Obedience to the Law of Christ. An inquiry into the function of the Mosaic law in Christian ethics from a Mennonite perspective
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Chapter 6

The understanding of Christian ethics and the law in the gospels of Mark and Matthew

Which is the real Jesus? The Jesus who apparently abrogates the food laws in Mark 7 by “declaring all foods clean,” annuls the Sabbath, invalidates the Korban law and the laws of vowing in general, and rejects the institution of the Temple? Or the Jesus who in Matthew 5 declares that He “did not come to abolish the law and the prophets” and expects a higher righteousness of His disciples than that of the Pharisees, implying a greater obedience to the Torah? Is it the Jesus who has become the “end of the law” in Romans 10? In what sense then could we argue that the New Testament teaches that the messianic era starts with the abrogation of Mosaic law?

§ 34. Jesus’ relationship to the Mosaic law

If Church practice early and late can be considered at least part of the answer, the “real” Jesus obviously is that of Mark. The Christian Churches do not hold to laws of ritual purity nor do they abide by the various food laws, including those Noachide laws dealing with blood and the strangled that apparently had been adopted by the Jerusalem council under the joint authority of James, Peter, and Paul (Acts 17). By the same token, if Pauline doctrine can be considered part of the answer and in strict continuity with Jesus’ teaching, then Jesus must have been abolishing the law, since established exegesis has it that Paul surely did. Even Peter is portrayed as being the recipient of a divine vision in which impurity barriers between Jews and gentiles were lifted (Acts 10). Church practice then and now, and various elements in the New Testament, speak urgently in favor of the image of Jesus of Nazareth as the one who abolished of the law.

On the other hand, Matthew might have been speaking from within a part of the Christian Church to whom the recognition of an ongoing validity of the law was still important. To Jewish Christians a continuing role of the law must have been quite self-evident. The difference of the images of Christ in Matthew and Mark must then have been grounded on the difference between two separate patterns of early Christianity, which we most often identify according to ethnic boundaries as Jewish and gentile Christianity. Read like this, Matthew’s position on the law might then have been a redactional input, as well as that of Mark, both obscuring the “real” Jesus behind their own theological needs.

To us, this issue is not without importance, but it nevertheless does not confront us with an obstacle that needs to be solved in order to make progress. We must first of all accept that the “real” Jesus cannot be found behind the texts we have, as we must accept equally that we are left to do our work with the canonized text. We have to find our way through a maze of conflicting pieces of evidence amongst incongruent images of Christ, both between and within the given text.

Is there a way to ease this burden? We might start off with accepting the canon as such; as the given material to work with; in a renewed task of finding the unity and/or the center of the whole of the text that the Church considered sacred writ. The canon is not simply a list or a divine revelation, but a historical perspective. Matthew was put first in the order of gospels for a reason. It was supposed to be the basic and grounding view of Christ. It could not be abolished by Mark, nor could Paul contradict with impunity the basic position of the gospels. But of course the New Testament remains a collection of conflicting positions. Should we harmo-
nize them into one consistent picture? Side by side with the canonical decision to adopt four gospels instead of Marcion's shortened Luke is the effort to harmonize the gospels in a synoptic vision of events. The conflicts were seen as possibly hurtful. In the same manner as allegory had smoothed out the difference between Old and New Testament, so the conflicts between the New Testament writings were smoothed out by a meta-narrative that did not allow for inconsistencies to result in formal contradiction. Complementarity became the dominant hermeneutic strategy. E.g., if Luke says something that is not in John, both events must have happened at different times. If John mentions a date different from the other gospel writers, then he purposely deviated from the historical truth to make a point. In such a case, when the contradiction cannot be explained away, theological intent supersedes descriptive accuracy, which then becomes the ultimate refuge.

Since the Reformation places so much emphasis on the Pauline gospel, a new problem arose: that of harmonizing Jesus' statements with Paul. Matthew could easily be harmonized with Paul by using a double strategy: (1) Matthew was either writing about a preliminary position that Jesus took because at that time the gospel was still meant to reach Israel or (2) Matthew's wording had to mean something else. In the case of the great stumbling block that we find in Matthew 5:17, the massive affirmation of the law and the prophets that is contained there, the strategy resulted in a near dismissal. It was generally accepted that the passage had to be about the post-resurrection meaning of Christ's death, which was the real fulfilling of law and prophets. To fulfill the law meant to be the One that the law and the prophets had predicted, and the higher righteousness demanded of Jesus' followers could be equated with the righteousness imputed to sinners. That with this meaning the Matthew 5:17ff. passage becomes equivocal, involving a double-entendre at the moment it was uttered, was a conscious part of the strategy. John reflected on this device when he wrote about the many things that the Spirit would teach the disciples after Jesus' resurrection. The oral apostolic teachings, even when they reversed Jesus' teachings, received their credentials here.

But perhaps the era of canon formation had forgotten what it meant to "fulfill the law" and not to abolish it? Perhaps they already employed a reading strategy that made it possible to circumvent the massive affirmation of the Torah's validity, which obscured Jesus' intent even further? To fulfill might have come to mean, by the end of the 2nd century: to supersede, to turn it around. Paul's post-resurrection theology, after having reached the status of primary framework, could then do the rest. Jesus' affirmation of the law could then be read as a stage in God's progressive revelation: an effort to build a new Israel that had failed was offered again in the apostolate of Peter and James, and then given up halfway through the book of Acts to be focused finally on Paul's mission to the gentiles. It is this meta-narrative that allowed for the harmonization strategy to work, in essence dividing pre- from post-resurrection theology (whereas in fact all of the New Testament in its redacted state is post-resurrection reflection). It is then set in the framework of Jesus' offering the gospel of God's kingdom to Israel first, and only after they rejected His message could the complete gospel of freedom from the law be explained to gentiles and Jews alike. The placement of Matthew with its massive law-affirmation as the first of the canonical gospels is the decisive act on which we need to base our understanding of its practical status. The canonical stature of Matthew's Sermon on the Mount, including the massive affirmation of the continuing validity of the law in Matthew 5, is a barrier to any contemporary attempt to formulate a law-free gospel, even if based on the gospel of Paul or his followers.

So we can devise a reading strategy for each individual pericope first of all by accepting the canonical framework, without simply affirming its meta-narrative implications. Rudolf Bultmann can state, e.g., that Jesus' teachings are "a major protest against Jewish legality (Gesetzlichkeit), i.e., against a piety that sees the will of God expressed in the written law and the tradition that explains it." Such a piety would try to achieve God's acceptance
through a painstaking effort to comply with the law's demands. Religion, law, and ethics were not separated in Pharisaic doctrine, as Bultmann thinks Jesus actually was teaching, so that civil law became a divine institution and divine law was handled as civil law. That position must lead to casuistry, where legal institutions that have lost their force because of changing circumstances need be kept alive because they are considered of divine origin and must be adapted to the new circumstances by an artificial process of interpretation. "The consequence of all of this is that the real motivation for the moral act has become perverted." Obedience is seen as something formal; the question of why a moral act is commanded cannot be asked; the principle of retribution (Vergeltung) is the primary motivational force. In such a legal discourse, religious ethics cannot achieve a radical, real obedience.

Jesus' intent was, according to Bultmann, to bypass the codified law and the cultic requirements and present the case of radical, moral obedience beyond legalism. What is morally good must be demanded by God in each and every situation anew. The moral relationship becomes the pure divine requirement, beyond legal, ritual and cultic law. The antitheses of the Sermon on the Mount would in fact portray such a moral requirement versus the religious one of the rabbis. The behavior of man cannot be determined by legal rules; it would leave within man a sphere of freedom from God's imperative that the law could not deal with. Bultmann equates the halakhic system of Pharisaism with this legalist distortion of Torah-obedience. Even a casual reading of Sanders's Paul and Palestinian Judaism should teach us differently, however. The themes of God's grace, election, the "direction of the heart," the minor relevance of the aspect of retribution, and the great emphasis on moral attitudes beyond the structures of the law are shown to imply the precise opposite of the legalist, cultic, self-centered righteousness that Christian scholarship attributed to Judaism in the thought of Bultmann. With a more realistic picture of 1st-century Judaism, our image of Jesus' opposition to it must also change.

We cannot, with Bultmann, ignore the continuity between Jesus' statements and those of His Pharisaic contemporaries. Where Jesus states that God rewards full obedience, as the rabbis do, Bultmann does not hesitate to point out that behind Jesus' statement lies the promise of redemption to those who obeyed for reasons other than the reward. Jesus' use of the concept of retribution or reward is thereby given a theological depth to counteract the possibility that obedience for reward perverts the "moral motivation." But such a sympathetic reception of language that opposes Bultmann's own intuitions is not given to the Pharisaic teachers. So the assumption is that the theological evaluation of Pharisaism, as presented by some readings of the gospel context, provides us with enough clues to accept in Jesus a statement that is virtually identical to a statement made by His Pharisaic contemporaries and still affirm such a statement by Jesus and reject that of the Pharisees. Thereby the context is not really seen as such; it is projected into the meaning of the artificially separated logion.

All of the explanations of Jesus' original gospel by Bultmann are informed by his opinions about Pharisaism. They are context-derived and biased in as far as they generalize and do not offer an explanation for the intent behind the Pharisees' position beyond their zeal for the law. We will endeavor to show that the intent behind some of the Pharisees' disputed rulings can be reconstructed with some certainty, not in a concrete historical fashion, but by locating the "pattern of religion" involved, and that this actually throws an important light on the meaning of the logion and the reasons behind its contextual transformation.

Closer to the intentions of the New Testament are his descriptions of Jesus' attitude towards the Old Testament itself, as present in the gospels. According to Bultmann, Jesus does not reject the authority of the Old Testament, but distinguishes critically among its diverse commandments (which only means that he has a specific hermeneutic) and has a sovereign attitude towards the Old Testament. This last point is of course of primary importance. But how can Bultmann claim that this sovereign attitude is (1) attributable to Jesus Himself? After
all, Bultmann discriminates between Jesus’ sayings and Gemeindebildung (redaction within the congregation and for the latter’s needs), because the image of Jesus as standing above the law is part of the confession of Jesus as the Messiah. And (2) how can Bultmann claim that, even given this sovereign mode, Jesus actually did abrogate the law, over against the evidence of Matthew 5:17?

When it suits him, Bultmann can claim that words that deny both Jesus’ rejection of tradition and Torah are actually part of the Gemeindebildung, whereas words that reject the Torah must be authentic. A case in point is the expression in Matthew 5:17, where Jesus states that He did not come to abolish the law. Bultmann has this to offer: “...in comparison with other words of Jesus and taking His actual behavior into account this cannot possibly be a genuine saying of Christ; it must be a Gemeindebildung from a later age.”

We beg to differ, and the reason is precisely this: that Bultmann only needs to reject it as genuine because he interprets it as (close to) an affirmation of Pharisaic legalism. If, however, one can understand such a massive affirmation of Torah as a variation on a general theme within the various strands of Palestinian Judaism, there is no problem. The solution to the problem need not be the hypothesis that Matthew wrote for a Judaizing congregation, nor the introduction of a semantic framework in which “to fulfill” suddenly becomes a reference to Pauline Christology. It can be accepted that there was enough in Pharisaic Judaism that could be adopted and adapted both by Jesus and by the early Church. That there is a problem with the absolute nature of this affirmation of Torah should lead us into the opposite direction. Precisely the incongruence between the position of the Church and this saying must mean that it is attributable to Jesus, by the standard of critical method that what is in conflict with what can be expected must therefore be genuine. Notwithstanding his general rejection of a favorable attitude towards the law in Jesus, Bultmann accepts that Jesus did not abrogate fasting in Mark 2, did not speak out against the Temple cult, did not reject the Old Testament. The redactional stage of Matthew 5:17, in that sense, remained in continuity with Jesus’ own attitude, even if it derived its position from the lack of criticism rather than from an actual position that Jesus had expressed. The impact of the saying is, however, greatly reduced to a general acceptance of the Old Testament as sacred literature, reduced further by its attribution to a Judaizing congregation, history of form and redaction history are given the final say over the matter. The assumptions behind Bultmann’s position therefore lead him astray here, as we will show by looking at the relation between gospel context (reflective stages) and (reconstructed) logion context.

It is clear that a saying as recorded in Matthew 5:17 is a real hindrance to accepting the law-free gospel as something that derives from Jesus, and not from the pagan majority Churches and their (vulgarized) Paulinism. In it, Jesus states that He did not come to abolish the law but to uphold (fulfill) it. What does this mean?

§ 35. Fulfilling the law (Matthew 5)

Now we are somewhat prepared to address the reading strategy that takes the fulfillment of the law as implying materially the same thing as an abrogation. What does it actually mean to fulfill the law on the level of the accepted Jesus-saying? The expression “fulfilling the law” has been taken as the equivalent of “doing the law,” as in Rom. 2:13. Jesus then came to do the law, to be in obedience to all its precepts. But the Greek πληροῦν stands closer to the Hebrew דֶּבֶר which means to uphold, to accept as a standard. That is also how the Aramaic translation of Onqelos takes the Hebrew (doing, here “the law”) in Deut. 27:26. The translation with “to uphold” brings it closer to agreement with Rom. 3:31, where Paul states that he is actually establishing the law (but using a form of ἡστημι, to establish). Besides, the LXX in 1 K. 1:14 clearly shows that the greek πληρῶσαι (plerosai) and the hebrew “fulfill”
were seen as equivalents. The prophet Nathan announces his intent to come to the king to corroborate the words of Batseba.

The meaning of the expression is disputed, however. Michel, following Strack-Billerbeck, argues that fulfilling the law equals doing it, i.e., obeying its precepts individually. Jesus would then be saying that he "does" the law, and Paul can then still say later that to the Church the law is abrogated because of changed circumstances: Israel after all did not accept Jesus’ gospel. The problem is that the Greek has a perfectly simple word for "doing" the law. The Greek ποιεῖ, ποιεῖν is used, e.g., in LXX Deut. 26:16, to translate the Hebrew for "doing" (יהי), i.e., obeying the law. But that does indeed suggest that to fulfill means more than to obey or do it. It is hardly likely that doing and fulfilling were seen as equivalents when the LXX takes such pains to differentiate the two. One way to explain the underlying issue is to make a difference between doing the precepts of the law and upholding it, i.e., maintaining it as a standard even when occasional transgressions against it are committed. That is clear from the Hebrew use of דִּבֶּר in Deut. 27:26, where we have the meaning of upholding (as standard) in order to do. It certainly is the meaning of דַּבֶּר in MPirkei Avoth 4:9, which speaks about fulfilling the Torah in poverty. Surely this does not mean doing all the mizvoth, but rather affirming their validity. The LXX strengthens this impression when it translates the same word in Deut. 27:26 with "continue" (εὑρετεί) and not with fulfill, thereby accentuating the persistence in obedience. All of this implies that fulfilling the law goes beyond obeying it, and that it has a meaning that cannot be harmonized so simply with Paul’s approach to the law. Or is there a way?

Another approach might be to put the expression into connection with the so-called “formula quotations” (Erfullungszitate) that are a redactional device used by Matthew, where the word has the meaning of “to give them their full meaning.” Law and prophets then find their deepest significance in the coming of the Messiah, specifically in the way this Messiah acts and instructs His disciples on matters of law. Jesus then reveals the true meaning of the Torah and demonstrates it in action. This messianic authority then may on occasion come into conflict with Pharisaic halakah or even with contemporary interpretations of the Torah. In this case, we take the verb pleroosai to have received its meaning from Matthew’s Christology. But even here, the sense of “fulfill” is to corroborate, as Meinrad Limbeck argued. The expression does not lead us into the arena of Pauline fulfillment-theology. In Matt. 3:15, the expression “to fulfill all righteousness” is used to mean something like “to do everything that is demanded by the standard of righteousness.” To fulfill the law might then be taken to mean to do the law and uphold it as standard insofar as it, as written statute, leads to the fulfillment of the demand of righteousness. There is no reference to a messianic secret here, but a straightforward reference to Jesus’ obedience to and indeed reverence of the Torah. Furthermore, we can infer from the opposition between καταλύσαι (to annul) and our term that to fulfill does indeed mean to uphold, to recognize its authority. As a technical term, it might denote a process of interpretation whereby individual laws are explained in such a way that they serve the goal of the whole body of law, i.e., establish justice.

Another approach might be to look more closely at the contents of this notion of fulfilling by trying to figure out what its contents might have been within 1st-century Judaism. Since we are now seeking a pattern of thought, and not historical dependency, even relatively late texts might provide us with valuable clues. The passage in BMakkoth 23b-24a might help us out here. R. Simlai opens the discussion with the statement that God gave Moses 613 commandments. David summarized (reduced) these 613 to eleven basic precepts in Psalm 15 (24a). The Psalm ends with the statement: “He that does these things will not be moved.” Now this does not mean that David annulled 600 commandments, but it does mean that the manifold of commandments were seen as being derived from a fundamental number of major commandments, which functioned (a) as basic ethical requirements and (b) as fundamental
ways of interpreting and doing all other commandments. Beyond that, (c) anyone who was able to perform these commandments with the basic intensity required would merit the world to come. So the eleven moral demands David enumerated (which are not all part of the list of 613) form the basis of obedience to the 613 precepts. Rabban Gamliel then remarks that only someone who can practice all of these precepts can merit the world to come, but he is refuted: the text simply states “these,” i.e., any of these, and does not say “all of these.” So the merit of the world to come is already earned by practicing merely one of the ethical requirements mentioned by David with the required intensity, and it will be that obedience (which does not imply a rejection of the other 613 commandments) which brings salvation.

At the end of the passage, Amos 5:4 is quoted as indicating that obedience to “And seek me and you shall live” is the “ethical” requirement that will bring salvation. The Gemara refutes this by quoting Rav Nachman b. Isaac as saying that this “seek Me” effectively includes all the 613 precepts and can therefore not be called a “reduction.” The Gemara then offers another text: Hab. 2:14, the righteous will live through his faith. It is not difficult to see how similar in reasoning, though different in result, this is from the text we have in Romans 1. Could it not be that fulfilling the law is functionally the equivalent of this notion of an ethical perspective which is in itself a complex ethical requirement, as well as a perspective within which the precepts are being considered? To fulfill the law must then mean to uphold it by effectively obeying it in accordance with its most general principle, expressed in and as the summary of the law. The righteousness that is the inner standard of the law as written statute is now expressed by Matthew as the double commandment upheld in a specific community. In Matthew’s version, this most general principle involved (1) the basic principle and hermeneutic perspective of the law as explained by Christ, i.e., love for God and neighbor, and more particularly the nature of the eschatological community as defined by the introductory Beatitudes; (2) the authority of the Messiah to formulate absolutely binding halakhot while at the same relegating the formal rabbinic authority to the community “assembled in His name.” (Matthew 18)

The messianic authority as shared by the Church is in fact in itself a sign of the new era. In this respect, the anti-Pharisaic address in chapter 25 serves as a corollary of Jesus’ messianic status, because it shows that the rabbinic decisions were being made by men who were unable themselves to “fulfill” the law in many respects, setting them over against Jesus as the one who through His death had shown the ultimate sacrifice in the service of God and His fellow-men, thereby earning the absolute authority He had used in matters of law-exegesis. We will return to both of these pasages later on.

§ 36. Jesus and Jewish oral tradition in Mark

We must turn now to the difficult question of what Jesus taught about the Mosaic law and of what consequences this has for the meaning of obedience and the shape of Christian obedience. A study by Meinrad Limbeck called “Das Gesetz im Alten und Neuen Testaments” can provide us with a good place to start. 317 Limbeck gives a general perspective to work with when he states that the fact that Jesus did not make statements directly about the issue of Mosaic law does not give us license to assume that He shared the general opinion of his age. To assume an agreement between Jesus and the Pharisees on major issues of law, based on silence, is a dangerous enterprise. However, there is more than enough positive evidence to suggest that in many cases there was agreement between Jesus’ position and at least some of the reconstructable early sources of rabbinic doctrine. In any case, Jesus would certainly have agreed with the majority of his contemporaries that the Torah contained the decisive revelation of the will of God. According to Limbeck, it is a different understanding of the nature of God and his response to the social tensions of his time that made Jesus different in His appli-
cation of Torah-law. Limbeck stresses the following prerequisite for understanding Jesus’s position vis-à-vis the law:

- Jesus accepts the gospel of John the Baptist that there was only one way to escape the coming judgment, and that way did not lead through the Temple and its system of sacrificial atonement. One needs to be baptized and follow the will of God with a new commitment. Jesus’ baptism in the Jordan implies Jesus’ rejection of the sufficiency of the Temple cult, and includes an image of God as avenging Judge that soon afterwards is transformed.

- Jesus then comes to the conclusion that God is about to renew his marriage vows to Israel. God, the Bridegroom of Israel, is coming to His people to save them. That’s why there can be no fasting! So God was no longer interested in each and every sinner and his punishment, but He was only interested in the whole of Israel.

- If God is coming like that to His people, then Israel is not awaiting the Kingdom of God. That kingdom was present since the Mosaic law, the commandments, were given to realize God’s sovereign rule in this world. What Israel is awaiting is a new kind of presence of God in the midst of His people without the mediation of the Temple, i.e., directly, forgiving the sins of all people without condition. That is the reason that Jesus is not interested in matters of holiness and purity.

So Limbeck can conclude (p. 113) that Jesus looked at the Torah in the light of his understanding of God. Torah had the function to reveal to mankind God’s boundless and benevolent love for man. Because God had already begun His new kingdom of divine presence, it was not important to direct everybody’s attention to the Torah as a rule of life. Not the text of the Torah, but the revelation of God’s love contained in it, was to Jesus the essence of the depositum fidei of Israel. It is obvious that though this is a different position from that encountered in mainstream Pharisaism, it does constitute a radical effort to affirm the validity of the Torah as a vehicle of revelation and the basis for man’s behavior. Jesus’ affirmation of the Torah in its aspect of law remains, however, still to be decided. Since that is the viewpoint that is most often associated with the Pharisaic approach to Torah, the question now shifts to Jesus’ connection with the proponents of oral law.

