LOYAL OPPOSITION AND THE LAW IN
THE TEACHING OF JESUS:
THE ETHICS OF A RESTORATIVE AND
UTOPIAN ESCHATOLOGY

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I. INTRODUCTION

No study of two sayings from the synoptic tradition can completely account for the position that Jesus took on the Law, but for a number of reasons Mark 10:9 and 2:27 can provide the basis for a possible way forward. Although occasionally disputed, both sayings have strong claims to authenticity. Each impinges on a different part of the Law. Both sayings contain a prescription, as well as the justification for the demand made, thereby reducing the amount of speculation necessary in reconstructing the logic of Jesus’ demand. And together they illustrate one of the central difficulties in accounting for Jesus’ attitude toward the Law.

Nonetheless, existing paradigms for explaining the approach taken to the Law by Jesus have failed to account for these sayings and those like them in the synoptic tradition. For example, it has been argued that Jesus describes the real meaning of the Sabbath in Mark 2:27. But that cannot be said of Jesus’ treatment of the so-called divorce provision in Mark 10:9. There Jesus appears to set the Law aside, rather than define its real meaning.

Alternatively, one might argue, as does Marcus Borg, that Jesus’ approach is dictated by a hermeneutics of mercy. However, in so doing Borg is forced to argue that Jesus’ comment on divorce was initiated by his contemporaries and, as a result, he relies heavily upon the secondary features of the account. Furthermore, he makes no attempt to explain how it is that Jesus’ view of the divorce question can be understood in terms of a concern for mercy.

Yet another alternative has been to combine the two models and to argue that Jesus at times “abrogates” the Law and, at other times, insists upon observing its “true meaning.” But this, like the argument that Jesus exercises his sovereignty

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over the Law, only begs the larger questions: Was Jesus inconsistent in his approach to the Law, or is the consistency he practices foreign to our own, culturally conditioned notions of what constitutes consistency? If he was inconsistent by our standards and his, can patterns be isolated which account for at least parts of his approach? If not, on what basis did Jesus take first one approach to the Law and then another?

Together, then, these passages illustrate the difficulties in using some of the existing paradigms for understanding the problem of Jesus’ attitude toward the Law. For the same reasons, however, they also provide possible windows to the unifying “logic” behind part of his demands.

II. TORAH: A PARADIGM OF ITS USE

Accordingly we will offer an alternative paradigm; suggest other points of contact with the synoptic tradition; and assess the significance of the paradigm, using the insights of comparative religious ethics. Then we will consider where the approach taken by Jesus might be located in a schema for charting Jewish approaches to the Law. In closing we will identify two important implications of the results described here.

A. The Law, Emptied of Continued Relevance

As described in Mark 10:9, Jesus must have been aware of the fact that his demand impinges upon the provision for divorce in Deut 24:1. Nonetheless, he makes no direct reference to it. He does not refer to it in order to endorse its continuing validity or to assess its meaning and appropriate application. Nor does he directly forbid his hearers to avail themselves of the provision. Instead, the logion takes the form of a single-stranded mashal with a nuance which is far more difficult to define.

As it appears in the Greek of Mark’s gospel, the saying derives much of its prescriptive force from the use of me with the subjunctive mood verb, χωριζέω. There are other features too that contribute to this impression: It is terse. The subjects and verbs of both clauses are arranged in antithesis to one another: θεός — ἄνθρωπος συνέζευξεν — χωριζέω. And the relative clause is placed in an advanced position in the sentence. In this way, the act of man “putting asunder” is placed in sharp contrast with the act of God “joining together.”

There are few who would disagree about the interpretation of the second clause. It is a simple, unconditional prohibition of divorce. However, by referring to that which God has “joined together,” the first clause elicits assent to the notion that marriage is divinely instituted and, by implication, calls for a pattern of behavior which accords with that understanding.

In other words, the logion does not simply call for the hearer to refrain from invoking the provision for divorce. It calls for a pattern of response which takes seriously the character of marriage as divinely instituted. As a result the provision for divorce is not directly rescinded. Instead, it is emptied of any continued relevance.

