

# Jesus and the Torah in Matthew

## Beyond Replacement Theology

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### Introduction: Matthew within Judaism

The book of Matthew is a first-century Jewish text that reflects the debates and concerns of Second Temple Judaism, a period of Jewish religious practice lasting from the rebuilding of the Jewish Temple in the sixth century BC to its destruction by Roman forces in AD 70.<sup>1</sup> The Gospel of Matthew's position on the observance of the Torah, or Jewish law, has been the subject of scholarly debate, with some claiming that Matthew advocates for the observance of Jewish law<sup>2</sup> and others arguing that the Gospel proposes abandoning the observance of Jewish law.<sup>3</sup>

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1. Élian Cuvillier, "Torah Observance and Radicalization in the First Gospel. Matthew and First-Century Judaism: A Contribution to the Debate," *New Testament Studies* 55, no. 2 (2009): 145. See also Lester L. Grabbe, *An Introduction to Second Temple Judaism: History and Religion of the Jews in the Time of Nehemiah, the Maccabees, Hillel and Jesus* (London: T&T Clark, 2010).

2. J. Andrew Overman, *Matthew's Gospel and Formative Judaism: The Social World of the Matthean Community* (Minneapolis: Fortress Press, 1990), 70, 84–90; Anthony J. Saldarini, *Matthew's Christian-Jewish Community* (Chicago: University of Chicago Press, 1994), 124–64; David C. Sim, *The Gospel of Matthew and Christian Judaism: The History and Social Setting of the Matthean Community* (Edinburgh: T&T Clark, 1998), 109–50; Benedict T. Viviano, *Matthew and His World: The Gospel of the Open Jewish Christians: Studies in Biblical Theology*, *Novum Testamentum et Orbis Antiquus: Studien zur Umwelt des Neuen Testaments* 61, ed. Max Küchler, Peter Lampe, and Gerd Theissen (Freiburg, Switz.: Academic Press Fribourg; Göttingen, Ger.: Vandenhoeck & Ruprecht, 2007).

3. Donald A. Hagner, "Matthew: Apostate, Reformer, Revolutionary?," *New Testament Studies* 49 (2003): 193–209; Paul Foster, *Community, Law, and Mission in Matthew's Gospel*, *Wissenschaftliche Untersuchung zum Neuen Testament* 2, Reihe 177 (Tübingen, Ger.: Mohr Siebeck, 2004), 80–84; Roland Deines, "Not the Law but the Messiah: Law

This paper follows the scholars in the former camp, who claim Matthew believed that Jewish law was still in force, even if the legal conclusions presented in the Gospel differ from protorabbinic legal practice. This paper further posits that the Gospel of Matthew reflects the *intrasectarian* debates within Second Temple Judaism rather than the supersessionism<sup>4</sup> characteristic of second-century *Christianismos*.<sup>5</sup> The Gospel of Matthew's antagonism toward certain Jewish groups and traditions, especially the Pharisees, was similar to the ways in which other Jewish groups of the time expressed their identities as distinct sects.<sup>6</sup>

## The Gospel of Matthew and the Law

Matthew may have written his gospel to convince the Pharisees of Jesus's messianic candidacy and to address concerns that the Christian movement would abolish the Torah.<sup>7</sup> For Matthew's audience, the entirety of the Torah remained in force, and the community defined itself against

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and Righteousness in the Gospel of Matthew—an Ongoing Debate,” in *Built upon the Rock: Studies in the Gospel of Matthew*, ed. Daniel M. Gurtner and John Nolland (Grand Rapids, Mich.: Wm. B. Eerdmans, 2008), 53–84.

4. Supersessionism is the belief that the Christian church has replaced the nation of Israel as God's covenant people. See Michael J. Vlach, “Various Forms of Replacement Theology,” *Master's Seminary Journal* 20, no. 1 (Spring 2009): 57–69.

5. I have chosen to transliterate the Greek word behind “Christianity” rather than translate it into English to avoid anachronistic thinking surrounding the nature of the Jesus movements in the second century AD. *Christianismos* began as one of many varieties of ways of following Jesus as a messianic candidate. See Matt Jackson-McCabe, *Jewish Christianity: The Making of the Christianity-Judaism Divide* (New Haven, Conn.: Yale University Press, 2020), 123–43.

6. John Kampen, *Matthew within Sectarian Judaism* (New Haven: Yale University Press, 2019), 38–67. Some of these themes can be seen in places such as the view of Jesus as the sole mediator of the knowledge of God (Matt. 11:25–27), Jesus's identification with wisdom (Matt. 11:19), his performance of wondrous deeds, and the rejection of his unique identity by other Judeans (Matt. 11:20–24). The communal procedures in Matthew 18:15–20 for how to reprove community members are remarkably similar to those of the Qumran community. These procedures exist to reinforce the community's difference to other groups. The Gospel highlights the differences between the Jesus group and other groups, and several instances in the Gospel serve to discredit the authority of other groups, especially their authority figures.

7. Gerhard Barth, “Matthew's Understanding of the Law,” in Günther Bornkamm, Gerhard Barth, and Heinz Joachim Held, *Tradition and Interpretation in Matthew* (Philadelphia: Westminster Press, 1963): 59–164; Günther Bornkamm, “End-Expectation and Church in Matthew,” in Bornkamm, Barth, and Held, *Tradition and Interpretation in Matthew*, 15–51.

antinomian Christ-believing factions, or those who believed that observance of some Jewish laws was not required for gentile believers.<sup>8</sup> Groups who denied the Torah completely would have created friction between Matthew's audience and the synagogue.<sup>9</sup> Although Matthew's Gospel does not reveal anything about the nature of the historical Jesus's conflict with the Pharisees or any other Jewish sect, it does proclaim that Jesus is the one who fulfills the law and the prophets (Matt. 5:17). Depending on how listeners defined the Greek word typically translated as "fulfilled," this type of claim may have sparked continued division within Judaism.

