

THE MATTHEAN ANTITHESES IN RELATION TO THEIR OLD TESTAMENT THESES

JOEL MARCUS

Abstract. A pervasive emphasis in the work of Karl-Wilhelm Niebuhr has been the relation between ancient Judaism and the New Testament. In an early treatment of the Matthean Antitheses (Matt 5:21-43), Niebuhr emphasized the consonance between the teaching of the Antitheses and Second Temple Jewish thought: the Matthean Jesus is expanding the Torah rather than replacing it. This essay applauds the anti-Marcionite and ecumenical impulse behind Niebuhr's argument and notes a number of points of agreement with it, but presents a different interpretation of the third, fourth, and fifth Antitheses. Like many biblical writers and later Jewish exegetes, the Matthean Jesus sometimes radically revises the Torah while claiming to uphold it.

Keywords: Matthew, Second Temple Judaism, Torah, legal revisionism, Antitheses.

Personal Retrospective

I believe that I first met Karl-Wilhelm Niebuhr when we both presented papers at a colloquium on “The Scriptures and the Gospels” held in Leuven in 1996. Mine concerned the relation between Mark 7:1-23 and Jewish interpretations of the Isaiah text discussed in this New Testament passage.¹ His was on the fascinating Qumran fragment, 4Q521, which depicts an anointed figure whom heaven and earth obey—a striking parallel to the resurrected Jesus's claim to cosmic authority at the climax of Matthew's Gospel (Matt 28:18). Later in the fragment, either this same figure or God himself is described as liberating captives, restoring sight to the blind, healing the wounded, raising the dead, and bringing good news to the poor—a conflation of Old Testament allusions amazingly similar to Jesus's answer to John the Baptist in Matt 11:4-5//Luke 7:22.² From early in our respective careers, then, both Karl-Wilhelm and I have been interested in the relation between early Christianity

¹ Joel MARCUS, “Scripture and Tradition in Mark 7,” in *The Scriptures in the Gospels*, ed. Christopher M. TUCKETT, BETL 131 (Leuven University Press, 1997), 177–95.

² Karl-Wilhelm NIEBUHR, “Die Werke des eschatologischen Freudenboten. 4Q521 und die Jesusüberlieferung,” in *The Scriptures in the Gospels* (see n. 1), 637–46.

and its Jewish background, especially as the latter relates to biblical interpretation; indeed, I think it is fair to say that this has been a Leitmotif of Karl-Wilhelm's published work.

It is not for nothing that Karl-Wilhelm's dissertation dealt with the concept of Law in early Judaism³ and his Habilitationsschrift with the Jewish identity of Paul.⁴ He has also co-chaired symposia and co-edited scholarly tomes on Philo Judaeus in relation to the New Testament,⁵ early Judaism and New Testament in the horizon of biblical theology,⁶ and even the New Testament exegesis of Nazi theologian Walter Grundmann.⁷ Nor is Karl-Wilhelm's ecumenical impulse exhausted by his many publications on the relation between the New Testament and Judaism. For the past decade, I have been privileged to take part in symposia ably organized by Karl-Wilhelm and sponsored by the Eastern European Liaison Committee of the Studiorum Novi Testamenti Societas, the purpose of which is to bring together Eastern Orthodox and Western New Testament scholars for exegetical and hermeneutical dialogue. Karl-Wilhelm has also written a book whose title poses the important question of whether Christians and Muslims believe in the same God.⁸ It seems, then, that, wherever German New Testament scholars are engaging in hermeneutical dialogue across confessional lines, there is Karl-Wilhelm in the midst of them.

In this essay, I would like to take a close look at a fairly early work by Karl-Wilhelm, his treatment of a significant New Testament response to the Jewish scriptures: the so-called "Antitheses" in the Gospel of Matthew (Matt 5:21-48). Here, in six interconnected passages, the Matthean Jesus first quotes or alludes to a passage or principle from the Torah, then reacts to it with a response that begins, "But I say to you..." This is the first major section of the Sermon on the Mount after the introductory Beatitudes (5:1-16) and the programmatic statement about the fulfillment of the Law (5:17-20), and it is an appropriate continuation of that statement since it, too, concerns the relation of Jesus to the Law.

³ Karl-Wilhelm NIEBUHR, *Gesetz und Paränese: Katechismusartige Weisungsreihen in der frühjüdischen Literatur*, WUNT 2/28 (Tübingen: Mohr, 1987).

⁴ Karl-Wilhelm NIEBUHR, *Heidenapostel aus Israel: die jüdische Identität des Paulus nach ihrer Darstellung in seinen Briefen*, WUNT 62 (Tübingen: Mohr Siebeck, 1992).

⁵ Roland DEINES and Karl-Wilhelm NIEBUHR, eds., *Philo und das Neue Testament: wechselseitige Wahrnehmungen: I. Internationales Symposium zum Corpus Judaico-Hellenisticum, 1.-4. Mai 2003, Eisenach/Jena*, WUNT 172 (Tübingen: Mohr Siebeck, 2004).

⁶ Wolfgang KRAUS, Karl-Wilhelm NIEBUHR, and Lutz DOERING, eds., *Frühjudentum und Neues Testament im Horizont biblischer Theologie*, WUNT 162 (Tübingen: Mohr Siebeck, 2003).

⁷ Roland DEINES, Volker LEPPIN, and Karl-Wilhelm NIEBUHR, eds., *Walter Grundmann: ein Neutestamentler im Dritten Reich*, Arbeiten Zur Kirchen- und Theologiegeschichte 21 (Leipzig: Evangelische Verlagsanstalt, 2007).

⁸ Karl-Wilhelm NIEBUHR, *Glauben Christen und Muslime an denselben Gott? Bekenntnis 34* (Hannover: Lutherisches Verlagshaus, 1995).