B. The Law, A Summons to Free Fulfillment

Significant features of the demand in Mark 2:27 closely approximate basic features of
the logion in Mark 10:9. As in Mark 10:9, Jesus must have been aware that his own
demand impinged upon the demand made by Torah. In spite of this he does not
appeal for an approach to Sabbath observance on the basis of the Law itself. Nor does
he explicitly summon those who hear him to abandon observing the Law. Instead, he
simply advances his own demand. As in Mark 10:9, the demand also begins with a
reference to the creative intent of God and, again, takes the form of an antithesis.

In Mark 2:27, however, the contrast is sharper and has a different significance. This
is due in part to the fact that, unlike Mark 10:9, both clauses are of equal grammatical
value. The main clause το σαβατον δια τον ανθρωπον ἐγένετο is juxtaposed with
the nominal clause συχ ό ανθρωπον δια τον σαβατον. The Sabbath is also the
subject of both clauses, and this strengthens the contrast. Whereas in Mark 10:9 mar-
riage is the subject of the first clause and divorce the subject of the second.

These are differences of considerable significance. For while both divorce and
Sabbath observance are thereby set against the background of God’s will as creator,
the effect is not the same. The provision for divorce, as we have seen, is emptied of
continued relevance. Framed as his demand is in Mark 2:27, Jesus summons his hearers
to a "free fulfillment" of the Sabbath.13

Accordingly, Jesus provides no clue to the specific nature of the response expected.
Instead, he confines himself to characterizing the Sabbath as God’s gift to Israel and,
only as the Sabbath is observed as gift, is the end for which it was intended realized.
As Robert Tannehill notes:

The lack of concern with qualifications and with the practical problem of estab-
lishing rules of behavior is quite apparent as soon as one considers the implica-
tions of such a saying within the context of Jewish piety. The saying does not
spell out a rule which will directly solve questions of how to behave on the sabb-
ath. Starting from this aphorism various practical conclusions could be reached,
from an almost total disregard of the sabbath law because of human need to
observance of the sabbath law except in unusual cases, since the sabbath is good
for man. The aphorism does not predetermine the conclusion but requires the
hearer to think about these things in a radical way. 14

C. Other Points of Contact in the Synoptic Tradition

Together, these two patterns provide a paradigm which can be applied to authentic
traditions elsewhere in the gospels. The first, second, and fourth of the so-called
antitheses found in Matt 5:21-48 provide an example.15

1. The Antitheses

Here Jesus is described as juxtaposing his own demand with that of Torah. He
introduces his demands in language which is without substantive parallel; and he does
so without customary recourse to other parts of the Law. Yet, as Reinhart Hummel
observes, the antitheses “are less antithetical in content than in form.”16

The fourth antithesis might appear to set aside the Law, but the remaining anti-
theses do not clearly dispense with the Decalogue. Conversely, the first and second
antitheses might suggest a heightening of the Law’s demand. Yet the fourth antithesis
does not heighten the Law’s demand, but appears instead to supplant it.

The relationship of Torah to the prescriptive content of Jesus’ demand is then of
greater complexity than the words “radicalization,” “abrogation,” or “exposition” can
account for. The patterns of prescription are, however, very much like those which we
have identified above in Mark 10:9 and 2:27

On the one hand, antitheses one (on murder) and two (on adultery) can be com-
pared with Mark 2:27. Both demands point to a wider range of attitudes and actions
than that required by the commandments by juxtaposing an additional demand with
Torah. So the prohibition of murder is juxtaposed with the further warning:

πάς ὁ ὄργιζόμενος τῷ ἀδελφῷ αὐτοῦ
ἔνοχο” ἔσται τῇ κρίσει

And the prohibition of adultery is juxtaposed with the words:

πάς ὁ βλέπων γυναῖκα πρὸς τὸ ἐπιθυμήσαι αὐτήν
ἡδὴ ἐμοίχευσεν αὐτήν

Neither antithesis begins to spell out all of the possible actions or attitudes which are
prohibited. To the contrary, it is impossible to specify the claims which they make. In
this way the auditor is summoned to its free fulfillment.