Matthew approached the issue of the Torah's fulfillment in an innovative way by stating that obedience to the commandments is not the sole criterion for entering into the kingdom. There seems to have been a crisis post-AD 70 that led to an intense debate among surviving factions around the interpretation of the Torah. The Matthean community reinterpreted traditional Jewish identity markers (Sabbath observance, dietary restrictions, purity laws, and so on) as a way to separate themselves from *both* other Jews and pagan society.<sup>10</sup> This distinguishes Matthew's group from other Jews but also shows some similarities with the Pharisees, who required the observance of regulations beyond what was contained in the written Torah.<sup>11</sup> Jesus's exhortation to *exceed* the righteousness of the scribes and Pharisees could be seen as a call to a new kind of Torah observance.<sup>12</sup>

For example, Jesus's announcement in Matthew 5 that he came to πληρῶσαι (*plerosai*), "fulfill," the Torah and the Prophets has led to debates about the meaning of this word and situates the entirety of the Sermon on the Mount material. While some interpret "fulfill" to mean bringing something to its completion, others claim it means to "do,

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8. Roger Mohrlang, *Matthew and Paul: A Comparison of Ethical Perspectives*, Society for New Testament Studies Monograph Series 48 (Cambridge: Cambridge University Press, 2004), 8–26.

9. William Loader, *Jesus' Attitude towards the Law: A Study of the Gospels* (Grand Rapids, Mich.: Wm. B. Eerdmans, 2002), 137–54, 266–72.

10. Francois P. Viljoen, "Matthew and the Torah in Jewish Society," *In die Skriflig* 49, no. 2 (2015): 1–6, <https://doi.org/10.4102/ids.v49i2.1946>.

11. David C. Sim, "Is Matthew 28:16–20 the Summary of the Gospel?," *HTS Theologiese Studies/Theological Studies* 70, no. 1 (2014): 1–7, <https://doi.org/10.4102/hts.v70i1.2756>.

12. Traditions surrounding how to practically implement Torah commandments are referred to as "halakah" in rabbinic literature, Jewish studies, and the academic study of Second Temple Judaism. For a study, see Cuvillier, "Torah Observance and Radicalization in the First Gospel," 144–59.

observe.”<sup>13</sup> Because Matthew regarded Torah observance as required by Jesus, I argue that he interpreted the word to mean “observe.”

### Use of Early Rabbinic Sources

A brief methodological note is in order. This study utilizes early rabbinic sources, while acknowledging the complexities of dating such sources.<sup>14</sup> It is generally accepted that in rabbinic material (mainstream Jewish texts), halakhic (legal) traditions are more reliably dated than haggadic (any nonlegal rabbinic material), and the names of rabbis associated with legal positions can serve as a means of dating a tradition.<sup>15</sup> Matthew is typically dated after the destruction of the Temple in the AD 80s, although some date it earlier.<sup>16</sup> Jewish scholar Isaac W. Oliver notes that the chronological gap between the time of the Gospel authors and

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13. John P. Meier, *Law and History in Matthew's Gospel: A Redactional Study of Mt. 5:17–48* (Rome: Biblical Institute Press, 1976), 73–82; R. T. France, *The Gospel of Matthew*, New International Commentary on the New Testament (Grand Rapids, Mich.: Wm. B. Eerdmans, 2007), 182–83. See also Moises Silva, ed., *New International Dictionary of New Testament Theology and Exegesis*, 5 vols. (Grand Rapids, Mich.: Zondervan, 2014), s.v. “πληρώω,” 3:784–793; Henry George Liddell and Robert Scott, comps., *A Greek-English Lexicon*, rev. Henry Stuart Jones and Robert McKenzie (Oxford: Clarendon Press, 1968), s.v. “πληρώω.”

14. Adiel Schremer, “Stammaitic Historiography,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey L. Rubenstein (Tübingen, Ger.: Mohr Siebeck, 2005), 219–36; Judah Goldin, “Toward a Profile of the Tanna, Aqiba ben Josef,” *Journal of the American Oriental Society* 96, no. 1 (1976): 38–56; Joseph Weiss, *Studies in East European Jewish Mysticism and Hasidism*, ed. David Goldstein (Oxford: Littman Library of Jewish Civilization, 1997), 249–69; Avinoam Cohen, “Non-chronological Sugyot in the Babylonian Talmud: The Case of Baba Qamma 41a,” *Review of Rabbinic Judaism* 9 (2006): 75–91.

15. Compare David Instone-Brewer, “Rabbinic Writings in New Testament Research,” in *Handbook for the Study of the Historical Jesus*, ed. Tom Holmén and Stanley E. Porter, 4 vols. (Leiden, Neth.: Brill, 2011), 2:1687–721 (although it is unsafe to accept an honorific story concerning a famous rabbi, especially if it is the sole basis for a halakhah or rulings from before the first century AD, or those after the first century which are recorded in the Talmud but not in the Mishnah or Tosefta); compare Jacob Neusner, “The Use of the Later Rabbinic Evidence for the Study of First-Century Pharisaism,” in *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green (Missoula, Mont.: Scholars Press, 1978), 215–25. Additionally, for a recent work exploring the place of Matthew within Judaism with a positive assessment of the uses of rabbinic sources, see Isaac W. Oliver, *Torah Praxis after 70 CE: Reading Matthew and Luke-Acts as Jewish Texts* (Eugene, Ore.: Wipf and Stock, 2023).

