

# THE SYNOPTIC DIVORCE MATERIAL AS A TRADITIO-HISTORICAL PROBLEM

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**I**N the Gospel tradition there are several pieces of material dealing with the problem of divorce. These are, in broad formal terms, either isolated sayings (Matt. v. 31 f.; Luke xvi. 18) or controversy dialogues (Matt. xix 1-9; Mark x. 1-12), though it may well prove more accurate to modify this classification in both cases. That is, Matthew v. 31 f., while involving no speakers other than Jesus, nevertheless has a controversial form: "It was said . . . but I say to you . . .". And it is in principle possible that the Matthaean and Markan controversy dialogues are themselves composite and have absorbed sayings which, at an earlier stage in transmission, were isolated.

Divorce questions are also treated by Paul in 1 Corinthians vii. 10-16. The relationship between Paul's outlook on this problem and that of Jesus has still not been settled, in part because of uncertainty about the precise nature of the problem in Corinth which called forth his response, and in part because the last decade has seen widespread doubt being expressed about the two-document hypothesis,<sup>1</sup> so that while there is widespread agreement that the Gospel traditions cannot be merged, there is considerable confusion and disagreement about which traditions (if any) provide the best means of access to the mind of Jesus. A very great deal depends therefore on a decision about the literary relationship between the sources, which in turn depends on decisions about the interpretation of the content of each tradition in isolation. The purpose of this article is to examine the relationship between the traditions, including an attempt to marshal evidence in favour of the two-document hypothesis. The extent to which the traditions are historical will then be discussed, followed by an examination of the reasoning and range of application involved in the authentic Jesus-material.

<sup>1</sup> This doubt has been encouraged by the fact that B. H. Streeter himself attributed Matt. xix. 3-12 to the non-Markan source M. (*The Four Gospels*, (London, 1961), p. 259).

## I

We begin with Matthew xix. 3–12. This, like the other traditions, must be viewed in terms of the assumption by Jesus' contemporaries that divorce as such could be taken for granted,<sup>1</sup> differences of opinion arising only over what could be counted acceptable grounds for divorce:

The School of Shammai say : A man may not divorce his wife unless he has found unchastity in her, for it is written, Because he has found in her indecency in anything (Deut. xxiv. 1a). And the School of Hillel say : (He may divorce her) even if she spoiled a dish for him, for it is written, Because he has found indecency in anything. R. Akiba says, Even if he found another fairer than she, for it is written, And it shall be if she find no favour in his eyes. . . .<sup>2</sup>

The presupposition of both points of view represented in this text is clearly the allowability of divorce, which is so certain that it does not need discussing. Indeed the basic text, Deuteronomy xxiv. 1–4, makes the same assumption and presupposes the possibility of the divorced wife's remarriage; its concern is to protect the woman's rights at the initial stage by means of the divorce document, and at a later stage to prevent any reunion between the original husband and wife after any third person had been involved.<sup>3</sup>

It is at the point of divergence between the Hillelite and Shammaïte views that Matthew xix. 3 begins. By asking whether a man may lawfully divorce his wife *κατὰ πᾶσαν αἰτίαν*, Jesus' questioners presume the current practice of divorce and ask him for a decision about the then dominant Hillelite position.<sup>4</sup> Jesus responds with a prohibition of divorce (verses 4–6), which is recognized as such since Deuteronomy xxiv. 1 is brought forward as a definite objection to what Jesus has said: "Why

<sup>1</sup> Cf. H. Baltensweiler, *Die Ehe im Neuen Testament* (Zurich, 1967), pp. 35–39; J. Jeremias, *Jerusalem in the Time of Jesus* (London, 1969), pp. 370 f. On the range of contemporary and subsequent divorce legislation, B. Cohen, "Concerning Divorce in Jewish and Roman Law", *Proceedings of the American Academy for Jewish Research*, xxi (1952), 3–34.

<sup>2</sup> Gitt. ix. 10; b. Gitt. 90a. Further texts in Billerbeck, *Handkommentar*, i. 313 f.

<sup>3</sup> G. von Rad, *Deuteronomy* (London, 1966), p. 150; Baltensweiler, *op. cit.* pp. 32–34; K. Berger, *Die Gesetzesauslegung Jesu* (Neukirchen, 1972), pp. 509–12.

<sup>4</sup> Philo, *De Spec. Leg.*, iii. 30; Josephus, *Ant.*, iv. 253; *Vita*, 426.

then did Moses command that a man should give a certificate of divorce and put her away?" (verse 7). Jesus then takes up the topic again, interprets the Mosaic ruling as a concession (ἐπέτρεψεν) and adds in verse 9 a saying which prohibits divorce and re-marriage except where unchastity has occurred. The effect of this is that a position of extreme rigour is laid down but then decisively modified, so that in a discussion about the Hillelite view Jesus ultimately comes down on the side of Shammai.<sup>1</sup>

It is at this point that tensions within Matthew's account become extremely acute. Shammai's position, which permitted a man to divorce his first wife and marry a second one in the case of unchastity, was based on Deuteronomy xxiv. 1. Jesus' position, according to verse 9, agrees with Shammai's, but in verse 8 he has relativized Deuteronomy xxiv. 1 by means of the phrase πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐπέτρεψεν. This relativizing or down-grading was quite unnecessary if in the end Jesus agreed with Shammai and Deuteronomy. Since verse 8 does, however, cohere with a prohibition of divorce (verses 4-6), which is recognized as such by the use of Deuteronomy xxiv. 1 as an objection in verse 7, it emerges that verse 9 does not belong naturally with what precedes it in verses 4-8, though it does belong naturally with the original question in verse 3. That question had been concerned, not with the allowability of divorce in principle, but with the grounds for such allowability in practice (κατὰ πᾶσαν αἰτίαν or whatever). This in turn confirms and is confirmed by the apparent awkwardness existing between verses 4-8 and the question in verse 3 which they reputedly answer. For verses 4-8 do not discuss grounds for divorce at all. Indeed, if the debate were to continue as it began, namely as a discussion of Hillel's position, some reference would need to be made to the phrase ἄσχημον πρᾶγμα ('erwaṭ dābār) over which the controversy with the Shammaïte school raged. That this is passed over in

<sup>1</sup> A. Suhl, *Die Funktion der alttestamentliche Zitate und Anspielungen im Markusevangelium* (Gütersloh, 1965), p. 75 ; R. Hummel, *Die Auseinandersetzung zwischen Kirche und Judentum im Matthäusevangelium* (Munich, 1966), pp. 49-51 ; H. Merkel, "Jesus und die Pharisäer", *NTS*, xiv (1968), 194-208, esp. p. 207 : "In der matthäische Fassung ist Jesus nur ein pharisäischer Schriftgelehrter." Similarly, H. Greeven, "Zu den Aussagen des Neuen Testaments über die Ehe", *ZEE*, i (1957), 109-25, esp. p. 113.

silence strengthens the impression that verse 3 does not lead smoothly into verses 4–8.

The list of difficulties in the Matthaean account is not yet, however, complete. Verse 3 itself contains an internal problem. If the discussion is wholly within the framework of the Pharisaic schools, as verse 3b suggests, why does this merit *πειράζω* language, as in verse 3a? As Baltensweiler has commented, verse 3b contains a “Sachfrage” and not a “Fangfrage”.<sup>1</sup> Elsewhere in Matthew, *πειράζω* is used of questions or requests which are in a direct sense leading questions, calling in question the essential character of Jesus’ mission (iv. 1,3; xvi. 1), or part of a plot against his person (xxii. 18,35, cf. verse 34), but the content of the discussion in Matthew xix. 3–12 hardly belongs in either of these contexts. Finally, there are verses 11 f. These deal with the question of celibacy, and stand together quite easily. They are, however, introduced by verse 10, in which the disciples infer that what Jesus has just said (cf. *οὕτως*) implies that it is not appropriate or advantageous or expedient to marry. Yet nothing in verses 3–9 contains the slightest hint that avoidance of marriage is the best policy: indeed there is nothing which might give grounds even for misunderstanding. Since God is involved in the marriage process (verse 6), and since even the rigorous Shammaïte view of divorce belongs inside a context where marriage is regarded as thoroughly necessary and normal, the disciples’ reaction in verse 10 is not coherent. So yet more evidence suggests that Matthew’s account is somewhat dislocated.

At this point it may be countered that Matthew is too careful a writer to tolerate lapses in logic like these, and that therefore the suggestion of such lapses is *a priori* questionable. To this it can be replied that wider investigation of Matthew provides plenty of evidence in favour of an *a posteriori* deduction that these lapses could and did occur. One comparable example will suffice. In Matthew xix. 16 f. the conversation between the rich young man and Jesus begins with the question, “What good deed must I do to have eternal life?” Jesus replies, “Why do you ask me about what is good?” Goodness here is exclusively applied to actions, but this in itself produces a strange

<sup>1</sup> Op. cit. p. 84.

situation. Firstly, it is by no means clear why the question itself is inappropriate, as Jesus implies. Secondly, the use of "good" to qualify a deed jars with the immediately following reminder that there is one *person* who is good, a reminder which itself contributes nothing to what follows. One cannot help noticing that Mark's version is subject to no such tension, since there all three references to goodness uniformly describe persons, i.e. Jesus and God. Moreover, in traditio-historical terms it is unlikely that a narrative would deliberately introduce a dialogue which is at least capable of suggesting that God, to the exclusion of Jesus, is good, whereas it is wholly understandable that a later form should agree with Matthew in trying to avoid the implication, even at the expense of logical consistency. The later section of the same material provides a further example of the same phenomenon, when Jesus (as in Matthew xix. 10-12) discusses similar matters with the disciples. Verses 23 f. deal with the problem of entry to the kingdom as it affects exclusively the rich man. Verse 25, however, looks back to verses 23 f. by referring to the disciples' astonishment, but has that astonishment expressed in a much more general question, "Who then can be saved?", which is in no way provoked by the preceding saying.<sup>1</sup> With that question it is no longer the problem of the rich man that is under discussion.

Matthew xix. 3-12 therefore does not stand alone in containing a certain amount of awkwardness. The question produced by it is how to work back to any earlier form of the tradition less beset by these problems. To this we shall turn after examining Mark's version to see whether any comparable problems are found there.