On the other hand, the fourth antithesis compares favorably with Mark 10:9. Jesus
juxtaposes the demand for trustworthy oaths with his own prohibition of oath-taking.
The demand for trustworthy oaths is, as a result, no longer relevant: ἔστω δὲ ὁ
λόγος ὑμῶν ναι ναι οὐ οὐ.

2. Mark 7:15

One or the other part of our paradigm may also apply to still other synoptic tradi-
tions. For example, in its present setting and form, Mark 7:15 cannot be authentic.”17
However, it may have originally had a different form, or it may have been uttered
under circumstances which would put the logion in a very different light. Were it pos-
sible to recover the form or reconstruct the setting, we believe that the demand would
compare well with at least part of the paradigm described above.

So, for example, Charles Carlson argues that the earliest and authentic form of the
saying may have been: “what truly defiles a man comes from within, not from with-
out.”18 If he is right, then the Law is not set aside; instead, its free fulfillment is
demanded. And the logion, like other parts of the synoptic tradition, conforms to a
part of the paradigm which we have identified.

Be that as it may, by examining those prescriptive traditions with strong claims to
authenticity, we have identified two patterns which help to define the relationship of
Torah to the prescriptive content of Jesus’ ethic. In the space remaining, it needs to be
asked, What ties these two parts of the paradigm together? Why does Jesus take one
position on the Torah in Mark 10:9 and another in Mark 2:27, at times emptying the
law of continued relevance and at other times summoning his followers to a free fulfillment of God’s will? Is he inconsistent, or is the consistency he practices foreign to our own, culturally conditioned notions of what constitutes consistency?

III. Practical Justification in the Ethics of Jesus

The answer could be provided by arguing, as so many have, on the basis of coherence. But this approach has bedeviled studies of the historical Jesus. Of necessity, arguments from coherence begin with a given picture of the whole and then argue that one part or another of the tradition coheres with the larger picture that the writer has in mind. This approach has its advantages. However, such arguments often disregard the potentially diverse character of Jesus’ thought and the variety of influences which may have shaped his thinking. Furthermore, such an approach is ultimately no more convincing than the extent to which one is prepared to accept a given scholar’s larger assumptions.

This tendency can be seen, for example, in the case which some have recently made for a Jesus who is a “teacher of subversive wisdom. Insisting that eschatology cannot account for the whole of Jesus’ teaching, some have argued that the model ought to be completely abandoned.19 The work of more cautious scholars suggests, however, that such absolute distinctions ought not to be made too quickly, or too firmly.20 Accordingly, the methods of comparative religious ethics are used here, believing that this model will allow us to analyze the use of ethical language without prejudging the outcome. The use of such a model also has the advantage of allowing us to study the use of ethical language from selected passages, without insisting on a picture of the whole in advance. Interpretation of the evidence will, of course, always remain a matter of debate, but in theory the use of such a method requires greater accountability to the evidence because it focuses upon the logic of individual demands.

Others may question the wisdom of using a method like the one described here, particularly since the language of the method is patently foreign to the setting in which Jesus lived. Yet, like the application of other social sciences to the biblical text, the purpose of comparative religious ethics is not to reproduce the subject’s thought-world or thought-forms. Indeed, by using a method of this kind, we acknowledge the distance which exists between us and the object of study. Use of the method is also based upon the realization that the questions to which we seek answers may not have been the questions to which Jesus or his contemporaries may have addressed themselves.

Nonetheless, such methods should not be allowed to force the original subject matter to “say” things that are alien to its original purpose. For this reason, students of comparative religious ethics require that the definitions they use conform with the subject’s intuitive understanding of the term and be cross-culturally applicable. A thorough defense of such an approach cannot be undertaken here, but the authors of the method have made every effort to conform to these criteria. It has been applied to more than one culture, some of which are from the past. And more than one student of religious ethics has confirmed the model’s usefulness.21
A. The Logic of Religious Ethics

The concept from comparative religious ethics which is the most helpful here is that of “practical justification.” In a given situation anyone making a demand must describe how s/he expects an action to be performed: “What is to be done, to whom, in what way, under what circumstances.” In addition, s/he may be called upon to give reasons for the action (or behavior) s/he demands.

