

JESUS AS THE “FULFILLMENT” OF THE LAW AND HIS TEACHING ON DIVORCE IN MATTHEW

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In the Sermon on the Mount we find Matthew’s most explicit account of Jesus’ teaching regarding his “fulfillment” (*plēroō*) of the law. However, as is well known, the logical progression of the Sermon is difficult to follow.¹ On the one hand, Jesus insists he has come not to “abolish” (*katalysai*) the law and the prophets (5:17). He even emphatically states, “till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished” (Matt. 5:18), adding that whoever relaxes “one of the least of these commandments ... shall be called least in the kingdom of heaven” (Matt. 5:19).² Yet, in the teachings that immediately follow these statements, the so-called “antitheses” (5:21–48), Jesus appears to do just that, that is, nullify the law.³

While it is true that some of the “antitheses” may be understood in terms of an “intensification” of the law’s demands (for example, lust as adultery in 5:27–30), others are difficult to describe in such terms. One especially difficult element in this regard is Jesus’ equation of divorce and remarriage with adultery

- 1 For a survey of different approaches see W. D. Davies and Dale Allison, *Matthew*, International Critical Commentary, 3 vols. (Edinburgh: T & T Clark, 1988), 505–509; Hans Dieter Betz, *The Sermon on the Mount* (Minneapolis: Augsburg, 1995), 200–214.
- 2 Unless otherwise noted, quotations from the Bible are taken from the Revised Standard Version Catholic Edition. Commentators typically acknowledge Jesus’ insistence on the validity and ongoing value of the law in these verses. See, for example, David L. Turner, *Matthew*, Black’s New Testament Commentaries (Grand Rapids: Baker Academic, 2008), 163: “It would be hard to make a stronger statement about the ongoing authority of the Torah than that made in 5:18.” Likewise, Pinchas Lapide (*The Sermon on the Mount* [Maryknoll: Orbis Books 1986], 14) writes: “... in all rabbinic literature I know of no more unequivocal, fiery acknowledgement of Israel’s holy scripture than this opening to the Instruction on the Mount. Jesus is here more radical even than Rabbi Hiyya bar Abba and Rabbi Johanan, both of whom were prepared to renounce a letter—that is a written character of the Torah—if doing so would publicly sanctify the name of God ...” In addition, David Seeley (*Deconstructing the New Testament* [Leiden: Brill, 1994], 25) states: “In Mt. 5:17–20, Jesus links himself to ‘the law and the prophets’ more stridently than anywhere else in the New Testament.”
- 3 That this constituted a problem for the earliest Christians is clear. The Pseudo-Clementine homilies insist, “And in saying: ‘I am not come to destroy the law’ [Matt. 5:17] and yet destroying something [that is, in the antitheses], he indicated that what he destroyed had not originally belonged to the law” (*Ps.-Clem. Hom.* 3.51.2–3 and 52.1), cited from Wilhelm Schneemelcher, ed., *New Testament Apocrypha, Volume 2: Writings Relating to the Apostles; Apocalypses and Related Subjects*, rev. ed., trans. R. McL. Wilson (Louisville: Westminster John Knox, 1992), 534.

in Matthew 5:31–32.⁴ Of course, the law itself provided specific provisions for divorce and remarriage (see especially Deut. 24:1–4). In light of this, scholars such as E.P. Sanders and John P. Meier explain that it is therefore difficult to see Jesus' teaching on this matter as merely an "intensification" of the law's requirements. To put it baldly, Jesus appears to be *explicitly* prohibiting something the law expressly permits.⁵ How is this not "abolishing" the law? Is there any way to explain this apparent problem?

This paper proposes a solution. In short, as many now recognize, at certain points the Mosaic law itself seems to conflict with its own standards. As Old Testament scholars have observed, Deuteronomy in particular seems to codify practices at odds with the teaching of the preceding books of the Torah. Scholars such as Goldingay have recognized that Deuteronomy seems to, in some sense, "lower the bar" by accommodating certain practices that appear to be at odds and even in some cases expressly forbidden in the laws of Exodus, Leviticus and Numbers (for example, profane slaughter: compare Deut. 12:15–25 with Lev. 17:1–4). In fact, as Hahn and Bergsma have shown, it is likely Ezekiel had precisely these types of concessions in view when he declared that God had given Israel "statutes that were not good" (Ezek. 20:25).

In this article we will argue that Ezekiel's recognition of certain "tensions" within the Torah itself offers a helpful backdrop for understanding Jesus' teaching on divorce and remarriage in Matthew. As we shall see, like Ezekiel, Jesus explains that certain aspects of the Old Testament were only imposed upon Israel as a response to their sin. In other words, the laws themselves pointed to Israel's failure to achieve God's standard of righteousness. However, the prophetic literature suggests that the eschatological age will involve a new order of righteousness that will transcend that required by the law. In Matthew, Jesus proclaims that he has come to usher in this era. In this, he brings true fulfillment to the law. Even though certain elements of it are now "surpassed," he does not "abolish" it. Regulations such as those regarding divorce and remarriage—given because of Israel's "hardness of heart"—point to Israel's need for a deeper righteousness that is only made possible with the coming of the Messiah.

4 See W. D. Davies, *Christian Origins and Judaism* (Philadelphia: The Westminster Press, 1962), 39: "There are items in the Antitheses where the old Law's demands are radically deepened ... [T]here are others where the Law itself is cited and particular provisions abrogated (Matt. 5:31, 38)." In addition, see also, for example, Davies and Allison, *Matthew*, 508; Klyne Snodgrass, "Matthew and the Law," in *Treasures Old and New: Recent Contributions to Matthean Studies*, Society of Biblical Literature Seminar Papers 1, eds. D. Bauer and M. A. Powell (Atlanta: Scholars Press, 1996), 121; Daniel J. Harrington, *The Gospel of Matthew*, Sacra Pagina 1 (Collegeville: The Liturgical Press, 1991), 91.

5 See John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, vol. 4: *Law and Love*, Anchor Yale Bible Reference Library (New Haven: Yale University Press, 2009), 95: "When one stops to think what this involves, Jesus' prohibition of divorce is nothing short of astounding. Jesus presumes to teach that what the Law permits and regulates is actually the sin of adultery."

The Concept of Deuteronomic Concessions

As scholars familiar with the book know, Deuteronomy contains many unique laws that appear nowhere else in the Pentateuch. In fact, Deuteronomy even seems to offer legislation that explicitly contradicts regulations found in the earlier books of the Torah:⁶

1. *Worship at one sanctuary.* In Deuteronomy, acceptable cultic worship is restricted to one sanctuary (Deut. 12:5–18), an idea never articulated in the laws of Exodus–Numbers.⁷
2. *Profane slaughter.* Whereas Leviticus 17:1–4 prohibits the killing of animals outside of the sanctuary, Deuteronomy 12:15–24 explicitly allows for the practice.⁸
3. *Laws for a king.* While God is described as Israel's king in the Exodus narrative, legal provisions are made for a human king in Deuteronomy 17:14–20—an office nowhere mentioned in the previous books of the Torah.⁹
4. *War of total destruction.* Israelites are given the horrific commandment to engage in *hērem* warfare in Deuteronomy 20:16–17¹⁰, a decree nowhere found in the previous books of the Torah.¹¹

6 For the following list and secondary literature on each item, see Scott W. Hahn, *Kinship by Covenant: A Canonical Approach to the Fulfillment of God's Saving Promises*, Anchor Yale Bible Reference Library (New Haven / London: Yale University Press, 2009), 73–77.

7 Contra Walter Kaiser, Jr., *A Biblical Theology of the Old and New Covenants* (Grand Rapids: Zondervan, 2008), 98–99, who overlooks the way Deut. 12:15–24 presupposes a single sacrificial site and the possibility that the one sacred place could be transferred (for example, from Mt. Ebal at one time to Shiloh or Jerusalem later).

8 While some attempts have been made to harmonize the two laws such attempts have been unconvincing. See, for example, Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, *Forchungen zum Alten Testament* 2/25 (Tübingen: Mohr-Siebeck, 2007), 411.