Karl-Wilhelm addressed this subject in detail in his contribution to a Festschrift for Werner Vogler significantly entitled *Gedenkt an das Wort*. This itself is, of course, a biblical allusion, since it echoes Jesus's exhortation to his disciples to "remember the word which I spoke to you" (John 15:20).⁹ In this essay, I will try to follow this exhortation by probing Karl-Wilhelm's "word" about Matthew's "word" about some key Jewish scriptures. While I do not always end up agreeing with him, I have found that listening to his word has consistently opened up new lines of inquiry, partly because of the clarity of his analysis, partly because of his mastery of Jewish sources. Perhaps, in later years, others will continue the chain of tradition by critiquing my critique of Karl-Wilhelm's word about Matthew's word about God's word in the Torah.

The Central Question

With typical concision, Karl-Wilhelm identifies the central question in exegesis of the Antitheses thus:

Wird der in V. 17-20 vorangestellte Grundsatz vollkommener Toratreue Jesu durch die folgenden Antithesen in der Sache aufgehoben oder christologisch interpretiert? Ist also—immer im Sinne des Matthäus—Jesu Lehre eschatologisch *Entfaltung* der Tora unter den Bedingungen der Gottesherrschaft, oder ist sie ihr eschatologischer *Ersatz*? (emphasis original)¹⁰

Karl-Wilhelm, after twenty-five pages of close analysis, sides with the first alternative: the Matthean Jesus, in the tradition of Jewish biblical interpretation, is paraenetically expanding the Torah rather than replacing it¹¹—a conclusion that seems to accord with the fact that Matthew introduces 5:21-48 with the programmatic, Torah-embracing statement of 5:17-20.¹² Yet, as Karl-Wilhelm also remarks, the antithetical structure of the

⁹ Karl-Wilhelm NIEBUHR, "Die Antithesen des Matthäus. Jesus als Toralehrer und die frühjüdische weisheitlich geprägte Torarezeption," in *Gedenkt an das Wort. Festschrift für Werner Vogler zum 65. Geburtstag*, ed. Christoph KÄHLER, Martina BÖHM, and Christfried BÖTTRICH (Leipzig: Evangelische Verlagsanstalt, 1999), 175–200.

¹⁰ NIEBUHR, "Antithesen," 177. I have changed the period at the end of the passage to a question mark, in what I believe is the correction of a typo.

¹¹ Karl-Wilhelm frequently refers to this sort of Jewish biblical interpretation as "weisheitlich geprägter Toraparänese." I am unclear as to exactly what he means by this term. Is he referring to the sort of paraenesis one finds in books commonly ascribed to the "Wisdom" movement, such as Ben Sirach, which he quotes several times? Or does he think that all postbiblical Torah exegesis was "weisheitlich geprägt," in the sense that it tried to find a rational way to respond to new challenges not faced by the biblical writers themselves? I suspect that he takes up this question somewhere in his writings.

¹² See W. D. DAVIES and D. C. ALLISON, *Introduction and Commentary on Matthew I-VII*, in *A Critical and Exegetical Commentary on the Gospel According to Saint Matthew*, ICC (Edinburgh: T. & T. Clark, 1988), 501: "In denying the suspicion that Jesus abolished the Torah, 5.17-20

passage suggests an opposition between Jesus's directives and the Torah that seems at first to belie this conclusion.¹³ We will explore below Karl-Wilhelm's way of resolving this paradox, and along the way I will highlight some individual points of agreement and disagreement. Let me begin, however, by detailing some large areas of agreement and why I think they are important.

1) Karl-Wilhelm ably demonstrates that parallels can be found in Second Temple Jewish paraenetic texts for most of the things the Matthean Jesus positively endorses in 5:21-48, such as restraining anger and lust; avoiding divorce, oaths, and retaliation; and showing benevolence to enemies.¹⁴ Even when Jesus intensifies matters beyond the point where Jewish exegesis traditionally goes—Karl-Wilhelm finds, for example, no explicit command to *love* enemies in Second Temple Jewish literature¹⁵—the groundwork for Jesus's exhortations has been laid in Second Temple Judaism. This demonstration, I take it, is the heart of the essay, as is shown not only by the quantity of pages devoted to it (sixteen out of twenty-five pages) but also by the subtitle (“Jesus als Toralehrer und die frühjüdische weisheitlich geprägte Torarezeption”) and the conclusion (pp. 198-199). This emphasis on the essential Jewishness of the Antitheses is important, not least because of the persistent threat of Marcionism within the church and the tendency of Christians to hold negative and distorted views of Judaism.¹⁶

2) Karl-Wilhelm is also astute in discussing the parallels in Jewish texts to the claim to Mosaic authority implicit in Matt 5:21-48 and to the antithetical structure of the section—and also the limitations of these parallels.¹⁷ He mentions, for example, the way in which the Temple Scroll introduces new commands not found in the biblical text, implicitly ascribing them to God by using the same first-person language found in the biblical citations. Jubilees (2:29-30) and Josephus (*Ant.* 4.196-301) are similarly innovative in their extensions and alterations to the Mosaic Torah, which they implicitly include under the rubric of Torah itself. In none of these cases, however, are the alterations highlighted as departures from the biblical text, as they are in the Antitheses; they are, rather, integrated seamlessly *into* the scripture (or a paraphrase of it) in a process Hindy Najman suggestively

looks forward...[T]he verses anticipate and therefore introduce 5.21-48, setting the reader right beforehand: the so-called ‘antitheses’ are not to be interpreted as antitheses, for Jesus does not overturn the Pentateuch.”

¹³ NIEBUHR, “Antithesen,” 198–99.

¹⁴ NIEBUHR, “Antithesen,” 181–98.

¹⁵ See NIEBUHR, “Antithesen,” 196.

¹⁶ See Amy-Jill LEVINE, “Bearing False Witness: Common Errors Made About Early Judaism,” in *The Jewish Annotated New Testament. Second Edition*, ed. Amy-Jill LEVINE and Marc Zvi BRETTLER (Oxford: Oxford University Press, 2017), 759–63.