Mark x. 2-12 consists of two sections, public dialogue and private instruction. There is a change of audience after verse 9, and this, together with the fact that the saying in verse 9 functions as a final and climatic pronouncement, indicates that verses 2-9 have to be treated as a separate unit. The debate is

<sup>1</sup> The Markan parallel also contains dislocations, but they are readily removed by extrapolating Mark x. 24, 26 f. as a separate unit. In Mark the lines of demarcation within the material are still discernible; in Matt. they are not. Cf. H.-W. Kuhn, *Ältere Sammlungen im Markusevangelium* (Göttingen, 1971), p. 151.

introduced as being concerned with divorce as such: "Is it lawful for a man to divorce his wife?" This takes no account of the Hillel-Shammai controversy, and is understood in that way by Jesus when he responds by simply asking about Moses. Moreover, because the question touches on the very principle of divorce as such, on which the law had something to say, a negative answer could jeopardize Jesus' position, and therefore the language of *πειράζω* is in place. In what follows Deuteronomy xxiv. 1 and Genesis i. 27, ii. 24 are set over against one another, and the Deuteronomic quotation significantly omits all reference to that phrase over which the two Pharisaic schools disagreed. In Mark, Jesus' questioners take Deuteronomy xxiv. 1 as a concession (*ἐπέτρεψεν*, verse 4), but Jesus himself insists by repetition that it is in fact a command (*ἐνετείλατο*, verse 3 . . . *ἐντολή*, verse 5). It is plain therefore that the Mosaic law is the point at issue, and in this connection it is important to see that Deuteronomy xxiv. 1 is not, as in Matthew, mentioned as an objection to an earlier declaration by Jesus—which would make the dialogue into an exercise in the harmonization of texts—but is rather the starting-point. Jesus' final decision about divorce is therefore prepared for by the structure of the discussion and, when it comes, stands as a decision about Moses, too. The decision is unequivocal: "What therefore God has joined together, let not man put asunder."<sup>1</sup>

The block Mark x. 2–9 is therefore consistent, logical and consecutive. Its climactic rejection of divorce is absolute. No qualifying reference to *πορνεία* makes Jesus into a Shammaïte on this question. A collision between the Markan Jesus and the presupposition of Deuteronomy xxiv. 1 does, however, lead naturally to a discussion of the remarriage question which, in the case of the woman, is treated in Deuteronomy xxiv. 2 f. and in current divorce documents, and, in the case of the man, arises straightforwardly from the accepted normality of being married. Mark x. 11 f., while not requiring x. 2–9 as literary introduction, does arise naturally from it and brands the remarriage of either

<sup>1</sup> F. Hauck–S. Schulz, *πόρνη TDNT*, vi (1968), 591: "According to the version in Mark and Luke Jesus states in clearcut fashion that the indissolubility of marriage is the unconditional will of God."

party to the first marriage as adultery. This in itself means that the first marriage is still in existence, and that there is no implicit hidden idea that divorce on grounds of *πορνεία* is permissible because in a real sense the marriage itself never existed. Mark x. 2-9 and x. 11 f. therefore stand separately on their own feet, but the content of each could justifiably have been deduced from the other, and thus the internal logic of Mark's account emerges powerfully.

It is now possible to push the traditio-historical enquiry further forward. At this point one has particularly in mind certain recent comments which reflect a general tendency. W. R. Farmer, for instance, has declared that "only with the greatest difficulty can one explain satisfactorily the history of the synoptic tradition on divorce by a redactional process in which Mark is placed first".<sup>1</sup> In a similar vein, A. Isaksson has sharply criticized the two-document hypothesis for imposing a "Babylonian captivity",<sup>2</sup> and D. L. Dungan, on the basis of a comparison of Pauline and synoptic material, has urged that Matthew xix and Mark x should be treated as two versions without literary dependence either way, but with Matthew's version being the more primitive of the two.<sup>3</sup> Alongside these viewpoints there is that which accepts Matthew xix as the secondary literary text, but still takes it as more original in view of "die sachliche Aufbau des Gespraches" (so, K.-G. Reploh).<sup>4</sup>

There are three basic topics needing to be discussed with a view to a decision on this question. The first, and shortest, concerns criteria. It must be emphasized that the coherence of Matthew xix. 3 with the Hillel-Shammai debate by no means proves its primitiveness. Equally, coherence (if proved) between the decision about divorce and the outlook of Qumran<sup>5</sup> does not prove that Matthew xix. 3 ff. goes back to Jesus, or is more primitive than Mark x. 2 ff. It is worth recalling an analogy from the debate about the authenticity or otherwise of sayings attributed to Jesus in the Gospels. The presence of Semitisms

<sup>1</sup> *The Synoptic Problem* (New York, 1964), pp. 255-7.

<sup>2</sup> *Marriage and Ministry in the New Testament* (Lund, 1965), pp. 70, 103.

<sup>3</sup> *The Sayings of Jesus in the Churches of Paul* (Oxford, 1971), p. 122.

<sup>4</sup> *Markus-Lehrer der Gemeinde* (Stuttgart, 1969), p. 182.

<sup>5</sup> So, Dungan, op. cit. pp. 115-22.

in general or Aramaisms in particular *may* mean that the material stems from Jesus himself, but in terms of logic it may just as well mean that the material stems from a Semitic Aramaic-speaking writer or church.<sup>1</sup> So too here, Matthew has not yet been excluded from possible responsibility for the distinctive features of his version, especially if there is evidence across a wide spectrum permitting his to be called "a rabbinic gospel".<sup>2</sup> So the use of the relationship between Matthew xix. 3 and the Hillel-Shammai controversy to support the primitiveness of Matthew is thoroughly vulnerable because of the criterion upon which it is based. And its weakness is additionally and fatally exposed when the incoherence of the Matthaean tradition is brought into the reckoning. It is this Matthaean phenomenon to which we now return as the starting-point of our second topic of discussion.

It will be remembered that the incoherence in Matthew arises at four points: (a) Verses 10–12 do not arise out of verses 3–9. (b) Verse 9 does not cohere with verses 4–8. (c) Verses 4–8 do not cohere with verse 3b. (d) Verse 3b does not cohere with verse 3a. What adjustments, if any, would remove these awkwardnesses? If that question can be answered we have not only located the focus or foci of the problem but we are halfway towards isolating an earlier form of tradition. Our ability to go the other half of the way will depend on how convincingly we can account for these factors which *ex hypothesi* demarcate the later from the earlier form. Now (a) is no problem. On any showing these verses have to be treated as a quite separate tradition on a different topic. (b) cannot be solved in the same way simply by separating verse 9 from verses 4–8, because, in the Matthaean narrative, verse 8 is not sufficiently final and decisive to function as an ending. Since any tampering with verses 4–8 would have to be so far-reaching if they were to be brought into line with verse 9, it is more likely that one of two alternative solutions may be preferred. That is, either verse 9 has replaced another conclusion that followed verses 4–8, or the trouble is intrinsic

<sup>1</sup> N. Perrin, *Rediscovering the Teaching of Jesus* (London, 1967), p. 37; R. S. Barbour, *Traditio-historical Criticism of the Gospels* (London, 1972), p. 4.

<sup>2</sup> D. Daube, *The New Testament and Rabbinic Judaism* (London, 1956), p. 60.



to verse 9, i.e. its cause is *μὴ ἐπὶ πορνείᾳ*, which would then be secondary. These alternatives are not very far apart, since any conclusion following on verses 4–8 would have to affirm the unconditional indissolubility of marriage. But while either alternative makes things look unpromising for *μὴ ἐπὶ πορνείᾳ*, we do not need to choose until we have discussed the other examples of incoherence. In the case of (c), we are again faced with the alternatives of a drastic remodelling of verses 4–8 to make them agree with verse 3b, or a modification of verse 3b itself. This latter could hardly be other than the excision of *κατὰ πᾶσαν αἰτίαν*. Finally, case (d): Verses 3a and 3b fail to fit together because of *πειράζοντες* and *κατὰ πᾶσαν αἰτίαν*. In theory, the problem could be solved by removing either, and there are no grounds internal to that verse which force one in the direction of either alternative.

When the various permutations and combinations of possibilities are assembled, the following options emerge: (i) A drastic remodelling of verses 4–8, together with the excision of *πειράζοντες*. On this showing, verses 3b,9 are all that remains of the debate which concerned valid grounds for divorce, which Jesus confined to *πορνεία*. (ii) A retention of verses 4–8 and of *πειράζοντες*, but excision of *κατὰ πᾶσαν αἰτίαν* and *μὴ ἐπὶ πορνείᾳ*. On this showing, the debate concerned divorce as such, which Jesus rejected by means of a final saying which had either the modified form of verse 9 or something so like it as to be virtually indistinguishable. Overwhelming probability favours the second of these two options. Firstly, the other option involves a remodelling of verses 4–8 which is drastic to such a degree that it amounts to an elimination. It is virtually impossible to see how the Genesis i. 27, ii. 24 proof-texts could be used to support the position in question. Secondly, the introduction of *κατὰ πᾶσαν αἰτίαν* and *μὴ ἐπὶ πορνείᾳ* would certainly make sense in terms of Matthaean redaction. For not only does Matthew elsewhere assimilate to rabbinic patterns<sup>1</sup> (which is the upshot here), but he also elsewhere shows a tendency to realign strictly eschato-

<sup>1</sup> See v. 17–20 in relation to v. 21–48, and vi. 1 in relation to vi. 2–18 as, in each case, a sequence of principle and cases. Cf. D. Daube, *New Testament and Rabbinic Judaism*, p. 61.

logical material into permanent ethical rulings<sup>1</sup> (which is also the upshot here). Thirdly, the secondariness of the *πορνεία* reference in xix. 9 is supported by indications of secondariness in the similar *πορνεία* reference in v. 32. For v. 31 f. is an antithesis which does not represent a sharpening of the law and an application to the human heart (as in v. 21–26 and v. 27–30), nor does it represent a correction of a law or a current interpretation of a law (as in v. 33–37, 38–42, 43–47).<sup>2</sup> In fact it is a formal antithesis which has no antithesis in content, for v. 32 in its present form is a perfectly justifiable interpretation of Deuteronomy xxiv. 1 as cited in v. 31, and moreover a quite accurate example of “the righteousness of the scribes and Pharisees” (v. 20). But if the saying is relieved of *παρεκτὸς λόγου πορνείας* it is antithetical in content as well as in form, and can truly represent that *περίσσευμα* of which v. 20 speaks.

The net result of our work on Matthew alone, leaving Mark completely on one side, is that incoherence indicates that Matthew xix. 3–9 (10–12) is a secondary form, and that, when the secondary elements are removed, the resulting form of the tradition is extraordinarily similar to Mark! This in turn means that we can at least set the pre-Matthaeian form alongside the Markan form, and makes tests for primitiveness either way. In view of the extensive literary dependence the conclusions which are logically open to us are either that Mark is the source for Matthew/pre-Matthew, or that Matthew/pre-Matthew was used by Mark.