9 Although acknowledging that the idea of kingship was not entirely new to Israel since the Patriarchs were told that kings will come forth from them (see Gen. 17:6, 16; 35:11), Daniel I. Block (*How I Love Your Torah, O Lord!: Studies in the Book of Deuteronomy* [Eugene, Oregon: Wipf & Stock, 2011], 121) explains that Deuteronomy, "... catches the reader by surprise. Neither in the previous chapters of Deuteronomy nor in the narratives of Exodus and Numbers has anyone in Israel imagined the nation being constituted as a monarchy with a king other than YHWH their God."

10 The Israelites are told not to spare the lives of any living thing, including women, children, and other noncombatants. See also Deut. 7:1–5.

11 See, for example, Jacob Milgrom, "Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy," *Hebrew Union College Annual* 47 (1976): 6.

5. *Usury*. Deuteronomy allows Israelites to charge interest from non-Israelites (Deut. 15:3; 23:20), a concession not made in the previous books of the Torah.
6. *Divorce and remarriage*. Deuteronomy makes provisions for divorce and remarriage, regulations that are nowhere present in the other books of the Torah (24:1–4). In fact, Leviticus 21 prohibits a priest from marrying two specific kinds of women: prostitutes and *divorced* women, both said to be “defiled” (Lev. 21:7, 14).¹²

Although diachronic approaches have attempted to address such tensions in the Torah, these explanations are of little help in looking at Deuteronomy in light of the New Testament since its authors would not have been familiar with such solutions.

Nonetheless, contemporary Old Testament scholarship has offered some relevant insights into the possible rationale of Deuteronomy’s approach. Many scholars have noted that God appears to accommodate certain sinful practices in Deuteronomy that, though perhaps at odds with the law’s ideals, could not be realistically eradicated. Thus Goldingay identifies what he calls a “Pastoral Strategy” in the book. He explains that certain laws

... presuppose various realities of a sinful world, such as slavery through impoverishment (15:12–18), the desire to have a king, as other nations do (17:14–20), legal disputes (19:15–21; 25:1–3), war (20:1–20), marital and other family problems (21:10–21; 22:13–29; 24:1–4); they do not forbid slavery, monarchy, war, polygamy, or divorce. ... indeed, each of them fits ill with Deuteronomy’s ideals ... Yet in the light of Israel’s sinfulness, simply to ban them would be unrealistic. Deuteronomy’s policy is to circumscribe them by, and to harness them to, the values and theology it propounds.¹³

In this vein, scholars such as Dale Allison have spoken of the way the Torah contains “divine concessions to human sin or compromises for it” which promoted “less than the ideal human behavior.”¹⁴

12 It is also perhaps significant to note the reason Lev. 21 gives for such restrictions: they are called to be “holy”—notably, a vocation elsewhere given to all of Israel (see, for example, Exod. 19:22; 19:2; Num. 15:40; Deut. 7:6).

13 John Goldingay, *Theological Diversity and the Authority of the Old Testament* (Grand Rapids: Eerdmans, 1987), 155–56.

14 See Dale C. Allison, *Resurrecting Jesus: The Earliest Christian Tradition and Its Interpreters* (London: T & T Clark, 2005), 185. Here Allison draws upon David Daube, “Concessions to Sinfulness in Jewish Law,” *Journal of Jewish Studies* 10 (1959): 1–13.

Ezekiel and the "Laws That Were Not Good"

Given their intimate knowledge of the biblical texts, it is hard to believe that ancient readers failed to recognize such discrepancies within the law. The book of Ezekiel offers strong evidence that they were, in fact, aware of them. Ezekiel 20:25–26 reads:

Moreover I gave them statutes that were not good and ordinances by which they could not have life; and I defiled them through their very gifts in making them offer¹⁵ all their first-born, that I might horrify them; I did it that they might know that I am the Lord.

While some have interpreted this passage as a description of human sacrifice sanctioned by the God of Israel,¹⁶ Scott Hahn and John Bergsma offer another proposal¹⁷ that has since been endorsed by other exegetes.¹⁸ Analyzing the structure of the chapter and the language employed, they show that the "statutes that were not good" should most likely be identified with the Deuteronomic legislation. Let us briefly summarize their treatment.

As many have observed, Ezekiel 20 appears to summarize the account of Israel's Exodus and wilderness experience recounted in the Torah.¹⁹ In the opening section the prophet relates Israel's captivity in Egypt. Going on, he relates how the Lord led the Israelites out of Egypt into the wilderness, recalling how he gave them his law. This latter element recalls the Sinai experience of Exodus 20–23 (see Ezek. 20:11–12). Next, in Ezekiel 20:13–15 we find an account of the people's revolt against the Lord, relating the divine threat triggered by their sin. This sin is best understood as a reference to the worship of the golden calf and God's

15 Some translations add "by fire" though no such language is found in the Hebrew text.

16 See, for example, Moshe Greenberg, *Ezekiel 1–20* (Garden City: Doubleday, 1983), 369–370.

17 See Scott Hahn and John Sietze Bergsma, "What Laws Were 'Not Good'? A Canonical Approach to the Theological Problem of Ezekiel 20:25–26," *Journal of Biblical Literature* 123/2 (2004): 201–218.

18 See, for example, John W. Olley, *Ezekiel: A Commentary based on Iezekiël in Codex Vaticanus*, Septuagint Commentary Series (Leiden: Brill, 2009), 367; Brian Neil Peterson, *Ezekiel in Context: Ezekiel's Message Understood in Its Historical Setting of Covenant Curses and Ancient Near Eastern Mythological Motifs*, Princeton Theological Monograph Series 182 (Eugene: Pickwick Publications, 2012), 187.

19 Hahn and Bergsma ("What Laws Were 'Not Good'?", 203 n. 10) cite Corrine Patton, "I Myself Gave Them Laws That Were Not Good: Ezekiel 20 and the Exodus Traditions," *Journal for the Study of the Old Testament* 69 [1996]: 74–75: "The clearest references to the exodus in the book of Ezekiel occur in ch. 20. The text shows clear familiarity with the exodus tradition: sojourn in Egypt (5–8), deliverance by the LORD (9–10), two generations in the wilderness (10–25), the giving of the law in the wilderness (11–13 and 25–26) and entry into the land (28). . . . The scheme certainly matches historical reviews present and presumed in Deuteronomic texts, including the historical review in Deuteronomy 1–11, the speech of Solomon in 1 Kings 8, and the speech of Joshua in Joshua 24."

response to it in Exodus 32–33 (see Ezek. 20:13–15). Finally, in Ezekiel 20:21 we read about the rebellion of the children of the Exodus generation, which is most likely a description of the disobedience of the second generation recounted at the end of the book of Numbers.²⁰ In light of this, the laws Ezekiel mentions next in 20:25—the “statutes that were not good”—should likely be linked with those given in Deuteronomy.

This reading is supported by a close examination of the language employed. God’s sworn oath in Ezekiel 20:23 to scatter Israel among the nations uses the exact same terminology employed in Deuteronomy.²¹ Further, the word used in Ezekiel 20:25 for the “statutes” that were “not good” is the masculine plural, *huqqîm*. Up until this point in the chapter a different form of the word, the feminine plural, had been used to refer to the divine legislation (see, for example, Ezek. 20:24, *huqqôtay*). Yet it is the masculine plural—the form that appears in Ezekiel 20:25 for the “statutes that were not good”—that is more commonly associated with the laws of Deuteronomy. Indeed, the masculine plural form (*huqqîm*) introduces the Deuteronomic legislation in Deuteronomy 12:1. Significantly, while the masculine plural form dominates Deuteronomy, it appears only two times in all of Leviticus (10:11; 26:46). In addition, Ezekiel 20:25 also pairs *huqqîm* with *ûmišpâtîm*, which is noteworthy since the expression *huqqîm ûmišpâtîm* occurs exclusively in Deuteronomy.²²

Making the distinction between the previous Torah legislation and that associated with Deuteronomy is thus key to understanding the reference to these “statutes that were not good” and the difficult statement in Ezekiel 20:26, “I defiled them through their very gifts, in their offering up all their *firstborn*, in order that I might horrify them ...”

