountain, Be lifted up and thrown into the sea, it will be done.</td>
</tr>
<tr>
<td>24 So I tell you, whatever you ask for in prayer, believe that you have received it, and it will be yours.</td>
<td>22 Whatever you ask for in prayer with faith, you will receive.</td>
</tr>
</tbody>
</table>

1. The Synoptic Narrative: Didactic Miracle or Prophetic Sign?

Let us analyse the two accounts one by one. Matthew underlines the miraculous character of the event. The disciples’ reaction works as con-
firmation and choral acclamation of the miracle: “How did the fig tree wither at once (παραχρῆµα)?” A Jesus logion follows with a didactic conclusion: the power of prayer in faith (vv. 21–22).

At first sight, we perceive a connection between faith and miracle, which is very usual in the Gospel narrative: “All things can be done for the one who believes” (Mark 9:23–24; cf. Mark 2:5; 5:34; 10:52; Matt 8:10.26; 9:22.29; 14:31; 15:28; 16:8; 17:20; Luke 17:5–6.19; 18:42; etc.). Such a connection appears in the rabbinic literature as well; the following sentence of Abtalyon and Rabbi is recorded in Mek. Exod. 14:15: “That faith with which they believed in Me is deserving that I should divide the sea for them”; consequently, the identification of “some of the people who went out to gather the manna, and they found none” (Exod 16:27) is: “These were those of little faith among the Israelites” (Mek. Exod. on 16:27; cf. Mek. Exod. on 16:19). The power of prayer in causing rain is represented in the well-known stories of Honi (m. Ta’an. 3:8) and his grandson Hanan (b. Ta’an. 23b), and that of the famous Naqdimon (b. Ta’an. 19b–20a).

However, it is very doubtful if this could have been the original teaching of the “miracle” of the tree. As a matter of fact, to move mountains or to cause rain is indeed a hyperbolic act and in a way apt in order to prove the power of faith, but to cause a fig tree to wither seems so miserable and unfitting for faith that it seems the opposite of faith’s expected fruit. Faith bears fruit, it does not cause fruits to wither! It is significant that the image of moving mountains occurs in Matt 17:20 (cf. Luke 7:6) in the natural context of the power of faith as contrasted with the small size of the mustard seed: “…Because of your little faith. For truly I tell you, if you have faith the size of a mustard seed, you will say to this mountain, Move from here to there, and it will move; and nothing will be impossible for you.” Moving mountains as an effect of faith must have been a characteristic expression of Christians, perhaps because such a simile was uttered by Jesus himself. Paul knows the expression and clarifies its reach (1 Cor 13:2). In b. B. Meši’a 59b R. Eliezer causes a carob tree to move from one place to another, but the context has nothing to do with faith; it deals with the authority of a miracle before the rabbinic tradition; the conclusion of the story is significant: God says, “My sons have defeated Me, My sons have defeated Me.”

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perhaps when the scribe did not see the meaning of the curse and only saw a powerful miracle.

In Mark, there are sufficient clues allowing us to isolate the fig tree story from the logion on faith and prayer. Here, the scene is divided into two parts: first, the curse of the fig tree; then, the teaching on faith and prayer; and the two parts are separated by the scene with Jesus cleansing the Temple. This separation may be a clue that the verses on the fig tree are a sign on their own, originally independent of the didactic teaching on faith and prayer. It seems that Mark detected this meaning. (1) In Mark there is no allusion to the withering “at once”, for the disciples realise what happened only the day after, when they return from Jerusalem. Unlike Matthew, Mark does not locate the “miracle” in the fact that the fig tree withered at once. (2) Mark adds a significant datum: “It was not the season for figs” (v. 13). The underlining of difficulties is a characteristic element of miracle-stories, but this datum (“it was not the season for figs”) turns the curse into a meaningless and absurd act. However it is exactly at this point that we begin to realise that we are not confronting a miracle, but a striking sign.

At first sight, the reader is surprised not by the miraculous character of the curse, but by its gratuitous and absurd cruelty. If the story would have any meaning beyond being a fantastic folk tale, the point must lie in that unexpected and apparently unfair curse.

In order to soften this first impression, it is argued that Jesus does not use the term “curse.” However, there is no doubt about the Markan interpretation: “Rabbi, look! The fig tree that you cursed has withered.” It is noteworthy how many times also in the OT God appears to be cursing (cf. Jenni–Westermann s.v. אֲרָר). And in the Gospels Jesus himself curses. There is an explicit example in Matt 25:41, “You that are accursed, depart from me” (Matt 25:41). One must pay attention to the imprecations on the Scribes and Pharisees in Matt 23, which reach their climax in v. 38: “See, your house is left to you, desolate,”—an updating of 1 Kgs 9:8, “This house will become a heap of ruins; everyone passing by it will be astonished, and will hiss” and Jer 22:5, “I swear by myself,

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9 J.P. Meier (A Marginal Jew, 889–91) has shown the independence of such parenetical additions on faith and prayer from the fig tree story. Meier also thinks that in a pre-Markan stage the withered fig tree was an illustration of the Temple’s destruction. That is Crossan’s opinion too.

10 In the miracle stories, the scribes’ remarks highlighting the difficulties of such a powerful action are never missed: cf. Mark 4:37; 5:3–5; 5:25–26; 9:19 etc.
midrash and the new testament

says the Lord, that this house shall become a desolation.” Nor is it inappropriate to remember the logion of Jesus: “Every tree that does not bear good fruit is cut down and thrown into the fire” (Matt 7:18).

Thus in the Markan narrative what is striking is not the curse itself, but the fact the curse is proclaimed when “it was not the season for figs.”

2. The Scriptural Source-Texts

a) In the OT, the vineyard and the fig tree are associated as symbols for Israel:
- Hos 9:10, “Like grapes in the wilderness, I found Israel. Like the first fruit on the fig tree, in its first season, I saw your ancestors.”
- Mic 7:1, “Woe is me! For I have become like one who, after the summer fruit has been gathered, after the vintage has been gleaned, finds no cluster to eat; there is no first-ripe fig for which I hunger.” (The echo of this text sounds in the Markan narrative.)
- Cf. Isa 5:1ff., esp. 7, “For the vineyard of the Lord of hosts is the house of Israel, and the people of Judah are his pleasant planting.” Such symbolism underlies almost all the following texts.

b) The vine and the fig tree become expressions of abundance and peace:
- Deut 8:8ff., “a land of wheat and barley, of vines and fig trees and pomegranates, a land of olive trees and honey…”
- 1 Kgs 4:25, “During Solomon’s lifetime Judah and Israel lived in safety, from Dan even to Beer-Sheba, all of them under their vines and fig trees.”
- 2 Kgs 18:31 (cf. Isa 36:16): “For thus says the king of Assyria: ‘Make your peace with me and come out to me; then every one of you will

11 There is no basis at all for the very widespread opinion expressed by Meier, that there is no trace in the Gospels of a curse proclaimed by Jesus (A Marginal Jew, vol. 2, 692).

12 “The fig-tree was associated with the vine as an emblem of peace and prosperity (Mic 4:4; Isa 36:16). On the other hand, the failure of the fig-crop and the destruction of the fig-tree were regarded as a misfortune and as a punishment from God (Ps 105:33)” (Jewish Encyclopedia, s.v. “Fig-tree”). “The saying ‘every man under his vine and under his fig tree’ depicts an era of peace and security in the past and the vision of an ideal future (1 Kings 5:5; Micah 4:4; cf. Joel 2:22)” (Encyclopaedia Judaica, s.v. “fig”).
eat from your own vine and your own fig tree, and drink water from your own cistern.”

- Isa 36:16, “Do not listen to Hezekiah; for thus says the king of Assyria: Make your peace with me and come out to me; then everyone of you will eat from your own vine and your own fig tree and drink water from your own cistern.”

- Joel 2:22ff., “Do not fear, you animals of the field, for the pastures of the wilderness are green; the tree bears its fruit, the fig tree and vine give their full yield. 23 O children of Zion, be glad and rejoice in the Lord your God; for he has given the early rain for your vindication, he has poured down for you abundant rain, the early and the later rain, as before. 24 The threshing floors shall be full of grain, the vats shall overflow with wine and oil. 25 I will repay you for the years that the swarming locust has eaten, the hopper, the destroyer, and the cutter, my great army, which I sent against you. 26 You shall eat in plenty and be satisfied, and praise the name of the Lord your God, who has dealt wondrously with you. And my people shall never again be put to shame. 27 You shall know that I am in the midst of Israel, and that I, the Lord, am your God and there is no other. And my people shall never again be put to shame. 28 Then afterward I will pour out my spirit on all flesh; your sons and your daughters shall prophesy, your old men shall dream dreams, and your young men shall see visions.”

- Mic 4:4, “But they shall all sit under their own vines and under their own fig trees, and no one shall make them afraid.”

c) It is relevant that the fruits of the vine and of the fig tree announce the coming of God’s day:

- Cf. Joel 2:22ff quoted above.

- Amos 8:2, “He said, Amos, what do you see? And I said, A basket of summer fruit. Then the Lord said to me, The end has come upon my people Israel; I will never again pass them by.” The prophet plays with the similarity or equivalence of qayis (summer or summer’s fruit) and qes (kairos), a word play used in Mark 13,28 (cf. Matt 24,32; Luke 21,29), as we shall see below.

- Song 2:13, “The fig tree puts forth its figs, and the vines are in blossom; they give forth fragrance. Arise, my love, my fair one, and come away.” The coming of the lover coincides with the summer blossom.
d) The same blossoms of vines and fig trees are associated with the coming of the Messiah.
- Hag 2:19, “is there any seed—zera’—left in the barn? Do the vine, the fig tree, the pomegranate, and the olive tree still yield nothing? From this day on I will bless you.”
- Zech 3:8–10, “I am going to bring my servant the Branch (semah). For on the stone that I have set before Joshua, on a single stone with seven facets, I will engrave its inscription, says the Lord of hosts, and I will remove the guilt of this land in a single day. On that day, says the Lord of hosts, you shall invite each other to come under your vine and fig tree.”
  Both texts have on the horizon the messianic times of Zerubbabel’s (cf. infra on the Targum, where the messianic interpretation is explicit).

e) It is understandable that the lacking of vines and fig trees is already a summary description of the desert, and simultaneously, a symbol of destruction: to cut, uproot, remove, or dry up the vines and fig trees is an image of punishment by God.
- Num 20:5, “Why have you brought us up out of Egypt, to bring us to this wretched place? It is no place for grain, or figs, or vines, or pomegranates; and there is no water to drink.”
- Isa 34:4, “All the host of heaven shall rot away, and the skies roll up like a scroll. All their host shall wither like a leaf withering on a vine, or fruit withering on a fig tree” (judgment on the Nations).
- Jer 5:17, “They shall eat up your vines and your fig trees; they shall destroy with the sword your fortified cities in which you trust” (the utter corruption of God’s People).
- Jer 8:13, “When I wanted to gather them, says the Lord, there are no grapes on the vine, nor figs on the fig tree; even the leaves are withered, and what I gave them has passed away from them” (on Jerusalem).
- Hos 2:12, “I will lay waste her vines and her fig trees, of which she said, These are my pay, which my lovers have given me. I will make them a forest, and the wild animals shall devour them.”
- Joel 1:7, “It has laid waste my vines, and splintered my fig trees; it has stripped off their bark and thrown it down; their branches have turned white.”
– Joel 1:12, “The vine withers, the fig tree droops. Pomegranate, palm, and apple, all the trees of the field are dried up; surely, joy withers away among the people.”
– Amos 4:9, “I laid waste your gardens and your vineyards; the locust devoured your fig trees and your olive trees; yet you did not return to me, says the Lord.”
– Nah 3:12, “All your fortresses are like fig trees with first-ripe figs—if shaken they fall into the mouth of the eater” (ruin of Nineveh).
– Ps 78:47, “He destroyed their vines with hail, and their sycamores with frost” (reference to Egypt).
– Ps 105:33, “He struck their vines and fig trees, and shattered the trees of their country.”

Noteworthy are the texts where the equation “fig tree = Israel” is clear and where the agent of the punishment is God himself. Jer 8:13 is especially relevant: vocabulary and content are similar in the Gospel narrative.

f) By contrast, God’s people, even without the fruit of vines and fig trees, i.e., in the most acute poverty, keep their trust in God:
– Hab 3:17–19, “Though the fig tree does not blossom, and no fruit is on the vines; though the produce of the olive fails, and the fields yield no food; though the flock is cut off from the fold, and there is no herd in the stalls, yet I will rejoice in the Lord; I will exult in the God of my salvation. God, the Lord, is my strength; he makes my feet like the feet of a deer, and makes me tread upon the heights” (cf. infra, the messianic interpretation in the Targum).13

3. THE MEANING OF GOSPEL SCENOGRAPHY

The parable of Luke 13:6–9 must be read against the same symbolic biblical background:

13 I do not perceive any relation between the tree which gave shade to Jonah and was dried up by God (Jon 4:6–16) and the withered fig tree in the Gospel. However, the lesson of the former can be related to the frequent biblical allusions to the fruits of the vine and the fig tree: If Jonah is compassionate with a bush, for which he did not labour and which he did not grow; which came into being in a night and perished in a night, how much the Lord with a vine and a fig tree which god laboured….But this typical argument of qal wa-homer makes the curse by Jesus even more striking.
Then he told this parable: A man had a fig tree planted in his vineyard; and he came looking for fruit on it and found none. So he said to the gardener, See here! For three years I have come looking for fruit on this fig tree, and still I find none. Cut it down! Why should it be wasting the soil? He replied, Sir, let it alone for one more year, until I dig around it and put manure on it. If it bears fruit next year, well and good; but if not, you can cut it down.

The parallelism of this parable with Mark 11:12–14 is evident. In Mark Jesus was hungry and went to find figs but he found nothing; in the same way, in the parable a man came to his fig tree looking for fruit on it and found none; Jesus dried up the fig tree, and the man of the parable ordered it to be cut down. In both cases, to be dried up or to be cut down is the sad fate of the fig tree which produces no fruit.14 The Christological dimension of the Markan text is evident: as in the OT God cuts down the fig tree which does not produce fruit, in the NT Jesus dries up the fig tree without fruit. One can raise the objection that it was not the season for figs. But just at this point the Christological dimension of the scene appears: Jesus is there as the Messiah, arriving in his time, kairós or qes, where all fruits must have reached their ripeness.

This christological dimension of the scene is illuminated by Jesus’ logion in Mark 13:28 (cf. Matt 24:32; Luke 21:29), inspired—and even expressed with the same words and word play—without any doubt in Amos 8:2,

Amos 8:2, “He said, Amos, what do you see? And I said, A basket of summer fruit (klub qayis). Then the Lord said to me, The end has come (ba’ ha-qes) upon my people Israel; I will never again pass them by.”

14 This supposed parallelism is not convincing for J.A. Fitzmyer (The Gospel According to Luke, ad loc.): he appreciates the differences between genres: mašal and curse. However, the content is the same; Luke adds a new actor, the vine worker, intermediate between the owner and the fig tree, in order to obtain a delay of the owner’s order and to give a last opportunity to the fig tree. In commentaries one can see the debating point: are the curse and the parable two utterances of the same fact? Are we dealing with a parable based on a prophetic sign or with a sign based on a parable? Klausner (Jesus of Nazareth, 1989: 268f.) holds that the parable is original, and only later did the disciples convert it into a miraculous fact; Klausner considers that ‘Jesus’ disciples were mainly simple folk drawn from the humble classes; their imagination was strong and miracles had a powerful attraction for them. Such men, quite unintentionally and unconsciously, transformed an imaginative description into an actual deed which stirred the imagination” (ibid. 268). However, it is very debatable, not to say impossible, that the scribes were such simple folk. Another alternative is that the change from parable to deed happened in an uncontrolled stage of oral tradition.
Mark 13:28, “From the fig tree learn its lesson: as soon as its branch becomes tender and puts forth its leaves, you know that summer is near. So also, when you see these things taking place, you know that is near, at the very gates.”

In Mark 13:29b the grammatical subject is omitted (is near, at the very gates), understanding that the subject is the same as v. 28b (the summer is near). It’s obvious that here is the same words play we find in Amos 8:2, where qayîṣ and qēṣ had the same pronunciation.15

Then, in Mark 11:12–14 we are confronting neither a popular, exotic and incomprehensible miracle,16 nor a folk creation arising from a fig tree withered by chance and found on the way; rather we are confronting a very elaborate scenography with strong christological content: in front of Jesus nobody can excuse himself for not giving fruits: if he has come, trees must blossom, the excuse that it is not the season for fruits is not valid. In this scene Jesus plays the role of God or Messiah who comes to his people; he plays the role of the owner who has planted and grown the fig tree and has the right to eat its figs. The scribe, aware or unaware, is fulfilling the proverb: “Anyone who tends a fig tree will eat its fruit” (Prov 27:18).17 In fact, there is a scenography of a complete series of biblical texts: the seeking of the figs (Hos 9:10), the unsuccessful wish to eat the fruit (Mic 7:1; Jer 8:13); the punishment of Israel for not producing fruits (Hos 9:16). The prophetic sign of the withered tree is significant. The scene is inserted in the NT eschatological theology: we are in the kairos where it is not acceptable to be late, the decision must be taken without delay, for the Messiah is just here.18

16 Therefore Taylor’s statement, is striking: “The story, as Mark records, is a miracle-story intended to illustrate the divine power of Jesus” (V. Taylor, The Gospel According to St Mark. The Geerk Text with Introduction, notes and Indexes, 458).
17 In Midr. Proverbs this quotation, based on the equation “fig tree = Torah,” is used to illustrate m. Pe’ah 1:1, “the things for which a man enjoys the fruits of this world while the capital remains for him in the world to come.” According to Price, the scene is a representation of Ps 37:35–36, “I have seen the wicked oppressing, and towering like a cedar of Lebanon. Again I passed by, and they were no more; though I sought them, they could not be found”: Price (2005: 550) comments: “Here is the source of Jesus’ seeking figs on the tree but finding none, and on the note that it was in passing the spot again they discovered the tree blasted.” In more detail, Miller and Miller 1999: 274–75. The lexical contacts are evocative, and this Psalm could have been one of the source texts for the scribe. The connection with the theme of prayer and Temple does not seem to me as clear as Miller and Miller hold.
18 In this eschatological context J. Jeremias interprets (Die Gleichnisse Jesus, ad loc.); Fitzmyer considers also the Luke parable to be written under the same eschatological pressure (ad loc.).
This interpretation is consistent with the famous poem of Isa 5:1ff. The vineyard turned into desert for not giving fruit, a text alluded to in the parable of the vine workers (Mark 12:1–12; Matt 21:33–46; Luke 20:9–19). Jesus’ action is indeed a prophetic gesture in keeping with the Christology of the NT.

For our purposes, the issue of historicity is a secondary one, but it is unavoidable. Simplifying greatly, the alternatives are: (1) the story is a folk creation; (2) the story is a literary creation by the scribe; (3) it is a prophetic gesture made by Jesus. With reference to the first alternative, I would like to underline that such a popular story, which is absolutely not favourable to the image of Jesus, is hardly probable. The literary creation by the scribes is possible and probable, and NT scholars will have to investigate the redactional words and strands of the text; however, this does not exclude such an act by Jesus, one full of provocation and prophetic strength: such a gesture by Jesus explains the Gospel story better than does the scribes’ literary creation.19

4. The Fig Tree in Rabbinic Midrash

The rabbinic midrash, following the biblical symbolism, has interpreted the fig tree’s blossom and fruits as symbols for Israel and the Messianic Age. We elaborate the various aspects.

(a) The fig tree seen as a symbol for Israel:
   Here, the figs symbolise good works, the words of the Torah, or the teachers:
   - Tg. Mic. 7:1. The MT, “there is no first-ripe fig for which I hunger,” is translated, “there is not a man who has good works; I desire the good.”
   - Tg. Song 2:13:

   The Assembly of Israel, likened to the first fruits of the figs, opened her mouth and sang the Song at the Reed Sea. Even youths and sucklings praised the Lord of the World with their tongue. Immediately, the Lord of the World said to them: “Arise, O Assembly of Israel, My beloved, My beautiful one, go from here to the land which I promised to your ancestors.”

19 I am really surprised by Meier’s argument in his vol. 2, 895: the story of the withered fig tree is in contrast with the criteria of discontinuity and of coherence. Is it really so? Such criteria are rather inconsistent and in this case their application is much too subjective.
R. Hiyya b. Abba in the name of R. Yohanan expounded: With reference to the Scriptural text: “Whoso keepeth the fig tree shall eat the fruit thereof” (Prov 27:18), why were the words of the Torah compared to the fig tree? As with the fig tree, the more one searches it, the more figs one finds in it, so it is with the words of the Torah; the more one studies them the more relish one finds in them.

When Yose ben Yoezer of Tseredah and Yose ben Yohanan of Jerusalem died, the renowned scholars ceased, as it is said, “There is no cluster to eat, nor first-ripe fig which I hunger” (Mic 7:1).

b) The abundance of fruits as a sign for the Messianic Age:

The abundance of the Messianic Age is obvious in one of the most ancient messianic texts: “Binding his foal to the vine and his donkey’s colt to the choice vine, he washes his garments in wine and his robe in the blood of grapes” (Gen 49:11). Von Rad comments that no Jew would tie his donkey to a vine, for it would eat it; furthermore, one who washes his clothes in wine is certainly living in such freedom and super-abundance that he could be said to be living in paradise (Commentary, ad loc.).

The messianic meaning of this image is explicit in b. Ber. 57a:

If one sees a choice vine, he may look forward to seeing the Messiah, since it says, “Binding his foal unto the vine and his ass’s colt unto the choice vine” (Gen 49:11). If one sees a fig tree in a dream, his learning will be preserved within him, as it says: “Whoso keepeth the fig tree shall eat the fruit thereof” (Prov 27:18).

The Palestinian Targum offers this version of v. 12 (Tg. Neof. Gen. 49:12):

How beautiful are the eyes of King Messiah; more than the pure wine…His teeth are purer than milk…The mountains will become red from his vines and the vats from wine; and the hills become white from the abundance of grain and flocks of sheep.

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20 Cf. J. Klausner, *The Messianic Idea in Israel from its Beginning to the Completion of the Mishnah*. 502–517, with many texts from the apocryphal literature too.
In the tannaitic texts we select only *Sipre Deut.* 315 (to Deut 32:12):

“And there shall be no strange god with him” — there will be none among you engaged in fruitless endeavours, as it is said, “May he be as a rich cornfield in the land” (Ps 72:16), meaning that the wheat will yield handfuls of cakes; “May his fruit rustle like Lebanon” (Ps 72:16), meaning that the stalks of wheat will rustle one against another, so that fine flour will be sifted down upon the ground, and you will come and take handfuls of it, sufficient to sustain yourself.21

c) The fig tree’s ripening as a specific sign for the appearance of the Messiah:

- *Tg. Zech.* 3:8:

  Hear now, Joshua the high priest, you and your companions who sit before you, for they are men who are worthy that a sign be performed for them; for behold, I will bring my servant *the anointed One, and he will be revealed*...

- *Tg. Hab.* 3:17–19, the image in the MT of the fig tree which does not blossom and the vines without fruits suggests to the *meturgeman* the “praise for the sign and deliverance which you will perform for your *anointed One* and for the remnant of your people who are left.”

- A central scriptural passage is Song 2:10–13:

  My beloved speaks and says to me: Arise, my love, my fair one, and come away; for now the winter is past, the rain is over and gone. The flowers appear on the earth; the time of singing22 has come, and the voice of the turtledove is heard in our land. The fig tree puts forth its figs, and the vines are in blossom; they give forth fragrance. Arise, my love, my fair one, and come away.

  These verses are richly paraphrased in *Song Rab.*:

  “My beloved speaks and says to me” means that He *spoke* through Elijah and *said* through the Messiah.” What did he say to me? “Rise up, my love, my fair one, and come away.” “The flowers appear on the earth” means the appearance of the four craftsmen (cf. Zech 2:3), namely, Elijah, the

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21 Also *Sipra*, *be-huqqotay* 1 (Weiss 110b). The messianic interpretation of Ps 72:16 is the usual one: Cf. *b. Ketub.* 111b. Ibid. 112b: “R. Hiyya b. Ashi stated in the name of Rab: In the time to come all the wild trees of the Land of Israel will bear fruit; for it is said in Scripture, ‘For the tree beareth its fruit, the fig-tree and the vine do yield their strength.’” In these texts, however, there is no explicit mention of the Messiah. In *Tg. Joel* 22ff. the abundance is a sign for the presence of the *Menra* of the Lord and His *Shekinah*.

22 *Zamir*, “singing” or “pruning.”
Messiah, Melchizedek, and the War Messiah. “The time of the zamir has come” means that the time has come for the kingdom of heaven to be revealed. “The voice of the turtledove” is the voice of the Messiah. “The fig tree puts forth its figs” means that shortly before the days of the Messiah a great epidemic will come upon the world and the wicked will vanish. “The vines in blossom… give forth fragrance” refers to the survivors.

The text continues with the seven years of calamities preceding the coming of the Scion of David, a description in the typical apocalyptic and terrible way we also find, for example, in m. Soṭah 9:15 and Mark 13.

– Pesiq. Rav Kah. 5.7–9 offers a collection of rabbinic sayings where “my beloved” of the Song of Solomon is identified with the Messiah. In all these interpretations one finds that the time of the ripening fruits is the time for deliverance and judgment.

– Gen. Rab. 10:4,

R. Pinhas said in the name of R. Hama of Sepphoris: We have learned: White figs have their sabbatical year in the second year, because they produce in three years. But on that day the fruits were produced in one day. And in the messianic future the Holy One, blessed be He, will heal that injury, for it is said, “And He will heal the stroke of their wound’ (Isa 30:26), i.e., He will heal the wound of the world.”

One may compare the correlation between “that day”—of creation—and the “the messianic future.”

d) The figs’ harvest as a sign for the decisive eschatological moment or death:

Here, I present three typical rabbinic anecdotes about the gathering of the figs. The lessons the rabbis deduce from these stories are connected with the time when the figs are gathered—in their due season, before their season, and after their season.

– The first anecdote shows that only God knows the opportune moment for the death of every man (Qoh. Rab. 5.11):

R. Nehemiah says: When the fig is gathered in its due season it is good for the fig and for the tree; but when it is not gathered in its due season, it is bad for the fig and for the tree. Here is an illustration. R. Hiyya the elder and his disciples (other versions: R. Simeon b. Halafta and his disciples, R. Aqiba and his disciples) were sitting and studying beneath a fig-tree. The owner of the tree arose early to gather its fruit. They said, “Let us change our place lest he suspect us [of stealing his figs],” so they sat in another place. On the morrow the owner of the tree arose early to gather his figs but did not find the Sages there. He went after them and, on finding them, said, You performed a pious act for me, and now you
withhold it from me. Heaven forfend!, they exclaimed. He asked them, Why, then, did you leave your place and sit elsewhere? They answered, We said, Lest he suspect us. He said to them, Heaven forfend [that I should think so of you]! But I tell you why I arose early to gather the fruit; it is because it becomes wormy when the sun shines upon it. That day he left the fruit without gathering it, and they found that when the sun shone upon it the figs became wormy. They remarked, The owner of the fig-tree knows well which is the proper time for the figs to be gathered and gathers them accordingly. Similarly the Holy One, blessed be He, knows when is the proper time for a righteous man [to die] and then removes him.23

A similar teaching is found in another passage with the simile of ripe figs and green figs: it may be that men die in their youth to prevent them from future sins (b. Ḥag. 5a):

R. Yohanan, when he came to the [following] verse, wept: “Behold, He putteth no trust in His holy ones” (Job 15:15). If He does not put His trust in His holy ones, in whom will He put his trust? One day he was going on a journey and saw a man gathering figs; he was leaving those that were ripe and was taking those that were unripe. So he said to him: Are not those better? He replied: I need those for a journey: these will keep, but the others will not keep. Said [R. Yohanan]: This is the meaning of the verse: “Behold He putteth no trust in His holy ones.” But is it so? For behold there was a disciple in the neighbourhood of R. Alexandri, who died in his youth, and [R. Alexandri] said: Had this scholar wished, he could have lived! If now it be [as R. Yohanan said] perhaps he was one of those of whom it is said: “Behold He putteth no trust in His holy ones!”—That [scholar] was one who had rebelled against his teachers!

The third anecdote teaches us that one must not force the Creator to cause the fig tree to bring forth its fruit before its time—which, incidentally, was Jesus’ intention (b. Ta’an. 24a):

Once R. Yose had day-labourers [working] in the field; night set in and no food was brought to them and they said to his son: We are hungry. Now they were resting under a fig tree and he exclaimed: Fig tree, fig tree, bring forth thy fruit that my father’s labourers may eat. It brought forth fruit and they ate. Meanwhile the father came and said to them, Do not bear a grievance against me; the reason for my delay is because I have been occupied up till now on an errand of charity. The labourers replied, May God satisfy you even as your son has satisfied us. Whereupon he asked: Whence? And they told him what had happened. Thereupon he said to his son: My son, you have troubled your Creator to cause the fig

23 The same anecdote in two light different versions in Gen. Rab. 62:2.
tree to bring forth its fruits before its time (שבתמה), may you too be taken hence before your time! (שהלך ימותך).

5. Conclusions about Christian and Rabbinic Midrash Tradition

Both Christian and rabbinic midrash tradition is rooted in biblical imagery. The emphasis Christian tradition places on the eschatological dimension is understandable: the qets or kairos is present with Jesus; his was the final and decisive moment. This was the strong conviction of Jesus himself and of his followers. In Jewish tradition there is indeed a progressive loss of messianic eschatology; nevertheless the symbolism of the fig tree’s fruit is continued in view of God’s visitation bringing reward or punishment.

It is important for our purpose to put forward that Jesus’ action was not an incomprehensible gesture. The fig tree which does not bring forth its fruit in due time is not an unusual theme in rabbinic literature. To be specific, NT literature shows how old this theme is in Second Temple Judaism. Certainly, there is no question of literary dependences or controversies. However, we are undoubtedly justified in asserting that late rabbinic traditions involving the fig tree symbolism were alive already in Jesus’ time.

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24 Note that this story is referred to in order to explain why R. Yose b. Abin left the school of R. Yose of Yokereth and went to R. Ashi: “How could the man who showed no mercy to his son and daughter show mercy to me?”

25 Modern commentaries highlight the parallelism with the announcement of the Temple’s destruction and the absence of a promise of restoration. In both cases such absence is understandable with the awareness of it being at the last eschatological moment. So H.C. Kee, “Membership in the Covenant People at Qumran and in the Teaching of Jesus,” 114: “It is noteworthy that there is no correlative prophecy of its [the Temple’s] reconstruction, just as there is only the proclamation of a curse on the fig tree (apparently an image of God’s potentially fruitful people) and no hint of its renewal (Mark 11:12–14).”

26 See now a more developed treatment of the topic in the last chapter of my new book, M. Pérez Fernández, Textos fuente y contextuales de la narrativa evangélica. Metodología aplicada a una selección del evangelio de Marcos (Biblioteca Midrásica 30; Verbo divino: Estella, 2008) 451–470.
OTHER MATERIALS
TARGUM AND THE NEW TESTAMENT: A REVISIT

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1. Historical Overview

1.1. The Beginnings

Targums, that is Aramaic translations of the Hebrew Bible, of the rabbinic tradition, came to the attention of Christian scholars in the West in the early Renaissance period. They were used, among other works, in anti-Jewish polemic by Raymundus Martini (died 1290) in his Pugio fidei adversus Mauros et Judaeos. The advent of printing made the targums more easily available to students. Onqelos was printed in 1492 at Bologna, the Fragmentary Targums in 1517–1518; Pseudo-Jonathan in 1591. In whole or in part their texts were incorporated into the great Polyglot Bibles (the Complutensian Polyglot 1514–1517; the Antwerp Polyglot or Biblia Polyglotta Regia 1569–1572; the Paris Polyglot 1618–1645, and finally the London Polyglot (1655–1657), under the editorship of Brian Walton. Editions and Latin translations of individual targums were also made. During the sixteenth, seventeenth and eighteenth centuries scholars examined the importance of the targums, or rather individual targum texts, for theological and exegetical purposes, in efforts to elucidate NT texts. The dangers inherent in use of such texts were also adverted to, by reason of the their generally presumed post-NT date of origin. Onqelos (Tg. Onq.) and the Targum of the Prophets (Tg. Nev.) were presumed the earliest, the Targum of the Hagiographa (Tg. Ket.) were in general considered too late for use. Serious doubts were also entertained regarding the date of Pseudo-Jonathan (Tg. Ps.-J.). As Brian Walton puts it, the targums must be used with caution. While many of their texts, even in the late Tg. Ket. (e.g. Ps 45), contain useful passages in the Jewish-Christian debate (he

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1 For details on brief sketch of targumic studies see McNamara, The New Testament, 5–33.
instances the messianic interpretation of Gen 49:10; Isa 7:14; Ps 45), these are, as it were, but fragments from the school of the Prophets inserted by the later targumists into their paraphrases.

In the golden age of Jewish studies, a similar position was maintained by Emil Schürer in his monumental History of the Jewish People (1901). ² On purpose he omits consideration of the targums, considering that they belong to the third or fourth century at the earliest, though they often fall back on older exegetical traditions. Similarly George Foot Moore, Judaism (1927).

Attitudes towards Jewish tradition and the Palestinian Targums of the Pentateuch in particular, changed during the 1930s and after, thanks in good part to Paul Kahle’s publication of the Genizah Fragments of these targums,¹ and later through the discovery of Codex Neofiti 1 in the Vatican Library in 1949, and its identification in 1956 by Alejandro Díez Macho as an almost complete text of the Palestinian Targum. This led to interest in the Aramaic language of the Palestinian Targums which Kahle, Díez Macho, Matthew Black, and others maintained was the form of the Aramaic spoken by Christ.

During the 1960s and 1970s a number of studies were made and published on the contents of the Palestinian Targums and their possible or probable relationship with NT texts and theology. I may mention in particular Roger Le Déaut’s La nuit pascale (1963), and his other writings on the subject.⁸

Then in 1947 and later came the discovery of the Dead Sea Scrolls, with a number of texts in Aramaic dating from the first century of our

² Schürer in The History of the Jewish People, 153f.
³ Moore, Judaism, vol. 1, 176.
⁵ Kahle, “Das palästinische Pentateuchtargum,” 100–116; likewise in The Cairo Geniza, 208: “In the Palestinian Targum of the Pentateuch we have in the main material coming down from pre-Christian times which must be studied by everyone who wishes to understand the state of Judaism at the time of the birth of Christianity. And we possess this material in a language of which we can say that it was similar to that spoken by the earliest Christians. It is material, the importance of which can scarcely be exaggerated.”
⁷ Black, An Aramaic Approach.
⁸ Le Deaut, La nuit pascale. See also his two surveys: “The Current State,” 3–32; “Targumic Literature,” 243–289. See also Forestell, Targumic Traditions, 1979; McNamara, The New Testament; McNamara, Targum and Testament; Muñoz León, Dios-Palabra; Muñoz León, Gloria de la Shekina.
era or shortly before it. This led to specialist studies of the stages of the Aramaic language, and the bearing of this on targumic Aramaic. Clearly, the language of Jesus’ day was that of the Qumran texts; Onqelos and Targum Prophets might be dated before 135 CE. Serious objections were also directed against the use made of targumic material in NT studies, in particular the methodology used, and the assertions sometimes made that NT texts were dependent on targums, in particular the Palestinian Targum(s) of the Pentateuch.

1.2. Targumic Aramaic: Origin of the Palestinian Targum

The language of the Palestinian Targums is later than the language of Jesus’ day. How late, and how it may be used in the study of first-century CE texts, were now matters calling for serious study. Fortunately such questions were soon attended to by a leading specialist in the field, Stephen Kaufman. He published an initial study on the question in 1985. Some years later, in 1992, he read an important paper on the topic at an international conference of the Targums (Aramaic Bible) in Dublin: “Dating the Language of the Palestinian Targums and their use in the Study of First Century CE Texts.” In his paper Kaufman expresses the view that it is third century at the very earliest. In his view, Targum Pseudo-Jonathan of the Pentateuch as we have it is not a Palestinian Targum, but a composite work—a kind of compote of

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13 Kaufman, “Dating,” 122: “I think that most Aramaists today would assert that Qumran represents literary Aramaic of roughly the turn of the millennium. According to the growing consensus, the primitive basic texts of both Targums Onqelos and Jonathan of the Prophets are supposed to come from Palestine and from the second century CE. Since both of these dialects are obviously earlier than the dialect of the Palestinian Targums from a linguistic-typological view..., such an approach pretty much leaves us with the third century, at the earliest, for the Palestinian Targum tradition.”
Onqelos, the Palestinian Targum, midrashim and even the Babylonian Targum, a compote both in terms of language and content, a document, therefore, post-talmudic in date at the very earliest (7th cent.?), in spite of the presence of admittedly early traditions within it. Its language is virtually the same as the language found in the canonical targums of Job and the Psalter.\(^\text{14}\) Kaufman also believes that from a proper examination of the language of \textit{Pseudo-Jonathan} we see that the Palestinian text underlying \textit{Pseudo-Jonathan} is little different from the rest of the witnesses to the Palestinian Targum. In his study of \textit{Pseudo-Jonathan} he compares the Aramaic text of the \textit{Testament of Levi} as found in Qumran (4QLevi\(^a\) [4Q213]) with the same Testament as found in the Cairo Genizah. The identity of both texts is clear from the shared vocabulary and syntax. The Genizah text, though the selfsame as the Qumran one, gives every external appearance of being a text more at home in the medieval Jewish literary tradition that gave rise to \textit{Pseudo-Jonathan}.\(^\text{15}\) He notes that nothing within the text traditions of the Palestinian Targums demonstrate that there never was a Palestinian targum text. He has argued strongly that we can and must reconstruct “the” Palestinian Targum. He believes that when his own lines of research have been fully explored they will lead us to the first-century CE text of the title of his essay—a proto-targum from which the Palestinian Targum and \textit{Targum Onqelos} are separately descended—a text perhaps never committed to writing, but a real text nonetheless, one that reflects earliest stages of rabbinical biblical exegesis. Paul V.M. Flesher has a related view on the origin of the Pentateuch Targums.\(^\text{16}\) He believes that Julian’s plan to rebuild the Jerusalem temple in 362 provided the impetus for the composition of \textit{Pseudo-Jonathan}, a targum in his view written for priests by priests. After a detailed study he summarizes his conclusions as follows:\(^\text{17}\)

So we have now come full circle, to the point where we can see that the fate of Proto-Onqelos in Palestine and its dialect Jewish Literary Aramaic was intimately linked to the fate of the priestly class. At the earliest stage, prior to the destruction of the temple, Proto-Onqelos was composed under the auspices of the priestly elite in Jerusalem. Following the defeat

\(^\text{15}\) Kaufman, “Dating,” 128.
\(^\text{16}\) Flesher, “The Literary Legacy,” 467–509.
\(^\text{17}\) Flesher, “The Literary Legacy,” 501f.
of Bar Kokhba, the priestly class, along with other Judeans, moved north into Galilee, taking both their dialect and their targum with them. The priests and their targum gained respect, but their dialect did not. So, again under priestly auspices, a new targum—which scholars now call the Palestinian Targum—was written with Proto-Onqelos providing its foundation. The Palestinian Targum became quite popular, being rendered into a number of related versions, of which we now know several. At the same time, some priests kept Proto-Onqelos and worked to preserve knowledge of its dialect. They were only partly successful in this, for the dialect acquired grammatical features from Jewish Palestinian Aramaic and other dialects of Aramaic and Hebrew. So when Pseudo-Jonathan was composed, its main dialect was not the widely accepted and used Jewish Palestinian Aramaic, but a development from Jewish Literary Aramaic which had been preserved within the priestly class, now called Late Jewish Literary Aramaic.

Flesher’s position on the priestly origins of Pseudo-Jonathan during the reign of the Emperor Julian (361–363 CE) has been argued in detail by his student Beverley P. Mortensen. R. Hayward had earlier argued against the prevailing late date and anti-Islamic nature, of this targum. In a study of Gen 21:33 he mentions an early (second-century?) date for the interpretation in Pseudo-Jonathan, as against a later, possibly fourth-century date for the paraphrase of the Palestinian Targums (PVNL). In a study of the figure of Esau in Gen 27 he rejects the late date and anti-Islamic character of Pseudo-Jonathan, and believes that the paraphrase of this chapter is pre-Islamic. He has also noted some very old, and Second Temple, elements in Pseudo-Jonathan’s presentation of the priestly blessing.

1.3. Nature of Targumic Paraphrases

While study of the language, possible origin and transmission history are important, they cannot distract from the chief purpose of the theme of this paper which is the targums as we now have them, in all their complexity both as translations of the Hebrew text and works with added midrash and haggadah.

Examination of different translations of the same Hebrew words in the Targum of the Minor Prophets, and other evidence led Robert Gordon to compare the targums to a tel, with various strata. Gordon remarks that sensitivity to the tel-like character of targum is required in our investigation since the extant text probably includes stratified elements representing as much as several centuries of targumic development. Gordon, it appears to me, makes a very valid point, but the principle will hold not for any targum in general, but for specific texts within it. A good part of any targum consists in plain translation of the Hebrew text. The tel-like character may be perceived in certain texts that invite reflection and expansion, and this possibly over decades, even centuries, as the passage in question is made to reflect concerns of particular generations. We may instance passages from the Pentateuch such as the first chapters of Genesis and other key passages, such as Gen 15:17 (God’s covenant with Abraham), Gen 22 (the sacrifice of Isaac), the narrative of Isaac and Esau, Abraham’s behaviour at Beersheba and the nature of the אשל he planted (Gen 21:33), Jacob’s dream at Bethel (Gen 28:10–22), Judah’s confession concerning Tamar (Gen 38:24–26), Jacob’s last words to his sons (Gen 49), themes from the books of Exodus and Numbers such as the night of Passover (Exod 12:42), the well and water in the wilderness, and similar texts from the Prophets. These are themes that interest Christian readers. Themes of interest to Jewish readers would concern the Law, Moses as example for future judges (Lev 24:12; Num 9:8; Num 15:34 and 27:5, with almost identical midrash at all four texts) and such like. It should be noted that attention to a tell-like structure will hold in particular for biblical texts with a single translation (such as Targum of Prophets). For the Palestinian Pentateuch Targums, sometimes with multiple texts, it will be more a matter of redaction criticism, with attention to the variants within the tradition. With regard to the tel-like approach to the targums, a parallel may possibly be found in the history of the formation of the Gospel tradition, in such matters as the relation of Jesus to Jewish law (e.g. Mark 7:1–22; Mark 2:23–28), and indeed many other issues besides.

