

WILLIAM R.G. LOADER

Jesus' Attitude towards the Law

*Wissenschaftliche Untersuchungen
zum Neuen Testament 2. Reihe*

97

Mohr Siebeck

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Herausgegeben von
Martin Hengel und Otfried Hofius

97



William R. G. Loader

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A Study of the Gospels

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Preface

The present work has come into being over a number of years. In the jumps and starts of its career, fitted in amid teaching and semester breaks, it owes its origin substantially to two periods of study leave, taken in 1991 and 1995. For these I am especially grateful to my two employers, the Perth Theological Hall of the Uniting Church in Australia and Murdoch University. Their very adequate study leave provisions enabled me to travel to spend time pouring over the volumes of the Theologicum of the Evangelische and Katholische Faculties of Tübingen University and taking advantage of borrowing rights from the University library. I am especially grateful to Professor Dr Martin Hengel and Professor Dr Hermann Lichtenberger, who as Directors welcomed me as guest of the Institut für Antikes Judentum und Hellenistische Religionsgeschichte in 1991 and 1995 respectively. The study leave grants and a Special Research Grant from Murdoch University enabled me also to purchase research resources and to spend uncluttered time in the intensity of reading and writing at home in Perth.

My thanks are also due to Professor Dr Martin Hengel, Professor Dr Otfried Hofius, as Editors, and to Herrn Georg Siebeck, as Manager of J. C. B. Mohr (Paul Siebeck), who resolved to publish the book in the distinguished series, *Wissenschaftliche Untersuchungen zum Neuen Testament*. Behind the scenes many people have helped with technical and other advice. My colleague, Revd Dr John Prendiville SJ, read the manuscript and made helpful comments of style and content. Shaughan Daniel gathered valuable research material. Moira Main helped key in data for the Indices.

Finally I should like to thank my parents-in-law in Esslingen, Eva Schwarz and the late Pfarrer Hans Schwarz, who provided me with warm hospitality during my research visits. To my wife, Gisela, gratitude beyond words for sustaining companionship and patience.

I dedicate this work to all who seek for peace and greater understanding among human communities, not least, among the sons and daughters of Abraham.

July 1997
Perth, Western Australia

William R. G. Loader

Table of Contents

Preface	v
Introduction.	1
Chapter 1: Jesus' Attitude Towards the Law according to Mark	9
1.1 Recent Research	9
1.2 Mark 1:1 – 3:6 in Review	14
1.2.1 Mark 1:1–45	14
1.2.2 Mark 2:1 – 3:6	26
1.2.2.1 Excursus: Behind Mark 2:1 – 3:6. Tradition and the Historical Jesus	39
1.2.2.1.1. Tradition	39
1.2.2.1.2 The Historical Jesus	47
1.2.3 Conclusion	55
1.3 Mark 3:7 – 6:6 in Review	56
1.3.1 Mark 3:7 – 6:6	56
1.3.2 Conclusion	64
1.4 Mark 6:7 – 8:26 in Review.	65
1.4.1 Mark 6:7 – 8:26 – structural overview	65
1.4.2 Mark 6:7 – 6:56	69
1.4.3 Mark 7:1–23.	71
1.4.4 Mark 7:24 – 8:26	79
1.4.5 Conclusions	84
1.5 Mark 8:27 – 10:52 in Review	86
1.5.1 Mark 8:27 – 10:52	86
1.5.2 Conclusion	94
1.6 Mark 11:1 – 13:37 in Review	95
1.6.1 Mark 11:1 – 13:37.	95
1.6.2 Mark 11:15–17 in the context of 11:1 – 13:37	105

1.6.2.1 Excursus: Behind Mark 11:15–17 and John 2:14–16	108
1.6.3 Conclusion	116
1.7 Mark 14:1 – 16:8 in Review	117
1.7.1 Mark 14:1 – 16:8	117
1.7.2 Conclusion	122
1.8 Jesus' Attitude towards the Law in Mark – Conclusions	122
1.8.1 Jesus' attitude towards the Law according to Mark	122
1.8.2 Continuity	124
1.8.3 Discontinuity	125
1.8.4 The Commandments	129
1.8.5 Loose ends	132
1.8.6 Conclusion	134
Chapter 2: Jesus' Attitude Towards the Law	
according to Matthew	136
2.1 Recent Research	137
2.2 Matthew 1 – 7 in Review	154
2.2.1 Matthew 1:1 – 4:22	154
2.2.2 Matthew 4:23 – 5:16	161
2.2.3 Matthew 5:17–48	165
2.2.4 Matthew 6–7	182
2.3 Matthew 8 – 20 in Review	187
2.3.1 Matthew 8:1 – 9:35	187
2.3.2 Matthew 9:36 – 13:52	195
2.3.3 Matthew 13:53 – 16:20	210
2.3.4 Matthew 16:21 – 20:34	221
2.4 Matthew 21 – 28 in Review	229
2.4.1 Matthew 21:1 – 22:46	229
2.4.2 Matthew 23:1–39	237
2.4.3 Matthew 24:1 – 25:46	245
2.4.4 Matthew 26:1 – 28:20	249
2.5 Jesus' Attitude towards the Law in Matthew – Conclusions	254
2.5.1 Jesus, judgement, and the Law	254
2.5.2 Jesus' positive attitude towards the Law	260
2.5.3 How Jesus interprets the Law	264
2.5.4 The Authority of Jesus and the Authority of Torah	266
2.5.5 Matthew's Jesus and the Law in new Perspective	270

Chapter 3: Jesus' Attitude Towards the Law according to Luke . . 273

3.1 Recent Research	273
3.2 Luke 1:1 – 9:50 in Review	300
3.2.1 Luke 1:1 – 4:13	300
3.2.2 Luke 4:14 – 6:49	305
3.2.3 Luke 7:1 – 9:50	316
3.2.4 Conclusion	323
3.3 Luke 9:51 – 19:27 in Review	324
3.3.1 Luke 9:51 – 11:13	324
3.3.2 Luke 11:14 – 16:31	329
3.3.3 Luke 17:1 – 19:27	340
3.3.4 Conclusion	344
3.4 Luke 19:28 – 24:53 in Review	347
3.4.1 Luke 19:28 – 21:38	347
3.4.2 Luke 22:1 – 24:53	352
3.4.3 Conclusion	358
3.5 Perspectives from Acts	360
3.6 Jesus' Attitude towards the Law in Luke – Conclusions	379
3.6.1 Torah faithfulness	379
3.6.2 The old and the new	382

Chapter 4: Jesus' Attitude Towards the Law according to Q 390

4.1 Recent Research	391
4.2 The Reconstructed Q Text	399
4.2.1 John, Jesus and the Temptations	399
4.2.2 The "Sermon" to the Disciples	404
4.2.3 Jesus' Ministry and John's Questions	406
4.2.4 The Mission of the Disciples and the Mission of Jesus	409
4.2.5 Jesus and "this generation"	413
4.2.6 Jesus and the Pharisees	414
4.2.7 Instructions for the Disciples	419
4.2.8 Inclusion and Exclusion	420
4.2.9 Jesus and the Law	424
4.3 Jesus' Attitude towards the Law in Q – Conclusions	427

Chapter 5: Jesus' Attitude Towards the Law according to John . .	432
5.1 Recent Research	433
5.2 John 1–4 in Review	447
5.3 John 5–12 in Review	461
5.4 John 13–21 in Review	476
5.5 Jesus' Attitude towards the Law in John – Conclusions	483
Chapter 6: Jesus' Attitude Towards the Law according to Thomas and other non-canonical Gospels	492
6.1 The Gospel of Thomas	492
6.1.1 The Gospel of Thomas in Review	492
6.1.2 Jesus' Attitude towards the Law in Thomas – Conclusions . . .	501
6.2 Other Gospels and alleged Sayings of Jesus	503
6.2.1 POx 840	503
6.2.2 The D text of Luke 6:5	504
6.2.3 Papyrus Egerton 2	505
6.2.4 P. Ox. 1224	506
6.2.5 The Gospel of the Nazareans	506
6.2.6 The Gospel of the Ebionites	507
6.2.7 The Gospel of Philip	507
6.2.8 The Gospel of Peter	507
6.2.9 John 7:53 – 8:11	507
Chapter 7: Conclusion	509
7.1 Jesus' Attitude towards the Law in the Gospels	509
7.2 Jesus' Attitude towards the Law behind the Gospels – an Approach	518
Bibliography of Works Cited	525
Indices	547
References	547
Authors	557
Subjects	562

Introduction

In the present study I am concerned with Jesus' attitude towards Torah as it is presented in the gospels. The aim is not to homogenise disparate material into a single picture, but to consider the various ways in which each individual gospel depicts this attitude. This aim belongs within a broader interest which includes the traditions which lie behind the gospels and, ultimately, what we can retrieve about the attitude of the historical Jesus himself. But these are not the subject of the present investigation. Its focus is on the gospels themselves. Each portrays, directly or indirectly, an image of Jesus' attitude towards Torah.