16. Gundry advocates for a date before AD 63 with Matthew as the author. See Robert H. Gundry, *Matthew: A Commentary on His Literary and Theological Art* (Grand Rapids, Mich.: Wm. B. Eerdmans, 1982) 599–609.

rabbinic materials dated to the second century (such as those discussed in this study) is fairly small, which allows for the comparisons and connections made here.<sup>17</sup>

## Gentile Conversion

Matthew addressed accusations that his community was a Torah-abolishing group and a threat to Jews everywhere, as Thiessen observes.<sup>18</sup> Based on his Gospel account, Matthew sees the role of Jesus as the official interpreter of God's will and Torah. Matthew shows that, even though Jesus's interpretation differed from the scribes and Pharisees, Jesus wanted his followers to observe Torah as faithfully as other Jews did. This paper proceeds under the view that the Gospel of Matthew was written to a largely Jewish community,<sup>19</sup> with a small number of gentile adherents who believed that the observance of the Law (Torah) was absolutely necessary for Christ believers.<sup>20</sup> However, the nature of

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17. This is especially true if a later dating for Matthew's Gospel is entertained, as Oliver is willing to propose. Compare Oliver, *Torah Praxis*, 35 and n. 10; and David C. Sim, "Reconstructing the Social and Religious Milieu of Matthew: Methods, Sources, and Possible Results," in *Matthew, James, and Didache: Three Related Documents in Their Jewish and Christian Settings*, ed. Huub van de Sandt and Jürgen K. Zangenberg (Atlanta: Society of Biblical Literature, 2008), 15–19.

18. "Just as the authors of 2 and 4 Maccabees believed that the Jewish Hellenizers brought about the Antiochan persecution, and just as Josephus argued that the law-abolishing Zealots brought about the destruction of the Temple and Jerusalem, so, too, some may have argued that Jewish-Christian abandonment of ancestral customs occasioned divine wrath. If so, the correct response of other Jewish groups to Matthew's community should conform to Moses' command. . . . The Gospel of Matthew consistently works against this understanding of Jesus; instead, Jesus is a new Moses who comes to enable faithful Torah observance." Matthew Thiessen, "Abolishers of the Law in Early Judaism and Matthew 5, 17–20," *Biblica* 93, no. 4 (2012): 554–55.

19. The idea of Matthew writing to a community is one that is hotly contested in scholarship, and some would not accept this assertion at all. See Robyn Faith Walsh, *The Origins of Early Christian Literature: Contextualizing the New Testament within Greco-Roman Literary Culture* (Cambridge, Eng.: Cambridge University Press, 2021), 20–42.

20. This was the traditional assumption of early Christian writers. See Eusebius, *History of the Church* 3.24.6. For modern treatments, see Graham N. Stanton, *A Gospel for a New People: Studies in Matthew* (Louisville, Ken.: Westminster/John Knox Press, 1993), 116–17; Holger Zellentin, "'One Letter yud Shall not Pass Away from the Law': Matthew 5:17 to Bavli Shabbat 116a–b," in *Religious Identities in Antiquity and the Early Middle Ages: Walking Together and Parting Ways*, ed. Ilkka Lindstedt, Nina Nikki, and Riikka Tuori (Leiden, Neth.: Brill, 2021), 204–58; Oliver, *Torah Praxis*, 10–18; Todd Berzon, "Ethnicity and Early Christianity: New Approaches to Religious Kinship and Community," *Currents in Biblical Research* 16, no. 2 (2018): 191–227; Todd S. Berzon, *Classifying Christians: Ethnography, Heresiology, and the Limits of Knowledge in Late Antiquity* (Berkeley: University of

how those laws were to be interpreted was certainly a matter of debate, particularly between the Jesus movement and the Pharisees.<sup>21</sup> This article's view stands in contrast to the interpretation that the polemical statements against the Pharisees were intended as statements against the observance of the Torah or as statements claiming that the Jews were no longer God's covenant people.<sup>22</sup>

The gentile mission in Matthew has been interpreted in various ways. The call of the disciples to go to the nations and spread the teaching of Jesus was meant to bring Gentiles, through ritual initiation, under the authority of the Messiah. This probably meant conversion to the Matthean form of Christian Judaism.<sup>23</sup> However, this might not be as overtly anti-Pauline as some have thought. New Testament scholar Benjamin L. White sees little reason to believe that there were competing schools of thought among "Matthean," "Pauline," or "Petrine" Christians in the first century, claiming instead that Matthew's call to convert the Gentiles is understandable from his theology. Matthew reads Isaiah 56:6–7 as a call to convert the Gentiles to Israel's covenant, a view fundamentally different from Paul's but not in direct opposition to him.<sup>24</sup>

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California Press, 2016). Regarding Mark, compare John Van Maaren, "Does Mark's Jesus Abrogate Torah? Jesus' Purity Logion and Its Illustration in Mark 7:15–23," *Journal of the Jesus Movement in Its Jewish Setting* 4 (2017): 21–41; and Suzanne Watts Henderson, "Was Mark a Supersessionist? Two Test Cases from the Earliest Gospel," in *The Ways That Often Parted: Essays in Honor of Joel Marcus*, ed. Lori Baron, Jill Hicks-Keeton, and Matthew Thiessen (Atlanta: SBL Press, 2018), 145–68.