In a number of studies B. Chilton has sought to determine the exegetical context of the Isaiah Targum. He is sceptical of position of

Smolar and Aberbach linking it with Rabbi Aqiba. He finds two stages of development in Tg. Isaiah, tannaitic and amoraic, and a pre-70 and a post-70 tannaitic stage. He discovers different levels of meaning in the targum corresponding to its different phases, and believes that at both phases current interpretations of Isaiah were obviously gathered together. It is impossible to know whether a complete targum was produced at the tannaitic phase, to be reworked in the amoraic phase, or whether both tannaitic and amoraic phases produced partial targums, to become a coherent whole when brought together in the amoraic period. He favors this latter position. Not everyone is convinced by Chilton’s analysis and dating of the Isaiah Targum. Similar observations have been made with regard to Targum Neofiti, in which there appears to be more than one level in the text. B. Barry Levy notes that in Neofiti, together with a literal rendition of the text, there are many passages that were added to it in the course of its development and were not part of the original translation, which undoubtedly differed from the present document. The evidence for this claim comes from the literary layering in the text (the seams are, in may cases, still evident) and the linguistic differences evidenced in it. These passages range in size from a word or phrase to a column of text. In his view, while Neofiti may be assumed to contain some older ideas, the bulk of it dates well past the first century CE, and in its final form it appears to be from the Talmudic period.

1.4. Contemporary Approaches to Targums and New Testament: Methodological considerations

After the Qumran finds and the objections raised against the use of targumic (or rabbinic) material for NT study or the study of first-century CE Judaism, many scholars have turned away from the use of the targums in such studies, although targumic study itself is currently a thriving branch of science. Two notable exceptions to this trend are Bruce Chilton and Geza Vermes. The former has written extensively on the targums (particularly the Targum of Isaiah) and the NT, and due to his work the value of targumic evidence even for studies on the

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24 Barry Levy, Targum Neofiti 1: A Textual Study. vol. 1. vol. 2; vol. 1, viii–ix (summary of his position).
25 For a survey of the decade 1983–1993 see Hayward, “Major Aspects.”
historical Jesus is recognized (e.g. by Craig A. Evans). An obvious requirement in a contemporary study of the issue is a clear indication of the methodology being used. All agree that it is not a question of the NT being dependent on the targums (or rabbinic tradition) but rather both being witnesses to an earlier Jewish tradition. Chilton and Vermes each present their understanding of the approach to be taken.

Worthy of note in this context is the Northwestern University (Evanston, Illinois) Project (1990–1993) under the direction of Paul Flesher which treated of the four Palestinian Pentateuchal Targums (Neofiti, Frg. Tg. P, Frg. Tg. V, and Tg. Ps.-J.) as individual texts. It isolated three types of material in each: translation (from the Hebrew into Aramaic), shared expansions (interpretative material that parallels added material in other targums), and unique expansions (interpretative material added to the biblical translation, that only one targum contains). Among those four targums, beside translations, the group found two significantly large bodies of material: the shared material, called ProtoPT (= Palestinian Targum), and the unique material of Pseudo-Jonathan, called PJu. (It is to be noted that in this project “Proto-Palestinian Targum” is used in a different sense from that of S. Kaufman: the targum from which Neofiti and the Fragment Tgs. derive, rather than the first century postulated targum, not necessarily written, from which Onqelos and the Palestinian Targum derive.) B.P. Mortensen has produced a detailed study of PJu, with conclusions along the lines of the position of Flesher. Under the direction of Paul Flesher Ronald Michael Campbell has made a similarly detailed examination on the Palestinian Frg. Tg. Vatican ms. Vat. Ebr. 440. While these studies do not bear directly on the relation targum and the NT, detailed studies of individual targum texts are of importance for an understanding of this relationship.

26 C.A. Evans, “Early Messianic Traditions,” 155–181. Evans’ concluding comments (p. 181) are: “While this survey shows that whereas much, even most, of the Messianic tradition in the Targums derives from times after the New Testament, a fair portion of it reflects interpretative traditions and ways of speaking from the first century and even earlier. Bruce Chilton’s work on the Isaiah Targum has shown how at many points Jesus’ utterances, as well as his general concept of the kingdom of God, cohere with targumic language and themes. Jesus research cannot, therefore, neglect the Targums.”
27 Mortensen, The Priesthood.
28 Campbell, “A Fragment-Targum.”
In 1994 Bruce Chilton published an essay with eight theses on the use of targums in interpreting the NT.29 In these he stresses strongly the late, post-NT, date of the targums. In thesis (1) he notes that the targums generally were composed after, and without reference to the paramount concerns of, the NT. They are post-135/136 CE. The destruction of the Temple and the consequent crisis in eschatological hope in the restoration of Israel caused the Aramaic interpreters, as representatives of rabbinic Judaism, to confront afresh what the choice of Israel, the Davidic promise, the Temple itself, the coming of the messiah, the predictions of the prophets, and the commands of Torah might mean. (2) The targumic agenda is essentially rabbinic. Rabbis were concerned with how scripture was rendered in the synagogues, and were in the end responsible for the targums as they can be read today, instancing the presentation of Gen 22 in the Palestinian Targumim as providing an instance of exegesis comparable to the rabbinic understanding of the passage. (3) Within early and rabbinic Judaism, the provenience and programme of the targumim are variegated (from Onqelos to Targum Esther). (4) There are no “Palestinian”, “pre-Christian” targumim. Elements within the targumim may arguably antedate, or be contemporaneous with, documents of the NT, but such a case remains always to be made, and may not be assumed. (5) A targumic approach to the NT is to be distinguished from an Aramaic approach. In view of their history, the targums are of less moment for reconstructing the dialect of Jesus than are the discoveries at Qumran, Nahal Heber and Murabba’at. (6) A targum of a date later than the NT might, on occasion, represent a tradition which was current in the period of the NT, albeit not in a targumic context (instancing Tg. Ps.-J. Lev 22:18 and Luke 6:36 (“be merciful...”). (7) On rare occasions, a targum might provide us with a tradition which was—at the time of the NT—already of an exegetical nature (instancing Tg. Isa. 6:9, 10 in relation to Mark 4:12). His final thesis (no. 8) is that the targums instance, not only traditions which may be reflected in the NT, but a process of conveying these traditions which might be illuminating. Once the history of targumic development is reckoned with, it becomes obvious that their greatest use for the student of the NT lies in their provision, not of antecedents, but analogies.

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29 Chilton, “Eight Theses,” 305–315; see also Chilton, “Four Types,” 163–188.
In 1982 Geza Vermes contributed a major essay on reflections and methodology regarding Jewish literature and NT exegesis. In the course of this essay Vermes gives his reaction to Fitzmyer’s contention that Qumran Aramaic (and the Aramaic of first century AD tomb and ossuary inscriptions) “must be the latest Aramaic that should be used for philological comparison of the Aramaic substratum of the Gospels and Acts,” including consideration of *qorban*, *mamonas*, and *ho huios tou anthrôpou*. He then passes on to the question of methodology. G. Vermes outlines four possibilities for explaining the similarities between the NT and Jewish Literature: (1) coincidence, (2) rabbinic borrowing from the NT, (3) NT dependence on the targum or midrash, and (4) a NT passage and a targumic/rabbinic text have their source in “Jewish traditional teaching.” Vermes prefers the fourth option, namely, that convergences between the NT and the targum reflect a common Jewish tradition. He believes that instead of looking at the NT as an independent unit set against a background of Judaism, we have to see it as part of a larger environment of Jewish religious and cultural history.

### 1.5. A Continuum: Targums and Formation of late Second Temple Jewish Tradition

Other writers express the same idea in slightly different terminology. Thus Craig S. Keener in his recent work (2003) on John’s Gospel *The Gospel of John. A Commentary*, in a discussion of the value of rabbinic texts for Johannine study speaks of a “continuum.” A view expressed by rabbis can be used provided it is a view that the rabbis could have derived from the broader continuum of early Judaism. He notes that in his commentary rabbinic literature is treated as one useful strand of evidence by which we seek to reconstruct the broader cultural and social milieu of early Judaism—not as if implying that the NT borrows from rabbinic tradition, but that notable commonalities probably reflect a common source in early Judaism or at times in the generally Pharisaic movement of scholars that coalesced into rabbinic Judaism. He also wisely observes that “if sayings or ideas rapidly became the property of...
the community, their sources could be more ancient than the specific rabbis who first cited them or to whom they were attributed (from whom those reporting them first heard the account).”

It is important to situate the targumic tradition in as far as possible in the interpretative, midrashic and haggadic tradition of late Judaism from the time of Ezra (c. 450 BCE) to c. 100 or 200 CE, and as an extension of this tradition. Some of these works, such as Ben Sira and the Wisdom of Solomon, continue and develop the earlier wisdom tradition. Others are compositions of a sectarian or semi-sectarian nature (e.g. the Book of Jubilees). Others of the many pseudepigraphic works (63 in J.H. Charlesworth’s two-volume edition) represent a great diversity of genres, among them expansions of the “Old Testament” and Legends. Many of these works cannot be ascribed to any particular group within Judaism, in part because we know too little of the groups to do so. Possibly they reflect generally held views on the biblical message. Laws governing development of tradition during this period have not yet been developed, but many expand or retell the biblical text in a variety of ways. From the point of view of targumic tradition, notable among these works is the Biblical Antiquities of Pseudo-Philo, some of whose traditions and interpretations originate in deep reflection on the Bible, linking similar texts to form a new vision of Israel’s past or future. The interpretative tradition of the Greek translations such as the LXX, Symmachus and others may also be helpful. Such a history of an exegetical tradition can work either for the antiquity of a targumic paraphrase, or against it. R. Hayward believes the latter is the case for the Palestinian Targum paraphrase of Gen 21:33 in which Abraham is presented as a proselytizer, which Hayward regards as fourth century AD thinking, rather than that of the Second Temple period.

1.6. Comparison of Qumran and Targumic Evidence for New Testament Study

The vast contribution made by the Qumran finds for many aspects of NT study remains beyond doubt, so much so in fact that relevance of rabbinic or targumic evidence has in recent decades tended to be neglected or regarded as irrelevant. Certain deficiencies of the Qumran evidence in this field may profitably be borne in mind. There is more

34 On Symmachus see A. Salvesen, “Symmachus,” 233–245.
to language than lexical forms. There is terminology, phraseology, the background matrix to which language gives expression and some other matters besides. Qumran does not have the phraseology of the Gospels, such as merit, good works, this world, world to come, Father in heaven. It may also have lacked some of the Aramaic terms attested in the Gospels. One is vocabulary: ταλιθά (Mk 5:41: ταλιθά κοῦμ), not in Qumran vocabulary, but surely corresponding to שליתא (absolute state), שליתא found in one branch of the Palestinian Targum texts (in Neofiti Margins, 19 times; none of the texts is preserved in any Fragment Targum).\(^{36}\) In these texts Onqelos has אולימתא (as does Tg. Ps.-J.),\(^{37}\) which may be presumed to have been the term used in Qumran as well; Neofiti in the main text has רבתא. The main text of Neofiti does not have the feminine form שליתא, but the masculine שלא, שלא, "child, lamb" is frequent there.

There are a number of ways in which one could study the question of a possible relationship of the targums to the NT. One is through examination of individual themes (for instance; the Binding of Isaac; the Passover Night; Judah’s Confession regarding Tamar). Such an approach would permit detailed examination of relationships, but has the disadvantage of being too limited in scope.

In the present essay I propose to take various approaches, examining the question of general phraseology, concepts common in the Gospel, and as well as this going in greater detail into some individual themes and motifs.

2. Vocabulary and Themes

2.1. Good Works and Rewards in the World to Come

One of the ways in which the vocabulary of the Qumran texts differs from that of the Gospels (and some other NT writings) is in reference to good works and rewards in the world to come. In this the Gospels are in the tradition of rabbinic Judaism and the targums rather than in that of Qumran.

\(^{36}\) The instances; Gen 24:61; Gen 34 (4 instances), Exod 2:5,8; Deut 22 (12 instances).

\(^{37}\) In one instance (Exod 2:8) however, Ps.-J. does have שליתא.
According to Matthew’s Gospel (Matt 5:16) Jesus tells his disciples to let their light shine before others so that they see their good works (καλὰ ἔργα) and give glory to their Father in heaven. The phrases “good works” or “bad works” are not found in the Hebrew Bible or in the Septuagint. The central Pauline epistles, naturally, make no mention of “good works,” but the phrase occurs in 2 Thes 2:17 and deuteropauline writings (1 Tim 2:10; 5:10; 5:25; 6:8; 2 Tim 2:21; 3:17; Tit 1:16; 2:7; 2:14; 3:8; 3:14; Heb 10:24; 13:21).

With good works goes “reward” (μισθός), something spoken of often by Jesus as his words are recorded in all three Synoptics. Those who suffer for the sake of righteousness should rejoice: their reward is great in heaven (Matt 5:12; // Luke 6:23). Those who love their enemies without expecting anything in return will have great reward (Luke 6:35; see Matt 5:46). Whoever gives a cup of water to drink to one because they bear the name of Christ, will by no means lose the reward (Mark 9:41; // Matt 10:42). Jesus stresses that reward, treasure, must be laid up in heaven (Matt 6:19–21; // Luke 12:32–34. The reward is from the Father in heaven (Matt 5:4,6,15). It is possible that this reward in heaven be lost, especially by those who practice their piety (do their good deeds) to be seen by others, and receive glory on earth. By so doing they forfeit reward before their Father in heaven and have already received their reward on earth (Matt 6:1,2,5,16). This language can be regarded as fundamentally that of Jesus. It is also that of Judaism. As H. Preisker has noted: “Mt. 6:19–21 = Lk. 12:33f. speak in current Jewish imagery.”

In few places is this Jewish imagery of good works and merit (מענה טוב) clearer than in the Palestinian Targums of the Pentateuch. In these there is frequent mention of good works. Whenever the Hebrew words שלם or תמים refer to persons they are translated in the targums as “perfect in good works.” The relevance of good and evil deeds and the question of reward and punishment appear to have been a matter of debate in early Judaism. According to an inserted piece in the Aramaic Palestinian translations of Gen 4:6–8, Cain and Abel argued as to whether the world was governed by God according to the fruits of good works.

The good reward is already there, stored up for the just in the world to come, or for the world to come. It is thus expressed in an oracle of

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Balaam, in a midrashic expansion of the biblical text: “Blessed are you (טוביכון), just ones! What a good reward is prepared for you before the Lord for (or: ‘in’) the world to come” (Pal. Tg. Num. 23:23). All observance of the commandments has its reward, but some of the reward can be given by God in this life instead of being reserved for the world to come. In an expansion of the biblical text of Deut 7:10 the Pal. Tg. has Moses say of God:

(7:9) You shall know, then, that the Lord your God is God, the faithful God who keeps the covenant and steadfast love for a thousand generations for the just ones who love him and for those who keep the precepts of his law, (10) and who repays in this world the rewards of their good works to those who hate him, in order to take revenge on them in the world to come. And he does not delay the good reward for those who hate him: while they are still in this world, he repays them the reward of the small precepts that are in their hands.

Abram expresses this great fear of being rewarded in this life, with no reward stored up for him in the world to come. This is clearly expressed in an expanded introduction to Genesis chapter 15 in the Palestinian Targums, which is as follows (given in Neofiti’s translation; italics denote targumic midrash): 41

(15:1) After these things, after all the kingdoms of the earth had gathered together and had drawn up battle-lines against Abram and had fallen before him, and he had killed four kings from among them and had brought back nine encampments, Abram thought in his heart and said: Woe, now, is me! Perhaps I have received the reward of the precepts in this world and there is no portion for me in the world to come. Or perhaps the brothers or relatives of those killed, who fell before me, will go and will be in their fortresses and in their cities and many legions will become allied with them and they will come against me and kill me. Or perhaps there were a few meritorious deeds in my hand the first time they fell before me and they stood in my favour, or perhaps no meritorious deed will be found in my hand the second time and the name of the heavens will be profaned in me. For this reason there was a word of prophecy from before the Lord upon Abram the just saying: “Do not fear, Abram, for although

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39 Translation by McNamara, Targum Neofiti 1: Numbers, 134.
40 Translation by M. McNamara, Targum Neofiti 1: Deuteronomy, 54.
41 Translation by M. McNamara, Targum Neofiti 1: Genesis, 93f.
42 or: “reward for [keeping] the commandments.”
43 Sokoloff, A Dictionary, 493 (under the headword קלי, קליון) renders the Aramaic words קלילון and מצות קלילון of this text of as “light commandments” and of the Frg. Tg. of the text as “easy commandments” (A Dictionary, 325, under the headword מצות קלילון).
many legions are allied and come against you to kill (you), my Memra will be a shield for you; and it will be a protection for you in this world and although I delivered up your enemies before you in this world, the reward of your goods work is prepared for you before me in the world to come.

2.2. Eternal Shame for not Confessing God in this life;\textsuperscript{44}

Measure for Measure

In an earlier work\textsuperscript{45} I noted that the entire paraphrase of Gen 38:25–26 in the Palestinian Targums reads somewhat like a page from the NT, with some NT themes and NT vocabulary. For this reason I cite it here in extenso. In the biblical text Judah orders that his daughter-in-law Tamar, who has been accused of being a prostitute, be brought out and burned. Tamar says that she has been made pregnant by the owner of certain items she produces. Judah acknowledges his guilt saying: “She is more in the right than I am….” The Palestinian Targums preserve a lengthy midrash on the verses. I here cite the text of Neofiti.

She [Tamar] lifted up her eyes on high and said: I beseech by the mercies from before you, O Lord, you are he who answers the afflicted in the hour of their affliction; answer me in this hour, which is the hour of my distress. O God who answers the distressed, enlighten my eyes and give me the three witnesses… And immediately the Lord heard the voice of her supplication, and he said to Michael: Go down and give her his three witnesses. And her eyes were enlightened and she saw them and she gave them into the hands of the judges and said: By the very man to whom those things belong am I with child.

The midrash goes on to give Judah’s reaction:

Judah immediately stood upon his feet and said: “I beg of you brothers, and men of my father’s house, listen to me: It is better for me to burn in this world, with extinguishable fire, that I may not be burned in the world to come whose fire is inextinguishable. It is better I for me to blush in this world that is a passing world, that I may not blush before my just fathers in the world to come. And listen to me, my brothers and house of my father: In the measure in which a man measures it shall be measured to him, whether it be a good measure or a bad measure. Blessed is every man who reveals his works…

The similarity in this beautiful midrash to some concepts and phrases in the words of Jesus is noteworthy, for instance: Mark 8:38: “Those who

\textsuperscript{44} McNamara, Targum and Testament, 135f.; The New Testament, 138–142.

\textsuperscript{45} M. McNamara, Targum and Testament, 136.
are ashamed of me and my works in this adulterous and sinful genera-
tion, of them the Son of Man will also be ashamed when he comes in
the glory of his Father with the holy angels” (par. Luke 9:26). See also
judged. For with the judgment you make you will be judged, and the
measure you give will be the measure you get.” Likewise Mark 9:43–48
(par. Matt 18:8; 25:41—to go to hell, the unquenchable fire; where the
fire is not quenched).

2.3. The Literary Form of “Interpretative Vision” in the Palestinian
Targums and in the New Testament

What is accepted as the literary form “interpretative vision” is found
in the Palestinian Targums of Gen 22:10 and 28:12. The first occur-
rence is in the targumic account of the sacrifice of Isaac, where the
paraphrase says that Isaac willingly presented himself for the sacrifice,
even requesting Abraham his father to tie him tightly in case the sac-
ifice would be invalid. The paraphrase as in Neofiti continues (italics
denote paraphrase):

The eyes of Abraham were on the eyes of Isaac, and the eyes of Isaac were
scanning the angels on high. Abraham did not see them. In that hour a
voice came forth from the heavens and said: Come, behold two singular
(יחידיין) (persons) who are in my world; one sacrifices, and the other is
sacrificed; he who sacrifices does not falter and he who is sacrificed stretches
forth his neck.

Another example of an interpretative vision is found in the Pal. Tg. Gen.
28:12, as part of the account of Jacob’s vision at Bethel. To the transla-
tion of the biblical text the Pal. Tg. adds (in Neofiti’s rendering):

Behold, the angels that had accompanied him from the house of his father
ascended to bear good tidings (לembros) to the angels on high, saying:
Come and see a just man whose image in engraved in the throne of glory,
whom you desired to see. And, behold, the angels from before the Lord
were ascending and descending and observed him.

Daniel Harrington cites both texts in his interpretation of the account
of the Baptism of Jesus in Matthew’s Gospel. He notes that there are
serious problems in dating the two Palestinian targums in which these

of Matthew, 63f.
visions appear, and that it is difficult to know how far back in history any specific passage can be traced. The prudent course in using such targumic material in NT study is to talk about parallels and perhaps common traditions, and not assume a relation of direct dependence. He goes on to note that having issued the methodological caution we can look again at the parallels between the targumic interpretative visions and Matt 3:13–17. In all three cases (Isaac, Jacob, Jesus) the hero is at an early point in his public or adult career. Communication between heaven and earth is opened up, by angels in the targums and by various means (the opening of the heavens, the dove-like descent of the Spirit, the voice) in Matt 3:13–17. The voice from the heavens points out the hero and declares something about his identity: “two singular (= just) (persons) who are in my world” (Abraham and Isaac); “a just man whose image is engraved in the throne of glory” (Jacob) and “my son, the beloved, with whom I am well pleased” (Jesus). Familiarity with the Jewish interpretative vision, Harrington concludes, helps the reader to recognize where the spotlight in the text lies.47

The bearing of the targumic paraphrases of Gen 28:12, 16–17 on John 1:51 (where Jesus says to Nathaniel: “Amen, amen, I say to you, you will see heaven opened and the angels of God ascending and ascending on the Son of Man”) is much less clear. In his study of the Jewish background to this verse F.J. Moloney sees little relevance in the targumic texts.48 Similarly C.S. Keener who notes the contemporary use of rabbinic and targums texts as background. He comments that while contemporary Jewish backgrounds are welcomed and later evidence is sometimes all that we have, this passage (of John 1:50–51) makes more sense against the widely available background in Genesis itself than against the uncertainly dated and possible not widely available background many scholars have suggested.49

2.4. Father in Heaven

In the use of the designation “Father in heaven” the vocabulary of the Gospels is in keeping with that of the Palestinian Targums and rabbinic Judaism rather than that of Qumran. The fatherhood of God is a central theme especially in the Gospel of Matthew. Jesus speaks of God some

47 Harrington, The Gospel of Matthew, 63f.
twenty times as “Father who is in the heavens” (“My, thy, our, your, Father who is in the heavens,” πατήρ μου (σου, ἡμῶν, υμῶν) ὁ ἐν τοῖς οὐρανοῖς, Matt 5:16,45, (48 v.l.); 6:1,9; 7:11,21; 10:32,33; 12:50; 16:17; 18: (10,) 14,19; (23:9 v.l.). As a variant Matthew has also “(your/my) heavenly Father” (ὁ πατήρ υμῶν ὁ οὐράνιος, 5:48; 6:14,26,32; 23:9; ὁ πατήρ μου ὁ οὐράνιος, 15:13; 18:35). It seems fairly clear that this is a Greek presentation of an original “Father who is in the heavens.” We may then accept it that “Father who is in the heavens” was current phraseology in the Matthaean community.

The expression is also found in Mark 11:25, “And whenever you stand praying, forgive, if you have anything against anyone; so that your Father who is in the heavens (ἵνα καὶ ὁ πατήρ υμῶν ἐν τοῖς οὐρανοῖς) may also forgive you your trespasses.” The parallel passage to this in Matt 6:14 (in the Sermon on the Mount) has “your heavenly Father” (ὁ πατήρ υμῶν ὁ οὐράνιος). This form of the phrase in Matthew, as already noted, is a secondary formulation. Mark is here a representative of early Palestinian Christian language.

Luke does not have the expression, but in 11:13 he has a text from the Q source clearly dependent on the original Palestinian formula. Luke 11:13 has: “If you then, who are evil, know how to give good gifts to your children, how much more will the Father who is from heaven (ὁ πατὴρ ἐξ οὐρανοῦ) give the Holy Spirit to those who ask him!” The parallel text from Q in Matt 7:11 reads: “...how much more will your Father who is in the heavens give good things to those who ask him!”

From all this it is clear that the expression “Father who is in the heavens” was current in the Matthaean community, in the community from which Mark’s Gospel ultimately emerged, and in the original form of the Q source. This eminently Semitic expression was, under Greek influence, changed in part in Matthew’s Gospel to become “heavenly Father,” and further in Luke’s presentation of the Q source. It is an open question to what extent, if at all, Jesus himself used this expression. It was one of a number of ways of referring to the loving and caring God.

The corresponding Hebrew phrase שבשמים אב is attested in rabbinic sources for a period from the end of the first century CE onwards.  

50 “Israel and its Father in heaven” is a particularly common form, but

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even the individual “my Father in heaven” is put on the lips of R. Yochanan b. Zakkai (c. 80 CE). A common phrase is “Before the Father in heaven.” Another favourite expression is: “To direct one’s prayer to the Father in heaven,” and “to do the will of the Father in heaven” is a common mode of expression in rabbinic Judaism.51

The phrase שבשמים אב occurs five times in the Mishnah.52 It occurs three times in m. Sotah 9:15 in the form “our Father who is in the heavens” (אבי jab ב), twice on the despondency resulting from the destruction of the Temple, once on the turmoil to come “with the footprints of the Messiah.” Thus, “R. Eliezer the Great (ben Hyrcanus; c. 120 CE) said: “Since the day the Temple was destroyed the sages began to look like school teachers… On whom shall we stay ourselves? On our Father who is in the heavens.”53 In m. Yoma 8:9 we have the form “Your Father who is in heaven;” “R. Aqiba (put to death 135 CE) said: Blessed are ye, O Israel. Before whom are you made clean and who makes you clean? Your Father who is in heaven…” (citing Ezek 36:25).54 In m. Roš Haš. 3:8, Exod 17:12 and Num 21:8 are interpreted with the note that victory did not come automatically by Moses raising his hands, nor healing by gazing on the bronze serpent, but rather because “the Israelites directed their thoughts on high and kept their heart in subjection to the Father who in the heavens (לומד בשמים אמר), otherwise they suffered defeat (or: pined away).”55

As already noted, this designation of God as “your” (“my”) “Father in heaven” is attested in rabbinic Judaism from about the end of the first century AD. It is found neither in the Old Testament nor in the Apocrypha. In the Old Testament Israel is called God’s son (Exod 4:22–23), God’s sons (Deut 30:9; 32:5; Isa 1:4; Hos 2:1; 1 Chr 29:10, etc.). In Jer 3:19 Israel calls God her father; so also in Isa 63:16; 64:7. In Jer 31:8(9) and Mal 1:6 God professes himself Father of Israel.

In later Judaism mention is made but rarely of God as Father of Israel. There seems to have been a tendency to avoid the designation. This tendency is noticeable in the Targum to the Prophets, where the word “father” is replaced by some other word, or the text is made to

52 See Kosovsky (ed.), Otsar leshon, 4. (I wish to express my thanks to Prof. Dr. Liliane Vana, Paris, for indicating its presence in the Mishnah to me.)
54 See translation in Danby, Mishnah, 172; Neusner, The Mishnah, 279.
55 See translation in Danby, Mishnah, 192; Neusner, The Mishnah, 304f.
say that God is as a father. Thus “Thou art our Father” of Isa 63:16 becomes in the targum: “Thou art he whose compassions towards us are more than those of a father towards his children.” Likewise in Tg. Nev. Isa. 64:8. In Tg. Nev. Jer. 3:4,19 it is replaced by “master;” in Tg. Nev. Jer. 31:9 and Mal 1:6 it is preceded by “as,” “like” (a father).

Things are different in the Palestinian Targum of the Pentateuch. In one text (Deut 4:30, Neofiti) “the Lord your God” is replaced by “your Father” (אבוהון). In the Palestinian Targums of the Pentateuch alone among the targums do we find the designation of God as “Father in heaven.” As in the NT, it is never found alone, but is always accompanied by a qualifying pronoun, “your,” “their,” “our” (“Father who is in heaven”). Like most of the NT occurrences of the expression, in the targums too it is found chiefly in certain definite contexts, i.e. in reference to prayer, merit or divine will.

I have found a total of thirteen occurrences of the expression “Father in heaven” in the Palestinian targums: three in Pseudo-Jonathan, seven in the Fragment Targums and three in Neofiti. The texts are as follows: Gen 21:33 (Frg. Tg. PVNL); Exod 1:19 (Ps.-J. and Frg. Tgs. P, V, B, Neofiti); Exod 17:11 (Frg. Tg. P; cf all other Frg. Tgs. texts); Lev 22:28 (Ps.-J. variant); Num 20:21 (Frg. Tg. V, B, Nf); Num 21:9 (Frg. Tg. V, B); Num 23:23 (Frg. Tg. V, B, P); Deut 28:32 (Frg. Tg. V, B, P); Deut 32:6 (Frg. Tg. V, P); Deut 33:24 (Tg. Neof.). In only one instance (Exod 1:19) do all three representatives of the Palestinian Targum carry this particular designation of God. As in the Gospel evidence, we may ask, in which texts is it original and in which added? Is its absence or presence due to the date of composition or to later editorial work? Perhaps like “holy spirit,” Šekinah, Dibbera and Bath Qol in rabbinic texts, “Father in heaven” was another of the expressions which could easily be replaced by a synonym.

2.4.1. Prayer to the Father in Heaven

The HT text of Exod 1:19 “(the Hebrew women) give birth before the midwife comes to them” is rendered in Tg. Ps.-J., “Before the [Egyptian] midwife comes to them they lift up their eyes in prayer, supplicating mercy before their Father who is in heaven56 and he hears the voice of their prayers and at once they are heard and delivered in peace.” The variants in the other texts are minor: Tg. Neof., “before their Father
in heaven” (אבון בשמים); P: “their Father of heaven” (אבון בשמים), possibly with erroneous omission of ב, 57 “[who is] in”; B2 “before the Lord” (יהיה קדום).

Exod 17:11, Frg. Tg. (P only): “And when Moses had lifted up his hands in prayer to his Father who is in heaven, those of the house of Israel prevailed.” All the other targum texts here (Ps.-J.; Neof., Frg. Tg. V, B2) have the addition “in prayer,” but not “to his Father who is in heaven.” The reading may, then, be suspect as an addition of P alone, but not necessarily so, as this particular ending “to the Father who is in heaven” is implicit in raising the hands in prayer. Association of this particular phrase with this verse is found in the Mishnah, Rosh ha-Shanah 3:8 (without ascription), where Exod 17:11 is cited, with the comment: “Could the hands of Moses promote the battle or hinder the battle!—it is rather to teach us that such time as the Israelites directed their thoughts on high and kept their hearts in subjection to their Father who is in heaven (שבשמים לאביהם) they prevailed; otherwise they suffered defeat.”

In the Mishnah the reflection on this verse is followed immediately by an identical reflection on the brazen serpent, citing Num 21:9, which we now consider—Num 21:8, Frg. Tgs. P, V, B2. The relevant section of this verse is missing in Neof. Frg. Tg. V reads: “And anyone who was bitten by the serpent would raise his face (P: eyes) in prayer towards his Father who is in heaven, and would look at the bronze serpent and live.”

In the Mishnah, Rosh ha-Shanah 3:8, Num 21:9 is cited, followed by an unascribed comment: “But could the serpent slay or the serpent keep alive!—it is, rather, to teach thee that such time as the Israelites directed their thoughts on high and kept their heart in subjection to their Father who is in heaven (לאביהם שבשמים), they were healed; otherwise they pined away.” 58 There is no evidence that the targum paraphrase depends on the Mishnah, although both reflect a similar interpretative tradition. Ps.-Jn., while having “the name of the Memra of the Lord” instead of “Father in the heaven,” has closer links with the Mishnah text. Ps.-Jn. reads: “he gazed upon the brazen serpent, with his heart intent on the name of the Word of the Lord.”

57 The editions of both Diez Macho and Klein have אבון בשמים: Diez Macho (ed.), Biblia Polyglotta Matritensia, 5; M.L. Klein, The Fragment Targums, 70.
At Gen 21:33, *Frg. Tg. VNL.P*, and *Neof. marg.* all have our expression, although there are slight differences among the texts, and some difficulties in the reading of N. N has: “And our father Abraham used to say to them: (It is) from him who spoke and the world came to be by his Memra (or “command”). Pray before your Father who is in heaven, since it is from his bounty you have eaten and drunk.” P has: “Pray before your Father of the heavens (דבשמיא אבוכון);” "Father who is in heaven’) from whose bounty you have eaten…”; *Neof. marg.* “…Pray before your Father who is in heaven…” *Ps.-Jon.* reads: “And he proclaimed to them there: Confess and believe in the name of the Word of the Lord, the God of the world.” *Neof.* reads: “You have eaten from him who said and the world was,” without any reference to the “Father in heaven.”

At Deut 28:32, the expression is in *Ps.-J.* only. “In your hand there will be no good work by which you prevail in prayer before the Lord, your Father who is in heaven, that he may save you.” Neither the *Frg. Tg.* nor *Neofiti* has any reference to the “Father in heaven” in their paraphrase of this verse.

2.4.2. Reward before the Father in Heaven

In *Frg. Tg. Num. 23:23* we read:

At that time it will be said to Jacob and to Israel: What favour and consolations is the Word of the Lord to bring upon you of the house of Jacob! He [Balaam] said, too, in his parable of prophecy: Blessed are you, the just ones! How good a reward is prepared for you in the world to come, before your Father who is in heaven (דבשמיא אבכון גב) in the world to come.

N and B, are almost identical with this. *Neofiti* speaks of reward “before the Lord in the world to come”. The paraphrase of *Tg. Ps.-J.* is quite different: “How praiseworthy are the signs and wonders which God has done for them.”

2.4.3. “Be you merciful as your Father in heaven” (*Ps-J. Lev 22:28*)

In Matt 5:48, Christ concludes his exhortation to the better righteousness with the words: “You shall therefore be perfect (τέλειοι) as your

59 Klein, *The Fragment Targums*, vol. 2, 16, renders here as: "Before your Father in heaven."
heavenly Father (ὁ πατὴρ ὑμῶν ὁ οὐράνιος') is perfect.” The form of this logion in Luke (6:36) is: “Be you merciful (οἰκτίρμονες) as your Father is merciful.” We have already seen that behind Matthew’s “heavenly Father” there probably stands an original “Father in the heavens.” It is likely that the word “merciful” of Luke, rather than Matthew’s “perfect” is the more original. Matthew’s interest in perfection (cf. Matt 19:21) explains his reading in 5:48. The original reading might thus have been: “You shall therefore be merciful as your Father in the heavens is merciful.”

The words of Christ (especially in the probable original reading) are closely paralleled in the 1591 editio princeps of the Tg. Ps.-J. Lev 22:28 reproduced in the London Polyglot. While in the biblical text it is God who speaks, in the text of the editio princeps it may be Moses who is introduced as speaker at the end of a midrash in v. 27, introducing the translation proper, and may be presumed to be speaker still in v. 28: “My people, children of Israel, as our Father is merciful in heaven (הכימא אבונן רחבן بشמי) so shall you be merciful on earth; cow or ewe, itself and its young you shall not kill on the same day.”

Unfortunately, we are not sure of the original form of the words in Tg. Ps.-J. In the London manuscript the speaker at the end of the midrash of v. 27 is Moses, yet we cannot say whether the intended speaker in v. 28 is God or Moses. If God is the intended speaker, “Our Father” in the mouth of God seems strange. And other variants of the opening words of this translation of Lev 22:28 are known. That of the London ms of Ps.-J. reads: “My People, children of Israel, as I am (דאנא ההכימא) merciful in heaven…. This, too, with mention of the “Father in heaven,” is the form found in the text of this rendering preserved in y. Ber. 5, 9c and in the parallel passage, y. Meg. 4,75c, as a rendering censured by R. Yose the son of R. Bun (or b. Abun).60 The background to the rabbi’s censure is the Mishnah to these passages which ordains that a person be put to silence if found reciting prayers such as: “To a bird’s nest do thy mercies extend” (O Lord; cf. Deut 22:7). The explanation given to the Mishnah is that such a person “makes the ordinances of God to be simply acts of mercy, whereas they are injunctions.” The discussion on the text preserves the view of R. Yose (Palestinian Amora, 5th generation, c. 350 CE) on an Aramaic rendering of Lev 22:28 then current in Palestine. The text in y. Ber. 5, 9c reads:

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R. Yose son of R. Bun said: They do not do well who make the injunctions of the Holy One Blessed Be He (mere axioms of) mercy. And those who translate [Lev 22:28 into Aramaic] as: My people, children of Israel, as I am (דָּנָא כַּמָּה; י. מֵג. 4, 75c, דָּנַן כַּמָּה, as we are) merciful in heaven, so shall you be merciful on earth, cow or ewe, itself and its young, you shall not kill both of them on the same day; they do not do well, as they make the injunctions of the Holy One Blessed Be He (to be mere axioms of) mercy.

Whatever of the uncertainty on the opening words, the central message of all texts is clear: God’s mercy as a model for human behaviour. His text of Ps.-J. may represent the earlier Pal. Tg. rather than the two other extant texts, namely Neof. and the Cairo Genizah text (11th–12th cent.) with the siglum F. In F the translation proper is introduced by the phrase “My people, children of Israel,” without any paraphrase. So too in Neof, where the ending of the translation and three earlier words are missing. “My people, children of Israel” is a liturgical formula, and is found in the Pal. Tg. very often (but not always) before paraphrases (e.g. in the Ten Words in Tg. Exod 20). It could be that all Pal. Tg. texts once had the paraphrase of Lev 22:28 now in Ps.-J. and that it was omitted in others due to rabbinic censures.61

2.4.4. Other Texts

In Deut 32:6 Moses says to Israel: “Is he not your father who created you?” Whereas Pseudo-Jonathan and Neofiti are content to reproduce the biblical text without addition, the Fragment Targum paraphrases: “Is he not your Father in heaven, who established you?”

In his blessing of Asher, Moses in Tq. Neof. says (Deut 33:24): “Blessed above sons may he be; welcomed in the tribes between his brothers and their Father who is in heaven.” The reference to “the Father in heaven” is proper to Neofiti. The Hebrew original has: “Most blessed of sons is Asher; may he be the favourite of his brothers.”

According to the Frg. Tgs. V B2, and Neofiti Num 20:21, Israel turned away from Edom “because they were commanded by their Father who is in heaven not to wage war on them.” The Hebrew text simply has: “So Israel turned away from Edom.” Instead of “by their Father who is in heaven,” Pseudo-Jonathan has: “from before the Memra (or: command) of the heavens.” This text of the Fragment Targums and Neofiti is to

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be compared with that of Matthew (7:21; 12:50; 26:42) which speaks of the will of the Father in heaven.

2.4.5. Conclusion

“Father in heaven,” as a designation of God, was a well-established expression in the community within which the Gospel of Matthew originated. The same can be said with regard to the Gospel of Mark. We may presume that it formed part of the language of Jesus.

It is attested for rabbinic Judaism for the late first century CE. The question arises whether it was current in Palestinian Judaism in the time of Jesus, or whether its use in rabbinic Judaism is to be explained through influence from the Christian community. Both existed side by side in Palestine and in theory the influence could have been in either direction. Given the expression itself in both the Gospels and rabbinic texts, and its combination in other phrases, e.g. “before the Father in heaven,” “good will before your/our Father in heaven” etc., it seems preferable to assume that the expression was basically a Jewish one, pre-dating Christianity, but used by Jesus and the early Christian community, who would have infused new meaning into it by reason of the person and mission of Jesus.

3. Resurrection Themes

3.1. Resurrection Seen in the Torah

The NT and Josephus provide ample information concerning belief in bodily resurrection among the Jews during the first century of the common era. The Sadducees denied it outright. The Pharisees believed in it firmly (Josephus, J.W. 2:163; Ant. 18:14; Acts 4:1–2; 23:6–10). In reply to a question of the Sadducees, Jesus strongly espouses the doctrine of the Pharisees on the matter (Mark 12:18–27; Matt 23:23–33; Luke 20:27–28). The Essene position appears to have been belief in an afterlife, without mention of resurrection. In Jesus’ day Jewish belief in an afterlife with rewards and punishments is indicated by texts such as Luke 16:19–31 (Lazarus in Abraham’s bosom; the rich man in

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62 See Schrenk in “πατήρ,” 979f.
Gehenna) and Luke 23:43 (the repentant thief with Jesus in Paradise), while explicit belief in the future resurrection is expressed by Martha (John 11:23). Belief in the resurrection is also expressed in the Life of Adam and Eve (28:4), a work probably written in Palestine in the first century CE. On being driven out of Paradise and refused access to the Tree of Life, the Lord tells Adam that when he comes out of Paradise, that if he guards himself from all evil, preferring death to it, at the time of the resurrection the Lord will raise him up again, and then there will be given to him from the tree of life, and he will be immortal forever. Somewhat similarly in the Palestinian Targum paraphrase of Gen 3:19: “...to dust you shall return. But from the dust you are to arise again to give an account and a reckoning of all that you have done.” In the Lives of the Prophets (probably representing first century CE Palestinian tradition) the doctrine of the resurrection is assumed without argument or polemic (2:15; see also 3:12).