I have chosen to include within my consideration, not only the Gospels of Matthew, Mark, Luke and John, but also the hypothetical document Q, as reconstructed by the SBL International Q Project,¹ the Coptic Gospel of Thomas and fragments of Gospels or significant additional material relevant to the theme found in some Gospel manuscripts (notably Luke 6:5D and John 7:53 – 8:11). In this I assume that both Q and Mark were sources for Matthew and Luke.

In using the word, attitude, in this investigation, I am referring to an assessment of the tendencies reflected in the received material. This is far from a reconstruction of the inner attitude of the historical Jesus or of the mind of a tradition bearer or even that of an evangelist about such an attitude. Such inner thoughts are not available to the historian and difficult enough to assess even during someone's lifetime. This study must operate within the limitations which are inevitable for the historian. It will seek, therefore, to investigate only the attitude reflected in the preserved material. Nevertheless I shall assume some coherence between what an author writes and what the author intends and consequently I ask the reader's indulgence that, to avoid clumsy qualifications, I resort to the shorthand of speaking, for example, of Matthew's attitude or the attitude of Matthew's Jesus.

Torah may be defined as the Law of Moses, preserved in the Pentateuch.

¹ J. M. Robinson et al., "The International Q Project," *JBL* 109 (1990), pp. 499–501; 110 (1991), pp. 494–498; 111 (1992), pp. 500–508; 112 (1993), pp. 500–506; 113 (1994), pp. 495–500; 114 (1995), pp. 475–485.

Such a definition is however both too narrow and too broad.² We might also speak of Jesus' attitude towards his own culture and religion. Mostly the concern of our study is with the laws and provisions within the Pentateuch, seen as a whole. While there may be slight variations from gospel to gospel, the Law is commonly understood to be the Mosaic Law enshrined in the Pentateuch. That Law presents itself as the expression of God's will. It demands to be applied and to be obeyed and forms the basis of Jewish identity as the people of God.

Research over the past two decades has underlined the diversity of pre-70 Judaism.³ This diversity relates, in particular, to attitudes of various groups towards Torah. It is no longer meaningful to speak simply of three or four parties, Sadducees, Pharisees, Essenes and Zealots, or to make sharp distinctions between Palestinian and Diaspora Judaism. Simplistic ideological portrayals of Judaism as a religion of self righteousness no longer stand. Nor is it possible to presume that later rabbinic writings necessarily reflect the Judaism of the first century or that its attributions necessarily reflect historical reality.

The diverse Judaisms were mostly united in commitment to Torah, but both in extent and in interpretation there was wide variety. Pentateuchal laws were central, but each group had both its additions and its interpretations, although often the difference between these was obscured. For instance, the author of 11QTemple will have seen himself as faithful to Torah, despite radical revisions and rewriting of the Pentateuchal laws. Any attempt to

² See the discussion in P. S. Alexander, "Jewish Law in the Time of Jesus: Towards a Clarification of the Problem," in *Law and Religion. Essays on the Place of the Law in Israel and Early Christianity*, edited by B. Lindars, (Cambridge: Clarke, 1988), pp. 44–58; K. Müller, "Gesetz und Gesetzeserfüllung im Frühjudentum," in *Das Gesetz im Neuen Testament*, edited by K. Kertelge, (Freiburg: Herder, 1986), pp. 11–27; K. Müller, "Beobachtungen zum Verhältnis von Tora und Halacha in frühjüdischen Quellen," in *Jesus und das jüdische Gesetz*, edited by I. Broer, (Stuttgart: Kohlhammer, 1992), pp. 105–134; P. Richardson and S. Westerholm, *Law in Religious Communities in the Roman Period. The Debate over Torah and Nomos in Post-Biblical Judaism and Early Christianity*, Studies in Christianity and Judaism 4, (Waterloo: Wilfred Laurier Univ. Pr., 1991).

³ See the works listed in the previous note and also *Early Judaism and its Modern Interpreters*, edited by R. A. Kraft and G. W. E. Nickelsburg, (Atlanta: Scholars, 1986); E. P. Sanders, *Paul and Palestinian Judaism*, (London: SCM, 1977); *Jewish Law from Jesus to the Mishnah*, (London: SCM; Philadelphia: Trinity, 1990); *Judaism: Practice and Belief 63 BCE – 66CE*, (London: SCM; Philadelphia: Trinity, 1992); J. Neusner, *Judaism: The Evidence of the Mishnah*, (Chicago: Univ. of Chicago Pr., 1981); *Judaism in the Beginning of Christianity*, (London: SPCK, 1984); *Judaic Law from Jesus to the Mishnah. A Systematic Reply to Professor E. P. Sanders*, South Florida Studies in the History of Judaism 84, (Atlanta: Scholars, 1993); M. Hengel and R. Deines, "E. P. Sanders' 'Common Judaism', Jesus, and the Pharisees," *JTS* 46 (1995), pp. 1–70.

investigate the various images in the gospels of Jesus' attitude towards the Law must take this diversity into account. It will simply not do, for instance, to interpret the antitheses forbidding divorce and remarriage or oaths in Matthew's Sermon on the Mount as necessarily expressing an attitude of sovereignty over, let alone, rejection of Torah, when such champions of Torah interpretation as the writer of the Damascus Document and the Essenes could make similar claims.

The present research is timely in the light of these advances in our understanding of Judaism. It also comes at a time when New Testament scholarship has been revisiting the issue of the 'partings of the ways' with great vigour. The revised appreciation of Judaism has produced a plethora of new works on Paul, especially, on Paul and the Law. Beside these, there is a growing body of research focusing on the diversity within early Christianity of responses to Judaism and to Torah. The two are not identical; or, at least, that is one of the issues. Related is the attitude to and use of scriptures. This study, while taking into account the wider issues of relations between Christians (Jews and Gentiles) and Jews (other Jews), and of the use of scripture, focuses more narrowly on one particular aspect of the debate: how did people portray Jesus' attitude towards the Law?

The issue has been the subject of study from a variety of perspectives. Rather than review these contributions here, I shall deal with them directly in relation to the different gospels. A number of studies have emerged recently which investigate attitudes towards Torah in individual gospels. These include Sariola on Mark (1990);⁴ Wilson (1983),⁵ Klinghardt (1988)⁶ and Salo (1991)⁷ on Luke; Pancaro (1975)⁸ and Kotila (1988)⁹ on John. Apart from Barth's treatment (1960),¹⁰ most treatments of the theme in Matthew

⁴ H. Sariola, *Markus und das Gesetz. Eine redaktionsgeschichtliche Untersuchung*, *Annales Academiae Scientiarum Fennicae Dissertationes Humanarum Litterarum*, (Helsinki: Suomalainen Tiedekatemia, 1990).

⁵ S. G. Wilson, *Luke and the Law*, SNTSMS 50, (Cambridge: CUP, 1983).

⁶ M. Klinghardt, *Gesetz und Volk Gottes. Das lukanische Verständnis des Gesetzes*, WUNT 32, (Tübingen: J. C. B. Mohr [Paul Siebeck], 1988).

⁷ K. Salo, *Luke's Treatment of the Law. A Redaction-Critical Investigation*, *Annales Academiae Scientiarum Fennicae Dissertationes Humanarum Litterarum* 57, (Helsinki: Suomalainen Tiedekatemia, 1991).

⁸ S. Pancaro, *The Law in the Fourth Gospel. The Torah and the Gospel, Moses and Jesus, Judaism and Christianity according to John*, SuppNovT 42, (Leiden: Brill, 1975).

⁹ M. Kotila, *Umstrittene Zeuge. Studien zur Stellung des Gesetzes in der johanneischen Theologiegeschichte*, *Annales Academiae Scientiarum Fennicae Dissertationes Humanarum Litterarum* 48, (Helsinki: Suomalainen Tiedekatemia, 1988).

¹⁰ G. Barth, "Das Gesetzesverständnis des Evangelisten Matthäus," in G. Bornkamm, G. Barth, H. J. Held, *Überlieferung und Auslegung im Matthäusevangelium* WMANT 1,

belong within wider studies; for instance, those of Overman (1990)¹¹ and Saldarini (1994).¹² On Q the major treatment is that of Kosch (1989)¹³ and, apart from that, the articles by Tuckett (1988)¹⁴ and Kloppenborg.¹⁵ There are no major treatments of the theme in Thomas and other so-called non-canonical gospels.

Beside these studies are a number which consider the three synoptic gospels. These include the work of Berger (1972),¹⁶ Hübner (1973),¹⁷ Banks (1975)¹⁸ and Vouga (1985).¹⁹ Berger's massive work (631pp.) deals with Mark and Markan parallels, but covers only the great commandments; the encounter with the rich man; the confrontation over *corban* and over the commandment to honour parents; and divorce; but offers a rich resource of non biblical parallel material. Hübner's study is concerned with the development of the synoptic tradition and the extent to which in Matthew and Luke it shows signs of having been made to conform more to Torah. He limits his study to Matt 5:17–20; the Matthean antitheses; the sabbath controversies; and the purity controversy of Mark 7:1–23 and parallels. The study of Banks is more comprehensive in its treatment of the material, dividing it according to form: incidental sayings and actions; debates and controversies; and extended teaching. Banks's concern is with the historical

(Neukirchen-Vluyn: Neukirchener, 1960, 2nd edn, 1970), pp. 54–154; English: G. Barth, "Matthew's Understanding of the Law," in G. Bornkamm, G. Barth, H. J. Held, *Tradition and Interpretation in Matthew*, (London: SCM, 1963, 2nd edn., 1982), pp. 58–164.