21. Holger M. Zellentin, "Jesus and the Tradition of the Elders: Originalism and Traditionalism in Early Judean Legal Theory," in *Beyond the Gnostic Gospels: Studies Building on the Work of Elaine Pagels*, ed. Eduard Irichinschi and others (Tübingen, Ger.: Mohr Siebeck, 2013), 379–403.

22. Ulrich Luz, *Matthew 1–7: A Commentary*, trans. James E. Crouch, ed. Helmut Koester (Minneapolis: Fortress, 2007); Hans Dieter Betz, *The Sermon on the Mount: A Commentary on the Sermon on the Mount, Including the Sermon on the Plain (Matthew 5:3–7:27 and Luke 6:20–49)*, ed. Adela Yarbro Collins (Philadelphia: Fortress, 1995) 184–89.

23. David C. Sim, "The Gospel of Matthew and the Gentiles," *Journal for the Study of the New Testament* 17, no. 57 (1995): 19–48; David C. Sim, "Christianity and Ethnicity in the Gospel of Matthew," in *Ethnicity and the Bible*, ed. Mark G. Brett (Leiden, Neth.: Brill, 1996), 171–95; David C. Sim, *The Gospel of Matthew and Christian Judaism: The History and Social Setting of the Matthean Community* (Edinburgh: T&T Clark, 1998).

24. Benjamin L. White, "The Eschatological Conversion of 'All the Nations' in Matthew 28.19–20: (Mis)reading Matthew through Paul," *Journal for the Study of the New Testament* 36, no. 4 (2014): 353–82.

The converted Gentiles were not seen as “Gentiles” anymore; they were considered full Jews.<sup>25</sup>

### Supersessionism and The Church of Jesus Christ of Latter-day Saints

An understanding of Matthew’s Judaism could provide means of self-reflection for modern Christians, especially in a post-Holocaust environment. Traditional Christianity has viewed itself as the “new Israel,” superseding Israel as God’s chosen community with the coming of Jesus.<sup>26</sup> Various reflections on the nature of this supersessionism (sometimes called “replacement theology”) have led to extensions of traditional Christian doctrine or modifications of modern theological developments.<sup>27</sup> Various passages in Matthew have been used to justify many churches’ supersessionist ideologies (see Matt. 21:19, 43; 23; 27:25). In contrast, The Church of Jesus Christ of Latter-day Saints claims to restore the purity of the original Jewish faith and also argues that it is “preparing the way for the dispensation of the fullness of time in which all previously valid human truth [will] be combined in a new synthesis for the Millennium.”<sup>28</sup>

Despite this, recent Latter-day Saint scholarship seems to engage with the Gospel of Matthew based on supersessionist understandings of the book. For example, in Gaye Strathearn’s study of Matthew’s role as author and editor of the Gospel of Matthew, she relies on earlier views of the text that claim that Christianity warranted a separation from Judaism.<sup>29</sup> Understanding the nature of Matthew as a Jewish document rather than a supersessionist one can help Christians broadly, and The Church of Jesus Christ of Latter-day Saints particularly, when interpreting scripture.

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25. White reads Matthew 18:17 as evidence of the way in which Matthean Christians viewed converted Gentiles as now under Israel’s covenant through circumcision and immersion in Jesus. See White, “Eschatological Conversion,” 358–62.

26. R. Kendall Soulen, “Supersessionism,” in *A Dictionary of Jewish-Christian Relations*, ed. Edward Kessler and Neil Wenborn (Cambridge: Cambridge University Press, 2005).

27. Darrell L. Bock, “Replacement Theology with Implications for Messianic Jewish Relations,” in *Jesus, Salvation, and the Jewish People: Papers on the Uniqueness of Jesus and Jewish Evangelism*, ed. David L. Parker (Bletchley, U.K.: Authentic, 2011), 235–47.

28. Lawrence Foster, “New Paradigms for Understanding Mormonism and Mormon History,” *Dialogue: A Journal of Mormon Thought* 29, no. 3 (1996): 59.

29. Gaye Strathearn, “Matthew as an Editor of the Life and Teachings of Jesus,” in *How the New Testament Came to Be: The 35th Annual Brigham Young University Sidney B. Sperry Symposium*, ed. Kent P. Jackson and Frank F. Judd Jr. (Provo, Utah: Religious Studies Center, Brigham Young University; Salt Lake City: Deseret, 2006), 141–56.



Instead of a separation, I claim that Matthew's Judaism formed a new sect within Judaism. The Gospel of Matthew rejects supersessionist theology by placing the continued covenantal status of the Jewish people at the core of its theology.<sup>30</sup> In this regard, it is similar to Paul's view of the Torah, which was unique even within the diverse range of views of Second Temple Judaism.<sup>31</sup> In contrast to earlier views of Second Temple Judaism as homogeneous,<sup>32</sup> a more diverse conceptualization of Jewish thought and practice from that time will lead to a post-supersessionist reading of all New Testament texts as intra-Jewish documents representing various sects within Judaism.<sup>33</sup>

For example, the author of Matthew contrasts the teachings of Jesus with the teachings of the Pharisees in the Sermon on the Mount. Matthew refers to the true teaching of the Torah with the phrase *God said* or an equivalent, and he refers to the incorrect teachings with the phrase *Moses said* or *you have heard it said*. Possibly anticipating how second- and third-century church fathers could receive his testimony, Matthew presents Jesus's Torah teaching as an alternative interpretation to the Pharisaic teachings, which are referred to as the *traditions of the fathers*. This makes Matthew's Gospel an alternative tradition used by Christian Jews that provided a new way to observe Torah law. We will examine one such case in the regulations surrounding divorce in the Matthean community, showing how that community differentiated itself from the Pharisees and other Jewish sects of the time.