Given belief in the resurrection of the body it was natural that Pharisee scribes and rabbis of the first century should seek a foundation for the doctrine in their scriptures. We have no evidence that they invoked Exod 3:6, the text referred to by Jesus. The texts called on for this belief by rabbis of the third and fourth centuries are Deut 33:6 (“Let Reuben live...”), Exod 15:1, Ps 84:4 and Gen 3:19.64

The prevailing belief in Palestine in Jesus’ day was probably bodily resurrection at the end of time. The Essenes believed in immortality without bodily resurrection, and the commonly accepted view is that this was also the position with the Qumran community, although some, on the strength of the text 4QMessianic Apocalypse (4Q521), fragment 2, col. II, 11–13, think that they believed in a resurrection. In this text we are told that in the future age of the Messiah “the Lord will perform marvellous acts such as have not existed, just as he said: For he will heal the badly wounded and will make the dead live (יחיה מתים), he will proclaim good to the meek give lavishly [to the needy], lead the exiled and enrich the hungry.”65 At best, however, the life given back to the dead seems to fall far short of the eschatological resurrection as found in Daniel 12:1–3, in rabbinic tradition and in the NT.

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64 See McNamara, Palestinian Judaism, 181f.
We have a good example of belief in immortality rather than in resurrection in the apocryphal work 4 Maccabees. This is a philosophical work, generally taken as having been composed in the first century CE. Its original language was Greek. It was composed in the Diaspora, more probably in Antioch of Syria rather than in Egypt. And yet it is closely linked with Palestinian tradition and seeks foundation in the Bible for its belief in eternal life for the just. At the end of the work the mother of the martyrs reminds her sons of the death of their father and of the teaching he gave them, particularly on those who bore witness to their faith in the Bible narrative. “While he was still with you he taught you the law and the prophets” (18:10). She goes on to give examples from the Law, the Prophets and the writings and concludes (18:16–19): “He recounted to you Solomon’s proverb ‘There is a tree of life for those who do his will’ (see Prov 3:18). He confirmed the saying of Ezekiel, ‘Shall these dry bones live?’ (Ezek 37:2–3). For he did not forget to teach you the song that Moses taught, which says, ‘I will kill and I will make alive: this is your life and the length of your days’ (Deut 32:39).” We can presume that the pious father also interpreted these as containing the doctrine of immortality. They could as easily have been taken as referring to bodily resurrection.

Jesus’ reasoning on the inner meaning of Exod 3:6 may have a parallel in 4 Maccabees. Jesus says that the God in this passage proclaims himself as the God of Abraham, Isaac and Jacob, commenting that he is the God not of the dead but of the living (Mark 12:26; Matt 22:22), to which Luke adds “For all live to him” (Luke 20:38). In 4 Macc 7:19 the author remarks that the martyrs “since they believe that they, like our patriarchs Abraham and Isaac and Jacob, do not die to God but live in God.” Likewise in 16:25: “They knew that those who die for God live in God, as do Abraham and Isaac and Jacob and all the patriarchs.” They further console themselves with the belief that if they die for the commandments they will be welcomed by Abraham, Isaac and Jacob (13:14–15, 17–18).
A strand of Jewish belief and piety different from that of the Essenes and Qumran is preserved in the tradition handed down by rabbinic Judaism. Absence of early written documentation makes it somewhat uncertain what form this took in the early or later part of the first century of our era. One central belief in this tradition, and one absent from Qumran, was belief in the resurrection of the body. An early form of his belief is attested in the book of Daniel (Dan 12:1–3), from about 165 BCE. In this Jewish tradition as represented by the Aramaic targumim, Israel looked forward to the tranquility of Eden (שלום עולם), the determined time of the blessing and consolation (ברכתא וnickmatא, Pal. Tg. Gen 49:1), resurrection of the dead (Hos 6:2). In Hosea, in the biblical text, “after two days” and “on the third day” are intended to express a short space of time. The targumist paraphrases of the future messianic age of consolation and of the resurrection, rendering thus: “He will give us life in the days of consolations (נחמתא) that will come; and on the day of the resurrection of the dead he will raise us up and we shall live before him.” The targumist paraphrases “after two days” as “in the days of consolations that will come,” and “on the third day” as “on the day of the resurrection of the dead.” This eschatological or messianic interpretation of this verse seems to have been current in rabbinic circles. The understanding of “on the third day” in relation to the resurrection and salvation must have been helped by the occurrence of the terms “showers,” and “spring rain” in the following verse, terms which recall “dew,” understood in rabbinic tradition as indication of

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67 Unpointed, the words ברכאות נחמות can be either singular or plural; here I take them as singulars; Kaufman and Sokoloff take them as plural forms: Kaufman and Sokoloff, *A Key-in-Context Concordance*, 262, no. 044; 978. no. 007. See also Pal. Tg. (Tg Nf) Num 23:23: “At this time (variant Tg. Nfmg. ‘At that time’) there shall be announced (lit. ‘said’) to the house of Israel the good things and the consolations (נחמות שבותא) that are to come upon you and (upon) those of the house of Israel.” This is followed by a prophetic macarism by Balaam: “Blessed are you, just ones! (צדיקיה טוביכון.) What a good reward is prepared for you before the Lord for the world to come.” For the “good things” (τὰ ἄγαθα) in the messianic age see Matt 7:11; Rom 10:15 (= Isa 52:7); Heb 9:11; 10:1.

68 In the translation of Cathcart and Gordon, *The Targum of the Minor Prophets*, 41.

69 See b. Sanhedrin 97a; b. Rosh Hashana 31a; Churgin, 335 (original edition 107).
the resurrection (see Isa 26:19). It was probably also aided by rabbinic reflection on the various occurrences of “third day” in the Bible, all of which are seen to have been salvific. Thus Gen 22:4; 42:17; Exod 19:6; Josh 2:16; Hos 6:2; Jonah 2:1; Esth 9:2.

With regard to the concept and term “consolations” we may also note Luke’s Infancy Narrative. Symeon was awaiting the consolation of Israel (προσδεχόμενος παράκλησιν τοῦ Ἰσραήλ, Luke 2:25); Anna spoke of the child Jesus to all who awaited the redemption of Jerusalem (πᾶσιν τοῖς προσδεχομένοις λύτρωσιν Ἰερουσαλήμ, Luke 2:38).

With the crucifixion, the death and resurrection and ascension of Jesus, and with the coming of the Holy Spirit, the early Christian community felt a need to explain all this in connection with the Scriptures, the Hebrew and Greek texts of which were available to them. In Luke 24:27 in the narrative on the two disciples on the way to Emmaus we are told that Jesus, beginning with Moses and all the prophets, interpreted to them the things about himself in all the scriptures. Next, the risen Christ appeared to the eleven apostles and their companions, recalling the words he had spoken to them while he was still with them—that everything about him in the law of Moses, the prophets, and the psalms must be fulfilled. Then he opened their minds to understand the scriptures, and he said to them: “Thus it is written, that the Messiah (Christ) is to suffer and to rise from the dead on the third day… (Luke 24:44–47). This text linking the suffering of Christ and his resurrection from the dead on the third day with scripture probably represents a very early Jerusalem tradition. We find it again in Paul as part of traditional creed on the resurrection in 1 Cor 15:3–4: “For I handed on to you as of first importance (NRSV; ἐν πρώτοις, NBJ ‘in the first place’) what I in turn had received: that Christ died for our sins in accordance with the scriptures, and that he was raised on the third day in accordance with the scriptures…” Paul, presumably, had received this formulation of the tradition from Antioch, which in turn would have received it from Jerusalem; possibly even at his first visit to Peter c. 39 CE (Gal 1:18). The scriptures regarded as prophesying the passion and death of Christ can be presumed to have been principally

the passage on the Suffering Servant in Isa 53. It is more difficult to find a scripture text on the resurrection on the third day. The text in question, as noted, is probably Hosea 6:2, but as interpreted midrashically in the targum, in keeping with rabbinic Judaism.72

4. TRADITIONS AND THEMES IN PAUL AND JOHANNINE WRITINGS

4.1. The Well that Followed73

In the biblical narrative of the desert wanderings important incidents are connected with water; thus, the water of Marah, Exod 15:22; the twelve springs at Elim, Exod 15:27; the waters brought forth from the rock at Rephidim, Exod 17:1–7; Num 33:14; the arrival at Kadesh, with the note that Miriam died there, followed immediately by the statement that there was no water for the people, and the account of the miracle of water from the rock, Num 20:1–5. Finally we have the account of the arrival at Beer (in Hebrew meaning “Well”) where the Hebrews sang the “Song of the Well” (Num 21:16–20). From this there developed a midrash on a well of water that followed Israel in the desert wanderings, and was known as Miriam’s well.

There are strong indications that this was a firmly established tradition in Palestinian Judaism in the first century of our era. We find it mentioned three times in the Biblical Antiquities (Liber Antiquitatum Biblicarum, LAB) of Pseudo-Philo. This work is a Rewritten Bible for the narrative from Adam through David to the death of Saul. It has many haggadic additions and interpretations of biblical texts, some of them also found in the Palestinian Targums and rabbinic literature. It is generally assigned a date of the second half of the first century CE, probably before the fall of Jerusalem in 70 CE. Some scholars, however, prefer a somewhat later date, between 70 CE and 150 CE.74

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72 See McNamara, Palestinian Judaism, 183–185.
73 See McNamara, Palestinian Judaism, 241–244; Bienaimé, Moïse.
74 Harrington (“Pseudo-Philo,” OTP 2, 299) opts for a date before 70 CE. See also Murphy, Pseudo-Philo, 6; Perrot and Bogaert, Pseudo-Philon, vol. 2, 66–74. H. Jacobson finds the arguments for a pre-70 date unconvincing and prefers a date between 70 CE and the middle of the second century (Jacobsen, A Commentary, 1, 199–210). Deines believes that LAB is best characterised as a book of consolation in the time between the two revolts (70 CE and 132–135 CE) (Deines, “The Pharisees,” 443–504, at 486).
In LAB the tradition on the well that followed Israel in its wanderings is first encountered at the narrative of entry into the wilderness, and last at the account of Moses’ death. It is one of the three gifts of God to Israel, the others being the manna and the cloud. The first occurrence is as follows, in LAB 10:7:

Now he led his people out into the wilderness; for forty years he rained down for them bread from heaven and brought quail to them from the sea and brought forth a well of water to follow them. Now with a pillar of cloud he led them by day, and with a pillar of fire he gave them light by night.\(^75\)

The tradition occurs again in LAB 11:5 where it is said that the water of Marah “followed them in wilderness forty years and went up to the mountain with them and went down into the plains.” The same three divine gifts are noted together in the final mention of the well, in LAB 20:8, where the well of the water of Marah is said to have been given for Miriam.

This tradition as formulated in LAB 11:5 is similar to the tradition as found in the Palestinian Targum of Num 21:16–20. Here the Hebrew text has reference to a well, followed by a series of place names. In the Aramaic paraphrase the place names are interpreted as common nouns; the Hebrew text itself disappears to give a coherent midrash on the well. I give the Palestinian Targum text of Num 21:16–20 in the translation of Neofiti (Italics denote targumic paraphrase).\(^76\)

(16) And from there the well was given to them. This is the well of which the Lord said to Moses: “Gather the people together and I will give them water.” (17) Then Israel sang this song of praise: “Spring up, O well!”—They sang to it; and it sprang up. (18) It is the well which the princes of the world, Abraham, Isaac and Jacob, dug from the beginning; the intelligent ones of the people perfected it, the seventy sages who had been set apart; the scribes of Israel, Moses and Aaron, measured it with their rods; and from the wilderness it was given to them as a gift. (19) And after the well had been given to them as a gift, it went on to become for them swelling torrents. And after it had become swelling torrents, it went on to go up with them to the tops of the mountains and to go down with them to the deep valleys. (20) And after it had gone up with them to the tops of the high mountains and had gone down with them to the deep valleys, it was

\(^{75}\) In the translation of Harrington, “Pseudo-Philo,” OTP 2, 317.

\(^{76}\) Translation by McNamara, Targum Neofiti 1: Numbers, 119–121.
hidden from them in the valley which is at the boundaries of the Moabites, the top of the height which looks out opposite Beth Jeshimon.

The text given is that of Neofiti, with which the Fragment Targums agree almost verbatim, and Pseudo-Jonathan differs but little. Onqelos Num 2:19 has the same paraphrase: “Now since it was given to them, it went down with them into the valleys, and from the valley it went up with them to the high country.” The paraphrase of Num 21:19 is also found in t. Suk. 3:11, “travelling with them up the mountains and going down with them to the valleys,” going on to cite Num 21:17–18 and 21:19–20.77

That this tradition was well known in Palestine in Jesus’ day seems highly probable. Paul (1 Cor 10:4) refers to it, possibly in a slightly variant form (a rock following). In t. Suk. 3:11 the tradition on the well following is found in conjunction with other biblical references to wells and water. This, and other water marvels, were apparently recalled during the ceremony of the carrying of water at the feast of Tabernacles.

4.2. The “Hour of Distress” in the Palestinian Targums and “the hour” of Jesus in the Fourth Gospel78

It is agreed that “the hour” (ἡ ὥρα μου) is a central theme in the Fourth Gospel. At the beginning of the “Book of Signs” (John 2–12), at Cana Jesus told his mother that his hour had not yet come (John 2:4), At the Feast of Tabernacles his enemies tried to arrest him, “but no one laid hands on him for his hour had not yet come” (John 7:30). Towards the end of the Book of Signs, just before his passion Jesus declares: “The hour (ἡ ὥρα) has come for the Son of Man to be glorified. . . . Now my soul is troubled and what should I say—Father, save me from this hour? No, it is for this reason that I have come to this hour. Father, glorify your name” (John 12:23, 27–28). The “Book of Glory” in John’s Gospel (John 13–20) begins (13:1) reminding the reader that “Jesus knew that his hour (συντό ἡ ὥρα) had come to depart from the world and go to the Father.” Jesus’ “hour” was his death, and glorification on the cross, when he committed his mother to the care of the Beloved disciple. “From that

78 See McNamara, Targum and Testament. 143f.; Morrison, “The ‘Hour of Distress’.”
hour (ἀπ' ἐκείνης τῆς ὥρας) the disciple took her into his own home” (εἰς τὰ ἴδιὰ, John 19:27). Jesus’ “hour” of his passion and death was an hour of distress, although this word is not used in the Fourth Gospel. Jesus’ soul is troubled, and he asks whether he should request the Father to save him from “this hour,” and answered his own question: “No, for this purpose I have come to this hour” (John 12:27).

In the context of this Johannine theme I believe the similar theme of “the hour of distress” in the Palestinian Targums may be informative and merits consideration. The theme of “the hour of distress” seems to be particularly developed in Tg. Neofiti. However, it seems preferable not to begin with Neofiti, but with the texts that are common to all the witnesses of the Palestinian Targum tradition. For this we have two well developed midrashic expansions, quite independent of one another. One is the “Aqedah,” the Binding of Isaac in Tg. Gen 22, particularly in the prayer of Abraham in Gen 22:14 at the end of the midrashic account of the sacrifice of Isaac. Abraham’s prayer is given rather briefly in Tg. Ps.-J. as follows:

Abraham gave thanks and prayed there in that place and said: “I beseech, by the mercy from before you, O Lord! It is manifest before you that there was no deviousness in my heart, and that I sought to perform your decree with joy. Therefore when the children of Isaac my son enter the hour of distress (אניקי לשעת), remember them and answer them and redeem them.79

It is worth noting that here, and in all the Pal. Tg. texts of Gen 22:14 (except Neof. with ינקים, אנקים) the word used for distress, אנקים, is the Greek loan word ἀνάγκη, used more often in the form ἀναγκὴ or אנקיה. This is also true of the midrash in Tg. Pal. Gen 38:25, to which we shall come later.

Tg. Neofiti has a more expansive form of the midrash. It reads:

And Abraham worshipped and prayed in the name of the Memra of the Lord and said: I beseech by the mercy that is before you O Lord—everything is manifest and known before you—that there was no division in my heart the first time that you said to me to offer my son Isaac, to make him dust and ashes before you; but I immediately arose early in the morning and diligently put your words into practice with gladness and fulfilled your decree. And now, when his sons are in the hour of distress (בשעה ענק) you shall remember the Binding of their father Isaac, and

listen to the voice of their supplication, and answer them an deliver them from all distress (עָקָה)...  

Frg. Tgs. VNL agree with Nf, slight variations apart: “when the children of Isaac enter the hour of distress (בְּשֻׁעַתּוֹ אָנָנִךְ)... and redeem them from every distress (וָאָנָנִךְ)...” Similarly Frg. Tg. P: “in the hour (בְּשֻׁעַתּוֹ) that you said...When the children of my son Isaac enter the hour of distress (בְּשֻׁעַתּוֹ אָנָנִךְ)...and save them from every tribulation (עָקָה)...”  

A marginal gloss to Neofiti is almost identical with P, including the terms for “distress,” “tribulation”—  

There is another important occurrence of the theme in a text in no way connected with the Aqedah. It occurs in a lengthy midrashic development in Tg. Neof. Gen 38:25 (also verbatim in P, V, N.L.; in part in Tg. Yer.) on Tamar’s discourse as she was being brought out to be burned.  

The text of Ps.-J. reads:  

She (Tamar) lifted up her eyes to the heavens on high and said: “I beseech by the mercies before you, O Lord, answer me in this hour of my distress (בְּשֻׁעַתּוֹ אָנָּנִךְ), and enlighten my eyes that I may find the three witnesses...”  

The relevant section in Tg. Neof. for our purpose reads:  

She (Tamar) lifted up her eyes on high and said: “I beseech by the mercies from before you, O Lord, You are he who answers the afflicted in the hour of their affliction81 answer me in this hour, which is the hour of my affliction82...”  

The midrash is in Frg. Tgs. PVNL also, with insignificant variants: P: “in this hour which is the hour of my distress” (as in CTgE),82 VNL similar to CTgE: “You are the God who answers the distressed in the hour of their distress; answer me in this hour which is the hour of distress” (or: “of my distress”).83  

The midrash is preserved with slight variations in two targum manuscripts of the Cairo Genizah, CTgD and TgE. Thus in CTgD: “…You are the Lord who answers the prayer of the oppressed (or ‘distressed’)

80 Translation by M. McNamara, Targum Neofiti 1: Genesis, 177. On the midrash see Menn, Judah and Tamar, 236.  
81 עָקָה בְּשֻׁעַתּוֹ אָנָנִךְ.  
82 בְּשֻׁעַתּוֹ אָנָנִךְ.  
83 עָקָה בְּשֻׁעַתּוֹ אָנָנִךְ.
in the hour of their oppression (or: ‘distress’) answer me in this hour, and I will set up for you three righteous men…” the relevant section of CTgE reads: “I beg mercy from before you, O Lord, God; answer me in this hour which is the hour of my distress.”

The phrase occurs seven times in Tg. Neof. outside of translation texts, “distress” being expressed by one of three synonyms — the latter a Greek loanword — and — Gen 22:10, Neof. marg. (not in PVNL), Isaac says to Abraham: “[Father, tie me well, lest] in the hour of my distress, I move convulsively…”; Gen 35:3, text in Neof. only); Lev 22:27, Neof. only; non in TJ; Deut 20:19, Neof. only; non in TJ; Deut 32:15, Neof. only; non in TJ.

The fundamental texts are in the midrash of the binding of Isaac (cited above). This was Isaac’s “hour of distress,” and was intended to serve as a reminder to God to come to the aid of Isaac’s children in their hour of distress. Jacob expresses his intention to build an altar to the Lord at Bethel who answered him the hour of his affliction (, Gen 35:3, Neof. only). In a lengthy midrashic development on Lev 22:27 (Neof. only) with mention of a bull or sheep or goat as an offering, the mention of the “sheep” is linked with the lamb Isaac; his Aqedah is recalled, and Isaac’s children are seen as praying in “the hour of their affliction” saying: “Answer us in this hour… and remember in our favour the Aqedah of Isaac our father.” The phrase “hour of his/its trouble” is used in Neof. Deut 20:19 (Neof. only) in relation to tree under siege, and in Neof. Deut 32:15 (Neof. only; not in other Pal. Tg. texts) in an additional paraphrase: “they denied the fear of the Strong One who had redeemed them in the hour of their trouble”.

**Conclusion.** The expression “hour of distress” is found in all texts of the Palestinian Targums in two well-established midrashim: the Binding of Isaac (Gen 22:14) and the prayer of Tamar (Gen 38:25). One can justly presume that it has a long history in Jewish piety. The “hour of distress” is one in which God can be called on to answer and to help, to save the petitioner from the obvious danger. Abraham prayed that God would remember the Sacrifice of Isaac and so answer. It is

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84 See the edition and translation by Klein, *Genizah Manuscripts*, vol. 1.
86 Note that this midrash seems to suppose the destruction of the Temple.
legitimate to postulate a link between such a tradition and the theme of Jesus’ “hour” in the Fourth Gospel. In the trouble of his soul Jesus asks whether he should ask the Father to save him from this hour. A voice from heaven answers (see John 12:27–28).

4.3. The Second Death

This phrase “second death” (δεύτερος θάνατος) is used four times in the Apocalypse, but is found nowhere in Jewish literature outside the targums. An expression used four times (Rev 2:11; 20:6, 14; 21:8) must have been current coinage when the Apocalypse was being composed, in certain circles at least. Since we find the designation used in contexts speaking of such Jewish and Christian themes as the resurrection, general judgment and eternal punishment it is evident that its origins are not to be sought in Hellenistic religion. The expression must have come from Judaism, unless it was coined by Christianity.

The texts in Revelation of John are as follows:

– 2:11 (the end of the Letter to the church at Smyrna): “Whoever conquers will not be harmed by the second death;”
– 20:4–6 (of the thousand year reign): “Those who had not worshipped the beast or its image... came to life and reigned with Christ a thousand years. This is the first resurrection. Blessed and holy are those who share in the first resurrection. Over these the second death has

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88 As noted in McNamara, The New Testament, 118, n. 74, the expression δεύτερος θάνατος occurs also in Plutarch, De facie in orbe lunae 27.6 (= Mor. 942F): “Into that field none of the wicked or impure comes; the good are taken there after death. They enjoy a most easy life, which is not, however, blessed or divine until the second death (ἂχρι τοῦ δευτέρου θανάτου).” The text has been noted as a parallel to the Apocalypse by H. Almquist in Plutarch und das Neue Testament, who cites the passage and comments as follows (p. 139): “Die Vorstellung von des δεύτερος θάνατος ist bei Plut. wie im N.T. (vgl. Apk. 20,6,14; 21,8) mit dem Glauben an Auferstehung und Gericht verbunden.” The coincidence of the expression in Plutarch and in the Apocalypse is purely external; the sense is totally different. In the context (De fac. lun. 28.1 = Mor. 943A) Plutarch considers man as being composed of three elements, body (σῶμα), soul (ψυχή) and intelligence (νοῦς) and shows how he believes intelligence becomes liberated from body and soul and reaches happiness. The body is supplied by earth and the soul by the moon. The first death on earth liberates the composite from the body; after some time soul and intelligence of the just come to dwell in partial happiness on the moon. (It is to this state the text cited from Mor. 942F refers). On the moon, which supplied the soul, intelligence becomes liberated from the soul, which dies, and intelligence then goes to perfect bliss on the sun. Pace H. Almquist, resurrection is as foreign to this text of Plutarch as it is to Greek thought in general. For the notion that souls dwell on the moon after death cf. P. Capelle, De luna, stellis, 1–18.
no power, but they will be priests of God and of Christ, and they will reign with him a thousand years."

- 20:13–15 (after the judgment): “Death and Hades gave up the dead that were in them and all were judged according to what they had done. Then Death and Hades were thrown into the lake of fire. This is the second death, the lake of fire; and anyone whose names was not found written in the book of life was thrown into the lake of fire.”

- 21:8 (in the vision of the New Heaven and the New Earth): “But as for the cowardly, the faithless the polluted, the murderers, the fornicators, and all liars, their place will be in the lake that burns with fire and sulfur, which is the second death.” The vision of the New Jerusalem (cf. Ezek 48:30–35) follows immediately.

The corresponding Jewish expression for “second death” is מתת שניו in Hebrew and מתת תぽיא in Aramaic. Paul Billerbeck⁸⁹ notes that the Hebrew designation is found only in the late work, the Pirqa de-Rabbi Eliezer 34 (18a). This writing is dated to the beginning of the 9th cent., which makes its use as a parallel for the NT passages of no great value. The Aramaic expression for “second death” is found only in the targums, as has been noted by Billerbeck.⁹⁰ Billerbeck also remarks that although other Jewish writings do not contain the terms they do have the concept of “second death” which bears either of two meanings: (a) Exclusion from the resurrection, i.e. remaining in the grave; (b) Passing to eternal damnation. Billerbeck gives only two examples from the Targums, Tg. Jer 51:39, 57, and both in illustration of meaning (a) of the expression. Both are taken from a chapter containing an oracle against Babylon. There are four other texts, one in Deut 33:6 and three in Tg. Isaiah. We shall take them in order.

The text of Deut 33:6 is the only occurrence of the phrase in the entire Pentateuch. It is noteworthy that all targum texts carry the phrase. This may be because the biblical text was a classical one in rabbinic rabbinic Judaism for “proving” the “resurrection” (“vivification”) of the dead from the Pentateuch. The HT (NRSV) reads; “May Reuben live and not die, even though his numbers are few.” As already noted, this is a classic locus theologicus in rabbinic Judaism for proving the resurrection

⁹⁰ Kommentar, III, 830.
(or in rabbinc terminology, “vivification”) of the dead from the Pentateuch. In the Talmud (b. Sanh. 92a) we read:

Rabba (BA4, c. 352 CE) said: How do we prove the vivification of the dead from the Torah? He said: May Reuben live and not die (Deut 33:6). Let Reuben live—in this world; and not die—in the world to come.

tg. Onq. paraphrases this text as: “May Reuben live an everlasting life and not die a second death.”
tg. Neof. is more explicit: “May Reuben live in this world, and not die in the second death (במותנה) in which the wicked die in the world to come.” Similarly in all the other texts of the Pal. Tg., and in Ps.-J., using the term במותנה rather than בموتנה. בموتנה means “plague,” “pestilence,” rather than “death,” but may also mean “death,” a sense in which it is to be taken in the Neofiti text.

We may now turn to the texts from Tg. Prophets, first turning to Tg. Jer 51:39. The HT of this passage has: “While they are inflamed I will prepare for them a feast and make them drunk so that they swoon away and sleep a perpetual sleep and awake not, says the Lord.” The Tg. paraphrases as follows: “I will bring distress upon them and they shall be like drunken men, so that they shall not be strong and they shall die the second death, and shall not live for the world to come.” The same idea is expressed a little later in Tg. Jer 51:57 in a parallel oracle on the princes and wise men of Babylon, where the HT “They shall sleep a perpetual sleep and not wake” in rendered: “They shall die the second death and shall not live for the world to come.”

There are three occurrences of the phrase in Tg. Isaiah. The first is Isa 22:14, which is an oracle directed against Epicurean-minded Jews whose motto is: “Let us eat, drink and be merry for tomorrow we die”

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91 In the translation of Grossfeld, The Targum Onqelos to Deuteronomy, 104, with note 15 containing further targumic and rabbinc texts. See also the note on this text by E.G. Clarke on Tg. Ps.-Jon. Deut 33:6: in Clarke, Targum Pseudo-Jonathan: Deuteronomy, 98 (n. 28).

92 Sokoloff, A Dictionary, 297 for the word במותנה gives the meanings “plague, pestilence, death,” but renders Nf Deut 33:6 כמותנה תImmune, as “in the second plague,” although he understands כמותנה of Tg. Nf. Exod 10:17 as “death” (HT has מוות), and likewise the same term in Frg. Tg. ms P Num 16:1, and (in plural) Frag. Tg. Num 23:10. Kaufman and Sokoloff, in A Key-Word-in-Context, 878 arrange all occurrences of the word כמותנה in Neofiti text and margins (including Deut 33:6) under the two headings “plague, pestilence”

To this, in the HT, the Lord replies: “Surely this iniquity will not be forgiven you till you die” (Isa 22:14). The Tg. paraphrases: “This sin will not be forgiven you until you die the second death.”

The final two examples are from Tg. Isa 65 in which the biblical author is moving towards the end of his composition. In the section 65:1–16 Yahweh has both a speech of judgment and a speech of assurance. Yahweh declares himself near, but some refuse to approach him, one group saying that he is too holy. The Lord responds: “These are a smoke in my nostrils, a fire that burns all day long (65:5). See, it is written before me: I will not keep silent, but I will repay; I will indeed repay into their laps their iniquities and their ancestors’ iniquities together…. The Tg. renders Isa 65:5–6): “Their retribution is in Gehenna where the fire burns all the day. See, it is written before me: I will not give them respite during (their) life, for theirs is the retribution of their sins and I will hand over their body to the second death.”

In the HT the final text to be considered (Tg. Isa 65:15) is in a context in which the divisions of the Jewish community seem quite clear. There are those addressed by Yahweh as “you” (unfaithful ones) and others as “my servants” (Isa 65:13–16). The entire section 65:1–16 is a summons to the community of faith to decide. Those who seek the Lord will be blessed with life; those who reject him have a different destiny. The passage leads on (65:17–25) to God’s promise of a new heaven, a new earth, a new Jerusalem. In Isa 65:15 God addresses his people: “You shall leave your name to my chosen (to use) as a curse and the Lord will slay you; but his servants he will call by a different name.” The Tg. renders faithfully, apart from paraphrasing the ending as: “and the Lord will slay you with the second death and his servants the righteous he shall call by a different name.”

As a conclusion to this consideration on the “second death” in the Apocalypse and in the targums, I may be allowed to repeat my earlier observations on the topic.94

It is not easy to say what precise meaning we are to give to “the second death” in this context [of Tg. Isa 65]. It may mean that the impious are excluded from the resurrection and the enjoyment of life in the new creation God is about to bring about. It could also mean eternal damnation, as this too implies exclusion from the life of bliss which is promised in the context.

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Isa 65 is referred to a number of times in the NT. Paul cites vv. 1f. as the complement from the Prophets to his texts from the Torah (Deut 32,21) when he shows that Israel’s blindness and culpability in not receiving the Gospel were foreshadowed or predicted in the OT (Rom 10,20f.).

When Rev 2:17 (cf. 3:12) says Christ is to give a new name to his faithful ones he probably refers to Isa 65:15. He is certainly referring to Isa 65:17.19 when he speaks of the creation of the new heavens and the new earth and the new Jerusalem in Rev 21:1.4. In Rev 20:14–21:4 John is thinking against the background of Isa 65:15ff. It appears from this that in 20:14 has passed from the biblical text of Isa 65:15 to the manner in which this was understood in the liturgical paraphrase which we still find in the targum to this verse. This would indicate that in this section of the targum, and probably in the others which we have considered, we are in the presence of pre-Christian paraphrases which have influenced the thought and terminology of the Apocalypse.

That the author of the Apocalypse should draw heavily on a liturgical paraphrase is but natural. The liturgical colouring of this work is very pronounced. As B. Stauffer has written on “John’s” relation to priestly tradition: “The Baptist’s disciple John is an apocalyptist cast in a levitical-liturgical mould just as Gamaliel’s disciple Paul is an apocalyptist cast in a rabbinic-dialectical mould.”

5. General Conclusions

For almost four hundred years scholars have made use of the Aramaic translations of the Hebrew Scriptures (that is Targums) in the study of the NT, and from the very beginning of that period questions have been raised as to the legitimacy of such an approach, given the uncertainty as to the date to be assigned to these writings.

In recent decades there has been a decided move away from the use of both targums and rabbinic literature in NT studies due to a variety of circumstances, largely because of the literary criticism of rabbinic literature and the finds of the Dead Sea Scrolls at Qumran.

Targumic studies are a flourishing branch of research in its own right, even though the bearing of targums on an understanding of the

95 Stauffer, New Testament Theology, 41f.
NT tends to be neglected. In more recent times their value in this field tends to be becoming more appreciated once again.

In this paper I have covered briefly the history of targumic research in relation to NT studies over the centuries, stressing the current attempts to arrive at a methodology in this branch of study. I have then given some examples of what I believe are areas in which these paraphrases of the Hebrew Bible, in language, vocabulary and themes are not without relevance for an understanding the Gospels and other NT texts. By reason of the constraints of space, the choice was of necessity limited. A fuller treatment would require a full monograph, or at least a volume specifically dedicated to the subject, one which the present writer intends to produce in the near future, as he revisits his earlier treatment of the matter in *Targum and Testament* (1972).
Although in the history of twentieth century scholarship the extent and significance of Jewish mysticism in the formative years of earliest Christianity before the destruction of the temple has generally been marginalised, it is a brave voice that would now deny its existence. For the majority view there are definite lines of continuity between the mysticism of the pre 70 CE period and the intimations of mystical practice and speculation attested in the later rabbinic literature and cognate texts (the merkabah and hekhalot literature). There is not space here for a comprehensive discussion of the fascinating issues raised by these three phenomena—late Second Temple mysticism, earliest Christianity as attested in the New Testament (and, we might add, other non-canonical literature), and rabbinic Judaism. In this paper I offer the evidence to substantiate the majority view and some discussion of the NT and the rabbinic attitude towards mystical theology and practice.

1. The evidence for a Jewish mysticism in the first century

We should start with an inventory of the evidence for active mystical practice in the first century Jewish world. To this end, we must consider first the parameters of historical evaluation: the place and prominence we assign to “mysticism” depends on what we think mysticism is, or was. There are minimalists and there are maximalists. Although the maximalists are in the minority—at least amongst those actively studying and writing about the phenomenon—their case is only properly appreciated when certain anachronistic views of mysticism are excluded from discussion. Without entering a detailed discussion of what mysticism

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1 For the editio princeps for the hekhalot literature see P. Schäfer, Synopse zur Hekhalot-Literatur.
2 For the impact of Jewish mysticism on the Gospel of Thomas see A.D. Conick, Seek to See Him: Ascent and Vision Mysticism in the Gospel of Thomas.
is, some reflections on what it is not, during this historical context, are now needed.

We should not limit ourselves to a narrow definition of mysticism in terms only of an individual’s (perceived or real) altered states of consciousness; as if a routine, liturgical, experience of the heavenly, angelic world does not qualify. In the Jewish sources a routine, liturgical, encounter with heavenly and divine (or mystical) realities and the individual’s experience of “ecstasy” are closely connected and there is no evidence that Jews in antiquity sought to differentiate the two so that we can speak of one as “mystical” and the other “non-mystical.” Ecstatic experiences take place in the cultic space and at prescribed liturgical times (for example, Luke 1:8–23; Acts 22:17–22; Josephus, Ant. 13:282–83; Liv. Pro. 23; b. Yoma 39b; b. Ber. 7a). This is natural because the Jewish temple offers a privileged access to the cosmos, to the divine world and identity.

Secondly, mysticism cannot be detached from the usual practices of textual interpretation and from tradition. “Genuine” mysticism is not thoroughly invasive—a view which belies a commitment to a particular kind of theology that requires revelation to be wholly extra nos, nor is it necessarily the product of certain “techniques” of ecstasy, which are designed to render the experience “automatic.” It certainly occurs within and is explained through, a particular community’s epistemological framework, and it can be nurtured by the thoroughly intellectual activity of textual study (as well as through ritual and ascesis).

Thirdly, neither is mysticism essentially a private, individualistic affair. In the modern period, perhaps under the influence of certain Western Christian assumptions, mysticism is treated as essentially, like “magic,” heterodox and anti-institutional. I can see no evidence for this interpretative grid in the Second Temple period: lines of religious demarcation and conflict are drawn between communities and communities, institutions and institutions, not between individuals and communities or institutions. The one clearly attested social context for

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3 For that kind of narrow definition see, for example, C.A. Newsom, “Mysticism,” 591–94.
mystical texts and praxis—the Qumran community—illustrates this point very well.5 Neither is there much evidence in the Second Temple period for an esoteric mystical tradition and secret techniques of ecstasy: mystical traditions were shared among the wider communities to whom the “mystical practitioners” belonged and the ritual practices that contributed to mystical experiences were associated with the publicly available and historic canons of cultic and cultural behaviour (rooted in “scripture”).6 Advocates of widespread mystical speculation in the Judaisms of late antiquity have sometimes weakened their case with an unwarranted penchant for the esoteric and necessarily subversive.

Fourthly, there are a number of reasons why Jewish mysticism has wrongly been judged otherworldly and apolitical; offering a flight from history and quotidian realities rather than an engagement with them. The individualistic and essentially esoteric view of mysticism contributes to this misapprehension, but it also has deeper theological roots. Scholarly discussion is sometimes blighted by the presumption that biblical and ancient Jewish theology has “an unbridgeable ontological gap between the Creator and the created”7 and, insofar as apocalyptic literature has been judged a witness to Jewish mystical practice, the theology of early Jewish mysticism has been implicated with a thoroughly dualistic theology. This means on the one hand that, from the outset, it is assumed that there is not likely to be any genuine communion, let alone union with the divine in Jewish mysticism. And on the other hand, this has the effect of removing Jewish mysticism from the regular processes of society and politics since it is assumed that Jewish mysticism believed that God alone, not his earthly agents—the mystics, are responsible for divine action in history. The early Enoch texts illustrate this point since they are both “apocalyptic” and also regularly taken as evidence of an early Jewish mysticism. As texts witnessing to the phenomenon “apocalypticism,” they have been judged essentially dualistic,

5 Despite his acknowledgement that mysticism has a ‘communal dimension’ P. Alexander continues to think that, given its esoteric interests the outward, public stance of the mystics is in fact ‘paradoxical’ and that ‘sociologically speaking, mysticism tends to be counter-cultural….it often exists on the margins of society’ Alexander, Mystical Texts, 9–10.
6 The early Enoch material in 1 Enoch 1–36 that was widely read and by no means confined to a particular sectarian readership illustrates this point. For a critical assessment of the evidence some have adduced for an esoteric mystical tradition and techniques of ecstasy see M. Himmelfarb, “The Practice of Ascent in the Ancient Mediterranean World,” 123–37.
7 So, for example, Alexander, Mystical Texts, 8, 29 and 105.
both spatially and temporally, and this is reflected in the way in which they are seen to offer, through mysticism, an alternative sphere of divine encounter to the very earthly one offered by Moses and Torah. Older scholarship has seen apocalypticism as universalistic, with the expectation of redemption focused on a heavenly—that is thoroughly superhuman—redeemer, the Son of Man of the *Similitudes of Enoch* and *4 Ezra*. By contrast “mainstream” Jewish piety maintains the theology of the biblical prophets whose hope is centred on the nation, the restoration of the Davidic kingship and the temple through human agency. I have discussed this “dualistic” paradigm of interpretation elsewhere and explained why I think it is misguided. Its effect is, inevitably, to reinforce the impression that mystical practices stand at the margins of first century Judaism. However, because the apocalypses and associated mystical texts are not dualistic—because they affirm and work within the thoroughly this worldly, Torah-pious, temple-centred, beliefs and hopes of the nation, the “mysticism” they attest was mainstream and integral to Jewish life and history.

With these conceptual judgements in mind we are in a position to fully appreciate the extent of Jewish mysticism in the sources, to which we now turn.

1.1. *The Apocalypses*

Most non-Christian Jewish Apocalypses cannot be taken as direct evidence for, let alone a record of, the visionary experiences of isolated individuals who ascend to heaven, tour the cosmos and encounter interpreting angels. As M. Himmelfarb has rightly stressed the apocalypses recount experiences which, though “mystical” in appearance, are firmly embedded in particular pseudepigraphical, fictitious narrative contexts. The visions and ascents in these texts cannot be abstracted from their context as evidence for the actual experiences of their real authors (and intended readers). However, these narrative contexts do provide concrete evidence that the visions ascribed to their heroes reflect the kinds of experiences Jews believed were possible *in and*
through the very corporate setting of temple worship, and through the special privileges and identity of the priesthood.\textsuperscript{11} In particular, accounts of heavenly ascent are best treated as witness to the kinds of encounter with the divine world and cosmos that is possible for priests who have privileged access to God’s sanctuary.\textsuperscript{12} The high priest enters the holy of holies at Yom Kippur, just as Enoch ascends to the Great Glory to deal with the demonic outbreak led by Asael/Azazel, for example. We should endorse, therefore, the view of those, following G. Scholem (e.g. I. Gruenwald, C.C. Rowland, M. Mach and C.R.A. Morray-Jones) who have seen considerable continuity between the Jewish apocalypses and later \textit{merkabah} and \textit{hekhalot} mysticism with the one caveat that the former at least have a concrete setting in Israel’s temple cult whilst the latter to a considerable degree detached itself from that Second Temple life setting.\textsuperscript{13}

1.2. Historiography and related texts

The historiographical texts (Josephus’ writings, for example) do not record autobiographical accounts of the visionary experiences of those who believed they followed in Enoch’s footsteps. But we have plenty of circumstantial evidence in such sources that apocalypses reflect the visions Jews (believed they) received in the cultic context. Starting with the OT prophets, Isaiah (Isa 6) and Ezekiel (Ezek 1, cf. 8–11, 40–48) see the Lord on the throne that occupies the inner sanctuary (see also Zechariah’s visions in Zech 1–4). Such visions should be coupled with biblical texts (and their “post-biblical” retellings) that describe the “incubation” of dream visions at Israel’s sacred sites.\textsuperscript{14} The reception of a dream vision at a cultic site in association with practices that could either be regarded as cultic or mystical, is well attested in the apocalypses.

\begin{footnotesize}
\textsuperscript{12} We do not, \textit{pace} Newsom, “Mysticism,” 592, have to choose between the ‘the apocalyptic ascent tradition’ and the ‘priestly and temple traditions’.
\textsuperscript{14} See Gen 28; 1 Kings 3, cf. 1 Sam 3.
\end{footnotesize}
and associated texts, as Frances Flannery-Dailey has recently shown. More broadly, Josephus reports that John Hyrcanus heard a divine voice in the sanctuary telling him of his sons’ victories on the battlefield (Ant. 13:282–83), that during the war with Rome visions of heavenly forces were closely associated with the temple and that he himself was able to divine by dreams because of his priestly credentials (J.W. 3:351–353). Similar texts from the NT (Luke 1:8–23; Acts 22:17–22), along with material in the Qumran Library, corroborate the impression that, whilst the Jerusalem Temple was standing it was both the concrete context and the inspiration for an active mystical spirituality, and that the majority of the texts which have hitherto been interpreted as a reflection of an ancient Jewish mysticism in this period belong firmly in that cultic world.