¹¹ J. A. Overman, *Matthew's Gospel and Formative Judaism. The Social World of the Matthean Community*, (Minneapolis: Fortress, 1990).

¹² A. J. Saldarini, *Matthew's Christian-Jewish Community*, (Chicago: Univ. of Chicago Pr., 1994).

¹³ D. Kosch, *Die eschatologische Tora des Menschensohnes: Untersuchungen zur Rezeption der Stellung Jesu zur Tora in Q*, *NovTest et OrbAnt* 12, (Göttingen: Vandenhoeck und Ruprecht, 1989).

¹⁴ C. M. Tuckett, "Q, the Law and Judaism," in *Law and Religion. Essays on the Place of the Law in Israel and Early Christianity*, edited by B. Lindars, (Cambridge: Clarke, 1988), pp. 90–101.

¹⁵ J. S. Kloppenborg, "Nomos and Ethos in Q," in *Christian Origins and Christian Beginnings In Honor of James M. Robinson*, edited by J. E. Goehring et al., (Sonoma: Polebridge, 1990), pp. 35–48.

¹⁶ K. Berger, *Die Gesetzesauslegung Jesu . Ihr historischer Hintergrund im Judentum und im Alten Testament. Teil I: Markus und Parallelen*, *WMANT* 40, (Neukirchen-Vluyn: Neukirchener, 1972).

¹⁷ H. Hübner, *Das Gesetz in der synoptischen Tradition*, (Witten: Luther-Verlag, 1973; 2nd edn., Göttingen: Vandenhoeck und Ruprecht, 1986).

¹⁸ R. Banks, *Jesus and the Law in the Synoptic Tradition*, *SNTSMS* 28, (Cambridge: CUP, 1975).

¹⁹ F. Vouga, *Jésus et la Loi selon la Tradition synoptique*, (Genève: Labor et Fides, 1988).

Jesus and with arguing the dominant influence in the various traditions of the christological dimension, namely Jesus' independent authority. Vouga limits himself to six conflict stories (the two sabbath conflicts, and the episodes dealing with purity, divorce, the rich man, and the great commandments) and the antitheses of the Sermon on the Mount. In each he is concerned to reconstruct tradition and identify redaction, but also to relate such reconstruction to stages in the development of early Christian communities (the conservative Jerusalem church, Jewish Christian Hellenistic itinerant missionaries, Palestinian Jewish Christian missionaries; and the Palestinian Jewish Christian apocalyptic movement).

The procedure which I have followed in this book offers a significant alternative to the method followed by previous studies. I am convinced that it is not adequate to seek to identify the stance of a writing by dealing only with the more obvious passages where the Law comes into question. The way a writing portrays Jesus' attitude towards the Law is bound up with a number of other issues, not least, issues of authority and christology. It is also related to the way therelevant material functions within its narrative context. I shall, therefore, be considering each gospel sequentially; that is, I shall examine the way the issue of Jesus' attitude appears, disappears and reappears as the narrative unfolds. In doing so, some sections of the gospels will deserve closer attention than others because of their direct relation to the theme, but I shall treat them within the whole. By proceeding in this way I believe that the issues entailed in the work as a whole will become more visible.

In the sequential analysis I shall seek to keep in mind the hearers and the way the text might have worked for them. In this I will not assume that all such hearers were hearing the story of Jesus for the first time, although for some this may have been the case. Nor, however, will I presume that hearers possessed a comprehensive map of intricate structural allusions. Instead, it seems reasonable to me to assume that hearers were, by and large, people who believed in Jesus, and had a basic grasp of his story. I assume therefore that they would not have been overwhelmed by novelty. At the first hearing or at least at subsequent hearings, they would have sensed patterns such as inclusios among and within episodes, and would have picked up common themes within larger narrative contexts. Approaching the narrative as a whole and in larger sequences of episodes enables one to come to a closer understanding of both how hearers might have sensed the image of Jesus being portrayed and how the author might have intended to portray it.

In discussing hearers I have already alluded to the possibility that at times there may have been non believers among them. More complicated is the

question whether the hearers were Jews or Gentiles. For instance, while Mark's explanations in 7:3–4 imply Gentiles in the audience, to what extent in relating the story of the woman with a flow of blood or Jesus' excursion to Gerasa, does he assume an appreciation of Jewish attitudes towards purity issues among his hearers? On this depends, in part, our picture of Mark's understanding of Jesus' attitude towards Torah. Such issues will be significant in evaluating each of the gospels.

In each chapter I shall first identify overall issues raised by previous research, proceed to a sequential analysis, and finally return to a conclusion which seeks to synthesise findings in relation to that particular gospel. The conclusions in relation to single writings will not be repeated again in the final chapter, except in brief overview. Rather there I shall interrelate these conclusions and raise issues which emerge for understanding the development of the tradition and the question of the attitude of the historical Jesus.

This work is deliberately an overview. It has not been possible to address the many individual issues of interpretation in detail, though I have sought to take all such issues into account in developing a picture of the whole. Inevitably the wide ranging character of the work has meant I have had to live with the frustration of knowing that there was always more to read, including pertinent studies which have appeared since completion of the substantial work on this manuscript early in 1996. My indebtedness both to scholars of Judaism and to New Testament specialists who have addressed these issues will be obvious, far beyond the acknowledgments in footnotes and detailed discussion.

I have approached the task primarily as a biblical exegete. My interest in the history of New Testament tradition goes back to my research on the christology of Hebrews in the early 1970s, which was subsequently published in 1981.²⁰ While there the interest in christology was paramount, the epistle is a window on one particular way in which an author grappled with revered biblical heritage, not least the Law and cultic Law in particular. As one who has for many years taught the exegesis of Romans, I have had an ongoing engagement with the intricacies of Paul's grappling with Torah. My teaching interests have directed me to Matthew and more recently to Mark. Christology was again the focus in my work on John.²¹ What there began as a traditio-historical study became a study of the christology of the received

²⁰ W. R. G. Loader, *Sohn und Hoherpriester. Eine traditionsgeschichtliche Untersuchung zur Christologie des Hebräerbriefes*, WMANT 53, (Neukirchen-Vluyn: Neukirchener, 1981).

²¹ W. R. G. Loader, *The Christology of the Fourth Gospel. Structure and Issues*, BET 23, (Frankfurt: Peter Lang, 2nd edn, 1992).

text as I came to see the priority of listening to the text as received before proceeding to the equally legitimate issues of the history of tradition.

My concern in this work is with the way the gospels portray Jesus' attitude towards the Law. Beyond that, and so beyond the present investigation, my interest is also with the way the pre-gospel traditions portray Jesus' attitude. Not least, I am also concerned with the attitude of the historical Jesus himself. These concerns belong also to a broader interest in what happens to a religion and culture when it is exposed to other religious and cultural influences, especially in the tension between universal and particular values. I believe that there is much to be learned by observing this process within Judaism in its grappling with life in a Hellenising world, already from the third century BCE onward,²² and in observing the emergence of the Christian movement in this context. Two millennia later many of us grapple with similar issues and observe an equally baffling array of responses.

²² On this see M. Hengel, *Judaism and Hellenism*, 2 vols, (London: SCM; Philadelphia: Fortress, 1974); *The 'Hellenization' of Judaea in the First Century after Christ*, (London: SCM; Philadelphia: Trinity, 1990); J. J. Collins, *Between Athens and Jerusalem. Jewish Identity in the Hellenistic Diaspora*, (New York: Crossroad, 1984); S. Freyne, *Galilee, Jesus, and the Gospels: Literary Approaches and Historical Investigations*, (Philadelphia: Fortress, 1988); G. Dellling, *Die Bewältigung der Diasporasituation durch das hellenistische Judentum*, (Göttingen: Vandenhoeck und Ruprecht, 1987); W. R. G. Loader, "Hellenism and the Abandonment of Particularism in Jesus and Paul," *Pacifica* 4 (1991), pp. 245–256.

Chapter 1

Jesus' Attitude towards the Law according to Mark

1.1 Recent Research

In 1972 Klaus Berger published his major work on Jesus' interpretation of the Law.¹ It preserves only part one of his dissertation and deals with a selection of Markan passages and their parallels: the great commandments (12:28–34), the rich man (10:17–22), the *corban* dispute (7:8–13) and divorce (10:2–12). He assembles a wealth of parallels from Jewish, Gentile and later Christian sources. His basic thesis is that the Markan material should be understood on the basis of a Hellenistic Jewish view of Torah which relativised or rejected cultic and ceremonial law. Its weakness is that the evidence for the latter is too slender and late (Pseudo-Clementine literature) to bear the weight of the thesis.² Berger is also overly rigid in distinguishing Palestinian and Hellenistic Judaism. But the book is a rich mine of resources and exegetical insight on individual issues. Its importance lies also in the questions it raises, in particular, about what kind of ethos made it possible for Mark to treat the Law the way he did.