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30. Viljoen, "Matthew and the Torah," 1–6; Gabriele Boccaccini, *Middle Judaism: Jewish Thought, 300 BCE to 200 CE* (Minneapolis: Fortress, 1991), 252–53. See also Ralph J. Korner, "Post-Supersessionism: Introduction, Terminology, Theology," *Religions* 13, no. 12 (2022): 1195, <https://doi.org/10.3390/rel13121195>.

31. For recent works exploring these themes, see Matthew Thiessen, *A Jewish Paul: The Messiah's Herald to the Gentiles* (Grand Rapids, Mich.: Baker Academic, 2023); Lloyd Gaston, *Paul and the Torah* (Vancouver: University of British Columbia Press, 1987); John G. Gager, *Reinventing Paul* (New York: Oxford University Press, 2002); Stanley Kent Stowers, *A Rereading of Romans: Justice, Jews, and Gentiles* (New Haven, Conn.: Yale University Press, 1994); Pamela Michelle Eisenbaum, *Paul Was Not a Christian: The Original Message of a Misunderstood Apostle* (New York: HarperOne, 2009); Kathy Ehrensperger, *Searching Paul: Conversations with the Jewish Apostle to the Nations*, Collected Essays, vol. 429 (Tübingen, Ger.: Mohr Siebeck, 2019); Mark D. Nanos, *Reading Paul within Judaism: Collected Essays of Mark D. Nanos, Vol. 1* (Eugene, Ore.: Wipf and Stock, 2017); Magnus Zetterholm, *Approaches to Paul: A Student's Guide to Recent Scholarship* (Philadelphia: Fortress, 2009).

32. E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (Minneapolis, Minn.: Fortress, 2016).

33. Daniel Boyarin, *Judaism: The Genealogy of a Modern Notion* (New Brunswick, N.J.: Rutgers University Press, 2018).



## Ethnic and Religious Divisions

The *Ioudaioi*, or Jews,<sup>34</sup> were certainly a distinct ethnic group throughout the Greco-Roman period. These Jews were particularly open to the conversion of non-Jews through their observance of Jewish laws and traditions. There were two types of conversion: full or partial. Partial conversion included those who worshiped the God of Israel without being circumcised and who abandoned the worship of their ancestral or pagan gods. Full conversion, seen in several ancient texts, referred to an exclusive transition from one people to another—that is, an ethnic transformation.<sup>35</sup>

Although many refer to the idea of “Jewish Christianity,” there are many models for understanding how rabbinic Judaism (referring to mainstream Judaism post-second century AD) and Christianity became separate religions.<sup>36</sup> It is possible to see the parting as final during the mid-third century.<sup>37</sup> The separation might have been caused by the changing political realities of the late third and early fourth centuries, especially with the conversion of Constantine and the Council of Nicaea in AD 325.<sup>38</sup>

The distinction between Christians and Jews is assumed by early church fathers such as Ignatius and Polycarp and by other second-century writers who saw the primary division as being between believers

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34. The English language is limited in its ability to capture the meaning of ancient words. There is no one-to-one equivalent for *Ioudaios*, with scholarly oscillation between “Jew” and “Judean.” The latter preserves the ethnic connection between land and people. However, it often contains only a *geographical* connotation and not a truly *ethnic* one. Additionally, modern readers might not associate the term with the entire ancient meaning. The term “Jew” is associated with ethnicity, culture, and religion. However, it might be too tied to modernity to truly convey the ancient meaning. While there are several problematic associations with the term, “Jew” and “Jewish” are the most accessible terms to the widest audience and so are used in this paper.

35. David M. Miller, “Ethnicity, Religion and the Meaning of *Ioudaios* in Ancient Judaism,” *Currents in Biblical Research* 12, no. 2 (2014): 216–65.

36. For contrasting views on this matter, see Adam H. Becker and Annette Yoshiko Reed, eds., *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages* (Minneapolis, Minn.: Fortress, 2007); and Baron, Hicks-Keeton, and Thiessen, *Ways That Often Parted*.

37. Lawrence H. Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” *Jewish and Christian Self-Definition. Volume 2: Aspects of Judaism in the Graeco-Roman Period*, ed. E. P. Sanders, A. I. Baumgarten, and Alan Mendelson (Philadelphia: Fortress, 1981), 115–56.

38. Adele Reinhartz, “How Christianity Parted from Judaism,” in *Early Judaism: New Insights and Scholarship*, ed. Frederick E. Greenspahn (New York: New York University Press, 2018), 97–120.

and unbelievers in Christ, irrespective of their ethnic background. In this sense, Christians become a new race of people, separate from the Jews. The maintenance of Jewish ethnic cultural practices appeared incompatible with the mission of Christianity because some Christians associated Jews with only one territory, language, and ancestry, whereas Christians come from all nations.<sup>39</sup>

Some have looked to the differing legal practices of Christianity and Judaism as a means of understanding the parting: Christians outsourced legal systems to host countries while Rabbinic Jews preferred legal autonomy.<sup>40</sup> Some question the separation model entirely, reading into ancient references to *Christianismos* (representative of various sects within Christianity) that highlight the problems with the term “Jewish Christianity.”<sup>41</sup> Recent work continues to point to New Testament Christian beliefs and practices within Judaism. Isaac W. Oliver’s recent dissertation asserts this, using Matthew’s affirmation of Torah observance.<sup>42</sup>

With all these possible narratives, there is no clear reason for the complete separation between Jews and Christians during the first through third centuries.<sup>43</sup> I argue that with the inherent theological diversity present in the Judaisms of the period, it is impossible to say that Christianity fell completely outside the bounds of Judaism.<sup>44</sup> Plenty of Jews held Christian beliefs and practiced Christian rituals.