The latter possibility leaves unanswered some thoroughly embarrassing questions. First, why does Mark roughen the transition between verses 5 and 6 (of Mark), so that the subject of the verbs in verse 6 is not specified but is nevertheless different from the specified subject of the verb *ἔγραψεν* in verse 5—a roughness which is absent from Matthew xix, 4 f? Second, why does Mark shorten the quotation of Genesis ii. 24 so as to omit *κολληθήσεται τῇ γυναικὶ αὐτοῦ*, and also omit the introduction *οὐκ ἀνέγνωτε ὅτι . . .*, when both are thoroughly appropriate

<sup>1</sup> See, e.g. v. 25 f. as compared with Luke xii. 57–59. Cf. J. Jeremias, *The Parables of Jesus* (London, 1963), pp. 43 f.

<sup>2</sup> H. Greeven, art. cit., p. 113.

to his version, and when the latter introductory formula is paralleled at Mark ii. 25, xii. 10,26? Third, why should Mark take the trouble to introduce αὐτοῦ in qualification of τὸν πατέρα (and in agreement with LXX), but fail to add it correspondingly to τὴν μητέρα (as in LXX), thus creating another stylistic awkwardness? Fourth, why should Mark omit the words ἀπ' ἀρχῆς δὲ οὐ γέγονεν οὕτως when they fit so admirably inside the tendency of his account to down-grade Moses? It is so difficult to envisage Mark's engaging in such inconsistent and less than thorough editorial activity that the overwhelming suspicion left by a comparison of the accounts is that the suggestion of the priority of Matthew or of pre-Matthew over Mark has stood the situation on its head.

This brings us to the former possibility, namely that Mark is the source for Matthew or pre-Matthew. The removal of all the awkwardnesses listed in the previous paragraph counts *mutatis mutandis* in favour of this possibility. Moreover, only if distinctive features of Matthew turn out to be untypical of the final editor, Matthew the evangelist, can any serious challenge be raised against the view that Mark is the source, or any positive argument be mounted in favour of some intervening editor other than Matthew himself. In fact, the divergences and distinguishing features are all typical of Matthew's own approach. The form of the material, namely 'Question—Answer—Objection—Counter-argument—Conclusion', is a typical rabbinic pattern belonging well within the overall character of the gospel. The extension of the Old Testament quotation occasions no surprise in a document so heavily weighted with such quotations. The introductory formula οὐκ ἀνέγνωτε . . . is typical of Matthew (cf. xii. 3,5; xxi. 16,42; xxii. 31). The wish to soften the impact of a collision with Moses is thoroughly understandable in someone so concerned with the eternal validity of the law (v. 18 f.). Consequently we have strong reason to believe that the pre-Matthaeian form of the tradition was Mark<sup>1</sup> and Mark alone, and that the post-Markan editor of the primary source was Matthew and Matthew alone.

There is, however, a third topic requiring discussion if this

<sup>1</sup> Similarly, Greeven, art. cit. p. 113; Baltensweiler, op. cit. p. 59.

result is to be treated as secure. This is the attempt to undermine the priority of Mark x by finding traces of Matthew xix in Paul's discussion of marriage and divorce in 1 Corinthians vi and vii. A. Isaksson, for instance, has urged that Matthew's gospel must not be isolated from the early tradition of the church,<sup>1</sup> and in that context draws a line of correspondence between Matthew and Paul.<sup>2</sup> Similar parallelism is constructed by D. L. Dungan.<sup>3</sup> We have therefore to examine the contribution of Pauline material to the traditio-historical enquiry, and in particular the question of whether 1 Corinthians vi-vii presupposes an awareness on the part of Paul's readers of specifically the *Matthaeian* form of the tradition. This means investigating in series 1 Corinthians vi. 12-20; vii. 1-9, 10 f., 12-16.

1 Corinthians vi. 12-20 contributes very little. Genesis ii. 24 is indeed quoted but, as is obvious, this happens in Mark as well as in Matthew, and therefore in no way supports a rapprochement of only the latter with Paul.

1 Corinthians vii. 1-9 can most usefully be treated as a whole, in spite of its containing two paragraphs, verses 1-7 and 8 f. In verses 1-7 Isaksson finds Paul carefully distinguishing between command and concession in the matter of sexual intercourse within marriage. The ideal is said to be abstinence: "Although they are married they may live according to the ideal which Paul puts forward in v. 1—not to have sexual intercourse—an ideal which Paul lives by."<sup>4</sup> Paul recommends, it is said, that men should live unmarried and, even within marriage, abstain from intercourse. This recommendation, says Isaksson, marks such a dramatic break with Pharisaic tradition that it could only be made if it agreed with church tradition—and that tradition turns up in Matthew xix. 12! This interpretation needs to be tested.

At the beginning it is as well to note a considerable degree of parallelism between verses 1-7 and verses 8 f. Both are introduced by a statement beginning *καλόν . . .* (verses 1,8). Both speak of the temptation to immorality which is involved in celibacy (verses 2a, 9a). Both speak of the process of becoming

<sup>1</sup> *Marriage and Ministry*, pp. 71 f., 112.

<sup>3</sup> *Sayings of Jesus*, p. 131.

<sup>2</sup> *Op. cit.* pp. 104-15.

<sup>4</sup> *Op. cit.* p. 107.

married, as distinct from the married state as such (verses 2b, 9). Both refer to Paul's own situation (verses 7a, 8). But verses 1-7 go beyond verses 8f by treating the question of abstaining from intercourse within marriage as well as the question of abstinence by virtue of not getting married at all. Now, the parallelism of the two *καλόν* . . . statements, together with the fact that in the second of them Paul makes plain that he is himself speaking (*λέγω*, verse 8), means that even if verse 1b is a quotation from the letter to Paul from Corinth<sup>1</sup> it is still a statement with which Paul agrees. But his agreement is very sharply qualified indeed, for the statement could, in isolation, be made to apply to both the unmarried and the married. In the case of the married, Paul uses the strongest language against it. He sternly opposes any unilateral abstinence by describing it as the dishonouring of a debt, the rejection of authority and even fraud (verses 3f.). The only concession he will make (and it is this to which the *συγγνώμη* of verse 6 applies,<sup>2</sup> rather than to verses 2-5<sup>3</sup> or 1-5<sup>4</sup> or verse 2<sup>5</sup>) is that abstinence inside marriage may be allowed under the strictest conditions, namely, that it is on the basis of mutual agreement, strictly limited in time, and for the specific spiritual purpose of prayer (verse 5).<sup>6</sup> Failure to observe these conditions exposes the married person to precisely the same temptations as the unmarried faces (verse 5b). In the case of the unmarried, Paul also qualifies the statement in verse 1b by stressing the vulnerability to temptation which is involved (verses 2a, 9), so that what is *καλόν* is strictly conditional upon a gift from God (verse 7) and, in the absence of that gift, is strictly subordinated to what is *κρεῖττον* (verse 9b).

It would therefore seem that Paul is opposing a generalization about abstinence from intercourse by arguing that while

<sup>1</sup> J. C. Hurd, *The Origin of 1 Corinthians* (London, 1965), p. 163; C. K. Barrett, *A Commentary on the First Epistle to the Corinthians* (London, 1968), p. 154.

<sup>2</sup> H. Greeven, art. cit. p. 119; J. Héring, *The First Epistle of St. Paul to the Corinthians* (London, 1966), p. 50; Baltensweiler, op. cit. p. 162; Barrett, op. cit. p. 157; F. F. Bruce, *1 and 2 Corinthians* (London, 1971), p. 67.

<sup>3</sup> H. Lietzmann-W. G. Kümmel, *An die Korinther I-II* (Tübingen, 1969), p. 30.

<sup>4</sup> H. Conzelmann, *Der erste Brief an die Korinther* (Göttingen, 1969), p. 142.

<sup>5</sup> Dungan, op. cit. pp. 87 f.

<sup>6</sup> Cf. Baltensweiler, op. cit. pp. 159 ff.

it may be an ideal, it only applies to the few, and those few are persons specially gifted. It is unrealistic to use it as a discouragement to the unmarried from seeking a partner, and it is quite wrong, except in unusual and limited situations, to apply it within marriage. Does this mean that, as Dungan argues,<sup>1</sup> Paul is personally opposed to all sexual relations or that he accepts the common view that sexual intercourse inhibits and pollutes one's relations with the pure sphere of the divine? This can hardly be so, in view of his argument in verse 14 that holiness is communicated to an unbelieving husband and to the children of a mixed marriage by virtue of intercourse, and in any case Paul later shows quite plainly that his approval of the statement in verse 1b has nothing to do with cleanness concepts but rather with the eschatological situation (verses 26, 29, 31) and the extra degree of undistracted commitment open to the unmarried (verses 32–35). Moreover, verse 7b not only indicates that the celibate state is a gift from God but that the married state is too (ὁ μὲν οὕτως, ὁ δὲ οὕτως). And in the light of all this, does 1 Corinthians vii. 1–7 indicate an awareness of Matthew xix. 10–12? In form there is a parallel between the two, in that a generalizing rejection of marriage in principle is itself rejected by appeal to a limited gift of God (Matthew xix. 11). But our question must receive a negative answer because Paul only appeals to a saying of Jesus when he reaches verse 10, and his reasons (as outlined above) for taking his own stance on this matter are quite sufficient in themselves and need no additional support. So if Matthew xix. 10–12 and 1 Corinthians vii. 1–9 exhibit some internal parallelism it is nevertheless clear that Paul knows nothing of the former tradition, and that the suggested connection between Paul and Matthew within the tradition is illusory.

1 Corinthians vii. 10 f. is the central axis about which the present discussion of the Gospels—Paul relationship must turn. Paul is quite explicit that he has a word of (the historical<sup>2</sup>) Jesus on the problem of dissolving marriages, and his ruling correspondingly lacks all independent reasoning and argument such

<sup>1</sup> Op. cit. pp. 85 ff.