Hans Hübner's work³ appeared in 1973. He limits his focus to only certain central themes relevant to Mark: divorce (10:2–12), sabbath (2:23 – 3:6), and purity (7:1–23). He sees Mark's Jesus abrogating Torah in all three and argues that this is implied in the proclamation of the kingdom (pp.

¹ K. Berger, *Die Gesetzesauslegung Jesu. Ihr historischer Hintergrund im Judentum und im Alten Testament. Teil I: Markus und Parallelen*, WMANT 40, (Neukirchen-Vluyn: Neukirchener, 1972).

² See the criticism of the book in H. Hübner, "Mark vii 1–23 und das 'Jüdisch-Hellenistische' Gesetzesverständnis," *NTS* 22 (1976), pp. 319–345, esp. 325–345; W. G. Kümmel, "Ein Jahrzehnt Jesusforschung (1965–1975). III. Die Lehre Jesu (einschliesslich der Arbeiten über Einzeltexte)," *ThR NF* 41 (1976), pp. 295–363, esp. 334–337.

³ H. Hübner, *Das Gesetz in der synoptischen Tradition*, (Göttingen: Vandenhoeck und Ruprecht, 2nd edn., 1986).

213–223). This comes through most strongly, he believes, in 7:15 (“There is nothing which entering a person from outside can defile a person, but the things that come from within a person are what defile a person”). It should also be assumed in 10:1–12 on divorce and possibly in 2:23–28 read in the light of these. Mark holds together scripture fulfilment, on the one hand, and abrogation of Torah, on the other (p. 224). Yet Hübner concludes on an uncertain note: “Mark does not think in the least way nomistically. Rather indications are to hand that he rejects the Law as such. Yet this claim cannot be made with final certainty” (my translation).⁴

Banks⁵ focused primarily on the historical Jesus as reflected in the synoptic tradition, even though his discussion does note distinctive emphases of Mark. In his view Mark “is not primarily interested in the implications of Jesus’ teaching for the Law or the oral tradition, but rather with its relevance and application to his Gentile audience” (pp. 248–249). This explains the universalising character of much of the Law material, which finds expression in a general concern for humanity (2:27; 3:5), in the focus on ethics rather than purity (7:15, 19b), on a wider divorce prohibition (10:1–12) and on monotheism (12:28–34). It also explains Mark’s emphasis on Jesus’ ethical teaching and its negative implications for written and oral law.

Vouga⁶ also focuses on the synoptic gospels and limits himself (in Mark) to six conflict stories: the two sabbath conflicts, and the episodes dealing with purity, divorce, the rich man, and the great commandments. In each he seeks both to offer an analysis of Mark and his tradition and to situate them in a historical construction of early church groups (the conservative Jerusalem church, Jewish Christian Hellenistic itinerant missionaries, Palestinian Jewish Christian missionaries; and the Palestinian Jewish Christian apocalyptic movement). Mark’s account, written for Gentiles, stands under the influence of the Hellenists and itinerant radicalism (p. 321). The controversy stories no longer address issues of Law in Mark; they serve to demonstrate Jesus’

⁴ “Markus denkt nicht im geringsten nomistisch. Eher sind Anzeichen dafür vorhanden, dass er das Gesetz also solches ablehnt. Doch kann diese Aussage nicht mit letzter Bestimmtheit gemacht werden” (p. 226). G. Dautzenberg, “Gesetzeskritik und Gesetzesgehorsam in der Jesustradition,” in *Das Gesetz im Neuen Testament*, edited by K. Kertelge, (Freiburg: Herder, 1986), pp. 46–70, here: 54–55, bemoans these vague conclusions, arguing for the centrality of the attitude towards Torah preserved in 10:17–22 and 12:28–34 for Mark’s thought (pp. 56–58). By his authority Jesus sets aside only certain laws (so: 2:28; 7:15).

⁵ R. Banks, *Jesus and the Law in the Synoptic Tradition*, SNTSMS 28, (Cambridge: CUP, 1975).

⁶ F. Vouga, *Jésus et la Loi selon la Tradition synoptique*, (Geneva: Labor et Fides, 1988).

Index of References

Old Testament

Genesis

2:2-3	461
20:11	461
28:12	453
31:17	461
33:19	457
48:12	457
48:14-15	226
50:5	410

Exodus

3:12	440
8:15	329
12:10,46	481, 482
12:49LXX	375
13:2,12,15	301
19:3,20	443
19:17	405
20:4	466
20:12	466
23:30	408
24:12-13	443
25:40	365
30:11-16	223
33-34	449
33:7-23	448
33:18	322, 448
33:23	448
34:6	448
34:21	33
34:29-35	322

Leviticus

5:3	20
5:11	301
11	368
12:7LXX	61
12:8	301
13-14	20, 374

13:1-46	20
15:19LXX	61
15:19-24	61
15:25-27	61
17-18	276, 281, 374
17:7,10	374
18:6-29	374
18:16	69
19:18	178, 180, 235, 405, 478
20:3-5	374
20:10	507
20:21	69
21:7,14	338
21:16-24	11
24:10-24	309
24:16	480
27:30-33	331

Numbers

5:2	20
9:6-14	476
10:8	479
11:13	463
12:3 LXX	201
15:30-31	309
15:32-36	33
16:8	444, 479
18:12	331
18:15-16	301
19:6	331
19:11-22	61
20:11	468
21:16-18	468
21:17-18	457
22-24	156
24:27	156
27:17	195

Deuteronomy

4:12	443
6:4	463
6:5	141, 235
7:9	141, 479
10:12	141
10:16	127
11:26	185
14:22–29	331
17:6	191, 355, 441, 469, 483
18:15	162, 222
18:15–20	283, 291
21:6–8LXX	200, 507
21:18–21	197, 408
21:22–23	434
22:13–29	90
22:20–21,	
23–24	155, 507
23:25–26	33
26:12	141
26:12–15	331
24:1–4	155, 175, 261
30:6	127, 496

1 Samuel

15:22	100
-------	-----

2 Samuel

7	102
7:2,13	366

1 Kings

4:29	410
5:5	453
8:27	365
13:4–6	46
19:20	325

2 Kings

1:10,12	325
4:42–43	463
5:7	19

Nehemiah

5:13	411
10:33	223

Job

39:30	428
-------	-----

Psalms

1:1	29
6:9	185, 426
22	125
24:4	164
25:5–6	252
31:6	357
34:21	481, 482
35:19	479, 482
36:10	457, 470
37:11	164
40:6–8	100
41:10	482
41:14	218
42:3	164
50:7–15	100
51:16–17	100
62:13	221
69:5	479
69:10	110, 111, 112, 454
72:10–11	156
72:18	28
80:19–20	479
82	472
103:3	29
110:1	102, 105
118:22	98, 132, 237, 262
118:26	244, 428
132:5	366
146	197

Proverbs

1:20–23	199
1:21–33	243, 409
8:1–2	409
8:1–36	199
8:22	198
8:22–31	447
8:31	198
8:32	409
10:2	290
12:23	290
16:7	100
18:4	457, 468
21:3	100

Isaiah

1:11–17	100
2:2–5	164
2:18	364

5:1-7	98, 479	8:1-18	454
10:11	364	8:6	422
12	457	9:1-2,6	454
14:13-15	428	10:18-19	422
21:9 LXX	119	18:31	127
24:13	410	24:15-24	410
25:5	218	34:20	155
26	470	37:27	155
29:13LXX	72, 214	36:26	127
29:18-19	407	37:26-27	155
31:7 LXX	119	39:23	382
35:5	82, 218, 407	43:7	450
42:1-4	210	47	468
42:6-7	407		
43:5	155	<i>Daniel</i>	
43:8-10	468	2:34-35,	
46:6 LXX	119, 364	44-45	233
48:21-22	468	4:21	428
49:6	164	4:17,27,31	39
53:4	190, 195	4:27	290
54:13	465, 434	7:14LXX	16
55:10-11	436	8:13-14	351
56	110	9:26-27	356
56:7	106, 107	12:1-3.7	351
58:11	468		
60:16	156	<i>Hosea</i>	
61:1-2	82, 164, 197, 305, 308, 317, 318, 407	6:6	100, 127, 139, 192, 195, 202, 226, 235, 511
61:10	27	6:11	411
62:5	27		
65:4LXX	59	<i>Joel</i>	
66:1	363, 365	3-4LXX	382
		3:17	450
<i>Jeremiah</i>		4:1-21	410
2:21LXX	479		
4:4	496	<i>Amos</i>	
7:6	106	5:18-24	404
7:11	106	5:25-27LXX	363
7:12	243	9:11-12LXX	374
12:7	422	9:13-14	382
16:5-7	410		
17:21-22	461	<i>Micah</i>	
21:8	185	4:1-7	218, 283
22:5	422	4:4	453
31:7-14	218	4:11-13	410
31:31-34	127, 465	7:6	428
33:6	422		
		<i>Zephaniah</i>	
<i>Ezekiel</i>		1:14-18	400
7:22	422	3:13-15	452