Because the terminology *bêha ăbîr* (“offering up”) used in 20:26 is elsewhere associated with the Molech cult (see Ezek. 20:31) some have argued that such worship is in view here. The term, however, is also frequently used in Ezekiel for offerings that have no association at all with Molech (see Ezek. 5:1; 14:15; 20:37; 37:2; 46:21; 47:3–4; 48:14). Moreover, Molech worship was never linked to the offering of *firstborn* children.²³

20 For a fuller argument for this identification see Hahn and Bergsma “What Laws Were ‘Not Good?’,” 204.

21 While some might argue that the language is intended to evoke the curses of Leviticus 26, Hahn and Bergsma demonstrate that Deuteronomy is a much better fit: (1) in Lev. 26 the dispersion of Israel is only mentioned as a possibility, however, in Deuteronomy it is assured by a divine oath; (2) the terminology employed by Ezek. 20:23 mirrors that found in the Deuteronomic legislation (not that found in the Holiness Code). See Hahn and Bergsma, “What Laws Were ‘Not Good?’,” 205–206.

22 Hahn and Bergsma, “What Laws Were ‘Not Good?’,” 207 citing Risa Levitt Kohn, *A New Heart and New Soul: Ezekiel, the Exile, and the Torah*, Journal for the Study of the Old Testament Supplement 358 (Sheffield: Sheffield Academic Press, 2002), 85.

23 Hahn and Bergsma, “What Laws Were ‘Not Good?’,” 211–213.

According to Hahn and Bergsma, the description of the sacrifices as "defiling" arises instead from a careful understanding of the nuances of the Deuteronomic law and their lack of conformity to the earlier Torah legislation. The Deuteronomic laws permitted something that was expressly condemned by the Levitical legislation: the killing of animals and the spilling of blood outside of the sanctuary. As we have mentioned, while Leviticus requires one to sacrifice all animals at the central sanctuary (see Lev. 17:1–8), Deuteronomy only requires an annual sacrifice of the firstborn animals (see Deut. 12:6, 17; 15:19, 20). Given this, it is easy to see why Ezekiel would describe the offering of the firstborn as defiling. From the perspective of Leviticus, *all* animals should be killed at the temple, not simply the firstborn. In fact, Ezekiel 20:26 uses the precise form of the verb "to offer" (hiphil of *ʾābār*) that the pre-Deuteronomic legislation uses to describe the offering of the firstborn animals (see Exod. 13:12). In sum, it seems that this accommodation in Deuteronomy—a "defiling" concession from the stands eueg ē218(m)-16e me1(i)7(t)1oai(c)-

Drawing on Friebe!,²⁷ Gile argues for another view of Ezekiel 20:25. In his view, rather than referring to divine legislation (“statutes” and “ordinances”), *huqqîm* and *mišpātîm* should be linked to God’s “decrees” and “judgments” in Ezekiel 20:23 announcing the punishment of exile. Thus, according to Gile, in 20:25 the idea is not that God gave Israel “laws” that were not good, but instead that Israel had triggered the dreadful curses of Deuteronomy 4:25–28.²⁸ Yet Gile’s objections are far from insurmountable and the solution drawn from Friebe!’s work is problematic.

First, while it is not explicitly stated that the exemption of human offspring from the offering of the “firstborn” found in Exodus 13 is in place in Ezekiel 20:26, nothing in the text demands that “firstborn” refer to human sacrifices. That firstborn terminology is used elsewhere in the Torah to refer to animal victims alone (see, for example, Lev. 27:26; Num. 18:17; Deut. 15:19; 33:17) should be enough to call into question the view that human sacrifices are necessarily implied. Further, legislation prohibiting human sacrifice is found elsewhere in the Torah besides Exodus 13 (see Exod. 34:20; Num. 3:40–51; 18:14–15). Given the Torah’s multiple prohibitions, it is unlikely that ancient readers would have understood the sacrifices in Ezekiel 20:26 as human beings. What decisively tips the scales against such a reading is that Ezekiel 20 describes the laws as having been given by God himself. Given that we have evidence of laws that fit the language of Ezekiel 20:26 in the Torah—that is, the offering of the firstborn *animals*—it seems like special pleading to insist that something else is in view.

Second, Gile’s objection that Hahn and Bergsma overlook the possibility of non-Molech rites in Ezekiel 20:26 has one major flaw: Molech sacrifices are mentioned in the immediate context (see 20:31). Thus, if Ezekiel 20:26 is referring to human sacrifice it would be hard to believe that Molech rites were not somehow being suggested. Again, however, such a reading is unlikely.

Third, while Deuteronomy does explain that its cultic laws accommodate the new circumstances of the people in the land it does not specifically explain why pouring out blood on the land would not defile it. The suggestion that the land was seen as an extension of the sanctuary is inadequate. If the land is simply to be equated with the sanctuary, why must sacrificial offerings of the firstborn be offered and eaten *at the sanctuary*?

Fourth, it is not at all surprising, on Hahn and Bergsma’s reading, that Ezekiel accepts elements of Deuteronomy in their interpretation, since Ezekiel believes that the Deuteronomic laws were given *by God*. What Hahn and Bergsma offer is simply a nuanced view of Ezekiel’s reception of Deuteronomy. That Ezekiel

2013), 130–134.

27 Kelvin G. Friebe!, “The Decrees of Yahweh that Are ‘Not Good’: Ezekiel 20:25–26,” in *Seeking Out the Wisdom of the Ancients: Essays Offered to Honor Michael V. Fox on the Occasion of His Sixty-Fifth Birthday*, eds. R. L. Troxel, K. G. Friebe!, and D. R. Magary (Winona Lake, Ind.: Eisenbrauns, 2005), 21–36.

28 Gile, “Deuteronomic Influence in the Book of Ezekiel,” 190–196.

did indeed have such a sophisticated reading is suggested by the subtle shift from the feminine plural *huqqôtay* (Ezek. 20:24) to the masculine plural *huqqîm* (Ezek. 20:25) as described above. Ezekiel was a careful reader of the Torah and took seriously *all* of the Pentateuchal legislation. Unwilling to simply gloss over an apparent conflict in the law—a conflict never actually resolved in the Torah—Ezekiel was willing to accept the idea that God had apparently given laws to Israel that “were not good.” Leviticus explains that pouring out blood on the land will defile it. Ezekiel takes this warning seriously and concludes that the Deuteronomic laws themselves were thus “not good,” given in response to the climactic rebellion of the second generation described at the end of Numbers.

Finally, Friebe’s solution has linguistic and contextual problems. Linguistically, it overlooks how the pairing of *huqqîm* and *mišpātîm* used elsewhere refers to Torah legislation (see, for example, Neh. 9:13; 10:29).²⁹ In terms of context, as others such as Choi have observed, the suggestion by Friebe that what is in view are “judgments” and not “laws” “does violence to the plain sense of the text. Admittedly, it is theologically troubling to assert that Yahweh would give bad laws, but this is what the text says in unambiguous fashion.”³⁰ In short, the reading offered by Friebe and Gile fails to explain why 20:25–26 links what God gave to the Israelites to their defilement (“*I gave them statutes that were not good ... and I defiled them through their very gifts.*”). Hahn and Bergsma’s view, however, does just that. In sum, the reading they advance simply has greater explanatory power in addressing the various facets of Ezekiel 20 and should therefore be preferred.

Deuteronomic Allusions in Jesus’ Teaching on Marriage in Matthew 19

Turning to the Gospel of Matthew we can note that Jesus specifically identifies divorce and remarriage—one of the provisions unique to the Deuteronomic legislation—as a concessionary regulation given to Israel because of its sinfulness. Asked by the Pharisees why Moses gave Israel provisions for divorce and remarriage, Jesus explains, “*For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so*” (Matt. 19:8). Our discussion in the previous section supports Jesus’ affirmation: the allowance of divorce and remarriage was not “from the beginning” (that is, found in Genesis–Numbers) but appears for the first time in Deuteronomy.

29 The language in Neh. 9:13, that the laws given at Sinai were “right ordinances [*mišpātîm*] and true laws, good statutes [*huqqîm*] and commandments,” so closely parallels Ezek. 20:26 that one wonders about a possible relationship between the two texts.

30 See the discussion in John H. Choi, *Traditions at Odds: The Reception of the Pentateuch in Biblical and Second Temple Period Literature* (London: T & T Clark, 2010), 203–204. Choi’s own solution, however, is no more convincing. In his view there is no clear referent to the laws that were not good. Yet this clearly ignores the Deuteronomic echoes and connections suggested by the text of Ezek. 20. He also goes too far in describing them as bad when they are merely “not good” (i.e. imperfect).