Earlier generations followed the viewpoint of J. Jeremias and L. Goppelt, who argued that Jesus’ criticism was directed not so much against the law and normative Judaism itself (which was held, e.g., by H. Weinel) but against the halakah, the oral law, at least against elements of it. Jeremias in particular argued for this opposition on three issues: (1) purity laws, (2) the Korban law, and (3) Sabbath laws. A probably early source for the first two issues is undoubtedly Mark 7, so we will study this passage first. Our question now is what attitude Jesus adopted with regard to the law and to the oral traditions of the Pharisaic rabbis who interpreted it. We will follow Jeremias’s lead on the three issues that show the antithesis most strongly.

§ 36.1 Ritual purity

We must now ask what Jesus’ response was to the Pharisaic traditions. The most decisive opposition to Pharisaism in the gospels is to be found in Mark 7. If we can ascertain that the break with Judaism is a product of the changing situation of the early Church and its debate with Judaism, we have thereby shown that Jesus’ own position may have given rise to a variety of positions on the Torah and, by implication, a variety of positions with regard to what constitutes Christian obedience. The major key in separating between the oldest traditions and the effort to harmonize those traditions with current Church-decisions will be the form of the
material. If it is halakhic in nature, we probably have the material that occasioned the labor of the redactor. Halakhic elements therefore have priority over Christological material.

Let us examine the issue of the impurity of the hands first, and let us examine it first of all from a Jewish perspective to see precisely what issue our chapter 7 of Mark is dealing with. First we must ask ourselves whether the issue of ritual washing of the hands was part of a live debate in the 1st century or not. The Gemara in Sabbath 15a quotes Rab Judah (Judah b. Ezekiel, a Babylonian Amora of the third century) as saying in the name of Samuel, who lived one generation earlier at the end of the 2nd century, that King Solomon had instituted the ritual washing of the hands. That seems to indicate that the discussion was settled and the ritual an ordinary part of Jewish life. The statement about the antiquity of the ritual is then hardly exaggerated. Sanders, on the contrary, maintains that the issue arose much later, in the early period of the formation of the Mishnah tractate Yadaim, in his estimate well after A.D. 70, which deals extensively with the purity of the hands.

The decree that triggered later conflict was, however, at least as old as the era of Shamai and Hillel, though the same text seems to indicate that there was initially a difference of opinion amongst them and that the matter was brought to agreement only afterwards amongst their pupils, therefore, presuming that the Talmud is historically accurate, also after Jesus’ lifetime. In Sanders’ view, then, the discussion in Mark 7 is highly artificial because there was no debate about ritual washing of the hands at that time; it originates much later, when it is also corroborated by Mishnaic sources. Dunn disagrees with Sanders on this and sees in Mark 7 prima facie evidence that the issue is already under debate. Dunn’s conclusions seem to have better support. If the Talmud is anywhere near historically accurate, then we can infer that the issue was indeed already decided by Shamai and Hillel, but that their ruling only gained complete acceptance after the Sadducee opposition ended after A.D. 70. In Dunn’s version of events, there were two periods when the issue was under debate: the era between the rule of Shammai and Hillel until the destruction of the Temple, and then the era of the formation of the Mishnah tractate Yadaim.

The Mishnah in Chagiga II.4 states that hands need to be rinsed before eating unconsecrated food, and the Gemara (18b) explains that this must be for bread, while one need not rinse his hands before eating fruit, and Mark 7 shows that this must at least have been valid law in the days before the year 70. The first stage was most certainly also a debate between Sadducees and Pharisees, the second exclusively a debate among Pharisaic teachers themselves. In this context we may make a motivated guess that the historic referent of Mark 7 seems to belong at least partially to the first stage of the conflict, and that it is set against the background of the Sadducee conflict because it is about the authority of the oral tradition; in part, however, it does belong to a much later Christian-Jewish debate, when the ritual itself was abolished for Christians. The element of the inclusion or exclusion of gentiles is then made the context of the entire debate. We will go into this hypothesis in more detail later.

So the core of the debate is undoubtedly authentic, and we can identify it as pre-70. But now we must ask the next question: what was this debate about? The Gemara in Chulin 106a discusses the custom in a way that makes it clear that the rationale behind the commandment was secondary in nature. First of all, it surely did not originate in the Torah itself. It was reported that R. Eleazar b. Arach (a teacher, Tanna, of the 1st century) commented upon a baraita (a mishnah not found in Rabbi Judah’s compilation) that simply stated: “It is written: And whomsoever he that hath the issue toucheth, without having rinsed his hands in water, Lev. 15:11, herein, said R. Eleazar b. Arach, the sages found biblical support for the law of washing the hands.” But the biblical support they found was derived by a procedure called asmachta, i.e., a rabbinic ruling was afterwards homiletically linked to a quotation from Torah without contending that the text actually taught the ruling.

In the text of Torah, the washing of the hands is not a separate act, but one that results from
bathing, in the rabbinic ruling the washing of the hands becomes a separate injunction, implying that all those who did not wash their hands are unclean and unfit to partake of the meal. In fact, as is clear from Hirsch's commentary on Leviticus 15:11, the text itself implies that the person who bathes also cleans his hands by doing so, and the hands are mentioned as a meaningful pars pro toto for the body as a whole, emphasizing that the capability to act was restored in such ritual bathing as well. It is clear, then, that an application of Lev. 15:11 to the washing of the hands before meals presupposes an intent to make the common meal into an analogy of the priestly meal, which required Levitical purity.

We must note in passing that we follow here the general idea that Pharisaic teaching was characterized by the intent of applying Levitical purity to ordinary life, to “educate the masses in holiness” (Encyclopedia Judaica) as was shown e.g. by Jacob Neusner. Neusner expressed the view that the Pharisees contributed a viewpoint and a method. The viewpoint addressed “all Israel,” and the method focused upon the sanctification of “all Israel. The Pharisees contributed to the nascent system after 70 a fundamental attitude that everyone mattered and an emphasis on the holiness of everyday life.” James Dunn mentions the “received wisdom” that the Pharisees at the time of Jesus were a purity sect. “Their concern was to keep the purity laws, which governed access to the Temple and participation in the cult, outside the Temple, to extend the holiness of the Temple throughout the land of Israel.”

Secondly, it is also clear that the custom is intrinsically linked to its authoritative source. In the same passage we find R. Idi b. Abin (a Babylonian Amora of the 4th. century) stating that the washing of the hands was instituted because of the ritual purity of terumah, food consecrated to the Temple. Hands are considered unclean, but only in the second degree, meaning that they could not defile common food but could defile consecrated food. But this is valid for priests, and, on the assumption that the festive meals on religious holidays constituted an analogy to priestly gatherings, only valid for such occasions. How could it, on the basis of Torah, be applied to ordinary meals as well? In fact, only tradition itself could provide a foundation for that, and there can be a connection between two efforts to give a basis for the ritual: the one implying the priestly analogy, extending the ritual laws to laymen in order to sanctify Israel, and the other the sheer fact that it had been handed down by tradition. Obviously, R. Idi considered compliance with this rabbinic institution a meritorious act, even if there was no basis for it in written law. Obeying the rabbis is in itself a form of piety, since it expresses loyalty to the system in which halakah is produced. So when the Gemara asks the obvious question “why?” it is understandable why the younger contemporary of R. Idi, Abaye, is thought to have answered with a general principle: “It is a meritorious act to hearken to the words of the sages.” The formal reason for the obedience lies therefore in the authority of the sages themselves.

But the sages’ opinion was not fully undisputed. Rab (2nd and 3rd century) argued that after a person has washed his hands in the morning, this would serve him all day if he so stipulated in his mind, provided that he did not dirty his hands or render them unclean. But this opinion did not survive: it lost the analogy with the priestly requirements and counteracted the specifics of the earlier and already widespread Pharisaic institution. It implied a more “material” and rational way of looking at the issue of impurity or cleanliness. All of this shows that to the third and fourth generation of Amoraim the only real reason for obedience to the commandment is the fact that the rabbis instituted it and that they loosely accepted the priestly analogy as the general motivation for it.

This is shown also by comparison with a related minor issue. In the Chullin passage we also find mention of the sages instituting the washing of the hands before eating fruit, and not only before partaking of a common meal with bread. The reason for that institution is given by the same R. Eleazar as “reasons of cleanliness.” Raba explains this as meaning that washing the hands is neither a duty (not a rabbinic enactment) nor a meritorious act (which though not
commanded is an act of piety), but merely a matter of free choice. What does this say about
the washing of the hands before eating bread? Surely that to some rabbis the washing of the
hands (since ritual defilement cannot be conferred upon the bread) is intrinsically a matter of
free choice or only an issue of cleanliness. Intrinsically, the rabbis accept the verdict that
Mark 7 pronounces upon the custom and agree with Jesus’ main principle that there was no
real defilement here. But the result of the discussion in the Talmud is that the mere fact of
rabbinic authority makes it into a duty on account of that authority itself: as we have seen, it is
a meritorious act when the sages institute it as such. There is no valid ground for it apart from
analogy with the priestly custom, which to some was not sufficient reason. The washing of the
hands was a necessary prerequisite only for the priest when he had his meal in the Temple. So
his “preparation” for partaking of consecrated food, terumah, provides analogous grounds for
the washing of the hands of the non-priest before a common meal. It is an act that strengthens
the similarity between life at home and priestly life in the Temple. And that in itself is a
choice the rabbis made, and which then, because of their status, becomes meritorious and a
duty, so the act itself acknowledges their authority and their intent to sanctify life outside the
confines of the Temple. The issue in its final stage in Mark 7 is therefore moved beyond the
question of purity or impurity to center around the authority of the rabbis themselves to build
up the Jewish way of life, and Markan redaction very accurately opposes that by showing Je­
sus’ authority to reject not only the specific halakhic decision but the system itself. In Mark’s
rendering of the conflict, authority clashes with authority, even where originally a debate on
the issue itself must have been concerned with principles and arguments along the lines of the
debate recorded in the Talmud.

So we can conclude: in the ritual commandment to wash the hands before eating a complete
meal (implying bread), the rationale rests on an analogy with priestly law and in the very fact
that it is an institution of the sages, making what is in itself an “act of free choice” into an
honoring of rabbinic authority and the intent to sanctify life. In this honoring of rabbinic
authority, acceptance of the basic Pharisaic endeavor to make life at home, especially meals
eaten therein, into an analogy to Temple symbolism is implied. Utensils, food, and company
at meals must comply with specific rules for holiness. Obviously a person who would not
comply with this institution would be excluded from fellowship, since that very fact would
imply a rejection of rabbinic authority. But the basis for that exclusion would not be, as we
have seen, the fact that such non-compliance constituted a breach of Torah, but merely disre­
gard for a rabbinic institution whose formal rationale was to express rabbinic authority and the
goal of holiness in practical life, and that therefore changed an “act of free choice,” which
might have been prompted by arguments of cleanliness, into a prescribed ritual, transforming
yet another element of daily life into an analogous act of consecration.

We must now ask how early Christianity dealt with this element of Jewish halakah. Let us
take as our primary witness the passage in Mark 7, which not only deals with the issue of the
ritual washing of the hands before eating bread, but links it closely to another issue of far
greater importance, that of the Korban pledge that overrules the commandment to honor one’s
father and mother. We will deal with the various elements of this passage in some detail, but
with a specific and narrow intent: what was the underlying issue of this strangely verbose and
hostile encounter between Jesus and some Pharisees? How did such a passage function within
the Church of Mark, more specifically, in Rome?

Mark 7:1. And [then] came together unto him the Pharisees, and certain of the scribes,
which came from Jerusalem.

Immediately after the report of the failure of John the Baptist’s mission to Israel and the
extension of the gospel of the kingdom to the gentiles, we find this passage, whose obvious
intent is to explain the distance between Pharisaic Judaism and the new gospel of Christ, as
that gospel had developed between Jesus’ death and the year 70. The Sadducees are of
course not mentioned here, since they did not agree on this issue with the Pharisees.\textsuperscript{330} The latter, as the "cultic" party, tried to apply rules concerning ritual purity in the Temple to ordinary life, to extend the sanctity of the Temple to the whole of Israel. The Sadducees affirmed the primary sanctity of the Temple.

2. And when they saw some of his disciples eat bread with defiled, that is to say, with unwashed, hands, they found fault.

A rabbi generally took his meals with his pupils, and here Jesus might have eaten out in the open with his disciples. Such a meal was regarded as an occasion for instruction, since the behavior of the rabbi and the implications of their fellowship together were a case of derekh erets, which besides "ways of the land," i.e., local custom, can also mean behavior according to a general attitude, from which one might glean how a person had internalized and expressed Torah in his daily life.

3. For the Pharisees, and all the Jews, except they wash [their] hands oft, eat not, holding the tradition of the elders.

The expression "all the Jews" betrays Markan redaction: he is addressing a Roman audience to whom the expression "the Jews" meant foreigners. The expression also gives evidence of a relatively late origin of the redaction, because the Sadducees surely did not adopt this habit outside the Temple. That might be an indication that Sadducee exception to this rule was deemed unimportant, since around 70 the importance of that faction diminished considerably.

The expression "tradition of the elders" may mean technically that the institution was a rule derabbanan, commanded by the sages, and not directly present in Torah.\textsuperscript{331} But to Mark the expression is equal to that other expression: traditions of men, whereby the connection with the Torah and the divine will is completely severed. That opposition between tradition of the sages and the Torah as an opposition between the commandments of men vis-à-vis the commandment of God is the kind of antithesis that early Christianity might have taken over from Sadducean proselytes, or more likely from Paulinist instruction, whereas the Sermon on the Mount had to be interpreted with considerable liberty to construct such an antithesis. The separation of divine and human institutions is, after all, a matter of how valid one considers those hermeneutic rules to be by which general principles command a process of adaptation and application of rules of Torah beyond their original scope. In rabbinic Judaism, this came to be expressed formally as the tradition of the "fathers" who had received Torah in a chain of tradition going back to Moses himself, who not only received the written Torah, but its interpretation as well.\textsuperscript{332} The principle of hermeneutics that opened ways to go beyond the scope of literal exegesis, Sadducee style, was not absent from early Christianity, as is evident from Matthew 18, which transfers this specific rabbinic authority (based on Torah, i.e., the institution of the judges as a select group of experts with moral authority, combined with legal authority in courts of law) to the community of the faithful. Yet, at the same time, the dispute with the synagogue became entrenched in part in the contention that the Pharisees followed human reasoning to adapt to Torah, whereas Christ had restored full obedience to the divine will.

If we can accept, however, that such an antithesis is the result of the redaction and has its Sitz im Leben in the post-70 struggle with the synagogue, we might gain a more positive insight into the meaning of Christ’s opposition to this "tradition of men." After all, the point at issue in verse13 is not that human traditions and interpretations are invalid in themselves, but that they must be considered critically with respect to their congruity with the basic com-
mandments in Torah. In this still unresolved debate about the meaning of the ritual of the washing of the hands, Jesus may indeed have basically accepted the Pharisaic effort to transfer the principles of the Temple to the realm of daily life without favoring an abrogation of that cult itself. After all, as Matthew 5:22ff. and passages in Luke (2:41-51) and John (5:1; 7:10) show, Jesus had a positive attitude towards the Temple. The Markan account, which shows Jesus to be extremely critical with reference to such basic cultic issues as impurity, sacrifice, and Sabbath, focuses more on the effort to apply the Temple’s intent beyond the localized cult and its sacred place. In Mark 2 e.g. Jesus, in assuming the priestly authority to forgive sins, does so without reference to the Temple authorities, and beyond the strictures of the cult, but does not set aside the meaning of forgiveness that the Temple was supposed to enshrine. In this sense, Jesus differed from the Temple by assuming a messianic-priestly role, but not by bringing a new insight, let alone by entertaining the notion of abrogating the Temple cult. He also agreed with the Pharisaic tendency to widen the sphere of influence of the Temple, but His insistence that this widening involved forgiveness and good works, and not primarily cultic rituals, puts him more on the side of the Sadducees.

Jesus might very well have offered as his opinion that there was a way of applying Temple ideals to the ordinary lives of the faithful that was completely different from this acting out of the cultic drama of purity in ordinary life with its segregating effects. The Pharisaic solution, in effect, transcended the cultic boundaries between the priests and the people only to become restrictive or exclusivist again within the fold of those knowledgeable enough to understand its intricate and detailed halakah. In other words: the separation between the priestly caste and the people was lifted to be replaced by a new division between the learned and the ignorant. Jesus’ preaching was understood to be going beyond the Pharisaic solution. Not human involvement and duty in keeping cultic purity, but God’s presence amongst His people as forgiving and enabling, was to be made the pivotal goal of moving the cult into the realm of everyday life. That in effect changed the perspective on ritual law. The washing of the hands, therefore, being a paradigmatic case of the transformation of cultic rites into everyday ritual, could be shown to produce the opposite of what the Temple as symbol of God’s presence amongst the whole of His people was supposed to be about. Along these lines it came to be considered in Christian circles as a sign of human strictures that kept people from God instead of leading them to Him. The language of legal decision in which Jesus probably framed this was soon to be dispensed with, to be replaced by a typical hyperbolic and moral formula that belonged to a different era and community. But there is a continuity between Jesus’ halakhic rejection of the institution of washing hands before a common meal and the early Church’s opposition to that practice as a prime example of a tradition that diverted attention away from the needs of the Kingdom.

The issue itself, as to whether the washing of the hands was arguably not a requirement at all in this case, is not elaborated on, presumably because that debate was either unknown to Mark, or had already been decided in Mark’s time in the positive (explaining “all the Jews”), or was of no importance to the Roman reader. There was no need any more to present the historic kernel of the debate. What was important to Mark’s gentile audience was that Jesus had raised an issue, which Mark connected to the handwashing debate and put in the context of the acceptance of gentiles, that had consequences for the general meaning of such halakhic traditions. Behind the issue of the meaning of the tradition of the sages lie others that affected the Church in Mark’s days: the form of obedience in the messianic age, the relevance of human authority in religious matters, the status of gentiles, and the status of scripture and human exegesis, and above all, the status of Jesus Himself as the only authority by which the divine command could be established.

And [when they come] from the market, except they wash, they eat not. And many other
things there be, which they have received to hold, [as] the washing of cups, and pots, brazen vessels, and of couches.

There is some disagreement about the meaning of the words referring to the utensils. Cups and pots are the earthenware utensils available in every household and susceptible to impurity with regard to kashrut because they could absorb liquids, primarily perhaps with reference to the separation of dairy and meat foods. The vessels of brass can be traced to the Roman measure sextus or sextarius, about 1.5 pints, the expression for the contents here being transferred to the utensils holding such quantities. Some manuscripts add the klinoon, which is translated by KJV as tables, which is hardly correct. The term means "reclining," so must refer to the couches used for meals in a Roman setting. It might be construed as an effort to show by hyperbole how far Jews went in their effort to determine purity issues and to suggest an unfriendly attitude by taking such a typical Roman piece of furniture as a cause for separation.

Again, there is a possible technical expression here, because the accepted tradition is often times referred to with the expression: he received (Heb.: qibbel), referring to a tradition of unknown origin, or most often to a baraita, a Mishnah that is reported in the Talmud but is not found in R. Judah's Mishnah.

Then the Pharisees and scribes asked him, Why do your disciples do not walk according to the tradition of the elders, but eat bread with unwashen hands?

The question seems very much to the point if the observance of the rule was common, but it cannot be ascertained with what intention the question was put. The reference to "your disciples" does, however, suggest that the question was collegial and expressed a genuine concern over the tradition. It does not contain a rejection out of hand, so it might be construed as part of a still undecided debate. Mark, however, has made the question stand out in a context where "they," the "Jews," designating them as foreigners to Roman readers, have a particular custom that proves to be as alien to Jesus as it was unknown and foreign to Romans.

He answered and said unto them, Well has Isaiah prophesied of you hypocrites, as it is written, This people honors me with [their] lips, but their heart is far from me.

We have mentioned above the devices used here to set us up for this sharp rejection of Judaism: (1) the context of Mark 6 and 7:24-30 makes it clear that the inclusion of gentiles as such is at stake; (2) any possible hindrance to that comes from the observance of specific customs that divide Jews from gentiles, and implies that gentiles are impure and bars them from table fellowship (the inclusion of klinoon that is the bed of the demoniacally possessed indicates that as well); (3) those institutions that bar communion between Jews and gentiles are a "tradition made by men," not divine institutions, which would imply the outright rejection of those institutions as such, notwithstanding their basis in Torah. So it is clear: the context of the Markan redaction transforms a possible straightforward discussion about the halakah of the washing of the hands before common meals into a rejection of the hermeneutic principles, the basic intent of cult transmittal, and the halakhic rulings of Pharisaic Judaism, even including their basis in Torah.

What then is the rationale behind this transformation? Jesus' opponents have first been introduced as a group of Pharisees and scribes who had gathered to hear him speak, and now they are addressed as hypocrites because they ask the question on the ritual of the washing of the hands. What could have possibly provoked this response? The very fact of their asking about the ritual must have been enough for Mark. Probably Mark decided to put the violent rejection of Judaism, including the quotation of Isaiah 29, between the Pharisaic question and
Jesus’ dealing with the issue of Korban, and then he returns to what strikes me as the most obvious normal response by Jesus to the question of his Pharisaic colleagues. Suppose we could read the text like this:

[1] [Then came together unto him the Pharisees, and certain of the scribes, which came from Jerusalem.

[2] And when] they saw some of his disciples eat bread with defiled (that is to say, with unwashed) hands, they [found fault.

[5] Then the Pharisees and scribes] asked him, “Why don’t your disciples walk according to the tradition of the elders, but eat bread with (unwashed) [defiled] hands?” [Meaning that the defilement would be transferred to the bread, and if eaten would defile the man.]