Zechariah
 2:10–12 155
 2:10 450
 3:11 453
 4:7 470
 8:3 155
 9:9 95
 12:3 382

12:10 481, 482
 14:8 468
 14:21 110, 111, 114, 454

Malachi
 2:14–16 90
 3:1 110, 408

Apocrypha and Pseudepigrapha

Baruch
 3:14–15 243
 3:32 200
 3:37 447
 4:1 198

4 Ezra
 3:20 127

5 Ezra
 1:28–33 343

Judith
 16:16 127

1 Maccabees
 1:49 365
 2:40 33
 4:11 382
 7:29–41 46
 14:11–12 453

2 Maccabees
 4:5 365

4 Maccabees
 2:1–23 173
 5:19–27 170

Sirach
 1:1–9 198
 1:6–9 200
 1:22 173
 2:16 127
 3:3 127
 3:14 290
 3:30 41
 4:11 409

4:23 198
 6:23–31 201
 24 42, 444, 447
 24:7–12 409
 24:1–12 447
 24:19–22 199
 32:18 127
 30 127
 35:1–5 127
 51 499
 51:23–26 200, 201, 258

Tobit
 4:3 410
 4:10–11 290
 13:10 112
 14:5–7 112
 14:14 422

Wisdom
 2 402
 2:12–20 258
 6:17–20 101
 7:7 127
 7:27 409
 8:14 200
 9:1–8 200
 9:17 127
 10:10 200

Apocalypse of Adam and Eve
 13:5–6 127

Aristeas
 46:50 127
 146–150 127
 168 173

2 Baruch

8:2	422
36:6–11	479
37	479
39:7–8	479
41:3	201
44:7	422
67–68	382
68	112

1 Enoch

13	41
10:17,21	113
42:1–2	243, 408, 447, 450
89:51,54	243, 422
90	112
91:13	112

2 Enoch

30:15	185
34	201
45	127
46:9–11	219
49:10	176

Jubilees

1:17,26	155
1:22–25	127
2:17–33	33
3:9	338
50	33
50:10–11	202

Psalms of Solomon

4:11–12	113
4:4–5	174
5:6–8	178
17:30	111

Pseudo-Philo

7	61
12:8–9	479

Pseudo-Phocylides

57–58,63–64	173
205	338
228	127

Sibylline Oracles

3:280–294	112
4:8–11	127
4:165	41
5:265–266	127
5:414–433	112

Testament of Moses

5:4–6; 6;	
9:6–7	113
11:17	463

*Testaments of the Twelve Patriarchs**TReuben*

3:15	338
6:4–5	338

TLevi

15:1	112
9:10	338
10:4–5	422

TIssachar

5:2	100
7:6	100

TZebulun

5:1	100
7:1–4	100
8:1	100

TDan

2–5	173
-----	-----

TGad

3–5	173
-----	-----

TAsher

1:3–5	185
-------	-----

TBenjamin

3:1–6	100
4:1–3	100
9	112
5	127
8	174

Josephus and Philo

Josephus

Jewish War

2:135	176
2:147	33
2:149	76
2:175	305
2:517	33
2:538	422
4:201–202	113
4:323	
4:335–344	242
4:386–388	113
5:212–214	15
5:458	127
7:218	223

Antiquities

3:261–264	33
3:268	61
4:245	338
12:145	504
12:274–277	33
13:64	33
16:43	305
20:166	122

Contra Apionem

1:178	127
2:8	61
2:103–104	504
2:190–219	147
2:282	33

Philo

De Abrahamo

98	175
----	-----

De Agricultura

130	127
-----	-----

De Cherubim

42, 48, 95–96	
99–100	127

De Migratione Abrahami

89–94	33, 127, 152
-------	--------------

De Mutatione Nominum

138	384
-----	-----

De Plantatione

107–108,	
126	127

De Praemiis et Poenis

40	384
55	182

De Specialibus Legibus

1:156	504
2:56–78	33
2:249–251	33
3:132–133	61
4:147	384

De Vita Mosi

1:334	182
2:4	182
2:107–108	127
2:213–220	33

Hypothetica

7:1–9	147
7:3–5	73
7:12	305

Quod Deterius Potiori

20–21, 24	127
-----------	-----

Quod Deus Immutabilis sit

7–9; 102–103; 164	127
-------------------	-----

Qumran Writings

CD

4:12 – 5:17	61
4:21	89, 90, 338
6:7	457

6:18	202
10:14–23	202
11:13–14	205

<i>4QD^b</i> f.9	419	<i>4QprNab</i>	40
<i>1QapGen</i>		<i>4Q390,2:9</i>	113
20:15	175	<i>4QMMT</i>	
<i>1QH</i>		67–75	20
8	479	<i>4Q434</i>	
10:7	127	fr. 1,1:6	27
12:0	127	fr. 2,	
13:11	127	4:10–11	127
<i>1QSa</i> 2:3–4	20	<i>4Q436</i>	
<i>1QS</i>		fr. 1,1:4–6	127
5:5	127	<i>4Q504</i> , 2:13	127
5:6	41, 127	<i>4Q521</i>	82, 197
8:1–4	41, 155	<i>11QMelch</i>	305
8:1–16;		<i>11QTemple</i>	
9:3–6	127	29	112, 113
<i>4QFlor</i>		29:7–10	155
1	104	45:16,18	20
1 – 3:1–6	112, 113	48:14–15,17 –	
1:10	422	49:4	20
<i>4Q265</i>		57:17–19	90
fr. 7, 1:5–7	205		

New Testament

The canonical gospels and Acts are discussed following the order within each writing.

<i>Romans</i>		<i>Galatians</i>	
2:12–16	128	2:11–14	54
2:19	164	3:19	136
2:25–29	128, 496	4:10	133
11:25	351	<i>Hebrews</i>	
14:23	505		128
<i>1 Corinthians</i>		9:11	364
5:20	136	8:5	365
7:10–11	90	9:9–10	515
9:19–23	316	<i>Revelation</i>	
11:23–25	353	1:18	219
<i>2 Corinthians</i>		14:15	411
3	450	19:9	27
4:6	449	21:3	450

Other Christian Writings

- | | | |
|-----------------------------------|-----------------------------------|----------|
| <i>Luke 6:5D</i> | 53 | 496, 498 |
| <i>(Bezae)</i> 312, 504-505, 516 | 55 | 501 |
| | 64 | 501 |
| <i>John 7:53</i> | 66 | 500 |
| – 8:11 507-508, 516 | 75 | 494 |
| | 71 | 500 |
| <i>Gospel of the</i> | 71 | 501 |
| <i>Ebionites</i> 166, 507, 516 | 88 | 498 |
| | 89 | 497, 498 |
| <i>Gospel of the</i> | 90 | 499 |
| <i>Egyptians</i> 166 | 99 | 501 |
| | 100 | 500 |
| <i>Gospel of the</i> | 101 | 501 |
| <i>Nazareans</i> 92, 494, 506-507 | 102 | 498 |
| | 104 | 494 |
| <i>Gospel of</i> | 106 | 500 |
| <i>Peter</i> 507 | 107 | 499 |
| | 114 | 502 |
| <i>Gospel of Philip</i> | | |
| 8, 14, 76, | <i>Pistis Sophia</i> | |
| 102 507 | 7, 18, 135 | 498 |
| 60–96 494 | | |
| <i>Gospel of Thomas</i> | <i>Papyrus</i> | |
| 1 494 | <i>Egerton 2</i> 22, 505-506, 516 | |
| 6 492–494, 496 | | |
| 7 501 | <i>Papyrus</i> | |
| 11 501 | <i>Oxyrhynchus (P. Ox.)</i> | |
| 12 493, 501 | 1, 654, 655 492 | |
| 13 501 | <i>P. Ox. 840</i> 503, 516 | |
| 14 76, 214, 326, 411, 493, | <i>P. Ox. 1224</i> 506 | |
| 494, 496 | | |
| 16 501 | <i>Didache</i> | |
| 21 495 | 8:1 31 | |
| 22 495, 497 | 14:2 173 | |
| 27 495 | | |
| 31 498 | <i>Justin</i> | |
| 30 500 | <i>Apology</i> | |
| 37 495 | 1:281 20 | |
| 39 498, 499 | | |
| 40 499, 500 | <i>Dialogue with Trypho</i> | |
| 43 498, 499 | 12:3 495 | |
| 44 499 | 80 352 | |
| 45 499 | | |
| 47 499 | <i>Tertullian</i> | |
| 48 500 | <i>Against the Jewish People</i> | |
| 49 501 | 4 495 | |
| 52 498 | | |