The process of providing those reasons is called “practical justification.” Although often unexpressed, the reasons given may, in fact, lie on one of three levels, which can be arranged in an appellate fashion:

3. Vindication
   ⇑
2. Validation
   ⇑
1. Principles / Rules
   ⇑

Situational Application

If, for example, the speaker was called upon to justify the prescription, “do not strike your parents,” s/he might begin with an appeal to a moral principle, such as “Honor your father and mother.” In so doing s/he would be appealing to level one.

Challenged, s/he may then argue that the person to whom s/he is speaking ought to honor her/his parents because it is a direct commandment of the community’s god. S/he might also elaborate by arguing that, having accepted the premise that whoever has the power to create humankind has the right to be obeyed, the person to whom s/he is speaking is, therefore, bound by that creator’s command. These appeals belong to level two, validation.

Only if these last reasons were challenged as arbitrary or unreasonable would the speaker then be required to move to level three and to vindicate her/his demand. The speaker would then need to argue by some means that it is reasonable to obey the creator or that there is a creator.

In a religious ethic a number of statements may prove to be significant, but none is more important on level two (i.e., validation) than the appeal made to divine authority. Logically prior to all other demands, even the harshest or most inviting of sanctions are of logically secondary significance to such an appeal. Without having identified the divine authority making the demand, any other justification given for a course of action lacks meaning. Without being convinced that a certain divinity can and will exercise authority, the demands made lack force.

B. Jesus and Practical Justification

Where tradition provides us evidence that Jesus defended his demands in this way, he is described as having appealed to the will of the Creator.
1. In Mark 10:9
The prescription in Mark 10:9 relies for justification upon an explicit appeal: ὁ...ὁ θεός συνέζευξεν. The reference to God immediately suggests that we are no longer on the same level of the appellate ladder of practical justification as we were in discussing the appeal to moral principles. We are, instead, dealing with a higher order of justification: an appeal to divine authority.
This particular appeal rests upon two basic premises. One is a prior and general premise (here, that the intention or design of a creator is obligatory). The other is a positive belief about God (here, that he is creator of the marital relationship). An instance of what students of comparative religious ethics call “proprietary entitlement,” the logic of the appeal combines these premises and, if given full expression, would run as follows:

Premise 1: The intention or design of a creator is right or obligatory.
Premise 2: God is the creator of not only men and women, but of the relationship established between them (i.e., marriage).
Premise 3: God intends that man and woman live in unbroken relationship to one another.
Conclusion: Therefore, maintenance of that relationship is right or obligatory.

Appealing as Jesus does to the authority of God as Creator, certain understandings of the logos are seen to be misleading. One such interpretation is that of the appeal as one made to ‘Scripture against Scripture,’ or *Schrift gegen Schrift*, as some writers refer to it. As we have noted, in our judgment the references to Gen 1:27 and 2:27 are both secondary. And even if the references were authentic, Jesus does not appear to place any weight on the argument that these texts (as opposed to Deut 24:1) provide an earlier, superior view of marriage or a view which must be harmonized with that of Deut 24:1.

Completely absent too is any indication that Jesus relied upon his own authority in justifying his demand. The only evidence that might be adduced for the suggestion that he does is the bold character of the assertion itself. Nonetheless, it is upon God’s authority that the weight of the demand rests.

2. In Mark 2:27
A similar justification is given by Jesus for his demand in Mark 2:27. There is only one difference. Rather than refer to God explicitly, Jesus uses a reverential circumlocution: τὸ σώβρεσθαι διὰ τὸν ἄνθρωπον ἐγένετο. Again, then, the logic of the appeal is that of proprietary entitlement:

Premise 1: The intention or design of a creator is right or obligatory.
Premise 2: God is the Creator of the Sabbath.
Premise 3: God, in creating the Sabbath, intended that it be observed in such a way that man’s (i.e., Israel’s) well-being would be enhanced.
Conclusion: Therefore, that the Sabbath should be observed with a view to man’s well-being is right or obligatory.
The logic of the appeal excludes alternative interpretations of the appeal from consideration for the same reasons adduced in connection with Mk 10:9.34

C. The Significance of Mark 2:27 and 10:9
As brief as are the authorizing reasons offered here, their importance cannot be underestimated.