[6] He answered and said unto them,

[15] “There is nothing from without a man, that entering into him can defile him [so bread eaten like this would not defile the man, even if it did constitute a breach of cultic law], but the things which come out of him, those are they that defile the man.”

Reconstructed like this, Jesus is deliberately misunderstanding the question. But he makes his point clear: defilement is not about a man defiling the bread, passing on defilement to another, but the (moral) defilement of man is the issue. Cult transmission in Pharisaic Judaism deals with objects and ritual acts that instruct man on a moral level, and that effort entails a relative independence of cultic law, whereas the intended and ultimate goal of the cult is the moral elevation of man. One might say that Jesus wants the moral intent behind the cultic law to be transmitted directly and not by way of a cultic law in itself generalized to include elements of daily life and function as a learning device. In order to see this, we have omitted the Markan addition (defiled, unwashed) that was intended to make his Roman audience understand what this was all about, and then it becomes clear that the text is held together by the expression ‘defiled’, and we have removed the redaction in which Mark puts the longer reply to his disciples and separates it from the reply to the nations, again a device that emphasizes in this context two things simultaneously that are a product of later reflection on the event: (1) the multitude is then again the multitude that was fed by Torah in chapter 6 and represents the gentiles, and (2) it adds again to the impression that this teaching is weighty and of great consequence, as in all cases where the teaching is not understood by the disciples at first, because it refers to a reality of the Church after Christ’s resurrection.

Now question and answer match each other more correctly. Jesus is taking issue with one possible application of the law by applying the purity code to the basic issue of the congruity between the moral condition and cultic purity. He indeed, as elsewhere, does not address the question directly, but indirectly questions the concern that is behind it. “You who concern yourself so much over the purity of the hands because you want to sanctify ordinary life with the means that are available within the Temple cult, why not concern yourself more with the purity of the heart that is symbolized by it and is the final objective of the cultic ritual in the first place? You should be concerned with the defilement that man can cause to the world, not with the defilement to which he can be susceptible himself. Bread eaten without washing the hands is an outward reality by which man cannot be defiled in any real sense.”

The rejection of the halakah in this is therefore surely on grounds of principle, but it is not opposed to the oral Torah as such, but to its use toward keeping man sanctified, i.e., separate, and to the view that such a preparation for moral life was of such high value that it came close to being its substitute. To focus on the washing of the hands like this would lead to lack of concentration on what the intent of all halakah should be: the safeguarding of obedience to the will of God. In Mark’s redaction, the issue very swiftly evolves from this issue into one of the source of authority and the direction of the guiding principles of faithful living. Mark’s redac-
tion is in complete continuity with the text it has incorporated, but still it provides an interpretation of an internal Jewish debate between Jesus and the Pharisees that transformed its original context. Such a contextual tension is still apparent when Mark makes Jesus jump from the issue of washing the hands to the matter of messianic authority and the flaws of rabbinic purity laws. Such an appeal to Jesus' authority would have been the final word in Mark's community, but obviously not in the debate the story reports on.

From this, then, we gain a better perspective on how these issues are connected. It is obvious that the Korban issue represents a case where a received tradition makes it possible to use some provision of the law to avoid obedience to a major commandment. The analogy is clear: if the interpretation of the Torah leads to an authoritative tradition that makes it possible to break major commandments, then that tradition is not a “fence around the Torah” as it was intended to be, but a breach of that Torah in itself. The emphasis on ritual purity, and ignorance of that to which it refers, is taken as an analogy to the emphasis on the autonomous, independent validity of the oral law, and ignorance of the wide intent of the major commandments that were supposed to be protected by it. (We will deal with the particulars of the Korban law below.)

The core element of Jesus' response certainly sounds authentic, and that does not change when we read it within the context provided by Mark. A further argument can be that it has been preserved also in the Thomas-logion 14 as "For what goes into your mouth will not defile you, but what comes out of your mouth, that is what will defile you." It seems to be an independent elaboration on a theme also expressed in Q=Luke 11:39=Matthew 23:25 with some variation, but obviously expressing the same idea: that without an intrinsic connection between the moral condition and the ritual as such, the ritual becomes an independent act that may actually hinder the moral achievement that it is intended to bring about.

We must go a little step further though. In our reconstruction we have for the moment accepted Mark's rendering that "nothing...can defile a man." But it must be noted that Mark, in distinction to Matthew, makes Jesus state a more absolute rejection of defilement of and by food. As Sanders points out, the Matthean version: “not...but” can imply: “not only this....but much more that.” The Greek of Matthew is transparently related to a Hebrew thought-form that moves from a minor issue to a more important issue, a minore ad majorem, or kal vachomer. If the law demands purification and scrutinous observance in the case of foods that can defile, how much more in the case of immoralities; if the law is scrupulous in the case of foods that come from outside, how much more with immoralities that originate from the heart. Such a kal vachomer is an easily identifiable structure of Jewish legal thought.

In Mark 7:18 this way of thinking has been changed to: “whatever goes in, cannot defile.” Matthew makes Jesus say that defilement by foods is not by itself the whole issue of the law, but, much more than foods, there is immorality that defiles and renders a human being unclean. Mark, however, makes Jesus say that defilement by food is a non-issue, and the intent behind upholding such laws leads away from or counteracts the moral demand. For Mark, the authority of rabbinic tradition is the real issue, and that is why the original elements of the halakhic debate have become materials to be used for that purpose. Within the text, those materials that accurately report it have been transformed into building blocks for a different kind of case against the Pharisees. Accepting food laws and ritual rulings means accepting rabbinic authority and its purpose of sanctifying ordinary life by application of cultic purity to the common life, and it sets up the knowledgeable rabbis as the final authority, at least with respect to the application of these laws. That contradicts the basic assertion of the Markan gospel: that Christ is the messianic Healer of a mankind, including Israel, that is under control of demoniac forces, that He is the only authority that can explain the will of God, and that through Him the pagans, without any knowledge of Jewish law at all, can draw near to the Kingdom of God. In that context, the utter rejection of rabbinic tradition that is inserted here
must be read on a practical level as an integral part of the effort to maintain a law-free gospel for Christians in Rome, who were probably susceptible to the thesis that the Jewish law added to basic Christian faith and could complete their conversion from idolatry.

7 Howbeit in vain do they worship me, teaching [for] doctrines the commandments of men. For laying aside the commandment of God, you hold the tradition of men, [as] the washing of pots and cups: and many other things like that you do.

This passage is one of the major pillars of the contention that Jesus rejected, not the Torah, but only a specific trend of the halakah-under-construction at the time, i.e., the oral traditions of Pharisaic Judaism. By accepting the Torah as such, but interpreting it as an independent and autonomous guide to ascertain God's will, Christ gave full validity to the law, which position could then be interpreted erroneously as a strengthening of the law's demand to the point that all would understand that they were unable to fulfill it. Grace could then intervene within the Pauline gospel to create in man the conditions for God's spirit to fulfill the law in him (cf. Romans 8:4). Let us examine the record then.

So, e.g., did Jesus reject the Sabbath halakah in Mark 2 and the purity laws in Mark 7, together with the Korban rule? In Luke 8:44 it is mentioned that he wore the tallit, the tassels on the four corners of a rectangular garment that were commanded in Deut. 22:12. The cleansing of the leper is followed by the command to bring the sacrifice prescribed in such cases (Mark 1:44), and in many other statements, most prominently among them in Matthew 5:17-20, his affirmation of the Torah is obvious. It has been stated by Dunn that Jesus did set aside the law itself, e.g., in the case of the lex talionis (Ex. 21:24), the Mosaic institution of divorce (Mark 10:2-9) and the basis of the food laws in Mark 7, as we have seen. But, as Dunn concludes, Jesus' statements here are not seen by Matthew as an abrogation of the Torah, but rather as a daring and radical interpretation of it. Dunn's point is then this: Jesus did not abrogate the law, but he did change one of the basic presuppositions of the halakhic understanding of it. In Dunn's words: "It was not the law as such or law as a principle which Jesus called into question. It was the law understood in a factional or sectarian way. Jesus intended to free the interpretation of Torah from the dominance of the exclusion of the 'sinners' from its realm of blessing."

But would that imply that Pharisaic Judaism's insistence on the importance of Israel as the elect nation, the land of Israel as the place for God's people, the Temple as God's chosen place of worship, and circumcision as the sign of belonging to the elect people of God, are part of a factional and exclusivist interpretation of the Torah? These are the pillars of Second-Temple Judaism, according to Dunn, which were all broken down in the course of the development of early Christianity, beginning with Christ who relativized the Temple and rejected a factional interpretation of the Torah, but who of course did not cross the border of Israel nor mention circumcision, which became a problem only later when the gentile component of Christianity began to outweigh Jewish Christians in number and in influence. The opposition against Pharisaism that Jesus had waged in the name of the restoration of Israel as one people, united by their devotion to Torah and God's impending Kingdom, was taken as the starting point for the explanation of the inclusion of gentiles into the Church, a step which in turn highlighted elements of Jesus' teachings that were never intended to be the main focus at first. The early Christian teachings on the inclusion of gentiles were divided between the Jewish-Christian and the gentile-Christian view. The need for affirmation in retrospect of the Church's decision to allow uncircumcised gentiles into the Church led to the redactional framework in which the debate between Jesus and some Pharisee teachers was set. It was thereby lifted out of its original context.

What will we then say to Jeremias's judgment that this passage proves that Jesus rejected...
the Pharisaic halakah in a "radical" way, and that His reason for opposing it was the inability of that halakah to maintain the higher obligation to love one's neighbor as oneself? In this view, the whole of the passage is interpreted as the ipssissima vox of Jesus, whereas we have argued that there is an interplay between a reported debate and a Markan interpretation or application for his own time and situation. Let us look again at some of the evidence. In Mark 7:15 it seems to be clear that Jesus undercuts the whole system of the law on clean and unclean foods. Mark adds that "thus he declared all foods clean." Sanders, who understands the passage like this, as an attack on pharisaic halakah, therefore rejects it as historically improbable. He holds that "there was no substantial conflict between Jesus and the Pharisees," especially because there is no historical evidence that the Pharisees washed their hands before an ordinary meal, which the text seems to presuppose. The same would then of course hold for the statement about the food laws. This is what E.P Sanders has to say about the passage:

To analyze this section, we shall return to the opening setting: the Pharisees criticize Jesus' disciples (not Jesus himself) for not washing their hands before meals. Handwashing was a Pharisaic tradition, not a law. In Jesus' day, it was not even a uniform tradition. Most Jews did not purify their hands before meals. Among the Pharisees, some regarded handwashing as optional; many of them washed their hands only before the Sabbath meal; they disagreed with one another with regard to whether or not hands should be washed before or after mixing the Sabbath cup. Deadly enmity over handwashing is, we think, historically impossible. Mark 7 moves from handwashing to Jesus' attack on the Pharisees' view of Korban: they declared their property or money to be dedicated to the Temple so that they would not have to help their needy parents. But this is an attack on what everyone, especially the Pharisees, would have regarded as an abuse. No Pharisee would justify using a semi-legal device to deprive his parents. Some Pharisee, of course, may have done this at some time or other. If so, and if Jesus accused him, decent God-fearing, parent-respecting Pharisees, 99.8 per cent of the party, would have agreed.339

If this is true, then the passage would reflect a post-70 conflict between the early Church and the successors of the Pharisees who developed the Mishnah Yadaim. It would show merely that Jesus debated the issues that were contemporary with his society and with the group, loosely speaking, to which he belonged by birth and choice: that of the Pharisees. But how is that possible? Mark is dated as pre-70, and the debate had to be explained by Mark to his gentile audience, so even if the former was not clearly established, the latter would make it unthinkable that a contemporary conflict that gave rise to this passage had to be explained first. If contemporary, it would have been recognized from the start. The conclusion would be that the conflict belonged solely to the Church.

James Dunn therefore opts for a different solution, by arguing that behind Jesus' rejection of the Pharisee halakah on purity was not a disdain for the issue of purity in itself, but a specific change in his view of the social effect of the various rules it generated. If we disregard the Levitical impurity of menstrual blood in Mark 5:21-43, and Jesus' dealing with a gentile woman from outside the land of Israel in Mark 7, it seems that Jesus rejected the social effect of the impurity laws. That in itself could very well be explained, as Mark did in chapter 7, as legitimizing the abrogation of the entire system. That also makes it possible to understand that Jesus was seen as "something of a threat to the whole religious system centered on the Temple." (ibidem)

If, however, we distinguish between the intent of the original debate between Jesus and the Pharisees and then see how Markan redaction transferred this issue into a new context, as we did above, we might be able to propose a different solution to the matter. There seem to be four levels in such a text as this: there is (1) the more or less reconstructible remnant of an early tradition containing a debate between Jesus and the Pharisees. There is (2) the redactional context, which derives its motivation from the contemporary situation of the commu-
nity for which the gospel was written. Within the final stage there is still (3) the sense of the quoted material that has been given new meaning in the context of the redaction, but which remains a more or less closed whole in itself. And finally there is (4) the meaning of the final stage of the redaction, in which all of the identifiable blocks were put together to produce a new meaning in their new context. In Mark 7, the interplay between three strands of tradition: the handwashing issue, the Korban issue, and the Isaiah-quote polemic material, makes it even more difficult to interpret the genesis of the text as we have it.

There has been considerable consensus that Mark 7:15, as part of the quoted material and as it received meaning from the Markan context, is an authentic Jesus-saying, following the rule that statements by Jesus that express dissent with prevalent Pharisaic views are more likely to be remembered than sayings which show a congruence between Jesus and the Pharisees. This so-called “criterion of dissimilarity” has an obvious application in this case, since the distinction between sacred and secular can be considered one of the pillars of 2nd-Temple Judaism, and it is hard to ignore that this verse rejects its basis out of hand. It would be hard to say that this verse is inauthentic based on this criterion alone. James Dunn, however, summed up a variety of counter-arguments:

- the comparative isolation within the Jesus-tradition makes it probable that gentile Christian influence sharpened a less radical saying;
- there is also the criterion of coherence: a less radical form of this statement would fit in better with other parts of the Jesus-tradition;
- the criterion of dissimilarity should also be applied for the dissimilarity between the statement and early Christian tradition. (For the whole of the passage seems to be more in conformity with a gentile missionary formula such as we find in Rom. 14:14, nothing is unclean in itself.)
- If Jesus had been so clear on this issue, how is it that the Jerusalem Church and Peter still had to wrestle with it (Acts 10:14; 11:3)?
- If we compare Mark 7:15 with the parallel in Matthew 15:11, it is more probable that Mark would add the strong expression (nothing; can) to the less radical statement than the other way around. (Matthew: it is not what goes into the mouth that defiles a person; Mark: there is nothing outside a person that by going in can defile.)

Dunn’s analysis distinguishes three layers in the text: (1) an original Jesus-saying with a far less radical intent than it seems to have within the redaction by Mark, (2) Mark 7:17-19 reflecting a second layer of reflection that tried to make a more general point with regard to the issue of purity and rabbinic authority in itself, and (3) a radicalized, redactional layer, which consists both in additions to the earlier material (the change to “nothing and “can,” making the saying in Mark 7:15 more general, and not only that, but changing the kal-va-chomer into an absolute rejection of the ritual laws) and the obvious additions to the material, as in the explanatory note in 7:3-5. The original layer would still imply that before 70 an internal Jewish debate about the washing of the hands was the context of the statements. In this debate Jesus took sides, according to Dunn, against (1) the exclusivist application of the law, in our estimate highlighted because of contemporary concerns and maybe selected out from their immediate context, to which we would add (2) the implied rabbinical authority, and (3) the motive of sanctification of ordinary life by applying Levitical regulations to ordinary life. The secondary layer would reflect the gentile-Christian freedom of the purity laws and its opposition to Jewish-Christian and/or Jewish teachers who might want to continue the practice. The tertiary layer would then reflect the outcome of the internal Christian debate of such issues, presenting it to a gentile audience as an opposition between Christianity and Judaism as such.

It seems fair, then, to conclude that the passage in Mark 7 shows with some accuracy the
way Jesus’ criticism of halakah developed in the Christian communities connected with Mark. The internal Jewish debate about the washing of the hands was sharpened to reflect the early schism between Jewish and gentile Christians, and that was finally redacted to present a complete break between Church and synagogue by incorporating the Isaiah-quote and connecting the handwashing to the Korban issue; connecting it finally to the two passages which indicate the inclusion of gentiles into the Church, which made the passage stand out clearly as an antiseparatist indictment. Against its acceptance as a historically accurate representation of Jesus’ position there are quite a few arguments: the improbability of there being a consensus about these matters as presupposed in the Markan text; and the historical probability that quite a few early Pharisaic voices would be in agreement with the original thrust of Jesus’ statements.

All of the three layers of the text mentioned above had a Sitz im Leben which explains their meaning and wording. But, the first two are hypothetical reconstructions with only probability and historical intuition as real basis. If we would only accept the final redactional stage as “text” to be deciphered, all of our speculations would amount to nothing. We would end up with a clear rejection of Pharisaic halakah as such in Mark 7, and a Matthean effort to soften that position for a mixed gentile and Jewish congregation (accepting consensus on the Markan source of Matthew.) Why do we not intend to make use only of the redactional stage? That seems to be required by the principle of canon-history in an abstract sense, i.e., if we are simply to accept the Reformation’s interpretation of the fact of the canon: that all of this is holy writ. But we would end up with a text that has no valid connections to known rabbinic sources that would give the passage its rationale, and we would finally have to decide to use such a passage only as a rejection of Judaizing efforts within the Church; in short, as an expression of Paulinism. We would do better to try and read the passage as a mixture of various elements, as a witness to a development in Christian thinking, ranging from Jesus’ own conflict over the oral tradition to the position of the early Church in its specific circumstances. The redactional stage, though deleting elements of the specific and original debate that Jesus had with his Pharisaic interlocutors and adding the vital issue of messianic versus rabbinic authority, does represent a valid attempt to derive from Jesus’ position and teachings and the fact of the existence of a Christian pagan community with its own established “halakah” a Christologically embedded theology, the redaction stage therefore represents a valid effort of reflecting upon the consequences of Jesus’ words and position. There is, in short, a continuity between the two “layers” that grounds the acceptance of the final stage as authoritative expression of Christian halakah.

§ 36.2 Korban

Let us turn now to the second thread within the passage, the argument that both Matthew and Mark use as Jesus’ counterargument against the Pharisees’ question about the disciples. In Mark 7:9-13 it is argued that there was a provision under Jewish law that made it possible for a son to reject all future obligations to his parents by dedicating all the financial support he might have to give them to the priests. Since that implied that a person could continue to benefit himself, because only after his death did the property in question fall to the Temple authorities, it implied no damage to the person, but very real damage to his parents. Then this financial support was declared “Korban” and untouchable for anyone else.

Obviously such a vow in itself could not be retracted, in Mark’s view, and if based on Numbers 30:2 it is hard to see how it could have been maintained that it could be retracted. That has led many to the conclusion that Pharisaic exegesis of the law implied a breach of the commandment to honor one’s parents, in which financial support was held to be included.

14 And when he had called all the people [unto him], he said unto them, Listen to me
every one [of you], and understand:

7 Howbeit in vain do they worship me, teaching [for] doctrines the commandments of men.

8 For laying aside the commandment of God, you hold the tradition of men, [as] the washing of pots and cups: and many other such like things ye do.

9 And he said unto them, Full well you reject the commandment of God, in order to keep your own tradition.

Now here, in verses 8 and 9, the main contention of the passage is stated twice. By keeping the commandments of men (which we can identify as a derogatory term for that part of the oral law that is not directly based on scriptural law), Jews do not obey the commandment of God. Verse 8 presents something of a problem because it implies that the law of kashrut is not based on Torah, at least not with regard to the purity of vessels. The specific problem of verse 9 is that it implies that the keeping of the oral law is with the intent to disobey the written law. Quite an enormous and sobering accusation. But common to both is that Jesus rejects these rulings of men because he intends to uphold the commandment of God, which can only mean the full weight of the written law. What does this mean, and can we really assume that this opposition to rabbinic law comes from Jesus and not from the early Church, debating these issues with the synagogue or portraying a "de-Jewished" Christ to the world?

10 For Moses said, Honor your father and your mother; and, Whoever curses father or mother, let him surely die.

11 But you say, If a man shall say to his father or mother, [It is] Korban, that is to say, a gift, by whatever you might benefit from me; [he shall be free].

12 And you will not allow him to do anything for his father or his mother;

Making the word of God powerless through your tradition, which you have delivered: and you do many things like this.

In verse 10 we find the positive commandment to honor one's parents, to give them their "weight," in a quotation from the decalogue (Ex. 20:12=Deut 5:16), and its enhancement in the prohibition from Ex. 21:17 (cf. Lev. 20:19) not to curse one's parents, i.e., to cut them off from life. Such a commandment is annulled, made void (in the legal sense, as the verb ἀκέραιον suggests), if specific rulings make it impossible to follow its weight in specific circumstances. According to Mark, there is such a rabbinic rule concerning the validity of vows. A man may vow that anything by which his parents may ever derive profit from him is forbidden to them, as it is consecrated to the Temple. It is then a gift set aside for use in the Temple. It is also understood in verse 12 that such a vow is enforced: afterwards the parents may not use it, the vow stands and remains valid. Now such a vow would be tantamount to breaking the intent of the law concerning the honoring of parents, which is also taken to mean taking care of them in their old age. Apparently, then, the rabbinic institution which allows for such a vow to be valid, and even enforces compliance with it, is in contradiction with the intent of the fifth commandment.