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39. Jackson-McCabe, “What’s in a Name?” 7–38.

40. Arye Edrei and Doron Mendels, “Preliminary Thoughts on Structures of ‘Sovereignty’ and the Deepening Gap between Judaism and Christianity in the First Centuries CE,” *Journal for the Study of the Pseudepigrapha* 23, no. 3 (2014): 215–38.

41. Daniel Boyarin, “Rethinking Jewish Christianity: An Argument for Dismantling a Dubious Category (to Which Is Appended a Correction of My *Border Lines*),” *Jewish Quarterly Review* 99, no. 1 (Winter 2009): 7–36; Matt Jackson-McCabe, “What’s in a Name? The Problem of ‘Jewish Christianity,’” in *Jewish Christianity Reconsidered*, ed. Matt Jackson-McCabe (Minneapolis: Fortress Press, 2007): 7–38.

42. Oliver, *Torah Praxis*, 23–25.

43. Boccaccini, *Middle Judaism*, 15–25; James Parkes, *The Foundations of Judaism and Christianity* (Chicago: Quadrangle Books, 1960), x–xv. Some see the *Fiscus Judaicus* (a special tax levied on Jews in the Roman Empire) as a possible starting date for the separation of Christianity and Judaism, especially given that Christians did not have to pay this sum and were subsequently subject to persecution by the Romans and not subject to Jewish exemptions vis-à-vis the public cult. See Marius Heemstra, *The Fiscus Judaicus and the Parting of the Ways* (Tübingen, Ger.: Mohr Siebeck, 2010). Others note that Matthew’s community likely *did* pay the *Fiscus Judaicus*. See Anthony J. Saldarini, *Matthew’s Christian-Jewish Community* (Chicago: University of Chicago Press, 1994), 141–47.

44. For further detail, see Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford, Calif.: Stanford University Press, 1999).

## Matthew and the Double Torah

Understanding the origin of the oral Torah is vital to understanding the contextual debate that Matthew is engaging with when discussing his opposition to Pharisaic traditions. That is, rather than rejecting the law of Moses as a whole, Matthew is opposed to *internal* Jewish developments regarding the interpretation of the Torah. Any polemical remarks in his Gospel should therefore be understood as condemnations of other Jewish sects and not of Judaism itself.

The notion of *additional* regulations to the Torah is a characteristic of the Pharisees, one of the more prominent sects in the first century AD.<sup>45</sup> The additional material in the Pharisaic corpus (mainly concerning diet, tithing, festivals, agricultural regulations, purity, and marriage) has been referred to as the “double Torah” tradition, as it includes both a written and oral Torah. These added laws might have arisen from the “traditions from the fathers.”<sup>46</sup> Josephus describes these traditions in his *Antiquities* and claims that this is why the Sadducees rejected the added traditions.<sup>47</sup>

The Pharisaic traditions were added to the laws of Moses that were followed by all Jews and are most easily referenced in Josephus’s *Antiquities* volumes 1–12. These additional laws could be interpreted as the written version of the oral Torah,<sup>48</sup> but some scholars have found no evidence of this idea in Josephus’s text. Steve Mason writes, “He [Josephus] first characterizes the Pharisees’ special ordinances as ‘not written *in the laws of Moses*’ . . . , attributing them rather to a succession of fathers. . . . The laws of Moses are contrasted not with *oral laws*, but with laws ‘from a tradition of the fathers.’”<sup>49</sup> This means that the added Pharisaical laws were not part of the universal Mosaic constitution.<sup>50</sup>

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45. Jonathan Klawans, *Josephus and the Theologies of Ancient Judaism* (Oxford: Oxford University Press, 2012), 143–44.

46. Grabbe, *Introduction to Second Temple Judaism*, 52.

47. William Whiston, trans., *The Works of Flavius Josephus*, 4 vols. (Grand Rapids, Mich.: Baker Book House, 1979), 3:253.

48. J. M. Baumgarten, “The Unwritten Law in the Pre-Rabbinic Period,” *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period* 3, no. 1 (1972): 12–14; Ellis Rivkin, *A Hidden Revolution* (Nashville, Tenn.: Abingdon, 1978), 41–42.

49. Steve Mason, *Josephus, Judea, and Christian Origins: Methods and Categories* (Peabody, Mass.: Hendrickson, 2009), 198.

50. Josephus, *Antiquities of the Jews* 13.10.6; Jacob Neusner, *The Rabbinic Traditions about the Pharisees before 70*, 3 vols. (Leiden, Neth.: Brill, 1971), 2:163; H. St. J. Thackeray, trans., *Josephus: The Life, Against Apion*, vol. 1 (Cambridge, Mass.: Harvard University Press, 1926), 367.