¹⁷ NIEBUHR, “Antithesen,” 177–81.

calls “seconding Sinai.”¹⁸ The Antitheses of Matt 5:21-48, then, show continuities with much Jewish exegesis of the Torah (in extending its commands and calling those extensions “Torah”) but also discontinuities (in being more explicit about the revisionary nature of the process).

Karl-Wilhelm is also accurate in disputing some supposed Jewish parallels to the antithetical structure of Matt 5:21-48. In a famous article, for example, David Daube compared the Antitheses to rabbinic traditions in which שומע אני (lit. “I hear”) means “I might interpret it thus” and אמרת (lit. “you said”) can mean “you should rather interpret it thus.”¹⁹ Others, most recently John Kampen, have compared the form of the Antitheses to 4QMMT, where “we” Qumranians reprove “you” Jerusalem authorities for mistaken halakhic conclusions.²⁰ The problem, as Karl-Wilhelm clearly and concisely shows, is again the antithetical structure of Matt 5:21-48: the Jewish parallels pit one halakhic interpretation against another, whereas the Matthean Antitheses seem to pit Jesus’s new Law against the word of the Torah itself. All of this leads to the conclusion that, despite the striking parallels, a different sort of claim to authority is being made in the Matthean Antitheses than in the Second Temple Jewish literature so far adduced.²¹

Individual Antitheses

Despite my agreement with Karl-Wilhelm on these crucial points, it seems to me that, when he comes to treat individual Antitheses (pp. 181-198), he sometimes reduces the friction between the Matthean Jesus and the Mosaic Torah in a way I find unconvincing. This is especially true of his treatment of the third, fourth, and fifth Antitheses (Matt 5:31-32; 5:33-37; 5:38-42), which, in contrast to the first two (5:21-26; 5:27-30), seem to revoke the Torah references in the theses.²²

¹⁸ Hindy NAJMAN, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSNTSup 77 (Leiden ; Boston: Brill, 2003).

¹⁹ David DAUBE, “‘Ye Have Heard--But I Say Unto You’,” in *The New Testament and Rabbinic Judaism* (1956; repr., New York: Arno, 1973), 55–66; cf. the critique by Eduard LOHSE, “‘Ich aber sage euch’,” in *Die Einheit des Neuen Testaments. Exegetische Studien zur Theologie des Neuen Testaments* (Göttingen: Vandenhoeck & Ruprecht, 1973), 73–87.

²⁰ John KAMPEN, *Matthew Within Sectarian Judaism*, AYBRL (New Haven/London: Yale University Press, 2019), 85–112.

²¹ Cf. NIEBUHR, “Antithesen,” 199: “Mit ihnen [sc. the Antitheses] erweist sich Jesus als derjenige, der Autorität hat, den Gotteswillen in eschatologischer Vollmacht zur Sprache zu bringen, der selbst in Namen Gottes, des Gesetzgebers spricht.”

²² The sixth Antithesis, Matt 5:43-48, is a special case, since “You shall love your neighbor” is from Lev 19:18, but “and you shall hate your enemy” is not drawn directly from any biblical text, certainly not from Lev 19:18 in its immediate context. In fact, when the word “hate” appears in the previous verse, it is used for what one should *not* do, namely hate one’s brother in one’s heart (Lev 19:17). As Karl-Wilhelm notes (NIEBUHR, “Antithesen,” 195), moreover, Lev 19:34 already widens the exhortation from Lev 19:18 to love the neighbor as oneself to include “the stranger who dwells in your midst” (cf. Deut 10:19). There are, to be sure, numerous biblical passages that

With regard to the Antithesis about divorce (5:31-32), for example, it is perfectly true, as Karl-Wilhelm mentions a number of times, that the Old Testament contains no *commandment* to divorce, and it is therefore technically inaccurate to speak of Matt 5:32 as a revocation of a biblical command.²³ It is also true that the “thesis” of the Antithesis about swearing (5:33-37) does not contain any Old Testament citations *stricto sensu*; here, as in 5:43, we can speak of Matthew “seconding Sinai” by reformulating biblical allusions and principles as a biblical command.²⁴ But it is also the case that the Torah implicitly endorses the practice of swearing oaths when it forbids swearing false ones (Lev 19:12) but stipulates that those made “to the Lord” are to be carried out (Num 30:3; Deut 23:33).²⁵ And it remains true that the Torah *allows* divorce and oaths, and even encourages the latter, whereas Matt 5:31-37 *forbids* them.²⁶ Similarly, Karl-Wilhelm, in discussing the fifth Antithesis (5:38-42), quotes Dieter Sanger to the effect that its intention corresponds to that of the early Jewish Wisdom tradition, which also urges abstention from retaliation. When he concludes, however, “Auch hier kann die antithetische Struktur der Aussage nicht als Ausdruck

enjoin fierce opposition to national enemies (for example, Deut 7:2; 20:16; 23:3-7; Ps 137:7-9) or express hatred for sinners within the camp (for example, Pss 26:5; 139:19-22). Perhaps the closest we come to an injunction to hate the enemy is Deut 23:3-7, where the instruction not to abhor the Edomite is played off against the instruction not to seek the peace of the Ammonite or Moabite. By implication, the latter are objects of abhorrence. None of these passages, however, appears in proximity to Lev 19:18.

Where an injunction to hate the enemy *does* occur is in IQS 1:9-11, where the prospective inductee is instructed to love all the children of light but to hate all the children of darkness. This is similar to Josephus’s description of the Essene induction ceremony, where initiates swear oaths to be benevolent to humanity in general but to hate the unrighteous forever (J.W. 2.139). As Ulrich LUZ, *Matthew: A Commentary*, Hermeneia (3 vols.; Minneapolis: Fortress Press, 1989–2005), 1.288 writes, therefore, “In no other antithesis is there so much support for the classic ‘Protestant’ thesis that the antitheses are directed not against the Old Testament but against its Jewish interpretation.” I am surprised that Karl-Wilhelm does not mention the IQS passage in his treatment of Matt 5:43-48.