This discussion seems to suggest considerable knowledge of Jewish law on the part of Mark, or a very specific tradition going back to Jesus that remained intact as a unit and found its appropriate place here in connection to that other element of Jewish tradition. Bultmann explains that Mark even intended, through the force of Isaiah 29, which directs itself even at the Mosaic law, to reject the whole of the "legal ritualism" that aimed at outward correctness that could be linked to an "impure will." To him, the issues of handwashing, Korban, and Sabbath were paradigmatic of the rejection of a will of God found through observance of rules. But the issue looks decidedly different when seen from a historical perspective. It is certainly possible that the issue of vows was still undecided in Jesus' time, or even in that of
Mark. In both cases there might be good reason for Jesus to join in the debate that was going on and demand a better solution to the problem. But that is of course not the approach of the Markan redaction. By extending the context to include all of the rabbinic enactments and the whole principle of the oral law, what may have been such a discussion on case law as is reported constantly in the Talmud has become a principled attack on Judaism as "legalism."

Let us again look at the evidence from Mishnah and Talmud. Though much later in origin, the Mishnah especially may contain traces of traditions that were current in Jesus' time, even when they were collated later and gained general acceptance centuries after Mark. We can certainly find ways of thinking, the inner logic of a given issue, that can help us define what the context of a halakhic debate in the 1st century might have been. "Might," because all of this must of necessity be a matter of informed guesswork. We intend to find insofar as is possible through this procedure exactly what Jesus is protesting against, and we will use that material to separate the contextual generalization from the issue under debate as such.

First of all we must make an important distinction: a vow forbids a certain thing to be used by the one who vows or by somebody else; an oath forbids the swearer to do something that is not forbidden in itself. Both were a common element in ordinary life. Vows were made in anger or resentment, in an effort to acquire merit, or even in more careless speech on the market-place to entice a buyer. The biblical basis of both is found in Num. 30:2, where we read: "If a man vows a vow unto the Lord, or swears an oath to bind his will, he must do according to all that proceeds out of his mouth." In many commentaries, it is pointed out that the rule of Korban vows is put on this biblical basis: all vows should be honored, the point being that in Mark 7 Jesus is portrayed as attacking not only the human interpretation of the law, but also the law itself. Again, others have stated that the point of the passage is the superiority of the fifth commandment over the laws on vows in Num. 30. That would make Jesus' argument part of an effort to interpret the law through the letter of the law, i.e., by juxtaposing commandments and assessing their relative weight without referring to hermeneutic principles that would provide some structure to their relationship. It is indeed clear that the notion that all vows should be honored is the only straightforward rationale behind the rule of Korban, as it is clear that the commandment to honor one's parents is violated in the case under contention.

But precisely this (presupposed) direct and unmediated support from Mosaic law for a practice that is against the spirit of Torah is an indication that we do not find here a Pharisaic but a Sadducee halakah, at least in its "pattern" of thought. Only from a point of view that does not allow human explanation and common sense to direct the application of the law can we expect enforcement of such a vow against the weight of the 5th commandment. We might even surmise, as to the historical context, that such a discussion with Sadducees could very well have been transformed into a debate with the Pharisees, both because (1) the Pharisees were represented in the Roman society to which Mark is probably addressed, and (2) because at the time of Mark, i.e., after the Galilee uprising and the assault on Jerusalem, the Pharisees, not the Sadducees, were rapidly becoming the proclaimed enemy of Christianity. We should be careful of simply accepting the title "Pharisee" to denote the Pharisaic party if context and contents seem to point in a different direction. There is no reason for Mark, in addressing his Roman audience, to be precise in this matter. In fact, the title "Pharisee" may be part of a development that began by identifying the opponent exactly and which ended up 40 years later in the era of the gospel of John by speaking simply of "the Jews."

Let us consider the evidence for this statement with regard to the meaning of the law. We take it for granted that to all parties concerned the general commandment to honor one's vows was important and basic to the entire discussion. Despite this basic principle, there were four groups of vows that the rabbis did not consider binding. They are enumerated in MNedarim 3:1 as "Vows of incitement, vows of exaggeration, vows made in error, and vows of con-
straint.” The rabbis apparently considered the intention and condition of the vower, rather than moral value, to be important in assessing the validity of the vow. In Mishnah 2 of the same chapter, the vow by which a man forbids his wife from any future benefit from him is automatically annulled if it becomes obvious that the motive for his anger is untrue. E.g., when he said: “Korban (or konam or other synonyms) be any future benefit my wife has of me because she has stolen my wallet.” The reason for the annulment, then, is that such a vow is made in error. The reason is not that he has no right to make a vow against his wife, because in such cases the commitment towards God obviously is taken to be more valid than the obligations one has towards his wife. In ethics, one must argue that one should not make such a vow, but in cases where it can be construed that the vow was invalid due to error or an apparent deficiency in the decision behind the vow, the rabbis provided a solution based on the premise that the law was absolute and not conditioned upon the moral meaning of the vow. The moral unacceptability of the intent behind the vow did not automatically annul its validity. To make that possible would have implied that the law on vows was itself annulled and replaced by moral considerations. Put differently: in cases where a vow was made publicly, it is obvious that the rabbis, wherever a decision needed to be made with regard to the validity of the vow, chose to uphold it as a commitment to God that could not be broken.

Second, the literal statement of Mark 7:11 cannot be found in the Mishnah. Nonetheless a similar issue arises in MNedarim 3:4 in a very peculiar context. If one vows under constraint, such a vow is void. But if one adds to what is demanded under constraint, the addition is valid because it shows intent. So, e.g., if a murderer demands of his victim to vow that all future benefits are prohibited for his wife, and the victim adds to that a prohibition for his children, according to Shammai only the vow with regard to the children is valid. But precisely the use of such an example suggests that the rabbis considered such a vow a monstrosity and a rare occurrence. And even then, they wanted to make sure that in such cases the formal obligation of the vow was not lost, since that would have meant a disregard for biblical law. But painstakingly they made sure that the vower would have an opportunity to take back his word. In Mishnaic parlance, there were ways open for repentance of such an act. In general, a way for repentance was opened if the rabbis could find a fact or reason afterwards that would have prevented a man from vowing his vow in the first place.

Such a possibility is mentioned in chapter 9:1 of the tractate Nedarim in connection with the fifth commandment. We will quote the passage in full in Danby’s translation:

R. Eliezer says: They may open for men the way [to repentance or absolution] by reason of the honour due to father and mother. But the Sages forbid it. R. Zadok said: Rather than open the way for a man by reason of the honour due to father and mother, they should open the way for him by reason of the honour due to God, but if so, there could be no vows. But the Sages agree with (or perhaps better: admit to) R. Eliezer that in a matter between a man and his father and mother, the way may be opened to him by reason of the honor due to his father and mother.

R. Eliezer (b. Hycranus) lived and taught in the 1st century CE. His opinion recorded here is that the fifth commandment is of such a nature that a man who vows in anger could annul his vow simply because it would lead to dishonoring his parents. The majority however disagreed: it would mean that the mere fact that the vow was immoral by nature could annul a vow, promoting that vows against anyone could be made in haste and without thinking, assured of the possibility of annulment. Therefore the condition for annulment was made more severe. Only a specific fact unknown at the time of the vow could be used as a means to nullify the vow to ensure the validity of the Numbers 30 law, which might be in this case that the son at the moment of his vow did not take into account that he would dishonor his parents by
acting as one who vowed foolishly. But that he did not take it into account is difficult to construe as an error, but that interpretation on the surface of it is surely something the law makes possible.

If the reason for annulment was regret only, which implies a clear knowledge of the meaning and implications of the vow, and the fifth commandment in itself could be the ground for absolution from the vow, the possibility would remain that a man would affirm that the conditions for annulment were met because of the influence of the sages and not because of his genuine repentance. If a man dishonored his father and his mother in such a way that he vowed to rob them of any benefit, how could his vow be annulled with a reference to the fifth commandment which he had already broken by his vow in the first place? How could a transgression against the 5th commandment be repaired by a transgression against the law of vows? Such a way of repair would have destroyed the moral integrity of the person. It might also have led to an increase in automatically annulled vows, weakening the authority of the law.

The commandment to maintain the vow did not preclude the possibility that the vow could be annulled if the son repented of his former attitude towards his father and mother. The vow would then be seen as result of an unintentional transgression against the 5th commandment and not taken as an act in itself. That is why the majority (the sages) admit that a way may be opened (for annulment) if the son dishonors his father and mother directly with his vow. But even that process is not automatic. The obvious severity of such a vow could lead to repentance afterwards, but it could not lead to automatic annulment, thereby destroying both God's absolute rights and man's responsibility. In our view, the general intent of the rabbis in this case was to safeguard both the integrity of vowing, as they were obliged to do under the principle of Numbers 30, and provide meaningful ways of escape for responsible adults who vowed in haste, anger, in error or against better judgment, in the latter case only by a real process of repentance.

In all of this, the importance of the biblical commandment to honor one's vows was maintained, but it is obvious that the rabbis were convinced that such a vow was undesirable and foolish and that there must be provision for annulment. The ruling quoted in Mark 7, therefore, is either one of the more stringent opinions, based solely on the validity of the biblical commandment (which places its author in the vicinity of the Sadducees), or a misrepresentation of the actual intent of the law as it was developing at that time. To state that the law as it was quoted was enforced, and that was simply the end of the matter, is correct in stating the possibility of a rare occurrence: that the rabbinic law can become an instrument in the hands of those who have already broken biblical law. It is also correct in so far as it shows here that the rabbis intended to legislate where possible, and not intrude too much in the domain of the relationship between children and parents. Yet, the general thrust of their rulings is against swearing and taking vows, and intent on providing a legal basis for a son to repent of his rash act and restore his observance of the fifth commandment.

What, then, is left of the intent of Mark 7 after this all too brief excursion into the domain of Mishnaic law? The passage reflects, apart from apparent ignorance of the minutiae of Jewish law, if in the 1st century there was anything like the complex exegesis that we find in the Gemara, a disregard for its intent and the pragmatic context wherein it was enforced, and draws heavily upon the paradigm of prophetic critique and the principled Christian opposition between Jewish halakah and a law-free gospel. It intends to show that this way of legal-ethical thought is now discarded in the Church. But the main point lies, not in the accuracy of the discussion with Judaism, but in the decision that made the passage possible at all: to interpret the oral law, i.e., the principle of finding the will of God in exegesis and jurisprudence, as a thing of the past. The detailed Jewish exegesis of the Mishnaic law and its basis in the exegesis of Torah is replaced by the ethical discourse concerning inner attitude in verses 17-23.
Only because the will of God was now seen as expressed in the language of morality did Mark ascribe to Jesus the affirmation of the Mosaic law only to the degree that it was congruent with that will. The basis for that was the conviction that Jesus had messianic authority to reject Pharisaic tradition and was in fact restoring the original intent of the written law.

Although, as we have seen, the passage in Mark does not represent a complete and accurate picture of the actual debate between Jesus and the Pharisees, the context does provide us with an important clue. It is beyond doubt that Jesus opposed the Pharisees wherever their halakah implied a segregation of the "elect within the people of the elect" or implied a possible laxity toward the keeping of the major commandments. In that sense, though the actual debate that illustrated it was obscured and Pharisaic intentions became unrecognizable and, most importantly, Jesus was shown now to favor a Sadducee acceptance of written law only, the Markan redaction is still a faithful report of Jesus' own intentions to break down the walls between the laity and the Pharisaic elite. The washing ritual implied the erection of a barrier between the knowledgeable and the amei ha'arets, who through their ignorance of the institutions were excluded from table fellowship. In that sense, we might conclude that Jesus did indeed turn against a side effect of the Pharisaic halakah and to that degree criticized its main purpose of applying Levitical holiness to the life of the common man. Jesus disagrees with that general purpose because it fails to unite the strong and the weak within Israel. The coming of God's kingdom and this new presence of God amongst His people would be inconsistent with the exclusion of groups of people. By the time Mark wrote his gospel, this message was understood on a far more general level, as we can see by looking at the way the dispute is connected to Mark 6 and the passage about the Syro-Phoenician woman: now it has become a radical protest against Pharisaic separatist use of provisions of the law, motivated by the question of the inclusion of gentiles in the Church.345

We have until now simply followed the gospel's indication that the opposition to Pharisaic halakah was addressed to the Pharisees as a group. That would mean that the basic intent behind Pharisaic halakah as it comes to the fore behind the polemics recorded in the gospel would be general among that Jewish sect, but that is far from the truth. While it is true that issues of ritual purity and impurity were upheld by most of Israel, especially during the era of the Temple, most Jews only had to deal with such issues while sacrificing in the Temple and preparing the so-called second tithe.346 In Safrai's view, some Pharisees did try to enlarge the scope of the law, trying to raise all of Israel to the level of holiness of the priests.347 Essenes insisted on applying the full content of purity law to every one of their members, and ritual purity was one of their chief concerns. Some Pharisees undoubtedly agreed with this general intent and added to the provisions of impurity the following causes: contact with a non-Jew (as in Acts 10:28), his residence (as in John 18:28), all land outside of Israel, and idolatry. We already discussed the issue of purity of the hands before meals that may have evolved out of the practice of washing the hands before prayer, which in turn depended on Levitical commandments for the priests.348 Food could be rendered unclean if it was touched by hands that were themselves unclean through contact with any of the major causes for impurity, such as dead body. Pottery was susceptible to such impurity as well, and impurity could be transferred through the hands or utensils. It is this stricter approach to Levitical purity that is found in the Essene movement and in some elements of Pharisaism that we encounter in the gospels.

Jesus' polemic seems to have been directed against the extreme form of cultic transference, but not to its principle. How then can it be considered in continuity with Jesus' teaching that Mark's congregation attacked it on principle? One possible argument could be that, to some, the destruction of the Temple meant that cultic purity was of minor importance. It could also reflect the experience of Jews living outside of Israel, who through their constant contact with non-Jews had to lessen the degree of severity with which they applied purity law. To a Jewish-Christian congregation that was shaped by the historic demise of the Temple and the Hel-
lenistic experience, the strict view on purity laws was a foreign matter, distant both geographically and historically. Jews living in Rome, e.g., in the 80s of the first century, would remember the purity issue as a thing of distant Palestine and as belonging to an era now thirty to forty years in their past. If asked about the essential issue of their Jewish life as children, or that of their parents and great-parents in Israel, they would probably refer to purity issues, since that would have been the most important issue of everyday religious life. The remembrance of that importance and their memory of its specifics would probably provide the background from which Mark created the context of Jesus' sayings. The continuity, therefore, would exist insofar as there was a logical extension to Jesus' decisions on particular elements of purity laws, within the context of a mixed Jewish and non-Jewish congregation after the Temple had ceased to support the relevance of purity law. The separation of the Church and the synagogue would do the rest to generalize the debate into a fierce opposition to all of the Pharisees, widening the debate from particulars of the law into the principle of oral law.

§ 36.3 The Sabbath law (Mark 2 and 3)

The matter may be different with regard to the Sabbath. This of course was a commandment that did not rest upon the existence of the Temple, and it is unlikely to have been the cause for rigid separation between different groups within Judaism. The question is whether the Sabbath divided Jewish Christians from their non-Messianic brethren and if so, at what stage did this division occur? We will discuss the passage in Mark that seems to provide the basis for the contention that Jesus here opposed both oral and written tradition. Did the Sabbath function as a boundary marker?

Mark 2:1-3:6 is basically a collection of five controversies that illustrate the growing opposition against Jesus. All of the five incidents serve to show the identity of Jesus as the Son of Man over against this opposition as their background, and they serve as well to explain elements of the Christian way of life: forgiveness (Mk. 2:1-12), table communion without restriction (Mk. 2:13-17), fasting (Mk. 2:18-22), and the abrogation of Sabbath (both Mk. 2:23-28 and Mk. 3:1-6). From 2:23-3:6 the conflict narrows down to the issue of Sabbath laws, with two separate stories illustrating what seems to be the basic Christological contention of the entire passage: that Jesus of Nazareth is the "Son of Man," in authority with respect to all aspects of religious life. The second one deals with a healing on Sabbath and in that manner serves as an appropriate ending for the entire passage which started with a healing in Kefernaum.

To the average reader, the reasons for the opposition to Jesus seem to be clear. In the first incident, Jesus acts on the authority to forgive sins without any reference to the Temple. This is regarded as blasphemy, but Jesus immediately proves the reality of who He is by performing a cure for the paralytic (2:1-12). In the second incident, Jesus shares a meal with tax collectors, explaining His mission as the call to sinners. Again the division indicated is that sharing the meal is one bridge too far from addressing sinners, trying to bring them to conversion. In the third incident, again the topic is the identity of Christ. Fasting is seen to be abrogated as a practice because what it refers to is now present: how can one mourn the lost kingdom (=Temple) when the New Kingdom is about to become present in Jesus? In summary, the entire collection serves to base freedom from the law on the identity of Christ as the Son of Man.

On the surface, the dialogue about the Sabbath in 2:23-28 shows also why Christ opposed the institution of Sabbath – though according to Jeremias, only the oral teaching on the subject. In a pre-Marcan stage, the technical argument might have been about the application of the law, or rather about the fixation of the oral law in this particular case. Jesus walked with His disciples through a cornfield, and as they walked, His disciples plucked the grains and
(probably) ate them, as they were allowed to do under normal conditions according to Deut. 23:25. (The law of peah.) Reaping was however, considered by the rabbis to be a forbidden act, because it constituted a "work." The prohibition of work had already come to refer to all preparation of foodstuffs, as is clear from Jubilee 2:29 and 50:9. The latter reads: "And do not do any labor on Sabbath, that you have not prepared in the six days before, to eat and to drink and to rest...".

It is evident that we have here a direct commandment of the Torah that Mark is aware of, and it seems therefore unlikely also that we have here a direct violation of Torah. The oral interpretation of the concept of "work" was never considered as an addition to the Torah, but as a necessary interpretation of what it meant to work. Still, there might still be differences on specific issues. It seems more likely therefore that the issue is the legal interpretation of the Sabbath-law, and not about scribal authority such. That is the more evident from reading Ex. 34:21 that the Sabbath will be held also in times of harvest and ploughing, indicating that all agricultural acts are forbidden on Sabbath. The quotations from Jubilee therefore do not constitute an addition to the Torah.

Now it can nevertheless be argued that Deut. 23:24, which expressly forbids the use of a sickle (or a basket in collecting grapes) does not view the plucking of grains with the hands as work that must be forbidden on Sabbath, since it does not constitute an act of harvesting as intended by Ex. 34:21. If harvesting is constituted by the use of an instrument, and therefore peah as such excludes the use of instruments, then the act of reaping with the hands does not constitute a work. It does go against the wording of the Jubilee version of the forbidden work on Sabbath, as it can be construed as an act of preparing to cook. Yet, the grains are immediately eaten! Can it be said then that the act of reaping involves in this case also a preparation of the food, which is equal to cooking? If that is so, the Pharisees do have a point. So it is quite possible that the most elementary level of the Markan text refers to a difference of opinion on how to apply the law to a particular act, in this case the choice is between the relative weight of a law that provided for the need of the poor (implying that reaping without utensils is not a work) and a (rabbinically enhanced) law that upheld Sabbath observance. In any case, the Pharisees turn up and criticize Him for allowing His disciples to pluck the grains, so at least it is assumed that (some) Pharisees would consider this an act of rebellion against the law of Sabbath.

Jesus is then not seen to be arguing his case directly. Instead he is found arguing the principle of exemption in specific circumstances that the rabbi's also hold by quoting a precedent whereby human needs superseded commandments that centered around God's holiness, and the honor of the priests, as David ate with his companions from the shewbreads that were reserved for the priests because he hungered. The implicit assertion on the level of the redaction is that from this precedent Jesus formulates the new principle according to which the Sabbath law is to be understood. The Sabbath was given to man to serve his needs, and not the other way around. And on that fact the authority of the Son of Man is itself based. The principle can be interpreted as a means to secure the proper observance of Sabbath, whereas now, in conjunction with its function of establishing the authority of Christ as the Son of Man, it is used to defend the abrogation of the law. Clearly the redacted passage is an effort to give a basis in Jesus' oral teachings for the practice of the early Church, maybe especially the Church in Rome after the expulsion of its Jewish members under Claudius, to disregard Jewish customs.

So, in this incident the general principle that Jesus shared with his Pharisaic environment that one might transgress against the minuitiae of Jewish law on account of personal needs is moved from a pre-Marcan stage where the debate is about the primacy of conflicting principles and laws to a position that secures the foundation for something else: the absolute freedom of the Son of Man (and by implication His Church) from the prescriptions of law. In the
second Sabbath incident this comes to the fore, where Jesus on entry into the synagogue is greeted with the utmost distrust and animosity (3:2) setting the stage to observe a controversy centered around His person. In such a redactional setting it is clear that Jesus uses the man with the withered hand to bring out into the open what deeply rooted opposition against Him was present within them. When He asks whether it is permitted to do good or evil, to kill or to save one’s life, two references are being made. The one is that “doing evil” is already there, in the inner mood of rejection with regard to Christ’s person. This is stressed even more at the end of the passage, where Markan redaction adds to the incident by stating that Pharisees and Herodians meet on that same Sabbath to plot to kill Jesus. The contrast is made, therefore, between Jesus doing good (healing) on Sabbath and being condemned for it, and the Pharisees doing evil on Sabbath, plotting to kill, and remaining within the strict limitations of the law. The second reference is more implicit, but obvious to any 1st-century audience: if it is allowed to kill in defense on Sabbath, how much the more is it allowed to perform a healing. The incident as a whole can be read as an illustrated kal-va-chomer argument for allowing those works on Sabbath that are for the good, precisely because saving one’s life had already been a perfect ground for desecration of the Sabbath in Maccabee-Pharisaic halakah.