1.3. The Dead Sea Scroll Texts and the Qumran Community

The Dead Sea Scroll community did not write new apocalypses to supplement or rival 1 Enoch, Daniel and their biblical forebears. But they did cultivate a keen interest in matters that we have traditionally judged “mystical”: the life—the worship, order, names and powers—of the angels; the ongoing preservation and interpretation of “canonical” visionary and ascent texts (Ezekiel, 1 Enoch, Daniel, the Aramaic Levi Document and traditions surrounding the primeval patriarchs Noah) and the vision of God’s Glory. Within the Qumran Library we have a collection of texts which justly deserves the label “mystical” and here the cultic context comes especially to the fore. And the sectarian

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15 F. Flannery-Dailey, Dreamers, scribes, and priests: Jewish dreams in the Hellenistic and Roman eras, esp. 52–53, 127–128, 147–152, 156–164, 189–91, 197–201. The clearest examples are Jaddua’s dream in Josephus, Ant. 11:326–328; 1 En. 13–14, 2 Bar. 34–36, but see also ALD 1a–1b and 2 En. 69:4–6. Are the mantra-like prayers that Enoch prays in 1 En. 13:4–7 ‘mystical’ as their parallels in later hekhalot texts would suggest, or are they cultic and to be compared to the kind of ‘Festival Prayers’ now attested among the DSS (compare for example 1 En. 13:4–7, with 4Q4Q509 (Festival Prayers) frag 12 i + 13)? The distinction is perhaps an unnecessary one for the literature of the Second Temple.

16 See further the treatment of passages from Pseudo-Philo’s Biblical Antiquities below and, though without close association to the temple, T. Job discussed for its mystical content by P.W. van der Horst, “Images of Women in the Testament of Job,” 93–116 (106–113) and R. Lesses, “The Daughters of Job,” 139–149.


18 See now, with references to older secondary literature, Alexander, Mystical Texts.
seem to have regarded the older “canonical” apocalypses as in some sense exemplary for their own mystical exploits: the Qumran library has now yielded one text from the pre-Christian Jewish context that describes the ascent to heaven that was experienced directly by its readers. This is the *Songs of the Sabbath Sacrifice* (4Q400–407 + 11Q17 + Mas1k), that must be read alongside other texts that presume the ascent experience and its results.¹⁹ The *Sabbath Songs* are important for many reasons, not least because they set the experience of ascent, vision of God’s Glory and his throne in the text of a liturgy that is to be experienced, not by a lone para-institutional seer, but by the worshipping community in one harmonious heavenly company. So the *Sabbath Songs* are both like—in that they describe ascent climaxing in vision of God—and unlike the later *merkabah* and *hekhalot* texts that do seem to offer each individual mystic a ladder into heaven.²⁰ There are indications that the liturgy expresses some beliefs distinctive of the Qumran community and movement. But nothing demands that, in essence, this ritualised, communal, ascent is somehow the product of a sectarian consciousness. Indeed, it is possible that it contains much older liturgical material that was used in the Jerusalem temple.²¹ Less explicit in its account of ascent but equally significant in other ways is material in the *Hodayoth* collection. In the Self-Glorification Hymn (4Q491c, 4Q427 frag. 7; 1QH³ 25:35–26:10; 4Q471b + 4Q431 i) the psalmist speaks not only of his ascent to heaven, but probably alludes to details of his experience which anticipate defining features of later texts from the rabbinic period; ascesis as preparation for ascent and physical enlargement (like that described for Enoch in 3 *Enoch* 9) as its result.²²

¹⁹ Heavenly ascent in the *Sabbath Songs* has been denied by some interpreters (e.g. Newsom, “Mysticism,” 592–93), but see Fletcher-Louis, *All the Glory of Adam*, 252–394, esp. 264–267, 382–388 and Alexander, *Mystical Texts* 28, 118–119. For a fuller survey of related texts see Davila, “Heavenly Ascents,” and Alexander, *Mystical Texts* 74–120.

²⁰ *Hekhalot Rabbati* 15:2 (Synopse §199). For the similarities and differences between the *Sabbath Songs* and later rabbinic-period mystical material see further Fletcher-Louis, *All the Glory of Adam*, 259, 265–66, 392; Alexander, *Mystical Texts*, 13–44, 122–138. Newsom (Newsom, “Mysticism,” 594) says that, by comparison with the synagogue liturgy and later *hekhalot* literature the Qedushah is conspicuous by its absence from the *Songs*. But the Qedushah probably figures in the VIIth Song (see Fletcher-Louis, *All the Glory of Adam*, 334–335).

²¹ Fletcher-Louis, *All the Glory of Adam*, 276–77.

²² Fletcher-Louis, *All the Glory of Adam*, 212–216.
Mysticism is regularly judged irrational and wild.\textsuperscript{23} Not surprisingly, many in the modern guild of New Testament scholarship have been leery of the suggestion that mysticism played a prominent role in the formation of early Christianity.\textsuperscript{24} Thankfully, in the last couple of decades there has been greater openness to its importance and a steady stream of studies now discusses its role in the formation of the texts. Indeed, the NT is probably our most significant witness to the presence of mystical traditions in pre 70 CE Judaism.\textsuperscript{25} Passages and themes that are likely to be the product of mystical experience and thinking, either by way of a Jewish influence or as a result of the life of Jesus himself and the lives of his disciples are principally the following.

1.4. Synoptic Gospels

In the synoptic gospels, the Baptism, Temptation and Transfiguration stories all ascribe to Jesus experiences that place him within the matrix of Jewish mystical tradition.\textsuperscript{26} Around these three defining experiences we might arrange a penumbra of other texts or motifs in the synoptic portrayal of Jesus: his “signs and wonders,” especially his interaction with the demonic realm and his claim to extra-ordinary revelation, isolated accounts of visionary activity (Luke 10:18; 22:43–44) and other passages which have plausibly been interpreted as a direct or indirect reflection of mystical experience.\textsuperscript{27}

Then to Jesus’ own experience should be added that of his disciples whose experience of Jesus at the Transfiguration gives them an encounter to rival that of an Enoch or Qumran community worshipper among the heavenly host. The disciples’ experiences after his death echo those of his family before his birth, a point that is made particularly forcibly by Luke who sets up Jesus’ final ascension and priestly blessing in Luke

\textsuperscript{23} See, for example, the comments on the \textit{hekhalot} material by Peter Schäfer, “Research on Hekhalot Literature: Where do we Stand?,” 229–235 (234).

\textsuperscript{24} The contents pages of standard New Testament Introductions and Theologies illustrate the scholarly lacuna.


\textsuperscript{27} For Jesus as visionary in diverse Lukan passages see D.M. Crump, \textit{Jesus the Intercessor: Prayer and Christology in Luke-Acts}. 
24:50–53 and Zechariah’s angelic visitation in Luke 1:6–20 as a inclusio around Jesus’ earthly life. George W.E. Nickelsburg has discerned in the material set at Caesarea Philippi a set of connections between apocalyptic-mystical traditions associated with Enoch, Levi and Mount Hermon and the synoptic depiction of Jesus as revealer of heavenly secrets. And, of course, besides these texts which attest concrete mystical experience in the synoptics there are parallels in many passages to the theology and images of the Jewish mystical tradition.

1.5. John’s Gospel

Although John’s gospel lacks a Temptation and Transfiguration story much has lately been made of the way in which mystical motifs are woven throughout the warp and woof of the text. Several distinctively Johnanine motifs echo themes attested in texts witnessing to contemporary Jewish mysticism: the theme of ascent to heaven and descent; the emphasis on the vision of God (that can now be attained simply by seeing, believing and following Jesus: 1:18, 51; 3:11–13; 6:46; 12:32, 41–42; 14:9, discussed further below) and the prominence given to the Name of God or his theophanic self-expression (“I am”). These texts suggest that John’s gospel (and the Jesus tradition before him) was consciously directed to the kind of Jewish mysticism attested in the apocalypses, in Dead Sea Scroll texts and in the, later, rabbinic-period material.

1.6. Pauline Corpus

Throughout Paul’s letters there is theological language that can be plausible derived from and is certainly comparable to the thought world of the Jewish mystical (and apocalyptic) tradition (esp. Rom 3:23; 8:17–18, 29; 2 Cor 3:16–4:6; Gal 1:12, 16; 4:19, Phil 3:10, 20–21). Both Paul’s experience of salvation and, in particular, his Christology are now thought to owe their impetus, in part, to first century Jewish


mysticism. A good case can be made for thinking that this “mystical” theology owes a great deal to his first “conversion” encounter with the Risen Jesus on the Damascus Road and that that was understood through the lens of a first century merkabah mysticism. It has been suggested—though there is no way of knowing this—that it was whilst he was engaged in meditation of the sort described in later rabbinic sources that he was stunned by the vision of the risen Christ on the Road to Damascus. At any rate, besides his conversion experience, both his letters (2 Cor 12; Gal 1:12, 16) and the Acts of the Apostles (Acts 16:9; 18:9–10; 22:17–22) testify to Paul’s mystical experiences.

The majority of NT scholars recognise that in 2 Cor 12:1–10 Paul recounts his own experience of ascent to heaven. As such this passage stands out as one of the most important witnesses to a mystical praxis in all of pre-Rabbinic literature. This is because the account testifies not just to one isolated experience but to many others: it probably implies similar experiences are claimed by Paul’s Jewish Christian(?) rivals with whom he contrasts himself (see 2 Cor 11:1–12:11), and it probably implies that the visionary experiences Luke ascribes to him in Acts mean that the apostle had a long career in mystical matters stretching back to his pre-Christian days.

Elsewhere in the Pauline corpus, the main body of the letter to the Colossians is best read as an argument that, in part, tries to persuade the readers that they should not be tempted away from singular devotion to Christ by the lure of claims to superior religious experience by non-Christian Jews engaged in worship that takes them up into the heavenly realm. Everything that is said in Col 2:16–23 is likely directed at a community of Jews that lived the kind of liturgical life attested in the Dead Sea Scrolls.

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31 For merkabah mysticism and early Christology see the survey and analysis in T. Eskola, Messiah and the Throne. Jewish Merkabah Mysticism and Early Christian Exaltation Discourse.
32 S. Kim, The origin of Paul’s gospel.
34 See generally A.F. Segal, Paul the convert: the apostolate and apostasy of Saul the Pharisee, 34–71 and “Beginning of Jewish Mysticism” and Rowland, “Mysticism.”
Colossians 2:18–19 warns:

Do not let anyone disqualify you, delighting in self-abasement and worship of angels (θέλων ἐν ταπεινοφροσύνῃ καὶ θρησκείᾳ τῶν ἄγγελων)—things he has seen on penetrating (the heavenly sphere) (ὑπὸ ἐμβατεύων)—vainly puffed up by the mind of the flesh (εἰκῇ φυσιούμενος ὑπὸ τοῦ νοὸς τῆς σαρκὸς αὐτοῦ) and not holding fast to the head, from whom the whole body, nourished and knit together through its joints and ligaments, grows with a growth that is from God.

Until recently the majority of scholars, interpreting the whole of Colossians in a non-Jewish or syncretistic context took “the worship of angels” as an objective genitive: the Colossians should not be tempted to worship heavenly beings. But there is now a near consensus that Colossians as a whole addresses concerns of a specifically Jewish kind and that, certainly in the immediate context of these verses it is a regular Jewish liturgical life (“festivals, new moons, or Sabbaths,” v. 16) and purity regulations (“matters of food and drink,” v. 16, “Do not handle, Do not taste, Do not touch,” v. 21, cf. v. 23) that threatens the Christian community. It would be surprising to find a community of Jews in Asia Minor worshiping angels since there is a strong scruple against such a practice throughout the biblical and later sources. And there is no unequivocal evidence that a community of Jews, in an overtly corporate setting, ever did anything that could be construed this way in the first century.36 So, since a seminal article by F.O. Francis, these verses have been set in the context of apocalyptic and Jewish mystical traditions that treasured a vision of and a participation in the worship offered to God by the angels.37 An interest in this heavenly worship is widely attested in apocalyptic and “mystical” texts of the period and the fasting that is perhaps in view in the ταπεινοφροσύνη of v. 18 also likely refers to the ascetic practices necessary to prepare for an ascension to and participation in the angelic world.38 On this reading, the genitive

36 The evidence for the worship of angels and a full-blown angel cult in the pre-Christian Jewish tradition is examined in L.T. Stuckenbruck, Angel Veneration and Christology. A Study in Early Judaism and in the Christology of the Apocalypse of John and, “‘Angels’ and ‘God’: Exploring the Limits of Early Jewish Monotheism,”), 45–70 with largely negative results. The texts Stuckenbruck adduces for occasional veneration of angels in a community setting are all problematic.


38 For texts that have fasting in preparation for vision and ascent see Francis, “Humility,” 168–69.
in θρησκείᾳ τῶν ἄγγελων is subjective, not objective. This reading is supported by the following expression which is naturally taken to refer, in apposition, to the things seen on entry into the heavenly world. If θρησκείᾳ τῶν ἄγγελων refers to the worship given by human beings to angels it is odd that that worship would be referred to as something worth seeing in a vision in heaven. On the other hand, the angels’ own worship (of God) is precisely the kind of thing that is seen and celebrated in heavenly visitations.

Colossians is a vital witness to the existence of the kind of mysticism attested in the scrolls in the Jewish communities of Asia Minor and, in all probability, geographically much more widely. Although Ephesians lacks explicit reference to the visionary experiences described in Colossians 2:18, both these Pauline letters are replete with language and theology redolent of the mystical tradition and each in its own way is written as a response to the perceived threat to the Christian community from that world.

1.7. Revelation

The book of Revelation has many parallels to Jewish apocalyptic and later mystical traditions, especially in its opening vision of God and the enthroned lamb (chs. 4–5). It purports to be the record of John’s actual experience and so is unusual for being a non-pseudepigraphical apocalypse. If we accept the text’s claim to an authentic religious experience, then it is a vital witness to the widespread presence of such visions in the first century Jewish and Christian world. It is labelled an “apocalypse” and so when Paul speaks in the same terms of experiences in his congregations (1 Cor 14:26; 2 Cor 2:10; 12:1; Gal 1:12, 16; 2:2) we are bound to think, not that Paul is necessarily referring to prophecies of the end of the world, but that he is referring to the kinds of experiences of the otherworld that is now attested in Revelation.

39 For θρησκεία followed by a subjective genitive see 4 Macc 5:7, 13; Josephus, Ant. 12:253.
40 For ἐμβατεύω referring to entry into the heavenly world see Francis, “Humility,” 173–175. The attempt by Stuckenbruck, Angel Veneration 111–119 to retain the objective genitive in θρησκείᾳ τῶν ἄγγελων relies on a strained sense of the verb ἑόρακεν ‘(which) they experienced’.
41 For a fine example of sensitive use of the Jewish mystical tradition in the reconstruction and interpretation of the conflict at stake in the Colossian and Ephesian letters see Goulder, “Visionaries.”
42 For recent discussion see Rowland, “Mysticism,” 409–413.
1.8. Philo and the Therapeutae

Traditions common to the apocalypses, rabbinic literature and their “mystical” portions have long been known. However, a proper, thoroughgoing study of Philo’s witness to a widespread Jewish mysticism is in its infancy. In a recent study Peder Borgen has highlighted the theme of heavenly ascent in Philo’s writings generally and drawn attention to one passage in particular that evinces Philo’s belief in his own ascent to heaven with some important parallels to the ascent tradition in “mainstream” Jewish texts (Spec. Leg. 3:1–2).43

Equally significant is Philo’s description of the Therapeutae (Contempl. 2–3, 10–40, 64–90) whose life echoes that of the later merkabah mystics and, even more so, the communal mysticism of the Dead Sea Scroll texts. Their life is couched in terms of heavenly ascent and the vision of God,44 with the suggestion that because they live “in the soul alone, citizens of heaven and the cosmos” they have experienced transformation to a heavenly, angelic life. Such transformation is worked out in the context of priestly purity taboos for all, rigorous fasting, celibacy, an anchoritic posture and a well-defined pattern of corporate worship.45 Indeed, Andrea Lieber has rightly argued that Philo’s description of the Therapeutae should be used to fill out the picture of liturgical proceedings in which the Songs of the Sabbath Sacrifice would have been used.46

1.9. Early Rabbinic Tradition and the Synagogue Liturgy

The impression that there was a well-established and demographically diffuse mystical tradition in the Second Temple period is reinforced by signs of continuity between mystical material in the apocalypses, in the DSS and behind NT texts on the one hand and in early rabbinic tradition on the other. The haggadah ascribes to R. Johanan ben Zakkai and his

44 Contempl. 11–12: ‘A people always taught…to use their sight should desire the vision of the Existent and soar above the sun or our sense and never leave their place in this company which carries them on to perfect happiness…carried away by a heaven-sent passion of love, remain rapt and possessed like bacchanals or corybants until they see the object of their yearning’.
circle of disciples stories of mystical biblical interpretation and praxis.\(^{47}\) With the necessary caution needed in using much later rabbinic texts it is possible to trace a line from the world of Pharisaism to which Paul’s mystical exploits testify, on to Johanan, his disciples and through to Aqiba who figures prominently in the Talmudic material dedicated to mystical speculation. Along with these historical threads that focus on the interpretation and experience of the account of creation in Genesis 1 (ma’asheh berešith) and the work of the chariot account in Ezekiel 1 (ma’asheh merkabah), we should consider the role of the song of the seraphim in Isaiah 6 in the synagogue liturgy. This Qedušah is now fixed at the heart of the liturgy where it is the human worshippers who take on the chant of the angels. It also figures prominently in the hekhalot literature.\(^{48}\) That it played a prominent role in pre 70 CE mysticism is now confirmed by its inclusion in a strongly liturgical portion of the Qumran War Scroll (1QM 12 & 19) and its likely presence in the Songs of the Sabbath Sacrifice.\(^{49}\)

2. Two Defining Features of Second Temple Jewish Mysticism

For a full understanding of the extent of Jewish mysticism in the life of Second Temple period and its significance both for early Christianity and nascent rabbinic Judaism we need to consider two aspects of its distinctive character: the transformation of the mystic and the mystical motivation for revolt.

2.1. The Transformation of the Mystic

The heart of “mysticism” has sometimes been viewed as an experience of union with the divine. Scholarship has tended either to minimize the existence of Jewish mysticism in antiquity or seriously qualify its character because it is assumed that there can be no unio mystica in a biblically faithful religion. It may well be that Jews in antiquity were fundamentally opposed to any kind of union with the divine which

\(^{47}\) For the texts see Rowland, *Open Heaven*, 271–305.

\(^{48}\) For example, *Synopse* §§179 & 188.

either threatened the singularity of the one creator God or allowed for absorption of the mystic into the Godhead with the effacing of all difference between the creature and the creator. However, recent study of the primary texts has forced us to reckon with the ways in which Jewish mysticism did, in fact, allow for its own kind of mystical union. A community with the angels (Engelgemeinschaft), God’s heavenly entourage, is common in apocalyptic and Dead Sea Scroll texts. And though scholarship has been slow to concede the point, this usually entails transformation to a divine and angelic identity, particularly in the liturgical context where the focus is directed towards God and his angelic chariot.

Christopher Morray-Jones has helpfully identified a pattern in the primary texts that he calls “transformational mysticism.” In the relevant DSS texts, portions of the apocalypses, and also the later material from the rabbinic period, the goal of the mystic is not simply a vision of God or access to his mysteries, but transformation; the possession of a divine and/or angelic identity that can be variously expressed in terms of enthronement, participation in the angelic liturgy, privileged use of the divine Name, the taking up of divine or angelic garb and functions. The theme is ubiquitous and it should be explained not as an enthusiastic abandonment of a biblical commitment to a rigid distinction between creator and creation, but as a belief that in the divine encounter—whether that be provided through temple cult or some other means—the worshipper or mystic recovers the true divine humanity that was given at creation and was subsequently lost at the fall. This is to say that Jewish mysticism, grounded in the liturgical and cosmological parameters of the temple, proffers an identity, status and consciousness befitting the foundational, narratologically primary, anthropology of the biblical worldview. Jewish mysticism assumes the basic plot of the biblical metanarrative. This is why in most of the texts, reference to Adam’s


51 For the importance of this theme of ‘quasi-deification’ or ‘angelification’ in the later hekhalot material see E.R. Wolfson, “Yeridah la-Merkabah: Typology of Ecstasy and Enthronement in Ancient Jewish Mysticism,” 13–44 and Through a speculum that shines: vision and imagination in medieval Jewish mysticism, 83–85.

52 For the recent stress on the fundamental continuity between biblical ‘mysticism’, the mysticism to which the apocalyptic texts testify and then later merkabah, hekhalot and medieval mysticisms see, for example, I. Gruenwald, “Reflections on the Nature and Origins of Jewish Mysticism.”
glorious, divine and cosmic identity are never far away. Such passages are not so much “speculation on” as a “reflection of” the biblical Adam.

The theology here is deeply biblical. The worshippers of idols become like them: lifeless, dead, dumb and blind (Psalm 115 and 135). The worshippers of the living God become like him; they recover Adam’s identity as the image, or idol, of God. For some—those associated with the high priesthood—transformation to the divine identity is total, and precipitates the reception of worship, at least in the context of liturgy and the carefully circumscribed parameters of the priestly office and cultic drama. At the climax of the Qumran community’s Songs of the Sabbath Sacrifice, for example, the mystical liturgy turns to the direct praise of the community’s chief priests who are identified with the Glory of God that Ezekiel saw by the river Chebar. For others, such a close identification with Israel’s one God is precluded and, like Moses, Jacob-Israel, the patriarchs and other heroes of the faith, transformation is to an angelic identity such that, in various ways, the worshippers become “divine.” So, again, in the Sabbath Songs and other liturgical, “magical,” and “midrashic” texts associated with them in the Qumran Library, the truly human righteous not only ascend to the heavenly heights, they become the holy ones, the holiest of the holy ones, and, probably, even the “gods” (both elohim and elim), surrounding the heavenly throne in worship.

Those steeped in the theological proclivities of the Western Christian tradition instinctively resist the evidence for all this and will only concede a functional, not an ontological, identification between mystic

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53 See Fletcher-Louis, All the Glory of Adam, 356–388, cf. Alexander, Mystical Texts, 50 who seems to accept this reading of Song XIII. Mystical and liturgical attention to the high priests’ breastpiece—the חַשְּנָה—probably now explains the name ‘Essenes’ (see Fletcher-Louis, All the Glory of Adam, 388–391).

54 This is the conclusion of the detailed study of the Sabbath Songs and cognate texts in Fletcher-Louis, All the Glory of Adam, (252–394). Until recently study of the Songs categorically excluded both a genuine communion with the angels and any transformation of the human worshippers. Though without the thoroughgoing revisionist reading of the texts that I have provided, both Eliott Wolfson and Rachel Elior have independently concluded that the Songs do in fact contain instances of transformation along the lines for which I argue (E.R. Wolfson, “Seven Mysteries of Knowledge: Qumran E/sotericism Recovered,” 177–213) and R. Elior, The Three Temples: On the Emergence of Jewish Mysticism, esp. 164–171, 183–185. A partial acceptance of this reading is now presented in Alexander, Mystical Texts. However, Alexander still clings to older conceptual parameters and does not appear to have reckoned with the very specific cultic cosmology within which the DSS liturgical texts operate.
and the divine or angelic. The Jewish sources know of no such distinction. Indeed, the font of transformational mysticism, the priestly theology of humanity as God’s image and idol holds ontology and function tightly together.

One upshot of all this, of course, is that Jewish mysticism is theologically mainstream, even if its practices were the penchant of only some. The theology of inclusion in the divine life and transformation to the divine identity is by no means confined to “mystical” texts. It is worked out, for example, in a theologically thoroughgoing form in the Wisdom of Ben Sira who thinks the experience of transformation is available to the priests simply through the regular Jerusalem temple liturgy.

2.2. Mysticism in Politics and Revolt

For the reasons already mentioned, most have thought that mystical practice and speculation is marginal to the social, political and economic life of the Jewish community. Without the assumptions that Jewish mysticism had to be dualistic, esoteric and entirely separate from the usual disciplines of Torah interpretation and cultic practice, and with due recognition to the diverse witnesses to an active mysticism in the Second Temple period we are bound to wonder whether in fact the phenomenon played a rather prominent part in the national, Temple-centred movements that so defined the political landscape of the first and second centuries (both BCE and CE).

There is strong direct and circumstantial evidence that during the period of revolt, mysticism—visions of God, heavenly ascents and, in particular, the transformation of the visionaries—was a significant guide and inspiration to those who took up arms against their fellow Jewish overlords and the Romans. Furthermore, this socio-political context for Jewish mysticism in the Second Temple period sheds light on the different ways in which both Christians and, later, the rabbis

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55 This distinction is trotted out so regularly no one thinks that it needs justification and no textual evidence, to my knowledge, has been provided for it in recent scholarly work. It is one of the reasons Philip Alexander prefers the traditional interpretation of the Sabbath Songs to my revisionist reading in its thoroughgoing form (Alexander, Mystical Texts 46, 106 n. 8).

56 Contrast Alexander, Mystical Texts, 106 n. 8 who says that in the Qumran texts ‘there is no sense of an ontological deification’, only an ethical imitatio dei since the former would make ‘little sense in the context of Qumran thought’.

transformed or suppressed the mysticism they inherited. Unfortunately, we lack first hand sources that would give us access to the minds of most of the revolutionary groups that participated in the revolts of 66–70, 115–117 and 132–135. But we can now summons some strong witnesses to speak for my case.

First, Josephus tells us that visions of angelic combatants fighting in the air, strange signs and portents in the temple and the promise of signs and wonders by various prophetic leaders all played a part in the revolt (J.W. 6:288–300, cf. esp. 1QM cols. 12 & 19). Because Josephus is minded to play down or ignore aspects of recent history that would either not be understood or would fuel the fires of Roman disdain for the Jewish religion, it is reasonable to suppose that such visionary activity was more prominent in the first revolt than he tells us. But, of course, nothing in what Josephus tells us indicates that this activity includes the full-blown mysticism—ascent to heaven, visions of God, transformation to a new divine identity and interaction with angels and demons—that is attested elsewhere. There is no hint of altered states of consciousness in Josephus’ accounts of the revolutionary enthusiasts. However, the first hand sources that we do have, suggest that what the Flavian historian describes was indeed, at least for some, far more “mystical” than the pattern of prophetic, visionary, foretelling that is provided by the Bible.

Secondly, the Dead Sea Scrolls suggest a role for mysticism in revolt. For the Essenes mysticism permeates every sphere of life because it stands at the heart of the community’s liturgical life. From the Sabbath Songs, their theology and the experience of worship in the heavenly realm that they articulate, there is a web of connections to all other aspects of the community’s life: to halakah (where the Engelgemeinschaft becomes a reason for specific purity regulations), to rituals that are now labelled “magical,” to inspired scriptural interpretation and poetic or liturgical composition, through to matters of community organisation and to eschatological expectations.

58 For the connection between purity regulations and ascent see esp. ALD 1a–b and the comments of Davila, “Heavenly Ascents,” 482–83.

59 This web of connections between the community’s mystical liturgy and other aspects of its life that are attested in the preserved texts is implicit in my study Fletcher-Louis, All the Glory of Adam. See in particular pp. 280–305 for the intertextual connections between the first column of the Sabbath Songs and other texts from the Qumran Library. See also now Wolfson, “Seven Mysteries of Knowledge: Quimran Esotericism Recovered,” for an appreciation of the extent to which the Songs’ experience of ‘angelification’ permeates the rest of Qumran life and literature.
The part the Qumran community expected to play in future salvation is beautifully laid out in the War Scroll (1QM), the second half of which prescribes the liturgical and theological framework for the battle between the true Israel and the pagan nations.\textsuperscript{60} A priest is to motivate the troops with a reminder of their privileged position in history and creation as the bearers of God’s image and those who are: “...hearingers of the glorious voice, seers of the holy angels, open of ear, hearers of deep things [...] the expanse of the skies, the hosts of the luminaries, the task of the spirits, the dominion of the holy ones” (10:10).

In what follows, the combatants are reminded that they have a heavenly identity that renders them agents of God’s judgement and destruction (col. 11). Furthermore, their fighting is empowered by the heavenly liturgy, in communion with the angels, that takes place in the cult-as-microcosm, and by the angelic forces that fight with them. Had ancient writers recourse to footnotes, the text would be heavily cross-referenced to other Qumran scrolls, including the Sabbath Songs and its ilk. The battle against the sons of darkness is a Holy War and the righteous are “sons of light”; which is to say they are divine and heavenly beings, the true humanity—they know the “form of Adam/humanity (תבנית אדâm)” (10:14)—living in perfect harmony with creation; as inviolable against the forces of pagan chaos as their creator himself.

From Josephus’ account we learn that when the nation first revolted, at least some Essenes joined the fray (\textit{J.W.} 2:567; 3:11). So we are not surprised that the archaeologists have found fragments of the Sabbath Songs (along with other texts with Qumranic language) among the ruins atop Masada, the Herodian hilltop fort taken by revolutionaries that became the scene of a last ditch battle against Rome. Here is concrete evidence that at least some combatants in the first revolt were motivated by mystical experience.\textsuperscript{61} Their use of mystical consciousness in “magic” was conceptually and practically equivalent to its use on the battle field: during “peace-time” they turned their mystical powers to the battle against demonic spirits, with the arrival of war those same powers were turned against the demonic incarnate in the “sons of darkness.”

\textsuperscript{60} For what follows I rely on the discussion in Fletcher-Louis, \textit{All the Glory of Adam}, 395–475.

\textsuperscript{61} The Sabbath Songs are preserved at Masada in ms Mas1k. Other Qumran-like material at Masada is discussed in C.A. Newsom, Y. Yadin, S. Talmon and E. Qimron, \textit{Masada VI: Yigael Yadin excavations, 1963–1965: final reports: Hebrew fragments from Masada}. 
Thirdly, there is the Bar Kochba revolt (132–135 CE). Here the evidence is harder to judge and questions must be asked of the rabbinic and classical sources. But when we gather together the following traditions and read them without assuming a radical separation between mysticism and politics, between “apocalyptic” eschatology and hopes for a concrete, national restoration, they suggest that a pattern of what might be called “zelotic” or “revolutionary mysticism” evinced at Qumran (and Masada) continued into the second century.

The leader of the revolt was believed to fulfil the hope that the nation would be led by a heavenly, astral messiah. The evidence for this is: his sobriquet “son of a star,” the stars on the coins minted during the revolt and the appeal to Numbers 24:17—“a star shall come out of Jacob, and a sceptre shall rise out of Israel”—in the acclamation of Bar Kochba as king messiah by R. Aqiba (j. Ta’an. iv, 68d, cf. b. Sanh. 93b).

This evidence from the Jewish side for a heavenly messianism must be related to the record in the church fathers that the revolutionary leader “claimed to be a luminary who had come down to them from heaven to illuminate with marvels those who were in misery” (Eusebius Eccl. Hist. 4.6.1–4) and that “he held straw in his mouth and fanned the flames with his breath so that people believed that he spat out flames” (Jerome Contra Rufinum 3:31). None of this requires us to conclude that he or his supporters were transformational mystics. But these texts are consistent with that possibility (and we are reminded of those texts that describe the fiery transformation of the yorde merkabah—e.g. 3 Enoch 15; Synopse §12).

The Jerusalem Talmud says that R. Aqiba’s messianic acclamation was rejected by his contemporary Rabbi Johanan ben Torta: “Aqiba, the grass will have grown between your jaws and still the son of David will not have come” (j. Ta’an. iv, 68d). This is not the only place Aqiba’s messianic views are the cause of embarrassment. In the Babylonian Talmud’s famous collection of “mystical” material that comments on the mishnah’s rulings regarding the interpretation of certain forbidden texts (b. Ḥag. 12a–16a, cf. m. Ḥag. 2:1) Aqiba is remembered for his view that the multiple thrones in the dream vision of Daniel 7:9 are one for God and one for the Davidic messiah (b. Ḥag. 14a). This is

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remarkable because it ascribes to Aqiba what is, in effect, a Two Powers interpretation of the scripture. Not surprisingly, the Talmud says that Aqiba recanted of this interpretation.

Here there is evidence that, on the ground, the worlds of mystical speculation and the political machinations that created the Bar Kochba revolt were closely interconnected. Did Aqiba ever think not only that a throne was placed in heaven in Daniel’s vision for the Davidic Messiah, but that, furthermore, Bar Kochba would or did already sit on that heavenly throne? We do not know. Perhaps he never held the two opinions—of Daniel 7:9 and Bar Kochba—simultaneously? Did Aqiba hold his original messianic interpretation of Daniel 7 as a result of his own or his tradition’s engagement in mystical interpretation? Was it visionary meditation by Aqiba, or his teachers, that produced his exegesis? We don’t know, though as we shall presently see the pseudepigraphon 4 Ezra provides solid grounds for thinking some in the run up to the third revolt were engaged in precisely such meditative, visionary, exegesis.

What is clear, however, is that in the traditions surrounding Aqiba mysticism and politics are hard to tear apart, even if in modern discussion they have been treated separately. Discussion of Aqiba’s reading of Daniel 7 has focused on its connections to Two Powers traditions and the mystical speculation that surrounds them as attested, for example, in the visionary ascent of Elisha ben Abuya that climaxed in his vision of the enthroned Enoch and his declaration that there are Two Powers in heaven. In the material that follows the record of Aqiba’s interpretation of Daniel 7, Aqiba is hailed a trustworthy hero of safe and orthodox mystical praxis. He alone of four who entered the visionary garden returned safe (b. Ḥag. 14b). He is one of the few in an authoritative chain of teachers who are deemed trustworthy in their interpretation and meditation on such restricted passages as Genesis 1 and Ezekiel 1 (b. Ḥag. 14b). That chain goes back to Johanan ben Zakkai and is widely held to reflect the mystical practices of a number of rabbis between the first and third revolts.

What is not often noticed is that between these passages recounting Aqiba’s mystical involvement, and following straight on from the

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discussion of his interpretation of Daniel 7, there is a long section lamenting the fate of the nation in the absence of truly righteous leaders and the destruction of Jerusalem (b. Hag. 14a–14b). It is hard to avoid the impression that Aqiba’s misinterpretation of Daniel is here regarded—even if only implicitly—as symptomatic of the conditions that both created the revolt and its failure.

That there should be continuity between the mystically informed politics of the first revolt and the third should not surprise us. Recent study of the Bar Kochba episode by Peter Schäfer has emphasised how far Jewish society on the eve of revolt was “still much closer to the Maccabees, the Qumran community, and the Zealots than to the [later] rabbis.”66 The Bar Kochba revolt had a strongly priestly and cultic orientation with a diarchic model of leadership grounded in a particular reading of Numbers 24. These also figure prominently in the Qumran consciousness.

Fourthly, although the Enochic and Son of Man traditions have traditionally been judged a reflection of the world-denying and apolitical thinking of apocalypticism there is good reason now to think they not only attest a rich and broad stream of (cult-centred) visionary practice, but also that they fed the dreams and aspirations of the nation’s revolutionaries. Michael Stone has persuasively argued that although it is pseudegraphic, 4 Ezra records the actual religious experiences of the visionary who wrote it some time around 100 CE.67 Only when it is read in this way can we make sense of the dramatic shift in authorial perspective that takes place as a result of the transformative vision at the centre of the apocalypse. Though the work probably contains traditional material and it reflects obvious reinterpretations of scripture—especially portions of Daniel—there is every reason to think it is, what it purports to be; a series of visions.

Those visions climax with the appearance of a very heavenly cloudborne, but also human and messianic son of man figure (13:1ff., cf. 12:31–34). This “heavenly” messiah brings about national restoration—the ingathering of the tribes to Jerusalem—and the judgement of his enemies. His voice has fiery authority: “all who hear his voice melted as wax melts when it feels fire” (13:4). Against his opponents “he sent forth from his mouth as it were a stream of fire, and from his lips a

67 Stone, “Reading an Apocalypse.”
flaming breath, and from his tongue he shot forth a storm of sparks. All these were mingled together, the stream of fire and the flaming breath and the great storm, and fell on the onrushing multitude which was prepared to fight, and burned them all up (13:10–11).” Is it not highly likely that Jerome’s reference to Bar Kochba’s fire-breathing antics reflects, in however a garbled form, the belief amongst his supporters that their leader fulfilled precisely this kind of visionary text?68

Fifthly, the case for mysticism’s prominent role in revolutionary machinations is supported by those pseudepigraphical texts where vision and zelotism go hand in hand. A good example of this phenomenon is the constellation of traditions surrounding the patriarch Levi, his ascent to heaven and the account in Genesis 34 of the slaying of the sons of Shechem.69 In the Greek Testament of Levi and also in the Aramaic Levi Document, which lies behind the Greek text, Levi ascends to heaven where he receives heavenly mysteries and is ordained priest (T. Levi 2–5, 8; ALD 1b, 4–8). These two visions, that reflect an idealised priestly spirituality and the formative stages of Second Temple Jewish mysticism, bracket the retelling of Levi’s zelotic destruction of Shechem (T. Levi 6–7; ALD 1c–2).70 During the ascent to heaven an angel gives Levi “a shield and a sword” and instructs him to wreak vengeance on Shechem for the rape of Dinah (T. Levi 5:3).71 In Testament of Levi and its Aramaic predecessor there is no explicit statement of human transformation to a divine or angelic identity,72 though this should probably

68 4 Ezra is usually judged to have a quietist political theology. But this relies too much on dualistic assumptions about the nature of apocalyptic thinking. It is true that the messianic-son of man figure does not raise an army, but it is to argue from silence to conclude that the text explicitly denies that he will do so. The text’s perspective no doubt reflects the realpolitik of the 70 CE aftermath and even if 4 Ezra hopes for an intervention that transcends and obviates the need for military struggle, there was plenty of time between the writing of his text and the outbreak of revolt for those inspired by it to develop its ideas and to try to enact them.


70 Cf. Jub. 30–32. See also 4Q418 frag. 81 where, though without specific reference to Gen 34, a transcendent, ‘angelomorphic’ identity for the priest is combined with the expectation that he will (in line 10) exercise zeal in avenging wickedness and turning away God’s wrath from his people (see Fletcher-Louis, All the Glory of Adam, 176–83).

71 There is no extant parallel in the Aramaic Levi Document but the document is only partially preserved and the parallels in Jubilees, Judith, Joseph and Aseneth and later texts suggest that the heavenly sword was a part of the Aramaic text.

72 Though see the rhetoric of ‘glory’ in ALD 89, 93–94, 100.
be assumed given the preponderance of contemporary cognate texts witnessing to this idea and the basically biblical belief that the priest is the divine and theophanic image of God. This heavenly gift of a sword for the vengeance at Shechem is also recorded in Judith 9:2 and in Joseph and Aseneth 23:14 where it is connected to a transcendent theological anthropology. There Simeon and Levi draw their swords before Pharaoh who is stricken with fear and trembling and falls to their feet “because their swords were flashing forth like a flame of fire (ἥστραπτον...ὡς φλόγα πυρός).” The rest of Joseph and Aseneth depicts the patriarchs in strongly divine and angelic terms, with the priestly Levi given special mention for his access to the “letters written in heaven” and “the unspeakable (mysteries) (Τὰ ἄρρητα) of God Most High” which he is able to reveal (ἀποκαλύπτω) to others. In 23:14 the fiery, flashing swords evoke the depiction of the angel of revelation in 14:9; a man in every respect similar to Joseph “except his face was like lightning (ὡς ἀστράπη)...and the hairs of his head like a flame of fire (ὡς φλὸς πυρός).”

The notion that the righteous, by virtue of their encounter with the heavenly, angelic world, have swords with superhuman qualities occurs in other passages where there is no explicit reference to the Genesis 34 story. In a scene reminiscent of the material in T. Levi and ALD, 2 Maccabees relates a dream in which Judas Maccabeaus sees the high priest Onias standing with outstretched arms praying as a priest should (as is related in ALD 1a l.4) (2 Macc 15:11–16). Onias then introduces the departed prophet Jeremiah to Judas who presents him with a golden sword, a gift from God with which he is to strike down his adversaries.

In Pseudo-Philo’s Biblical Antiquities the biblical judge Kenaz (Judg 1:13; 3:9) has a sword that shines like a lightning bolt. When he is “clothed with the spirit of power” he is “changed into another man”

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74 A number of biblical texts are perhaps in the background here: Zech 9:14; Ezek 21:15; Deut 32:41; 2Sam 22:15; Nah 3:3; Hab 3:11.