<sup>2</sup> ὁ κύριος here designates the earthly, rather than the exalted, Jesus. Cf. F. Hahn, *Christologische Hoheitstitel*<sup>3</sup> (Göttingen, 1966), pp. 91–94.

as he sets out in verses 1-9, 12-16. The authoritative command of Jesus is said to cover a symmetrically arranged prohibition:

*παραγγέλλω γυναῖκα ἀπὸ ἀνδρὸς μὴ χωρισθῆναι  
καὶ ἄνδρα γυναῖκα μὴ ἀφιέναι.*

Included within this is the conditional statement: "but if she does, let her remain single or else be reconciled to her husband". A material part of the discussion concerns the right of this conditional statement to be included within the saying of the Lord.

Dungan rightly interprets verses 10b, 11b as "a simple, strict prohibition of divorce".<sup>1</sup> To this he adds that Paul's application of the principle is in flat contradiction to the command of the Lord which he quotes.<sup>2</sup> This time it is impossible to agree. Firstly, such a flat contradiction requires us to regard Paul as intellectually confused and pastorally confusing, which is hard to credit. Secondly, the form of the section, i.e. a statement of basic principle in two parts, surrounding advice about a real situation, is paralleled in the relationship between verses 1b, 7 and 2-6, and between verses 12-14, 16 and 15. Therefore verse 11a is to be taken as a situational parenthesis in which a less than ideal situation has posed a problem and receives a solution. This is already prepared for by the transmission of the Lord's saying where the command to the woman precedes the command to the man, an order which is unlikely to be traditional. The less than ideal situation therefore concerns a woman whose marriage relationship may be terminated on her initiative, either at some unspecified time in the future or perhaps between the time that Paul writes and the time when his letter is received. The problem this time is nothing to do with a rejection of marriage or of intercourse within marriage on ascetic grounds, for in those circumstances Paul would not need to advise reconciliation and to warn against remarriage. This must be a case where a divorce has taken or may take place with a view to remarriage.<sup>3</sup> But

<sup>1</sup> *Op. cit.* p. 89.

<sup>2</sup> *Op. cit.* p. 93.

<sup>3</sup> Compare with 1 Cor. vii. 11a the remarriage document (No. 115, lines 4, 5) from Murabba'at, where there is the same sequence *ἀπαλλαγῆναι καὶ ἀπολύειν . . . καταλλάξαι καὶ προσλαβέσθαι*. P. Benoit-J. T. Milik-R. de Vaux, *Discoveries in the Judaean Desert*, ii (Oxford, 1961), 248.

we are still left asking by what right verse 11a can have its present position, i.e. within a saying of the Lord, and its categorical form, i.e. without any reasoning or justification attached. To these two characteristics a third can be added: The advice given to the divorced person is strikingly different from that given to the unmarried and widows. For them marriage and intercourse provide protection from sexual pressures and lusts. Not so the divorcee! Yet the divorcee must be equally subject to those pressures. So while it is theoretically possible that verse 11a might be simply a Pauline gloss on the pre-Pauline bipartite tradition (just as Paul glosses traditional material in 1 Corinthians xv. 6b, for example), the convergence of the three factors<sup>1</sup> indicates that this parenthesis by Paul was itself based on tradition.

The results of our investigation of 1 Corinthians vii. 10 f. are therefore that the following elements of pre-Pauline and, in Paul's view, dominical tradition can be isolated: (a) A saying prohibiting the remarriage of a divorced woman. (b) A two-part saying forbidding either party to a marriage from initiating a divorce. The original form of this saying was probably:

ἀνὴρ γυναῖκα μὴ ἀφιέτω  
καὶ γυνή ἀπὸ ἀνδρὸς μὴ χωριζέσθω (οἱ χωρίζετω).<sup>2</sup>

And it is now possible to compare these two traditions with synoptic material in order to test whether any Paul—Matthew connection exists. With reference to (a), the Gospel material prohibiting the remarriage of a divorced woman is found in Mark x. 12, Matthew v. 32 and Luke xvi. 18b. This means that there is no exclusive or necessary relationship with Matthew. With reference to (b), the bipartite saying is simply an exposition of

<sup>1</sup> We must give much weight to the fact that Paul is distinguishing with unparalleled care between sayings of the Lord and his own expositions. If an exposition could still, in a looser sense, be termed a saying of the Lord, there would certainly be no need for verse 12a: "I say, not the Lord . . .".

<sup>2</sup> On the vocabulary involved, cf. Daube, *New Testament and Rabbinic Judaism*, pp. 362–5. The careful distinction between the two verbs in 1 Cor. vii. 10 f. is in marked contrast with Paul's own usage, where ἀφίημι is used for the action of both man and woman (verses 12, 13), and χωρίζω similarly (verse 15). This in itself suggests that both members of the bipartite form in verses 10b, 11b are pre-Pauline, rather than that one is pre-Pauline and the other a Pauline expansion.



the tradition of Matthew xix. 6b=Mark x. 9b. But of any necessary and exclusive connection with Matthew there is not a trace.

Finally, the traditio-historical significance of the discussion of mixed marriages in 1 Corinthians vii. 12–16 needs to be investigated. Here we begin with a statement by Isaksson: “The question submitted to Paul presupposes that in Corinth the Church’s prohibition of divorce was already known. The intention was to ask if they were right in thinking that this prohibition meant that they should refuse to consent to divorce even when the unbelieving spouse demanded it. Paul’s answer is that in this special case a Christian may consent to divorce.”<sup>1</sup>

This interpretation is unconvincing, for the following reasons. Firstly, verses 12 f. deal specifically with marriages where the unbeliever is definitely content to stay; it is only at a later stage, verse 15,<sup>2</sup> that the unbeliever’s possible wish for separation enters the discussion. Secondly, the imperatives concern action by the believer in each case: “let him (the brother) not leave her . . . let the woman (believer) not leave him . . .” (verses 12b, 13b). Thirdly, verses 14, 16 indicate reasons for maintaining, rather than for abandoning, the marriage.<sup>3</sup> Consequently, the argument presupposes, not that the unbelieving spouse wants the divorce but that the believer thinks this may be right.<sup>4</sup> And on this basis the presupposition of the Christians in Corinth who raised the possibility of separating from unbelieving partners is an ethic based on a sharp distinction between those in Christ and those outside. They develop this distinction in a way which undermines the status quo (perhaps with the encouragement of material now preserved in 2 Cor. vi. 14–vii. 1). If they knew about Jesus’ prohibition of divorce—which is unlikely in view

<sup>1</sup> Op. cit. pp. 105 f.

<sup>2</sup> Verse 15 functions as a parenthesis within its paragraph, treating a situation differing from that envisaged in the surrounding material, just as verses 2–6, 11a do in their paragraphs.

<sup>3</sup> In favour of an optimistic sense for verse 16: Baltensweiler, op. cit. p. 70; Barrett, op. cit. p. 167; Bruce, op. cit. p. 70; Dungan, op. cit. p. 94, and above all, J. Jeremias, “Die missionarische Aufgabe in der Mischehe (1 Kor. 7, 16)”, repr. in *Abba* (Göttingen, 1966), pp. 292–8.

<sup>4</sup> Baltensweiler, op. cit. pp. 192–6; Barrett, op. cit. p. 164; Bruce, op. cit. p. 69.

of the problem posed in verses 10 f., and in view of the fact that Paul does not pause to add any additional support to the word of the Lord which he quotes—they take it only to apply to cases of marriage between believers. Paul's response shows the same "in Christ" community-consciousness as they have (cf. also 1 Cor. vii. 39), but does not attempt to undermine the status quo. He does know the word of the Lord, of course, but certainly presupposes that it does not apply to mixed marriages,<sup>1</sup> since, firstly, the freedom to agree to divorce (verse 15)<sup>2</sup> would not exist if the ruling of verses 10b, 11b applied, and, secondly, Paul makes plain that the guidance in verses 12–16 does not consist of quotation from the Lord or deduction from any such quotation.

It is now possible to draw together the threads of the Pauline evidence and to complete the third section of our discussion of the Matthew-Mark relationship. Attempts to find traces of Matthew xix in 1 Corinthians vii have failed. On the one hand, the Corinthian church shows no knowledge whatever of any tradition of Jesus' sayings about any of the problems discussed by Paul in 1 Corinthians vi-vii. The positions adopted by that church are characterized by (i) knowledge of Pauline teaching, which is interpreted, not wholly unjustifiably, in a way which Paul rejects; (ii) capitulation to current tendencies either towards asceticism and against marriage as such, intercourse within marriage, and continuing marriage with an unbeliever, or towards a more relaxed attitude to divorce; (iii) general uncertainty, so that Paul has to be consulted. Paul, on the other

<sup>1</sup> The pattern of Paul's argument suggests that it is not accurate to derive the various Christian treatments of divorce from rabbinic halakhah, with prohibitions of divorce belonging to contexts in which Christians and Gentiles meet, and the Shammaïte position belonging to contexts in which Christians and Jews meet (thus, M. R. Lehmann, "Gen. 2, 24 as the Basis for Divorce in Halakhah and New Testament", *ZAW*, lxxii (1960), 263–7). Firstly, 1 Cor. vii. 10 f., 12–16 set out *different* advice in the *same* setting. Secondly, and in support, Mark x. 2–9 takes up the question in terms of a man's initiative in bringing about a divorce, which brings that rigorous passage back into a Jewish setting.

<sup>2</sup> 1 Cor. vii. 15 allows divorce but makes no comment either way on the possibility of remarriage. R. Schnackenburg, *The Moral Teaching of the New Testament* (London 1967), pp. 249 ff.; Dungan, *op. cit.* pp. 96 ff. Otherwise, Conzelmann, *op. cit.* p. 149.

hand, knows but may well not have passed on previously a two-part saying which prohibited divorce, and a tradition branding the remarriage of a divorced woman as adultery. These he traces to the earthly Jesus. But other material, within which he happens to overlap with material attributed elsewhere to Jesus (i.e. 1 Cor. vi. 17/Mark x. 8/Matt. xix. 6, and 1 Cor. vii. 1-9/Matt. xix. 11 f.) contains no hint of awareness on his part of any such overlap. Consequently, Paul introduces no complications or obstacles in the way of our moving to the conclusion, in favour of which we have already seen so much evidence, that Matthew xix. 3-9 is a revision by Matthew of material drawn by him from Mark x. 2-12.<sup>1</sup> It is not the case that Matthew's account is more primitive, it merely *appears* (at one or two points) more primitive, and those appearances are deceptive. Since this is also the case with Matthew v. 32, which is secondary as compared with Luke xvi. 18,<sup>2</sup> the primary traditions which, in terms of literary dependence, are unrelated are Mark x. 2-9, 11 f., 1 Corinthians vii. 10b+11b, 11a and Luke xvi. 18.

## II

In examining which *Sitz im Leben* underlies each of these traditions, we begin with Mark x. 11 f.