Yet, apart from the redactional context, we can see nothing more than a stage in the debate on the application of Sabbath law as it would have been held in the 1st century. That is clear from some details in the form. The introduction of halakhic statements within the context of an anecdotal incident is rabbinic, the so-called ma’aseh being an ordinary rabbinic device for illustrating a halakhic or moral principle, sometimes backed by someone who actually acted in a specific situation according to a specific rule as the real source of authority. But to this is now added a specific context in which the debate is no longer about the application of a specific law, or the relationship between law-principles (peah and Sabbath, should not the intent behind both these laws work together to make this “reaping” into a legitimate act?) but about the abuse of the law as such. Those people who worry about Jesus’ keeping the Sabbath are the same people who plot against him. By implication, the Markan redactor shows that the problem is not the details of the law being discussed, but the principle of the law as a whole, providing a secondary layer to the drama. If the Sabbath law is adapted to the needs of man, it should be celebrated in such a way that a plot to kill Jesus or a rejection of the healing of the man with the withered hand (even though he is not in mortal danger) cannot be considered appropriate behavior. But apparently this care for detail could be combined with such murderous intent. The point is that not so much the authority of Jesus is at stake here, as the dramatic disclosure of the inner motivations of those who combine a strict Sabbath casuistry with a nationalist zeal. The Markan redaction therefore lifts the paradigmatic discussion about the application of law out of its original context and makes it a motivational element for the discussion about the real and not formal source of authority: pacifist Jesus or the Pharisees insofar they uphold the Maccabee solution.

On these two passages there are contradictory approaches in New Testament scholarship. Two different strategies can be found. The one is consistent with the effort to add weight to the Markan case against the law. This strategy is obvious, e.g., in the commentary on Mark by Walter Grundmann. Grundmann holds to the idea that the passage is not freely constructed, but a real incident, simply because the incident is riddled with unclear elements as if taken from real life. The question by the Pharisees is now a part of the formal warning procedure that is required by Jewish law to enable the actual execution of the prescribed punishment for breaking the Sabbath law: death by stoning. He further presupposes that the precedent of the incident in David’s life is an adequate reason for breaking the law and implies that the Pharisees were themselves at fault for not providing Jesus and His disciples with the food they apparently needed. And though he acknowledges that in general it was the prime Pharisaic intent to make Sabbath into a day of joy and rest, he also seems to chide them for efforts to
lighten the burden of Sabbath by casuistry. The adaptation of the law to the necessities of life could be combined with rigorous rules where possible, e.g., rules about not using cold water to treat a broken arm. Without using the word, Grundmann is accusing the Pharisees, on the basis of the Markan text, of legalism.

Of course, Grundmann sees that the passage as a whole is about the transference of authority from the law to the Messiah. But he sees a further rationale in this as well. God wants to have free partners who are bound to Him in their hearts and will make the free decision in force of this bond as to what in any given situation is the will of God. (cf. commentary ad locum) It is assumed, therefore, that Jesus' assumption of messianic authority over the law implies a discarding of the law and the institution of a new type of ethics: bound to the situation as it occurs, evoking a spontaneous decision to serve the needs of others rather than obey a commandment. This "reception of freedom" is the correlate of the authority of the Son of Man, who by His own sovereign freedom represents mankind as God intends it to be.

Despite Grundmann's acknowledgment that the passage as a whole has a polemical and Christological intent that reflects the debates between Hellenistic Judaism and the early Church, he is also committed to see in these stories a historical nucleus. Thereby the continuity between Jesus' own opposition to the law and oral tradition and the attitude of gentile Christianity is maintained. Already Lohmeyer judged differently in his commentary of 1936. Jesus does not respond to the issue, but to the human partner in dialogue: ad hominem. What we have called the redactional secondary layer is to Lohmeyer the real issue and at the redactional stage this is quite correct. In the first illustration, the reference to David as much as means: "if the law is to be upheld in all circumstances, why is it that David could break the law when he needed to?" To Lohmeyer this implies that the Sabbath law was already abrogated, which means that the text can only be understood as a product of the early Church. So here the historical continuity is refuted. The reason for the passage might even be the beginning of the celebration of Sunday. With this assessment of the non-historical nature of the passage E. P. Sanders concurs. "It is very likely that the entirety of the pericope on plucking grain on the Sabbath ... is a creation of the Church... If there is a historical kernel, I do not see how it can be recovered." So in both cases the redactional level is accepted to be the only and ultimate meaning of the passage, and the dispute is only about the matter of continuity with Jesus' teachings.

But there is a second strategy which must begin by reconstructing the plausible context of Jesus' statements, as they appear to be the material to which the Markan redaction was a response, in other words, we should try to reconstruct the debate that is going on between Mark and his traditions. First of all we must note (with Sanders and others) that the entire collection of incidents is implausible if we would argue a simple and direct basis in Jesus' history - which is not to say that these events did not occur, but that the redaction of the text does not bring out fully the possible real event, because it had been taken up in the different situation of the early Church. The incident about forgiveness in 2:1 - 12 is implausible e.g. because the passive voice (καθαρίζει) in which Jesus phrases the declaration of forgiveness cannot be regarded as blasphemy by any stretch of the imagination, the passive voice being a reference to divine action, not to his own. Only if Jesus had said: "I forgive you your sins" would there be a possible case for blasphemy, if such an utterance was understood to be meaningful at all. If we accept that the saying attributed to Jesus is genuine, then the contextual interpretation of it is in the wrong and shows a lack of understanding of what it meant. So we are left with a tension between the context that might give meaning to the incident as such and the redactional context which seems to move from the issue of Sabbath to the issue of Christ's messianic authority.

The story of the picking of the grain (Mk. 2:23 - 28) is especially improbable. The incident could not have been very serious in the first place, since after the formal warning to Jesus and
his argument that David had also broken purity laws when in need, the Pharisees apparently retreat, and the incident is closed. It means, therefore, that Jesus accepted the law, but pleaded special circumstances, and only for His disciples and not for Himself. If the story is accurate, Jesus did not transgress the law Himself and there is no reason to invoke His messianic authority to ground an infraction of the law where none occurred. Even more improbable is the next Sabbath incident where Jesus heals a man on Sabbath. Jesus merely speaks in this episode, and speaking cannot be considered forbidden "work." If it had been prohibited by the Pharisees, they would have been even stricter than the Dead Sea sect.

Mark 3 may provide us with a clue as to the historic context of the debate. Jesus’ question as to "whether it is allowed to do good or bad on the Sabbath, to save a life or to kill?" refers to an issue that became relevant during the Maccabean revolt against Greek domination and the onslaught on Jewish religion. If it was not allowed to defend oneself on the Sabbath, every enemy could restrict its attacks to the Sabbath to slaughter Jewish soldiers without opposition. It became necessary to understand the commandment with an emphasis on "that you may live" (Deut. 5:33; 8:1, e.g.), meaning that keeping the Sabbath should not lead to the destruction of life. So if it is acceptable to kill in defense on Sabbath in order to save life, how could it be forbidden to heal a man on Sabbath, even if such a man’s life was not under immediate threat and no instruments were used? Jesus’ question shows his opposition to an interpretation of Sabbath that would make an exception to strict rules that allow killing, even in defense. His proposal affirms that the Sabbath is incompatible with killing of any kind, contradicting the Maccabean solution, and thereby he contradicted the Zealot method of combining faithfulness to Jewish law with a violent endeavor to free the nation of Israel from foreign domination. The response to the breach of the Sabbath would not so much lie in the fact that Jesus healed, but that this healing was both a demonstration of His power and an underpinning of his implied teaching that Sabbath halakah should intend to further life, rather than concern itself with holiness issues to the detriment of human life. But now we have a historical setting that we need to reconstruct in order to give meaning of the entire passage, on the basis of the fact, that the incident reported as such does not in its own historical context amount to an abrogation of Sabbath-law. So our position is, that in the redactional stage, neither the Sabbath-issue as such, nor the messianic authority as such, is really the point of the passage. The incident must derive its meaning from the implicit teaching in the healing-event when Jesus dramatically points out the full intent of the Sabbath over against provisions that are intended to allow for warfare.

So the first Sabbath incident implies the ongoing validity of the law and tries to justify an occasional transgression with reference to a common rule: it is permitted to break the law in order to save a life. The historical kernel involves a debate about the priority of peah and the manual plucking of grain against the technicalities of rabbinic Sabbath-law that equated reaping by hand with a forbidden work. The second incident is not a transgression of the law at all, but a dramatic exposition of the intent of Sabbath-law against the Maccabean position. So, under the assumption that Mark in essence gives us a historical nucleus in the incidents themselves and in Jesus’ sayings, but reconstructs their meaning in a different context, intended to bring out the main purpose of the law: the safeguarding of life, there is indeed a continuity between the probable genuine Jesus-sayings and the later redactional context. Only the redactional context makes it possible for non-Palestinian Christians to misunderstand its intent and argue that it was about the abrogation of Sabbath. The immediate contextual interpretation, in which the incident occurred historically in the context that Mark provided, is now refuted: the picking of the grains is not pursued as an infringement of the law by the Pharisees, and the second incident is not a transgression in a formal sense at all. The implicit context of the incident must be reconstructed and distinguished from the secondary context of the redactor to find the ultimate intent of the passage.
The rationale of the story in Mark 3 can be twofold. Mark merely inserted the phrase "on the Sabbath" into a story about healing and provided a negative reaction on the part of the Jewish audience to come up with a challenge to Sabbath law, at least to uninitiated Roman readers. Or, he deliberately showed Jesus' opposition to the Zealot interpretation of Sabbath law and showed his opposition to the Maccabean solution. Because Grundmann accepts the text as it stands as historical, he needs to hypothesize about the historic presence of a type of (Palestinian) Judaism with a more rigorous Sabbath law than has been found anywhere, including within the Dead Sea sect. Taking the redactional stage of the text at face value, one needs to find a Pharisaic halakah forbidding any healing whatsoever to make sense of the passage. We would prefer a different approach. Because Sanders accepts Tannaitic materials as basically providing an understanding of Pharisaic thought, because of the uniform pattern of the rabbinic religion, he has a standard by which to reject the historical context as artificial. Sanders and Lohmeyer stand in agreement mainly on this one thing: that the whole passage originated in the early Christian Church, reflecting as it does the position of the law-free gospel. But a historic kernel in this text shows less Pharisaic Sabbath halakah than Essene and Maccabean extremism as the real field of contention, whereas the redacted context supplies the definition of the opponent: the Pharisee is here identified as the common opponent of Jesus' words and action and as the enemy of the mission of Jesus and the Church.

So, can we say that Jesus rejected Sabbath law, if He actually kept it in the two related incidents? Or did Jesus interpret the intent of the Sabbath law in such a way that the early Hellenistic Church, building on His example, abrogated the law herself and retrospectively made Jesus do it, by providing a contextual framework in which His words were taken to mean precisely that? If the latter is the case, then the concept of obedience to God that Jesus taught is different from the freedom from the law that the Church began to teach.

This is brought out sharply by James Dunn's treatment of the passage in 1983. Starting from the observation that the incident that Jesus quotes has nothing to do with the Sabbath, and that the analogy needed here is lacking since David was both in a pure condition and fleeing from his enemies, Dunn argues that the passage as it stands cannot be but a massive rejection of rabbinical law. Jesus is not trying to give a justification for an incidental breach of Sabbath law. "Rather the point seems to be more about the liberty of the new age of God's favour: in the new age brought in by Jesus, faith and piety are not bound to or dependent on such rulings." Sanders and Dunn are in real disagreement here. To Sanders the passage is a misinformed effort to justify and generalize an incidental breach of the law; to Dunn it is a conscious effort to move beyond the level of the incident as such to a general and principled rejection of Sabbath law, indeed to proclaim a new form of obedience and piety where such rulings do not have a place. Sanders seem to base his position upon a precise knowledge of the reconstructed context of the Pharisees' question and surmises that Jesus' response must gain its meaning from that context if the debate had in fact taken place. Dunn, on the contrary, rejects the historical veracity of the exact wording of the debate and accepts the general intent of the redaction as the historical basis. How can one choose? Must one choose? The problem seems to be rather how the conflict, as Sanders has reconstructed, was transformed into the position that Dunn explains and how the later narrative reflection on the historic incident was in continuity.

That the passage presented the early Church with some problems can be seen from the manner in which it was treated by Matthew and Luke. Matthew apparently is not content with the massive affirmation of Jesus' messianic authority that seems the real issue behind Mark's version of events. (But the motive for this emphasis on authority, as we have indicated above in the case of the Mark 3:1 – 6 passage, might be something else in all of these cases: the rejection of the Maccabee-Zealot interpretation of the law as a tool of power.) He adds, in Matt. 12:1, that the disciples were hungry, and adds two more arguments. First of all: even the
priests violate the general rule of Sabbath by making a sacrifice, most often taken as referring to Numbers 28:9-10. But this argument does not hold up either, since the sacrifice on the Sabbath has been commanded. One cannot argue that we can infer from that as a general rule that other prohibitions are invalid, because here a specific priestly act is allowed on Sabbath. It would hold only if the Pharisee position would depend on the absolute and abstract principle of Sabbath so that any apparent exception would break down the rule completely. Could this be the reasoning? Then this would be the reconstructed argument: If you disallow this specific act by equating it to reaping, you would do that because you apply a general principle in a rigid manner, but even the law itself does not do that since it allows for sacrifices on Sabbath. Such a reconstruction would however be highly abstract.

The second addition leaves us puzzled also. In verse 7 Matthew has Jesus say: “But if ye had known what this meaneth, I will have mercy, and not sacrifice, ye would not have condemned the guiltless” (KJV). This reference to Hosea 6:6 does not cut it either as a tool for understanding the reported saying as such. Of course, as we will explain later, Jesus affirms both the validity of the law and its prophetic interpretation as equally authoritative in Matt. 5:17-20. From that perspective, this verse from Hosea could be seen as an important principle of interpretation of the Torah, setting up an absolute priority of moral law over priestly law, but the problem in the immediate context remains because the prophetic quotation simply does not deal with Sabbath. Only if we allow the argument to be about the general intent of Pharisee halakah and connected loosely with the Sabbath-incident can we give the passage a meaning that allows for continuity between the implicit historical context and the redactional context. The Pharisees intended to deal with Torah law under the principle of the cultic transformation of ordinary life, fulfilling the moral intent behind the cult in every-day life. Jesus opposes that general principle with reference to the prophetic critique of the cult, thereby demanding a straightforward application of the moral intent of the law to every day life.

At the same time we see the evangelist’s effort to apply the principle of Jesus’ messianic authority in the interpretation of Torah under the new conditions of the kingdom. Such a polemic became attached to the story of the incident, but Jesus’ response must then be construed to go far beyond the confines of the issue. The libertarian attitude of the early (pagan) Church probably lost sight of the concrete issue very early on. The Christological emphasis on the authority of the Son of Man, and the prophetic reference which made sense in a principled debate about the relative importance of God’s commandments, were linked to a debate about the intricacies of Jewish law. In short, any story about Jesus’ differing attitudes toward specific elements of Jewish law was redacted to express a general rejection of Jewish law by a Church that had from other sources learned to do so. And yet, we also maintain that such a reinterpretation of Jesus’ sayings was never intended to be the main brunt of the passage. If we can hear the passage with an understanding of the implicit context and hear the dialogue it actually expresses, we can achieve an understanding of the whole passage that has continuity between the two contexts that are overlapping. In Mark 3:1-6 the implicit context of the reported sayings of Jesus may make us aware that the entire passage deals with the incommensurability of the Sabbath-law and the intent to kill. Jesus’ messianic actions dramatize a dealing with law in which the original intent of that law as providing life comes out in full force. Only because of that can the argument be made at all, that Jesus’ authority is an issue. But because authority did become an issue for the Church in its own dealings with the Pharisees, attention seems to shift from the issue under debate to the personal attack on Jesus.

§ 36.4 Redemption as healing (Mark 9)

We have found, in our short inquiry into Mark 2 and 7, that early Church tradition moved away from the context of the Pharisaic debate into a denial of the Pharisaic shape of obedi-
ence. What began as a difference about how to keep and apply Mosaic law developed into a rejection of (a part of) oral teachings, cult transmittal and rabbinic authority, the double focus of Jesus' response being His opposition to the principle of the adaptation of the purity law to everyday life and His stress on the religiously separate community that developed among the more rigid followers of the sect. Now Markan redaction gives massive weight to the personal authority of the Messiah itself. But that authority is made to bear, not on the legal decisions that Jesus made, but on the significance of His messianic title as such, and the fact of the Pharisaic opposition against him. The oral tradition itself was made the target of Jesus' attacks. As we argued above, the motive for that lies still in Jesus' interpretation of the law as such and not in the abstract and detached issue of messianic authority in itself. Now we must deal with a closely related question. If Mark's gospel opposes Pharisaism on a principled basis like this, going beyond the context of the early traditions he found, what then is his solution to the problem of justification? How does God justify believers, if it is not on the basis of their actual deeds in conformity with divine law? Can we find in these texts that Jesus and his Pharisaic opponents had common ground in their dealing with the law?

Mark certainly did not want only to provide a basis for contemporary Christian halakah, or to base the abrogation of halakah on Jesus, as was accepted in the post-resurrection Church. The references to the "Son of Man" imply that Mark sought a connection with the earliest traditions about Jesus to show that His gospel had indeed a totally different goal than was shown even by His differing interpretations of Jewish law.

The solution may come from an examination of a passage that seems to explain the core essence of Mark's gospel. It is the story about the healing of the demoniacally possessed boy in Mark 9:14-29. In this story, as well as in the text about the rich man entering the Kingdom in Mark 10:17-31, the main statement is Jesus' saying that God is able to go beyond human ability to save, or rather, to make entrance into the kingdom possible. In chapter 9:23b we hear that all is possible for him who believes, in 10:27 that all things are possible to God, and both are expressions for the basis of salvation.

The passage we are examining follows one of the most striking Christological stories in Mark. The references to the Mosaic revelation on the Sinai are as striking as, and even more direct than in the case of the Sermon on the Mount. Law and prophets testify to the greatness of the messianic presence of Jesus and are finally transcended by the voice of God coming from the cloud: "This is my son, the beloved, hear Him." The passage ends with a discussion of the role of Elijah in which Jesus apparently identifies Elijah with John the Baptist (9:13). Now it is stated, in verse 10, that the disciples try to understand what is meant by the resurrection of the dead, a statement that prompts the question about Elijah, who was supposed to come before the resurrection. Jesus' answer therefore implies that since Elijah has already come in the person of John the Baptist, the era of the resurrection of the dead is already near. It is this issue that gives rise to the passage we are studying now, since the resurrection of verse 10 corresponds surely with the end of our passage, where we find in verse 27 that the boy "stood up" (ἀνέστη) because Jesus "lifted him up" (ηγετέω) while he was in such a state that people were saying that he had died and after we heard in verse 9 about the resurrection (καταφέρω) of the dead. So the thread that runs through this chapter is the matter of the resurrection.

Our passage brings two motifs to that subject. The first is the depiction of the condition of man, in the image of the possessed boy. He is described as possessed by a "foul," unclean spirit (verse 25) and is addressed by Jesus as a dumb and deaf spirit, ritually unclean, unable to hear the commandment, unable to pray, because it can be surmised that prayer was most often thought of as praying aloud. It is his father who is able to "pray" for him, by pleading on his behalf. The boy is described as showing the phenotype of epileptic fits and suicidal tendencies. Where Jesus comes near, the spirit shows its hostility toward Jesus in showing at
precisely that moment his power over the boy, verse 20. While Moses, in Ex. 34, descended from the mount to explain to Israel the commandments of the Lord, and in Ex. 32:15 is confronted by the idolatry of the golden calf, here Jesus is confronted with an even greater danger to his mission. If people can remain in the power of evil, beyond the capacity of the crowd and the scribes, so that belonging to the covenant people and having the law explained did not help, then the mission of the Messiah remained as powerless to redeem as the system of temple and law that was already in place. The presence and invincibility of such a power of evil is a direct challenge to the Christology presented just before, that in Jesus law and prophets have been fulfilled and the resurrection of the dead has come near.

The second motif, added to the theme of possession as its corollary, is the notion of faith. Twice Jesus condemns the present generation, once qualifying it as “unbelieving,” “without faith” (ἀθεότατος). In verse 21 Jesus asks the father about the duration of his son’s predicament. When the father beseeches Jesus to help “if you can, help us and have compassion on us,” Jesus replies: “If you can [believe], all things are possible for him who believes.” It would be better to translate the “you can” as a reference to the words of the father: “What do you mean, ‘if you can?’ You express lack of faith in Me, when all things are possible to those who have faith.” The father then expresses his faith, which is prompted both by despair over his son’s situation and the reference to faith in Jesus’ words, as if enabled to have faith and yet without the ability to feel secure in it: I believe, help my lack of faith, expressed with the same word as in 19: “without faith.” So the issue is this: if victory over the powers of evil cannot be secured by the interpretation of the law, represented in the scribes, and is due to lack of faith on the part of this present generation, then all thing are lost, unless the lack of faith can be addressed by the Messiah. If the messianic age is the age of resurrection, then this lack of faith surely can be overcome. The change from unbelief to faith can be represented by the transformation from death to life.

To arouse the faith of the father, his son needs to be ‘resurrected,’” i.e., liberated from the condition of being possessed by evil. One might construe this to mean that the faith of Israel has to be restored by the resurrection of her Son, Jesus. Primarily, it is the response of Jesus the messianic healer to the weak faith of the father that restores it to full health. The Church, or Jesus’ disciples, live from the same reality that is now becoming apparent in Jesus’ actions. Only prayer can give them the means to conquer evil, i.e., the submission to the will of the Father of Jesus who has sent His Son to be the beloved One, the One that all the world should hear (9:7). Read like this, the passage expresses a major principle in Mark’s gospel: that salvation depends solely on acceptance of or faith in the beloved Son of God who can restore those in the power of evil to full health, going even beyond the lack of faith that people have. Hearing, i.e., obeying, the law has been replaced by hearing the Son.