75 See Fletcher-Louis, All the Glory of Adam, 29–31.

76 In the Animal Apocalypse a sword is given to the righteous (the sheep) to wage war on their Seleucid oppressors (1 En. 90:19, 34, cf. 91:12) though it is not clear there that the sword is given by an angel or even that it comes from heaven.
and, with the help of the angels Ingethel and Zeruel, he kills 45,000 of the Amorites (27:10–11).77 This episode should be set within a “mystical” context since in the next chapter (28:6–10), after some words of revelation through the high priest Phinehas, Kenaz “sat down, a holy spirit came upon [him] and dwelled in him and put him in ecstasy, and he began to prophesy” (cf. 20:2–3). A vision with some important connections to rabbinic period speculation on the work of creation (ma’aseh berešit) then follows.78 Doran Mendels has plausibly argued that Pseudo-Philo writes specifically to address competing visions for the nation’s revolutionary and zelotic future.79

The fullest treatment of the heavenly-sword-of-God idea is provided by the Qumran War Scroll which, as we have seen, must be interpreted in the broader framework of Qumran liturgical and mystical theology.80 There the earthly, human combatants are prepared for battle with instruction that motivates and energises their action in the theatre of conflict. They are a divine and angelic people, whose eschatological action recapitulates God’s own creative power in fulfilment of biblical prophecies. In Columns 11 and 12 there is a particular focus on the royal messianic leadership of the people. The king acts theurgically, “by the hand of God,” to fulfil the prophecy against “the Kittim” in Isa 31:8–9 that “Asshur shall fall down by a sword of no man, a sword of no human being shall devour him (תואכלנו) (1QM 11:11). Scholarship has sometimes misread this and other similar statements in the War Scroll to mean that a literal, entirely superhuman sword-from-the-clouds will work God’s victory. In fact, throughout, the War Scroll describes the human combatants as God’s superhuman agents and their action and armour are invested with to-us-fictitious heavenly meaning. They have, for example, literal, real, javelins inscribed with the words “flame of a sword devouring the slain of iniquity by the judgement of God” (1QM 6:3). In columns 12 and 19 the royal messiah’s sword is to

77 Compare the angelic transformation of David in 61:5–9 discussed in relation to the War Scroll in Fletcher-Louis, All the Glory of Adam, 415–419.
“devour guilty flesh” (12:11; 19:4). On the other hand—and at the same time—the fulfilment of the Isa 31:8–9 prophecy that Asshur—that-is-the-Kittim will be devoured “by a sword of no human being” is specifically addressed in columns 15–19 with the expectation that the armies of the righteous will come against “the king of the Kittim and against all the army of Belial...by the sword-of-God (חרב אל)” (15:2–3).81 Here and in a summarising retrospective in 19:11 the Hebrew is one word, not two, pointing to the angelic significance of either the sword itself, its wielder—the royal messiah(?)—or its giver—the angel “cherebel.”82

These “heavenly-or-angelic-sword” texts are testimony to an ideology that has hitherto escaped the attention of the students of ancient Jewish mysticism. Mysticism achieves power and transformation. At least for some of its practitioners this meant not transformation for a flight from history, politics and military conflict, but for its full-blooded engagement. Ascent to heaven and visionary encounter accompanied and motivated violence in the service of truth and justice.

2.3. Conclusion to the Survey of the Second Temple Material

There is here a diverse set of witnesses to a thriving mystical world within Second Temple Judaism. Jews throughout the Mediterranean took an active interest in the possibility of access to God’s heavenly world, the life of the angels and a vision of God himself enthroned on his chariot. And two defining features of the primary texts indicate that mysticism was mainstream within Jewish practice and belief: mysticism was often-as-not politically engaged and its desire for an experience of transformation to a heavenly identity belongs within the broad stream of post-biblical theology and piety.

There is a great deal we don’t know, much now that we do, and much more work to be done. Several of our sources are mutually interpretative (the Jewish mysticism attested in Colossians is comparable to that in the Dead Sea Scrolls and that which Philo ascribes to the Therapeutae) and there is a spectrum between overtly communal, liturgical (or ritualised) mysticism, in the Scrolls for example, and the kind of individual, altered-state of consciousness mysticism that Paul describes in 2 Cor 12 (and that is ascribed to Jesus in the synoptics).

81 Cf. 16:1 ‘the God of Israel has summoned a sword against all the nations’.
82 In 1QH 14:29 [6:29] ‘sword of God’ appears as two separate words.
The results of this survey for a consideration of the relevance of “rabbinic” mysticism and the NT are both positive and negative. Positively, none can now deny—particularly in view of the DSS material—that there is a continuity of mystical practice between the Second Temple material and that which seems to be attested in a number of rabbinic texts (starting with *m. Hag.* 2:1) and the *hekhalot* literature.83 This means that, because we actually have very little by way of first hand, primary source evidence for Second Temple mysticism, later rabbinic-period texts will always offer language, themes, praxis and theology which, though not explicitly attested in the earlier material was quite possibly known to the first Jewish followers of Jesus. Only with the recent publication of 4Q427 do we have a pre-70 parallel to the enlargement of Enoch in 3 Enoch 9. How many other features of the *hekhalot* texts would be attested if new texts were discovered in the Judaean desert, or from a synagogue in Asia Minor known to Paul or in the sands of the Egyptian desert where the Therapeutae sung with the angelic choirs?

Negatively, we have to reckon with some quite significant differences between the mysticism of the Second Temple period and that attested in rabbinic-period sources.84 The apocalypses, the Dead Sea Scrolls, the Therapeutae and other texts all locate mystical theology and experience in a priestly and temple-centred context. There are traces of priestly theology in the *hekhalot* literature, but it has by and large disappeared. There is a communal dimension to the mysticism of the rabbinic-period texts, but the experience of ascent is the privilege of the individual. The communal mysticism of the Second Temple texts lives on in the synagogue service, but without the full-blow experience of ascent. At least in the apocalypses and in some other witnesses, Second Temple mysticism is closely connected to prophecy and historiography. Even at Qumran, where the angelic liturgy is concerned primarily with the vertical, timeless liturgical axis, there are a web of linguistic, experiential

83 See, in particular, the conclusions of Alexander, *Mystical Texts*, 121–44.
84 Interpretation of the Second Temple period material still tends to be unduly influenced by the later literature. Scholarship on the Sabbath Songs, as I have indicated in my study of them (*All the Glory of Adam*, 259), has been hampered by orientation to their similarities to the *hekhalot* texts. This problem is acute in Philip Alexander’s recent study (*Mystical Texts*). He eschews some of the inner-Qumran intertextuality that elucidates their meaning in favour of parallels to *hekhalot* texts that are probably at least half a millennium later than the *Songs* and he ignores the biblically basic cosmology—temple-as-microcosm—in favour of a much later, platonising Temple-in-heaven-as-mirror-to-Temple-on-earth cosmology.
and theological connections to other texts which rehearse the history of the community and its future, eschatological participation in God's victory over the forces of evil.\textsuperscript{85} In their opening song and as a part of the Qumran Library, the \textit{Sabbath Songs} belong within a salvation-historical narrative. In the \textit{hekhalot} literature the horizontal, historical, perspective has all but disappeared and so, quite rightly, G. Scholem spoke of their spirituality as a Jewish \textit{Gnosticism}.\textsuperscript{86} \textit{The hekhalot texts are apocalypses shorn of prophecy, history and political engagement.}

The differences, of course, put a check against an uncontrolled use of the later \textit{hekhalot} texts in the study of the New Testament. The loss of the horizontal, historical, perspective has probably contributed to an intensification of the language and experience of, and interest in, the vertical and cosmic perspective. As it is, when we read the early Christian texts the delicate art of mirror-reading from Christian texts to the now lost perspective of those Jewish mystics addressed by the NT suggests that it is the kind of mysticism attested in the apocalypses, the Dead Sea Scrolls and related literature that is in view, not that of the later rabbincic texts. In short, the \textit{hekhalot} texts are of only secondary significance in the study of the NT and Jewish mysticism; they inhabit a time and a world at one remove from the immediate context of the earliest Christian writings.

But that does not mean that the study of the rabbincic-period mystical material for the purposes of the understanding the NT should simply be relegated to a preliminary or ancillary stage in the reconstruction of the immediate Second Temple mystical context. A simultaneous study of the rabbincic-period, and the NT, mystical material is rewarding in other ways. In particular—and in the rest of this study—we are bound to consider an historical phenomenon that the two sets of texts have in common. Although, as we have seen, the New Testament accepts the legitimate role of mystical experiences and thought, it also contains what some have construed as an anti-mystical current. At the very least the NT rejects one form of mysticism in favour of another. Similarly, explicit references to mystical matters in rabbinic texts are veiled and anxious not to encourage unrestrained exploration. Those who have argued, following G. Scholem, that later \textit{merkabah} and

\textsuperscript{85} The \textit{Sabbath Songs} are thematically and theologically tied to the \textit{War Scroll} and Song I has close linguistic and thematic connections to texts that tell the Qumran community story (esp. 1QS and 4Q511 frag. 35: see further Fletcher-Louis, \textit{All the Glory of Adam}, 293–298).

\textsuperscript{86} Alexander is right to pick out the ways in which the mystical texts from Qumran are already proto-gnostic (see Alexander, \textit{Mystical Texts}, 107, cf. 135).
JEWISH MYSTICISM, THE NEW TESTAMENT

hekalot texts represent much older Tannaitic and ultimately Second Temple traditions have sometimes observed that the tradition attested in the apocalypses and pseudepigrapha goes underground. Why do both the NT and the rabbinic corpus attest an avoidance of a certain kind of older, traditional Jewish mysticism? If we assumed that mysticism is by its very nature esoteric and institutionally subversive it would be tempting to assume that its avoidance in both the early Christian and the later rabbinic contexts is simply a reflection of the way in which established religions traditions (or those fighting for establishment and predominance) treat the mystical. However, there is no evidence that this is a factor at play in the NT texts and there are reasons to doubt it had much to do with any rabbinic suppression of the phenomenon. Indeed, it is the Second Temple mystical material that we have surveyed that tells decisively against this explanation of the avoidance of mysticism. The witnesses to the mysticism of the Second Temple period reveal no real evidence of an esoteric, marginal, para-institutional phenomenon. So, if mysticism in the Second Temple period was diverse, mainstream and not, per se, deemed dangerous or subversive, why is it avoided in the rabbinic and NT corpora? What has changed for the two communities that they should take separate steps to avoid the mysticism that preceded them? We can provide, with some confidence, an answer to this question for the NT. And a new proposal for the rabbinic period now presents itself.


Several New Testament texts share the same motivation for a position of disinterest or opposition to older Jewish mystical practice and theology. This is the belief that in their encounter with Jesus, and in conformity to his life, his followers achieve the goals of the mystical tradition, but without the ritual practices of that tradition and outside the cultic parameters of the geographically located, physical, temple that nurtured that tradition.

Some texts in John’s gospel sound downright anti-mystical. When the gospel writer writes that “no one has ever seen God; the only God

who is at the Father’s side, he has made him known” (1:18), and when Jesus says “no one has ascended into heaven except he who descended from heaven, the Son of Man” (cf. 6:46) we are bound to hear a rejection of the claims of the mystical tradition, and indeed certain biblical passages, in which a vision of God is possible. But John is more interested in a transformation of the mystical tradition than its rejection. He does not deny that Isaiah saw God enthroned (Isaiah 6), but claims that what he in fact saw was Jesus himself in pre-existent Glory (John 12:41). And Jesus now makes available the same vision, on earth: “whoever has seen me has seen the Father,” he tells Philip (14:8–9, cf. 1:18, 51).88 His ascent to heaven and enthronement takes place at the cross (6:62; 20:17). For John, the mystical tradition is reconfigured Christologically.

In the words of Christopher Rowland

As the person in whom the secrets of God and his throne are to be found, Jesus is seen as the goal of the heavenly ascent and the quest for knowledge of God. The apocalypse is not found in the visions of the mystics and in the disclosures which they offer of the world beyond, but in the earthly life of Jesus Christ. There is in the gospel narrative and its incarnational direction a definite attempt to stress that revelation is found in this human story.89

Thus the means of gaining knowledge of God comes not through preparations for heavenly ascent but through recognition of the nature of Christ as the one sent from God who embodies the divine glory.90

The Johannine emphasis on the incarnation as the means of access to heavenly secrets may partly explain the omission from his narrative of material in the synoptics which portrays him in classically mystical, or apocalyptic, terms; namely the Baptism, Temptation and Transfiguration stories. However, it is possible that the synoptics themselves have something of this Johannine interest in a transformation of the Jewish mystical tradition. Jesus does not ascend to discover or receive a new identity, he is given one by the descent of the Spirit at the start of his ministry and his later ascent up the Mount of Transfiguration provides a new revelation only to his disciples.91 Both events take place

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88 For the background in mystical traditions to 1:51 see C.C. Rowland, “John 1.51, Jewish Apocalyptic and Targumic Tradition,” 498–507.
91 For the Transfiguration (in Luke’s gospel) as a event of unveiling, not transformation, see Fletcher-Louis, Luke-Acts, 223–224. The Baptism and Temptation form a literary unit in the synoptics (esp. in Matthew and Mark) and thereby recall, in
far from any Jewish temple. The transfiguration reveals Jesus to be Israel’s true eschatological high priest, but does so without the specific, Torah-prescribed accoutrements of priesthood (including any rituals of purification that were taken by others as necessary preparation for mystical experience).

Whether or not the synoptics contain the Johannine concern for a transformation of the mystical tradition, it is undoubtedly assumed by the author of the Epistle to the Colossians (whom, without wishing to offend those who think otherwise, I shall refer to as Paul). Why in Colossians does the author condemn the practices of contemporary mystically minded Jews? The commentators offer a number of explanations, but many are insufficiently attentive to the context of this passage in the rest of the letter and the historical context in late Second Temple Jewish mysticism and liturgical theology, which with recent study has now come more sharply into focus.

Several English translations give the impression that the problem addressed in Col 2:18 is simply obsessive absorption in mystical or, we might say today, “charismatic” phenomena. So the NRSV translates ἃ ἑόρακεν ἐμβατεύων “dwelling on visions.”92 This is a possible but highly unlikely translation.93 Also, it is unlikely that the author thinks that a claim “to enter into the very presence of God and hymn him in the company of the angels was an idle self-deceit” and that “anyone who made such a claim was “puffed up with conceit, putting on airs.”94 Elsewhere in the Pauline corpus and in the records of earliest Christianity participation in an angelic, heavenly worship is, in principle, acceptable provided the experience is bound to the ethic of love (1 Cor 13:1) and of Christ-like humility, vulnerability and dependence on God (2 Cor 12, esp. vv. 5, 9–11).95 The author of Revelation has no qualms

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92 Compare, most recently, M. Barth, H. Blanke and A.B. Beck, Colossians: a new translation with introduction and commentary, 349.
93 The verb ἐμβατεύω can mean, tropically, ‘to go into the details of something, to scrutinize’. But for NRSV translation we should expect the word ὀπτασία or ἀποκάλυψις (cf. 2 Cor 12:1 et al.) not ἃ ἑόρακεν, which refers back to the previous phrase not simply to ‘visions’.
94 J.D.G. Dunn, The Epistles to the Colossians and to Philemon: a commentary on the Greek text, 184.
95 Paul says that he heard ἁρρητὰ ῥήματα on his ascent to paradise (2 Cor 12:4) which most likely refers, at least in part, to the praise of the angels.
in describing the angels worshipping in heaven in the very presence of God (e.g. Rev 4:8–11; 5:9–14).

It is, in fact, possible that in Col 2:18 the reality of an entry into heaven is accepted. The expression ἃ ἑόρακεν ἐμβατέων can be read as an acknowledgment that an entry into heaven has indeed taken place—only that its outcome and character was illegitimate.96 Indeed we should now consider the possibility that in the choice of the verb ἐμβατεύω Paul hints that an entry into the heavenly realm has indeed taken place but that it is illegitimate and will in due course be repulsed. In the LXX the verb nearly always refers to aggressive invasion (see Josh 19:49, 51; 1 Macc 12:25; 13:20; 14:31; 15:40) and there is an important motif in later hekhalot and midrashic texts where the angels fight off any attempt at the penetration of heaven by those unworthy of a heavenly ascent. Only the pure and fully qualified can ascend through the angelic realms in peace.97 Philonic material, passages in the apocalypses that may emanate from a Second Temple period and, perhaps Paul’s reference to the messenger of Satan sent to harass him, to keep him from being too highly exalted (2 Cor 12:7), demonstrate that this contrast between invasion and ascent was known in the first century.98 If there is a hint of this in the verb then the point would be that the opponents, not being members of Christ’s body, are really unworthy of participation in what they see and Paul hints that it is they, not his readers, who will be “disqualified” by the angelic powers that guard the heavenly realm.

In any case, the records of earliest Christianity do not reveal a reserve that would regard any claim, by anyone, to enter into God’s presence in the company of the angels “an idle self-deceit.” On the contrary, the overwhelming thrust of the NT is to claim that in an encounter with Jesus his followers have, indeed, come to the heavenly city (Heb 12:18–24, cf. Gal 4:21–28; Phil 3:20) where they are brought face to face with

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96 This explains the existence of the manuscript tradition which reads ἃ μὴ ἑόρακεν ἐμβατεύων.
“the image of the invisible God” (Col 1:15), a thing for which the angels themselves have longed (1 Peter 1:12).

So what then is the threat addressed in Col 2:18? Why, if Paul hints at the invasion-versus-worthy-ascent tradition in the words καταβραβεύω and ἐμβατεύω, are the opponents unwelcome invaders of the heavenly realm? Paul makes three explicit points that all require interpretative reflection. In the first instance, the Colossian Christians are not to consider themselves “disqualified (καταβραβεύω)” by those delighting in experiences of the heavenly realm. Secondly, such people are “vainly puffed up by the mind of the flesh” (2:18) and thirdly they do not cling to the head—to Christ (2:19, cf. 1:18; 2:10). The first two comments have to do with the identity of the Christian believers and the third is Christologically focused: soteriology and Christology are the two poles to the author’s argument against the false mysticism threatening the Colossian church.99

First, let us consider the matter of identity. The verb καταβραβεύω carries the sense of both exclusion from a reward or prize and condemnation. The believers are not to be condemned on the grounds that they do not have, or are not worthy of, the kind of angelic, mystical experiences described in the rest of verse 18. Contrary to the claims of those who would trouble them it is the opponents themselves who have a false identity; one that is merely “vainly puffed up by the mind of the flesh.” These comments must be interpreted in the context of the rest of the letter where Paul has focused repeatedly, and especially in the immediately preceding and following sections, on the extraordinary identity (privileges, status and ontology) of his converts. They are “holy ones” (Col 1:2, 4, 12, 21, 26; 3:12). They are being filled with the fullness of deity that is available to them in Christ (2:9–10). At baptism they have died, risen with Christ again to new life, have put off the body of the flesh (2:11–12), and are now hidden with Christ who is seated at the right hand of God (3:1–4).

In every respect the Colossian Christians already have what the Jewish mystical tradition offers.100 The mystical tradition offers access to all the

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99 Some see the Christological argument but miss its soteriological correlate (e.g. Eskola, Messiah and Throne, 187–198).
secrets of the cosmos, to things past, present and future (m. Hag 2:1, cf. Ezekiel the Tragedian’s Exagoge 88–89). For those who worship Jesus there is access to the whole cosmos (1:6, 15–20), to the mysteries of eternity (1:5, 26) including an encounter with the image of the invisible God (1:15). Paul’s language in several respects echoes that used for the privileges of the angelomorphic worshippers at Qumran. Paul’s readers “share in the inheritance of the holy ones (τῶν ἁγίων) in light” (1:12), just as human worshippers in the angelic liturgy—the “sons of light”—have been set apart as holy ones (קדושים) with a peculiar “inheritance” in the supernal world of heavenly light. Paul’s readers are “perfect in Christ” (1:28, cf. 3:14), just as the Qumran community members called themselves the “perfect of way” (1QS 2:2; 3:9–10; 4:22; 8:10, 18; 9:5, 9; 1QM 14:7; 1QH 3:36; CD 2:15–16) by virtue of their recovery of Adam’s divine glory (1QS 4:23) and their participation in the heavenly liturgy (4Q403 1 i 21–12, cf. 4Q418 43–45 i 12). In both DSS and more widely access to the heavenly realm follows an experience of death and resurrection to new life like that enjoyed by Paul’s readers.

So, when the rest of the letter is set in the context of Jewish mystical speculation and practice we are bound to conclude that Paul is worried in 2:16–23 that his readers will feel unduly inferior to their opponents who boast of not just revelation but also transformation. This means we probably have to think more carefully about the expression θρησκείᾳ τῶν ἀγγέλων in Col 2:18. It is not just that, as commentators since F.O. Francis have seen, Jewish mystics took pleasure in the sight of angels worshiping God. This interpretation of our passage in fact has some serious problems. It suggests that human worshippers themselves are purely passive observers in 2:18: both the “worship (θρησκεία)” and the “self-abasement (ταπεινοφροσύνη)” are the angels. But “self-
abasement” is really a rather odd posture to ascribe to angels.\textsuperscript{105} The root ταπεινοφορο- is always otherwise used of human beings and it carries with it connotations of ascesis, particularly fasting (LXX Lev 16:29, 31; 23:27, 29; Ps 34 [35] 13; Isa 58:3; Judith 4:9; 2 Ezra 8:21 [= Ezra 8:21]; Pss. Sol. 3:9; Herm. Vis. iii.10.6 and v.3.7), that is probably reflected also in the account of human behaviour of 2:16, 21, 23. This means that, if the θησαυσεία τῶν ἄγγελων is the worship offered by (non-human) angels then there has been a change of subject between that expression and the previous one (θέλων ἐν ταπεινοφοροσύνῃ) such that we should translate as follows: “do not be disqualified by anyone delighting in (their own) self-abasement and the angels’ worship.”

A change in subject is not impossible linguistically. But the fact that θέλων ἐν governs both ταπεινοφοροσύνη and θησαυσεία τῶν ἄγγελων counts against it and there are other reasons to doubt that the “worship (θησαυσία)” in 2:18 is not a human worship. In the rest of the letter Paul repeatedly models true worship (1:3–6; 1:12–22, 24–27; 2:5; 3:15–17; 4:2) and exhorts it of his readers (2:7). In 2:23 the false worship (ἐθελοθρησκία) belongs explicitly to the human community that threatens Paul’s readers. These exegetical observations need not lead to a return to the old view that, after all, θησαυσεία τῶν ἄγγελων is an objective genitive, referring to a human worship directed at angels. Neither, with Francis, Rowland and others should we conclude that there is a change of subject between v. 18 and v. 23:\textsuperscript{106} it is not simply that the “difference in personnel referred to in 2.18 and 23” is due to “a tendency for the Colossian teacher to have imitated the behaviour of the angels which they had seen in their visions.”\textsuperscript{107} A human experience of participation in the angelic worship is likely to have been more thoroughgoing than a matter of “imitation” and more central to the rival Colossian mysticism than a mere “tendency.”

When mystically minded Jews participate in the worship of heaven they expect a transformation to a new angelic identity.\textsuperscript{108} Indeed, this transformation is achieved and expressed, on occasion, precisely

\textsuperscript{105} Pace the argument of Rowland, “Apocalyptic Visions,” 74–76, whose Jewish texts do not, in my estimation amount to angelic ‘self-abasement’, only humble worship.

\textsuperscript{106} Francis, “Humility,” 181–83.

\textsuperscript{107} Rowland, “Apocalyptic Visions,” 77.

\textsuperscript{108} Some of this evidence is discussed in Francis’ original article, but its full significance is not appreciated there.
through the self-abasement of fasting.\textsuperscript{109} Avoidance of food was deemed a way to attain an angelic identity because fasting negates or transcends the physical, bodily nature in a way that is commensurate with a supraphysical, spiritual or angelic life. So, when Col 2:18 refers to “those delighting in (their own) self abasement and the θησακεία τῶν ἄγγελων” there is a slight shift from human to angelic subject, but the human subject never disappears since the θησακεία τῶν ἄγγελων is a reality for the human community themselves. We could paraphrase “those delighting in (their own) self abasement and an angelomorphic worship.” The Jewish sources indicate that the worship offered by both (suprahuman) angels and (angelomorphic) humans would be in view in the expression θησακεία τῶν ἄγγελων and it is almost certain that there would have been gradations of angelomorphic privilege. This is the way the heavenly liturgy worked at Qumran, with the priesthood set apart in privileged access to God’s inner courts. So too for some in the Colossians context the ascesis and angelic worship of their human leaders would be more a matter of observation than full participation; hence the ἃ ἑόρακεν refers to all that a worshipper might witness in a Qumran-style heavenly liturgy. For Paul there is no discrimination between active participants and observers in the Christian mystery and, perhaps, this rival angelomorphic worship is too limited in what it offers his believers. They are all fully human in their transformation and conformity to the true image of God (1:15 & 3:10, cf. Gen 1:26) and they are filled up with the divine life (2:9–10). So Colossians probably represents a distinctively Christian witness to the theme familiar to the rabbinic and mystical corpus of rivalry between the angels and humanity that has been studied by P. Schäfer.\textsuperscript{110}

That it is a distinctively Christian theological anthropology which Paul sets over against a “narrower” angelomorphic anthropology is supported by the second and third points made in criticism of the Colossian opponents. Contrary to their claims, they are not in fact exalted to the heavenly realms; they are merely vainly puffed up in the mind of the flesh. For the word φυσιούμενος, which expresses the idea of conceit through the image of self-inflation, we should recall the vivid account of Enoch’s cosmic enlargement in 3 Enoch 9 (Synopse

\textsuperscript{109} See 2 En. 56; Jos. Asen. ch. 16, cf. L.A.E. 4:1–2; 4Q513 frags. 1–2 (Fletcher-Louis, All the Glory of Adam, 194–195), Philo on Moses’ ascent in Somn. 133–37 and the Therapeutae (Contempl. 25, 34).

\textsuperscript{110} Schäfer, Rivalität.
§12) which, though reflective of a developed, much later form of Jewish mysticism, is already anticipated in recently published Dead Sea Scroll texts (noted above). And Paul’s expression ὑπὸ τοῦ νοὸς τῆς σαρκὸς αὐτοῦ is probably a carefully chosen (or freshly coined) polemical expression that pricks the opponents’ inflated pride with their own language turned against them. In the mystical texts among the Dead Sea Scrolls, both those distinctive of the Qumran community and those they inherited from an older stream of Jewish liturgical theology, it is often said that the transformative exaltation from the mundane to the heavenly is a movement “from flesh (מבשר) to a plane and identity that is beyond the fleshly. God exalts the glory of the just man “above flesh” (1QH 7:19–20) and the speaker in the Self-Glorification Hymn boasts that his “desire is not according to flesh” but is set in divine Glory (4Q491c 1 7, cf. 4Q427 7 ii 16). It may well be that the “hellenistic” Jews in Asia Minor believe they now live in the realm of the νοῦς, but for Paul theirs is the “mind” of the flesh that is preoccupied with earthly and very fleshly matters (2:16, 21, 23), not some supra-sarkic mind. So, it is not the conceit of those who claim an experience they have not in fact had, that Paul attacks, but a pretension to an identity that is not theirs.

In verse 19 the comment that the opponents do not grasp or hold onto the head (οὐ κρατῶν τὴν κεφαλήν) anchors the (soteriological) struggle over the Colossian Christians’ identities in Christology. The head is Christ (cf. 2:15, 18) who is seated at God’s right hand (3:1). It is likely that the “angels’ worship” included, at least for some in the human-angelic hierarchy, the prospect of the vision of God. So it is not surprising that Paul does not claim that the Christians have a vision of God but that the opponents do not. This is a further piece of evidence

111 See Fletcher-Louis, All the Glory of Adam, 212–216. For the use of φυσιόω in association with not just ordinary ‘conceit’ but the conceit and arrogance of those possessing a heavenly identity see Ign. Smyrn. 6:1.


113 Paul’s expression suits not just a Hellenistic anthropology that the Jews in Asia Minor would easily understand (as pointed out, for example, by Dunn, Colossians, 184–85), but also a several centuries old native, Palestinian, mystical trope. For the translation of the older language from its native tongue to Greek see Fletcher-Louis, All the Glory of Adam, 127–134 on Josephus, J.W. 2:154–8 and Fletcher-Louis, Luke-Acts, on the Philo’s account of the Therapeutae.
to support the subjective genitive reading of θρησκεία τῶν ἄγγελων. If in that expression Paul had being talking about a worship directed to angels he would surely have seized upon the opponents’ failure to direct their attention to God; particularly in view of his own celebration of the fact, earlier in the letter, that Jesus Christ is the very visible image of the invisible God. As it is, Paul chastises those who would disturb his readers because they are not physically, tangibly, connected—as a torso is to a head—to the visible occupant of God’s head. This is a striking image that again claims more for the Christian mysticism than was claimed for its (pre-Christian) Jewish forerunner. Implicitly, the point of view is both like and unlike that adopted by John. The author of Colossians and John’s gospel agree that Jesus’ followers have direct access to that which is the pinnacle of the mystical experience. They have it in Jesus Christ, the incarnate one. John focuses on the vision of God that is now available in Jesus. Colossians focuses on the anthropological and ecclesiological fruit of the mystical encounter with Christ.114

It is not just that the Christian mysticism is more fully divine, cosmic and human than the alternative Jewish one. It is also that the disciple’s participation in the divine mysteries is defined by a new ascesis and pattern of life. For the old liturgical pattern—the shadow of the things that are fulfilled in Christ (2:16–17)—there is a worship that transcends the particularities of time (festivals, new moons and Sabbath, 2:16) with the particularities of Christ’s life: the purity regulations of biblical and contemporary halakhah (2:16, 21, 23) are now superseded by the call to walk in Christ (2:6, cf. 1:11), filling up the lack of his sufferings (1:24).

This contrast between the need for conformity to Christ and the aspirations of a Jewish mysticism that does not reckon with the definitive character of Christ’s cruciform pattern of life is also to be found in 2 Corinthians 12. Why does Paul only ascend to the third heaven? By the mid-first century CE a seven-tiered cosmology had replaced an older three-tiered cosmology represented by the earliest portions of 1 Enoch (ch. 14). Is Paul clinging to an old fashioned cosmology? More likely, given the context of the passage where Paul is playing the fool in his debate with the boastful super-apostles that have disturbed his Corinthian disciples, is the view of Paula Gooder that Paul sets himself

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114 For John and Colossians in theological and rhetorical agreement here see Goulder, *A Tale of Two Missions*, 51.
up as a failed mystic. He only reached the third heaven; a thorn in the side—an angel of Satan—stopped him going further, prevented him being too highly exalted (v. 7). He did not see God enthroned in the seventh heaven. He only heard some things he cannot report. His was a failed invasion of heaven, not an ascent! Christ’s strength is made perfect in his weakness, not in the over-confident, triumphalistic, enthusiastic, claims of a mysticism that rejects the cross.

Recent study of the Dead Sea Scrolls is greatly advancing—if not revolutionising—our understanding of the history of Jewish mysticism. There is still much work to be done in understanding how this history impacted the New Testament. Other early Christian texts, especially non-canonical ones, may now yield fruitful study in the wake of recent findings. Perhaps there were a variety of reactions to the heritage in Jewish mysticism. But here at least, in John and in Colossians, there is evidence of a strongly felt and united front against a religious experience and theology that would detract from the central claims of the Christian faith.

4. Jewish mysticism in the Rabbinic Period

Most modern discussion of Jewish mysticism in antiquity has assumed that it only really begins in the rabbinic period, however much it might be anticipated by phenomena attested in the apocalyptic literature. If this is so then the marginalisation or careful control of mystical speculation can be variously explained in terms of rabbinic attempts to avoid new but dangerous incursions into established patterns of life, theology and social organisation. On this showing the mystics are inherently anti-institutional and subversive of rabbinic authority, and this opens up the possibility of their introducing overtly heterodox theology, as is the case, for example, in the promulgation of the Two Powers in heaven heresy which has strong associations with mystical

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praxis.\textsuperscript{117} And of course mystical speculation for the immature is just plain psychologically dangerous.\textsuperscript{118}

But if, as has been argued thus far, we must now see considerable continuity between Second Temple and later rabbinic-period mysticism then these explanations become problematic. If a living mystical tradition existed long before the tannaitic period and the kind of speculation attested in rabbinic-period texts is not an essentially new phenomenon at this time, then why is it suppressed at this time? Surely all the explanations that are produced for its suppression by the rabbis would equally apply to the earlier period. But there is no hard evidence for any kind of suppression in the Second Temple sources.\textsuperscript{119} The Qumranites do not seem to have been the slightest bit bothered by the threat from a mystical liturgy to their community’s authority.\textsuperscript{120} Daniel Boyarin has argued that the Two Powers “heresy” should not be seen as simply a new external “binitarian” threat which the rabbis ward off against a traditional and well-defined “monotheism.”\textsuperscript{121} Rather, the “Two Powers” texts testify to a rabbinic process by which identity is newly constructed in the second century CE so as to exclude what had been a phenomenon “internal” to the Jewish community. If a Two Powers theology was not a problem for some in the pre 70 CE context, then why is it avoided post 135 CE?\textsuperscript{122}

If recent work on Second Temple mysticism problematises the history of mysticism in the rabbinic period, the foregoing discussion also offers a fresh explanation of the decisive shift that took place in the

\textsuperscript{117} Segal, \textit{Two Powers}.

\textsuperscript{118} Evidence for this view is found in the story of the boy reading Ezekiel 1 in \textit{b. Hag} 13a.

\textsuperscript{119} The crowds in the temple in Acts 22 listen happily to stories of Paul’s visions (22:6–21) it is only the specific content of one of them that offends them (22:17–22). There is no suggestion that authors of the DSS were persecuted for their mystical interests.

\textsuperscript{120} See Wolfson, \textit{Speculum}, 56–67 for criticism of Scholem’s assumptions behind his view that Jewish mysticism is essentially anti-institutional.

\textsuperscript{121} D. Boyarin, “Two Powers in Heaven; or, The Making of a Heresy,” 331–370.

\textsuperscript{122} Boyarin suggests that the motivation for the rejection of Aqiba’s interpretation comes from ‘the hardening of the Logos theology and its variants into Christology as that was beginning to take place in the second century’ (352–53). This (and a competition from Gnostic theologies that develop at this time) is likely. But there are no references or allusions to a Logos theology in so many of the relevant rabbinic texts. In particular, the material in \textit{b. Hagigah} suggests a more immediate, internal-to-the-Jewish-community stimulus; the disastrous effects of a theology that motivated the tragedy of 135 CE.
second century: mystical ideas and practices played a prominent role in the tragedy of the 132–135 CE revolt (and in the revolts in 66–70 and 115–117) and they were suppressed, at least for a while, just as messianism and eschatology were suppressed. The mysticism that remerged later has been stripped of the historical and political concerns with which it was once pre-occupied.

This is not the place for a full examination of this hypothesis which depends on our presentation of the case for a thoroughly politically engaged mystical activity in the Second Temple period. But it has sufficient circumstantial testimony to gain a hearing. The mishnah rules (m. Hag. 2:1):

Whosoever gives his mind to four things it were better for him if he had not come into the world—what is above, what is beneath, what was beforetime, and what will be hereafter. And whosoever takes no thought for the Glory of his creator, it were better for him if he had not come into the world.

“What will be hereafter” surely includes hopes of national restoration and visions of their fulfilment. “Whosoever takes no thought for the Glory of his creator” is plausibly taken as a reference to an improper exercise in transformational mysticism, and we have seen that this is implicated in the ideology of military power and messianic leadership. What the mishnah says is corroborated by the Origen’s prologue to his Commentary on the Songs of Songs (23) where he says that:

The beginning of Genesis, in which the creation of the world is described; the beginning of Ezekiel the prophet, which tells of the cherubim; the end, which deals with the building of the Temple; and this book of the Song of Songs’ are all reserved for the end of the Jewish education programme.

As an aspect of “what will be hereafter” the building of the temple should not be understood in narrowly esoteric terms. This is what the Bar Kochba revolutionaries had been fighting for and we have seen that there are indications that their leadership were engaged in mystical activity.

The beauty of this proposal is that it has explanatory power for the understanding of the hekhalot texts that do, finally, emerge several centuries later. These are mystical texts shorn of politics and the

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cultic, corporate interests that define life in the Second Temple period. They represent the partial recovery of the Second Temple mystical tradition.

5. Conclusion

In conclusion, a revisionist assessment of the mystical traditions of the late Second Temple period that recognises their inextricable connection to the temple and its cosmology and their non-dualistic theological framework leads to a reassessment of the history of the phenomenon as it is taken up in both the New Testament and the world of the rabbis. A strong case can be made, in particular, for the close connections between mysticism and Israel’s political life which sheds some light on its chequered history. At the same time close attention to how, each in their respective ways, the New Testament and the rabbis handled the mystical tradition contributes to our understanding of that complex phenomenon that is the partings of the ways between Judaism and Christianity.