²³ NIEBUHR, „Antithesen,“ 186–88; cf. already E. P. SANDERS, *Jesus and Judaism* (Philadelphia: Fortress, 1985), 256–57 and DAVIES and ALLISON, *Matthew I-VII*, 507.

²⁴ But the “seconding” of Sinai here occurs in the thesis statement, not in the Antithesis; contra KAMPEN, *Matthew*, 88–89, who thinks both the thesis statements and the Antitheses are instances of “seconding Sinai” by the Qumran community and the Matthean community respectively.

²⁵ Acknowledged by NIEBUHR, „Antithesen,“ 191: “Die Wendung οὐκ ἐπιπορήσεις steht im vierten Antithesenabschnitt bei Matthaus textpragmatisch fur ein Gebot der Tora, auch wenn sich ein solches im Pentateuch gar nicht finden!”

²⁶ NIEBUHR, „Antithesen,“ 189 concedes this when he says, “Die dritte Antithese hat somit als Ganze gegenuber der zweiten die Funktion einer paranetischen Entfaltung, *auch wenn sie fur sich noch einmal nach dem Modell einer Antithesen formuliert ist*” (emphasis added). I wonder, however, how the third Antithesis can be a paraenetic development as a whole (“als Ganze”), when it is formulated as an antithesis. Also, in the other instances Niebuhr speaks of the Antitheses as paraenetic developments of biblical commands, not of other Antitheses.

expliziter und grundsätzlicher *Torakritik* Jesu verstanden werden” (emphasis original),²⁷ I detect a non sequitur. Although the positive teaching about renouncing retaliation may (and does) correspond to some Jewish teaching and Torah interpretation, it still remains the case that Matthew formulates 5:39-42 as an antithesis to the biblical citation in 5:38, and that means that he presents it as a criticism of the Torah.

In following the twists and turns of Karl-Wilhelm’s thought, I sense that there is a real hermeneutical struggle going on. He wants to find a way to interpret the Antitheses as a development of the Torah rather than a critique of it, but he is too good an exegete to ignore the contrary evidence. Perhaps I am not proficient enough in German or psycholinguistics to make this claim, but it seems to me that this struggle is reflected in the ambivalent syntax of some of his sentences. For example, when he refers to “[u]nsere Leitfrage, ob die Weisungen Jesu in den Antithesen im Gegensatz zur Tora stehen oder als eine Möglichkeit ihrer weiterführenden Auslegung verstanden werden können,”²⁸ does the contrast between the strength of “stehen” and the uncertainty of “verstanden werden können” suggest that he knows that the case for his “Torah-development” position is weak? Similarly, when he asserts, “Insofern könnte man die dritte Antithese auch im Kontext frühjüdischer ‘halachischer’ Toraauslegung interpretieren,” does “könnte” suggest that this is a possibility rather than a probability—especially when the next paragraph begins with “allerdings” and acknowledges that this preferred interpretation “lässt sich ... nur schwer mit dem Kontext der matthäischen Antithesen in Einklang bringen”?²⁹

What is a “Jewish” Interpretation?

I am far from disparaging such a desire to find a way to interpret the Antitheses in a non-Marcionite manner. We all start out with presuppositions and exegetical desires,³⁰ and sometimes the most interesting exegesis results from the collision between those presuppositions and desires, on the one hand, and the hard core of the text, on the other. Not only Karl-Wilhelm’s work, but much recent German New Testament exegesis has manifested an extraordinary sensitivity to Jewish concerns and a commendable ambition to get to know early Jewish sources firsthand and to characterize them accurately, without the explicit or implicit bias that marred the approach of earlier generations.

In line with this tendency, Karl-Wilhelm, in the final footnote of his essay, even goes so far as to refer to his interpretation as a “Jewish” one and therefore appropriate as a contribution to Werner Vogler’s *Festschrift*:

²⁷ NIEBUHR, „Antithesen,“ 195.

²⁸ NIEBUHR, „Antithesen,“ 187.

²⁹ NIEBUHR, „Antithesen,“ 189.

³⁰ Rudolf BULTMANN, “Is Exegesis Without Presuppositions Possible?” in *New Testament and Mythology and Other Basic Writings* (1957; ET Philadelphia: Fortress Press, 1984), 145–53.

Die hier anhand der Antithesen angedeutete “jüdische” Jesusinterpretation des Matthäus mag bei einem Exegeten Interesse finden, der sich intensiv mit jüdischen Jesusinterpretationen in unserem Jahrhundert auseinandergesetzt hat.³¹

The quotation marks around the word “jüdische,” I take it, do not imply distancing, but rather reflect the irony that this “Jewish” interpretation is the work of a Christian interpreter.

At the same time, I note with interest that Karl-Wilhelm’s wording (“this ‘Jewish’ interpretation”) does not necessarily imply that his is the *only* possible Jewish interpretation of the Matthean passage. I would like to use this as an opening to suggest that not all Jewish approaches to the Law emphasize the sort of smooth continuity with the biblical *Ur-text* that Karl-Wilhelm envisages. Not all Jewish tradents were concerned with merely “seconding Sinai.” Rather, I would claim, there was also a biblical and Jewish tradition of revising or even revoking the letter of the biblical Law while at the same time claiming to uphold its essence. We must distinguish what Matthew *says* he is doing (upholding the Law) from what he is *actually* doing (revising it). “Interpretation or replacement,” then, may turn out to be a false dichotomy, since Matthew may wish to present as a mere interpretation what is actually a radical revision. And this is a very “Jewish” thing to do.

Revising the Bible

This sort of revisionary process is in fact inevitable in a society centered around the notion of an eternal, God-given law.³² Despite such an emphasis, times change, and, when they do, changes become necessary in the law. What is one to do in such a case? The only answer seems to be to present the new law as a continuation of the old one—even when it is not.