Clement of Alexandria
Stromateis
 III 15.99.4 495

Pseudo-Clementine Recognitions
 1:35–37 89, 366, 367

Pseudo-Clementine Homilies
 3.51.2–3 169, 366

Apostolic Constitutions
 vi 20ff 366

Syrian Didascalia
 26 366

Adamantius, De recta in deum fide
 xv 166

Augustine, Exposition of Psalms
 70:20 439

Rabbinic Literature

Mishnah

mBerakoth

3:1 410

9:5 411

mDemai

2:2–3 31

4:2,6 31

mShebiit

9:1 415

mShabbat

18:3 33

19:1 33, 334

19:2–3 33

mPesahim

6:2 33, 334

mSukkah

4 468

mHagigah

2:5,7 31, 72, 504

mNedarim

3:11 33

mSotah

5:1 338

mKiddushim

1:10 170

mBaba Kamma

10:1 31

mSanhedrin

7:8 33

mMakkot

3:15 170

mAboth

1:7 31

2:1 100, 170

4:2 100

3:2,3 224

mMenahoth

11:3 33, 334

mHullim

12:5 100, 170

mOholot

18:7 407

mNega'im

20

4–10 419

mToharot

7:1–6 31

8:1–6 31

mYadaim

1; 2 72

Tosefta	<i>bTaan 23ab</i>	49
<i>tShabbat</i>	<i>bYoma 85b</i>	34, 53
15, 16, 134		
Babylonian Talmud	<i>Mekhilta de R. Ishmael</i>	53
	14:14	34
<i>bSanh 113a</i>	19	454
219		

Greco-Roman Literature

<i>Diogenes Laertius</i>	<i>Seneca</i>
6:45	<i>Moral Epistles</i>
415, 417	95:48
	384
<i>Lucian</i>	<i>Strabo</i>
<i>Timon</i> 14	XVI 2,35–3989, 127, 366, 367
498	
<i>Ad Indoctum</i>	
30	
498	
<i>Plutarch, Moralia</i>	
169c,f;	
170a	
384	

Index of Authors

- Aarde, A. G. van, 374
Alexander, P. S. 2
Allison, D. C. 74, 141, 152, 155, 156,
157, 158, 162, 163, 168, 169, 176, 181,
185, 188, 189, 190, 191, 197, 200, 201,
205, 212, 215, 216, 217, 219, 253, 259,
335, 410, 411
Anderson, H. 167
Arai, S. 366
Ashton, J. 461, 487
Attridge, H. W. 127, 128, 366, 415
Bacchiocchi, S. 305, 313
Bachmann, M. 300, 348, 350
Bacon, B. W. 138
Bailey, K. E. 49
Balch, D. 166
Banks, R. 4, 10, 22, 25, 33, 77, 78, 88,
142, 151, 165, 167, 169, 170, 202, 215,
238, 246, 270, 277, 278, 296, 299, 300,
305, 308, 312, 313, 318, 327, 328, 339,
341
Barrett, C. K. 362, 364, 369, 449, 457,
464, 465, 467, 473
Barth, G. 3, 137, 138, 166, 167, 169, 172,
185, 197, 204, 205, 206, 215, 226, 235,
238, 246, 270
Bauckham, R. J. 109, 114, 495, 505
Beare, F. W. 34, 45, 51
Beavis, M. A. 121
Becker, H. J. 238, 240
Becker, J. 487
Berger, K. 4, 9, 44, 75, 89, 90, 91, 100,
101, 291, 327, 328, 330, 367, 367, 506
Bergmeier, R. 487
Betz, H. D. 88, 91, 162, 163, 166, 167,
168, 169, 170, 171, 172, 173, 174, 175,
176, 177, 178, 180, 184, 185, 186, 200,
225, 507
Beutler, J. 463, 478
Bihler, J. 367
Billerbeck, P. 411, 452, 464
Bishop, E. F. F. 20
Blenkinsopp, J. 147
Blomberg, C. L. 175, 282, 283, 284, 297,
299, 301, 302, 312, 321, 331, 339, 341,
353, 362, 370, 371, 373, 376
Bock, D. 282, 305, 308, 311, 312
Bockmuehl, M. N. A. 155, 175
Boismard, M.-E. 448
Booth, R. P. 23, 30, 70, 72, 75, 76, 77,
215, 330, 503
Borg, M. J. 22, 45, 46, 50, 51, 74, 106,
107, 109, 111, 115
Borgen, P. 464, 465
Bornkamm, G. 187
Bovon, F. 302, 307, 309, 312
Brandon, S. G. F. 113
Branscomb, B. H. 22, 113
Braun, H. 34, 392
Brawley, R. L. 357, 363, 364, 366, 367,
382
Broadhead, E. K. 16, 21, 22, 35, 41, 45
Broer, I. 40, 41, 166, 168, 169, 176, 177,
181, 182, 204, 215
Brooke, G. J. 466
Brooks, S. H. 238
Brown, R. E. 104, 114, 118, 119, 120, 121,
154, 155, 158, 300, 301, 302, 355, 357,
358, 434, 439, 447, 450, 464, 465, 468,
473, 480, 481, 482
Bryan, C. 81
Bultmann, R. 39, 42, 43, 44, 46, 49, 73,
90, 192, 390, 391, 441
Burkill, T. A. 80, 81
Campbell, K. M. 164
Carlston, C. E. 73, 74, 162, 185, 186
Carson, D. A. 18, 169, 451, 453, 463, 464,
473, 478
Catchpole, D. R. 401, 405, 411, 415, 417,
418, 424, 425, 426, 429
Cave, H. C. 20
Chance, J. B. 335, 348, 351, 353, 357,
358, 366, 374, 387
Charlesworth, J. H. 419
Chilton, B. D. 113
Christ, F. 200, 409

- Collins, J. J. 6, 102, 298
 Collins, R. F. 478
 Conzelmann, H. 273, 274, 296, 299, 337, 372, 375
 Coser, L. 147
 Cranfield, C. E. B. 20, 97
 Crossan, J. D. 19, 22, 495, 500, 501, 505
 Dahl, N. A. 293, 363
 Dalman, G. 167
 Daube, D. 52, 167, 172, 173, 180, 203, 204, 223, 457
 Dautzenberg, G. 10, 34, 52, 75, 88, 91, 115, 129, 135, 224, 393, 395
 Davies, W. D. 74, 141, 152, 155, 156, 157, 158, 163, 169, 176, 181, 183, 188, 189, 190, 191, 197, 204, 205, 212, 215, 216, 219, 253, 410, 411
 Deines, R. 2, 72, 446, 454, 476, 504
 Dellling, G. 6,
 Derrett, J. D. M. 81, 467
 Deutsch, C. 200, 201
 Dewey, J. 26
 Dodd, C. H. 439, 447
 Donaldson, T. L. 156, 162, 203, 217, 218, 252
 Douglas, M. 11, 440
 Downing, F. G. 42, 76, 128, 302, 384
 Dumbrell, J. 164, 167, 169
 Dunn, J. D. G. 30, 31, 37, 40, 44, 45, 51, 75, 76, 111, 113, 153, 214
 Ebersohn, M. 327
 Edwards, R. 445, 446, 450
 Elliott, J. H. 387, 388
 Eppstein, V. 111
 Ernst, J. 21
 Esler, P. 286, 287, 288, 297, 299, 312, 321, 325, 328, 339, 342, 364, 371, 375
 Evans, C. A. 97, 98, 99, 107, 115
 Evans, C. F. 325
 Fander, M. 80, 82, 121
 Fieger, M. 493, 494, 495, 496, 497, 498, 499, 503
 Filson, F. V. 167
 Fitzmyer, J. A. 90, 175, 292, 297, 298, 301, 304, 305, 311, 321, 328, 335, 337, 338, 339, 342, 343, 356, 372
 Fleddermann, H. 410
 Fowler, R. M. 68
 France, R. T. 170, 238, 241
 Frankemölle, H. 141
 Franklin, E. 351
 Freyne, S. 6, 60, 442, 473
 Funk, R. A. Hoover, R. W. et al. 494, 496, 498, 500
 Garland, D. 238, 239, 241, 417
 Gärtner, B. 495, 498
 Giblin, C. H. 348, 351, 356
 Giesen, H. 97, 159, 165, 167
 Glasson, T. F. 439, 453, 458, 461
 Gnilka, J. 20, 21, 32, 44, 68, 73, 75, 80, 81, 113, 189, 223, 232, 234, 239, 243, 246, 251
 Gowler, D. B. 311, 312
 Graham, S. L. 121
 Grams, R. 229, 230, 231, 238
 Grässer, E. 443
 Grassi, J. A. 162
 Green, J. B. 356
 Grundmann, W. 15, 20, 21, 43, 62, 80, 313
 Guelich, R. A. 20, 21, 60, 62, 80, 81, 82, 169
 Gundry, R. H. 15, 16, 17, 19, 20, 21, 22, 23, 32, 36, 37, 40, 42, 45, 46, 49, 60, 62, 67, 71, 72, 73, 74, 75, 76, 78, 80, 81, 88, 89, 91, 93, 96, 97, 99, 102, 103, 105, 106, 188, 202, 218, 234, 238, 243, 246
 Haenchen, E. 81, 273, 274
 Hagner, D. A. 17, 148, 152, 163, 167, 168, 169, 172, 188, 190, 196, 206, 410
 Hahn, F. 113, 459
 Hamm, D. 343
 Hanson, A. T. 448, 451, 453, 457, 462, 464, 468, 470, 472, 479, 481
 Hare, D. R. A. 195
 Harrington, D. J. 151, 163, 204, 217, 252
 Harvey, A. E. 480
 Hauck, F. 17
 Hengel, M. 2, 7, 34, 71, 190, 410
 Hill, C. C. 366
 Hill, D. 185, 186, 187, 203
 Hoffmann, P. 403, 422
 Hofius, O. 29, 40
 Holtzmann, H. J. 21
 Hooker, M. D. 20, 21, 33, 60, 62, 97, 105, 121
 Hoppe, R. 168, 171