In Mark x. 11 f. we have a two-part statement setting out in parallel prohibitions of divorce and remarriage by first the husband and then the wife within the original marriage. In exhibiting this bipartite form the sayings possess a symmetry presented throughout the divorce material, except in 1 Corinthians vii. 11a, where a specific situation involving a wife's initiative perhaps accounts for the imbalance, and in Matthew xix. 9, where the lack of reference to the wife may reflect a concern of Matthew not to suggest that a woman could initiate divorce proceedings. Mark x. 11 f. may, however, represent a develop-

<sup>1</sup> Cf. Barrett, *op. cit.* p. 162: "Since 1 Corinthians is earlier in date than any of the gospels, the passage gives additional support to the claim of Mark x (rather than the Matthaean parallel) to give the original form of Jesus' saying on divorce."

<sup>2</sup> See above p. 101. Cf. T. W. Manson, *The Sayings of Jesus* (London, 1971), pp. 135-8.

ment from the original simple form as represented in Mark x. 11 alone. This is indeed the opinion of a majority of scholars, who pay particular heed to the clash between Mark x. 12<sup>1</sup> and the Palestinian situation within which a woman could not divorce her husband.<sup>2</sup> This situation is set out neatly in the comment by Josephus about dissolution (*ἀπολύειν*) of marriage: "It is only the man who is permitted by us to do this, and not even a divorced woman may marry again on her own initiative unless her former husband consents" (*Ant.*, xv. 259). Granted, P. Billerbeck has collected material showing the circumstances which would justify a woman's taking the initiative in seeking a divorce,<sup>3</sup> and E. Bammel has collected evidence of divorce proceedings carried through by the wife in certain marginal areas, cf. the data from Elephantine, Murabba'at and Samaritan sources.<sup>4</sup> Yet it would be hard to account for Josephus' statement if main-line Palestinian practice had permitted the wife to divorce her husband as well as vice versa. So the question for us is whether we can immediately proceed to categorize Mark x. 12 as a saying stemming from a Hellenistic environment and not from Jesus. I doubt it. On the one hand, it would be quite possible for Jesus or the Palestinian church or both to criticize the practice of fringe groups—a parallel which springs to mind is the anti-Qumran orientation of Matthew v. 43 f.=Luke vi. 27 f. On the other hand, it would be quite possible for Jesus or the Palestinian church or both to attack a principle which, while prohibited also by current custom, had been put into practice in certain notorious instances. Those instances were ready to hand in the actions of Salome against her husband Costobarus (*Ant.*, xv. 259) and of Herodias against Herod (*Ant.*,

<sup>1</sup> Daube, *New Testament and Rabbinic Judaism*, pp. 366 f., opts for the originality of the D variant using *ἐξέρχεται*. Against this, however, E. Bammel, "Markus 10, 11 f. und das jüdische Eherecht", *ZNW*, lxi (1970), 95–101, esp. pp. 100 f.

<sup>2</sup> G. Dellling, "Das Logion Mark X. 11 (und seine Abwandlungen) im Neuen Testament", *NovT*, i (1956), 263–74, esp. p. 266; W. Grundmann, *Das Evangelium nach Markus*<sup>3</sup> (Berlin, 1965), p. 205; E. Haenchen, *Der Weg Jesu* (Berlin, 1966), p. 337; E. Schweizer, *The Good News according to Mark* (London, 1971), p. 201; Baltensweiler, *op. cit.* pp. 66 f.

<sup>3</sup> *Handkommentar*, ii. 23 f.

<sup>4</sup> *Art. cit.* pp. 96–99.

xviii. 136).<sup>1</sup> Since Palestine was made sharply aware of the reality of Hellenistic procedure and influence by these cases, Mark x. 12 should not be dispatched too speedily to a place of origin beyond the frontiers. A measure of corroboration is provided at this point by 1 Corinthians vii. 11a, where Paul seems to draw on tradition prohibiting the remarriage of a woman who carries through divorce proceedings, and associates that tradition with Jesus.<sup>2</sup>

In the case of Mark x. 11 there are no such difficulties. The point of view is male, as in the case of both parts of Luke xvi. 18. The divorce and remarriage of the first husband is branded as adultery (Mark x. 11; Luke xvi. 18a); the action of a second husband in marrying the divorced wife is similarly rejected (Luke xvi. 18b). The upshot of these rulings is that remarriage by either party is adultery, which in turn presupposes that the original marriage still exists<sup>3</sup> and that the divorce procedure centring on the βιβλίον ἀποστασίου is null and void. This could never have been deduced from Deuteronomy xxiv. 1-4. That passage, as we have seen, recognizes the validity of divorce procedure, and presumes the practice of second marriage. So Mark x. 11/ Luke xvi. 18a attacks the plain implication of Deuteronomy xxiv. 1, and Luke xvi. 18b attacks the plain implication of Deuteronomy xxiv. 2.<sup>4</sup> What Moses permits, the Jesus of Mark and the Jesus of Q forbid. And in the process a redefinition of adultery has been formulated,<sup>5</sup> that is, if "in Jewish law adultery is *always* intercourse between a married woman and a man other than her husband".<sup>6</sup> The phrase ἐπ' αὐτήν in Mark x. 11 brings this into focus with crystal clarity, but even without that phrase itself the point remains, because in Luke xvi. 18a and such a revised version of Mark x. 11 a second woman is involved but not a second man. If we now go on to ask in what setting Mark

<sup>1</sup> Baltensweiler, *op. cit.* pp. 71 f.; Daube, *op. cit.* p. 365; F. F. Bruce, "Scripture and Tradition in the New Testament", in F. F. Bruce-E. G. Rupp (eds.), *Holy Book and Holy Tradition* (Manchester, 1968), pp. 68-93, esp. p. 89.

<sup>2</sup> See above p. 107.

<sup>3</sup> There is therefore no question here of an implicit reference to *πτορεία*, or any idea of the non-existence of the first marriage because of it (*Contra* Dungan, *op. cit.* p. 111).

<sup>4</sup> Similarly, Haenchen, *op. cit.* p. 337.

<sup>5</sup> Cf. Matt. v. 28.

<sup>6</sup> T. W. Manson, *Sayings*, p. 136.

x. 11 and Luke xvi. 18 could have originated, we find once again that nothing stands in the way of attributing this material to Jesus. The redefinition of adultery, related, as it is, to the similar formulation in Matthew v. 27 f. represents demand rather than law and consequently amounts to an authoritative and absolute declaration of the will of God such as Jesus announced. Moreover, such a redefinition involves a higher estimate of the status of women than was current in his environment, but a considerable amount of supporting material, suggesting just such a revaluation of the role of women by Jesus, exists.<sup>1</sup> And when this material is subjected to the three criteria of authenticity recently defended, though not originally evolved, by N. Perrin,<sup>2</sup> it passes with flying colours. By the criterion of multiple attestation, the agreement between Mark x. 11 and Luke xvi. 18 counts in its favour. By the criterion of coherence, the existence of other material indicative of a critical stance adopted by Jesus over against the law and tradition (e.g. Mark vii. 15<sup>3</sup> and Luke ix. 60<sup>4</sup>) counts in its favour. By the criterion of dissimilarity, the divergence from Judaism (Deut. xxiv. 1-4)<sup>5</sup> points in its favour towards authenticity. And in so far as anything within the Gospels can be said to diverge from Christian insights (which is, incidentally, highly doubtful), these sayings again do well, for we can at least trace on a broad front a tendency to tone down their sharpness. Thus Matthew modifies in the way already noted, and he, together with Q and Luke, keeps this material so close to the saying about the eternal validity of the law (Matt. v. 18—Luke xvi. 17) that some qualification is necessarily applied. It is consequently thoroughly defensible for anyone to claim that Mark x. 11 and Luke xvi. 18 fit neatly inside the teaching of Jesus.

<sup>1</sup> J. Jeremias, *New Testament Theology*, i. 223-7.

<sup>2</sup> *Rediscovering the Teaching of Jesus* (London, 1967), pp. 39-49. There are, however, grave drawbacks in all these criteria, both as they are in themselves and as they are frequently used. Cf. my article on "Tradition-criticism", to be published in I. H. Marshall (ed.), *New Testament Interpretation*.

<sup>3</sup> See H. Merkel, "Markus 7, 15—das Jesuswort über die innere Verunreinigung", *ZRGG*, xx (1968), 340-63.

<sup>4</sup> See M. Hengel, *Nachfolge und Charisma* (Berlin, 1968), pp. 9-17.

<sup>5</sup> Baltensweiler, op. cit. p. 71: "Gerade die ursprüngliche Radikalität, welches dieses Wort auszeichnet, spricht für seine Zugehörigkeit zur Botschaft Jesu." On other material allegedly providing a Jewish parallel, see later pp. 122-4.

Historical criticism of Mark x. 2-9 has tended to distinguish sharply between verse 9 and the material which precedes it. Frequently, verses 2-8 are regarded as more doubtful historically than verse 9.<sup>1</sup> This has also been a recurring argument when pro-Matthaeian apologetic has been mounted. The criticisms need to be examined one by one.

(a) It is said that none of Jesus' contemporaries would have asked him the question of Mark x. 2: "Is it lawful for a man to divorce his wife?"<sup>2</sup> In this vein, Dungan writes: "In view of the overwhelming evidence that nothing whatever in the law suggests that divorce is illegal, any commentator who proposes to defend the primitive historical character of Mark's version of the Pharisees' question, that it is more original than Matthew's, has no alternative . . . but to search for ulterior and sinister motives on the part of the Pharisees for putting such an obviously phony question to Jesus . . . Mark's version of the question is inconceivable in a Palestinian Pharisaic milieu . . . If we simply transpose the whole story in Mark into the setting of the early Hellenistic church, everything immediately fits perfectly."<sup>3</sup> This trenchant critique is, however, weak at precisely the points where it needs to be strong. It accepts a clearcut distinction between Hellenistic and Palestinian patterns, which is more than doubtful. It forgets that the "Hellenistic" church possessed Deuteronomy xxiv. 1-4 just as much as Palestinian Pharisaism, and therefore, if the question is awkwardly located in one setting, it is just as awkwardly located in the other. Further, it takes *ἐξέστω* in the strictest sense of "it is prescribed in the Mosaic law that . . .". But this is neither necessary, in view of a looser meaning attested in, e.g. Matthew xv. 26; xx. 15; Mark xii. 14; Acts viii. 37; 2 Corinthians xii. 4, nor is it likely, since on this showing Jesus' counter-question, "What did Moses command you?" simply repeats their original question to him. The form of the pericope plainly focuses upon what *Jesus'* view of the matter is, and it is in that sense that *ἐξέστω* must be taken, i.e. "Is it in your view

<sup>1</sup> Most recently, K. Berger, *op. cit.* p. 576.