The motif of Jesus as the healer of humanity is brought into connection with the rules of purity in another passage as well. In Mark 5 a woman who was inflicted with “an issue of blood for 12 years” and was therefore ritually unclean, according to Leviticus 15:25, touches Jesus’ clothes. According to Mishnah Zavim 5:1, if someone who is ritually unclean under Leviticus 15:25 (אֲרֵבָּן) touches someone who is clean, he or she renders unclean by that contact. R. Joshua ruled that someone who renders garments unclean also communicates first-degree uncleanness to foodstuffs and second-degree uncleanness to the hands. It is obvious from this, then, that the woman is spreading uncleanness throughout the crowd without their being aware of it. To touch Jesus’ garments, however, seems to her a possible cause of redemption. Jesus is not rendered unclean, but the opposite happens. Power flows from Him and the woman is cured, something He credits to her faith in Mark 5:34, the point of the story being that redemption as healing comes from faith in a Jesus who went beyond the issue of purity. If the woman had obeyed the precepts of Leviticus 15 in its Pharisaic version, that would have obstructed her from receiving the redemption that Jesus had to offer.
To a generation that lies in bondage under sin and is vulnerable to the attacks of the demonic powers of death, Christ is the Healer, not the propounder of law. The law has no force to heal the condition of "lack of faith". It can only bring out its tragic dimensions even more. In the passage Mark 2 – 3:6 that we discussed above, two out of five incidents deal with a physical healing and one (2:13 – 17) uses the metaphor of healing in a moral context. Jesus calls the sick, i.e. the sinners. Moral and physical health are thereby combined into a single referent of the concept of redemption. And if that is the case, the passages about fasting and the plucking of grains on the Sabbath, must in a way deal with the same issue of healing. The strict application of the law would preserve the sanctity of Sabbath, but would leave the disciples hungry, the strict application of law would make the disciples fast even when the Healer is in their midst. Now that the Messiah has come, the application of the law must be in congruence with that most fundamental fact. And since this Messiah comes as the Healer of life, no provision of the law may be used to exclude people from life, not because of their ritual uncleanness, their condition as excluded "sinners", nor because they eat grains on Sabbath.

§ 37. The Sermon on the Mount (Matthew 5 – 7)

We began by arguing that, at least to the community for which Matthew wrote his gospel, Jesus' mission did not entail an abrogation of the law. Fulfilling the law meant setting it up as a standard of behavior. We have found, in the three cases mentioned in Mark 2 and 7, that Jesus gave full weight to the intent of the written law, but differed on the specifics of Jewish halakah, most often with regard to the priorities involved. Does this mean that Jesus accepted the Pharisaic concept of obedience to Torah but differed only on details? Apparently not. The weight of the evidence we have considered from the gospel of Mark does imply that Jesus' approach to Torah was in tension with some or most of the emphases of Pharisaic halakah, specifically with regard to cult-transmittal and the resulting attitude toward "sinners."

The early Church that was Mark's intended audience, though in a way exaggerating Jesus' position by generalizing His statements on specific laws and probably reading its own developed law-free lifestyle back into Jesus' teachings, did keep a memory of what must be considered a real historical core. There was a clear opposition, e.g., to the spirit of Pharisaic halakah with respect to the primacy of sanctification above ethics that has enough echoes in rabbinic literature to be considered historically accurate on that account alone. And behind the issue of Sabbath law issue we can discern specific messianic themes: the primacy of the concern for the poor; behind the Korban controversy the primacy of the commandment to honor one's parents; behind the purity issue the primacy of a more inward moral purity as a better way of extending the sphere of influence of the Temple. There is no need to accept as equally historical that Jesus would have actually abrogated Sabbath, rejected Korban and the law of vowing (though directing his disciples not to swear at all), and annulled purity law as such, though the washing of the hands was probably an "open" issue, so it might have been the case that Jesus rejected this single element of purity law. But even if we relegate all of these elements to the early Church as a narrative means to give force to the outcome of communal discernment concerning these matters, there is ample evidence to suggest that Jesus opposed the pattern of Pharisaic Halakah and its interpretation of Torah where it stood in the way of the urgency and primacy of moral law, defining thereby the inner standard of interpretation of Torah as the intersubjective demand of righteousness.

We need to show this now by studying two elements. First of all: what hermeneutical standard did Jesus adopt to present the ethics of the Kingdom as in harmony with Torah?, as he was bound to do after accepting it as absolute standard, as we have seen. Secondly, how does this work out in the actual labor of exegesis; i.e., which concrete guideline of behavior was the
result of such a method of application of the Torah? Both can be studied by looking again at the Sermon on the Mount. We will first deal with the hermeneutical framework in Matthew 5:17-20, and then we will study the issue of neighborly love dealt with in the so-called antitheses.

First, the immediate context of the present passage needs to be made clear. The Sermon on the Mount opens with a definition of the community to which its teachings are addressed. Jesus sits down with His disciples and instructs His people in a manner analogous to Moses from Mount Sinai, but there is a difference. Christ is not given His teaching, but brings it Himself. The obvious implication could be that here is One higher than Moses. That impression of a higher authority is partly reduced by the statements that we will consider in depth in verses 17-20, where Christ actually affirms the authority of the Mosaic law. The pattern of this double impression is that of a tension between messianic authority and affirmation of the law of Moses. It can be solved by seeing the similarity between Jesus’ Sermon and the final address by Moses in Deut. 29 and 30. Especially in Deut. 29:10-15, the whole nation is called into the renewal of the covenant, including the least of Israel: from the “hewer of your wood to the drawer of your water.” This corresponds quite well with verses 1-12 where the Beatitudes express in poetic language the character of those for whom the Kingdom is coming, or rather, those who have the character and condition that is presupposed in the kingdom. But when that occurs, the multitudes are lost to sight. Only His disciples come to Him, according to 5:1. The Mosaic law could be addressed to all, and Deut. 29 urges the people to make it possible for all to be included. Here in Matthew it seems presupposed that only a minority will come and obey.

The kingdom announced is first and foremost the concrete sovereignty of God expressed here on earth. In that sense it is the kingdom of heaven, it derives its name from the origin of the authority that is valid in it. Corresponding to that character, those characteristics of Christ’s disciples are mentioned that depict an openness or submission to that sovereignty. The “poor in spirit,” i.e., those people who remain poor because of the Spirit, have been given the Kingdom. Their lack of economic aspirations makes them accessible to the demands of the kingdom. They hunger and thirst for righteousness (verse 6); they are pure in heart, honest, and without guile. They seek to establish peace between man and his fellow, and they are able to exercise compassion. Such people are able to enter. And that still means that simply having these characteristics, is not enough to be a disciple.

The essential characteristic seems to be persecution “for righteousness’ sake” (verse 11), which implies the ability to endure suffering while adhering to the behavioral character of the kingdom, a suffering that is perhaps intended in an individual sense in verse 10, the basis for that suffering being that the Kingdom, though present, still exists only among a minority while the remains of the old order are still here. Interestingly, this suffering for “righteousness’ sake” that is the character of those who wish to enter is identified with suffering because of Christ, in verse 12. We can learn, therefore, that the Sermon equates the characteristics of the previous verses with the following of Christ, and identifies this following of Christ as a commitment to the righteousness of the Kingdom. Christ is, in an emphatic way, the righteousness or standard of the Kingdom He announces.

The logical next question then needs to be: who are these disciples of Jesus who long for righteousness and practise it under duress and for whom the kingdom of heaven is meant? The position of the disciples as a collective entity is indicated in verses 13-16. The disciples as a whole and in general are the salt of the earth (13). They are on the earth while they represent the character of heaven. They have a function in society and they are involved in its affairs seeking peace, exercising compassion, etc., but not because they belong to it. The involvement presupposes the distinctness of a community. The image is used more to express the vulnerability of this aforementioned character of the disciples than to explain the way in
which the disciples work within the larger society. How could the image be considered a reference to the life of Christians within society, if the fact of their persecution by that society is already considered one of their main characteristics? Obviously the genitive means they belong to it in some way, but they need to remain pure and unmixed to fulfill their assignment. Salt can lose its force and character by becoming mixed with other substances, be it earth or water. The force of salt needs to be maintained and not become "used up."

So we disagree here with Betz, who stresses that the disciples "are to regard themselves as a most important ingredient of this life...they must be part of the dirt out of which this world is made." But the text has no reference to such an analogous use of salt. Any imagery of salting food or exorcising demons (from Greek custom), or even using salt in sacrifices, etc., is missing here, unless one infers from the expression "salting the salt" that the notion of "salting something" is implied. But it is highly significant that there is no reference whatsoever to what is being salted. Besides, the expression "salt of the earth" is primarily a reference to the location of witness, that the community of disciples represents heaven while they are on earth. The origin of the salt is not in the earth but in heaven, and only when walked upon and thrown out can it be said to become salt of the earth in the real sense of being mixed up with the affairs of society. So the "of the earth" does not imply being mixed with the soil of everyday life in society.

If Christians try to be "part of the dirt," they will soon find that their role in society is to be trampled upon, to become the scapegoats of society. It seems more appropriate to think of the salt needed for sacrifices as referring in general to a function of the disciples to lend validity to what happens in this world for the good of the Kingdom, but there is no specific terminology to back that either. One could think of a connection between sacrifice and martyrdom, but again there is no basis for that. We must conclude that, in using the metaphor, the writer did not intend to work out a precise analogy, but was thinking of the general value and vulnerability of salt and was focused on the condition of the disciples, not working out an exact image of the relationship between the disciples and the community at large with the aid of the metaphor of salt as being used to salt (preserve) something. On a final note, we must agree with Friedlander here that if we read the text as indicating that Jesus' disciples should be useful in society, there is nothing very original in it.

If, however, the disciples saw their contribution to society as their primary goal in life, trying to change it by enhancing its general level of righteousness and piety in a piecemeal manner, they would be trampled upon and used to pave the road, and in that sense would become one with the earth. Within society they would no longer have the force that they have as a separate substance. The separate position of Israel among the nations is analogous to the way the disciples are now constituted as a separate community within the society of Israel. This still is compatible with the idea that the basic intent of this separation is to ensure the inclusion of all those left behind in Israel as it was then. But the remainder of the Sermon serves to depict a "higher" standard of righteousness, by which it was achieved within a community separated from society for the purpose of that achievement. But how then is this new community, with its higher standard of righteousness, supposed to interact with that society?

The way in which the disciples are connected to society at large is explained by the threefold image of the light of the world, the city on the hill, and the lamp in the house. All three images imply separation from society and build on the picture of the salt that needs to remain unmixed to keep pure.

As a "pure" community, first of all it can be a light to the world. It shows to the world what it is by being a community that teaches and practices the Torah, which is also called a light. The general idea that Israel is a light unto the nations because they teach Torah to the world returns here. In the same manner light can be the name for the deeds of the righteous but this seems to be a rather late image in rabbinic literature.
It can also be seen by the world as a separate community of righteousness, for it is a city on a hill. It can only be visible, separate, and present as a community, not as individual believers. The community needs to be visible like a light in a room. Like the salt that should not be mixed, this light should not be covered with a bushel, something done not to keep it dark within, but to make sure the light is not seen from without and/or could not blow out. All of these images are then taken up in the short explanation that follows, which explains the light and city metaphor together by identifying the shining of the light with good deeds. The deeds of the community should be "good," i.e., should be works of righteousness, a concept to be explained in the whole of the Sermon later, and they should be such that the attention of people is directed towards the "Father in Heaven" and not to the disciples themselves. So the deeds of the disciples are only a "light" if they lead people to proper worship and a change of heart. The quality of their deeds resides not only in the fact that they can be considered to be good, but that they are witnessing to the Heavenly Father. Christian ethics is specifically an ethics of witness.

We are now able to respond to four different approaches to the Sermon on the Mount that try to interpret the direct statements on specific elements of the Mosaic law from the status of the two introductory passages.

One might argue that what is to follow is an ethical code for those who have progressed in the order of saintliness beyond the level of the laity. The demands are construed to be so extreme that only those fully devoted to its achievement can take it on their shoulders. In essence, that was the solution of the early Catholic Church: that the Sermon was addressed to those who had a specific and intense interest in living according to the gospel code. Whereas it is true that Jesus' disciples are addressed in the Matthean version of the Sermon, it is also obvious that the Sermon on the Plain, Luke's version of the same material, is addressed to the multitude. It is further obvious that these chapters are the actual content of the instruction the disciples are to bring to the nations, according to the mission statement of chapter 28. The most important argument, however, is that the distinction between laity and real disciples is not made in the New Testament in the context of moral discipline, but at the most in connection with service in mission or with the eschatological urgency of an immediate breaking in of the kingdom (e.g., the passages directed to the eunuchs for the sake of the kingdom, i.e., those who decided to remain celibate.)

The Sermon strengthens the usus legis elenchicus of the law by radicalizing its demand. Its purpose is to demonstrate human inability and sinfulness. But of course there is absolutely no indication for that in the actual text of the Sermon. In fact there is the demand to achieve a higher righteousness than the Pharisees, which by no means indicates an inability to perform the commandments or show the required attitude. There is a bias at work that assumes knowledge of the function of the law, as in Paul's letter to the Romans (through the law there is knowledge of sin), and through that doctrinal framework the Sermon is read.

The Sermon is an appeal to achieve the highest goals in social and political life. In such a fashion the Sermon is a motivational document for Christian politics, and it has been read by Tolstoi, e.g., in that manner. In such an approach, however, the specific nature of the demands of the Sermon gets blurred, and their character as distinct rules of behavior is transformed into a selective inventory of principles. One might argue that the double love command is an exposition of a principle (Mark 12:28-31), but the language here is reminiscent of the direct rule of behavior, as present, e.g., in Mark 10:2-12 in the prohibition of divorce.

Finally, one might construe the Sermon to contain the behavioral pattern of the new era. Because the Kingdom has not yet been established, there is an interim ethics in which the rules of behavior that Jesus gives are moral guidelines or principles for behavior that is at the same time determined by the contingencies and possibilities of the present time. It is clear, however, that the Sermon expects a new behavior in 7:24. A sensible man will hear these
words and do them, to have a solid foundation for his house, i.e., his life, in the crisis of the eschatological judgment. The eschatological age does not precede the behavior required of the disciples, but follows it.

From all of this we must conclude that the Sermon does indeed intend to give us the rule of life for the followers of Christ. We must now see what we can learn from the opening statement of the Sermon after the double introduction. In this context, Jesus now addresses first and foremost a possible misunderstanding about His mission that might easily have arisen after reading the first three segments. "Do not accept as my position that I intend to abolish the law or the Prophets." The full force of "do not think" goes beyond the mere having of an opinion. Betz shows from numerous examples that the phrase is used to express a fundamental religious point of view, defining a general attitude. So the disciples should accept as their basic viewpoint that Jesus' teachings did not intend to abrogate the law and the prophets. This goes beyond the rejection of a misunderstanding. Apparently it would have seemed the logical step to see Jesus' teachings move in that way. The affirmation of the Torah reverses that logic and intends to show that all of Jesus' teachings were in fact to be considered a valid application of the law. The Torah as such is given a new function within the gospel of the Kingdom, but it is not set aside.

Secondly, they should not take the intent of Jesus' teaching to be the abolition of the written law nor its prophetical interpretation. The terminology "the law and the prophets" suggests that both are intended as separate yet connected domains of revelation and both are equally affirmed. Jesus' affirmation is not restricted to a general "law and prophets," i.e., the whole of the Old Testament, but aims specifically at the system of written law and (equally written) prophetic discourse and explanation on the law. To state that Jesus claims not to discard the OT is not enough. He claims not to discard it in its dual essence as written law and interpretative prophetic tradition. In fact, He is Himself giving His (messianic) interpretation of it in the Sermon. The basic guidelines of Jesus' hermeneutic so to speak are what these verses express.

We have already discussed above the meaning of the next verse, where Jesus states that He did not come to abrogate, but to fulfill. We can just reiterate our conclusion: To fulfill the law must then mean to uphold it by effectively obeying it in accordance with its most general principle, expressed in and as the summary of the law. The righteousness that is the inner standard of the law as written statute is now expressed as the double commandment upheld in a specific community.

The next statement seems to put a time limit on the validity of the Torah:

For verily I say unto you, Until the heaven and the earth pass away, one iota or one tittle shall in no wise pass from the law till all come to pass" (Matt. 5:18, KJV).

In any case, it does apply the validity of the law to this life on earth, making allowance for an era beyond the present in which the function of the law would perhaps change. Within the confines of the present era, however, the law is here affirmed in its absolute validity in its written form, but also including the oral tradition, indicated by the smallest letter (orthographic details and the written text as it is being the peg on which oral tradition may hang new laws) and the smallest elements of the written letters, e.g., the small line that distinguishes daleth (𐤃) from resh (𐤅), bet (𐤁) from kaf (𐤂) and the like.

The question might then be asked whether the restriction of the law to this era was intentional and had a view to the "now" of Paul's eschatology in the present, as in Romans 3:21 and 8:1. Is the law then both absolute (for this world) but transient, because this world has been abolished by Jesus' resurrection? Surely this was Paul's position, as we can infer from Gal. 3:19, where we find that the law was added because of transgression, till the seed should come to whom the promise was made. The law was therefore an interim measure intended to deal with sin until the final solution was given in the Cross of Christ. In terms of redemption
history, therefore, the law's function as "tutor" came to an end. Paul states something similar when he writes in Romans 10:4 that Christ is the end of the law because He introduces a righteousness by faith that supersedes righteousness under law, his argument being (Rom. 9:31) that righteousness under law is bound up with the condition of man's achieving obedience, which due to the character of humanity fails to even fulfill the law, let alone the righteousness that it seeks to produce.

But this is obviously not the function of the law in Matthew 5:17-20, since no specific aspect of it is mentioned that would come to an end in a foreseeable future. What is most striking is the affirmation of the Torah as such, while the limiting perspective lies only in the character of the messianic kingdom and discipleship. Here the Torah is seen as it was in Judaism, as the written source of our understanding of righteousness, the revelation of the divine will. As written statute, this law will of course pass away with the end of history, but until then, the faithful are bound to that specific way of communication and discernment of its demands. We find no indication that the written statute of the law is surpassed by the interiorization of the law as written on the heart, i.e., memorized completely and transformed into the motivational power of behavior, as in the New Covenant of Jeremiah 31. We must acknowledge that this is a contradiction to Paul's view that we cannot simply harmonize without destroying the plain sense of the passage in Matthew. But Matthew and Paul are not saying the same thing about the function of the written law. And if we can further acknowledge that for several important reasons the passage in Matthew is to be considered authentic, laying down the basic hermeneutic of the Christian community, we cannot but conclude that the New Testament leaves us with the problem that Paul's early statements about the (written) law, which we assume to imply that it was abrogated in the present, are in direct contradiction to Jesus' statements about its ongoing validity and the hermeneutic practice that He affirmed with it. Paul's eschatology and the real experience of the gentile Church would lead him to contradict the teachings of Christ in this point, the main issue being that, to Paul, the old heaven and earth have already passed away, and the written statute of the law has been replaced by the inner reality of Christ's presence through the Spirit in us. Chronologically, the Church might have returned to the authenticity of Jesus'much more difficult position in Matthew, while leaving the early enthusiast and eschatological Paul more to the background. That would be a complete reversal of Bultmann's thesis, that the early Paul is the authentic gospel!

The impression that Matthew's Jesus emphasized the affirmation of the written law is strengthened by the next verse, which states:

Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shall do and teach them, the same shall be called great in the kingdom of heaven (KJV, Mt. 5:19).

Taking up the notion of the smallest details of the law, symbolized by and incarnated in the details of the writing of the law, those who break the small commandments (fail to do them) and teach that they should be broken (and in that sense do not uphold the law as standard) shall be the least in the kingdom. Notably, such persons are still part of the kingdom; they could still be trying to respect the sovereignty of God. But their position is still false, could this be a direct reference to the adherents of Paul's law-free gospel? The disciples Christ was seeking are those that abide by the smallest commandments of the law and teach likewise. One must note, however, that the law needs teaching, and teaching needs an uncompromised standard of behavior on the part of the teacher. In direct contrast to those Pharisaic teachers who construct burdens that they themselves do not touch, here a new radical standard is expressed. The interpretation of the law must be based on its practice the teaching here ending the series of indirect references, first through the "prophets" as a separate body of scriptures attached to the law, and then through the reference to the hermeneutic practices of the scribes through the iota and tittle. Interpretation must make obedience possible; obedience makes
interpretation possible.

All of this leads to the final statement in this section, which returns again to the theme of the identity and practice of the disciples who have entered the kingdom of heaven.

For I say unto you, That except your righteousness shall exceed the righteousness of the scribes and Pharisees, ye shall in no case enter into the kingdom of heaven (Matt. 5:20, KJV).

We must ask what this exceeding righteousness is? It is loosely to be connected with the first reference in the Sermon, where we find the persecuted for righteousness' sake (5:10) being equated with those persecuted because of Christ (5:11). Christ is set up as the standard for righteousness. Thereafter the separate status of the community and its mission to the wider society is brought in, and the passage ends with the command to show “good deeds” that bring people to glorify the heavenly Father (5:16). Our current passage as a whole, then, explains how Christ is the standard of righteousness in terms of the hermeneutic that He uses. He affirms the full demand of the law by interpreting it in such a way that it can lead to the practice that God demands in His sovereignty. Righteousness is not achieved by abrogating the law, but by an ongoing teaching and interpretation that accepts even the smallest commandments in the law, interpreting them, however, in such a fashion that they can actually be done. Such a teaching and doing within the community of disciples, accepting the suffering it brings while the old order still persists, is the higher righteousness, and in fact summarizes the pattern of Christ’s life.