In fact, in Matthew, Jesus not only rejects Deuteronomy's allowance of divorce and remarriage, he understands it as a kind of "defiling" concession—at least in a moral sense. In Matthew 19, Jesus explains, "whoever divorces his wife, except for unchastity, and marries another, commits adultery; and he who marries a divorced woman, commits adultery" (Matt 19:9). Likewise, earlier, in Matthew 5, we find him teaching in a similar vein: "every one who divorces his wife, except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery" (Matt. 5:32). In other words, as Meier has pointed out, however one reads the controversial exception clause in these passages, according to Matthew's account of Jesus' teaching the legal provision for divorce and remarriage in Deuteronomy sanctioned nothing less than adultery.³¹

Indeed, language used by Matthew suggests that the idea of *Deuteronomic* concessions is specifically intended. The scene in Matthew 19 opens with a description of Jesus' movements, connecting the episode of Jesus' teaching on divorce to a specific location: "the region of Judea *beyond the Jordan* [*peran tou Iordanou*]" (Matt. 19:1). It seems hard to believe it is just a coincidence that this is the precise place the laws of Deuteronomy were said to be delivered to Israel in Deuteronomy 1:1 and 1:5 (LXX: *peran tou Iordanou*). Moreover, without insisting that Jesus' teaching directly evokes Ezekiel 20, we can note a similarity between the two passages. Like Ezekiel, Jesus suggests that the Deuteronomic law involved the institution of a kind of defiling concession: divorce and remarriage—that is, a statute that "was not good."

Jesus' "Fulfillment" of the Law

With all of this in mind, we can now turn to the question of Jesus' teaching in Matthew 5 and the apparent tension in the flow of thought there. The solemn affirmation of the law's value in 5:17–20 is immediately followed by a series of sayings in which Jesus compares the law's requirements to his teachings.³² This section is conventionally referred to as the "six antitheses" (see Matt. 5:21–48).³³

31 See Meier, *Law and History in Matthew's Gospel*, 140–150.

32 See Dale Allison, "The Structure of the Sermon on the Mount," in *Journal of Biblical Literature* 106/3 (1987): 424 n. 8 [423–445] who briefly lays out the various approaches advanced by other scholars. In addition, see the more recent discussions in Glen H. Stassen, "The Fourteen Triads of the Sermon of the Mount (Matthew 5:21–7:12)," *Journal of Biblical Literature* 122/2 (2003): 267–308; John W. Welch, *The Sermon on the Mount in the Light of the Temple* (Farnham: Ashgate, 2009), 1–14.

33 Scholars widely recognize that this section forms a discreet literary unit in the Sermon. Each of these sayings contain the formula (or something very close to it) "you have heard that it was said ... but I say" (see Matt. 5:21–22, 27–28, 5:31–32, 33–34, 38–39, 43–44). Observing that Matthew is fond of triadic structures, Davies and Allison argue that the six antitheses should be understood as two sets of three teachings (5:21–32 and 5:33–48). See Davies and Allison, *Matthew*, 1:504; see also Allison, "Structure of the Sermon on the Mount," 433. This view is supported by the following: (1) the appearance of "again" (*palin*) in v. 33 seems to serve as an indicator that a new triad is beginning; (2) the full phrase, "You have heard that it was said to

Here Jesus cites a passage from the Torah³⁴ and then offers a saying that begins with the formula "but I say to you" (*egō de legō hymin*—see 5:22, 28, 32, 34, 39, 44).

There is, of course, tremendous controversy surrounding the meaning of this latter phrase. Does the language "but I say to you" signal a rejection of the Torah? Many scholars observe that Jesus' insistence on the enduring value of the law in 5:17–20 in the immediately preceding verses militates against such a reading.³⁵ In addition, Jesus' use of the word *de* (mildly contrastive) and not *alla*

the men of old" (*Ēkousate hoti errethē tois archaiois*) occurs only in 5:21 and 5:33 (after "Again" [*Palin*]); (3) while the word "that" (*hoti*) appears after Jesus' words "but I say to you" (*egō de legō hymin*) in 5:22, 28, and 32, it is absent from 5:34, 39, and 44; (4) though Jesus' words "but I say to you" (*egō de legō hymin*) preface a legal ordinance which begins with the word "that" (*hoti*) in 22, 28 and 32, in 34, 39 and 44 the saying leads into a "straightforward imperative"; and (5) all three of Jesus' quotations in 5:21, 27, and 31 are found in Deuteronomy (though admittedly not exclusively there; see respectively Deut. 5:17, 18, 24:1–4) and all three of the quotations in 5:33, 38, and 43 can be located in Leviticus (though, again, not exclusively there; see respectively Lev. 19:12; 24:20; 19:18).

34 That the written "law" is in view is clear not only from the citations to it that follow in the antitheses but also from the language of "iota" and "dot." See Betz, *Sermon on the Mount*, 182. That the five books attributed to Moses, known as the Torah (see 4 Macc. 1:34; 2:5–6, 9; 9:2; Matt. 12:5; Josephus, A.J. 17:15), were recognized as having authoritative status in the Second Temple period is evidenced by the following: (1) Sir. 24:43, which speaks of "the book of the covenant of the Most High God, the law which Moses commanded us as an inheritance for the congregations of Jacob"; (2) Josephus, who distinguishes the Pharisees from the Sadducees by, in part, noting that the Pharisees "have delivered to the people a great many observances by succession from their fathers, which are not written in the law of Moses" (A.J. 13.297); (3) the existence of the Samaritan Pentateuch (see, for example, the discussion in Emmanuel Tov, *Textual Criticism of the Hebrew Bible*, 2d rev. ed. (Minneapolis: Fortress Press, 2001), 80–99; (4) in the Dead Sea Scrolls we read, "You must understand the book of Moses [and] the book[s] of the pr[o]phets and Davi[d...]" (4Q397 14–21,10; 4Q398 14–17; 4QMMT C 9–16); and (5) the New Testament, for example, the Gospel of Luke has Jesus referring to "the law of Moses and the prophets and the psalms" (Luke 24:44; see also, for example, Matt. 15:2, 3, 6). For further discussion see the collection of essays in Lee Martin McDonald and James A. Sanders, eds., *The Canon Debate* (Peabody: Hendricksen, 2002), in particular, Julio C. Treballe Barrera, "Origins of a Tripartite Old Testament Canon," 128–145; Jack P. Lewis, "Jamnia Revisited," 146–162; Jack N. Lightstone, "The Rabbis' Bible: The Canon of the Hebrew Bible in the Early Rabbinic Guild," 163–184; Craig A. Evans, "The Scriptures of Jesus and His Earliest Followers," 185–195.

35 The language of "antitheses" (that is, teachings "antithetical" to the Law) is thus not exactly accurate and survives only as a vestige of a previous era of scholarship. Of course, scholars such as Rudolf Bultmann (*Die Geschichte der synoptischen Tradition* [*The History of the Synoptic Tradition*] [5th ed.; Göttingen: Vandenhoeck & Ruprecht, 1961 (1921)], 142–144) and those associated with the New Quest (for example, Ernst Käsemann, "Probleme neutestamentlicher Arbeit in Deutschland" ["Problems of New Testament Research in Germany"], in *Die Freiheit des Evangeliums und die Ordnung der Gesellschaft* [*The Freedom of the Gospel and the Social Order*] [Munich: Chr. Kaiser Verlag, 1952], 144) especially pointed to these sayings in support of their approaches which defined Jesus *against* the Judaism of his day. See, for example, Geza Vermes, *The Religion of Jesus the Jew* (Minneapolis: Augsburg Fortress Press, 1993), 33–37; Daniel J. Harrington, *The Gospel of Matthew*, Sacra Pagina 1 (Collegeville: The Liturgical Press, 1991), 90; Roland Deines, "Not the Law but the Messiah," in *Built Upon the Rock: Studies in the Gospel of Matthew*, eds. D. M. Gurtner and J. Nolland (Grand Rapids: Eerdmans, 2008), 64 [53–84];

(strongly contrastive) suggests that something other than outright rejection is in view.³⁶ Moreover, the hinge between the two sections seems to be Jesus' call for a "better righteousness" (*dikaiosynē pleion*) in 5:20. Here scholars have recognized the stated rationale for the antitheses that follow in 5:21–48.³⁷ Yet what this "better righteousness" exactly entails is debated.