Bernard Levinson has been the most astute analyst of this process. His starting point is the movement from the practice of sacrificing everywhere, which is enshrined in the Covenant Code of Exodus 20-23, to the Deuteronomic restriction of sacrifice to just one locality, “the place that Yahweh will choose” (Deut 12:14; cf. 12:5; 14:25; 15:20; 26:2). The Deuteronomic text shows signs of being a self-conscious revision, since God in Exodus promises that he will bless the worshipper who sacrifices “in every

³¹ NIEBUHR, “Antithesen,” 199 n. 80.

³² Not all ancient societies, to be sure, operated with this sort of concept; see, for example, Bernard M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997), 146 on the Hittites who, “when it became necessary to amend older laws, explicitly qualified them as obsolete and as now superceded by a new penalty”; cf. Bernard M. LEVINSON, *Legal Revision and Religious Renewal in Ancient Israel* (New York: Cambridge University Press, 2008), 28–32.

place” (בכל־המקום) where the divine name is mentioned (Exod 20:24),³³ but the Deuteronomist rephrases this as a warning *against* sacrificing “in every place”:

Watch yourself, lest you offer up your burnt offerings **in every place** (בכל־מקום) that you see. Rather, **in the place** (במקום) that Yahweh will choose, in one of your tribes, *there* you shall offer up your burnt offerings, and *there* you shall do all that I am commanding you. (Deut 12:13-14, RSV alt.)

The use here of the phrase “in every place” (בכל־מקום), in a context having to do with sacrifice, conjures up the Exodus text, yet in a way that reverses its meaning. Astonishingly, however, a few lines after this drastic revision, the author adds a stringent warning to keep the law exactly as it was delivered once-and-for-all to Moses, neither adding to nor subtracting from it (Deut 13:1 [ET 12:32]).³⁴ The author of Deuteronomy, then, revises the Law in a striking way, even teasing attentive readers into noticing the revision by employing the key phrase from Exodus, at the same time that he insists on the Law’s unchangeableness.³⁵ The Matthean Jesus, similarly, revokes the Pentateuchal edicts on divorce, oaths, and retribution, yet insists that he is not altering a jot or tittle of the Law.³⁶

³³ On the use of the definite article here, see LEVINSON, *Deuteronomy*, 32 n. 18.

³⁴ Aaron D. PANKEN, *The Rhetoric of Innovation: Self-Conscious Legal Change in Rabbinic Literature*, Studies in Judaism (Lanham/Boulder/New York/Oxford: University Press of America, 2005), 124–28 shows that this verse, along with Deut 17:11, became central to rabbinic discussions of whether or not rabbinic revisions of the Torah were justifiable. Panken notes the irony that “both these texts come from Deuteronomy, long considered the latest part of the Torah by critical scholars, and a major source of legal change itself” (p. 124).

³⁵ NAJMAN, *Seconding Sinai*, 1–40 criticizes Levinson for his conclusion that the author of Deuteronomy intended to replace the Covenant Code. But, as Justin DOMBROWSKI, “Review of Hindy Najman, *Seconding Sinai*,” *WTJ* 67 (2005): 180–81 points out, Najman’s alternate proposal that Deuteronomy was intended as an *accompaniment* to the Covenant Code is asserted rather than argued, and it does not grapple with passages in which there is a clear contradiction between the two codes, such as in the present instance and the instructions for preparation of the Passover lambs in Exod 12:9 and Deut 16:7. Maxine L. GROSSMAN, “Beyond the Hand of Moses: Discourse and Interpretive Authority,” *Prooftexts* 26 (2006): 298 notes Najman’s unexamined assumption that, if Levinson were right that pseudepigrapha such as Deuteronomy were meant to replace their sources, that would imply that they were “unhistorical, morally tainted, and undeserving of the authority they have enjoyed” (NAJMAN, *Seconding Sinai*, 6).

³⁶ Bernard M. LEVINSON, “The Hermeneutics of Tradition in Deuteronomy: A Reply to J.G. McConville,” *JBL* 119.269–286 (2000): 284 links the two passages in a brief side-glance at Matthew 5:17-20: “In his rhetoric, this Mosaic-prophetic Jesus...assiduously complies with the pentateuchal requirement to heed the law by neither adding to nor taking away from it in any way (Deut 4:2; 12:32 = 13:1 Hebrew). Precisely this assertion of consistency with Torah, however, grants Jesus the legitimacy to challenge the authority of Jewish law. In redactional terms, it strategically introduces the series of six antitheses whereby the Matthean Jesus validates his transformation of Torah as itself authoritative Torah (Matt 5:21-48).”

Levinson's other premier example of inner-biblical revisionism takes as its starting point the earliest biblical version of the Second Commandment, where Yahweh warns that he is "an impassioned God...visiting the iniquity of the fathers upon the children, to the third and fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments" (Exod 20:3-5).³⁷ The Deuteronomist substantially reiterates this warning in Deut 5:9-10, but when he repeats it again in 7:9-10 he "so fundamentally transforms the original as to revoke it,"³⁸ altering the reference to a judgment that looms over the sinner's family for three or four generations to a reference to a God who does not delay but requites the sinner "to his face." Yet, while radically softening the original, so that the idea of intergenerational punishment is effaced, the Deuteronomic revision presents itself as "a studied series of annotations to the original doctrine."³⁹

An even more radical rejection of the Decalogue principle of transgenerational punishment occurs in Ezekiel 18:1-4 (which has a close parallel in Jer 31:29-30). Here the prophet quotes a proverb (משל) that, according to him, is being bandied about in Israel: "Fathers eat sour grapes and their children's teeth are set on edge." Ezekiel rejects this proverb, declaring that henceforth it will have no further currency in the land; rather, "The soul that sins, [only] it shall die!" (Levinson trans. alt.). Although most of the language is different, the proverb seems to echo the Second Commandment, since the two traditions share not only the principle of transgenerational punishment but also the resonant vocabulary of "fathers" and "sons."⁴⁰ But a radical distancing is also being accomplished, since a core biblical principle is not only being rejected but also "devoiced" by demotion to the status of a proverb.⁴¹ Similarly, in the theses of Matt 5:21-48, Jesus repeats Mosaic commands but does not identify

³⁷ This translation combines the RSV with the JPS rendering of אֵל קָנָה.