§ 38. Scribal hermeneutics of the Torah (Matthew 18)

Goppelt has stated that Jesus did not propose an alternative halakah, but rejected the principle of it. We must at this stage answer part of that contention, or rather, prepare our answer by taking a (short) look into two other major and surprising elements in Matthew that together constitute the full picture of Jewish-Christian hermeneutics. First we must take a look at the passage in Matthew 18 where the congregation is given what we might call a semikha, that is, the rabbinic authority to give decisions. Secondly we must study the meaning of the peculiar opening of Matthew 23, where the hermeneutic authority of the Scribes is affirmed. How do both of these formal statements with regard to hermeneutic authority connect with the intrinsic messianic authority that is emphasized in chapter 5 of Matthew?

Chapter 18 of Matthew is the concluding passage of the Galilean section, connected to the former chapters by the opening phrase “in that hour,” showing that, to the writer, the chapter’s topics were connected to the issue of paying the imperial tax. After the separate realm of the Kingdom of Heaven is established in that manner and after Jesus’ statement that the sons are free, exempt from tax as such, but should not give occasion for reproach since that would attract attention to the wrong issue, the issue of being the greatest in that kingdom comes up. Already in Matthew 5:19 the concept of being “great” has been explained. Those who teach the precepts of the law and do them are called great. Small are those who teach the annulment of elements of the law.

Here we find first of all an opposition between the greatest and the child. In the first section of the chapter, to be “like a child” is explained as one of the major characteristics of being in the kingdom. Conversion must lead to becoming like a child (verse 3). One should humble oneself (or consider oneself low in rank) like a child (verse 4). Those who believe in Christ in this manner are the "little ones" who should not be tempted to sin (verse 6). What started out as an exhortation to become like children is now an exhortation to others, probably believers too, to treat such believers as children, i.e., to have care for their well-being and to be in that respect like the heavenly Father, who does not want any one of these little ones to be lost. In passing, we must note that Jesus’ concept of salvation here implies the possibility of going to
hell, as opposed to entrance into life (verse 9), on account of sin. Such a course of events can only be avoided by not sinning, so the situation here for ethics is not that of any justification of the ungodly, but of life without sin leading into (eternal?) life.

After the explanation of the divine will that none of these little ones will be lost (verse 14) we come to our passage, running from verse 15 to the end of the chapter. The first section deals with the procedure of dealing with a "brother," apparently one of the little ones who has succumbed to temptation, who has sinned (15-17). It consists of five imperative clauses, structured along the lines of casuistic law: if x is the case, then you must do y or y. On a closer look, these five can be reduced to one: if your brother sins, rebuke him privately. Then possible results are listed, with their appropriate response. (a) If he listens to you, the matter is closed, obviously referring to his repentance and being forgiven. Fellowship is restored, as is indicated by the phrase: “you have gained your brother.” (b) If he does not listen, the next step is to discuss the matter again with one or two witnesses present, to establish the facts with a view toward the next stage of the procedure, because of the general rule that two or three witnesses can establish a fact (16b), but also to widen the discussion and bring their moral authority to bear in the discussion with the brother. That is evident from the phrasing of the next verse, where it states (c) if he does not listen to them, then the matter should be put before the congregation as a whole. In case the brother does not listen to the congregation, (d) he should be excluded from fellowship more permanently and formally, since the "gaining" of the brother in verse 16 obviously implies that fellowship has already been broken by the offense itself.

If there is any Hebraic background to the meaning of listen, we should infer that he should obey the decision, as he should respond with repentance to the rebuke in verse 15. But it might also mean in all of these cases that he should respond, which might lead in some cases to a change of opinion and to repentance. The Greek verb akouein might be less technical than the Hebrew שמע (shama') and allow for a more general principle: that the offending brother should be brought into dialogue, with the assumption that this would lead him to repentance, since both parties after all share the same moral standard. The exclusion at the end of the process implies that being a member of the congregation means sharing the moral standard of the community to a high extent, and that acting in accordance with other standards of behavior must lead to being treated as those that have other moral standards. The implication is that the community is determined by its acceptance of a shared moral standard. In this case, the gentile and the publican are mentioned to indicate the extent of the dissolution of the connecting bonds between offender and community and how the offender should be treated. The mention of the gentile probably refers to the fact that table communion at the Lord’s Supper is now impossible. Being a gentile further implies that the law does not apply any more, so that the standard, being broken, is no longer applicable. The publican, however, is someone who, while belonging to the people of God, acts in consort with the forces opposed to the people of God; i.e., he has become an "enemy." Presumably the proper response is again that table fellowship is impossible, but beyond that other avenues of contact (e.g. commercial relationships) are lost as well. If that is the case, it is a minor indication that Jesus’ eating with sinners and publicans was considered by Jewish Christians to be an exceptional act of the Messiah, and not an abrogation of the principle of the law that excluded them from fellowship.

The next section includes verses 18 to 20, and it consists of two amen-sayings and an explanatory clause (verse 20). In verse 18 the authority to bind and loose, with respect to the exclusion of sinners, is given to the congregation, as has been detailed before. A decision reached in the manner outlined in verses 15-17 is validated by God. That would presuppose that the offender loses the status of belonging to the people of God and that this indeed has visible and practical consequences. Secondly, the formula "to bind and to loose" is derived from rabbinic thought insofar as it expresses moral discernment. It refers to the rabbinic
authority to proclaim an object or act to be prohibited or to be permitted (for use in the case of objects or foods). The connection between the two meanings of the expression is not that obvious. One might argue that in the specific process of discipline, the definition of sin is tested and a definition is arrived at. Verse 18 then refers to the final decision to put the offending brother under the ban, thereby defining his sin and obstinate refusal to repent as a trespass that cannot be overlooked. To bind in this case would mean to proclaim a certain act prohibited, whereby the brother is loosed from fellowship. However, it cannot be overlooked that sin is not being defined here, but repentance and forgiveness is striven for. That means that the issue of the moral standard is not under debate. The offending brother is easily identified as sinning, since the standard is presupposed in the entire process and has been dealt with already in Matthew 5-7. One might argue that the definition of the offense is being tested since so many people get involved in discussing the issue, but this is surely a side-effect of the process and not its main intent.

In that connection it is important to settle a problem resulting from differing text traditions of verse 15. Does it state: “if thy brother shall trespass against thee...,” connecting the passage to Peter’s question about forgiving the brother who offends against me in verse 21? Or does it state: “if thy brother shall trespass...”; i.e., in general, if you see your brother stumble. The addition of “against you” could be explained as dittography, since the previous word ends with similar sounds: ἀμαρτήσει (hamartesei) then may give rise to the repetition of the ending -ησει (esei) into εἰς σε (eis se), which means “unto you.” However, the same argument can be used in reverse: because of the similarity in sound, the eis se could be dropped, to avoid dittography. So we are left with the argument that the most reliable manuscripts, such as Alexandrinus and Vaticanus, do leave out the “unto you,” and a reading that includes it seems less than likely because of the context. In any case the difference in reading is essential to the argument, but we can rely on the context to guide us, as I intend to show now.

Let us start with this question. What does the difference mean for the understanding of the whole passage? If the reading “unto you” is correct, the passage starts with an individual and clear offense in a conflict between brothers. There is hurt inflicted and offense given for whatever reason. This destroys fellowship within the community between the conflicting brothers. The witnesses are then objective outsiders who deal with the issue as impartially as they can, trying to reconcile the two sides. In the event their attempt is unsuccessful, the congregation as a whole is then called in to decide the matter. If they find that the brother is indeed behaving contrary to the gospel and will not mend his ways, they can exercise discipline and expel the offender. Such a scenario is not unlikely from the start, but it is dubious whether the context can give us license to construct the argument like this. For one thing, if this is the way we ought to deal with a brother who is offending against me, it is not clear how to connect this with 18:21, where Peter asks how many times to forgive the offending brother. Obviously the hurt done against me is dealt with forgiveness straight away. In other words, the reading that includes “unto me” leads to a discrepancy between verse 15 and verse 21, since the one passage is concerned with bringing someone to repentance and forgiveness and the other is a straight commandment to forgive those who have offended against me, without the context showing that two different classes of offenses are intended here.

If, however, we can read with the majority of witnesses: “if thy brother trespasses,” we are dealing with a trespass by a brother of the established moral standard that someone else happens to know about. The latter then should deal with it in private but, the offense is not against him, since in that case he would be obliged to forgive according to verse 21 and not admonish to repentance as in verse 15. But then it is also clear, that the whole passage presupposes a moral standard as well as an obligation of brothers toward each other to be aware of and concerned about trespasses by others, and the whole argument implies a general requirement to exhort one another. Or, even more specifically, the passage deals with the need to
apply this concern for others in a process intended to bring someone to repentance and forgiveness, motivated by the concept of a salvation that requires us not to sin any more, and to engage in the reconciliation of conflicting parties and in the process of moral discernment active in establishing what the moral standard is. Without being able to deal with all the implications here, it is in our judgment possible to accept both these readings as meaningful ways to construct the congregational process of discernment and forgiveness. We tend to favor the reading that is the most logical, i.e., the one whereby we do not stumble upon a discrepancy between the exhortation to forgive and the injunction to deal with trespasses, i.e., the second reading, which implies that the offender is not offending against the one who tries to deal with it. But the other reading cannot in fairness be absolutely excluded simply on the basis that such concepts could not possibly overlap.

It is also not clear what the connection is between the topic of verses 15-17 and verse 19. Verse 18 can be seen as referring back to the former section, because it is in the plural and continues the concept of the congregational action referred to in verse 17. What does it mean, however, that “if two of you are in agreement about anything they ask [which probably refers to prayer; one praying, the other responding with amen], it will happen to them of the Father in heaven?” Instead of stating that God will accept the decision of the congregation, even though it may be wrong, we now hear that everything will happen according to the request of the congregation. If read on its own, it seems to be a pious statement of trust in the power of prayer. Or is it a reference, not to congregational prayer in general, but, because “two” is mentioned here, as in verse 16, does it refer again to the disciplinary process? If two (the offending brother and the admonishing brother perhaps, or the witnesses) are in agreement, then the matter is decided. On a congregational level, if all are in agreement, then the decision is valid. In any case, where the brethren meet in prayer and the authority of Christ is recognized and He is in their midst, present because of prayer, and in their midst because of authority recognized, the action of the congregation is affirmed by God, and the reconciliation and forgiveness they seek is granted them, i.e., is a legal reality. So, in our reading, the context is probably limiting the application of “whatever they ask in agreement” to the issue of exclusion, forgiveness and reconciliation.

There are two conclusions to be drawn here that are vital to our inquiry. First: the presupposition of the disciplinary process is that sinning leads to exclusion and condemnation, so there is no justification of the ungodly without transformation, and that repentance and reconciliation (restoring fellowship that has been violated by the sin of the offending brother) is the goal of all disciplinary action. The situation into which man is brought through faith is one of communal responsibility for the moral life of its members and a process of care and discipline that is directed at reconciliation and repentance. Disciplinary action and forgiveness are primary, communal “discernment” is secondary.

Second, that the moral standard for sin is not found anew in each situation, but can be presupposed as the messianic Torah, for only they who teach and do the commandments are great in the kingdom of heaven. Yet this does include the fact that in applying that standard, the whole of the congregation, assembled in recognition of Christ’s authority and expressing it in prayer, is assigned the authority to interpret scripture. But in Matthew’s view, the authority granted to the congregation to bind and loose is not simply the authority to define the moral standard. That can be established further if we take a look at the role the rabbinic exegesis of the Torah has in Matthew’s view.

§ 39. Rabbinic authority and the Church (Matthew 23)

To some, Jesus’ words that open his speech against the Pharisees and scribes have been a nuisance, to say the least. The Dutch translation of 1951 (NBG), as well as Darby’s transla-
tion, interprets the aorist of verse 2 as an ingressive instead of a gnomic aorist, so as to say: the Scribes and Pharisees have seated themselves in the chair of Moses, as if they had usurped power, instead of a reference to their proper and habitual position as interpreters of the law, they sit on the chair of Moses, implying that they had a rightful claim to that authority. Verse 3, which affirms that authority, could be understood on the basis of this decisive step in the interpretation, along the lines of the passage on imperial taxes in Matthew 17. Obedience to rabbinic authority is then a strategic step in the Christian’s dealing with authorities, a proper thing to do in the circumstances, in order to witness more effectively among the Jews, echoing Paul’s words that in order to gain gentiles, one should act like one.

But is this a proper interpretation? It echoes of course the consensus that deference to Judaism was a tactical move, a side-effect of Jesus’ piety toward his ancestors, but not a principled position. Yet we find that the contrary is the case here. For one thing, the text even implies an enhanced reverence for the Pharisees, since strictly speaking only the scribes can be properly called to sit in the chair of Moses, which refers to rabbinic authority, something given to those who made the study of the law their life’s fulfillment and had been given ordination to serve as judges in the law courts. “Pharisees,” after all, is a reference to a Jewish “sect.” The statement therefore implies that the Pharisaic interpretation of the law is to be considered such a valid application of Mosaic law that Pharisaism as such shares the authority the Torah accorded to the judges. Of course, a considerable portion of the judges would probably be of Pharisaic persuasion and instructed by the scribes.

In fact, the affirmation of rabbinic authority that we find here is massive, especially when compared to Mark’s skepticism in this regard. Taken literally, the text imposes rabbinic authority upon all Christians. All that the Scribes and Pharisees tell Christians to do, whatever it is, they should obey. They should do it fully (poiesate, imperative aorist) and make it their standard for everyday life, i.e., observe it habitually (tereite, imperative present). Of course this would most likely be limited to those areas of the law that do not conflict with the messianic guidelines for interpreting the law in the Sermon on the Mount, but this messianic enhancement amounts to a stricter observance on the one hand (the greater righteousness of ch. 5:20), and a shift toward emphasis on kingdom virtues (of a moral nature) on the other.

The negative perspective of the entire passage can then be properly understood: Jesus states that His disciples should not follow the example of Scribes and Pharisees, since in their practice they do not obey their own demands. The point is that they should not lighten the burden of law as do the Pharisees in practice, but should hold fast to the interpretation of the law as they decide it in the practical circumstances of their own lives. In other words, they should decide the law in order to make it possible to keep it according to its innermost principles, and not lighten that particular burden by fleeing into minutaie of minor importance. That demand of practicability on its own would have had considerable effect on the contents of their decisions. Jesus’ followers were required to choose in principle for the more rigid interpretation of the law as presented by rabbinic authority and to conform to it in practice, thereby surpassing the Scribes in righteousness (cf. Matthew 5:19). But at the same time, the brunt of the accusation is that the rabbi’s do not “move” the burdens they impose, i.e. they do not make them lighter for those who are found to be unable in practice to comply.

The same thought is expressed in verse 4, which accuses the Scribes and Pharisees of imposing heavy burdens beyond their own capability to do them. Still, the text does not imply that legal decisions that imply burdens that “they” themselves would not touch are thereby rendered invalid. On the contrary, it is presupposed in all of this that these burdens will be carried by Jesus’ disciples. For Matthew, this principle was mitigated by the fact that the messianic hermeneutic is concerned with the limitation of a teaching on law by the possibility, exemplified by the teacher’s own practice, to do as he teaches. Without this ”do-ability,” a teaching is worthless. And furthermore, the specific messianic hermeneutic that we discussed
above would mean a shift in emphasis towards moral obligations. Still, if scribes and Pharisees concur, and if it were possible to do it, Jesus' disciples were required to comply.

Then we have a second point of critique. Not only is there a gap between teaching and practice to be concerned about, but there is also the issue of motivation. In Matthew 5:16 we learn that the good deeds of the followers of Jesus should shine in front of the people, but such deeds were intended to make the people glorify the Father in heaven, i.e., they were part of their witness. Verse 5 in chapter 23 now teaches that the aspect in which the scribes should not be followed is precisely this, that their actions are motivated by the need to show themselves to the people. They behave themselves as rulers, motivated by honor and rank. Their religious practices are drenched in a form of social behavior where the scribes and Pharisees act like an elite within wider society, aspiring to rule over the whole, using the instrument of legal exegesis to separate Israel from the gentiles, the strict adherents of Judaism from the outsiders, the amei ha'arets, publicans and sinners. From that perspective it can be said that the Scribes and Pharisees "shut up," close the entrance, to the kingdom of heaven. Their practice, as defined above, implies that obedience to the law is not equal to a total recognition of the sovereignty of God and does not lead to glorification of the father in heaven. In short, Pharisaic practice does not witness to a coming Kingdom. If the obvious motivation of obedience to Torah is the achievement of social rank and status, and the proclamation of the law is more important than doing it, then the entrance to the kingdom of heaven is closed. We must remember that Matthew closely associates doing and teaching in ch. 5. If there is a specific characteristic to the behavior in which the Torah is obeyed by its teachers, then that characteristic is being taught along with its contents.

It is not necessary to assume that the text refers to the Church of the 80s or to the eschatological kingdom. The rejection of the practices of the scribes and Pharisees seems to suggest that the kingdom of heaven is a shared concept, though its interpretation may involve differences. The attack on Pharisees would be more understandable if it could be assumed that the Pharisees share the intent of bringing people close to the kingdom, but that they lack in a Christian perspective the radical intent to serve God only and primarily through the moral law, and deny the social side-effects of the religious establishment. After all, Matthew showed in many places how the religious establishment introduces foreign elements into the service of God and ignores the essence of the kingdom: the identity and character of the messianic King. Matt. 22:1-14, in a parable, and the incident of the cursing of the fig tree in 21:18-22 show that clearly.

The specific accusations made against the Scribes and Pharisees in the remainder of the address have certain characteristics in common. They cite elements either of decisions on the law or of specific practices, and the intent is to show that the major issues that concern the kingdom of heaven (the identity of the Sovereign and His rights) are thereby forgotten. That is the major and decisive discrepancy between the position of the Scribes and Pharisees and their practices. To that is added the accusation of hypocrisy in verse 28, hypocrisy meaning in particular that there is in fact contempt for the law insofar as its intent is in practice ignored and neglected in its intent, and this attitude is combined with an outward appearance of righteousness. The "woe" in this connection should not be construed so much as a cry of moral indignation as one of astonished hurt that the occupants of Moses' seat could in practice have been so wrong about the intent of the law, and so negligent of the real issues.

Even though we should grant the highly critical attitude toward the Pharisees of this passage, its main function could hardly have been to instill contempt for the Scribes and Pharisees. The affirmations of 5:17-20 and 23:2b can hardly be negated even by this impressive list of accusations. The whole point is that if a specific accusation is made, then there certainly must have been exceptions, or rather, what is rejected of Pharisaism as a whole, is the fact that it could not effectively fight these aberrations within itself. It is not a generalized statement
that Pharisaism was defined by the practices described. If it was true to say so, the massive affirmation of Pharisaic teaching in the opening verses would have been unthinkable, and yet it is unmistakably present. The specific character of the critique and the formal acceptance of Pharisaic authority can, in combination, lead only to one conclusion: that what we have here is in part an effort to establish the specific character of the messianic halakah over against Pharisaic practices and to fight against those aberrations within the early community of Jesus’ disciples that ran parallel to these categories of Pharisaic vices. The main focus of Jesus’ critique is the missing connection between teaching and practice in the light of the duty to witness to God’s sovereignty in the coming Kingdom of Heavens.

It therefore seems incorrect to say that the opposition to the Pharisees in this chapter is based on principles. Nor can we say that the issue is all about the oral law. The affirmation of the authority of the Scribes also includes what can be strictly called the oral tradition, i.e., rules of law inferred by specific hermeneutic rules from the paradigmatic laws in scripture, functioning as a hedge around the law. That is obvious from the treatment of the law of tithing in verse 24, where the argument does not show that such rules are worthless, but that they should not interfere with the main intent of the law. When Jesus is quoted as saying: “these ought ye to have done, and not to leave the other undone,” the principle is that of the complete fulfillment of the law, not of a separation between the mere ritual and the moral. Judgment, mercy, and faith are here called principles of the law that have at least equal rank with the laws of tithing. Verse 26 does the same, when to the implied importance of purity laws concerning vessels the moral demand is expressly juxtaposed, to which the former refers symbolically. One needs to purify vessels to become constantly aware of the need to be purified in a moral sense, to share that awareness with others, to practice it as an exercise in obedience to God and not as a road to proud achievements, and certainly not as a surrogate for the morality it refers to. But again, the intent of Matthew’s Jesus is not to abrogate the oral tradition on purity, but to fulfill it, by stressing in the manner of their application the moral goals that such laws would serve for the betterment of the community.

There is one element in the address against the Pharisees that we have not yet examined sufficiently. We should do that now, but in a somewhat widened context. We have mentioned that in Matthew 23:23-26, tithing and purity laws are used as examples of hypocrisy between the general indictments of hypocrisy in 23:15 and 27 that are a protest against a particular form of public piety, and the mention of the care taken for the tradition (the graves of the prophets, etc., in verses 29-36) and the pride connected with it. We can argue that the 5 indictments of hypocrisy therefore consist of three general rejections of Pharisaic piety, with a view toward establishing the way of the Church as a better path. (Because hypocrisy is overcome, the unity of the law is affirmed, and the general attitude is witness to God’s sovereignty in the coming Kingdom.) In short, they are intended to establish the distinctive nature of the Christian community with regard to Pharisaic piety and to serve as a boundary statement between the two groups.