1. For the Logic of Jesus’ Ethic
Together, these two passages preserve a record of Jesus validating his demands, using the highest order of appeal possible on that level. The only higher appeal that he might have made would have been to vindicate (rather than validate) his demand. That is, he might have attempted to defend belief in the divine authority back of his demand. This we have no record of him doing and, given the setting in which he taught and lived, he may not have found it necessary. In both prescriptions, then, we are in contact with that which is, logically speaking, most basic to the justification which Jesus gave for obedience to his demands: the personal authority of God, who is also creator. It is a finding which is all the more important because it is drawn from sayings material in which both demand and the validation for the demand appear in single sayings. Separate traditions are not employed. The connection does not need to be reconstructed.
To date, where scholars have argued that the Endzeit = Urzeit equation shaped the content of Jesus’ demand, they have been forced to rely upon an argument from coherence.35 Here the connection is explicit and, using the insights of comparative religious ethics, we have been able to characterize the connection in more specific terms.

2. For the Place of Torah in Jesus’ Ethic
The pattern of validation used by Jesus also explains why he does not begin in making his demands with the word of Torah itself. For him Torah is not identical in an absolute sense with the will of God. At times the two intersect, even though the demands of God’s will may be impossible to specify using the Law. At other times the Law is emptied of continued relevance. In either case the issue is always the will of the Creator, which is the ultimate justification for the demands Jesus makes. Such an understanding of the place of divine authority in his demands and the resulting ambiguity in his attitude toward the Law should come as no surprise.

IV. JESUS, JUDAISM AND THE LAW
Judaism before, during, and after the life of Jesus manifests considerable variety of opinion on the place of the Law in the context of Jewish eschatological expectation. The schema used here for describing that variety has been developed by Gershom Scholem.37 Scholem’s interest is primarily in the development of the Messianic idea as reflected in rabbinic literature and, clearly, our interest lies elsewhere. Nonetheless, his schema is of considerable heuristic value: (1) Describing such expectations in terms of tendencies, Scholem recognizes eschatological beliefs (like many others) are often a matter of emphasis. Accordingly, his approach avoids the pitfalls of attempting to
assign particular approaches to one “party” or another. (2) Although his work is not of immediate relevance, it does establish that these emphases exist elsewhere, and there is no evidence to suggest that (at least in this case) there is any reason to make a special exception for the material discussed here. (3) Scholem’s schema is also at home with the notion that there was more than one Judaism in the ancient world.

Specifically, he describes conservative, restorative and utopian tendencies in Jewish messianic thought. In what follows, we review those categories, focusing on the way in which Torah figures in these three visions of the future. The discussion is, necessarily, illustrative in nature and is not meant to be exhaustive.

A. Conservative, Restorative and Utopian Tendencies in Jewish Eschatology

At times the literature can be conservative in its vision of the future. Seeking to preserve that which already is, it sees even the eschatological future in these terms and, so, expects the Law and, in some instances, even the halakhah to be a part of that future.58 So, for example, T. B. Sanhedrin 51b reads as follows:

R. Nahman said in the name of Rabbah b. Abbuha in the name of Rab: The Halachah is in accordance with the message sent by Rabin in the name of R. Jose b. Hanina. R. Joseph queried: (Do we need) to fix a halachah for the days of the Messiah? - Abaye answered: If so, we should not study the laws of sacrifices, as they are also only for the Messianic era. But we say, Study and receive reward. i.e. Learning has its own merit quite apart from any practical utility that may be derived therefrom.39

Current circumstances may preclude the offering of sacrifices, but the halakhah governing sacrifice will govern eschatological practice.40 It remains important even in the present and even now it is worthy of study.