Some have argued that rather than contrasting his teaching to the law itself, Jesus is simply intensifying its demands.³⁸ Highlighting the presence of language used by the rabbis,³⁹ some have argued that Jesus is simply contrasting

M. Eugene Boring, "The Gospel of Matthew," in *The New Interpreter's Bible*, 12 vols., eds. L. E. Keck et al (Nashville: Abingdon, 1995), 8:188 [89–505]. Interestingly, it appears that the first to use such language was Marcion. See Betz, *Sermon on the Mount*, 200–201.

- 36 See the discussion in Davies and Allison, *Matthew*, 1:507; Craig Keener, *A Commentary on the Gospel of Matthew* (Grand Rapids: Eerdmans, 1999), 181; Anthony J. Saldarini, "Matthew," in *Eerdmans' Commentary on the Bible*, eds. J. D. G. Dunn and J. W. Rogerson (Grand Rapids: Eerdmans, 2003), 1015–1016.
- 37 See Meier, *Law and History in Matthew's Gospel*, 41–42: "Mt 5:17–20 also has an important place within the Sermon on the Mount ... This programmatic statement on the Law is ... illustrated by six antitheses (5:21–48), which are introduced by 5:20 (and, in a broader sense, by the whole of 5:17–20). Mt. 5:20 thus serves as a type of 'bridge' or transition between the statement of the principle (5:17–19) and the applications or illustrations (5:21–48). Vs. 5:20 both sums up what has preceded and inaugurates what follows." Likewise, see John Nolland, *The Gospel of Matthew*, New International Greek Testament Commentary (Grand Rapids: Eerdmans, 2005), 228: "The six antitheses are prepared for in 5:17–20 by the report both of Jesus' insistence that he came not to abolish the Law but to see it fulfilled more effectively, and of his stern words on the need for an abundant righteousness."
- 38 See, for example, Richard A. Burridge (*Imitating Jesus: An Inclusive Approach to New Testament Ethics* [Grand Rapids: Eerdmans, 2007], 209–210): "... the 'exceeding' righteousness is shown by the following antitheses not to be a nit-picking or legalistic interpretation of the law; rather, his hearers are to go beyond merely avoiding murder or adultery to living a life without hatred or lust, speaking truth instead and loving enemies. This is what Jesus means when he says he has come to 'fulfill' the law (5:17)." Likewise, see, for example, Kyle D. Fedler, *Exploring Christian Ethics: Biblical Foundations for Morality* (Louisville: Westminster John Knox Press, 2006), 169; Louise Joy Lawrence, *An Ethnography of the Gospel of Matthew*, Wissenschaftliche Untersuchungen zum Neuen Testament 165/2 (Tübingen: Mohr-Siebeck, 2003), 152: "Jesus' stipulations are only intensifying the original covenant requisites."
- 39 See David Daube, *The New Testament and Rabbinic Interpretation: Jordan Lectures in Comparative Religion* (London: The Athlone Press, 1956), 55–62, who argues that the expression "you have heard that it was said" seems to parallel the language used by the rabbis to contrast teachings of different rabbis (for example, see Matt. 5:28 and *Pesiq. Rab.* 24.2). This rabbinic context is often seen as the background for Matthew's account of Jesus' condemnation of divorce (Matt. 5:32). Some have understood Jesus' teaching in terms of the rabbinic debate about divorce (see *m. Git.* 9.10; *b. Git.* 90a–b; *Sipre* on Deut. 24.; see also Phillip Sigal, *The Halakhah of Jesus of Nazareth according to the Gospel of Matthew* [Atlanta: Society of Biblical Literature, 2007], 105–144). Meier (*A Marginal Jew*, 4:95) dismisses this reading as anachronistic. Moreover, see Donald Hagner, *Matthew*, 2 vols., Word Biblical Commentary 33a–b (Dallas: Word, 1993–1995), 1:125, who argues that the view that Jesus is inserting a rabbinic exception clause to his prohibition of divorce conflicts with the absolute nature of the second half of the statement in Matt. 5:32 and renders the stunned reaction of the apostles to Jesus' reiteration of the teaching in 19:10–11 inexplicable. See also Robert A. Guelich, "The Antitheses of Matthew V. 21–48: Traditional and/or Redactional?," *New Testament Studies* 22/4 (1976): 455–457 [444–457].

his teaching—not with the Torah itself—but with simplistic literal interpretations advanced by other teachers of his day.⁴⁰ Yet the problem with such a view is that in almost every instance Jesus cites the law *itself*, not simply other interpretations of it.⁴¹ Further, as we have already mentioned, while some of the antitheses can be explained as an intensification of the demands of the Torah (for example, the association of lust with adultery in 5:27–30), others are harder to explain along these lines. In particular, as noted above, Jesus' equation of divorce and remarriage with adultery is very hard to explain as merely an intensification of the Torah's requirements since he explicitly prohibits something the law permits.⁴²

It appears, then, that Jesus is doing something more than simply increasing the law's requirements. Jesus' words "but I say to you" (*egō de legō hymin*) underscore the focus on his *own* authority.⁴³ The antitheses are thus likely related to the important christological assertion in 5:17: Jesus has come not to *abolish* (*katalysai*) the law and the prophets but so that they may be "fulfilled" (*plērōsai*).⁴⁴

40 See, for example, Leon Morris, *The Gospel According to Matthew*, PNTC (Grand Rapids: Eerdmans, InterVarsity Press, 1992), 112: "Jesus is protesting against a strictly literal interpretation of the commands, an interpretation that indicates an apparent willingness to obey what God has said, but which imposes a strict limit on obedience and leaves scope for a good deal of ungodly behavior."

41 See, for example, Davies and Allison, *Matthew*, 506; Ulrich Luz, *Das Evangelium nach Matthäus* [*The Gospel according to Matthew*], Evangelisch-katholischer Kommentar zum Neuen Testament I-IV, 4 vols. (Zürich: Benziger, 1985), 1:328–331; David L. Turner, *Matthew*, Baker Commentary on the New Testament (Grand Rapids: Baker Academic, 2008), 166–167.

42 See n. 5 above.

43 See Morna D. Hooker, "Creative Conflict: The Torah and Christology," in *Christology, Controversy, & Community: New Testament Essays in Honour of David R. Catchpole*, eds. D. G. Horrell and C. M. Tuckett (Leiden: Brill, 2000), 125–126 [137–156]: "Is Jesus, like a Jewish rabbi, simply contrasting previous interpretation of the torah with his own? The emphatic ['but I say to you'] suggests that what Jesus is presenting is more than mere 'interpretation' of the torah. ... Although Matthew's Jesus does not challenge the teaching of Moses, he does far more here than simply interpret its meaning, since his words stand in contrast to those of Moses." In addition, see Byrskog, *Jesus the Only Teacher: Didactic Authority and Transmission in Ancient Israel, Ancient Judaism, and the Matthean Community*, Coniectanea biblica, New Testament 24 (Stockholm: Almqvist & Wiksell, 1994), 294–296, who understands Jesus' use of "I" in the antitheses as referring to "divine categories." Likewise, see, for example, Guelich, "The Antitheses of Matthew V. 21–48," 455–457; Robert Guelich, *The Sermon on the Mount: A Foundation for Understanding* (Waco: Word Books, 1982), 185; Keener, *Matthew*, 182.

44 This saying is one of six recorded in Matthew's Gospel in which Jesus explains why "I came" (*ēlthon*), all of which have important Christological implications (see Matt. 5:17; 9:13; 10:34; 11:19; 18:11; 20:28). See Robert Banks, "Matthew's Understanding of the Law: Authenticity and Interpretation in Matthew 5:17–20," *Journal of Biblical Literature* 93/2 (1974): 226–242; James D. G. Dunn, *Jesus Remembered*, vol. 1 in *Christianity in the Making* (Grand Rapids: Eerdmans, 2003), 526; Aquila H. I. Lee, *From Messiah to Preexistent Son: Jesus' Self-Consciousness and Early Christian Exegesis of Messianic Psalms*, Wissenschaftliche Untersuchungen zum Neuen Testament 2/192 (Tübingen: Mohr-Siebeck, 2005), 182–196. Such a focus on the person of Christ is further suggested by the identification of the Gospels as *bioi*. See Richard Burridge, *What Are the Gospels?: A Comparison with Graeco-Roman Biography*, 2d ed. (Cambridge: Cambridge University Press, 1995), 325–326.