What we are concerned with now is the nature of Jesus’ position with regard to ritualistic halakah. As we tried to do in our discussion of Mark 7, we must now attempt to show how Matthew responded to Jesus’ original intent and tried to preserve continuity while at the same time expressing the self-evident principles of the congregation(s) he wrote for. If we consider the parallel text of Mark 7 in Matthew 15:1-20, we can see that Matthew actually accepts the Markan redaction and in his reworking of the material even enhances the easy flow of the passage. Though this must indicate the existence of a common theological opinion that the washing of the hands was religiously unimportant and the side effect of the Korban rule was against the spirit of the Torah, it is easy to see that Matthew’s version of Jesus’ final ruling differs significantly on a vital point. Mark 7:15 reads: “There is nothing outside a person that by going in can defile, but the things that come out are what defile.” Matthew’s parallel states
in 15:11: "it is not what goes into the mouth that defiles a person, but it is what comes out of the mouth that defiles." Matthew's version is then actually stating this: it is not so much what goes into the mouth, etc., but more what goes out, etc. In short: Matthew's version includes impurity of food, Mark's version excludes that kind of impurity as immaterial. Nevertheless, where Mark needs this statement and the addition to bring out a strong antithesis to Pharisaic purity law, Matthew does the same by adding in verse 3 and verse 8 the ominous direct statement that Pharisee tradition breaks the commandment of God for the sake of maintaining the separate authority of the oral tradition. In that sense, Matthew's opposition to this aspect of oral teaching is more explicit even than Mark's. Yet, the aim of Matthew's position is that in this instance, the law is broken because of concern for a specific tradition, while Mark is implying that all of the oral tradition does nothing but deter from the obedience God requires.

In the same manner, Matthew's parallel to the incident on the Sabbath related in Mark 2:23-28 contains additions and changes that bring out its much more and limit the aim of the critique. Opening with "at that time" as opposed to the more general "one Sabbath," adding the fact that Jesus and his disciples were hungry, prepares the reason for the plucking of grain that would only be necessary if Matthew could expect his readers to react with surprise at this breach of Sabbath. (And they probably would have if they had a halakah which respected the Sabbath but alleviated the rulings to accomodate basic human needs; i.e., if, as probable in this case, the Sabbath rule included exceptions because of hunger and thirst.) Furthermore, Matthew stresses that the disciples were acting against the law by adding "your disciples," making Jesus responsible indirectly as a teacher of law (implicitly the case in Mark as well, of course). He also brings in a secondary argument that at once points to a possible weakness in the structure of Pharisaic halakah and refers to the character of the messianic law that was connected with the Kingdom of God.

Let us examine both of these elements for just a moment. In Matthew 12:5, Jesus is quoted as saying that "in the law" one can read "that on the Sabbath the priests in the Temple break the Sabbath and yet are guiltless?" The reference is thought to be to the sacrifice of animals that continued on Sabbath, as is clear from Numbers 28:9-10. The interesting thing here is not the parallel that is drawn between Jesus and his company and the priesthood. David and his friends were persecuted at the time he entered the Temple, and surely his hunger was greater than that of the disciples. No analogy is intended here. No sacrifice is being made, and the point of the passage can hardly be that plucking grain is equal to the priestly exception of sacrifice on Sabbath. It is also not very plausible that the main intent is to establish the authority of Christ over the law, since neither David nor the priesthood can serve as similes for that. Christ's authority over the law in Matthew is based on and restricted to his being the decisive hermeneutic "rule," not in any formal fact of his superior power to abrogate, as we have shown in our discussion of Matthew 5:17-20. This passage does not change that already established principle. The analogies drawn actually confirm it. David was not above the law, but an exception was made; the priesthood was not above the law, and acted according to the law on the Sabbath while preparing the sacrifice. Without the Markan framework that refers to Christ's superior authority, the passage is not simply a defense of a principle above the law of Sabbath. In Matthew, the implications of the material that was before Mark are dealt with in a different manner.

Now we have shown above that the Markan sources refer to a decisive point of contention between Jesus' approach to the law and that of the Pharisees. The Pharisaic intention, in continuity with most of the rabbinic material of a later date, consisted of applying the cultic demands of holiness designed for the priesthood to daily life. That was a tendency continued and greatly expanded after the destruction of the Temple. To Matthew, however, it is clear that it is not the Temple that serves as the hermeneutic pattern of the application of the law, but the
presence of the Messiah and His proclamation of the sovereignty of God over all people. Therefore, when Matthew 12:6 informs us that “more than the Temple is here”, it must refer to the messianic presence of Jesus as the source of understanding the intent of the law and, by default, of understanding what exceptions would have to be made to the common rule. That impression is strengthened by verses 6 and 7, opening with the quotation of Hosea 6:6, where God’s main intent is mercy and not sacrifice. That passage is taken to mean that mercy is the goal of sacrifice, or that sacrifice expresses God’s mercy. If that is so, then the violation of Sabbath on account of the necessary sacrifice must surely imply the possibility of allowing a breach of Sabbath law for the purpose of a deed of mercy. In this case, the interpretation that the provocative principle being refuted was the rabbinic rule that even reaping without the use of utensils, something accepted for the poor according to the law itself, in Deuteronomy 23:25, was not acceptable on Sabbath, is defective because it disconnects the moral purpose of sacrificial law from Sabbath law.

At issue here is not the Sabbath law in itself, nor the principle of halakhic inferences, but the specific contents of that halakah and its conflict with Jesus’ messianic hermeneutic principle. If cultic law is to be applied to ordinary life, then the intent of the Temple cult in terms of the moral demands it serves are to be applied as well, rather than the material rules. We have in this passage a clash between the messianic halakah of a morals-oriented transmission of the goals of cultic life over against the Pharisaic intent of cult transmittal in terms of specific preparatory and pedagogical rites of holiness. Pharisaic tradition intends to institute a cultic pedagogy into ordinary life in order to prepare the moral life, while Jesus’ halakah aims at establishing the moral law as the primary hermeneutic of the interpretation of such law. In that perspective, Jesus rejects the Pharisaic intent to make holiness and purity into the primary demands of God’s sovereignty. Only then can we read the final verse of the passage properly, where we find that "The Son of Man is Lord of the Sabbath." Now the messianic proclamation of the Kingdom governs the interpretation of the law of Sabbath. The same message is given in the Matthean parallel to Mark’s story of the healing on the Sabbath in Matthew 12:9-14. Here we find Jesus stating as a rule that “it is lawful to do good on the Sabbath,” while Mark makes it part of a provocative question to the Pharisees. Matthew therefore understands Jesus in all of this to be maintaining Sabbath law and reinterpreting it, while Mark goes beyond that to indicate that Jesus’ messianic authority is the basis for its abrogation. Their common sources, however, remain closer to Matthew’s interpretation than to Mark’s and include an implicit acceptance of the authority of interpretative derivations from Torah-law.

§ 40. Jesus and Jewish law (conclusions)

We are now in a position to draw some conclusions with regard to the question of what Jesus’ attitude towards the Jewish halakah really was. According to Goppelt, this question is of the utmost importance, because it decides the meaning of the perspective with which Jesus approached the Mosaic law and affects the understanding of His ethics deeply. In other words, if we can determine the pattern of Jesus’ affirmation of the Mosaic law, we have a strong indication as to what the basic constitution of Christian ethics must be. First of all, we must acknowledge that Jesus’ criticism of the law was not directed against the law itself, Goppelt argues, but against a specific interpretation of it. Kümmel had maintained that Jesus’ conflict with the Pharisees was due to the fact that He did not explain the Torah according to the established tradition. But is the deciding element in the conflict simply that? It seems to me that this is at least part of the issue of the passage in Mark 7 as such, in the redactional stage in which we have it now, and if read as a seamless whole. Jesus is quoted as saying there that the commandment of God is nullified by the human traditions that sedimented around it, a massive rejection of oral teaching that in its radical nature probably reflects the stage of congre-
gational reflection, though it preserves continuity with Jesus' teachings contained in it.

Still, when we take a look at the passage without its redactional elements and in conjunction with Matthew's interpretation of the same material which he probably knew in its Markan version, a different picture of Jesus' original intent emerges. In dealing with a reconstructed layer of the text, it is important to see how one and the same tradition could lead to such different theological conclusions as those of Mark and Matthew. We must move beyond the single voice of the Markan redactor to the choir of separate voices. In it we first see Jesus arguing within the boundaries of rabbinic debate: against the ritual of washing the hands before meals and against the enforcement of vows in the case where a conflict exists with major commandments. There are voices within rabbinic tradition agreeing with Jesus here, and in fact the Mishnah Nedarim paints a picture of a very complicated debate in which the rabbis apparently tried to find a subtle balance between the fifth commandment and the Numbers 30 passage on vows. In Mark, only the context and the inclusion of the quotation from Isaiah seemed to turn this into a major attack on the principle of oral law itself.

The same goes for the passage on the Sabbath in Mark 2 and 3, where Jesus is portrayed as breaking the Sabbath by a provocative action. Here, also, Goppelt concludes that Jesus rejects all Sabbath halakah, and even the validity of the commandment itself. But in the two incidents reported it is clear that Jesus did not break the Sabbath commandment at all, and only the context (which ascribes a rigidity of law to Pharisees undocumented elsewhere and surpassing the strictness of Qumran halakah in the second instance) implies that Jesus in fact did so, from the Pharisees' point of view, and that it was sufficient to arouse the most murderous intentions on their side.

Goppelt takes Jesus' attack on the oral law as self-evident, but adds to this that in rabbinic sources, the oral law had equal status to the written law. Against that tendency to equate the written law with its interpretation and application, Jesus would have maintained a strict distinction between the two. In the case of Mark 7, then, it seems to Goppelt that the passage reflects a Palestinian situation which would explain its absence from Luke. The Palestinian Church, and not only the Hellenist Church, remembered vividly Jesus' opposition to the oral law. But is this accurate? For one thing, we have already seen that in Mark 7 Jesus' position does reflect a scripture versus oral law position that is equal to the Sadducee position. But the inner core of the passage still reflects a debate within the oral tradition and not opposition to it.

We have argued that though the core passage certainly seems closer to a Palestinian situation, the contextual framework and editorial glosses are intended for a Roman audience, dealing with matters on a far more general level, from a far greater distance. The quotation from Isaiah also reflects a secondary level of reflection, in our view. That is why Goppelt's statement that the situation of the Markan redaction reflects an initiative taken by Jesus not to wash the hands, i.e., as a rejection of halakah on the basis of the written law, instead of saying that it reflects upon a contemporary halakah in a completely different situational context, is highly dubious. It presupposes as historically reliable fact that the ritual was common and undisputed in Jesus' days, which we do not know for sure, and against which there is quite some good evidence; it also presupposes that Jesus is the source for the general rejection of the ruling, which is unsure also if we consider the structure of the passage; it also rests on the analysis that Jesus' intent was to dismiss the ritual because it was man-made (a Sadducee-type contention), which is unlikely, considering the fact that Jesus himself in many of the authentic sayings affirmed halakhic reasoning and principles to present his point.

So the whole basis for Goppelt's thesis that Jesus ignored Jewish ritual law on the basis of Isaiah 29:13, turning it into a general condemnation of the halakah, becomes uncertain. I would prefer to say that the general nature of the rejection of Pharisaic halakah reflects a further development of New Testament theology in which the opposition between Pharisaic
preparatory separatism and messianic witness-oriented moralism was broadened into an opposition between commandment-oriented “legalism” and a “moral” gospel of submission and ethical virtues.

Goppelt summarizes Jesus’ attitude towards the *halakah* as follows:

- Jesus separates *halakah* and Old Testament law strictly.
- The *halakah* as such is condemned as “human tradition.”
- Unlike the Essenes, Jesus does not provide an alternative *halakah*, but rejects it on principle.
- Jesus does not discuss the interpretation of the law, but tries to change the attitude of people towards the law.\(^{376}\)

We have seen, however, that the context of Mark 7 implies that the early Church developed Jesus’ dissent within the parameters of the rabbinic debate to mean an attack on oral law because of its segregating effect, rabbinic authority, and Levitical purposes. Specific *halakah* is rejected, and Jesus may have directed the attention of his hearers on occasion towards its secondary nature as "human tradition," but a principled attack on oral tradition as such seems to be lacking. The strict division that Goppelt proposes is certainly not present in the earliest layers (the sayings that form the core of both Mark’s and Matthew’s treatment of the issue), and there seems no support for that thesis if we consider the careful development of the messianic hermeneutic of Matthew 5. It is far more peculiar to the final stages of redaction. The handwashing and Korban issue were now dealt with as examples of foreign (Jewish) rituals that, if rejected by Jesus, would imply a general rejection of Israel’s separate status that was maintained by a specific use of the law. Jesus’ intent to break down the walls between the Pharisaic elite and the laity that conformed to the Pharisaic movement had by this time been understood to mean paradigmatically the breaking down of the walls between Jews and gentiles. That is why the particular criticism of a specific element of rabbinic law had to be transformed into a general rejection of rabbinic law as such, and the traditions that Mark quoted could perform that function only because their context and details were no longer either understood or seen as appropriate teaching for the contemporary situation.

At least the first and second elements of Goppelt’s summary, therefore, must be seen as part of the understanding of the early Church, or, if they were present in Jesus’ teachings, they were at least no longer understood as part of an ongoing debate. They were rather lifted out of that debate to provide illustrations of one dominant strand of Jesus’ teachings and thereby to lay a foundation for contemporary Church doctrines: his rejection of the separatist side-effects and cultic emphasis of Jewish *halakah* at the time.

So to the extent that we have a critical position with regard to oral law, which in itself would not be strange since in all the areas discussed the law had not yet been unanimously decided, it was not about rejecting human traditions as such, but about rejecting those traditions that reflect an authority other than God’s (or the Messiah’s), apply Levitical purity to ordinary life, which should be the place where the intent and not the form of purity laws is lived out, and finally, exclude people on the basis of ignorance or weakness from the people of God. What is at stake in Jesus’ debate with the Pharisees is the shape of the faithful community.

We have argued above that in the matter of the washing of the hands Jesus probably took a position against it, as did many of his contemporaries; in the matter of Korban, Jesus undoubtedly sided with those rabbis who were eager to find a way to prevent possible abuse of one commandment to break another. Jesus’ ethical thinking is far more part of the rabbinic tradition than against it. Markan use of Jesus’ position reflects an era in which certain motives that had played a part in the original debates had become all important and where Jesus had to
be made an advocate of a Church practice that had developed in gentile Churches. The truth of Mark 7 resides in the fact that neither Korban nor handwashing nor food laws were halakah in the early Church. Its opposition to Jewish halakah and its portrayal of Jesus’ opposition to Pharisaic tradition is historically improbable in itself, but may serve as an internal Church statement regarding the role of law-exegesis as a means of ethical discernment. Mark 7 provides us also with a clear antithesis to a rabbinic type of authority over halakah and transfers ethical decisions from the legal arena to the cultural environment: the ethics of Mark’s Church, according to Mark 7, consists of Stoic virtues. But we must be clear in this vital matter: the opposition against the oral law and/or the Mosaic institutions themselves is presented as principled only in the Markan redaction, never in the reported sayings. And that is made plausible also by this one fact that Sanders noted in his Jesus and Judaism (p. 250). If Jesus had abrogated all food-laws as Mark infers from Jesus’ statements in Mark 7:19b, why then “did Paul and Peter disagree over Jews eating with gentiles (Gal. 2:11-16)?...If Jesus consciously transgressed the Sabbath, allowed his disciples to do so, and justified such action in public debate, how could Paul’s Christian opponents in Galatia urge that the Sabbath be kept (Gal. 4:10)?”

But there is more than this. Sanders notes one instance that he says is clear evidence of Jesus actually demanding transgression of the law. In his mind this saying must be the “most revealing passage in the synoptics for penetrating into Jesus’ view of the law.” Jesus states in Matthew 8:22 in answer to one of the disciples: “Follow me, and leave the dead to bury their own dead.” (Darby) As Sanders remarks, the criterion of dissimilarity helps us determine that the saying must be original, since on first impression it definitely contradicts ordinary Jewish piety with regard to the burying of the dead. In post-Biblical Judaism this was understood and developed as an important commandment that ranked even higher than the duties of the priesthood. So this saying, if genuine, and correctly understood, violates both filial duty and the fifth commandment.

The ordinary strategy to deal with this has been twofold. One might argue that the saying hyperbolically emphasizes the urgency of following Jesus and that in the eschatological hour, burying the dead becomes an unnecessary duty. (Marcus Dodds, Adolf Schlatter, Wilder and Dibelius as quoted in Sanders) Some others have tried along the same line to suppress the weight of the saying, so e.g. H. Mulder in his commentary on the parallel passage in Luke (9:29), who states that the expression is colloquial and means: “Let me serve my father until he dies.” The decision for the kingdom of God cannot be postponed and discipleship excludes all other ties. (Even weaker is the statement by Baarlink in his commentary on Matthew, where he states that “even the most intimate duty can no longer be an alibi for evading the duties of the Kingdom.”) Still, such a duty towards the Kingdom would overturn the obligation imposed in the Torah.

Or one might introduce a spiritualized meaning by arguing that those who are dead in spirit must bury each other. (So also Dodds who argues for a dual sense of the saying). So also, surprisingly, Elias Soloweyczyk, already in 1877. And it is true that in rabbinic literature the concept of “dead” was also applied (proleptically? With reference to moral life?) to sinners. (JBerakhot 71; BBerakhot 18a, b) There is a third option. Dodds mentioned it in his commentary as an “eccentric idea” that the first mention of “dead” refers to the corpse-bearers who carried out the bodies of the poor at night. That of course does not diminish the harshness of the saying. Matthew Black mentions the possibility that an aramaic original would have read (l’miqbar, to bury = θαφσαί) instead of (l’meqaver- to (the) burier). But he calls it a “banal” solution. Instead he proposes a fourth option that we read: Follow me and let the waverers (πεφόντες) bury their dead (πηντριόν). Now the word (metan) is used for waverer, slow to decide and the like. Again, even then the verse has a harsh meaning and can be construed to imply an infraction of the law. In a way this brings us back to the first
of reading it in a spiritualized sense. That such a spiritualized reading is possible within the wider context of the New Testament can be clear from Paul’s usage of the terminus “dead” in a specific moral sense: we were dead in our trespasses (Eph. 2:5), or the reference to the “living dead” in 1 Timothy 5:6.

All of these solutions hinge on the fact that the saying seems to be of a general nature. Let (all the dead) bury their dead. And since the saying is in each case interpreted as an isolated statement, its character of wisdom saying is reinforced. The passage remains difficult, but that would caution us to infer from it that a clear disobedience to the Torah is intended. It seems more likely that the context belongs in this case to the original tradition and that we have here an example of a saying directed at the heart of the underlying attitude of the questioner. It does bring other “follow-me”-statements to mind, like in the case of Mark 10, where the young man with his zeal for the law is commanded to give up all his wealth in order to follow Jesus. That exaggerated demand – never repeated as a general commandment – seems to fit the particular situation of the questioner also. So I would be inclined to argue for the hyperbolic and contextual character of the saying, and in that way referring to an exaggerated commitment to family life on the part of the questioner, and an equally exaggerated response on the part of Jesus. In that way however, we do choose in favor of those who argued for the skandalous character of the statement and have yet inferred from that the weakened position that duty to Christ overrides all other duties, with all the weaknesses that Sanders has pointed out in that position. Sanders mentions the relationship with Mark 10=Matthew 19:16-30 that we have used above and comes to the following conclusion:

“At least once Jesus was willing to say that following him superseded the requirements of piety and the Torah. This may (sic!) show that Jesus was prepared, if necessary, to challenge the adequacy of the Mosaic dispensation.”

But I would still dispute that. Not the law as such is at stake in Matthew 8. It is true that the requirements of the law are superseded by the requirements of the Kingdom. But Matthew had already made it clear that precisely this “higher righteousness” of the kingdom can be considered a fulfillment of the Torah and not its abrogation. (Matthew 5:17 – 20) Besides, in his own application to become a pupil of Jesus (normally teacher would invite students) it is the would-be disciple himself who invokes custom. First to deal with all remaining family affairs, and then to follow the rabbi, was common practice in response to the invitation. Does the saying reflect in that sense a (hyperbolic) evocation of the greatly different style of discipleship that was required by Jesus? But if that is the case, it would not be an infringement of Torah-law in the eyes of Matthew, but a consequence of the unique authority of the Messianic teacher.

There is one possibility that needs mentioning here, but it is of a highly speculative nature. Is it possible that Jesus intended to refute an exaggerated form of filial duty towards the dead? The problem is that we would now have to reconstruct a context that is unavailable to us through the text and cannot be ascertained with certainty from the remaining rabbinic material. There is first of all no direct commandment to bury the dead in the Torah. It is assumed on the basis of Genesis 23 and 49 that such a practice was obligatory and in the case of the hanged criminal, burial within one day is certainly commanded. (Deut. 21:22, 23) Yet in rabbinic practice the obligation towards the dead was so highly esteemed that other duties came second. The priests were under Torah-obligation not to defile themselves by touching the dead except their own kinsmen, in which case it was allowed, not commanded. (Lev. 21:1) The highpriest was even under the prohibition not to touch any dead, not even his father and mother. The point of that being that the Highpriest, even more than the ordinary priests, was to remain socially independent in order to express the full ideal of life under the Torah. So the Highpriest was not allowed to mourn ritually and publically and not permitted to refrain from his services during mourning. (Though he was allowed to rent his garment at the back of the
neck, where it could not be seen by others, and could follow the funeral-train at a distance, BSanhedrin 18a)

If we connect the halakah on the priesthood in the case of mourning with those other texts pertaining to the "social independence" of the followers of Jesus we can see a common pattern here. We read e.g. in Matthew 10:35, 37 "...for I have come to set a man at variance with his father ...He who loves father or mother above me is not worthy of me", cf. also Matth. 19:29, Luke 14:26. Can it be that Jesus here accepts himself as the functional analogue of the "Messianic" Highpriest, whose disciples need to share his condition of "social-ritual" purity, especially with regard to their dealing with the dead? It would then be required of his disciples to break away from all filial bonds that belong to the "Old Israel" in order to enter into the higher righteousness of the messianic community. And especially in the case of the natural obligations of burial (not directly commanded in the Torah!) that were overridden by the concerns for the sanctity of the priesthood anyway. In that case the verse can be read to mean: "Let those who belong to the old order concern themselves with burying the dead, but you as a disciple of the new Messianic King should concern yourself with the sanctity of life without delay, as if you were highpriests."
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