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INDEX OF PERSONS

ʿAbd el-Jabbar 22581
Abba Shaul 1498
Abba Yose ben Hanin 80
Abrahams, I. 30, 3081, 3580
Abusch, T. 139, 13980, 13917
Aelianus 21014
Aelius Herodianus 22478
Aeschylus 21013
Agatharchides (of Cnidus) 21123
Agobard of Lyons 11, 1123
Augustine 4, 8, 81, 9, 13, 19, 20, 67, 171, 176, 181
Aland, K. 27379, 322108
Albeck, C. 915, 83, 8310, 8580, 10940, 13915, 29031, 31377, 35513, 35514
Albertz, M. 41
Albrecht, K. 8515
Alexander, P. 25712, 43417, 43418, 43519, 4304, 4311, 4312, 43519, 44146, 44433, 44434, 44535, 44536, 44538, 45583, 45584, 45686, 465112, 467116
Alexandre, M. 36029
Allison, D.C. 41, 23424, 26548
Almquist, H. 4128
Alon, G. 48, 4819, 4830, 61, 145, 155, 15585, 183, 183164, 192, 192177, 192178, 28413, 28414, 28415, 31377, 31688
Alter, R. 4823
Amram, D.W. 293, 324115
André, A. 1537
Aquila 632
Aristeas 71
Aristophanes 21013, 22478
Ashton, J. 43835, 45787, 467115
Asiedu-Peprah, M. 243159
Avemarie, F. v, vi, xvii, xvi, 31, 15790, 175, 176, 176145, 255, 26886, 27793, 281, 282, 283, 284, 285, 286, 28680
Avery-Peck, A.J. 432, 85, 8518, 86
Avtalion 54

Bacher, W. 611, 29, 1388, 13810, 13913, 19115, 21644
Bachmann, M. 177, 177151
Back, S.-O. 19414, 199, 22061, 22781, 230, 23010, 23949, 240150, 243158, 245, 245157, 245168, 245169, 250151, 327119
Baillet, M. 25920
Balabanski, V. 249174
Baltensweiler, H. 328125, 329127
Bammel, E. 30416
Banks, R.J. 196, 196188, 235129, 249179
Bar Kokhba xxi, 51, 58, 87, 88, 31989, 391, 448, 449, 450, 45086, 451
Bar-Akiba 8
Barclay, J. 14124, 14215, 175, 175141
Baron, S.W. 457, 5312
Barr, J. 338123
Barré, M.L. 41571
Barrett, C.K. 171, 171130, 244161
Barth, M. 45983
Basser, H. 201, 201196
Bauckham, R. 124, 1247, 183, 183164
Baumgarten, A.I. 113, 114, 115, 11511, 121, 12229, 12310, 12438, 12580, 126, 143, 14340
Baumgarten, J.M. 14248, 14277, 147, 14752, 15082, 15083, 15084, 15085, 15187, 15189, 15189, 15271, 15272, 15275, 15689, 21433, 22289, 249179, 2561, 25920, 26022, 26023, 26286, 30964, 31888, 322108
Baumgartner, W. 14035
Bava ben Buta 14341
Beare, F. 21990
Beck, A.B. 45992
Becker, H.-J. 72, 7224, 82, 827, 198, 26431, 26651, 27087, 2709, 2812
Belkin, S. 15584, 169, 169120, 175143, 179, 30797
Bell, H.I. 26133
Ben Shalom, I. 14443, 184467, 330134
Ben-Amos, D. 10938
Ben-Hayyim, Z. 35514
Benoit, P. 2081, 21990
Benz, E. 21
Berger, K. 195, 195186, 27668, 30024, 30127, 30341, 30962, 322107
Bergmeier, R. 177152
Berlin, A. 11684, 12887
Berner, C. 7224
Bernstein, M. 15082
Bethge, H.-G. 27379
Beza, T. 23, 24, 328143
Bickerman, E.J. 6916
Bienaimé, G. 41671
Bietenhard, H. 610
Billerbeck, P. vii, 19, 21, 29, 2930, 31, 3142, 39, 92, 101, 10111, 102, 12642, 159, 15970, 160, 16099, 171, 193, 3423, 423
Black, M. 239, 23948, 3361, 3378, 388, 3888, 38910
Blanchetièrè, F. 166
Blanke, H. 45992
Blau, L. xvii, 6916, 291, 293, 29310, 30127, 302, 30234, 30434, 30444, 30436, 30550, 30652, 30756, 30859, 309, 31375, 31377, 31581, 316, 31685, 320103, 322109, 323111, 324, 324114, 324115, 328121
Block, R.A. 10939
Blumenkranz, B. 1123
Bockmuehl, M. 31, 166, 21851, 28722, 296, 297, 31375, 329128
Bogaert, P.-M 15481, 41674
Böhme, M. 259
Bokser, B. 106, 10628, 10629
Bomberg, D. 72
Bonsirven, J. 294, 29413, 29517, 325118
Booth, R. 198, 201, 26442, 26441, 26446, 26619, 26658, 26858, 27123, 284, 284123, 28516, 28726, 327119
Borgen, P. 198, 441, 44143, 46096
Bousser, W. 1, 146, 15885
Bouwer, J. 438
Boyarin, D. 31, 5012, 586, 61, 6134, 10322, 10424, 146, 468121, 468122
Brand, G. 2551
Brandenburger, E. 364
Braun, H. 196
Breuer, Y. 8516
Breytenbach, C. 2657
Bright, G. 25, 2567
Brin, G. 298, 299, 30337, 30340, 30860, 30964, 31171
Broer, I. 199, 199244
Brown, P. 12125
Brown, R.E. 244160, 244161
Bruners, W. 25813
Buber, S. 75, 7515, 76, 7632, 7634, 77
Bucer, M. 328123
Büchler, A. 31, 15064, 192, 192179, 284123
Bultmann, R. xi, 157, 15792, 158, 15893, 15841, 15896, 169121, 176, 189, 208, 208, 22729, 243158, 244160, 322, 3671
Burkitt, F.C. 3366
Burnett, S.G. 2440, 256, 2668
Busi, G. 143
Busse, U. 242156, 243158
Buxton, R. 16
Buxtorf I, J. vii, 23, 24, 2460, 37
Buxtorf II, J. 24, 2460
Cai, S. 1350, 2153
Calvin, J. 328123
Campbell, R.M. 394, 39428
Capelle, P. 42288
Capelli, P. 7427
Cappel, J. 24, 28
Cappel, L. 24, 2461, 25, 2565, 28, 33, 34, 3489, 37
Cardellino, L. 324115
Carmona, R. 41446, 41570
Carson, D.A. 177, 177150
Casey, M. 21120, 21324, 21329, 21435, 21611, 21882, 21853, 22042, 22790, 22793, 230109
Cassirer, E. 77
Cartwright of York, Chr. 24, 2463, 28
Cathcart, K. 41488
Chanina ben Dosa 106, 10628
Charlesworth, J.H. 397
Chazon, E. 229104, 27791
Chernick, M. 197191
Chilton, B. 199, 201, 201198, 27688, 392, 39224, 393, 394, 39445, 395, 39579
Christiani, P. 13, 14
Churgin 41466, 41469
Chwolson, D. 16096
Clarke, E.G. 42491
Clement V 11
Cohen, S.J.D. 4718, 5752, 5857, 10436, 11410
Collins, A.J. 251186, 252, 252189
Collins, J.J. ii, 138, 36235
Collins, R.F. 2901, 2927, 297, 29720, 324115, 325129, 36228
Colpe, C. 21855
Colson, F.H. 30653
Congar, Y. 168199, 31793
Conick, A.D. 4292
Connolly, R. 712
Conrad Leontorius 16, 1660, 17
Contreras, E.M. 10322
Conzelmann, H. 3549
Cornelius a Lapide (van den Steen) 22
Cowey, J. 1125
Cross, F. 6030, 21578
Crossan, J.D. 368, 3729
Crossley, J. 202
Crump, D.M. 43627
Cuilly, J. de 17
INDEX OF PERSONS

Dadré, J. 17
Dahan, G. 10, 1021, 1846
Dalman, G. 210, 336, 337, 3379, 339
Dan, J. 467116
Danby, H. 26, 67, 31, 170, 17126, 17147, 171130, 174, 194, 231133, 23424, 26548
Dautzenberg, G. 230108
Davies, W.D. 4, 7, 31, 170, 17127, 174, 179, 194, 231133, 23424, 26548
Davies, M. 22794, 2904
Davila, J.R. 43417, 43519, 44658
De Lange, N. 24
Déaut, R. le 31, 388, 38818, 42493
Deines, R. xiv, 27, 3182, 111, 1126, 11512, 11513, 11614, 11715, 11716, 11717, 12228, 12229, 12641, 12644, 12745, 12746, 12952, 13255, 199, 22270, 237134, 2551, 26441, 26544, 26545, 26857, 27175, 28413, 41674
Delebecque, E. 209, 2094, 20912, 210
Derrett, M. 161, 181, 2085, 209, 20912, 32926
Deinum, M. 199, 242155
Dimant, D. 15272
Diodorus (of Sicily) 21017
Diogenes Laertius 238139
Dione, H.W. 198183
Dioscurides 224126, 225128, 232126, 242130, 243129, 246130, 247126, 248130, 249130, 250130, 251130, 252130, 253130, 254130
Dönhitz, S. 6712
Döring, M. 15, 16, 17, 1712, 1815, 19, 32, 33
Douglas-Klotz, N. 10424
Downing, G. 1124
Drews, W. 7224
Driver, G. 13915
Drusius, J (senior) 24, 2418, 33, 37
Dschulnigg, P. 102, 10216
Dummer, J. 12125
Dunn, J.D.G. 13225, 146, 163, 16310, 16311, 164, 174, 174138, 175, 175140, 17541, 175144, 176, 177, 177151, 178, 17814, 189172, 21816, 25117, 26841, 27277, 2811, 340111, 360, 36091, 36270, 45941, 462101, 465133
Dupont, J. 16411, 2927, 294, 29517, 296, 322109, 32518, 328124, 329108, 41571
Dupont-Sommer, A. 34123
Ebert, M. 2132, 21745, 21748, 21831
Eco, U. 73, 77
Edgar, C. 21016
Edzard, G.E. 36
Egerton, P. 25813, 26024, 26113
Eisenstein, J. 1020
Eligor, R. 4444
Elliot, J.K. 22649
Elman, Y. 60, 6013, 841
Elon, M. 14258
Elwelof, J.F. 22124
Ephrem 22582
Epictetus 35720
Epiphanius 6, 9
Epstein, J.N. xii, xii4, xii6, 46, 84, 8413, 8414, 97, 977, 138, 14725, 148, 14877, 191175, 22240, 227, 22715, 245165, 30446, 31015
Epstein, J. 46, 252191
Erasmus 23, 24, 32813
Eshel, E. 25910, 25911, 26024, 26027, 2784
Eskola, T. 43811, 4619
Estius (Willem van Est) 21, 2114, 23
Eusebius 7, 448
Evans, C.A. 162, 199, 201, 201196, 394, 39418
Fabricius, J.A. of Hamburg 918, 35, 36, 361, 3692, 37
Falk, H. 197191, 198
Fee, G.D. 35718, 36298
Fernández, M.P. xxi, 367, 3681, 3691, 37815, 38426
Feuardent, F. 17
Fiebig, P. 101, 10111
Fine, S. 4715, 4717
Finkel, A. 162, 194
Finkelstein 1151, 357, 35926
Fischel, H.A. 97, 971
Fitzmyer, J.A. 22, 21843, 239141, 2927, 295, 29517, 29618, 298, 30861, 30961, 30941, 320104, 321105, 324113, 324116, 329129, 331138, 3361, 37741, 37818, 3899, 38910, 396
Flannery-Dailey, F. 434, 43415
Flavius Mithridates 14
Fledderman, H. 23914, 240149
Flesher, P.V.M. 390, 39014, 39015, 391, 394
Flavell-Louis, C.H.T xxii 132 56, 429, 4328, 4331, 4359, 43520, 43522, 43524, 43526, 43728, 44145, 44249, 44350, 44453, 44454, 44557, 44659, 44760, 45170, 45273, 45275, 45377, 45380, 45685, 45891, 462101, 462102, 462103, 464109, 465111, 465112, 465113
Flor, P. 210 16
Fledderman, H. 239 144, 240149
Flesher, P.V.M. 390, 39016, 39017, 391, 394
Fletcher-Louis, C.H.T xxii 132 56, 429, 4328, 4331, 4359, 43520, 43522, 43524, 43526, 43728, 44145, 44249, 44350, 44453, 44454, 44557, 44659, 44760, 45170, 45273, 45275, 45377, 45380, 45685, 45891, 462101, 462102, 462103, 464109, 465111, 465112, 465113
Forestell, J. 388 8
Friedman, M. 297, 300 26, 30131, 30233, 30446, 30757
Friedman, S. 49, 50, 50 27, 51, 52, 52 38, 56, 5649, 5651, 7021, 825, 106, 106 28
Frye, R.N. 13915, 14021
Gabler, H.W. 64 4
Gafni, I.M. xii, 43, 45, 50, 50, 55, 55, 59.59, 614
Gager, J. 177, 177149
Gamaliel the Elder 8, 94, 166, 124, 426
Gamaliel the Younger 80, 94, 95, 197, 331
Gandell, R. 2564
Gaon Sherira xiii
Garb, G. 11921
García Martínez, F. 152 14, 15272, 34124, 41265
Gaston, L. 167118, 173
Geiger, J. 5341
Geiger, L. 1640
Gerhardsson, B. 31, 179, 191174, 196, 197
Gerstenberger, E. 2837
Gibson, S. 25712
Gillihan, Y. 182, 36312
Gils, F. 21960
Ginsburg, C.D. 696
Ginzberg, L. 8413, 1371, 14134, 14444, 14450, 150, 15064, 15065, 155
Gnilka, J. 208, 22082, 22791, 249175, 2812
Goldberg, A. 7755, 97, 97, 98, 107, 14445, 14743, 148, 14856, 14959, 15061, 15378, 21330, 31792, 330134
Goldsworthy, A. ix5
Goodblatt, D. 5258, 58, 59, 5959, 5960, 972
Goodenough, E. 47215, 154, 15554
Goode, P.R. 466, 467115
Goodman, M. 12259, 12334
Gordon, R. 392, 39222, 41468
Gotzmann, A. xxiv16
Gould, M.D. 252191, 43730, 44041, 45767, 461100, 466134
Grabbe, L.L. 1138, 11511, 11513, 11921, 12546
Graetz, H. 44, 61, 14443
Grotius, H. vii, 23, 24, 28, 33, 195
Hackspan, T. 24, 2445, 28, 37, 3794
Hammond, H. 28
Hananya ben Hizqiyya 91
Hanin, R. 2904
Hansberger, T. 7848
Harnack, A. von 49, 918
Harrington, D. 14277, 402, 40246, 403, 40335, 4164, 41775
Harrington, H. 26034
Harvey, A.E. 162107
Hasan-Rokem, G. 10938
Hauptman, J. 825
Hausmann, J. 21112
Hay, D.M. 21323, 3537
Haymo 19, 1950
Hayward, C.T.R. 4419
Hayward, R. 391, 39119, 39120, 39121, 39325, 39737, 42493
Heidegger, M. 65, 655
Heil, C. 239145
Heinemann, I. 10320, 192, 192179, 30655, 30776
Heinemann, J. 97, 977, 10320
Hempel, C. 15043, 15116
Hengel, M. x7, 10112, 11745, 12229, 12952, 14128, 14443, 174, 174139, 177, 181, 195, 195185, 27175
Herman, G. 52, 5237
INDEX OF PERSONS

282, 282, 283, 283, 284, 284, 285, 287, 289, 327
Kee, H.C. 384
Keener, C.S. 329, 329, 329, 396, 403, 405
Kehrer, G. 121, 128
Kertelge, K. 197
Kidd, J. 64
Kiesel, T. 65
Kiilunen, J. 227
Kim, S. 438
Kimelman, R. 60, 60
Kimhi 17
Kippenberg, H.G. 141
Kirchschläger, H. 324
Kittel, G. 126
Klausner, J. 193, 198
Klawans, J. 183, 183
Klein, M. 355, 407, 408, 421
Kleinschmid, F. 329
Kloppenborg, J. 239, 415
Klostermann, E. 2
Koerber, A. 16
Koch, D.-A. 178, 347, 347, 348
Koecher, L. 140
Koet, B. 275
Kohut, A. 69
Konradt, M. 223
Kosovsky, C. 405
Koyfman, S.A. 150
Kraemer, D. 49, 89, 90, 90, 108
Kraft, H. 276
Krauss, S. 11, 14, 31
Krygier, R. 203, 327
Kugel, J. 451
Kühn, H.-W. 182, 208, 227
Kümmler, W.G. 1, 1
Laansma, J. 220, 220
Lahmann, M. 244
Lacey, D.R. de 117, 127
Lagrange, M.-J. 325, 329
Lancey, J. 329

Lange, A. 277
Lauterbach, J. 69
Le Brun, J. 33, 34, 34, 34
Le Déaut, R. 31, 388, 388, 424
Leder, S. 71
Lehmann, M. 309, 320
Leloir, L. 225
Lenski, G. 111, 111, 112
Lentzen-Dies, F. 402
Leonard, J. 104
Lerner, M. xii, xii, xx, xii, 148
Lesse, R. 434
Levine, A.J. 197
Levine, L.I. 442
Leierson, J. 118, 132
Levy, B.B. 393, 393
Lewin, B. 147
Lew, T. 112, 112
Licht, J. 151
Lieber, A. 441
Lieberman, S. ix, 46, 46, 69, 69
Licht, J. vii, 22, 22, 22, 22, 22, 22, 22, 22, 22, 22, 22, 22
Lindenmann, A. 128, 178, 220
Lindeskov, G. 190
Loewe, H. 30, 31
Löhr, H. 178, 178, 178, 178, 179, 179
Lohse, E. 194, 194, 240
Lövestam 292
Lucian Ep. 236
Lucius, P. 210
Lüdermann 165
Luz, U. 221, 223, 223, 234, 234, 234
Luther 158, 171, 176, 181, 328
Luz, U. 221, 223, 223, 234, 234, 234

Maccabeus 230
Maccoby 10, 227, 261, 264, 264
Mach, M. 433, 433
Machinek 292
Mach, A.D. 355, 388, 388, 407
Macrobius 222, 231
Magen 284
INDEX OF PERSONS

Maher  41979
Mahler, G.  65
Maier, J.  25919, 46097
Maimonides  18, 1947, 26, 34, 35, 38, 142, 14238, 153
Mandel, P.  xviii 23, xix29, xix32
Manns, F.  165, 166116
Marcion  4, 459, 9, 98
Marmardji, A.S.  225 82
Martin, D.B.  353 6, 35717, 35927
Martyn, J.L.  244 160
Mason, S.  113 8, 11511, 11615, 11920, 12991
Mattathias  123, 124
Mayer-Haas, A.J.  198193, 203, 21745, 21748, 21834, 21854, 22065, 22168, 22373, 230111, 237135, 238142, 239143, 239145, 240150, 243158, 243159, 244160, 249175, 251186, 251187, 252190
McCasland, S.V.  41571
McNamara, M.  xxii, 31, 387, 387 1, 3888, 38910, 38912, 40039, 40040, 40041, 40144, 40145, 40960, 41061, 41163, 41264, 41466, 41672, 41673, 41776, 41879
McNamar, M., xxii, 31, 387, 387, 388, 389, 390, 40040, 40041, 40144, 40145, 40960, 41061, 41163, 41264, 41466, 41672, 41673, 41776, 41879, 42080, 42288, 42493, 42594
Meier, J.P.  1138, 11511, 11615, 11716, 11823, 12229, 13255, 13975, 13919, 168119, 189, 196, 19629, 21557, 21558, 21853, 21958, 21959, 329127, 3729, 37311, 37919
Meir, O.  10322, 15329
Meir, R.  148, 241, 307 56, 312, 312 73, 313, 31374, 3172, 31879, 31980, 315, 317, 328
Melamed, E.Z.  xii 16, 22269, 245165
Melanchton, P.  328123
Mendels, D.  453, 45379
Menn, E.M.  763, 42080
Merchavia, C.  1228, 1948, 1950, 2052, 2051, 2052
Merklein, H.  2812
Merz, A.  2552, 25511
Meuschen, J.G.  2225, 246, 27, 2774, 28, 29
Meyer, A.  12641, 337, 3379
Michael, R.  458
Mihaly, E.  161103
Milgrom, J.  25712, 25821, 26024, 26132, 2837
Milikowski, C.  xiii, 5122, 74, 7450, 75, 76
Miller, D.  3698, 37817
Miller, P.  3698, 37817
Miller, S.S.  1154, 11511, 12220, 26544
Mirtescu, R.  13296
Modena, L.  33
Moessner, D.  11921
Moloney, F.  403, 40348
Montefiore, C.  30, 312, 160, 161103, 162, 190173, 193, 294, 29412
Moore, G.F.  ix, xxiii, 1322, 2463, 146, 14626, 169121, 388, 388
Moreshet, M.  58, 5879, 90, 9028
Morrison, C.E.  4178
Morton, B.P.  391, 39118, 394, 39427
Müller, K.-H.  14119, 198
Munoz Leon, D.  389
Muraoka, T.  3488
Murem, B.  2085
Murphy, F.  41674
Myre, A.  29618
Naeh, S.  3612
Nahmanides  17
Nakdimon b. Guryon  12417
Nathan b. Yehiel  713
Naveh, J.  33710
Nehuniah ben ha-Qanah  14
Neil, S.  2225, 2977
Neyrinck, F.  238140, 239143, 239144, 2927, 294, 32518
Nembrach, U.  295, 29516, 329126
Nestle, E.  322108
Neudecker, R.  29415, 297, 29721, 29914, 30549, 30654, 30655, 30758, 31149, 31551, 31649, 31649, 31619, 325118, 32928
Neusner, J.  32, 43, 4953, 79, 80, 82, 826, 83, 83, 845, 87, 88, 8822, 8859, 89, 8954, 93, 97, 974, 10426, 114109, 119, 126, 12853, 131, 13115, 182, 191174, 197, 26413, 28413, 40553, 40554, 40555, 40758, 4187
Newman, H.I.  432
Newport  11615
Newsom, C.A.  43013, 43312, 43519, 43520, 44761
Newton  183163
Nicander  22478
Nicholas de Lyra  2, 10, 15, 158, 16, 169, 17, 18, 1845, 1919, 20, 22, 23, 25, 27, 28, 33, 39
Nickelsburg, W.E.  437, 43728
Nicklas  22683
Nicodemus  124, 1247, 22689
Nitzan, B.  35613
Noam, V.  xvii, 56, 5678, 5752, 15179, 299, 3086, 30961, 31479

515
Index of Persons

Nodet, E. 165, 307
Noy, D. 109
O’Brien, P.T. 177, 177
Obadiah, B. 26
Odeberg, H. 437
Oldfather, C. 210
Olsen, V.N. 328
Olszowy-Schlanger, J. 11, 24, 122
Oppenheimer, A. 51, 51
Origen vii, 2, 2', 2', 3, 5, 6', 7, 8, 37, 39, 40, 63, 145, 145', 328, 352, 356', 359, 469
Osten-Sacken, P. von der 168
Ostmeyer, K.-H. 112
Ott, A. xvii, 293, 293
Ott, W. 64
Ottenheijm, E. 202, 202
Parker, Matthew 16
Paul IV 14
Paul of Burgos (Paulus de Sancta Maria) 2, 15, 16, 17, 18, 18', 19', 19', 20, 21, 22, 23, 25, 26, 33, 39
Pearson 24, 24
Pearson, B.A. 354
Pelletier, M. 117
Penna, R. 165, 174
Pérez Fernández, M. xxi
Perrot, C. 416
Pesch, R. 209, 213', 220', 227', 230
Petersen, W.L. 225
Petrus Galatimus 14
Pettem, M. 165
Philippe de Mornay 25
Picco della Mirandola 14
Pines, S. 225, 225
Pitman, J.R. 25
Plutarch 210', 216', 262, 262', 422
Pococke, E. 38
Poirier, J.C. 264
Pole, M. 28, 28', 32, 33'
Polt, R. 65, 65
Polybius 238
Pope-Levison, P. 118
Porphyry 277
Porten, B. 304', 304'
Porton, G. 103', 103'
Preisker, H. 399, 399
Preuss, J. 257', 260', 261', 263'
Price, R. 369', 378'17
Priest, J. 270'8
Pseudo Barnabas 155, 156
Pseudo Clement 276
Pseudo Crates 216', 218
Pseudo Lucianus 210
Ptolemaeus I Lagou 211
Ptolemy 7, 9
Puech, E. 412
Qimron, E. 142', 151', 233', 234, 341, 341', 447'
R. Alexandri 383
R. Ashi 50, 384'
R. Elazar b. Azariah 52, 80, 224', 247', 311
R. Eliezer 78, 151'
R. Eliezer b. Jacob 80, 241
R. Eliezer b. Parta 250'
R. Eliezer 138, 178', 184, 185, 185', 191, 191', 224', 246, 266', 286, 310, 318, 371', 405
R. Gamaliel 52, 52', 166, 193
R. Hama of Sephoris 382
R. Hanina b. Dosa 243
R. Hiyya b. Abba 380
R. Hiyya b. Ashi 381
R. Hiyya 382
R. Ilai 191
R. Johanan ben Zakkai 441, 442, 449
R. Jonathan ben Joseph 216
R. Johanan ben Torta 448
R. Joshua 266
R. Judah 85, 86, 87
R. Kahana 52, 52', 106, 106
R. Levi bar Zecharia 361
R. Meir 241, 328
R. Nehemiah 382
R. Pinhas 382

516
<table>
<thead>
<tr>
<th>Name</th>
<th>Pages</th>
<th>Bibliographic References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheid, B.</td>
<td>28, 36</td>
<td></td>
</tr>
<tr>
<td>Schiffman, L.H.</td>
<td>142, 152, 152</td>
<td>156, 212, 233</td>
</tr>
<tr>
<td>Schlüter, M.</td>
<td>79, 97</td>
<td></td>
</tr>
<tr>
<td>Schnackenburg, R.</td>
<td>244, 247</td>
<td>247, 170</td>
</tr>
<tr>
<td>Schneemelcher, W.</td>
<td>258</td>
<td></td>
</tr>
<tr>
<td>Schoeps, H.-J.</td>
<td>170, 171</td>
<td>128</td>
</tr>
<tr>
<td>Schoettgen, C.</td>
<td>vii, 27, 27</td>
<td>39, 30, 36, 37, 379, 39</td>
</tr>
<tr>
<td>Scholem, G.</td>
<td>46, 47, 474, 475</td>
<td>47, 433, 433</td>
</tr>
<tr>
<td>Schorsh, I.</td>
<td>44, 45</td>
<td>45</td>
</tr>
<tr>
<td>Schrage, W.</td>
<td>171, 172, 178, 353</td>
<td>363</td>
</tr>
<tr>
<td>Schreckenberg, H.</td>
<td>13, 154</td>
<td>42</td>
</tr>
<tr>
<td>Schremmer, A.</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Schrenk, G.</td>
<td>404</td>
<td>50, 405, 411</td>
</tr>
<tr>
<td>Schulman, D.</td>
<td>109</td>
<td></td>
</tr>
<tr>
<td>Schürer, E.</td>
<td>117, 125, 274</td>
<td>82</td>
</tr>
<tr>
<td>Schwartz, D.R.</td>
<td>85, 8517</td>
<td>122, 8</td>
</tr>
<tr>
<td>Schwartz, S.</td>
<td>52, 5219, 53, 53</td>
<td>41</td>
</tr>
<tr>
<td>Schweitzer, A.</td>
<td>158, 169, 169</td>
<td>122, 170, 170</td>
</tr>
<tr>
<td>Schweizer, E.</td>
<td>213</td>
<td>353, 354</td>
</tr>
<tr>
<td>Scott, A.</td>
<td>356, 359</td>
<td>26</td>
</tr>
<tr>
<td>Scott, R.H.</td>
<td>198</td>
<td></td>
</tr>
<tr>
<td>Scroggs, R.</td>
<td>353, 360, 361, 362</td>
<td>34</td>
</tr>
<tr>
<td>Segal, A.F.</td>
<td>180, 18018, 436</td>
<td>438, 449, 468</td>
</tr>
<tr>
<td>Segal, E.L.</td>
<td>103</td>
<td></td>
</tr>
<tr>
<td>Segal, M.Z.</td>
<td>306</td>
<td>342</td>
</tr>
<tr>
<td>Seidensticker, P.</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>Seifrid, M.</td>
<td>173, 174, 177, 177</td>
<td>150</td>
</tr>
<tr>
<td>Selden, J.</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Sellin, G.</td>
<td>353, 353</td>
<td>354, 354</td>
</tr>
<tr>
<td>Sgherri, G.</td>
<td>2</td>
<td>84, 3487, 3487</td>
</tr>
<tr>
<td>Shammai, xvii,</td>
<td>93, 143</td>
<td>143</td>
</tr>
<tr>
<td>Shapira, H.</td>
<td>52</td>
<td>25, 8925</td>
</tr>
<tr>
<td>Shemaya, M.</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>Sheringham, R.</td>
<td>38, 386</td>
<td>86</td>
</tr>
<tr>
<td>Shimon ben Gamliel</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>Shimon ben Shetah</td>
<td>301, 28</td>
<td></td>
</tr>
<tr>
<td>Sievers, J.</td>
<td>114, 124</td>
<td>37</td>
</tr>
<tr>
<td>Silberman, L.</td>
<td>160</td>
<td>102</td>
</tr>
<tr>
<td>Silva, M.</td>
<td>336</td>
<td></td>
</tr>
<tr>
<td>Simeon Bar Kosiba</td>
<td>448</td>
<td>82</td>
</tr>
<tr>
<td>Simeon b. Yohai,</td>
<td>8, 14</td>
<td>37</td>
</tr>
<tr>
<td>Simeon of Mitzpah</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>Simon, M.</td>
<td>260</td>
<td>35</td>
</tr>
<tr>
<td>Simon, R.</td>
<td>33, 34, 34, 34</td>
<td>34, 35</td>
</tr>
<tr>
<td>Sixtus V. Feuardent</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Skarsaune, O.</td>
<td>358</td>
<td>181</td>
</tr>
<tr>
<td>Skeat, T.C.</td>
<td>261</td>
<td>25</td>
</tr>
<tr>
<td>Smalley, B.</td>
<td>10, 11, 15, 15</td>
<td>37</td>
</tr>
<tr>
<td>Smit, J.</td>
<td>182</td>
<td></td>
</tr>
<tr>
<td>Smith, H.</td>
<td>3, 19</td>
<td>47</td>
</tr>
<tr>
<td>Smith, M.</td>
<td>47, 4715, 4716, 191</td>
<td>174</td>
</tr>
<tr>
<td>Smolar, L.</td>
<td>393</td>
<td></td>
</tr>
<tr>
<td>Sokoloff, M.</td>
<td>139, 224, 400</td>
<td>414, 414, 424</td>
</tr>
<tr>
<td>Solomon ha-Levi</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Somers, D.</td>
<td>xxiv</td>
<td>37</td>
</tr>
<tr>
<td>Spencer, J.</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Spicq, C.</td>
<td>209, 210</td>
<td></td>
</tr>
<tr>
<td>Staaldunne-S.</td>
<td>215</td>
<td>38</td>
</tr>
<tr>
<td>Stanton, G.N.</td>
<td>248, 247</td>
<td>249, 249</td>
</tr>
<tr>
<td>Stauffer, B.</td>
<td>426, 426</td>
<td>95</td>
</tr>
<tr>
<td>Stegner, R.</td>
<td>162</td>
<td></td>
</tr>
<tr>
<td>Stegner, W.R.</td>
<td>103</td>
<td>20</td>
</tr>
<tr>
<td>Stemberger, G.</td>
<td>xii, xiii, 71, 29, 78</td>
<td>27</td>
</tr>
<tr>
<td>Strack, H.L.</td>
<td>vii, xxii, 29</td>
<td>101, 102, 159, 159</td>
</tr>
<tr>
<td>Strecker, G.</td>
<td>249, 281</td>
<td></td>
</tr>
<tr>
<td>Stroumsa,</td>
<td>33, 34, 34, 34</td>
<td>57</td>
</tr>
<tr>
<td>Strugnell, M.</td>
<td>151</td>
<td>69</td>
</tr>
<tr>
<td>Strype, J.</td>
<td>37</td>
<td>95</td>
</tr>
<tr>
<td>Stuckenbruck, L.T.</td>
<td>439, 440</td>
<td></td>
</tr>
<tr>
<td>Suetonius</td>
<td>248, 172</td>
<td></td>
</tr>
<tr>
<td>Surenhusius, G.</td>
<td>(W. Surenhuis)</td>
<td>26, 28, 29, 38</td>
</tr>
<tr>
<td>Sussman, Y.</td>
<td>46, 73, 107, 107</td>
<td>35, 147, 151</td>
</tr>
<tr>
<td>Svartvik, J.</td>
<td>269</td>
<td>44</td>
</tr>
<tr>
<td>Swidler, L.</td>
<td>197</td>
<td>91</td>
</tr>
<tr>
<td>Tabor, J.D.</td>
<td>412</td>
<td>65</td>
</tr>
<tr>
<td>Tacitus</td>
<td>262, 263</td>
<td>35</td>
</tr>
<tr>
<td>Täger, J.-W.</td>
<td>199, 199</td>
<td>194</td>
</tr>
<tr>
<td>Talmon, S.</td>
<td>69, 70, 447</td>
<td>61</td>
</tr>
<tr>
<td>Tannnehill, R.</td>
<td>208, 208</td>
<td>84</td>
</tr>
<tr>
<td>Name</td>
<td>Page Range</td>
<td>Notes</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Tansele, G.T.</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>Tarfon, R.</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>Tarn, W.W.</td>
<td>141-27</td>
<td></td>
</tr>
<tr>
<td>Taylor, J.</td>
<td>165</td>
<td></td>
</tr>
<tr>
<td>Taylor, N.H.</td>
<td>119-20</td>
<td></td>
</tr>
<tr>
<td>Taylor, V.</td>
<td>378-16</td>
<td></td>
</tr>
<tr>
<td>Templer, B.</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Tertullian</td>
<td>4, 328-321</td>
<td></td>
</tr>
<tr>
<td>Theobald, M.</td>
<td>13, 25</td>
<td></td>
</tr>
<tr>
<td>Theocritus</td>
<td>210-14</td>
<td></td>
</tr>
<tr>
<td>Theodor, J.</td>
<td>9-19, 109-40, 139-15, 290-2, 355-13, 355-14</td>
<td></td>
</tr>
<tr>
<td>Theodotus</td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>Theophilus of Antioch</td>
<td>xx, 358, 358-1, 358-2, 358-3, 359, 359-25, 360, 362, 365</td>
<td></td>
</tr>
<tr>
<td>Therapeutae</td>
<td>xxii, 441, 454, 465-13, 464-90</td>
<td></td>
</tr>
<tr>
<td>Thielman, F.</td>
<td>173</td>
<td></td>
</tr>
<tr>
<td>Thomas Aquinas</td>
<td>vii, 12, 13, 20, 21, 38</td>
<td></td>
</tr>
<tr>
<td>Thomas, J.C.</td>
<td>244-161, 245-166, 248-71</td>
<td></td>
</tr>
<tr>
<td>Tchelana, E.</td>
<td>222-49, 341-24</td>
<td></td>
</tr>
<tr>
<td>Tobin, T.H.</td>
<td>354-9, 362-34</td>
<td></td>
</tr>
<tr>
<td>Toma, C.</td>
<td>102, 102-15</td>
<td></td>
</tr>
<tr>
<td>Towner, W.S.</td>
<td>103-21, 103-22</td>
<td></td>
</tr>
<tr>
<td>Travers Herford, R.</td>
<td>xxiii, 140</td>
<td></td>
</tr>
<tr>
<td>Troeltsch, E.</td>
<td>130-53</td>
<td></td>
</tr>
<tr>
<td>Tukett, C.M.</td>
<td>239-144, 239-147</td>
<td></td>
</tr>
<tr>
<td>Turner, N.</td>
<td>35-90</td>
<td></td>
</tr>
<tr>
<td>Uchelen N.A.</td>
<td>137-5</td>
<td></td>
</tr>
<tr>
<td>Ulmer, R.</td>
<td>72, 72-23, 77, 77-16</td>
<td></td>
</tr>
<tr>
<td>Urbach, E.E.</td>
<td>46-1, 84-14, 143-39, 163</td>
<td></td>
</tr>
<tr>
<td>Vaherenhorst, M.</td>
<td>137, 202, 222-70, 234, 234-125, 235-128, 250-45, 313-75, 320-126</td>
<td></td>
</tr>
<tr>
<td>van de Sandt, H.</td>
<td>155-96</td>
<td></td>
</tr>
<tr>
<td>Vana, L.</td>
<td>405-12</td>
<td></td>
</tr>
<tr>
<td>VanderKam, J.C.</td>
<td>111-2, 151-68, 213-24</td>
<td></td>
</tr>
<tr>
<td>Veltri, G.</td>
<td>xii, xiii, 63, 66-10, 69-16, 69-17, 228-89</td>
<td></td>
</tr>
<tr>
<td>Vogt, F.</td>
<td>294, 325-138, 328-23, 328-125</td>
<td></td>
</tr>
<tr>
<td>Vos, G.J. (Vossius)</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Voss, I.</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Wahl, S.</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>Wahrde, U.C. von</td>
<td>119-20</td>
<td></td>
</tr>
<tr>
<td>Wahlen, C.</td>
<td>273-1, 277-90, 277-91</td>
<td></td>
</tr>
<tr>
<td>Wald, S.G.</td>
<td>51-14</td>
<td></td>
</tr>
<tr>
<td>Walker, R.</td>
<td>249-74</td>
<td></td>
</tr>
<tr>
<td>Walton, B.</td>
<td>387</td>
<td></td>
</tr>
<tr>
<td>Watson, F.</td>
<td>173</td>
<td></td>
</tr>
<tr>
<td>Weber, M.</td>
<td>114</td>
<td></td>
</tr>
<tr>
<td>Wedderburn, A.J.M.</td>
<td>353-7</td>
<td></td>
</tr>
<tr>
<td>Weinberg, J.</td>
<td>53-12</td>
<td></td>
</tr>
<tr>
<td>Weinfield, M.</td>
<td>301-12</td>
<td></td>
</tr>
<tr>
<td>Weiss, H.</td>
<td>168-19, 207-1</td>
<td></td>
</tr>
<tr>
<td>Weiss, A.</td>
<td>97, 97-2, 154-83</td>
<td></td>
</tr>
<tr>
<td>Weissennrieder, A.</td>
<td>257-11, 262-26</td>
<td></td>
</tr>
<tr>
<td>Welch, J.W.</td>
<td>157-91</td>
<td></td>
</tr>
<tr>
<td>Wellhausen, J.</td>
<td>113, 117-16, 117-17, 336-3, 337, 337-9, 345-15</td>
<td></td>
</tr>
<tr>
<td>Westbrooks, R.</td>
<td>296, 298, 300, 300-26, 301, 301-27, 301-39, 301-32, 303-9</td>
<td></td>
</tr>
<tr>
<td>Westermann, C.</td>
<td>372</td>
<td></td>
</tr>
<tr>
<td>Wettstein, J.G.</td>
<td>vii, 28, 29-77</td>
<td></td>
</tr>
<tr>
<td>Wevers, J.W.</td>
<td>360-39</td>
<td></td>
</tr>
<tr>
<td>Wevers, G.</td>
<td>107, 107-25</td>
<td></td>
</tr>
<tr>
<td>Wiese, C.</td>
<td>xxiv-30</td>
<td></td>
</tr>
<tr>
<td>Wildensee, G.</td>
<td>78-38</td>
<td></td>
</tr>
<tr>
<td>William of Auvergne</td>
<td>19-47</td>
<td></td>
</tr>
<tr>
<td>Williamson, C.</td>
<td>255-1</td>
<td></td>
</tr>
<tr>
<td>Wilson, S.G.</td>
<td>226-66</td>
<td></td>
</tr>
<tr>
<td>Witherington, B. III</td>
<td>329-126</td>
<td></td>
</tr>
<tr>
<td>Wohlers, M.</td>
<td>257-12, 262-26</td>
<td></td>
</tr>
<tr>
<td>Wolf, J.C.</td>
<td>28, 28-76, 29</td>
<td></td>
</tr>
<tr>
<td>Wolff, H.J.</td>
<td>318-9, 414-66</td>
<td></td>
</tr>
<tr>
<td>Wolfson, E.R.</td>
<td>434-17, 443-51, 444-24, 446-59, 468-20</td>
<td></td>
</tr>
<tr>
<td>Wong, E.K.-C.</td>
<td>249-177, 250-180</td>
<td></td>
</tr>
<tr>
<td>Wright, D.P.</td>
<td>22-56, 29-77, 257-12, 261-12</td>
<td></td>
</tr>
<tr>
<td>Yadin, Y.</td>
<td>447-61</td>
<td></td>
</tr>
<tr>
<td>Yang, Y.-E.</td>
<td>200, 221-66, 248-173, 249-177, 249-79, 250-182</td>
<td></td>
</tr>
<tr>
<td>Yardeni, A.</td>
<td>213-9, 304-43, 304-45</td>
<td></td>
</tr>
<tr>
<td>Yeboah B.</td>
<td>316-9</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Pages</td>
<td>Authors</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Yehiel ben Joseph of Paris</td>
<td>10, 12(^{28}), 20</td>
<td>Zaas, P. 182, 182(^{163}), 265(^{46}), 269(^{62}), 272(^{76}), 273(^{78})</td>
</tr>
<tr>
<td>Yehudah be-Rabbi Hiyya</td>
<td>9</td>
<td>Zahn, T. 9(^{18})</td>
</tr>
<tr>
<td>Yehudah ha-Levi’s Kuzari</td>
<td>35, 36</td>
<td>Zeitlin, S. 69(^{16})</td>
</tr>
<tr>
<td>Yohanan ben Nuri</td>
<td>314</td>
<td>Zetterholm, M. 183</td>
</tr>
<tr>
<td>Yose ben Yoezer of Tseredah</td>
<td>380</td>
<td>Ziegler, J. 305(^{48})</td>
</tr>
<tr>
<td>Yose ben Yose</td>
<td>xxi, 357, 357(^{19})</td>
<td>Zunz, L. 64, 64(^{9})</td>
</tr>
<tr>
<td>Yoshua b. Nehemiah</td>
<td>6(^{11})</td>
<td>Zwingli 328(^{123})</td>
</tr>
</tbody>
</table>
### INDEX OF ANCIENT SOURCES