It seems, therefore, that the interpretive crux resides in the meaning of the word “fulfilled” (*plēroō*). The key question is: what sort of “fulfillment” is in view?⁴⁵ Of course, taken by itself, the term *plēroō* can be translated in various ways.⁴⁶ However, since the word is contrasted with *katalysai* (“abolish”), which carries the meaning of “destroying”⁴⁷ or “annulling,”⁴⁸ the most likely reading would appear to involve an antithetical meaning, namely, “to uphold” or “to maintain.”⁴⁹ Moreover, we should also not neglect the other element Jesus says he has come to “fulfill” (*plēroō*) in verse 17: “the prophets.”⁵⁰ The fulfillment of the prophets is a recurring theme in Matthew.⁵¹ In passages relating this motif, the word for “fulfill” (*plēroō*) is,

- 45 See Davies and Allison, *Matthew*, 1:485: “The crux of this clause—and of all of v. 17—is the meaning of *plēroō*.”
- 46 Davies and Allison, *Matthew*, 1:484–486, offer a helpful catalogue of options. Likewise, see John Yueh-Han Yieh, *One Teacher: Jesus’ Teaching Role in Matthew’s Gospel Report*, Beihefte zur ZNW 124 (Berlin: Walter de Gruyter, 2004), 76–79; Henrik Ljungman, *Das Gesetz Erfüllen* (Lund: Gleerup, 1954), 19–36; Davies, *Christian Origins and Judaism*, 32–33.
- 47 This is clearly the meaning of the word elsewhere in Matthew’s Gospel (see Matt. 24:2; 26:61; 27:40).
- 48 The term *katalysai* means “to annul” when used in reference to an authoritative text or law. See, for example, 2 Macc. 2:22, which describes how, after their successful revolt against the Greeks, the Maccabees “restored the laws that were about to be abolished [*katalyō*]” (see also 2 Macc. 4:11). Josephus uses the term in relating how Nicolas of Damascus defended the Jews who lived in Ionia, explaining that “they would rather suffer all manner of things than violate [*katalyō*] any of their country’s customs” (A.J. 16:35 [Marcus, LCL]; see also A.J. 20.81). Philo also uses the word to describe efforts to “destroy” [*katalyō*] the Jewish observance of the Sabbath (see Philo, *Som.* 2.123). 4 Maccabees also has Eleazar speaking of how he pitied his old age less than “breaking” [*katalyō*] the Law (see 4 Macc. 5:33). See the discussion in Nolland, *Matthew*, 217–218; Davies and Allison, *Matthew*, 1:484; Paul Foster, *Community, Law and Mission in Matthew’s Gospel*, Wissenschaftliche Untersuchungen zum Neuen Testament 177/2 (Tübingen: Mohr-Siebeck, 2004), 184–185; R. T. France, *The Gospel of Matthew*, New International Commentary on the New Testament; Grand Rapids: Eerdmans, 2007), 182.
- 49 See, for example, Nolland, *Matthew*, 218: “Fulfill’ must be taken in a manner that allows it to be an appropriate counterpart to ‘annul.’” See also the discussions in Daube, *New Testament and Rabbinic Judaism*, 60–62; David Flusser, *Judaism and the Origins of Christianity* (Jerusalem: Magnes Press, 1988), 495.
- 50 Along these lines, it is significant to note that Meier (*Law and History in Matthew’s Gospel*, 75) points out that *plēroō* is not linked with the Law in the LXX, though it is linked with the prophets.
- 51 See Matt. 1:22; 2:15, 17, 23; 4:14; 8:17; 12:17; 13:14, 35; 21:4; 26:54, 56; 27:9. In addition, see 7:12 and 22:40 where the Law and Prophets are likewise linked together. In fact, the other Synoptic Gospels also report that Jesus taught that he was bringing fulfillment to the Scriptures (see Mark 14:49; Luke 4:21; 21:22; 22:37; 24:44). It should also be pointed out that the Synoptic Gospels frequently have Jesus linking the “law” and the “prophets” (see Matt. 7:12; 11:13; Luke 16:16; 24:44 [“the law of Moses and the prophets”]; see Luke 16:29, 31 [“Moses and the prophets”] and Luke 24:27 [“Moses and all the prophets”]). See also William Carter, “Jesus’ ‘I have come’ Statements in Matthew’s Gospel,” *Catholic Biblical Quarterly* 60 (1988): 44–62, who argues that these statements are all ultimately meant to be read as a fulfillment of Matt. 1:21–23, in which Jesus’ mission is first announced. Furthermore see R. T. France, *Matthew: Evangelist and Teacher* (Exeter: Paternoster Press, 1989; repr., Eugene: Wipf & Stock, 2004), 166–205.

in some sense, used to describe the arrival of that which the prophets announced, which, in most cases, is understood as Jesus himself.

An especially important parallel is found in Matthew 11:13–14. There Jesus states: "For all the prophets and the law prophesied [*eprophēteusan*] until John; and if you are willing to accept it, he is Elijah who is to come." Without entering into an extended exegesis of this passage, we can make three important observations about it. First, in addition to the prophets, the law is understood as having *prophetic* value; *both* the law *and* the prophets are said to have "prophesied."⁵² Second, the law and the prophets are described as being in some sense *provisional*; John the Baptist's arrival seems to mark the appearance of what they were anticipating.⁵³ Third, this fulfillment is *eschatological* since John's ministry is linked to future hopes for the coming of Elijah, a figure associated with eschatological hopes.⁵⁴

It is very difficult to imagine that Jesus' reference to *fulfilling* the law and the prophets in Matthew 5:17 should be taken in an entirely different sense than elsewhere in Matthew. Therefore, we should likely conclude that in Matthew 5

52 In connection with this, it should be kept in mind that Moses—to whom the Torah was principally attributed—was seen as the prophet *par excellence* in Second Temple Judaism. Thus, instead of reading the first five books in terms of hypothetical pre-canonical sources, ancient Jews viewed these books as the writings of the greatest prophet of all. In fact, many passages in the Pentateuch were viewed as having *prophetic* value. For example, Gen. 49, which relates Jacob's final words to his sons came to be understood as an eschatological prophecy (see 2Q252 V, 1–2; *Tg. Onq.* on Gen. 49:10; *Tg. Neof.* on Gen. 49:10; *Jub.* 45:14). Likewise, Balaam's prophecy in Num. 24:17–19 was taken by some ancient writers as a prophecy relating eschatological figures (see CD-A 7:18–21 [=4Q266 3 iii 18–22]; 1Q28b 5:27; *T. Levi* 18:3; *T. Judah* 24:1). See Robert Banks, *Jesus and the Law in the Synoptic Tradition*, Society for New Testament Studies 28 (Cambridge: Cambridge University Press, 1975), 210, who discusses how the *prophetic* dimension of the Law has been neglected by scholars: "What I would argue then, and it is this possibility that seems to have been constantly overlooked, is that precisely the same meaning should be given to the term *plēroun* when it is used of the Law as that which it has when it is used of the Prophets."

53 See France, *Gospel of Matthew*, 183, who, commenting on Matt. 11:13, writes, "The law is thus linked with the prophets as looking forward to a time of fulfillment which has now arrived. The Torah, then, is not God's last word to his people, but is in a sense provisional, looking forward to a time of fulfillment through the Messiah."

54 Malachi ends with the Lord promising to send the prophet Elijah (Mal. 4:5–6). In fact, Jesus links John with the eschatological messenger of Mal. 3:1, whom many scholars think is to be identified with Elijah since the latter is clearly in view in 4:5–6. Eschatological hopes for Elijah's coming are also present in Sir. 48:10–11, where his coming is also linked with the restoration of Israel: "you [Elijah] who are ready at the appointed time, it is written, to calm the wrath of God before it breaks out in fury, to turn the heart of the father to the son, and to restore the tribes of Jacob." Elijah was thus linked with eschatological expectations in other texts (see 4Q521 2 iii 1; 4Q558 1 ii 4; 4 Ezra 6:24–28; *m. Ed.* 8.7; *b. Soṭah* 9:15). For an especially insightful treatment, see Brant Pitre, *Jesus, the Tribulation, and the End of the Exile: Restoration Eschatology and the Origin of the Atonement*, Wissenschaftliche Untersuchungen zum Neuen Testament 2/104 (Tübingen: Mohr Siebeck, 2005), 177–198, who demonstrates that it was believed that Elijah's appearance would coincide with the eschatological tribulation. Going on, Pitre convincingly argues that Jesus believed that with the death of John—the eschatological Elijah—that period had arrived.