<sup>2</sup> Thus, J. Schmid, *Das Evangelium nach Markus*<sup>5</sup> (Regensburg, 1963), p. 186; D. E. Nineham, *St. Mark* (London, 1963), p. 260; A. Suhl, *op. cit.* p. 74; E. Schweizer, *Good News*, p. 202. Against this, Baltensweiler, *op. cit.* pp. 46 f.

<sup>3</sup> *Op. cit.* pp. 111 f.

right that a man should divorce his wife?" This brings us to the question of "phoniness" and sinister ulterior motivation. Why should it be presumed that test-questions were not put to Jesus? It certainly happens in material of high historical calibre, e.g. Mark xi. 27-33; xii. 13-17, 18-27, so why it should not happen in Mark x. 2-9 is far from clear. If the presumption stems from a thoroughly justifiable reaction to traditional Christian polemic against the Pharisees, that is one thing, but an over-reaction which takes Pharisaic questioning as totally uninfected by political considerations (in the broadest sense of that word) is quite another. Indeed, it is quite unrealistic. Has theological debate ever been so securely insulated? In the present case, all that is needed is some previous awareness on the part of those sceptical about Jesus that his position on this subject might be suspect. To recognize that as a possibility, in the light of widespread evidence in the Gospel tradition of clashes with the Pharisees on kindred topics, is not to stretch anyone's imagination far.

(b) It is argued that Jesus' own introduction of Moses in Mark x. 4, when he is shortly afterwards to criticize Moses, is artificial.<sup>1</sup> But account must here be taken of a tactical approach used by Jesus on several occasions, namely the use of the counter-question which transforms a question-and-answer session into one of dialogue and involvement on the part of the original questioners. That is, they are not permitted to become spectators sitting on the sidelines. They have to function actively and make decisions on the way, so that right through to the end questions are explicitly asked of them as well as by them. The same shock tactics as are used when parables take unexpected turns (for instance, the praise of the unjust steward<sup>2</sup> or the substitution of a Samaritan in place of the expected Israelite layman<sup>3</sup>)

<sup>1</sup> P. Winter, *On the Trial of Jesus* (Berlin, 1961), pp. 112, 206; J. Schmid, *Markus*, p. 186; D. E. Nineham, *St. Mark*, pp. 259 f.; E. Haenchen, *Der Weg Jesu*, p. 339; E. Schweizer, *Good News*, p. 202.

<sup>2</sup> Luke xvi. 8. Cf. Jeremias, *Parables*, p. 182.

<sup>3</sup> Luke x. 33. Significant in this connection is the argument of the Jewish scholar, J. Halevy, that the parable as originally told actually had an Israelite layman as the third participant. "Sens et origine de la parabole évangélique dite du bon Samaritain", *REJ*, iv (1882), 249-55.



are in action when Jesus asks a straight question of his questioners (as, for instance, in the case of the tribute coin<sup>1</sup> or the baptism of John<sup>2</sup>). And since a deliberate intention to focus the sharp divergence between the old and the new orders, which emerges in Jesus' declaration at the end of the pericope, cannot be excluded from Jesus' question at the beginning, the suspicions about Mark x. 3 do not appear well-grounded.

(c) It is said that Mark x. 3–5 misunderstands the distinction between command and concession,<sup>3</sup> whereas Matthew xix. 7 f. has understood it correctly.<sup>4</sup> In Mark Jesus treats as a command that which the Pharisees take as a concession, whereas in Matthew the Pharisees take it as a command and Jesus takes it as a concession. However, at the very least this argument cannot favour the historicity of one account at the expense of the other. If the legislation should be taken as a concession, then Jesus is wrong in one version but the Pharisees are wrong in the other, and *mutatis mutandis* if the legislation should be taken as a command. But in any case, it is hard to see why either concession or command is an inappropriate description of the material. Since divorce legislation as such deals with contingencies rather than unconditional ideals, the permission involved makes the verb ἐπέτρεψεν (Mark x. 5) quite appropriate. And since Deuteronomy xxiv. 1–4 involves specific requirements inside those contingent circumstances, and moreover occurs in a larger section described as containing "commands" (Deut. xxvi. 16), the words ἐνετείλατο . . . ἐντολήν are equally appropriate.

(d) It is argued that the force of the argument, which uses the two Old Testament quotations (Gen. i. 27; ii. 24) is dependent on the words οἱ δύο which are found only in the LXX.<sup>5</sup> This

<sup>1</sup> Mark xii. 16. Cf. C. H. Giblin, "'The Things of God' in the Question concerning Tribute to Caesar", *CBQ*, xxiii (1971), 510–27.

<sup>2</sup> Mark xi. 30.

<sup>3</sup> On this distinction, cf. D. Daube, "Concessions to Sinfulness in Jewish Law", *JJS*, x (1959), 1–13. However, in applying this principle to Jesus' teaching on divorce, Daube (who accepts the priority of Mark) assimilates, no doubt unconsciously, to Matthew, as in the following comments: "divorce, tolerated by Moses 'for the hardness of your heart'" (p. 1); "Jesus parried the Pharisaic reference to the bill of divorce by maintaining that this was admitted because of the people's wickedness" (p. 10).

<sup>4</sup> Dungan, *op. cit.* pp. 121 f.

<sup>5</sup> Berger, *op. cit.* pp. 539–48.

argument is, however, unconvincing on two grounds. Firstly, the use of the LXX in a Greek document (Mark) written for a Greek-speaking community using the LXX is not surprising—indeed those quotations which retain the use of versions other than the LXX are the surprising ones—and is therefore in itself no obstacle to historicity. Secondly, if, for the sake of argument, the words οἱ δύο<sup>1</sup> were excised from Mark x. 8, would anything be lost? The plural verb ἔσσονται would have to refer back to the ἄρσεν καὶ θῆλυ of Genesis i. 27. But that is quite sufficient as backing for the statement ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ σὰρξ μία since we know from Yebamoth vi. 6<sup>2</sup> that Genesis i. 27 is by itself quite sufficient to denote “two-ness”.

(e) The quotations from Genesis i. 27; ii, 24, or at least the latter, have been criticized on other grounds. H. Merkel has suggested that neither quotation was originally involved, since neither provides material critical of Mosaic divorce legislation.<sup>3</sup> But against this, the quotations gain their argumentative force only in combination, and their presentation of a divinely-arranged process of achieving a unity out of the separate creations of man and woman leads quite naturally to the οὖν of verse 9.<sup>4</sup> From a different angle of approach, D. Daube has suggested that the original form of the tradition ran: “From the beginning, male and female created he them. What therefore God has joined together, let not man put asunder.”<sup>5</sup> But he is only able to sustain this suggestion by seeing in the two quotations a combination of precept and example (as in the quotations of Gen. i. 27, vii. 9 and Deut. xvii. 17 in CD iv. 20 f.), with the precept quotation from Genesis 2:24 being later and having the effect of obscuring an allusion by Jesus to the concept of the androgynous Adam. However, there is no ground at all for thinking

<sup>1</sup> There is in fact some doubt about the wording of the original Hebrew text of Gen. ii. 24. Cf. K. Stendahl, *The School of St. Matthew* (Lund, 1969), pp. 59 f.

<sup>2</sup> “No one may abstain from keeping the law, ‘Be fruitful and multiply’ (Gen. i. 28) unless he already has children: according to the School of Shammai, two sons; according to the School of Hillel, a son and a daughter, for it is written, ‘Male and female he created them’.”

<sup>3</sup> “Jesus und die Pharisäer”, *NTS*, xiv (1968), 206 f.

<sup>4</sup> Cf. Baltensweiler, *op. cit.* pp. 58 f.

<sup>5</sup> *New Testament and Rabbinic Judaism*, p. 73.

that the precept quotation in CD iv. 20 f. is secondary, which in turn casts doubt on any suggestion of secondariness in Mark x. 7 and, furthermore, the use of the androgynous Adam concept is a conclusion to be proved, not a starting-point to be presumed.

There would, in consequence, seem to be no necessary obstacle in the way of taking Mark x. 2-9 as authentic,<sup>1</sup> alongside Mark x. 11 f., Luke xvi. 18 and 1 Corinthians vii. 10b, 11b. Account ought, however, to be taken of a certain development within the traditions, which could be the result either of amplification by Jesus or of application within the churches. The situation is as follows:

Mark x. 9 is the simplest of all the forms. It sets out a direct prohibition of divorce by means of an antithesis between God and man, between "join together" and "put asunder":

ὅς ὁ θεὸς συνέζευξεν  
ἄνθρωπος μὴ χωριζέτω

In saying that this is the simplest or most original form, one means that the bearing of its coherence with the other logia is that one works *back* from them to it, and not *forward* from them to it. It is their presupposition rather than their corollary. It deals only with divorce and not with subsequent remarriage.

The next simplest saying also has an antithetical form and is also concerned with divorce alone. As compared with Mark x. 9, it represents an expansion of the second half of that statement with *ἄνθρωπος* splitting into *ἀνὴρ/γυνή*, and *χωρίζω* splitting into *ἀφίημι/χωρίζω*, to produce the ruling (1 Cor. vii. 10b, 11b):

ἀνὴρ γυναῖκα μὴ ἀφίετω  
καὶ γυνή ἀπὸ ἀνδρὸς μὴ χωριζέτω

The two-fold splitting of the wording is quite justified by the reasoning implicit in Mark x. 9, and moreover the words chosen fit neatly in the context of rabbinic terminology. *ἀφίημι* reflects exactly the situation described in Gittin ix. 1-3, where the essential part of the transaction is seen as liberation and is expressed in the words of the divorce certificate: "You are free to marry any man." *χωρίζω* recalls the term for the maximum role for a woman as expressed by Josephus in *Ant.*, xv. 259: *διαχωρίζεσθαι*

<sup>1</sup> Similarly, Baltensweiler, *op. cit.* pp. 51-53.

καθ' αὐτήν. The environment of the ruling given in 1 Corinthians vii. 10b, 11b is therefore precisely that in which only the husband can carry through a divorce.