- Horbury, W. 152
 Horn, F. W. 302, 338, 400, 411, 422, 425, 427
 Horsley, R. A. 397, 405, 406, 410, 411, 417, 421, 422
 Hübner, H. 4, 9, 44, 73, 74, 76, 140, 141, 150, 171, 178, 203, 215, 274, 275, 291, 296, 313, 321, 338, 370, 392, 393
 Hultgren, A. 42, 44, 46, 51, 89, 98, 208
 Hummel, R. 138, 140, 166, 192, 202, 203, 204, 215, 223, 270
 Hurtado, L. W. 19, 21, 23
 Iersel, B. van, 81
 Jackson, H. M. 15
 Jacobson, A. D. 400, 401, 402, 406, 410, 420, 421, 422, 423, 425
 Jeremias, J. 20, 504
 Jervell, J. 275, 276, 297, 298, 327, 331, 337, 353, 369, 375, 376, 385
 Johnson, M. D. 200
 Jones, F. S. 89
 Juel, D. 97, 102, 104, 281, 298, 375
 Käsemann, E. 419
 Kato, Z. 81
 Kazmierski, C. R. 20, 21, 22, 23, 24, 400
 Kee, H. C. 20
 Kertelge, K. 20, 100, 101
 Kienle, B. von 96
 Kiilunen, J. 16, 22, 23, 26, 31, 33, 39, 40, 41, 42, 44, 45, 46, 101, 190, 412
 Kilpatrick, G. D. 138
 Kimelman, R. 152
 Kingsbury, J. D. 190, 310, 311, 312
 Klinghardt, M. 3, 89, 127, 289, 290, 291, 297, 298, 311, 312, 313, 314, 328, 330, 337, 338, 339, 341, 342, 343, 366, 367, 369, 372, 373, 374, 375, 389
 Kloppenborg, J. S. 4, 390, 391, 396, 397, 398, 399, 401, 402, 403, 409, 411, 415, 416, 420, 421, 423, 425, 426
 Klostermann, E. 74
 Klumbies, P.-G. 335
 Koch, D.-A. 42, 102
 Koester, H. 421, 425, 497
 Kosch, D. 4, 394, 395, 398, 399, 405, 410, 411, 415, 423, 425, 436, 437, 438, 439, 440, 450, 452, 461, 463, 464, 467, 469, 471, 472, 478, 480, 481, 486, 489
 Kotila, M. 3,
 Kraft, R. A. 2
 Kuhn, H.-W. 23, 43, 141, 168, 172
 Kümmel, W. G. 9
 Lambrecht, J. 75, 101, 412
 Lane, W. L. 20, 21, 23, 44, 80, 82, 97
 Laufen, R. 406, 411
 Lee, D. A. 458, 461
 Leidig, E. 458
 Levine, Amy-Jill 144, 145, 155, 178, 189, 190, 191, 205, 215, 216, 217, 218, 243, 252, 253, 271
 Levine, E. 201
 Limbeck, M. 204, 240, 418
 Lindars, B. 76, 447
 Lips, H. von, 184
 Loader, W. R. G. 6, 7, 19, 25, 29, 80, 102, 191, 193, 207, 228, 337, 447, 451, 453, 455, 464, 477, 481, 487, 489
 Lohmyer, E. 239
 Lohse, E. 179, 226
 Luck, U. 29
 Lührmann, D. 19, 21, 23, 30, 44, 60, 81, 406, 409, 411, 421, 423
 Luz, U. 44, 68, 73, 74, 75, 148, 151, 152, 155, 156, 163, 167, 171, 178, 188, 189, 191, 196, 202, 206, 215, 217, 218, 223, 274, 441, 442, 478
 Mack, B. L. 42, 44, 50, 53, 75, 78
 Maddox, R. J. 368
 Malbon, E. S. 15, 70, 121
 Malina, B. J. 11, 24, 77
 Mann, C. S. 22
 Manson, T. W. 73, 411
 Marcus, J. 99
 Marshall, C. 97
 Marshall, I. H. 304, 305, 339
 Martyn, J. L. 439
 Mattill, A. J. 351
 McCane, B. R. 410
 McNeile, A. H. 167
 Meier, J. P. 142, 167, 168, 169, 175, 252, 270
 Menninger, R. E. 150, 168, 169, 170, 195, 197, 203, 204, 215, 232, 252, 270
 Merkel, H. 307, 311, 321, 335, 341
 Metzger, B. 19, 77
 Meyer, M. W. 493, 494, 495, 496, 497, 500, 501, 503
 Meyer, P. D. 406, 407, 413, 421, 423, 430

- Mitchell, A. C. 343
 Mohrlang, R. 141, 142, 143, 169, 186,
 201, 202, 204, 215, 226, 253, 270
 Moloney, F. J. 449, 453, 454
 Motyer, S. 14
 Moxnes, H. 337
 Müller, K. 2, 115
 Munro, W. 121
 Myers, C. 20, 22, 60
 Nebe, G. 311
 Neiryneck, F. 33, 45
 Neusner, J. 2, 50, 241
 Neyrey, J. H. 11, 12, 16, 22, 34, 293, 294,
 363, 440, 453, 487
 Nineham, D. E. 23, 113
 Nolland, J. L. 90, 175, 298, 302, 306, 308,
 311, 312, 322, 325, 326, 330, 331, 335,
 337, 338, 342, 343, 348, 351, 356, 373,
 410
 Oakman, D. E. 97, 114
 Overbeck, F. 385
 Overman, J. A. 4, 145, 152, 204, 215, 271
 Painter, J. 440, 443, 447, 450, 454, 461
 Pancaro, S. 3, 433, 434, 435, 436, 439,
 452, 461, 467, 469, 483, 489
 Pantle-Schieber, K. 168
 Parrott, R. 35, 44
 Paschen, W. 76
 Pedersen, S. 80
 Pesch, R. 20, 21, 32, 43, 44, 61, 62, 80,
 113, 362, 364, 370, 373
 Pettem, M. 321
 Pilch, J. J. 20, 24
 Piper, R. A 405, 406, 410, 419, 421
 Pokorny, P. 80 402
 Polag, A. 418
 Powell, M. A. 240
 Pryor, J. W. 444, 445, 448, 454, 479
 Rad, G. 164
 Radl, W. 375
 Räisänen, H. 19, 21, 80
 Rhoads, D. 11
 Richardson, P. 2
 Riches, J. K. 75
 Robbins, V. K. 44
 Robinson, J. M. 1, 35, 390, 391, 407,
 408
 Roloff, J. 35, 44, 45
 Rordorf, W. 34, 314
 Russell, E. A. 217
 Saldarini, A. J. 4, 149, 150, 151, 152, 155,
 156, 157, 167, 169, 175, 176, 178, 185,
 186, 189, 193, 195, 202, 214, 215, 217,
 223, 230, 231, 232, 234, 236, 239, 240,
 241, 242, 243, 250, 251, 252, 270, 271
 Salo, K. 3, 294, 295, 296, 297, 298, 299,
 301, 302, 305, 307, 308, 309, 310, 311,
 312, 314, 318, 322, 325, 326, 327, 328,
 331, 332, 333, 334, 335, 337, 338, 340,
 342, 352, 362, 364, 366, 371, 375, 377,
 386, 410
 Salyer, G. 72
 Sand, A. 142, 169, 205
 Sanders, E. P. 2, 28, 30, 31, 33, 40, 50,
 51, 52, 53, 72, 73, 74, 88, 90, 91, 105,
 108, 176, 190, 393, 407, 410
 Sanders, J. T. 284, 285, 286, 298, 312,
 329, 339, 349, 351, 356, 362, 375
 Sariola, H. 3, 12, 13, 18, 19, 20, 22, 24,
 25, 31, 33, 34, 44, 45, 60, 61, 71, 72,
 73, 74, 76, 77, 78, 89, 90, 91, 92, 96,
 102, 103, 104, 105, 107, 108, 112, 113
 Sauer, J. 46
 Schäfer, P. 141, 168, 259
 Schmeller, T. R. 68, 69
 Schmithals, W. 19, 21, 76, 81
 Schnackenburg, R. 449, 450, 457, 463,
 464, 465, 468, 477, 478, 508
 Schneemelcher, W. 492
 Schneider, G. 362, 366
 Schniewind, J. 167
 Scholtissek, K. 16, 39, 40, 44
 Schottroff, L. 487
 Schuchard, B. G. 454
 Schulz, S. 392, 406, 407, 415, 417, 418,
 421, 422, 425
 Schürmann, H. 312, 313, 393
 Schwartz, D. R. 504
 Schweizer, E. 20, 33, 34, 44, 73, 108, 139,
 169, 234, 246
 Scott, B. B. 57
 Scott, M. 444, 486
 Segal, A. F. 145, 146, 204, 253, 271
 Segovia, F. F. 477
 Sellow, P. 46
 Sellin, G. 66, 67, 97
 Selvidge, M. J. 61, 62
 Sevenich-Bax, E. 397
 Shepherd, T. 15, 96, 99, 105
 Sigal, P. 90, 151, 175, 202, 204, 205