What does Josephus *explicitly* state about the laws of the Jews? The universal Jewish law is rooted in God's perfection and his unique attributes (*Against Apion* 2.190). Images and idols are prohibited (2.191); Jews are commanded to only have one temple to their God. Every Jew is commanded to offer sacrifices (2.196). The text also mentions regulations surrounding marriage (2.198–201), the prohibition of abortion (2.202), and raising children in sobriety (2.204).<sup>51</sup>

Philo echoes Josephus in his presentation of laws (*Preparation of the Gospel* 8.7.2). On the sabbath, the Jews were to assemble together, sit down with each other, and listen to the laws to avoid ignorance about their contents. The priest or elder read the laws to the people and interpreted them until the evening, and the people leave the assembly with an understanding of how to practice the laws (8.7.12–13).<sup>52</sup> The law is a wonder for the Jews, according to Philo, and should not be violated. The reflections of Philo add to the ways in which the universal law can be contrasted with added Pharisaic regulation, known as the traditions of the fathers in both the New Testament and Josephus.

Where, then, did the idea of two Torahs begin? Was there more than one way of interpreting the two Torahs? Some of Philo's statements provide evidence of a double Torah, especially in the way he speaks of two divinely legislated laws, one of nature and one of Moses.<sup>53</sup> The law of nature cannot be written, only seen through the lives of the sages, in contrast to the written law of Moses. Philo's unwritten law of nature is different from the *tannaitic*, or oral Torah, but he shows how these ideas might have developed. The beginning of the double Torah might come from the intertestamental period. For example, Jubilees mentions Moses receiving two Torahs: one written by God on tablets, one written by Moses with words given to him by an angel (1:1, 4–27).

Josephus claims that these added laws might have arisen from the "traditions from the fathers" (an idea that has found scholarly support elsewhere<sup>54</sup>) and that this is why the Sadducees rejected the added traditions.<sup>55</sup> There might have also been competing legal theories underlying the divergence between Pharisees and Sadducees, with the Sadducees

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51. Thackeray, *Josephus*, 1:369–77.

52. E. H. Gifford, trans., *Eusebii Pamphili Evangelicae Praeparationis*, vol. 3, parts 1–2 (Oxford: Oxford University Press, 1903), 387–91.

53. Hindy Najman, "A Written Copy of the Law of Nature: An Unthinkable Paradox," *Studia Philonica Annual* 15 (2003): 54–63.

54. Grabbe, *An Introduction to Second Temple Judaism*, 52.

55. Whiston, *Works of Flavius Josephus*, 3:253.

espousing an originalist view—that is, only holding to the written Torah as the basis for legal observance. Based on a reading of Jesus's criticisms of the Pharisees in Matthew's Gospel, Late Antiquity scholar Holger Zellentin portrays Matthew as a non-Sadducean originalist.<sup>56</sup>

### Jesus as Interpreter of the Torah

Almost as important to Second Temple Judaism as the Torah itself was *how* to interpret it. Matthew's Gospel presents a thorough examination of Jesus's teachings that interpreted the common issues of the day,<sup>57</sup> such as divorce and Sabbath observance.<sup>58</sup> Several of Jesus's statements have sparked intense debate regarding his views on the authority of Jewish leaders and their teachings.<sup>59</sup> For example, in Matthew 5–6, Jesus compares the Mosaic law with his own higher law using the thesis-antithesis formula: "You have heard it said, . . . but I say to you."<sup>60</sup> Some have seen these antitheses as analogous to the rabbinic idea of fences around the Torah—namely, extensions around the law to ensure that one does not break the written prohibitions.<sup>61</sup>

In Matthew's account of the Sermon on the Mount, Jesus is presented as the new Moses,<sup>62</sup> a concept found in earlier Israelite literature, which includes the idea that the Mosaic prophecy could be applied to later legislators and teachers.<sup>63</sup> Jesus consistently reveals the true meaning

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56. Zellentin, "Jesus and the Tradition of the Elders," in Irichinschi and others, *Beyond the Gnostic Gospels*, 379–403.

57. See discussion on divorce and Shabbat in Phillip Sigal, *The Halakhah of Jesus of Nazareth according to the Gospel of Matthew* (Atlanta: Society of Biblical Literature, 2007), 105–186.

58. Markus Bockmuehl, "Matthew 5.32; 19.9 In the Light of Pre-Rabbinic Halakhah," *New Testament Studies* 35, no. 2 (1989): 291–95.

59. Noel S. Rabbinowitz, "Matthew 23:2–4: Does Jesus Recognize the Authority of the Pharisees and Does He Endorse Their Halakhah?," *Journal of the Evangelical Theological Society* 46, no. 3 (2003): 423.

60. See Eric D. Huntsman, "The Six Antitheses: Attaining the Purpose of the Law through the Teachings of Jesus," in *The Sermon on the Mount in Latter-day Scripture*, ed. Gaye Strathearn, Thomas A. Wayment, and Daniel L. Belnap (Provo, Utah: Religious Studies Center, Brigham Young University, 2010), 93–109.

61. Benno Przybylski, *Righteousness in Matthew and His World of Thought*, Society for New Testament Studies Monograph Series 41, ed. R. McL. Wilson (Cambridge: Cambridge University Press, 2004), 80–83.

62. Michael P. Theophilos, "Jesus as New Moses in Matthew 8–9," in *Jesus as New Moses in Matthew 8–9* (Piscataway, N.J.: Gorgias Press, 2013), 50.