At other times the literature can be restorative in its outlook. Anticipating a return to or recreation of a past, ideal condition, the literature draws upon golden eras of the past, when obedience was a hallmark of man’s relationship with God. It looks for a day when the demand of Torah or the will of God was at once lighter and heavier, because it is perfectly understood.41

One portion of the Testament of Levi (apparently free at this point of later Christian interpolation42) envisions the future in just such terms:

And he li. e., the eschatological priest! shall open the gates of paradise; he shall remove the sword that has threatened since Adam, and he will grant to the saints to eat of the tree of life. The spirit of holiness shall be upon them.43

At still other times the literature can be utopian in its outlook, anticipating a state of affairs which never existed before. Abandoning models provided by either the past or the future, it can be “anarchic” in character, foreseeing a day when recourse to the familiar means of quantifying obedience will be unnecessary.44

Although a problematic passage, susceptible of a variety of interpretations, Jer
31:31-34 is clearly utopian in its outlook:

Behold, the days are coming, says the Lord, when I will make a new covenant with the house of Israel and the house of Judah, not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, though I was their husband, says the Lord. But this is the covenant which I will make with the house of Israel after those days, says the Lord: I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people. And no longer shall each man teach his neighbor and each his brother, saying, “Know the Lord,” for they shall all know me, from the least of them to the greatest, says the Lord; for I will forgive their iniquity, and I will remember their sin no more.

These three tendencies rarely, if ever, find pure expression in Jewish literature. Combinations are more frequently the rule, and no one group is always the predictable advocate of a particular vision of the future. For example, it is not at all clear that Jeremiah (or the later editor of his prophecies) foresees a future entirely without Torah in any external sense. His vision, therefore might be characterized as one shaped by both utopian and conservative impulses. Nonetheless, the influence of differing visions of the future does exist.

B. Restorative and Utopian Tendencies in the Eschatology of Jesus

Against this background, Jesus need not be seen as a “conservative” in order to locate him within Judaism; nor do we need to characterize his approach as a singular exception to an otherwise uniformly “conservative” world. The apparent ambiguity of his approach to the Law and the justification which he gives for obedience to his demands suggest that his ethic had restorative inspiration and that he drew at length for such inspiration upon the creative role of God. Endzeit may not have been Urzeit for Jesus in that he draws at length upon the Genesis account, but the will of the Creator certainly appears to have been the will of the one who brings the end.

However, the tendencies in his thought do not appear to have been limited to the restorative impulse. He foresees obedience of a kind for which the creation narratives may provide inspiration, but they do not completely delimit his demands. As such, he re-visions the return of the Creator, embracing not only a restorative, but utopian vision of things to come. It is, nonetheless, a Jewish vision of the future and of the Law’s place in it, shaped by hopes that had and would continue to shape those visions.

V. CONCLUSION AND IMPLICATIONS

Of course, just how far these categories dominated Jesus’ thought and even his approach to the Law remains to be seen. As was noted above, the results of this study are necessarily provisional. We have dealt with only a few of the sayings which might be discussed and with only prescriptive sayings. Nonetheless, the passages have strong claims to authenticity and provide an opportunity to study not only the kind of demands which Jesus made, but the justifying rea-
sons which he provided for those demands as well. Avoiding reconstruction across sayings and prescinding from an appeal to larger assumptions about the nature of the teaching of Jesus, this approach located at least one dimension of his approach to the Law squarely within the Judaisms of his day.

The evidence described indicates that it is premature to argue that an eschatological understanding of Jesus should be replaced by a sapiential one. Such a position not only fails to account for the kind of evidence described here, but overlooks the possibility that Jesus could have been influenced by both realms of thought. Any long-lasting contribution to the discussion of what the whole of Jesus’ teaching may have looked like will need to avoid the simplistic and misleading “either/or” that has characterized much of the past debate.

The logic of the demands made by Jesus also presents a challenge to the “either/or” approach which has characterized the discussion of parts of Jesus’ teaching — specifically, the relationship between ethics and eschatology in his thought. The insights of comparative religious ethics suggest that both divine authority and eschatological understandings of God are too closely intertwined in the demands which Jesus made to justify arguing that either “theo-logy” or “eschato-logy” is more basic to the teaching of Jesus. The former might be argued to be logically prior, but the latter proves to be a part of the most basic appeals which Jesus makes when justifying his demands.