Jesus is explaining that he brings fulfillment to the law and the prophets because *he* is the one to whom they pointed. In the “antitheses,” then, Jesus does not merely intensify the Torah’s demands but brings about what these precepts ultimately anticipated: a “better” righteousness, an eschatological holiness.

Still, we must ask: how did the law point to a better holiness? A good explanation would involve the recognition that the law itself made concessions to sin that in some way sanctioned a “less than ideal” standard of righteousness. Accordingly, Jesus has come to usher in the age of eschatological holiness—a radically new kind of righteousness that the law itself, with its many concessions to sinfulness, could not presume. Indeed, such a reading would fit well within first-century Judaism.

Eschatological Righteousness and Deuteronomic Concessions

That the eschatological age would involve a radically new kind of righteousness and the total eradication of impurity is attested in numerous prophetic texts. Here we can mention the famous “new covenant” prophecy in Jeremiah 31, a chapter cited from in Matthew 2 and also likely alluded to in Matthew’s institution narrative of the Last Supper:⁵⁵

“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. ³⁴ 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” (Jer. 31:33–34).

Ezekiel has a similar vision, announcing that God will cleanse his people from uncleanness through the sprinkling of water, giving his people “a new heart” and “a new spirit,” describing how he will cause them “to walk in my statutes and be careful to observe my ordinances” (Ezek. 36:26–27).

55 Matthew clearly draws from this chapter in 2:17–18 (citing Jer. 31:15). Many scholars also think an allusion to the “new covenant” announced in Jer. 31:31 is present in Matthew’s account of the Last Supper where Jesus speaks of the “blood of the covenant.” See, for example, Hagner, *Matthew*, 2:773: “The blood here is not the blood that was necessary to the first covenant (cf. Heb 9:18) but that which inaugurates the new covenant; thus although the word *kainē*, ‘new,’ does not occur here ... it is to be presupposed ...” That Matthew has Jesus make the additional mention of his blood being poured out for the forgiveness of sins seems to cement the allusion to Jer. 31: “Now it is important to note that in Jer. 31.31–34 the promise of a new covenant is paralleled by the promise of forgiveness for the sins under the old covenant. This combination of new covenant and forgiveness of sins is present whenever this passage of Jeremiah is referred to in the New Testament (Heb. 8:8; 9:14f.; 10:16f.; cf. also Rom 11.27)” (Seyoon Kim, *The Son of Man as the Son of God*, Wissenschaftliche Untersuchungen zum Neuen Testament 30 [Tübingen: Mohr-Siebeck, 1983], 62).

Some texts even envision Gentiles seeking righteousness and learning the law of God in the future.⁵⁶ A number of texts also link the eschatological age with purification and the cleansing of uncleanness.⁵⁷ Zechariah explains that *all* the pots in Jerusalem—not simply those used in the Temple—will be sacred to the Lord (see Zech. 14:21). Such hopes are also attested in other Second Temple sources,⁵⁸ and later Jewish works.⁵⁹ Clearly such ideas would imply a transcending of clean/unclean categories presumed by the law.

Moreover—and this is crucial—in many cases eschatological holiness seems to entail certain realities that conflict with the norms of the Torah. Such is the case with the scenario envisioned in Isaiah 19:19, where the eschatological age is linked with the offering of sacrifices on an altar in Egypt—something which conflicts with the law's regulations for a central sanctuary in Deuteronomy 12:13–14.⁶⁰ Likewise,

56 See, for example, Isa. 2:3; 42:4; 51:4; Mic. 4:2.

57 See, for example, Isa. 4:4; 30:22; 35:8; 52:1, 11; Jer. 33:8; 43:12 Ezek. 36:25, 29, 33; 37:23; 39:12, 14, 16, 24; 43:20, 22–23; 44:23; 45:18; Dan. 11:35; 12:8; Zech. 13:1, 2; 14:21; Mal. 3:3.

58 This expectation is especially seen in the Dead Sea Community whose eschatological outlook was inextricably linked with strict Torah observance and purity concerns. Numerous texts could be mentioned here. 4Q394–399 explains that the community separated themselves from the people because of the need to escape the impurity that had resulted from disobedience to the law. 1Q28 5:7–12 explains that all enrolled in the community—which was apparently understood in terms of the eschatological remnant (for example, CD 6:19; 8:21; 15:5–8; 19:33–34; 20:10–12)—were required to swear an oath to keep the law of Moses (CD 15:7–10). 1Q28 3:4–6 explains that he who is not a part of the community is defiled. Furthermore, the Temple Scroll looks forward to the coming of the eschatological age in which purity will be restored (see 11Q19 47:3–17). For a fuller discussion, see Hannah K. Harrington, "Purity" in *Encyclopedia of the Dead Sea Scrolls*, eds. L. H. Schiffman and J. C. VanderKam, 2 vols. (Oxford: Oxford University Press, 2000), 724–729; Karen J. Wenell, *Jesus and Land: Sacred and Social Space in Second Temple Judaism*, Library of New Testament Studies 334 (London: T & T Clark, 2007), 85–91. The eradication of impurity and the establishment of righteousness is also a major theme in *Psalms of Solomon* 17 (see 17:22, 26–27, 30, 32). In addition, see *Jubilees* 50:5: "And jubilees will pass until Israel is purified from all the sin of fornication, and defilement, and uncleanness, and sin and error. And then it will not have any Satan or evil (one). And the land will be purified from that time and forever" (OTP 2:142).

59 Certain passages even indicate the coming of a new Torah. The Targum on Isa. 12:3 reads: "And you will accept a new teaching with joy from the chosen ones of righteousness" (Chilton, *Isaiah Targum*, 29). Likewise, see *Midrash Ecclesiastes* 2:1: "All the Torah which you learn in this world is 'vanity' in comparison with Torah [which will be learnt] in the World to Come" (cited from M. Simon, ed., *Midrash Rabbah*, VIII: *Ruth, Ecclesiastes* [London/New York: Soncino Press, 1983], 51). The new law is even specifically linked with the Messiah: "God will sit and expound a new Torah which he will give, on days, by the hand of the Messiah" (*Yal. on Isa.* 26:2). See W. D. Davies, *The Setting of the Sermon on the Mount*, repr. (Cambridge: Cambridge University Press, 1966 [1963]), 183–190 (446–447); W. D. Davies, *Torah in the Messianic Age and/or the Age to Come*, Society of Biblical Literature Monograph Series 7 (Philadelphia: Society of Biblical Literature, 1952). Of course, these texts are difficult to date and do appear somewhat obscure. See Peter Schäfer, "Die Torah der messianischen Zeit," *Zeitschrift für die neutestamentliche Wissenschaft* 65 (1974): 27–42.

60 See John D. Watts, *Isaiah 1–33*, Word Biblical Commentary 24, rev. ed. (Dallas: Thomas Nelson, 2005), 315: "This is the most positive interpretation of the outward flow of population

Isaiah indicates that the eunuchs and foreigners will worship with Israel at the Temple (see Isa. 56:3–8)—something which obviously stands in tension with the law's exclusion of such people from the cultic assembly in Deuteronomy 23:1–6.⁶¹ In other words, Israel's prophetic texts and other Jewish works seem to imply that the righteousness of the eschatological age will transcend the regulations of the law.

Later Jewish interpretation would therefore recognize that some aspects of the Torah would not remain binding after the coming of the Messiah. For example, it was believed that, with the exception of the thank offering, sacrifices would cease (see *Pesiq. Rab.* 12; *Lev. Rab.* 9.7). Likewise, *Yalqut* on Proverbs 9:2 explains that all the festivals will cease except Purim and the Day of Atonement. The Midrash on Psalm 146:7 suggests that the kosher laws will also pass away.⁶² While these rabbinic teachings are clearly taken from much later sources, they highlight the notion that an eschatological transcending of the law, clearly suggested in the scriptures of Israel, is consistent with a Jewish context.