#### Old Testament

<table>
<thead>
<tr>
<th>Book</th>
<th>Verse/Range</th>
<th>Page Numbers</th>
<th>Cross-References</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Genesis</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-2</td>
<td>360</td>
<td>28:16–17</td>
<td>403 398, 451, 451, 452</td>
</tr>
<tr>
<td>1</td>
<td>449</td>
<td>34</td>
<td>392</td>
</tr>
<tr>
<td>1:14</td>
<td>354</td>
<td>38:24–26</td>
<td>401</td>
</tr>
<tr>
<td>1:17</td>
<td>308</td>
<td>38:25–26</td>
<td>415</td>
</tr>
<tr>
<td>1:21–27</td>
<td>355\textsuperscript{14}</td>
<td>42:17</td>
<td>348</td>
</tr>
<tr>
<td>1:24</td>
<td>355</td>
<td>49</td>
<td>392</td>
</tr>
<tr>
<td>1:26–27</td>
<td>354, 355, 355\textsuperscript{14}</td>
<td>49:10</td>
<td>388</td>
</tr>
<tr>
<td>1:26</td>
<td>362\textsuperscript{35}, 363</td>
<td>49:11</td>
<td>380</td>
</tr>
<tr>
<td>1:27</td>
<td>255, 286, 321</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:28</td>
<td>219\textsuperscript{56}</td>
<td>1:16</td>
<td>263\textsuperscript{39}</td>
</tr>
<tr>
<td>2</td>
<td>362</td>
<td>2:5</td>
<td>398\textsuperscript{36}</td>
</tr>
<tr>
<td>2:7</td>
<td>xx, 352, 353, 354, 355\textsuperscript{14}, 361, 361\textsuperscript{32}, 364</td>
<td>2:8</td>
<td>398\textsuperscript{37} 412, 413</td>
</tr>
<tr>
<td>2:7a</td>
<td>354, 361\textsuperscript{32}</td>
<td>2:22–23</td>
<td>405</td>
</tr>
<tr>
<td>2:7b–c</td>
<td>354, 362</td>
<td>9:15</td>
<td>349</td>
</tr>
<tr>
<td>2:7b</td>
<td>354, 362</td>
<td>9:16</td>
<td>xx, 346, 348, 349</td>
</tr>
<tr>
<td>2:7c</td>
<td>354, 355, 355\textsuperscript{13}</td>
<td>12:42</td>
<td>392</td>
</tr>
<tr>
<td>2:8</td>
<td>xxi, 360, 361, 362\textsuperscript{55}</td>
<td>15:1</td>
<td>412</td>
</tr>
<tr>
<td>2:15</td>
<td>xxi, 360, 361, 362\textsuperscript{55}</td>
<td>15:22</td>
<td>416</td>
</tr>
<tr>
<td>2:19</td>
<td>354</td>
<td>16:27</td>
<td>371, 416</td>
</tr>
<tr>
<td>2:21</td>
<td>354</td>
<td>16:29</td>
<td>245\textsuperscript{165}</td>
</tr>
<tr>
<td>2:23</td>
<td>9</td>
<td>17:1–7</td>
<td>416</td>
</tr>
<tr>
<td>2:24</td>
<td>179, 309\textsuperscript{62}, 321, 322\textsuperscript{108}</td>
<td>17:12</td>
<td>405, 406</td>
</tr>
<tr>
<td></td>
<td></td>
<td>19:1</td>
<td>6\textsuperscript{11}</td>
</tr>
<tr>
<td>3:19</td>
<td>412</td>
<td>19:7</td>
<td>415</td>
</tr>
<tr>
<td>4:6–8</td>
<td>399</td>
<td>20:10</td>
<td>212\textsuperscript{27}</td>
</tr>
<tr>
<td>4:8</td>
<td>9</td>
<td>23:12</td>
<td>212\textsuperscript{27}, 344\textsuperscript{44}</td>
</tr>
<tr>
<td>5:3</td>
<td>363</td>
<td>24:5</td>
<td>69, 70\textsuperscript{21}</td>
</tr>
<tr>
<td>6:1–4</td>
<td>277\textsuperscript{91}</td>
<td>24:11</td>
<td>69, 70\textsuperscript{21}</td>
</tr>
<tr>
<td>7:9</td>
<td>308</td>
<td>30:18–21</td>
<td>264\textsuperscript{42}</td>
</tr>
<tr>
<td>15</td>
<td>400</td>
<td>34</td>
<td>7</td>
</tr>
<tr>
<td>15:1</td>
<td>400</td>
<td>34:21</td>
<td>211, 211\textsuperscript{22}</td>
</tr>
<tr>
<td>15:17</td>
<td>392</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21:33</td>
<td>391, 392, 397</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Leviticus</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>392, 395</td>
<td>11:4–8</td>
<td>272</td>
</tr>
<tr>
<td>22:4</td>
<td>415</td>
<td>11:37–38</td>
<td>268\textsuperscript{58}</td>
</tr>
<tr>
<td>22:10</td>
<td>402</td>
<td>11:38</td>
<td>272</td>
</tr>
<tr>
<td>22:14</td>
<td>419</td>
<td>11:39–40</td>
<td>266\textsuperscript{52}</td>
</tr>
<tr>
<td>24:61</td>
<td>398\textsuperscript{36}</td>
<td>11</td>
<td>283</td>
</tr>
<tr>
<td>27</td>
<td>391</td>
<td>12–15</td>
<td>269</td>
</tr>
<tr>
<td>28</td>
<td>433\textsuperscript{14}</td>
<td>13–14</td>
<td>260, 262, 283</td>
</tr>
<tr>
<td>28:10–22</td>
<td>392</td>
<td>13</td>
<td>257, 257\textsuperscript{12}, 258</td>
</tr>
<tr>
<td>28:12</td>
<td>402, 403</td>
<td>13:6</td>
<td>260\textsuperscript{27}, 261\textsuperscript{38}</td>
</tr>
<tr>
<td>13:13</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}</td>
<td>20:5</td>
<td>375</td>
</tr>
<tr>
<td>13:17</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}</td>
<td>21:8</td>
<td>405, 406</td>
</tr>
<tr>
<td>13:18</td>
<td>262\textsuperscript{38}</td>
<td>21:16–20</td>
<td>416</td>
</tr>
<tr>
<td>13:23</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}</td>
<td>21:17–18</td>
<td>418</td>
</tr>
<tr>
<td>13:28</td>
<td>260\textsuperscript{28}, 261\textsuperscript{28}</td>
<td>21:19–20</td>
<td>418</td>
</tr>
<tr>
<td>13:34</td>
<td>260\textsuperscript{28}, 261\textsuperscript{28}</td>
<td>21:19</td>
<td>418</td>
</tr>
<tr>
<td>13:37</td>
<td>260\textsuperscript{28}, 261, 261\textsuperscript{28}, 261\textsuperscript{30}, 262\textsuperscript{38}</td>
<td>24</td>
<td>450</td>
</tr>
<tr>
<td>13:45–46</td>
<td>283\textsuperscript{8}</td>
<td>24:17</td>
<td>448</td>
</tr>
<tr>
<td>13:46</td>
<td>275\textsuperscript{83}</td>
<td>27:5</td>
<td>392</td>
</tr>
<tr>
<td>13:59</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}</td>
<td>33:14</td>
<td>416</td>
</tr>
<tr>
<td>14</td>
<td>258</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14:3</td>
<td>262\textsuperscript{38}</td>
<td>Deuteronomy</td>
<td></td>
</tr>
<tr>
<td>14:4–6</td>
<td>263\textsuperscript{39}</td>
<td>4:30</td>
<td>406</td>
</tr>
<tr>
<td>14:4</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>5:14</td>
<td>212\textsuperscript{27}</td>
</tr>
<tr>
<td>14:7</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>7:9</td>
<td>400</td>
</tr>
<tr>
<td>14:8</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>7:10</td>
<td>400</td>
</tr>
<tr>
<td>14:11</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}</td>
<td>8:8f</td>
<td>373</td>
</tr>
<tr>
<td>14:14</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>14</td>
<td>267</td>
</tr>
<tr>
<td>14:17</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>14:7–8</td>
<td>272</td>
</tr>
<tr>
<td>14:18</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>17:17</td>
<td>308</td>
</tr>
<tr>
<td>14:19</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>18:18</td>
<td>348\textsuperscript{40}</td>
</tr>
<tr>
<td>14:25</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>21:22f</td>
<td>253\textsuperscript{193}</td>
</tr>
<tr>
<td>14:28</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>22</td>
<td>398\textsuperscript{36}</td>
</tr>
<tr>
<td>14:29</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>22:7</td>
<td>409</td>
</tr>
<tr>
<td>14:31</td>
<td>260\textsuperscript{26}, 261\textsuperscript{31}</td>
<td>22:22</td>
<td>313</td>
</tr>
<tr>
<td>14:46–47</td>
<td>283\textsuperscript{8}</td>
<td>23:15</td>
<td>300, 305, 311\textsuperscript{70}</td>
</tr>
<tr>
<td>14:48</td>
<td>260\textsuperscript{26}, 261\textsuperscript{28}, 262\textsuperscript{38}</td>
<td>23:26</td>
<td>211</td>
</tr>
<tr>
<td>15:1–12</td>
<td>258\textsuperscript{34}</td>
<td>24</td>
<td>296, 303, 305, 307, 313, 316, 319, 320, 320\textsuperscript{102}, 322, 325</td>
</tr>
<tr>
<td>16:29</td>
<td>463</td>
<td>320\textsuperscript{102}</td>
<td></td>
</tr>
<tr>
<td>16:31</td>
<td>463</td>
<td>24:1–4</td>
<td>xvii, 286, 291, 293, 296, 297, 300, 300\textsuperscript{14}</td>
</tr>
<tr>
<td>16:32</td>
<td>266\textsuperscript{62}</td>
<td>306, 306\textsuperscript{65}, 307, 309, 310, 313\textsuperscript{37}, 319</td>
<td></td>
</tr>
<tr>
<td>17:15</td>
<td>211</td>
<td>310, 313\textsuperscript{37}, 319</td>
<td></td>
</tr>
<tr>
<td>19:9f</td>
<td>348\textsuperscript{39}</td>
<td>24:1–3</td>
<td>296, 305</td>
</tr>
<tr>
<td>19:12</td>
<td>395</td>
<td>24:1</td>
<td>306, 310\textsuperscript{63}, 311\textsuperscript{70}, 314\textsuperscript{78}, 316, 325</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>17:31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ezekiel</td>
<td>1</td>
<td>442, 449</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1:8–11</td>
<td>433</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1:40–48</td>
<td>433</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2:3</td>
<td>433</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5:1f</td>
<td>452</td>
<td></td>
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<tr>
<td></td>
<td>5:7</td>
<td>405</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>413</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6:5–7</td>
<td>361</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7:14</td>
<td>423</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22:13</td>
<td>425</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22:14</td>
<td>425</td>
<td></td>
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<tr>
<td></td>
<td>26:19</td>
<td>425</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>5:26</td>
<td></td>
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<tr>
<td></td>
<td>29:13</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29:13–14</td>
<td>7:4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30:26</td>
<td>7:16</td>
<td></td>
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<tr>
<td></td>
<td>31:8–9</td>
<td>12:1–3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>34</td>
<td>13:1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>34:4</td>
<td>13:4</td>
<td></td>
</tr>
<tr>
<td>Daniel</td>
<td>34:5–17</td>
<td>451</td>
<td></td>
</tr>
<tr>
<td></td>
<td>36:16</td>
<td>13:10–11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40:3</td>
<td>xix</td>
<td></td>
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<tr>
<td></td>
<td>48:1</td>
<td>448</td>
<td></td>
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<tr>
<td></td>
<td>50:1</td>
<td>313</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50:1f</td>
<td>303</td>
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</tr>
<tr>
<td></td>
<td>52:7</td>
<td>414</td>
<td></td>
</tr>
<tr>
<td></td>
<td>53</td>
<td>416</td>
<td></td>
</tr>
<tr>
<td></td>
<td>58:3</td>
<td>463</td>
<td></td>
</tr>
<tr>
<td></td>
<td>58:13</td>
<td>229</td>
<td></td>
</tr>
<tr>
<td></td>
<td>63:16</td>
<td>405, 406</td>
<td></td>
</tr>
<tr>
<td></td>
<td>64:7</td>
<td>405</td>
<td></td>
</tr>
<tr>
<td>Hoshea</td>
<td>2:1</td>
<td>405</td>
<td></td>
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<tr>
<td></td>
<td>2:4</td>
<td>313</td>
<td></td>
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<tr>
<td></td>
<td>2:12</td>
<td>375</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4:11</td>
<td>324</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6:2</td>
<td>414, 415, 416</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6:4</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6:6</td>
<td>222, 223, 223</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>349</td>
<td></td>
</tr>
<tr>
<td>Index</td>
<td>Ancient Sources</td>
<td>Reference(s)</td>
<td>Page Numbers</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
<td>--------------</td>
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</tr>
<tr>
<td>6:10</td>
<td>324\textsuperscript{113}</td>
<td>Haggai</td>
<td>2:10–14 (269\textsuperscript{65})</td>
</tr>
<tr>
<td>6:20</td>
<td>415\textsuperscript{71}</td>
<td>2:19 (375)</td>
<td></td>
</tr>
<tr>
<td>9:10</td>
<td>367\textsuperscript{1}, 373, 378</td>
<td>2:19 (375)</td>
<td></td>
</tr>
<tr>
<td>9:13</td>
<td>287</td>
<td>2:3 (381)</td>
<td></td>
</tr>
<tr>
<td>9:16</td>
<td>367\textsuperscript{1}, 378</td>
<td>3:8–10 (375)</td>
<td></td>
</tr>
<tr>
<td>11:9</td>
<td>313\textsuperscript{77}</td>
<td>1–4 (433)</td>
<td></td>
</tr>
<tr>
<td>14:22ff</td>
<td>313\textsuperscript{77}</td>
<td>2:3 (381)</td>
<td></td>
</tr>
<tr>
<td>Joel</td>
<td>1:7</td>
<td>5 (20, 20\textsuperscript{51})</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1:12</td>
<td>8:15 (236\textsuperscript{133})</td>
<td></td>
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<tr>
<td></td>
<td>2:22</td>
<td>9:9 (367)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2:22f</td>
<td>9:14 (452\textsuperscript{74})</td>
<td></td>
</tr>
<tr>
<td></td>
<td>374</td>
<td>13:2 (277\textsuperscript{91})</td>
<td></td>
</tr>
<tr>
<td>Amos</td>
<td>4:9</td>
<td>376</td>
<td>1:6 (405, 406)</td>
</tr>
<tr>
<td></td>
<td>8:2</td>
<td>374, 377, 378</td>
<td>2:13–16 (xvii, 291, 302)</td>
</tr>
<tr>
<td></td>
<td>8:5</td>
<td>252\textsuperscript{191}</td>
<td>2:13 (311)</td>
</tr>
<tr>
<td></td>
<td>2:22</td>
<td>7:12 (298, 305, 311, 313\textsuperscript{77})</td>
<td></td>
</tr>
<tr>
<td>Jonah</td>
<td>2:1</td>
<td>415</td>
<td>1 Macabees</td>
</tr>
<tr>
<td></td>
<td>4:6–16</td>
<td>376\textsuperscript{13}</td>
<td>1:48 (277\textsuperscript{91})</td>
</tr>
<tr>
<td></td>
<td>5:19</td>
<td>2:27 (123)</td>
<td></td>
</tr>
<tr>
<td>Micah</td>
<td>4:4</td>
<td>2:16 (12:25, 460)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7:1</td>
<td>373\textsuperscript{12}, 374</td>
<td>13:20 (460)</td>
</tr>
<tr>
<td></td>
<td>7:11</td>
<td>367\textsuperscript{1}, 373, 378, 380</td>
<td>14:31 (460)</td>
</tr>
<tr>
<td></td>
<td>15:40</td>
<td>6:10 (128\textsuperscript{47})</td>
<td></td>
</tr>
<tr>
<td>Nahum</td>
<td>3:3</td>
<td>452\textsuperscript{74}</td>
<td>2 Macabees</td>
</tr>
<tr>
<td></td>
<td>3:12</td>
<td>376</td>
<td>5:19 (216\textsuperscript{41})</td>
</tr>
<tr>
<td></td>
<td>7:1</td>
<td>6:10 (128\textsuperscript{47})</td>
<td></td>
</tr>
<tr>
<td>Habakuk</td>
<td>3:11</td>
<td>452\textsuperscript{74}</td>
<td>7:5 (128\textsuperscript{47})</td>
</tr>
<tr>
<td></td>
<td>3:17–19</td>
<td>376</td>
<td>7:20–41 (128\textsuperscript{47})</td>
</tr>
<tr>
<td></td>
<td>15:11–16</td>
<td>452</td>
<td></td>
</tr>
</tbody>
</table>

**New Testament**

<table>
<thead>
<tr>
<th>Matthew</th>
<th>5:17–19</th>
<th>332\textsuperscript{139}</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:20–21</td>
<td>367</td>
<td>5:17 (57, 163)</td>
</tr>
<tr>
<td>2:16</td>
<td>290\textsuperscript{2}</td>
<td>5:21–48 (324)</td>
</tr>
<tr>
<td>3:7</td>
<td>119\textsuperscript{20}</td>
<td>5:31–32 (160)</td>
</tr>
<tr>
<td>3:13–17</td>
<td>403</td>
<td>5:31f (xviii, 323, 324, 328)</td>
</tr>
<tr>
<td>5–7</td>
<td>331\textsuperscript{116}</td>
<td>5:32 (159, 290, 296)</td>
</tr>
<tr>
<td>5</td>
<td>325</td>
<td>5:44 (236\textsuperscript{133})</td>
</tr>
<tr>
<td>5:3–5</td>
<td>xx\textsuperscript{13}</td>
<td>5:45 (404)</td>
</tr>
<tr>
<td>5:4</td>
<td>399</td>
<td>5:46 (399)</td>
</tr>
<tr>
<td>5:6</td>
<td>399</td>
<td>5:47 (332\textsuperscript{139})</td>
</tr>
<tr>
<td>5:8</td>
<td>257\textsuperscript{10}</td>
<td>5:48 (404, 408, 409)</td>
</tr>
<tr>
<td>5:12</td>
<td>399</td>
<td>6 (203)</td>
</tr>
<tr>
<td>5:15</td>
<td>399</td>
<td>6:1–5 (118)</td>
</tr>
<tr>
<td>5:16</td>
<td>237\textsuperscript{134}, 399, 404</td>
<td>6:1 (399, 404)</td>
</tr>
<tr>
<td>5:17–20</td>
<td>196</td>
<td>6:2 (399)</td>
</tr>
<tr>
<td>Index</td>
<td>Sources</td>
<td>References</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6:5</td>
<td>399</td>
<td>241, 242, 253, 335, 340, 342, 344, 345, 346</td>
</tr>
<tr>
<td>6:7</td>
<td>332</td>
<td>241, 242, 253, 335, 340, 342, 344, 345, 346</td>
</tr>
<tr>
<td>6:9</td>
<td>404</td>
<td></td>
</tr>
<tr>
<td>6:14</td>
<td>404</td>
<td>12:11f, xvi, xx</td>
</tr>
<tr>
<td>6:16–18</td>
<td>399</td>
<td>236, 236, 236, 236, 236</td>
</tr>
<tr>
<td>6:16</td>
<td>399</td>
<td>236, 236, 236, 236, 236</td>
</tr>
<tr>
<td>6:19–21</td>
<td>399</td>
<td>12:28, 119, 234</td>
</tr>
<tr>
<td>6:26</td>
<td>12:33</td>
<td>345, 345</td>
</tr>
<tr>
<td>6:32</td>
<td>12:41f</td>
<td>223, 223</td>
</tr>
<tr>
<td>7:1–2</td>
<td>12:50</td>
<td>404, 411</td>
</tr>
<tr>
<td>7:11</td>
<td>14:1–11</td>
<td>119, 119</td>
</tr>
<tr>
<td>7:18</td>
<td>14:20</td>
<td>95</td>
</tr>
<tr>
<td>7:21</td>
<td>14:31</td>
<td>371</td>
</tr>
<tr>
<td>8:2</td>
<td>15</td>
<td>5, 18, 21, 33</td>
</tr>
<tr>
<td>8:3</td>
<td>258</td>
<td>15:1–20</td>
</tr>
<tr>
<td>8:10–12</td>
<td>332</td>
<td>15:1–11, 5</td>
</tr>
<tr>
<td>8:10</td>
<td>371</td>
<td>15:1–3, 18</td>
</tr>
<tr>
<td>8:14–17</td>
<td>251</td>
<td>15:1, 119, 234</td>
</tr>
<tr>
<td>8:16</td>
<td>251</td>
<td>15:2, 33, 160</td>
</tr>
<tr>
<td>8:26</td>
<td>251</td>
<td>15:3, 16, 169</td>
</tr>
<tr>
<td>8:28</td>
<td>276</td>
<td>15:4–9, 7, 8</td>
</tr>
<tr>
<td>9:13</td>
<td>15:5</td>
<td>2, 6, 25</td>
</tr>
<tr>
<td>9:29</td>
<td>232</td>
<td>15:6, 13</td>
</tr>
<tr>
<td>10:1</td>
<td>276</td>
<td>15:11, 201, 266, 269</td>
</tr>
<tr>
<td>10:5f</td>
<td>184</td>
<td>15:13, 272</td>
</tr>
<tr>
<td>10:6</td>
<td>332</td>
<td>15:17, 269</td>
</tr>
<tr>
<td>10:8</td>
<td>258</td>
<td>15:19, 272</td>
</tr>
<tr>
<td>10:10–11</td>
<td>258</td>
<td>15:20, 272</td>
</tr>
<tr>
<td>10:12</td>
<td>404</td>
<td>15:22, 272</td>
</tr>
<tr>
<td>10:33</td>
<td>404</td>
<td>15:24, 184, 332</td>
</tr>
<tr>
<td>10:42</td>
<td>399</td>
<td>15:28, 371</td>
</tr>
<tr>
<td>11:10b</td>
<td>235</td>
<td>16:1, 119, 234</td>
</tr>
<tr>
<td>11:12a</td>
<td>231, 236</td>
<td>16:6, 119, 234</td>
</tr>
<tr>
<td>11:5–6</td>
<td>xxx</td>
<td>16:8, 371</td>
</tr>
<tr>
<td>11:5</td>
<td>220</td>
<td>16:11, 119, 234</td>
</tr>
<tr>
<td>11:9</td>
<td>2, 2</td>
<td>16:16–19, 339, 404</td>
</tr>
<tr>
<td>11:11</td>
<td>223</td>
<td>16:17, 415</td>
</tr>
<tr>
<td>11:12a</td>
<td>234</td>
<td>16:21, 415</td>
</tr>
<tr>
<td>11:12b</td>
<td>231, 235</td>
<td>16:22, 336</td>
</tr>
<tr>
<td>11:18f</td>
<td>218</td>
<td>17:20, 371</td>
</tr>
<tr>
<td>11:28–30</td>
<td>220</td>
<td>18:8, 402</td>
</tr>
<tr>
<td>12:1–14</td>
<td>250</td>
<td>18:10, 404</td>
</tr>
<tr>
<td>12:1–8</td>
<td>198, 221</td>
<td>18:12–14, 401</td>
</tr>
<tr>
<td>12:1</td>
<td>221</td>
<td>18:14, 404</td>
</tr>
<tr>
<td>12:5–7</td>
<td>221, 253</td>
<td>18:15–17, 404</td>
</tr>
<tr>
<td>12:6</td>
<td>223</td>
<td>18:17, 332</td>
</tr>
<tr>
<td>12:8</td>
<td>221</td>
<td>18:19, 404</td>
</tr>
<tr>
<td>12:9–14</td>
<td>202, 236</td>
<td>18:35, 404</td>
</tr>
<tr>
<td>12:10b</td>
<td>231</td>
<td>19, 324, 325</td>
</tr>
<tr>
<td>12:11–12</td>
<td>287</td>
<td>19:3–9, xviii, 323</td>
</tr>
<tr>
<td>12:11–12a</td>
<td>231</td>
<td>19:3, 315</td>
</tr>
<tr>
<td>12:11</td>
<td>230</td>
<td>19:8, 7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>234, 238, 239, 239</td>
<td>19:9, 159, 290, 296, 325</td>
</tr>
</tbody>
</table>
### INDEX OF ANCIENT SOURCES

<table>
<thead>
<tr>
<th>Scripture Reference</th>
<th>Line Numbers</th>
<th>Line Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>19:21</td>
<td>409</td>
<td>1:27</td>
</tr>
<tr>
<td>20:1–16</td>
<td>101</td>
<td>1:31</td>
</tr>
<tr>
<td>20:46–47</td>
<td>119</td>
<td>1:32</td>
</tr>
<tr>
<td>21:18–22</td>
<td>370</td>
<td>1:40–45</td>
</tr>
<tr>
<td>21:21–22</td>
<td>371</td>
<td>1:40</td>
</tr>
<tr>
<td>21:33–46</td>
<td>379</td>
<td>1:41</td>
</tr>
<tr>
<td>21:43–45</td>
<td>332</td>
<td>1:42</td>
</tr>
<tr>
<td>21:45</td>
<td>119</td>
<td>1:44</td>
</tr>
<tr>
<td>22:1–14</td>
<td>369</td>
<td>1:45</td>
</tr>
<tr>
<td>22:22</td>
<td>413</td>
<td>2:1–3:6</td>
</tr>
<tr>
<td>23</td>
<td>118, 118 19, 202, 372</td>
<td>2:3</td>
</tr>
<tr>
<td>23:1</td>
<td>119</td>
<td>2:5</td>
</tr>
<tr>
<td>23:2–7</td>
<td>119</td>
<td>2:10</td>
</tr>
<tr>
<td>23:2–4</td>
<td>117</td>
<td>2:12</td>
</tr>
<tr>
<td>23:2f</td>
<td>119</td>
<td>2:13–17</td>
</tr>
<tr>
<td>23:2</td>
<td>118</td>
<td>2:23–3:6</td>
</tr>
<tr>
<td>23:5</td>
<td>118</td>
<td>2:23–28</td>
</tr>
<tr>
<td>23:6–7</td>
<td>118</td>
<td>2:23</td>
</tr>
<tr>
<td>23:6</td>
<td>119</td>
<td>2:24</td>
</tr>
<tr>
<td>23:7b–8</td>
<td>118</td>
<td>2:25–26</td>
</tr>
<tr>
<td>23:9</td>
<td>404</td>
<td>2:25f</td>
</tr>
<tr>
<td>23:13–39</td>
<td>201</td>
<td>2:27f</td>
</tr>
<tr>
<td>23:14</td>
<td>114, 118 19</td>
<td>2:27</td>
</tr>
<tr>
<td>23:16–22</td>
<td>118, 196</td>
<td>2:28</td>
</tr>
<tr>
<td>23:17</td>
<td>223</td>
<td>3:1–6</td>
</tr>
<tr>
<td>23:19</td>
<td>223</td>
<td>3:1–5</td>
</tr>
<tr>
<td>23:23–33</td>
<td>411</td>
<td>3:2</td>
</tr>
<tr>
<td>23:23</td>
<td>118, 332 139</td>
<td>3:3</td>
</tr>
<tr>
<td>23:25–26</td>
<td>197, 270</td>
<td>3:4</td>
</tr>
<tr>
<td>23:25</td>
<td>118, 256</td>
<td>3:4</td>
</tr>
<tr>
<td>23:29</td>
<td>118</td>
<td>3:4</td>
</tr>
<tr>
<td>23:38</td>
<td>372</td>
<td>3:4</td>
</tr>
<tr>
<td>24:20</td>
<td>235, 250 185</td>
<td>3:4b</td>
</tr>
<tr>
<td>24:32</td>
<td>374, 377</td>
<td>3:5</td>
</tr>
<tr>
<td>26:6</td>
<td>257</td>
<td>3:11</td>
</tr>
<tr>
<td>26:10</td>
<td>237, 134</td>
<td>3:30</td>
</tr>
<tr>
<td>26:42</td>
<td>411</td>
<td>4:11</td>
</tr>
<tr>
<td>27:59</td>
<td>257</td>
<td>4:12</td>
</tr>
<tr>
<td>27:62–66</td>
<td>332, 140</td>
<td>4:37</td>
</tr>
<tr>
<td>27:62</td>
<td>119, 252 192</td>
<td>4:41</td>
</tr>
<tr>
<td>28:1</td>
<td>252, 192</td>
<td>5:2</td>
</tr>
<tr>
<td>28:15</td>
<td>332, 140</td>
<td>5:3–5</td>
</tr>
<tr>
<td><strong>Mark</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>259, 261</td>
<td>5:8</td>
</tr>
<tr>
<td>1:2f</td>
<td>xix, 209</td>
<td>5:13</td>
</tr>
<tr>
<td>1:8–26</td>
<td>213, 230 109</td>
<td>5:19</td>
</tr>
<tr>
<td>1:23–2:12</td>
<td>261</td>
<td>5:20</td>
</tr>
<tr>
<td>1:23</td>
<td>276 89</td>
<td>5:21–24</td>
</tr>
<tr>
<td>1:44</td>
<td>278</td>
<td>5:25–34</td>
</tr>
<tr>
<td>1:26</td>
<td>276 89</td>
<td>5:25–26</td>
</tr>
</tbody>
</table>

**Notes:**
- Numbers in parentheses are page numbers.
- Numbers without parentheses are line numbers.
- Line numbers with a 'f' suffix indicate footnotes.
- Mark references are found in the New Testament.

**Source Numbers:**
- The numbers following the scripture references indicate the source numbers used in the commentary or study. For example, "276 89, 371 7" indicates sources 276 and 371 are referenced.
- The list includes references to ancient sources, commentaries, and other scholarly works.
<table>
<thead>
<tr>
<th>Verse(s)</th>
<th>Page(s)</th>
<th>Page(s)</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:30</td>
<td>276</td>
<td>9:41</td>
<td>399</td>
</tr>
<tr>
<td>5:34</td>
<td>371</td>
<td>9:43–48</td>
<td>402</td>
</tr>
<tr>
<td>5:35–43</td>
<td>220&lt;sup&gt;84&lt;/sup&gt;</td>
<td>10</td>
<td>4&lt;sup&gt;9&lt;/sup&gt;</td>
</tr>
<tr>
<td>5:41</td>
<td>275</td>
<td>10:1–12</td>
<td>322&lt;sup&gt;107&lt;/sup&gt;</td>
</tr>
<tr>
<td>5:42</td>
<td>276, 371&lt;sup&gt;7&lt;/sup&gt;</td>
<td>10:2–10</td>
<td>xvii, 321</td>
</tr>
<tr>
<td>6:7</td>
<td>276&lt;sup&gt;89&lt;/sup&gt;</td>
<td>10:5</td>
<td>332</td>
</tr>
<tr>
<td>6:43</td>
<td>95</td>
<td>10:6–8</td>
<td>220&lt;sup&gt;84&lt;/sup&gt;</td>
</tr>
<tr>
<td>7</td>
<td>xvi, xvii, 160, 201, 263, 264&lt;sup&gt;43&lt;/sup&gt;, 266, 267&lt;sup&gt;6&lt;/sup&gt;, 268, 268&lt;sup&gt;60&lt;/sup&gt;, 271, 271&lt;sup&gt;72&lt;/sup&gt;, 272&lt;sup&gt;77&lt;/sup&gt;, 277&lt;sup&gt;93&lt;/sup&gt;, 278, 279&lt;sup&gt;6&lt;/sup&gt;, 281, 283, 287</td>
<td>11</td>
<td>xxi</td>
</tr>
<tr>
<td>7:1–23</td>
<td>3, 160&lt;sup&gt;102&lt;/sup&gt;, 179, 195, 322&lt;sup&gt;107&lt;/sup&gt;</td>
<td>11:12–14</td>
<td>367&lt;sup&gt;1&lt;/sup&gt;, 370, 377, 378, 384&lt;sup&gt;25&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:1–22</td>
<td>392</td>
<td>11:20–24</td>
<td>370</td>
</tr>
<tr>
<td>7:1–15</td>
<td>273</td>
<td>11:20</td>
<td>367&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:1–13</td>
<td>268</td>
<td>11:25</td>
<td>404</td>
</tr>
<tr>
<td>7:1</td>
<td>119&lt;sup&gt;20&lt;/sup&gt;</td>
<td>12:1–12</td>
<td>379</td>
</tr>
<tr>
<td>7:2</td>
<td>264&lt;sup&gt;41&lt;/sup&gt;</td>
<td>12:13–17</td>
<td>119&lt;sup&gt;22&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:2–4</td>
<td>285&lt;sup&gt;18&lt;/sup&gt;</td>
<td>12:13</td>
<td>119&lt;sup&gt;20&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:3–4</td>
<td>265</td>
<td>12:18–27</td>
<td>411</td>
</tr>
<tr>
<td>7:3</td>
<td>195, 272</td>
<td>12:26</td>
<td>413</td>
</tr>
<tr>
<td>7:4</td>
<td>202</td>
<td>12:40</td>
<td>118&lt;sup&gt;19&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:5–13</td>
<td>9, 271&lt;sup&gt;75&lt;/sup&gt;</td>
<td>13</td>
<td>249, 382</td>
</tr>
<tr>
<td>7:5</td>
<td>265</td>
<td>13:15–20</td>
<td>249&lt;sup&gt;174&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:6–13</td>
<td>195</td>
<td>13:15</td>
<td>249&lt;sup&gt;174&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:9–13</td>
<td>158&lt;sup&gt;94&lt;/sup&gt;</td>
<td>13:16–19</td>
<td>249&lt;sup&gt;174&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:11c</td>
<td>265&lt;sup&gt;48&lt;/sup&gt;</td>
<td>13:18</td>
<td>248</td>
</tr>
<tr>
<td>7:12</td>
<td>265&lt;sup&gt;48&lt;/sup&gt;</td>
<td>13:20</td>
<td>249&lt;sup&gt;174&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:15</td>
<td>164&lt;sup&gt;111&lt;/sup&gt;, 198, 201, 256, 256&lt;sup&gt;6&lt;/sup&gt;, 263, 267, 267&lt;sup&gt;6&lt;/sup&gt;, 268, 269, 271, 271&lt;sup&gt;73&lt;/sup&gt;, 272, 274, 275, 278, 279&lt;sup&gt;95&lt;/sup&gt;, 285</td>
<td>13:28</td>
<td>374, 377, 378</td>
</tr>
<tr>
<td>7:15b</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>13:28b</td>
<td>378</td>
</tr>
<tr>
<td>7:15b</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>13:29b</td>
<td>378</td>
</tr>
<tr>
<td>7:15b</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>14:3</td>
<td>257&lt;sup&gt;10&lt;/sup&gt;, 259&lt;sup&gt;93&lt;/sup&gt;, 262&lt;sup&gt;33&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:15b</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>14:4</td>
<td>237&lt;sup&gt;134&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:18</td>
<td>271</td>
<td>15:42</td>
<td>252, 252</td>
</tr>
<tr>
<td>7:18–19</td>
<td>271, 272</td>
<td>16:1</td>
<td>251, 252</td>
</tr>
<tr>
<td>7:18</td>
<td>272&lt;sup&gt;76&lt;/sup&gt;</td>
<td>16:2</td>
<td>252</td>
</tr>
<tr>
<td>7:19</td>
<td>273&lt;sup&gt;81&lt;/sup&gt;, 274</td>
<td>21</td>
<td>xxi</td>
</tr>
<tr>
<td>7:20–23</td>
<td>257&lt;sup&gt;10&lt;/sup&gt;, 271</td>
<td>269, 269&lt;sup&gt;84&lt;/sup&gt;</td>
<td>Luke</td>
</tr>
<tr>
<td>7:21–22</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>1:6–20</td>
<td>437</td>
</tr>
<tr>
<td>7:21</td>
<td>269&lt;sup&gt;94&lt;/sup&gt;</td>
<td>1:8–23</td>
<td>430, 434</td>
</tr>
<tr>
<td>7:22</td>
<td>184</td>
<td>1:59</td>
<td>viii&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>7:37</td>
<td>371&lt;sup&gt;17&lt;/sup&gt;</td>
<td>2:19</td>
<td>28</td>
</tr>
<tr>
<td>8:15</td>
<td>119&lt;sup&gt;20&lt;/sup&gt;</td>
<td>2:21</td>
<td>viii&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>8:35</td>
<td>230</td>
<td>2:22</td>
<td>257&lt;sup&gt;10&lt;/sup&gt;</td>
</tr>
<tr>
<td>8:38</td>
<td>401</td>
<td>2:25</td>
<td>415</td>
</tr>
<tr>
<td>9:18</td>
<td>227</td>
<td>2:38</td>
<td>415</td>
</tr>
<tr>
<td>9:19</td>
<td>372&lt;sup&gt;10&lt;/sup&gt;</td>
<td>3:10–17</td>
<td>198</td>
</tr>
<tr>
<td>9:23–24</td>
<td>371</td>
<td>4:5</td>
<td>255, 346</td>
</tr>
<tr>
<td>9:25</td>
<td>276&lt;sup&gt;89&lt;/sup&gt;</td>
<td>4:14–37</td>
<td>237</td>
</tr>
<tr>
<td>9:36</td>
<td>275&lt;sup&gt;87&lt;/sup&gt;</td>
<td>4:27</td>
<td>258&lt;sup&gt;14&lt;/sup&gt;, 282&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>9:37</td>
<td>271&lt;sup&gt;72&lt;/sup&gt;</td>
<td>4:33</td>
<td>276&lt;sup&gt;89&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
INDEX OF ANCIENT SOURCES

4:35 27689 13:11 240
4:36 27689 13:12 240
4:39 27587 13:13 228, 240
4:40 251 13:14–16 240
5:12 25814 13:14 240
5:13 25814 13:15 241, 242, 34484
5:15 261 13:15f 241
5:17 11920 13:16 242
5:30 11920 13:31 120, 11920
6:1 xvi, 224, 237 14 xvi
6:27 236133 14:1–24 238
6:5 221, 22685 14:1–6 237, 238, 238140,
6:6–11 237, 238 239143
6:7 11920, 237 14:2 11410, 11920, 238
6:8 237 14:3 11920, 238
6:9 237, 344 14:4 228
6:11 237 14:5 230111, 231, 233,
6:16 27689 234, 238, 239, 239146,
6:20–21 xx83 241152, 242156, 253,
6:23 399 34020, 34330, 345,
6:35 399 346
6:36 395, 409 17 259, 25918, 260,
6:37–38 402 261
7:6 371 14:6 238
7:11–17 27587 14:15–24 369
7:14 275 15:2 11920
7:22 xx83, 22084, 25814,
7:28 2825 16:18 118
8:27 27689 16:19–31 xvii, 2903, 320
8:29 27689 241
8:33 27689 17:5–6 411
9:1 27689 17:11–19 258, 25813, 27587
9:22 41571 17:14 25813, 25814, 261,
9:26 402 276
9:42 27689 17:15 261
9:47 27587 17:17 25814, 261
10:8–9 27380 17:19 371
10:18 436 18:13f 188
11:13 404 18:17 27587
11:31f 22372 18:42 371
11:37 11410 20:9–19 379
11:38–41 197 20:20–26 11922
11:39–41 270 20:27–28 411
11:39 118, 256 20:38 413
11:42 118 20:47 11819
11:43 118, 11921 21:29 374, 377
11:53 11920 22:19f 321106
12:33f 399 23:43 412
13 224156 23:54 252192
13:5 242156 23:56 252
13:6–9 xx1, 376 24:27 415
13:10 237, 240 24:44–47 415
13:10–17 237, 240, 243158, 344 24:50–53 437
<table>
<thead>
<tr>
<th>Source</th>
<th>References</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>John</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>30</td>
<td>11:23</td>
</tr>
<tr>
<td>1:18</td>
<td>437, 458</td>
<td>11:47</td>
</tr>
<tr>
<td>1:50–51</td>
<td>403</td>
<td>12:23</td>
</tr>
<tr>
<td>1:51</td>
<td>403, 437, 458, 45858</td>
<td>12:27</td>
</tr>
<tr>
<td>2–12</td>
<td>418</td>
<td>12:27–28</td>
</tr>
<tr>
<td>2:4</td>
<td>418</td>
<td>12:32</td>
</tr>
<tr>
<td>2:6</td>
<td>199</td>
<td>12:41–42</td>
</tr>
<tr>
<td>3:1</td>
<td>11920, 124</td>
<td>12:41</td>
</tr>
<tr>
<td>3:11–13</td>
<td>437</td>
<td>13:1</td>
</tr>
<tr>
<td>5</td>
<td>xvi, 247</td>
<td>14:8–9</td>
</tr>
<tr>
<td>5:1–18</td>
<td>198, 243</td>
<td>14:9</td>
</tr>
<tr>
<td>5:1–9c</td>
<td>243</td>
<td>19:27</td>
</tr>
<tr>
<td>5:8</td>
<td>244, 245</td>
<td>19:31</td>
</tr>
<tr>
<td>5:9b</td>
<td>244</td>
<td>19:42</td>
</tr>
<tr>
<td>5:9c</td>
<td>244, 244162</td>
<td>19:39</td>
</tr>
<tr>
<td>5:9d–18</td>
<td>243</td>
<td>20:17</td>
</tr>
<tr>
<td>5:10–18</td>
<td>198</td>
<td></td>
</tr>
<tr>
<td>5:10–13</td>
<td>243</td>
<td></td>
</tr>
<tr>
<td>5:10</td>
<td>244, 244161, 244162</td>
<td>4:1–2</td>
</tr>
<tr>
<td>5:11</td>
<td>244162, 245</td>
<td>5:16</td>
</tr>
<tr>
<td>5:12</td>
<td>244162, 245</td>
<td>5:17</td>
</tr>
<tr>
<td>5:13</td>
<td>243, 25813</td>
<td>5:34</td>
</tr>
<tr>
<td>5:15</td>
<td>245</td>
<td>8:7</td>
</tr>
<tr>
<td>5:15f</td>
<td>243</td>
<td>10–11</td>
</tr>
<tr>
<td>5:16</td>
<td>245</td>
<td>10</td>
</tr>
<tr>
<td>5:17</td>
<td>243, 245, 246</td>
<td>10:9–16</td>
</tr>
<tr>
<td>5:18</td>
<td>243, 245, 246</td>
<td>15:5</td>
</tr>
<tr>
<td>6:46</td>
<td>437, 458</td>
<td>15:20</td>
</tr>
<tr>
<td>6:62</td>
<td>458</td>
<td>15:29</td>
</tr>
<tr>
<td>7</td>
<td>xvi, 246</td>
<td>15:30</td>
</tr>
<tr>
<td>7:15–24</td>
<td>243</td>
<td>16:9</td>
</tr>
<tr>
<td>7:21–23</td>
<td>246, 253</td>
<td>17</td>
</tr>
<tr>
<td>7:21</td>
<td>245169, 246</td>
<td>18:9–10</td>
</tr>
<tr>
<td>7:22</td>
<td>246</td>
<td>21:18</td>
</tr>
<tr>
<td>7:22f</td>
<td>198, 246</td>
<td>21:25</td>
</tr>
<tr>
<td>7:30</td>
<td>418</td>
<td>22</td>
</tr>
<tr>
<td>7:32</td>
<td>11920</td>
<td>22:3</td>
</tr>
<tr>
<td>7:45–48</td>
<td>11920</td>
<td>22:6–21</td>
</tr>
<tr>
<td>7:49</td>
<td>12642</td>
<td>22:17–22</td>
</tr>
<tr>
<td>7:50–52</td>
<td>124</td>
<td>23:6–10</td>
</tr>
<tr>
<td>8:2–11</td>
<td>31376</td>
<td>23:6–9</td>
</tr>
<tr>
<td>8:3</td>
<td>11920</td>
<td>11920</td>
</tr>
<tr>
<td>9</td>
<td>xvi, 247</td>
<td>23:6</td>
</tr>
<tr>
<td>9:1–41</td>
<td>243</td>
<td>23:8</td>
</tr>
<tr>
<td>9:1–7</td>
<td>247</td>
<td>viii3</td>
</tr>
<tr>
<td>9:6</td>
<td>22897, 248171</td>
<td>24:5</td>
</tr>
<tr>
<td>9:6f</td>
<td>248</td>
<td>24:14</td>
</tr>
<tr>
<td>9:11</td>
<td>248171</td>
<td>26:5</td>
</tr>
<tr>
<td>9:13–17</td>
<td>247</td>
<td>28:22</td>
</tr>
<tr>
<td>9:14</td>
<td>viii3, 247, 248</td>
<td>1–8</td>
</tr>
<tr>
<td>9:15</td>
<td>248171</td>
<td>1:13</td>
</tr>
<tr>
<td>9:16</td>
<td>247</td>
<td>1:16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Romans</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1–8</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>1:13</td>
<td>319100</td>
</tr>
<tr>
<td></td>
<td>1:16</td>
<td>167, 187</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acts</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1:12</td>
<td>21433</td>
</tr>
<tr>
<td></td>
<td>4:1–2</td>
<td>411</td>
</tr>
<tr>
<td></td>
<td>5:16</td>
<td>27689</td>
</tr>
<tr>
<td></td>
<td>5:17</td>
<td>viii3, 12950</td>
</tr>
<tr>
<td></td>
<td>5:34</td>
<td>11920</td>
</tr>
<tr>
<td></td>
<td>8:7</td>
<td>27689</td>
</tr>
<tr>
<td></td>
<td>10–11</td>
<td>184</td>
</tr>
<tr>
<td></td>
<td>15:30</td>
<td>145, 2569</td>
</tr>
<tr>
<td></td>
<td>16:9</td>
<td>274</td>
</tr>
<tr>
<td></td>
<td>17</td>
<td>12950, 33034</td>
</tr>
<tr>
<td></td>
<td>18:9–10</td>
<td>185, 324112</td>
</tr>
<tr>
<td></td>
<td>21:18</td>
<td>274, 324112</td>
</tr>
<tr>
<td></td>
<td>21:25</td>
<td>329130</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>468119</td>
</tr>
<tr>
<td></td>
<td>22:3</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>22:6–21</td>
<td>468119</td>
</tr>
<tr>
<td></td>
<td>22:17–22</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>23:6–9</td>
<td>430, 434, 438, 468119</td>
</tr>
<tr>
<td></td>
<td>23:6</td>
<td>411</td>
</tr>
<tr>
<td></td>
<td>23:8</td>
<td>viii3</td>
</tr>
<tr>
<td></td>
<td>24:5</td>
<td>12950</td>
</tr>
<tr>
<td></td>
<td>24:14</td>
<td>12950</td>
</tr>
<tr>
<td></td>
<td>26:5</td>
<td>5, 12950</td>
</tr>
<tr>
<td></td>
<td>28:22</td>
<td>12950</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Romans</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1–8</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>1:13</td>
<td>319100</td>
</tr>
<tr>
<td></td>
<td>1:16</td>
<td>167, 187</td>
</tr>
</tbody>
</table>
## Index of Ancient Sources

|-----------|-----------|------|------|------|------|------|------|-------|------|------|----|--------|----|------|------|------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|
### INDEX OF ANCIENT SOURCES