The rulings in Mark x. 11 f. and Luke xvi. 18 correspond to 1 Corinthians vii 10b, 11b in that they are bipartite and they presuppose that remarriage is an integral and built-in idea within divorce procedure. This we have already seen in Gittin ix. 1-3, and Josephus confirms it by adding a comment about the remarriage of the divorced wife immediately after the explanation about divorce as such in *Ant.* xv. 259. Whether Luke xvi. 18 or Mark x. 11 (12) represents the "earlier" form of the two is almost impossible to decide.<sup>1</sup> All that can be said is that Mark x. 11 f. takes the original husband and wife as the subjects, i.e. the perspective is still that of the original marriage, and therefore the saying stands close to Mark x. 9 and 1 Corinthians vii. 10b, 11b. On the other hand, Luke xvi. 18 takes the first and second husbands as subjects, and the perspective has therefore shifted away from the first to the second marriage. This might indicate that this saying stands further away from Mark x. 9 and 1 Corinthians vii. 10b, 11b, though not very far away because it presupposes an environment of male dominance! Both pairs of sayings, i.e. Mark x. 11 f. and Luke xvi. 18, may possibly reveal tendencies towards legal casuistry, by virtue of the generalizing introductions (ὁς ἄν . . . Mark x. 11, and πᾶς ὁ . . . in Luke xvi. 18=Matt. v. 32), and the definition of specific actions in terms of a specific legal category (μοιχᾶται/μοιχεύει). Since both features appear also in the authentic declaration of Matthew v. 28, such a tendency cannot confidently be inferred here. It is therefore marginally possible—but that is the most it is safe to say—that Mark x. 11 f. and Luke xvi. 18 represent expositions of a basic principle within a thoroughly Semitic environment, expositions which have lost the immediacy and imperative demand featured in the sayings of Jesus (Mark x. 9/1 Cor. vii. 10b, 11b), but the shift is so slight that either or both can easily stand alongside the sayings of Jesus and within the outlook of Jesus.

<sup>1</sup> Baltensweiler (op. cit. pp. 60-64) very tentatively takes Luke xvi. 18 as primary, while G. Dellling (art. cit. p. 7) takes it as secondary.

## III

What Moses permits, the Jesus of Mark and the Jesus of Q forbid. This was the most that could be affirmed while the traditio-historical investigation was in hand. But it is now necessary and possible to modify that affirmation in the light of the investigation's results: What Moses commanded, the historical Jesus rejects. In Mark x. 2-9 Jesus makes a decision about divorce, in effect, a decision about Moses. Nothing should blunt the sharp edge of his words. He diverges from all tradition, whether of Hillelite liberals or of Shammaïte conservatives. Paradoxically, by taking a position more conservative than that of the conservative Shammaïtes, he takes a position more radical than all. For this is an abrogation of a law, "an openly declared criticism of the law of Moses",<sup>1</sup> "not an accentuation of the Torah but an annulling of it".<sup>2</sup>

The sharp edge of Jesus' words is, however, effectively blunted by either of two approaches. The first is that which falls back on uniquely Matthaean features (and thereby indirectly confirms our earlier traditio-historical results), while the second stresses that a similar attitude to that of Jesus can be found in earlier or contemporary Jewish texts (which cannot, of course, be excluded, but which we shall examine in detail).

An example of the first approach is provided by J. W. Wenham.<sup>3</sup> The context of his treatment of this subject is a discussion of Biblical authority, and Wenham lays heavy stress on defining the exact role of Deuteronomy xxiv. 1-4. He argues that this passage does not diverge from Genesis ii. 24, since the latter had not been abrogated; that it was currently (but wrongly) interpreted as giving divine approval to divorce; that it was

<sup>1</sup> G. Bornkamm, *Jesus of Nazareth* (London, 1960), p. 98.

<sup>2</sup> J. Jeremias, *New Testament Theology*, i. 225; similarly, W. G. Kümmel, "Jesus und die jüdische Traditions-gedanke", *ZNW*, xxxiii (1934), 105-30, esp. p. 124; T. W. Manson, *The Teaching of Jesus* (Cambridge, 1963), pp. 293 f.; J. Schmid, *Markus*, p. 187; H. Baltensweiler, op. cit. pp. 49-51; H. von Campenhausen, *Die Entstehung der christlichen Bibel* (Tübingen, 1968), pp. 13 f.; H. Merkel, art. cit. pp. 206 f.; W. Trilling, *Fragen zur Geschichtlichkeit Jesu*<sup>3</sup> (Düsseldorf, 1969), pp. 93 f.; E. Schweizer, *Good News*, pp. 203-5.

<sup>3</sup> *Christ and the Bible* (London, 1972), pp. 33 f.

misquoted in Matthew v. 31; and that it represented civil rather than moral permission, i.e. a law, rather than an ideal, or something for the immature Israel, rather than the mature Christian church. The reference to Genesis i. 27; ii. 24 means that "it is *on the authority of scripture* that he denies the validity of the interpretation of Deuteronomy xxiv. 1, which gives approval to divorce".<sup>1</sup> This scheme, however, fails to carry conviction because it begs fundamental questions at crucial points. Firstly, Genesis ii. 24 in its original setting was not concerned with divorce, therefore to construct a sequence from it to Deuteronomy xxiv. 1-4 (quite apart from internal source questions within the Pentateuch) is misleading. It is only in the hands of Jesus that the contents of Genesis ii. 24 are made into a critical yardstick and criterion for assessing Deuteronomy xxiv. 1-4. When this happens, what emerges is "Schrift gegen Schrift".<sup>2</sup> Secondly, it is not the case that the résumé of Deuteronomy xxiv. 1 in Matthew v. 31 is a misquotation. But in any case, editorial intrusions within Matthew's form need to be removed first of all, and attention given to the more primitive form in Luke xvi. 18. In that saying there is no quotation, but only a straight abrogation of Deuteronomy xxiv. 2, corresponding to the straight abrogation of Deuteronomy xxiv. 1 in Mark x. 9. The attempt to make the material into a confrontation between Jesus and tradition merely demonstrates the overpowering influence of Matthew, and at the same time highlights the contrast with Mark and Q. Thirdly, the discussion in Mark x. 2-9 does not contain ideals but an authoritative demand of God voiced by Jesus, and the antithetical form of the pericope makes clear that this is a command from one person set over against a command from another. Fourthly, it is quite true that Jesus uses scripture to justify his own ruling, and it is equally true that a reference to adultery presumes the validity of the 7th commandment.<sup>3</sup> But acceptance of one part of the

<sup>1</sup> Op. cit. p. 34 (Wenham's italics).

<sup>2</sup> W. Grundmann, *Markus*, p. 204.

<sup>3</sup> Similarly, N. B. Stonehouse, *The Witness of Matthew and Mark to Christ* (London, 1959), pp. 204 f. Particularly heavy reliance is placed on the use of Gen. ii. 24 in Matt. xix. 4f., and especially the words "he that made them said . . .", by J. I. Packer, "Fundamentalism" and the Word of God (London, 1958), p. 55. However, Packer does not justify his use of the secondary source, especially when

law does not mean necessary acceptance of all other parts. This commonplace is emphatically affirmed in, e.g. b.Sanh. 99a<sup>1</sup> : “ Even if someone says, ‘ The whole Torah is from God with the exception of this verse or that, which was not spoken by God, but by Moses from his own mouth ’, he has despised the word of Yahweh.” We conclude then that the sayings of Jesus should not be robbed of their decisiveness (however good a precedent for this Matthew may provide), and the picture of a submissive Jesus, placing himself under scripture at all times, must give way to one of a sovereign Jesus, whose authority is never more obvious than when he sets scripture aside at some times.

The second perspective on Jesus’ teaching, which tends to blunt its edge, works in terms of parallels in other sources. The existence of these parallels by no means removes the radical element in what Jesus says—the other sources can reflect a radical approach, too!—but the result is certainly the elimination of distinctiveness. Since Jesus can hardly have failed to hold certain things in common with his contemporaries or indeed predecessors, this is in principle quite possible. The essential question is whether in fact it is correct, and whether, as K. Berger has concluded, “ the standpoint adopted here (Mark 10 : 9) is quite possible within Judaism ”.<sup>2</sup>

(a) Certain sayings in the wisdom tradition are sometimes cited, and especially Proverbs xviii. 22a LXX :

ὅς ἐκβάλλει γυναίκα ἀγαθὴν ἐκβάλλει τὰ ἀγαθὰ  
ὁ δὲ κατέχων μοιχαλίδα ἄφρων καὶ ἀσεβής.<sup>3</sup>

it deviates from the primary source (contrast Mark x. 6 f.), nor does he take account of the dialectical and critical use of Deut. xxiv. 1. Moreover, he quotes with approval the view that among those things rousing the antagonism of Jesus was “ the extension of the exception clause in the law of divorce so as to permit divorce ‘ for any cause ’ whatever ”. Once again, however, it is Matthew, rather than Mark, which is taken as the source (presupposing the view that “ our approach must be harmonistic ”, op. cit. p. 109?). The problem is therefore ultimately one of method. Identical arguments are used by, and identical criticisms apply to, Wenham, op. cit. pp. 27 f., 87.

<sup>1</sup> Quoted in Jeremias, *New Testament Theology*, i. 207. Cf. Sanh. x. 1 : “ Whoever claims that the law of Moses is not from heaven has no share in the world to come.” The point of view is significant, though it is overbold to claim, as E. Stauffer does, that this saying was specifically directed against Jesus (“ Jesus und seine Bibel ”, in *Abraham unser Vater* (O. Michel Festschrift : Leiden, 1963), pp. 446 f.)

<sup>2</sup> Op. cit. p. 574.

<sup>3</sup> Berger, op. cit. p. 537.

This is, however, the typical prudential counsel of the wisdom tradition. It deplores divorce, just as it deplores adultery, but just as the critique of adultery fastens on the foolishness and impiety rather than the infringement of law involved, so also the critique of divorce does nothing to reject the principle. A parallel for Proverbs xviii. 22a LXX is Ecclesiasticus vii. 26 : " If you have a wife after your own heart, do not divorce her." This too is not an authoritative binding prohibition but worldly-wise advice, on a level with the adjacent advice (verse 25) to " marry your daughter, and a great load will be off your hands " ! Hence, when R. Bultmann categorized Mark x. 9 among those logia which presuppose Jesus as the teacher of wisdom,<sup>1</sup> he sent the discussion up a false track. For the wisdom tradition advises, and reinforces the law, whereas Jesus declares authoritatively and finally that divorce, as the dismantling of the work of God, is prohibited.