³⁸ LEVINSON, *Legal Revision*, 74.

³⁹ LEVINSON, *Legal Revision*, 79.

⁴⁰ LEVINSON, *Legal Revision*, 62. The echo of Exod 20:5-6 in Ezek 18:1-4 is disputed by Joel S. BADEN, "Review of Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel*," *JNES* 71 (2012): 156, who cites Ezekiel's reference to a proverb rather than a law and accuses Levinson of presenting "a simplistic view of the canonicity of the Pentateuch—or, more importantly, of its constituent elements—in ancient Israel." It seems likely, however, that by the time of Ezekiel, the Decalogue had a "canonical," or at least a normative status; see Moshe WEINFELD, "The Uniqueness of the Decalogue and Its Place in Jewish Tradition," in *The Ten Commandments in History and Tradition*, ed. Ben-Zion SEGAL and Gershon LEVI (Jerusalem: Magnes Press, 1990), 16–18 on the other echoes of the Decalogue in Ezek 18. Some rabbis recognized the connection between Ezek 18:1-4 and Exod 20:5-6; see below.

⁴¹ LEVINSON, *Legal Revision*, 60–63. In the opening of the prophet's complaint, both the noun משל and the participle משלים reduce the biblical passage to the status of a piece of traditional wisdom, and an invalid one at that.

them as such; they are simply things that were “said” (ἐρρέθη) to “the ancients”—it is not said by whom—and seem no longer to be definitive.⁴²

Nor did this process of legal revision stop with the close of the biblical canon. It continues in the literature of the rabbis, who also struggled with the issue of how to change the Torah while affirming its permanence.⁴³ Indeed, it is ironic that many New Testament scholars get nervous about affirming that Jesus or Matthew (or Paul or Mark) abrogated the Torah, but some ancient rabbis had no qualms about speaking positively about abrogation of the Torah either by the Old Testament prophets or by themselves.⁴⁴ One example occurs in a Talmudic tradition discussing the Ezekiel passage we have just examined:

R. Jose ben Hanina [a second generation Amora] said, “Our master Moses decreed four sentences against Israel, but four prophets came and *annulled* them (ביטלו)...Moses said, “visiting the iniquity of the fathers upon the children.” But

⁴² “As it has been said” (שנאמר) is the commonest biblical citation formula in rabbinic literature (see Wilhelm BACHER, *Die exegetische Terminologie der jüdischen Traditionsliteratur* [1897; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1965], 6), and this is closer to Matthew’s formulation than instances in the Qumran literature that use the root אמר in biblical citation formulas in the active voice; see Joseph A. FITZMYER, “The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament,” in *Essays on the Semitic Background of the New Testament* (1961; repr., Sources for Biblical Study; Missoula: Scholars, 1971), 10–12. Matthew elsewhere uses ἐρεῖν (“to say”) in the passive voice to refer to scripture positively, especially in the “formula citations” that are so important for establishing continuity between Jesus and the Old Testament (1:22; 2:15, 17, 23; 3:3; 4:14; 8:17; 12:17; 13:35; 21:4; 27:9; cf. 22:31; 24:15). But it is striking that, in all the other Matthean instances in which passive forms of ἐρεῖν are used to refer to scripture, an agent of the speaking is specified (either a name such as Jeremiah or Isaiah, or a vaguer term such as “the prophet”). Almost always (22:31 is the exception) this agent is referred to as the one “through whom” the word was spoken, presumably because the real speaker was God. The absence in the Antitheses of this formula, and even of Moses’s name, is therefore striking, suggesting an attempt at erasure, especially in combination with the implication of time-boundedness in ἀρχαίους.

⁴³ Yair FURSTENBERG, “Die zweite Tora. Die ‘Antithesen’ Jesu innerhalb des jüdischen Diskurses über die schriftliche Tora des Mose,” *BK 4* (2017): 254–56 argues that there was a widespread consensus among Second Temple period elites that the written Law was inadequate to address the new questions and conditions that the changes in society had produced. Of the major sects described by Josephus, only the Sadducees thought the written Law by itself was adequate for purposes of jurisprudence. The Pharisees relied on oral tradition, which later morphed into Oral Law, as an additional source of authority, and the Essenes, as shown by Jubilees 1-2 and the Temple Scroll, believed that other documents had an authority co-equal with that of the written Law.

⁴⁴ To be sure, the assertion that they did so is controversial, for obvious reasons; see Hayyim ANGEL, “‘The Person Who Sins, He Shall Die’: Ezekiel and Intergenerational Punishment”, <https://library.yctorah.org/files/2016/09/The-Person-Who-Sins-He-Should-Die.pdf>.

Ezekiel came and *annulled* it (ביטלה): “The soul that sins, [only] it shall die!” (b. Mak. 24a)⁴⁵

Other rabbinic traditions use a different vocabulary, speaking of rabbis who “uprooted” (עקר) or “enacted against” (התקין על) the Torah by their “enactments” (תקנות).⁴⁶ A classic example is the *prozbul* of Hillel, an early first-century Pharisee and the founder of the most influential proto-rabbinic “house.” In Hillel’s time, the provision of Deut 15:1-2 that a person must remit the debts of “his neighbor, his brother” in the sabbatical year was impeding the free flow of credit, since creditors became reluctant to lend money as the seventh year approached. By means of a legal fiction, Hillel transferred these loans temporarily to the courts, so that the money was no longer owed to the “brother” and thus did not fall under the purview of the Deuteronomic regulation. Creditors, then, could lend money without fear that the debts would be wiped out by the sabbatical year.⁴⁷ The Mishnah describes Hillel’s promulgation of the *prozbul* as

one of the matters that Hillel the Elder enacted (התקין). When he saw that people were refraining from lending and violating what is written in the Torah, “Beware lest you harbor the base thought [‘the seventh year, the year of release is approaching,’ so that you are hostile to your needy brother and give him nothing” (Deut 15:9)], Hillel enacted (התקין) the *prozbul*. (Mishnah, Šebi‘it 10:3, Hayes trans. alt.)