#### 2 Corinthians

<table>
<thead>
<tr>
<th>Verse(s)</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:10</td>
<td>440</td>
</tr>
<tr>
<td>3</td>
<td>186</td>
</tr>
<tr>
<td>3:14f</td>
<td>186</td>
</tr>
<tr>
<td>3:16–4:6</td>
<td>437</td>
</tr>
<tr>
<td>3:17</td>
<td>362</td>
</tr>
<tr>
<td>11:1–10:11</td>
<td>438</td>
</tr>
<tr>
<td>11:13</td>
<td>186</td>
</tr>
<tr>
<td>11:22</td>
<td>186</td>
</tr>
<tr>
<td>12</td>
<td>438, 454, 459, 466</td>
</tr>
<tr>
<td>12:1–12</td>
<td>438&lt;sup&gt;15&lt;/sup&gt;</td>
</tr>
<tr>
<td>12:1–10</td>
<td>438, 467&lt;sup&gt;115&lt;/sup&gt;</td>
</tr>
<tr>
<td>12:1</td>
<td>440, 459&lt;sup&gt;93&lt;/sup&gt;</td>
</tr>
<tr>
<td>12:4</td>
<td>459&lt;sup&gt;95&lt;/sup&gt;</td>
</tr>
<tr>
<td>12:5</td>
<td>459</td>
</tr>
<tr>
<td>12:7</td>
<td>460</td>
</tr>
<tr>
<td>12:9–11</td>
<td>459</td>
</tr>
</tbody>
</table>

#### Galatians

<table>
<thead>
<tr>
<th>Verse(s)</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>181</td>
</tr>
<tr>
<td>1:12</td>
<td>437, 438, 440</td>
</tr>
<tr>
<td>1:14</td>
<td>4</td>
</tr>
<tr>
<td>1:16</td>
<td>339&lt;sup&gt;16&lt;/sup&gt;, 437, 438, 440</td>
</tr>
<tr>
<td>1:18</td>
<td>415, 329&lt;sup&gt;31&lt;/sup&gt;</td>
</tr>
<tr>
<td>1:19</td>
<td>329&lt;sup&gt;30&lt;/sup&gt;</td>
</tr>
<tr>
<td>2</td>
<td>179&lt;sup&gt;156&lt;/sup&gt;, 181, 256&lt;sup&gt;9&lt;/sup&gt;</td>
</tr>
<tr>
<td>2:1–10</td>
<td>187</td>
</tr>
<tr>
<td>2:2</td>
<td>440</td>
</tr>
<tr>
<td>2:4</td>
<td>186</td>
</tr>
<tr>
<td>2.7–9</td>
<td>329&lt;sup&gt;30&lt;/sup&gt;, 330&lt;sup&gt;32&lt;/sup&gt;</td>
</tr>
<tr>
<td>2:10–14</td>
<td>274</td>
</tr>
<tr>
<td>2:11–14</td>
<td>174, 180, 181, 183, 330&lt;sup&gt;132&lt;/sup&gt;</td>
</tr>
<tr>
<td>2:11</td>
<td>160, 184</td>
</tr>
<tr>
<td>4</td>
<td>286&lt;sup&gt;21&lt;/sup&gt;</td>
</tr>
<tr>
<td>4:19</td>
<td>437</td>
</tr>
<tr>
<td>4:21–28</td>
<td>460</td>
</tr>
<tr>
<td>2:14</td>
<td>187</td>
</tr>
<tr>
<td>3–5</td>
<td>187</td>
</tr>
<tr>
<td>3:28</td>
<td>186</td>
</tr>
<tr>
<td>3:29</td>
<td>184</td>
</tr>
<tr>
<td>5:2f</td>
<td>181&lt;sup&gt;161&lt;/sup&gt;, 330&lt;sup&gt;132&lt;/sup&gt;</td>
</tr>
<tr>
<td>5:3</td>
<td>169&lt;sup&gt;121&lt;/sup&gt;, 184, 187</td>
</tr>
<tr>
<td>5:6</td>
<td>186</td>
</tr>
<tr>
<td>6:12</td>
<td>184</td>
</tr>
<tr>
<td>6:13</td>
<td>186</td>
</tr>
<tr>
<td>6:15</td>
<td>186</td>
</tr>
<tr>
<td>6:16</td>
<td>187</td>
</tr>
<tr>
<td>11:31</td>
<td>185</td>
</tr>
</tbody>
</table>

#### 1 Thessalonians

<table>
<thead>
<tr>
<th>Verse(s)</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:11</td>
<td>466</td>
</tr>
<tr>
<td>1:2</td>
<td>461</td>
</tr>
<tr>
<td>1:3–6</td>
<td>463</td>
</tr>
</tbody>
</table>

#### Colossians

<table>
<thead>
<tr>
<th>Verse(s)</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:31</td>
<td>185</td>
</tr>
</tbody>
</table>
### INDEX OF ANCIENT SOURCES

<table>
<thead>
<tr>
<th>2 Thessalonians</th>
<th>Hebrews</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:15</td>
<td>4</td>
</tr>
<tr>
<td>2:17</td>
<td>399</td>
</tr>
<tr>
<td>3:6–12</td>
<td>184&lt;sup&gt;45&lt;/sup&gt;</td>
</tr>
<tr>
<td>3:6</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 Timothy</th>
<th>James</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:4</td>
<td>5, 9, 12, 19, 20, 21, 21&lt;sup&gt;54&lt;/sup&gt;, 33, 33&lt;sup&gt;83&lt;/sup&gt;</td>
</tr>
<tr>
<td>2:10</td>
<td>5, 8, 9</td>
</tr>
<tr>
<td>5:25</td>
<td>399</td>
</tr>
<tr>
<td>6:8</td>
<td>399</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 Peter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:2</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 Timothy</th>
<th>2 Peter</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:21</td>
<td>399</td>
</tr>
<tr>
<td>3:17</td>
<td>399</td>
</tr>
<tr>
<td>4:4</td>
<td>5, 13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Titus</th>
<th>Revelation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:14</td>
<td>vii, 5, 6, 9, 21, 21&lt;sup&gt;53&lt;/sup&gt;, 33, 33&lt;sup&gt;83&lt;/sup&gt;</td>
</tr>
<tr>
<td>1:16</td>
<td>4–5</td>
</tr>
<tr>
<td>2:7</td>
<td>4:8–11</td>
</tr>
<tr>
<td>2:14</td>
<td>5:9–14</td>
</tr>
<tr>
<td>3:8</td>
<td>16:13</td>
</tr>
<tr>
<td>3:14</td>
<td>18:2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Philemon</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:2</td>
</tr>
<tr>
<td>3:4f</td>
</tr>
<tr>
<td>3:5</td>
</tr>
<tr>
<td>3:7</td>
</tr>
<tr>
<td>3:10</td>
</tr>
<tr>
<td>3:20–21</td>
</tr>
</tbody>
</table>

### Old Testament Pseudepigrapha

<table>
<thead>
<tr>
<th>1 Enoch</th>
<th>3 Enoch</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–36</td>
<td>431&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>8:2</td>
<td>315&lt;sup&gt;44&lt;/sup&gt;</td>
</tr>
<tr>
<td>13–14</td>
<td>434&lt;sup&gt;45&lt;/sup&gt;, 459&lt;sup&gt;91&lt;/sup&gt;</td>
</tr>
<tr>
<td>13:4–7</td>
<td>434&lt;sup&gt;91&lt;/sup&gt;</td>
</tr>
<tr>
<td>14</td>
<td>466</td>
</tr>
<tr>
<td>15:4</td>
<td>339&lt;sup&gt;98&lt;/sup&gt;</td>
</tr>
<tr>
<td>16–36</td>
<td>459&lt;sup&gt;94&lt;/sup&gt;</td>
</tr>
<tr>
<td>25:5</td>
<td>360</td>
</tr>
<tr>
<td>90:19</td>
<td>452&lt;sup&gt;76&lt;/sup&gt;</td>
</tr>
<tr>
<td>90:34</td>
<td>452&lt;sup&gt;76&lt;/sup&gt;</td>
</tr>
<tr>
<td>91:12</td>
<td>452&lt;sup&gt;76&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 Enoch</th>
<th>4 Maccabees</th>
</tr>
</thead>
<tbody>
<tr>
<td>13:14–15</td>
<td>1:8</td>
</tr>
<tr>
<td>13:17–18</td>
<td>1:10</td>
</tr>
<tr>
<td>13:20–21</td>
<td>5:7</td>
</tr>
<tr>
<td>14:11–17:10</td>
<td>5:13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4 Maccabees</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:6–7</td>
</tr>
<tr>
<td>12:8–11</td>
</tr>
<tr>
<td>13:14–15</td>
</tr>
<tr>
<td>13:17–18</td>
</tr>
<tr>
<td>14:11–17:10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4 Maccabees</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:6–7</td>
</tr>
<tr>
<td>13:14–15</td>
</tr>
<tr>
<td>13:17–18</td>
</tr>
<tr>
<td>14:11–17:10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4 Maccabees</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:6–7</td>
</tr>
<tr>
<td>13:14–15</td>
</tr>
<tr>
<td>13:17–18</td>
</tr>
<tr>
<td>14:11–17:10</td>
</tr>
<tr>
<td>Index of Ancient Sources</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>16:25</td>
</tr>
<tr>
<td>18:6–24</td>
</tr>
<tr>
<td>18:10</td>
</tr>
<tr>
<td>18:16–19</td>
</tr>
<tr>
<td>2 Baruch</td>
</tr>
<tr>
<td>14:18</td>
</tr>
<tr>
<td>34–36</td>
</tr>
<tr>
<td>51:1–10</td>
</tr>
<tr>
<td>18:10</td>
</tr>
<tr>
<td>3 Kings [MT 1 Kgs]</td>
</tr>
<tr>
<td>8:18</td>
</tr>
<tr>
<td>Aproc. Abr.</td>
</tr>
<tr>
<td>13–14</td>
</tr>
<tr>
<td>Aproc. Zeph.</td>
</tr>
<tr>
<td>Joseph and Asenath</td>
</tr>
<tr>
<td>14:9</td>
</tr>
<tr>
<td>23:14</td>
</tr>
<tr>
<td>Jubilees</td>
</tr>
<tr>
<td>2:14</td>
</tr>
<tr>
<td>2:23</td>
</tr>
<tr>
<td>2:29</td>
</tr>
<tr>
<td>2:30</td>
</tr>
<tr>
<td>3:3–7</td>
</tr>
<tr>
<td>10:1</td>
</tr>
<tr>
<td>30–32</td>
</tr>
<tr>
<td>31:14</td>
</tr>
<tr>
<td>41:2</td>
</tr>
<tr>
<td>50:8</td>
</tr>
<tr>
<td>50:10f</td>
</tr>
<tr>
<td>50:12</td>
</tr>
<tr>
<td>Dead Sea Scrolls</td>
</tr>
<tr>
<td>1QHp</td>
</tr>
<tr>
<td>3:19–23</td>
</tr>
<tr>
<td>4:29–31</td>
</tr>
<tr>
<td>7:19–20</td>
</tr>
<tr>
<td>9:36</td>
</tr>
<tr>
<td>11:19–23</td>
</tr>
<tr>
<td>14:29 [6:29]</td>
</tr>
<tr>
<td>25:35–26:10</td>
</tr>
<tr>
<td>1QpHab</td>
</tr>
<tr>
<td>8:2–3</td>
</tr>
<tr>
<td>1QM</td>
</tr>
<tr>
<td>2:4–6</td>
</tr>
<tr>
<td>6:3</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td>Page</td>
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<tr>
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<tr>
<td>8:10</td>
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<tr>
<td>8:14</td>
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<tr>
<td>8:15</td>
</tr>
<tr>
<td>8:18</td>
</tr>
<tr>
<td>8:26</td>
</tr>
<tr>
<td>9:5</td>
</tr>
<tr>
<td>9:9</td>
</tr>
<tr>
<td>CD</td>
</tr>
<tr>
<td>2:15–16</td>
</tr>
<tr>
<td>4:20–5:1</td>
</tr>
<tr>
<td>4:20f</td>
</tr>
<tr>
<td>4:20</td>
</tr>
<tr>
<td>4:20–21</td>
</tr>
<tr>
<td>5:2f</td>
</tr>
<tr>
<td>5:7f</td>
</tr>
<tr>
<td>10:12f</td>
</tr>
<tr>
<td>10:19</td>
</tr>
<tr>
<td>10:20f</td>
</tr>
<tr>
<td>10:21</td>
</tr>
<tr>
<td>11:5–7</td>
</tr>
<tr>
<td>11:5f</td>
</tr>
<tr>
<td>11:5</td>
</tr>
<tr>
<td>11:7–9</td>
</tr>
<tr>
<td>11:9f</td>
</tr>
<tr>
<td>11:12</td>
</tr>
<tr>
<td>11:13</td>
</tr>
<tr>
<td>11:13–14</td>
</tr>
<tr>
<td>11:13f</td>
</tr>
<tr>
<td>11:14</td>
</tr>
<tr>
<td>11:16</td>
</tr>
<tr>
<td>11:17</td>
</tr>
<tr>
<td>11:17f</td>
</tr>
<tr>
<td>13:17</td>
</tr>
<tr>
<td>20:6</td>
</tr>
<tr>
<td>20:12</td>
</tr>
<tr>
<td>Aramaic Levi Document (ALD)</td>
</tr>
<tr>
<td>1b:4–8</td>
</tr>
<tr>
<td>100</td>
</tr>
<tr>
<td>1a L4</td>
</tr>
<tr>
<td>1a–1b</td>
</tr>
<tr>
<td>1c–a</td>
</tr>
<tr>
<td>89</td>
</tr>
<tr>
<td>93–94</td>
</tr>
<tr>
<td>4Q76–81</td>
</tr>
<tr>
<td>4Q76–81</td>
</tr>
<tr>
<td>4Q174 1:14</td>
</tr>
<tr>
<td>4Q196</td>
</tr>
<tr>
<td>2:6–7</td>
</tr>
</tbody>
</table>
## INDEX OF ANCIENT SOURCES

<table>
<thead>
<tr>
<th>Source</th>
<th>Page Numbers</th>
<th>Index References</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 ii+3+2</td>
<td>59231</td>
<td>4Q512, 26024</td>
</tr>
<tr>
<td>2 ii+3+4.6–7</td>
<td>26012</td>
<td>28.4, 29–32.9, 26024</td>
</tr>
<tr>
<td>4Q417</td>
<td>4Q417</td>
<td>29–32.18, 26024</td>
</tr>
<tr>
<td>4Q418</td>
<td>4Q418</td>
<td>34.15, 39 ii.1–2, 26023</td>
</tr>
<tr>
<td>43 10–14</td>
<td>4Q417</td>
<td>42–44 ii.2–3, 25921</td>
</tr>
<tr>
<td>43–45 i 12</td>
<td>4Q417</td>
<td>42–44 ii.3–4, 26022</td>
</tr>
<tr>
<td>81 1–2</td>
<td>4Q417</td>
<td>4Q513, 15271, 1–2, 4Q512</td>
</tr>
<tr>
<td>4Q421</td>
<td>4Q421</td>
<td>21433, 4Q521, xx33</td>
</tr>
<tr>
<td>13+2+8 1</td>
<td>4Q421</td>
<td>2 ii 11–13, 412</td>
</tr>
<tr>
<td>13+2+8 2</td>
<td>4Q427</td>
<td>22269</td>
</tr>
<tr>
<td>13+2+8 3–4</td>
<td>4Q427</td>
<td>229103</td>
</tr>
<tr>
<td>8</td>
<td>4Q427</td>
<td>22269, 4QMMMT, B55–58, 28517</td>
</tr>
<tr>
<td>4Q427</td>
<td>4Q427</td>
<td>92, 143</td>
</tr>
<tr>
<td>7</td>
<td>4Q427</td>
<td>465</td>
</tr>
<tr>
<td>7 ii 16</td>
<td>4Q427</td>
<td>4QMMMT398</td>
</tr>
<tr>
<td>4Q444</td>
<td>4Q444</td>
<td>14–17 ii 3, x9</td>
</tr>
<tr>
<td>1–4 i+5, 8</td>
<td>4Q444</td>
<td>14–17 ii 7, xi11</td>
</tr>
<tr>
<td>4Q471b + 4Q509 i</td>
<td>4Q471b</td>
<td>4QSam6, 215, 21538</td>
</tr>
<tr>
<td>4Q483</td>
<td>4Q483</td>
<td>11Q05, XIX.15, 27791</td>
</tr>
<tr>
<td>1.1</td>
<td>4Q483</td>
<td>XXVII 5–7, 22269</td>
</tr>
<tr>
<td>4Q491c</td>
<td>4Q491c</td>
<td>11Q19, 435</td>
</tr>
<tr>
<td>1.7</td>
<td>4Q491c</td>
<td>465, 13:17–14:2, 22269</td>
</tr>
<tr>
<td>4Q4Q509 fr.</td>
<td>4Q4Q509</td>
<td>54:4, 19:17, 27894</td>
</tr>
<tr>
<td>12 i + 13</td>
<td>4Q4Q509</td>
<td>56:18, 308</td>
</tr>
<tr>
<td>4Q511</td>
<td>4Q511</td>
<td>56:18, 308, 57:15–19, 165114</td>
</tr>
<tr>
<td>35</td>
<td>4Q511</td>
<td>64:1f, 30964</td>
</tr>
</tbody>
</table>

### Mishnah

#### m. ’Abot

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:4</td>
<td>143</td>
</tr>
<tr>
<td>2:6</td>
<td>191176</td>
</tr>
</tbody>
</table>

#### m. Ber.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:3</td>
<td>14311</td>
</tr>
<tr>
<td>8:2</td>
<td>26413</td>
</tr>
</tbody>
</table>

#### m. ’Ed.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:12–14</td>
<td>14342</td>
</tr>
</tbody>
</table>

#### m. Bik.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>8516</td>
</tr>
</tbody>
</table>

#### m. Git.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:5</td>
<td>14342</td>
</tr>
</tbody>
</table>

#### m. Demai

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:2–3</td>
<td>15166</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:1</td>
<td>310, 318</td>
</tr>
<tr>
<td>9:3</td>
<td>310, 318</td>
</tr>
</tbody>
</table>
INDEX OF ANCIENT SOURCES

9:10 299, 311, 314, 316, 322, 327  m. 'Ohal. 1:1–3 28619
10:9 14855 1:3 27586
 18:7–8 183, 183164
m. Hag. 2:5–7 28619 8:7 26858
1:8 xix28, 1387 m. Parah
2:1 448, 455, 462, 469 2:7 178155, 185, 185169
m. Pe'ah
2:5 28619
3:8 12848 1:1 37817
m. Hul. 3:8 12848
1:8 xix28, 1387 m. Qidd.
2:1 448, 455, 462, 469 1:1 xvii, 310
2:5 28619 9:1 xvii
2:7 178155, 185, 185169 9:10 xvii
m. Kelim 1:1–4 26233, 27543 m. Roš. Haš.
1:7 25919 2:5 21433
2:7 178155, 185, 185169
9:2 14342 3:8 405, 407
25:1 197
m. Ketub. 1:1 244161
m. Šabb.
7:6 14025, 30130, 31542 1:1f 244161
7:9f 30447 1:4 14443, 28546
m. Ma'as. Š.
7:2 21328, 241 2:5 214161, 244161, 248
3:9 26753, 284 7:2 213, 244, 244161, 248
3:11 284 10:5 244161, 251188
m. Mak.
14:3 229102 15:1 241
14:4 229102, 248171
15:1 241
m. Makš. 15:2 241
6:4 26858 17:20 241
m. Miqw. 18:1 241
1:1 15065 18:2 251188
1:4 15065 22:6 229102
1:14 15065 23:5 252191
1:1f 241
m. Ned. 24:3 248
1:3 19 1:4 24
3:2 19 2:4 208
4:3 1388 4:5 341
5:6 19 5:1 22790
9:1 26548 10:1 131
9:7 248172 m. Šeqal.
11:12 31375, 31542 5:2 13918
13:11 26233
m. Niddah 24:5 241
m. Soṭah
1:3 1389 5:1 31375
7:4 31688 5:2 xix28
2:6–7 8 9:9 31376, 380
9:15 348, 382, 405
<table>
<thead>
<tr>
<th>Source</th>
<th>Page(s)</th>
<th>Reference(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>m. Ta'an.</strong></td>
<td>3:8 23b</td>
<td>371 371</td>
</tr>
<tr>
<td><strong>m. Tamid</strong></td>
<td>5:3</td>
<td>13918</td>
</tr>
<tr>
<td><strong>m. Šeḥar.</strong></td>
<td>2.2 2.2–7 4.1 6:10</td>
<td>26650 28619 26652 224164</td>
</tr>
<tr>
<td><strong>m. Yad.</strong></td>
<td>2:1 3:1–2 3:1 3:5</td>
<td>195 28619 26756, 26859 31689</td>
</tr>
<tr>
<td><strong>m. Yoma</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>m. Zabim</strong></td>
<td>5:6</td>
<td></td>
</tr>
<tr>
<td><strong>Tosefta</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>t. Ber.</strong></td>
<td>5:21</td>
<td>184166</td>
</tr>
<tr>
<td><strong>t. Demai</strong></td>
<td>2:2–19 2:2–3 2:5</td>
<td>15156 15156 169121</td>
</tr>
<tr>
<td><strong>t. Ed.</strong></td>
<td>1:6</td>
<td>14342</td>
</tr>
<tr>
<td><strong>t. Git.</strong></td>
<td>3:5 7:1–5</td>
<td>30131 31068, 31999</td>
</tr>
<tr>
<td><strong>t. Hag.</strong></td>
<td>2:10 3:2 3:9 3:11</td>
<td>14958 14958 1373 13810, 14341</td>
</tr>
<tr>
<td><strong>t. Ketub.</strong></td>
<td>7:6 12:1</td>
<td>14025 30128</td>
</tr>
<tr>
<td><strong>t. Naz.</strong></td>
<td>5:1</td>
<td>1372</td>
</tr>
<tr>
<td><strong>t. Šabb.</strong></td>
<td></td>
<td>1:4</td>
</tr>
<tr>
<td><strong>t. Šeb.</strong></td>
<td>6:4</td>
<td></td>
</tr>
<tr>
<td><strong>t. Šebu</strong></td>
<td>7:10 11:1–5 12:10 13:2 13:9–10</td>
<td>1372 22790 31689 184 3524</td>
</tr>
<tr>
<td><strong>t. Sotah</strong></td>
<td></td>
<td>5:9</td>
</tr>
<tr>
<td><strong>t. Sot.</strong></td>
<td></td>
<td>30756, 31272, 31377, 31480</td>
</tr>
</tbody>
</table>
### INDEX OF ANCIENT SOURCES

<table>
<thead>
<tr>
<th>Source</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>t. Ter.</em></td>
<td>3:12: 14341</td>
</tr>
<tr>
<td>27:5: 30447</td>
<td></td>
</tr>
<tr>
<td><em>t. Ţ. Yom</em></td>
<td>1:3: 26858</td>
</tr>
<tr>
<td>2:12: 232116</td>
<td>1:12: 27069</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>t. Yad.</em></td>
<td>2:14958</td>
</tr>
</tbody>
</table>

### Jerusalem Talmud

<table>
<thead>
<tr>
<th>Source</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>y. B. Meši’a</em></td>
<td>2:5: 10940</td>
</tr>
<tr>
<td>8c: 10940</td>
<td></td>
</tr>
<tr>
<td>5:9c: 409</td>
<td></td>
</tr>
<tr>
<td>8 [12c]: 184166</td>
<td><em>y. Pe’ah</em></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>4:46a: 30131</td>
<td>1:58c: 2902</td>
</tr>
<tr>
<td>9:50d: 30757, 31374, 31375</td>
<td>3:64d: 13916</td>
</tr>
<tr>
<td>31480, 31582, 31685</td>
<td></td>
</tr>
<tr>
<td>7, 31c: 30446</td>
<td></td>
</tr>
</tbody>
</table>

### Babylonian Talmud

<table>
<thead>
<tr>
<th>Source</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>b. B. Meši’a</em></td>
<td>59b: 3718</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>b. B. Qam.</em></td>
<td>55a: 1374</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>b. Ber.</em></td>
<td>3a: 20</td>
</tr>
<tr>
<td>7a: 430</td>
<td>80a: 31479</td>
</tr>
<tr>
<td>27b–28a: 52</td>
<td>89b: 31170, 31272, 31690</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Source</td>
<td>Page(s)</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>b. Hag.</td>
<td>383</td>
</tr>
<tr>
<td>5a</td>
<td>6a–7a</td>
</tr>
<tr>
<td>12a–16a</td>
<td>244</td>
</tr>
<tr>
<td>13a</td>
<td>229, 235</td>
</tr>
<tr>
<td>14a–41b</td>
<td>285</td>
</tr>
<tr>
<td>14a</td>
<td>414</td>
</tr>
<tr>
<td>14b</td>
<td>315</td>
</tr>
<tr>
<td>b. Hor.</td>
<td>449</td>
</tr>
<tr>
<td>13b</td>
<td>342</td>
</tr>
<tr>
<td>106a</td>
<td>251</td>
</tr>
<tr>
<td>b. Hal.</td>
<td>116</td>
</tr>
<tr>
<td>116b</td>
<td>117</td>
</tr>
<tr>
<td>b. Ketub.</td>
<td>80</td>
</tr>
<tr>
<td>3a</td>
<td>252</td>
</tr>
<tr>
<td>111b</td>
<td>118</td>
</tr>
<tr>
<td>112b</td>
<td>247</td>
</tr>
<tr>
<td>b. Meg.</td>
<td>124</td>
</tr>
<tr>
<td>17b</td>
<td>214</td>
</tr>
<tr>
<td>b. Menah.</td>
<td>225</td>
</tr>
<tr>
<td>264</td>
<td></td>
</tr>
<tr>
<td>116b</td>
<td>91</td>
</tr>
<tr>
<td>b. Mo‘ed Qat.</td>
<td>232, 256, 342</td>
</tr>
<tr>
<td>12a</td>
<td>235</td>
</tr>
<tr>
<td>111b</td>
<td>247</td>
</tr>
<tr>
<td>112b</td>
<td>222</td>
</tr>
<tr>
<td>229</td>
<td></td>
</tr>
<tr>
<td>313</td>
<td></td>
</tr>
<tr>
<td>22a</td>
<td>229</td>
</tr>
<tr>
<td>b. Ned.</td>
<td>263</td>
</tr>
<tr>
<td>95b</td>
<td>31a</td>
</tr>
<tr>
<td>128a</td>
<td>138</td>
</tr>
<tr>
<td>111b</td>
<td>424</td>
</tr>
<tr>
<td>b. Nid.</td>
<td>93b</td>
</tr>
<tr>
<td>b. Pesah.</td>
<td>139</td>
</tr>
<tr>
<td>5a</td>
<td>448</td>
</tr>
<tr>
<td>43a</td>
<td>414</td>
</tr>
<tr>
<td>82a</td>
<td>414</td>
</tr>
<tr>
<td>b. Qidd.</td>
<td>54</td>
</tr>
<tr>
<td>43b</td>
<td>270</td>
</tr>
<tr>
<td>66a</td>
<td>361</td>
</tr>
<tr>
<td>7b</td>
<td>198</td>
</tr>
<tr>
<td>79a</td>
<td>198</td>
</tr>
<tr>
<td>39b</td>
<td>430</td>
</tr>
<tr>
<td>66a</td>
<td>361</td>
</tr>
<tr>
<td>16a</td>
<td>216</td>
</tr>
<tr>
<td>b. Roš Haš.</td>
<td>244</td>
</tr>
<tr>
<td>37a</td>
<td>216</td>
</tr>
<tr>
<td>b. Sanh.</td>
<td>31a</td>
</tr>
<tr>
<td>37a</td>
<td>31a</td>
</tr>
<tr>
<td>b. Ta‘an.</td>
<td>222</td>
</tr>
<tr>
<td>260</td>
<td></td>
</tr>
<tr>
<td>43b</td>
<td>424</td>
</tr>
<tr>
<td>16a</td>
<td>252</td>
</tr>
<tr>
<td>54</td>
<td>198</td>
</tr>
<tr>
<td>24a</td>
<td>198</td>
</tr>
<tr>
<td>b. Yoma</td>
<td>361</td>
</tr>
<tr>
<td>198</td>
<td>216</td>
</tr>
<tr>
<td>37a</td>
<td>424</td>
</tr>
</tbody>
</table>

**Targumic Texts**

<table>
<thead>
<tr>
<th>Fr. Tg.</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gen</td>
<td>20:21</td>
</tr>
<tr>
<td>21:8</td>
<td>406</td>
</tr>
<tr>
<td>21:33</td>
<td>406, 408</td>
</tr>
<tr>
<td>21:9</td>
<td>406</td>
</tr>
<tr>
<td>Exod</td>
<td>23:10</td>
</tr>
<tr>
<td>23:23</td>
<td>424</td>
</tr>
<tr>
<td>1:19</td>
<td>406</td>
</tr>
<tr>
<td>17:11</td>
<td>407</td>
</tr>
<tr>
<td>Num</td>
<td>28:32</td>
</tr>
<tr>
<td>3:23</td>
<td>32:6</td>
</tr>
<tr>
<td>16:1</td>
<td>406</td>
</tr>
<tr>
<td>424</td>
<td>406</td>
</tr>
</tbody>
</table>
### INDEX OF ANCIENT SOURCES

<table>
<thead>
<tr>
<th>Tg. Neof.</th>
<th>Lev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genesis</td>
<td>22:27</td>
</tr>
<tr>
<td>2:15</td>
<td>412</td>
</tr>
<tr>
<td>3:12</td>
<td>412</td>
</tr>
<tr>
<td>3:19</td>
<td>412</td>
</tr>
<tr>
<td>21:33</td>
<td>408</td>
</tr>
<tr>
<td>22:10</td>
<td>421</td>
</tr>
<tr>
<td>22:14</td>
<td>419, 421</td>
</tr>
<tr>
<td>38:25</td>
<td>419, 421</td>
</tr>
<tr>
<td>35:3</td>
<td>421</td>
</tr>
<tr>
<td>38:25</td>
<td>420</td>
</tr>
<tr>
<td>49:1</td>
<td>414</td>
</tr>
<tr>
<td>49:12</td>
<td>380</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exod</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1:19</td>
<td>406</td>
</tr>
<tr>
<td>10:17</td>
<td>424⁹²</td>
</tr>
<tr>
<td>17:11</td>
<td>407</td>
</tr>
<tr>
<td>20</td>
<td>410</td>
</tr>
<tr>
<td>Lev</td>
<td>65:1–16</td>
</tr>
<tr>
<td>22:27</td>
<td>421</td>
</tr>
<tr>
<td>22:28</td>
<td>410</td>
</tr>
<tr>
<td>Num</td>
<td>65:15</td>
</tr>
</tbody>
</table>

| 20:21     | 406, 410  |
| 21:16–20  | 417       |
| 23:23     | 400, 414⁶⁷ |
| Deut      | 64:8      |
| 20:19     | 421       |
| 33:6      | 424, 424⁹² |

<table>
<thead>
<tr>
<th>Tg. Onq.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gen</td>
<td>2:7</td>
</tr>
<tr>
<td>2:9</td>
<td>355¹³</td>
</tr>
<tr>
<td>40:13</td>
<td>139¹⁶</td>
</tr>
<tr>
<td>Num</td>
<td>418</td>
</tr>
<tr>
<td>Deut</td>
<td>421</td>
</tr>
<tr>
<td>33:6</td>
<td>424</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tg. Ps-J</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exod</td>
<td>1:19</td>
</tr>
<tr>
<td>17:11</td>
<td>407</td>
</tr>
</tbody>
</table>

**Other Rabbinic Works**

<table>
<thead>
<tr>
<th>'Abot R. Nat.</th>
<th>69¹⁶, 72, 72²³</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Abot R. Nat. B.</td>
<td>27</td>
</tr>
<tr>
<td>'Abot R. Nat. A</td>
<td>1.67–68</td>
</tr>
<tr>
<td>12 (28a)</td>
<td>264⁴³</td>
</tr>
<tr>
<td>18</td>
<td>191¹⁷⁶</td>
</tr>
<tr>
<td>36</td>
<td>352⁴, 361³¹</td>
</tr>
<tr>
<td>Mek. R.Y Exod.</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>14:15</td>
</tr>
<tr>
<td></td>
<td>16:19</td>
</tr>
</tbody>
</table>

- The numbers after the references denote the page numbers in the respective works.
<table>
<thead>
<tr>
<th>Source</th>
<th>Reference</th>
<th>Index</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev. Rab.</td>
<td>15.2</td>
<td>2627</td>
<td></td>
</tr>
<tr>
<td>Deut. Rab.</td>
<td>2.9</td>
<td>3524</td>
<td></td>
</tr>
<tr>
<td>Mek. Sh., on Exod</td>
<td>5:11</td>
<td>382</td>
<td></td>
</tr>
<tr>
<td>Lam. Rab.</td>
<td>9.8</td>
<td>369</td>
<td></td>
</tr>
<tr>
<td>Sipre Num.</td>
<td>3</td>
<td>xix26</td>
<td></td>
</tr>
<tr>
<td>Sipre Deut.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>35926</td>
<td></td>
<td>31170</td>
</tr>
<tr>
<td>47</td>
<td>35926</td>
<td></td>
<td>31170, 31478</td>
</tr>
<tr>
<td>160</td>
<td>7071</td>
<td></td>
<td></td>
</tr>
<tr>
<td>269</td>
<td>30970, 31170, 31375, 31670, 31999</td>
<td>Seder Elyahu Rabbah</td>
<td>82</td>
</tr>
<tr>
<td>306</td>
<td>357</td>
<td>Pesiq. Rabbati</td>
<td>44 (184a)</td>
</tr>
<tr>
<td>315</td>
<td>381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>356</td>
<td>6976, 6917</td>
<td></td>
<td></td>
</tr>
<tr>
<td>406</td>
<td>31377</td>
<td>Pesiq. Rab Kahana</td>
<td>xii16, xv18, 82, 102</td>
</tr>
<tr>
<td>Gen. Rab.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7:5</td>
<td>35514</td>
<td>4:7</td>
<td>27773</td>
</tr>
<tr>
<td>10:4</td>
<td>382</td>
<td>5:7–9</td>
<td>382</td>
</tr>
<tr>
<td>14:10</td>
<td>35513</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14:5 [128–129]</td>
<td>361</td>
<td>Pirqe de Rabbi Eliezer</td>
<td>82</td>
</tr>
<tr>
<td>15:5: [138]</td>
<td>361</td>
<td>34 (18a)</td>
<td>423</td>
</tr>
<tr>
<td>33:1</td>
<td>10940</td>
<td>Tanh</td>
<td></td>
</tr>
<tr>
<td>33,3</td>
<td>13916</td>
<td>Maśè 1 [5.81a = 161]</td>
<td>250485</td>
</tr>
<tr>
<td>62:2</td>
<td>38323</td>
<td>Wayyeshev 8</td>
<td>[2.91a = 181]</td>
</tr>
<tr>
<td>64:9</td>
<td>13915</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exod. Rab.</td>
<td></td>
<td>Yalqut</td>
<td>215, 21577</td>
</tr>
<tr>
<td>1.34</td>
<td>26339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contempl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10–40</td>
<td>441</td>
<td>1:62</td>
<td>27071</td>
</tr>
<tr>
<td>11–12</td>
<td>44144</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2–3</td>
<td>441</td>
<td>Legat.</td>
<td></td>
</tr>
<tr>
<td>64–90</td>
<td>441</td>
<td>158</td>
<td>252101</td>
</tr>
<tr>
<td>Det.</td>
<td></td>
<td>Migr.</td>
<td>89–93</td>
</tr>
<tr>
<td>16</td>
<td>26234</td>
<td>89–91</td>
<td>21379</td>
</tr>
<tr>
<td>Deus</td>
<td></td>
<td>91</td>
<td>212</td>
</tr>
<tr>
<td>132</td>
<td>26026</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Index of Ancient Sources

**Mos.**
- 2:21f 212
- 2:22 212
- 2:211 212, 252

**Opif.**
- 128 252

**Plant.**
- 44 360

**Post.**
- 2:21f 47
- 2:22 47
- 2:211 133–137

**Somn.**
- 135 212

**Spec. Leg.**
- 2:22 3:1–2
- 3:30–31

**Antiquitates**

<table>
<thead>
<tr>
<th>Page</th>
<th>Source</th>
</tr>
</thead>
</table>
| 1:33 | 212, 252
| 3:261 | 360 |
| 3:264 | 260, 262 |
| 4:2253 | 307 |
| 6:242 | 215 |
| 6:242 | 215 |
| 7:318 | 120, 20 |
| 11:326–328 | 434 |
| 13:171 | 129 |
| 13:282–283 | 430 |
| 13:288–298 | 120 |
| 13:288 | 120 |
| 13:289 | 120 |
| 13:296–298 | 264 |
| 13:298–290 | 120 |
| 13:299 | 129 |
| 13:296 | 120 |
| 13:297 | 120 |
| 13:402–408 | 120 |
| 13:408–412 | 120 |
| 13:432f | 120 |
| 14:172–176 | 115 |
| 14:176 | 120 |
| 14:184–267 | 120 |
| 14:185f | 120 |
| 14:235 | 120 |
| 14:242 | 120 |
| 14:245 | 120 |
| 14:258 | 120 |
| 14:260 | 120 |
| 15:1–4 | 120 |
| 15:3 | 120 |
| 15:3–4:370 | 120 |
| 15:368–371 | 120 |
| 15:370 | 120 |
| 17:41–49 | 120 |

**Josephus**

<table>
<thead>
<tr>
<th>Page</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:33</td>
<td>17:41–45</td>
</tr>
<tr>
<td>3:261</td>
<td>17:42–3</td>
</tr>
<tr>
<td>3:264</td>
<td>17:42</td>
</tr>
<tr>
<td>4:2253</td>
<td>18:12</td>
</tr>
<tr>
<td>6:242–44</td>
<td>18:5</td>
</tr>
<tr>
<td>6:242</td>
<td>18:14</td>
</tr>
<tr>
<td>7:318</td>
<td>8.117</td>
</tr>
<tr>
<td>11:326–328</td>
<td>18:319–323</td>
</tr>
<tr>
<td>13:171</td>
<td>20:97–215</td>
</tr>
<tr>
<td>13:288–298</td>
<td>120</td>
</tr>
<tr>
<td>13:288</td>
<td>120</td>
</tr>
<tr>
<td>13:289</td>
<td>120</td>
</tr>
<tr>
<td>13:296–298</td>
<td>264</td>
</tr>
<tr>
<td>13:298–290</td>
<td>120</td>
</tr>
<tr>
<td>13:299</td>
<td>129</td>
</tr>
<tr>
<td>13:296</td>
<td>120</td>
</tr>
<tr>
<td>13:297</td>
<td>120</td>
</tr>
<tr>
<td>13:402–408</td>
<td>120</td>
</tr>
<tr>
<td>13:408–412</td>
<td>120</td>
</tr>
<tr>
<td>13:432f</td>
<td>120</td>
</tr>
<tr>
<td>14:172–176</td>
<td>115</td>
</tr>
<tr>
<td>14:176</td>
<td>120</td>
</tr>
<tr>
<td>14:184–267</td>
<td>120</td>
</tr>
<tr>
<td>14:185f</td>
<td>120</td>
</tr>
<tr>
<td>14:235</td>
<td>120</td>
</tr>
<tr>
<td>14:242</td>
<td>120</td>
</tr>
<tr>
<td>14:245</td>
<td>120</td>
</tr>
<tr>
<td>14:258</td>
<td>120</td>
</tr>
<tr>
<td>14:260</td>
<td>120</td>
</tr>
<tr>
<td>15:1–4</td>
<td>120</td>
</tr>
<tr>
<td>15:3</td>
<td>120</td>
</tr>
<tr>
<td>15:3–4:370</td>
<td>120</td>
</tr>
<tr>
<td>15:368–371</td>
<td>120</td>
</tr>
<tr>
<td>15:370</td>
<td>120</td>
</tr>
<tr>
<td>17:41–49</td>
<td>120</td>
</tr>
<tr>
<td>Source</td>
<td>Page(s)</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Vita</td>
<td>129, 120</td>
</tr>
<tr>
<td>(Ps.-) Crates Ep. 24</td>
<td>216, 218</td>
</tr>
<tr>
<td>Ps.-Clement Homilies</td>
<td>11.15.4</td>
</tr>
<tr>
<td>8.23.1</td>
<td>276-89</td>
</tr>
<tr>
<td>Patristic Sources</td>
<td></td>
</tr>
<tr>
<td>1 Clement 59.4</td>
<td>233^11a</td>
</tr>
<tr>
<td>Eusebius Ecc. Hist. 4.6.1–4</td>
<td>448</td>
</tr>
<tr>
<td>Ignatius Smyrn 6:1</td>
<td>465^111</td>
</tr>
<tr>
<td>9:4</td>
<td>6:1</td>
</tr>
<tr>
<td>10:5</td>
<td>465^111</td>
</tr>
<tr>
<td>Jerome Contra Rufinum</td>
<td></td>
</tr>
<tr>
<td>Isidore, Etym. 8.4.3</td>
<td>10</td>
</tr>
<tr>
<td>Justin 1 Apol. 65.3–5</td>
<td>185^168</td>
</tr>
<tr>
<td>33.4</td>
<td>7</td>
</tr>
<tr>
<td>33.9</td>
<td>6</td>
</tr>
<tr>
<td>Theophilus Ad Autolycum</td>
<td>2.26</td>
</tr>
<tr>
<td>Origen, PG 13:929</td>
<td>2^3</td>
</tr>
<tr>
<td>Origen, Princ. 4.3.2</td>
<td>8</td>
</tr>
</tbody>
</table>