(b) Malachi ii. 16 declares : " I hate divorce, says the Lord the God of Israel." This too is stressed by some as a precursor of Mark x. 9.<sup>2</sup> It is worth noting that the case has recently been put forward that Malachi ii. 16 is concerned, not with human relationships in marriage and divorce, but with the covenant relationship between God and Israel.<sup>3</sup> This is probably going too far, but the attitude to divorce expressed here (like the attitude to sacrifice, Mal. i. 10) has to be seen as situationally controlled. The divorces in question have occurred in a context of infidelity and violence on the part of the husbands, and without any justification on the part of the wives. The rejection of divorce in these circumstances is therefore only a variation on the theme of protest against adultery in all circumstances, and cannot be taken as a declaration about the possibility, or otherwise, of divorce in other circumstances.

(c) A passage in the Damascus Document (CD iv. 20 f.), to

<sup>1</sup> *The History of the Synoptic Tradition* (Oxford, 1963), p. 74.

<sup>2</sup> Berger, *op. cit.* p. 574 ; J.-C. Margot, " L'Indissolubilité du Mariage selon le nouveau testament ", *RThPh*, xvii (1967), 393, who also uses Tobit viii. 5-7. Tobit, however, uses only Gen. ii. 18, and is concerned with marriage rather than divorce.

<sup>3</sup> Isaksson, *op. cit.* pp. 27-34.



which allusion has previously been made, is frequently taken as a parallel for Mark x. 2-9.<sup>1</sup> The text<sup>2</sup> runs :

The builders of the wall . . . have been caught by lust in two things : by marrying two women during their lifetime whereas nature's principle is ' Male and female created He them ' (Gen. i. 27). And those who entered the ark (of Noah), ' Two and two they went into the ark ' (Gen. vii. 9). And concerning the prince, it is written, ' He shall not multiply wives for himself ' (Deut. xvii. 17).

In this case, however, there are substantial reasons for taking polygamy,<sup>3</sup> rather than divorce, as the target for attack.<sup>4</sup> Firstly, Deuteronomy xvii. 17 is concerned, not with having wives in sequence, but with having them simultaneously (cf. Deut. xvii. 16, where the same injunction is applied to horses!). Secondly, in a group so committed to the law, and in a document in which Moses is evaluated so highly and in which marriage regulations are stressed as being in line with the law (CD(B) i. 3-5), there can hardly be any clash with the law. Such a clash would occur if divorce is in mind, but not if polygamy is the sole topic of criticism.

Jesus' authoritative declaration therefore has only partial parallels in earlier literature. Nowhere else is the same dialectical interaction with the law in evidence. It is therefore all the more important to be clear as to the basis of his reasoning. Genesis i. 27 ; ii. 24 set out the primary will of God in a way which the law in question did not. Argument from this pair of texts is not at all the same as argument from Genesis i. 27a, 27b or from Genesis ii. 23, 24, which might locate " one-ness " in the origins of man or in the origin of woman in man. This androgyne concept<sup>5</sup> does not clarify the material. As it stands,

<sup>1</sup> A. Finkel, *The Pharisees and the Teacher of Nazareth* (Leiden, 1964), p. 161 ; A. Suhl, op. cit. p. 75 ; K. Berger, op. cit. pp. 521, 548.

<sup>2</sup> Text in A. Dupont-Sommer, *The Essene Writings from Qumran* (Oxford, 1961), pp. 128 f.

<sup>3</sup> Cf. Josephus, *Ant.*, xvii. 14 : " It is an ancestral custom of ours to have several wives at the same time." See Jeremias, *Jerusalem*, pp. 90, 93, 369.

<sup>4</sup> Isaksson, op. cit. pp. 57-63 ; Baltensweiler, op. cit. p. 55. For a survey of interpretations, cf. P. Winter, " Sadoqite Fragments IV 20, 21 and the Exegesis of Genesis i. 27 in late Judaism ", *ZAW*, lxxviii (1956), 71-84.

<sup>5</sup> For this theory, cf. P. Winter, " Sadoqite Fragments ", pp. 78-84, and again, " Genesis i. 27 and Jesus' Saying on Divorce ", *ZAW*, lxx (1958), 260 f. Also D. Daube, *New Testament and Rabbinic Judaism*, pp. 71-86, and also, " Evangelisten und Rabbinen ", *ZNW*, xlviii (1957), 119-26, esp. 125 f.

Genesis i. 27 expresses the separate "two-ness", and Genesis ii. 24 expresses the subsequent "one-ness" brought about by marriage. Marriage is therefore seen as the establishing (by God) of that one-ness which is the goal of creation, and as such expresses the primary will of God. But more needs to be said, even than this. Jesus exposes the primary will of God by means of a declaration which, firstly, sets Moses aside, and secondly, presupposes an argument from creation. The one scheme which can bind these features together, a theme which needs no defence as the dominating and controlling concern of Jesus' mission, is eschatology.<sup>1</sup> Jesus presupposes here that the End time, which will see a renewal of the Beginning time, has already dawned.<sup>2</sup> The declaration about divorce therefore belongs inside the central concerns of the mission of Jesus and the proclamation of the present impact of the kingdom.

One final observation completes our investigation of the divorce tradition in Mark x. 2-9, and it arises directly from the theme of eschatology. Elsewhere in the mission of Jesus it is made plain that participation in the kingdom is conditional on response to his proclamation. Failure to respond means danger and certainly no acceptance by God or share in the coming age (Matt. vii. 24-17; Luke x. 1-12, etc.). Participation in the present age alone is therefore the hallmark of exclusion from the kingdom. In particular this is apparent in legal contexts as well. Fasting is the practice of those who are not participants in that eschatological celebration brought by Jesus (Mark ii. 19).<sup>3</sup> The spiritually dead are left to bury their father, but the disciple finds that commitment to the kingdom and attachment to the new involves him in a break with law and tradition, that is, detachment

<sup>1</sup> Similarly, R. Schnackenburg, *The Moral Teaching of the New Testament* (London, 1967), p. 80; O. Betz, *What do we know about Jesus?* (London, 1968), p. 44; H.-W. Bartsch, *Jesus Prophet und Messias aus Galiläa* (Frankfurt am Main, 1970), p. 90.

<sup>2</sup> Having earlier interpreted Mark x. 2-9 along these lines ("Die Bergpredigt", in *Abba* (Göttingen, 1966), p. 185), Jeremias has drawn back slightly in *New Testament Theology*, i. 225, because the material in Mark xii. 18-27 says that after the resurrection there will be no more marriage. Nevertheless, the beginning of the realization of eschatology (as distinct from its full completion) would still seem to be an available and an appropriate context for what Jesus says.

<sup>3</sup> Jeremias, *New Testament Theology*, i. 116.

from the old.<sup>1</sup> Does Mark x. 2-9 reflect any such scheme? Indeed it does. The tactics of Jesus' argument have the effect of achieving a striking identification between his questioners and the law of Deuteronomy xxiv. 1: "What did Moses command *you*? . . . With a view to<sup>2</sup> *your* hardness of heart Moses wrote this commandment *for you*." They are firmly associated with that commandment which Jesus abrogates. Indeed that commandment encapsulates divine judgment in the face of human rejection of the divine word and will. Only when the word of God is received and obeyed is *σκληροκαρδία* remedied and judgment removed.<sup>3</sup> So in the antithesis between Deuteronomy xxiv. 1 and Mark x. 9 there is expressed an underlying antithesis between the old age and the new, between the era of judgment and the era of grace, between rejection of Jesus and obedient response to him in discipleship.<sup>4</sup> Once again, therefore, it becomes plain that this is not casuistry or "divorce legislation". And it also becomes plain that Paul was a remarkably accurate interpreter of Jesus, because his teaching on the divorce problem presumed and implemented just such a distinction between those who are in Christ and those who are not. For Christian couples divorce is excluded, but for "mixed couples" it is a reluctantly allowed possibility.

We cannot leave this crucial material in the teaching of Jesus without drawing out its wider implications. What sort of Judaism is this? J. Klausner evaluated it critically as "exaggerated Judaism" from "the most Jewish of Jews".<sup>5</sup> But

<sup>1</sup> Hengel, *Nachfolge und Charisma*, *passim*.

<sup>2</sup> So, rightly, H. Greeven, *art. cit.* 114 f.

<sup>3</sup> On this problem, cf. H. Greeven, *art. cit.* 114 f.; G. Behm, *σκληροκαρδία*, TDNT, iii (1965), 613 f.; and K. Berger, *op. cit.* p. 538, and earlier, "Hartherzigkeit und Gottes Gesetz: die Vorgeschichte des antijüdischen Vorwurfs in Mc 10, 5", ZNW, lxi (1970), 1-47. Berger concludes that *σκληροκαρδία* stands for apostasy from the natural order, especially in sexual matters, and is a concept which evokes the golden calf incident; the effect is that the laws in question are seen as a compromise with idolatry, and generate a vehement critique in, for instance, Ezek. xx. 25 f.

<sup>4</sup> Jeremias, *Theology*, i. 225: "For Jesus' disciples . . . marriage is indissoluble." Similarly on Luke xvi. 18, E. E. Ellis, *The Gospel of Luke* (London, 1966), p. 205.

<sup>5</sup> *Jesus of Nazareth* (New York, 1964), p. 374.

Klausner was unduly influenced<sup>1</sup> by J. Wellhausen's dictum<sup>2</sup> that Jesus was a Jew rather than a Christian, one who taught men to do the will of God as found in the law of Moses and in the other books of scripture.<sup>3</sup> Klausner should actually have been more critical, for he took insufficient account of the fact that the exposure of the will of God by Jesus came not by way of straight deduction from the law of Moses but either totally independently of that law or by means of a dialectic within, and between, different parts of it. Hence Jesus did not blaze a trail for "exaggerated Judaism". On the contrary, Mark x. 2-9 and the associated traditions indicate that it would do him more justice to see in his authoritative and liberating teaching, set out for those who responded to his word, something which was bound to provoke the opposition of all Jewish groups, and which meant that, from the rabbinic point of view, later tradition (b. Sanh. 43a) was not altogether unjustified in declaring that "Jesus of Nazareth . . . led Israel astray".

<sup>1</sup> Op. cit. p. 364.

<sup>2</sup> *Einleitung in die drei ersten Evangelien*<sup>2</sup> (Berlin, 1911), p. 102.

<sup>3</sup> I have attempted to examine the uneasy tension in Klausner's mind, between this and the rabbinic view of Jesus as one who led Israel astray, in my book, *The Trial of Jesus* (Leiden, 1971), pp. 54-64.