As such the ethic of Jesus is at odds with conservative understandings of God’s will and breaks in upon attempts to capture the will of God in those terms. However, the “loyal opposition” Jesus practices is not opposition for opposition’s sake. In the Kingdom one confronts again and again the will of the God who was, who is and who will be.

Notes
2. On the performative and, therefore, prescriptive force of the language used here, see D.D. Evans, The Logic of Self-Involvement, A Philosophical Study of Everyday Language with Special Reference to the Christian Use of Language about God as Creator (London: SCM, 1963), pp. 27-78.


8. Cf. the first half only of Banks' observation (Jesus and the Law in the Synoptic Tradition [SNTSMS 28; Cambridge: Cambridge University, 1975], p. 242): "Jesus neither moves out from the Law in making his own demands nor relates these requirements back to it." For a just criticism of the second half of Banks' statement see Sanders, *Jesus*, p. 247.


11. Cf. Tannehill *Sword*, pp. 95-96: "The possibility of separation is brought up against God's act of joining man and woman. There is no longer an option which man may exercise without offense to God. The whole marriage relation is understood in light of the active presence of God realizing his will in the union of man and woman. There is no possibility of the destruction of this relationship with impunity."

12. Banks (Jesus, pp. 149-50) writes: "...the Deuteronomic provision is thus neither abrogated nor expounded but set in a context in which it no longer applies." Although similar to the view which I take here, we differ at two crucial points: (1) Unlike Banks, I believe that Jesus advances his demand, fully aware of the fact that he thereby relativizes the authority of the Law and (2) that he does so not on the basis of his own authority, but on the basis of God's (see below).


23. The diagram and the illustration which follows is adapted from the work of Little and Twiss, op. cit., p. 99.
24. For further on this subject and the subject of practical justification in general, see Little and Twiss, op. cit., pp. 96-122 and Ladd, *Moral Code*, pp. 146-91.
26. Ibid., p. 183.
27. E.g., Catchpole, “Divorce Material,” p. 121.
29. Ibid., pp. 454-55.
32. In implying that the Sabbath is part of God’s primordial creation, Jesus’ thought approximates that of the writer of Jub 2, esp. vv 23, 30 and 31. See M. Testuz, *Les idées religieuses du Livre Jubilés* (Geneva: Droz, 1960), pp. 140-43. In Jubilees, however, the Sabbath is preserved to be given to Israel, presumably with Torah (v 20), and appropriate behavior on the Sabbath is specified (vv 26-33).
34. Those who believe that the reference to I Samuel is original regard Jesus’ defense of his demand as appeal to scripture against scripture (e.g., Cranfield, *Mark*, p. 115). Others detect an appeal to christology: e.g., Banks, *Jesus*, p. 150-51.
35. On the subject of vindication, see: Little and Twiss, *Ethics*, pp. 111-16.
36. The best of recent descriptions is probably that given by B.F. Meyer, *The Aims of Jesus* (London: SCM, 1979), pp. 137-53. However, in our opinion Meyer exaggerates the distance between Jesus and his contemporaries. Having argued that Jesus is heir to what we describe below as the restorative impulse in Jewish theology, he then describes Jesus in terms which are seemingly foreign to the rest of Judaism.
38. Ibid., p. 3.
39. As quoted in W.D. Davies, *Torah in the Messianic Age and/or the Age to Come* (JBLMS 7; Philadelphia, PA: Society of Biblical Literature, 1952), p. 64.
40. On the meaning of this passage, see: Davies, ibid., pp. 63-64.
42. The composition and provenance of the Testaments is often difficult to determine. Here, however, the prominence of the Testament’s eschatological priest suggests a Maccabean origin for the passage cited here. See: J.J. Collins, “Testaments,” *Jewish Writings of the Second*


45. Ibid., pp. 3-4.