The Deuteronomic law of sabbatical debt forgiveness (Deut 15:1) is thus vitiated, but in the name of another part of the same law, the warning against harboring a “base thought” against the “brother” (Deut 15:9). There is a certain similarity here to the dual rhetoric of the Matthean Jesus, who invalidates portions of the Torah in the name of fulfilling its central intent, which Matthew elsewhere defines as love of neighbor (Matt 22:39-40; cf. 7:12).⁴⁸

⁴⁵ Trans. alt. from LEVINSON, *Legal Revision*, 63 n. 8. The other revocations are of Deut 33:28 by Amos 7:5-6, of Deut 28:65 by Jer 31:1, and of Lev 26:38 by Isa 27:13.

⁴⁶ For an inventory of the תקנות, see PANKEN, *Rhetoric*, 111–246. For an illuminating study of the phenomenon, see Christine HAYES, *What’s Divine About Divine Law? Early Perspectives* (Princeton/Oxford: Princeton University Press, 2015), 292–306. In a chapter significantly entitled “The Flexibility of the Torah,” Hayes argues that tannaic and early Palestinian sources often assert a rabbinic prerogative to overturn biblical law, whereas later Palestinian and Babylonian sources tend to dial back these assertions. For a list of the relevant passages, see p. 293, nn. 11-12.

⁴⁷ According to Aaron ROTHKOFF, “Prozbul,” in *EncJud*, 2nd ed. (New York: Macmillan, 2007), 16.586–87, פרוסבול or פרוחבול is an abbreviation for πρὸς βουλῆ βουλευτῶν, “before the assembly of counselors,” a reference to the court officers to whom the debt was transferred.

⁴⁸ This, of course, is also close to the famous story in b. Šabb. 31a about the pagan who impudently asked Hillel to convert him to Judaism while he stood on one foot; Hillel responded, “What is

Conclusion

Ultimately I agree with Karl-Wilhelm that in the Antitheses “erweist sich Jesus als derjenige, der Autorität hat, den Gotteswillen in eschatologischer Vollmacht zur Sprache zu bringen, der selbst im Namen Gottes, des Gesetzgebers spricht.”⁴⁹ But I disagree with him when he adds, “Nicht die Neuheit der Lehre Jesu im Gegensatz zur Tora oder ihrer nachfolgenden Auslegung kommt in den matthäischen Antithesen zur Sprache, sondern die Neuheit des eschatologisch-weisheitlichen Lehrers Jesus.”⁵⁰ It is not just Jesus who is new, but also his version of the Torah, at least in Matthew’s own eyes;⁵¹ and this is not hidden behind the fiction of “seconding Sinai” but boldly asserted by the very form of the Antitheses.

Although this is a bold step, it does not place the Matthean Jesus outside of a Jewish framework. Like the Deuteronomist, Ezekiel, and some of the rabbis, he takes it upon himself to challenge the very words of scripture because of a claim to superior insight into the divine will. The Matthean Jesus’s תְּקִנוֹת are no more radical than those of some rabbis, though they are based on a different sort of claim: what Karl-Wilhelm calls “der Autorität ... den Gotteswillen in eschatologischer Vollmacht zur Sprache zu bringen” rather than the collective authority of those who assert an unbroken chain of transmission back to Moses himself (cf. m. Abot 1). We know, from the wonderful story in b. Men. 29b, in which Moses is amazed to hear Rabbi Akiba’s interpretations of the Torah, that some rabbis recognized the fictitious nature of the latter claim, and even exulted in it with a touch of self-deprecating humor.⁵² No such humor graces the Matthean Jesus’s claim to Mosaic authority, but a pervasive sense of eschatological urgency (cf. Matt 28:18-20).

hateful to you, do not do to your neighbor; this is the whole Torah, the rest is commentary—go and learn!”

⁴⁹ NIEBUHR, “Antithesen,” 199.

⁵⁰ Ibid.

⁵¹ Note the qualification “at least in Matthew’s own eyes.” Karl-Wilhelm’s point that the Matthean Jesus’s positive teachings have parallels in Second Temple Judaism is well-taken. But it is still true that Matthew *frames* them as new vis-à-vis the Torah itself.

⁵² On this story, see MARCUS, “Scripture,” 178–79.

JOEL MARCUS

Whether that is a difference to be applauded or bemoaned is a question best left to Jewish and Christian theologians to debate, hopefully in convivial forums such as those Karl-Wilhelm has helped to create throughout his career.