- Smith, S. H. 46
 Snodgrass, K. R. 149
 Stanton, G. N. 140, 147, 148, 151, 152,
 162, 200, 232, 243, 246, 252, 271, 421,
 422
 Steck, O. H. 422
 Stegemann, W. 289, 364
 Steiger, J. 452, 453
 Strecker, G. 140, 143, 165, 167, 169, 171,
 174, 175, 181, 182, 185, 204, 238, 270
 Suggs, M. J. 142, 143, 200, 201, 270, 409
 Sylva, D. 356
 Syreeni, K. 142, 181, 183, 292, 293, 373
 Taeger, J. W. 74, 75
 Tannehill, R. 42
 Telford, W. R. 96, 97
 Theissen, G. 21, 69, 81
 Theobald, M. E. 443, 444, 447, 448, 451
 Thomas, J. C. 446
 Tiede, D. L. 351
 Tisera, G. 252
 Tolbert, M. A. 57, 98
 Trilling, W. 142, 143, 270
 Trummer, P. 61
 Trunk, D. 185
 Tuckett, C. M. 4, 393, 394, 402, 403, 412,
 418, 423, 425, 431
 Turner, M. M. B. 278, 279, 300, 305, 308,
 312, 314, 351, 370, 373
 Tyson, J. B. 337, 338, 348, 349, 356, 361,
 364, 370, 372, 373, 374, 375, 376
 Ulansey, D. 15
 Uro, R. 395, 400, 401, 411, 412, 419, 421,
 422
 Vaage, L. E. 415, 416
 Vermes, G. 36, 53, 77, 176, 190
 Via, D. O. 60
 Viviano, B. T. 238
 VYgtle, A. 120
 Vouga, F. 4, 10, 18, 35, 44, 46, 54, 75, 76,
 78, 101, 144, 175, 176, 204, 214, 215,
 225, 288, 289, 296, 312, 313, 342
 Waetjen, H. 21, 60, 81
 Waibel, M. 43, 44, 45, 51, 52
 Wainwright, E. 217
 Walker, R. 140, 252
 Wander, B. 298
 Weder, H. 180
 Wegner, U. 188, 406, 407
 Weiss, H. 34, 51, 121, 470, 482
 Weiss, J. 81, 138, 170
 Weiss, W. 40, 41, 42, 43, 44, 46, 75, 76,
 89
 Wellhausen, J. 138
 Wenham, G. J. 175
 Wernle, P. 396
 Wessel, F. 457
 Westerholm, S. 2, 30, 34, 46, 62, 73, 117,
 165
 White, L. M. 147
 Wiefel, W. 305
 Wild, R. A. 31, 394
 Williams, J. T. 453
 Wilson, S. G. 3, 279, 280, 281, 297, 299,
 312, 313, 318, 321, 331, 338, 339, 342,
 362, 369, 372, 373, 374, 375, 376, 426
 Wink, W. 300
 Witherington, B. 175
 Wojciechowski, M. 21, 22
 Wong, Kun-Chun 146, 147, 171, 204, 246,
 270
 Wouters, A. 155, 252
 Yee, G. A. 453, 455, 463, 468, 472
 Zahn, T. 407
 Zeller, D. 181

Index of Subjects

- alms, 182–183, 330, 346, 492–496, 511, 515
- aphorisms (Mark), 29, 31–32, 33, 38, 41–42, 46–47, 52–54, 75, 130–131
- authority of Jesus, 16–17, 22, 27–30, 35–37, 48–49, 55–58, 64, 70, 78–79, 122–124, 134, 181–182, 203–205, 208–209, 236–237, 251–252, 266–270, 309, 382–384, 388, 430–431, 485–491, 501–502, 510
- bathing, 118, 330, 456, 473, 503–504, 520
- Birkah Ha-Minim*, 152
- blasphemy, 28–30, 119–120, 191–192, 250, 309, 355, 472
- burial obligations, 190, 194, 325, 409–410
- circumcision, 252–253, 372–379, 385–386, 467–468, 496–497, 512, 515
- commensality, 30–31, 41–42, 49–51, 69–70, 83, 192, 197, 309–310, 318, 326, 336, 343, 345–346, 353, 409, 506
- compassion, 31, 34, 36–37, 41, 47–48, 53–54, 91–91, 100–101, 130–131, 177–180, 184, 192, 195, 209–210, 226, 246, 264–267, 316–317, 328–329, 336–337, 405, 414, 431, 478, 510, 513, 519
- corban*, 72–74, 214–215, 261
- corpse impurity, 60–61, 193, 241, 317, 328, 331, 417
- divorce, 89–91, 131–132, 155, 174–175, 225, 337–339, 346, 425–426, 510
- entering Gentiles houses 188–189, 195–196, 326, 336, 368–370
- external–internal, 72, 78–79, 85, 127–128, 132, 134, 241–242, 419, 509–510, 513, 515,
- extremists, 52, 53, 71–72, 76, 100
- family, 15, 56, 64, 207–208, 210, 319, 333
- fasting, 31, 43–44, 182–183, 193, 310–311, 403, 492–496, 511, 515
- Feast of Dedication, 440, 471
- Feast of Passover, 118, 122, 440, 473, 476–477, 480–482, 501
- Feast of Tabernacles, 440, 468–469
- first fruits offering, 301–302
- forgiveness, 28–30, 40–41, 48–49, 55, 133, 156–157, 173–174, 183, 191–192, 303, 309, 318–319, 327–328, 356, 372, 381
- Gentiles, 19, 31, 50, 58–61, 65, 67–69, 76, 80–84, 98, 107, 110, 121, 126, 154, 160, 188–189, 193–195, 211–212, 216–218, 220, 230, 245, 252, 261–262, 306, 316–317, 320–321, 351–352, 358, 369–371, 373–379, 406–407, 410, 420–423, 430, 471, 513, 520
- Gerasa/Gadara purity issues , 58–61, 191, 320
- historical Jesus, 25, 47–55, 118–116, 518–524
- Jerusalem, 159, 176, 243–244, 246, 251, 304, 334–335, 347, 356–357, 359, 422, 458–459
- Jesus and Moses, 87, 162, 221–222, 228, 251, 260, 325, 448–451, 462–464, 467–468
- Jesus the judge (in Matthew), 158–159, 161–162, 196, 205–206, 221–222, 227, 248, 254–257
- Jewishness of Jesus, 24, 124–125, 135, 193, 260–264, 300–303, 323, 344–345, 379–380, 429
- John the Baptist, 14, 17, 31, 41, 43–44, 48, 53, 68–69, 98, 133, 157–159, 185, 196–200, 207, 210–211, 231–232, 242, 254–255, 302–303, 309, 317–318, 337, 424–425, 448, 451–452, 456, 463, 510
- leprosy, 19–21, 23–25, 55, 133, 187–188, 308, 340, 419, 505, 520
- marriage, 69, 131, 235
- messiahship and the Law, 138–139, 141–143, 168, 259

- national hope (Luke–Acts), 300–301, 304, 351–352, 357, 360, 381–382
 oaths, 176, 241
 old–new, 16–17, 27, 32–33, 37–38, 193, 311, 382–384, 477, 499
 pre–Markan tradition, 25, 39–47, 59–60, 63–64, 75–77, 108–116
 purity teaching, 68, 126; 211–216, 321–322, 330–331, 385
 restitution, 343
 retaliation, 177
 ridicule, 72, 74, 78
 sabbath, 18, 33–37, 44–46, 51–53, 121, 132–133, 201–203, 246, 307, 311–314, 333–335, 345, 357, 423, 461, 467, 470–471, 495, 504–505, 507, 510, 515
 Samaritans, 195, 325, 328–329, 340, 457–459
 sexual immorality, 174–175, 374, 507–508
 Shekinah, 224, 228, 259–260
tefillim, 70, 193, 213
 temple, 20–24, 26, 41, 48, 87–88, 96–122, 126–130, 135–136, 173–174, 202–204, 222–224, 229–231, 236, 243–245, 250–251, 262, 304, 308, 328, 334–335, 340, 347–353, 356–357, 359, 361–368, 387–388, 422, 453–455, 459, 476, 500–501, 507, 509, 511, 514–518
 tithes, 30, 41, 100, 241, 331, 414–415, 510
 unclean food, 31, 74–79, 84–85, 326, 331, 336, 368–371, 374–376, 411, 493, 496, 509, 512, 518
 unclean spirits, 17
 vicarious atonement, 93, 118, 122, 136, 190, 249, 309, 353, 452, 465, 471, 477
 washing hands, 71–72, 213–215, 453–454, 507, 513, 521
 washing utensils, 30, 71, 78, 241–242, 331, 346, 415–416, 446, 453, 457, 497, 499
 wealth, 15, 91–93, 333, 336–337, 339–341, 424, 506, 510
 wisdom, 198–201, 210, 243, 258–259, 318, 332, 408, 418, 421, 431, 447–451, 474, 486
 witnesses, 191, 193–194, 219, 227–228, 475
 women and purity issues 60–62, 65, 117–118, 121, 133–134, 193, 318–319, 320, 502, 520

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