In light of such expectations we can perhaps better understand Jesus' teaching in Matthew. In teaching that he has come to fulfill the law and the prophets in Matthew 5:17, Jesus explains that the law pointed forward to him and to the eschatological age that he heralds.⁶³ The fulfillment he has brought in no way an-

from Israel in the OT (comparable only to the NT's commissions in Matt. 28:19–20; Acts 1:8) ... An altar implies sacrifice and a priesthood (perhaps, though not necessarily, even a temple)." The passage goes on to describe how the Assyrians will join with the Egyptians in worshipping the Lord (see Isa. 19:23).

61 The inconsistency is recognized by many scholars. See Allison, *Resurrecting Jesus*, 192: "Isa 56:1–8 which in Jesus' day would have been understood as eschatological, plainly depicts the undoing of Deuteronomy's exclusion of eunuchs from the temple." See, for example, the discussion in Grace J. Emmerson, *Isaiah 56–66* (Sheffield: Sheffield Academic Press, 1992), 15: "Deut 23:1–3 is replaced by a new prophetic *torah* by which both foreigners and eunuchs ... are welcomed into the worshipping community." Others have also made this point. See, for example, Amy L. Grant-Henderson, *Inclusive Voices in Post-Exilic Judah* (Collegeville: The Liturgical Press, 2002), 2–3; William F. Herzog, *Jesus, Justice and the Reign of God: A Ministry of Liberation* (Louisville: Westminster John Knox Press, 2000), 140–141; John Oswalt, *Writing and Reading the Scroll of Isaiah: Studies of an Interpretive Tradition*, 2 vols., eds. C. C. Broyles and C. A. Evans (Leiden: Brill, 1997), 1:426; John Oswalt, *The Book of Isaiah: Chapters 40–66*, New International Commentary on the Old Testament (Grand Rapids: Eerdmans, 1998), 458.

62 See the further discussion in Davies, *Torah in the Messianic Age*, 50–83; Davies, *Setting of the Sermon on the Mount*, 161–172.

63 This view has been gaining adherents in recent research. See, for example, France, *Gospel of Matthew*, 183–184; France, *Matthew*, 113–114; Banks, *Jesus and the Law in the Synoptic Tradition*, 203–235; Banks, "Matthew's Understanding of the Law: Authenticity and Interpretation in Matthew 5:17–20," *Journal of Biblical Literature* 93 (1974): 226–242; John P. Meier, *Law and History in Matthew's Gospel*, 41–124, especially 160–161; Douglas J. Moo, "Jesus and the Authority of the Mosaic Law," *Journal for the Study of the New Testament* 20 (1984): 3–49; Yong-Eui Yang, *Jesus and the Sabbath in Matthew's Gospel*, *Journal for the Study of the New Testament Supplement Series* 139 (Sheffield: Sheffield Academic Press, 1997), 106–120, 128–129; Davies and Allison, *Matthew*, 1:486–487; Keener, *Matthew*, 177–178; M. Eugene Boring, "The Gospel of Matthew," 189; Turner, *Matthew*, 162.

nuls the law and the prophets. On the contrary, it offers their definitive validation since what they pointed to has now arrived.⁶⁴ Jesus' teaching in 5:21–22, "you have heard that it was said ... but I say to you," and the teaching which follows must therefore be understood against this backdrop.⁶⁵

Moreover, according to Matthew, for Jesus the fulfillment of the law does not necessarily involve recognizing each and every one of the commandments as upholding the perfect standard of righteousness. As the prophets and later Jewish writers hoped, Jesus indicates that the dawning of the eschatological age involves a transcending of the Torah. This is especially clear in Jesus' teaching on divorce and remarriage in Matthew 5 and 19. Certain aspects of the law were in fact concessions to Israel's "hardness of heart." Some laws effectively sanctioned behavior that involved material evil (for example, divorce and remarriage are equated with adultery). The fulfillment that Jesus makes a reality does not involve rejecting the value of these laws. Yet their value must be carefully understood—ultimately they pointed beyond themselves. By accommodating Israel's sinfulness, such concessionary precepts actually revealed the penultimate nature of the law. That certain regulations were given because of Israel's "hardness of heart" highlighted the law's insufficiency and pointed beyond itself. Jesus' fulfillment of the law thus involves his announcement of the age of eschatological holiness that restores in some sense what was "from the beginning." He has come not to "relax" the law's standards but to bring about a better holiness, one that does not require these concessions.

Conclusion

Matthew 5 is a complex text. In 5:17–20, Jesus insists that he has come not to abolish the law and the prophets. However, in the so-called "antitheses" that follow

64 See Davies and Allison, *Matthew*, 1:487: "... if the law is fulfilled, it cannot on that account be set aside. Fulfillment can only confirm the Torah's truth, not cast doubt upon it." Helpful also is the conclusion offered by France (*Gospel of Matthew*, 186), who sums up the meaning of v. 18 as follows: "The jots and tittles are there to be fulfilled, not discarded, and that is what Jesus has come to do. They are not lost, but taken up into the eschatological events to which they pointed forward ... [W]e might paraphrase the whole saying as follows: 'The law, down to its smallest details, is as permanent as heaven and earth, and will never lose its significance; on the contrary, all that it points forward to will in fact become a reality.' Now that that reality has arrived in Jesus, the jots and tittles will be seen in a new light, but they still cannot be discarded."

65 See Andrew Chester, *Messiah and Exaltation: Jewish Messianic and Visionary Traditions and New Testament Christology*, Wissenschaftliche Untersuchungen zum Neuen Testament 207 (Tübingen: Brill, 2007), 505: "[W]hat we have in these Antitheses is an *eschatological transcending* of the provision of the Torah. That does not mean that the Torah is abandoned, or simply contradicted. But in this altogether new age, Torah is now taken to an utterly new level. It is both taken up and transformed. Thus it is now fulfilled in the truest sense. ... What [Jesus' teaching] involves, in fact, is potentially a whole way of life that takes on a radically new dimension, and transcends what has been countenanced hitherto." See also Harrington, *Matthew*, 90: "Since the antitheses follow Matt 5:17–20 which affirms that Jesus came not to abolish but to 'fulfill' the Law and the Prophets, it would seem that the antitheses are intended to illustrate in what that fulfillment consists."

in vv. 21–46, he seems to contrast his teaching with the standards of the law itself. In particular, Jesus’ teaching on divorce and remarriage seems to involve doing precisely what he had said he had *not* come to do: nullify the law.

In this article we have argued that Jesus recognized what many Old Testament scholars have noted: at points the law itself seems to sanction practices that are contrary to its own principles. In particular, Deuteronomy seems to make concessions to behavior not only absent in the preceding books of the Torah but that even contradict the law’s own stated standards. Indeed, as we have argued above, Ezekiel’s recognition that God gave Israel “statutes that were not good” reveals that ancient readers caught such inconsistencies in the law.

Jesus’ teaching on divorce and remarriage in Matthew 19 seems to echo a view similar to Ezekiel’s. There he explains that divorce and remarriage was only tolerated by Moses because of Israel’s “hardness of heart,” stating that “from the beginning it was not so.” This, as we have seen, summarizes the canonical record: there is no provision for divorce and remarriage until the book of Deuteronomy. For Jesus in Matthew, the regulations for this practice entailed nothing less than the sanctioning of adultery. Moreover, that the specific idea of Deuteronomic concessions is in view seems to be suggested from the geography of the passage—Jesus offers his teaching on divorce and remarriage in the very place where Moses delivered the laws of Deuteronomy to Israel (“the region beyond the Jordan”).

In Matthew 5, then, Jesus maintains that he has brought fulfillment to the law and the prophets because he has ushered in what they anticipated. The concessionary ordinances of the law are not rejected as evil but as evidence of the penultimate nature of the law itself. The prophetic hope for an age marked by a radically new kind of holiness has arrived. With the dawning of the new covenant age, Jesus calls his disciples to be “perfect as your heavenly father is perfect” (Matt. 5:48), a standard of righteousness impossible to achieve on one’s own but now made possible by God (see Matt. 19:26). Because of this the concessionary laws have now been transcended. Jesus has ushered in the age of a “better holiness” in which such precepts are no longer necessary.⁶⁶

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