Joel MARCUS
Duke Divinity School
Durham, North Carolina
USA

Bibliography

- ANGEL, Hayyim. “‘The Person Who Sins, He Shall Die’: Ezekiel and Intergenerational Punishment.” <https://library.yct Torah.org/files/2016/09/The-Person-Who-Sins-He-Should-Die.pdf>.
- BACHER, Wilhelm. 1965. *Die exegetische Terminologie der jüdischen Traditionsliteratur*. Darmstadt: Wissenschaftliche Buchgesellschaft. Orig. 1897.
- BADEN, Joel S. 2012. “Review of Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel*.” *JNES* 71:155–15.
- BULTMANN, Rudolf. 1984. “Is Exegesis Without Presuppositions Possible?” Pages 145–53 in *New Testament and Mythology and Other Basic Writings*. Philadelphia: Fortress Press. Orig. 1957.
- DAUBE, David. 1973. “‘Ye Have Heard--But I Say Unto You’.” Pages 55–66 in *The New Testament and Rabbinic Judaism*. New York: Arno. Orig. 1956.
- DAVIES, W. D., and D. C. ALLISON. 1988. *Introduction and Commentary on Matthew I-VII*. In *A Critical and Exegetical Commentary on the Gospel According to Saint Matthew*. ICC. Edinburgh: T. & T. Clark.
- DEINES, Roland, Volker LEPPIN, and Karl-Wilhelm NIEBUHR, eds. 2007. *Walter Grundmann: ein Neutestamentler im Dritten Reich*. Arbeiten Zur Kirchen- und Theologiegeschichte 21. Leipzig: Evangelische Verlagsanstalt.
- DEINES, Roland, and Karl-Wilhelm NIEBUHR, eds. 2004. *Philo und das Neue Testament: wechselseitige Wahrnehmungen: I. Internationales Symposium zum Corpus Judaeo-Hellenisticum, 1.-4. Mai 2003, Eisenach/Jena*. WUNT 172. Tübingen: Mohr Siebeck.
- DOMBROWSKI, Justin. 2005. “Review of Hindy Najman, *Seconding Sinai*.” *WTJ* 67:179–82.
- FITZMYER, Joseph A. 1971. “The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament.” Pages 3–58 in *Essays on the Semitic Background of the New Testament*. Sources for Biblical Study. Missoula: Scholars. Orig. 1961.
- FURSTENBERG, Yair. 2017. “Die zweite Tora. Die ‘Antithesen’ Jesu innerhalb des jüdischen Diskurses über die schriftliche Tora des Mose.” *BK* 4:248–57.
- GROSSMAN, Maxine L. 2006. “Beyond the Hand of Moses: Discourse and Interpretive Authority.” *Prooftexts* 26:294–301.
- HAYES, Christine. 2015. *What’s Divine About Divine Law? Early Perspectives*. Princeton/Oxford: Princeton University Press.
- KAMPEN, John. 2019. *Matthew Within Sectarian Judaism*. AYBRL. New Haven/London: Yale University Press.
- KRAUS, Wolfgang, Karl-Wilhelm NIEBUHR, and Lutz DOERING, eds. 2003. *Frühjudentum und Neues Testament im Horizont biblischer Theologie*. WUNT 162. Tübingen: Mohr Siebeck.
- LEVINE, Amy-Jill. 2017. “Bearing False Witness: Common Errors Made About Early Judaism.” Pages 759–63 in *The Jewish Annotated New Testament. Second Edition*. Ed. Amy-Jill LEVINE and Marc Zvi BRETTLER. Oxford University Press.
- LEVINSON, Bernard M. 1997. *Deuteronomy and the Hermeneutics of Legal Innovation*. New York: Oxford University Press.

- . 2000. “The Hermeneutics of Tradition in Deuteronomy: A Reply to J.G. McConville.” *JBL* 119.269–286.
- . 2008. *Legal Revision and Religious Renewal in Ancient Israel*. New York: Cambridge University Press.
- LOHSE, Eduard. 1973. “‘Ich aber sage euch’.” Pages 73–87 in *Die Einheit des Neuen Testaments. Exegetische Studien zur Theologie des Neuen Testaments*. Göttingen: Vandenhoeck & Ruprecht.
- LUZ, Ulrich. 1989–2005. *Matthew: A Commentary*. Hermeneia. 3 vols.; Minneapolis: Fortress Press.
- MARCUS, Joel. 1997. “Scripture and Tradition in Mark 7.” Pages 177–95 in *The Scriptures in the Gospels*. Ed. Christopher M. TUCKETT. BETL 131. Leuven University Press.
- NAJMAN, Hindy. 2003. *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*. JSNTSup 77. Leiden ; Boston: Brill.
- NIEBUHR, Karl-Wilhelm. 1987. *Gesetz und Paränese: katechismusartige Weisungsreihen in der frühjüdischen Literatur*. WUNT 2/28. Tübingen: Mohr.
- . 1992. *Heidenapostel aus Israel: die jüdische Identität des Paulus nach ihrer Darstellung in seinen Briefen*. WUNT 62. Tübingen: Mohr Siebeck.
- . 1995. *Glauben Christen und Muslime an denselben Gott?* Bekenntnis 34. Hannover: Lutherisches Verlagshaus.
- . 1997. “Die Werke des eschatologischen Freuboten. 4Q521 und die Jesusüberlieferung.” Pages 637–46 in *The Scriptures in the Gospels*. Ed. Christopher M. TUCKETT. BETL 131. Leuven University Press.
- . 1999. “Die Antithesen des Matthäus. Jesus als Toralehrer und die frühjüdische weisheitlich geprägte Torarezeption.” Pages 175–200 in *Gedenkt an das Wort. Festschrift für Werner Vogler zum 65. Geburtstag*. Ed. Christoph KÄHLER, Martina BÖHM, and Christfried BÖTTRICH. Leipzig: Evangelische Verlagsanstalt.
- PANKEN, Aaron D. 2005. *The Rhetoric of Innovation: Self-Conscious Legal Change in Rabbinic Literature*. Studies in Judaism. Lanham/Boulder/New York/Oxford: University Press of America.
- ROTHKOFF, Aaron. 2007. “Prosbul.” Pages 16.586–87 in *Encyclopaedia Judaica. Second Edition*. New York: Macmillan.
- SANDERS, E. P. 1985. *Jesus and Judaism*. Philadelphia: Fortress.
- WEINFELD, Moshe. 1990. “The Uniqueness of the Decalogue and Its Place in Jewish Tradition.” Pages 1–44 in *The Ten Commandments in History and Tradition*. Ed. Ben-Zion SEGAL and Gershon LEVI. Jerusalem: Magnes Press.