63. Dale C. Allison Jr., *The New Moses: A Matthean Typology* (Eugene, Ore.: Wipf and Stock, 2013), 185.

of earlier Mosaic legislation. New Testament scholar Francois P. Viljoen reads the Gospel as a defense of the Matthean mission of Gentile conversion against synagogal exclusivism.<sup>64</sup> Viljoen also claims that the debate around the proper interpretation of the Torah is centered on a proper understanding of Jesus himself: as God's representative and superior to the Temple.<sup>65</sup>

Matthew Thiessen argues that the polemic in Matthew 5:17–20 is evidence of an internal debate within Judaism. He suggests that Matthew's Judaism is not in favor of abolishing the law and is therefore not a threat to other Jews.<sup>66</sup> This is because they are *not* like the Hellenizers, who brought about the Antiochian Jewish persecution in Maccabean literature, or the law-abolishing Zealots, who some Jews believed brought about the Roman destruction of their Temple. In Matthew's Gospel, Thiessen claims that the debate centers on Jesus's role as the authentic new Moses who correctly interprets the Torah.<sup>67</sup>

Hans Dieter Betz also sees Matthew 5:17–20 as expressing a counterattack to accusations against Jesus's interpretation of the Torah.<sup>68</sup> Additionally, the word, δικαιοσύνη ("righteousness"), which appears in Matthew 5:20, implies keeping the Torah's commandments. For example, Moses condemned adultery (Ex. 20:14; Deut. 5:18), and Jesus reveals that the underlying forbidden action includes adulterous thoughts (Matt. 5:28). This is how Jesus reveals the true interpretation of the law and not its undoing.<sup>69</sup>

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64. Francois P. Viljoen, "Jesus' Teaching on the 'Torah' in the Sermon on the Mount," *Neotestamentica* 40, no. 1 (2006): 135–55.

65. Francois P. Viljoen, "The Superior Authority of Jesus in Matthew to Interpret the Torah," *In die Skriflig* 50, no. 2 (2016): 1–7.

66. This runs in contrast to earlier readings that suggested Matthew was indicating a radical change in the meaning of the law. Jesus interpreted the law as a witness to his own coming, and that Matthew intends this interpretation, rather than to mean that the law is to be literally observed by Christians. See Robert Banks, *Jesus and the Law in the Synoptic Tradition*, Society of the New Testament Studies Monograph Series 28 (Cambridge: Cambridge University Press, 2005), 226–42; John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, vol. 4, *Law and Love* (New Haven, Conn.: Yale University Press, 2009), 41–124; Robert A. Guelich, *The Sermon on the Mount: A Foundation for Understanding* (Dallas: Word Publishing, 1982), 134–74.

67. Thiessen, "Abolishers of the Law," 543–56.

68. Betz, *Sermon on the Mount*, 172–73.

69. Francois P. Viljoen, "Jesus' Halakhic Argumentation on the True Intention of the Law in Matthew 5:21–48," *Verbum et Ecclesia* 34, no. 1 (2013): 11.

## Divorce as a Case Study

It is within the context of Matthew's use of the Torah overall as well as the potential disagreements between the protorabbinic and Matthean communities that we begin to examine the Jewish texts relating to divorce. The texts demonstrate Matthew's adherence to a strict originalist stance that opposes the Pharisees' use of oral material not found in the written text of Torah. Matthew's Gospel does not condemn divorce as a practice within Judaism; rather it interprets a specific text within the Torah.

### Divorce in the Torah and Rabbinic Traditions

The Torah prescribes a means of initiating divorce if the husband finds *עֲרוּהָ דָבָר* (*ervat davar*) in his wife (Deut. 24:1). This Hebrew term has been translated in several ways. Provided below are English translations of the Masoretic (Hebrew) and the LXX (Greek) texts.

A man takes a woman [into his household as his wife] and becomes her husband. She fails to please him because he finds *something obnoxious* about her, and he writes her a bill of divorcement, hands it to her, and sends her away from his house. (JPS)<sup>70</sup>

Now if anyone takes a wife and lives with her, and it shall be, if she does not find favor before him because he found a *shameful thing* in her, then he shall write her a bill of divorce and shall give it into her hands and shall send her out of his house. (LXX)<sup>71</sup>

Differences in translation also give rise to differences in interpretation. An early rabbinic approach to divorce is appropriately found in *Gittin*, a collection of oral tradition dated to around the second century AD that deals with all legal matters pertaining to divorce. The text records several opinions concerning the phrase “ervat davar” used in Deuteronomy 24:1.

The House of Shammai says: A man may not divorce his wife unless he finds about her matter of forbidden intercourse, as it is stated, “Because he has found some unseemly matter in her . . .” (Deut. 24:1).

And the House of Hillel says: Even [if] she burned his dish, as it is stated: “Because he has found some unseemly matter in her.”

70. JPS stands for Jewish Publication Society. Adele Berlin, Marc Zvi Brettler, and Michael A. Fishbane, ed., *The Jewish Study Bible: Jewish Publication Society Tanakh Translation* (New York: Oxford University Press, 2004), emphasis added.

71. Albert Pietersma and Benjamin G. Wright, eds., *A New English Translation of the Septuagint, and the Other Greek Translations Traditionally Included under That Title* (New York: Oxford University Press, 2007), 163, emphasis added.



Rabbi Akiva says: Even if he found another woman better looking than her, as it is stated, “And it comes to pass, if she finds no favor in his eyes.” (Deut. 24:1) (Gitṭin 9:10, author’s translation)

The House of Shammai focuses on *ervat*, which is translated in the JSP edition as “something obnoxious.” However, the word has another meaning: a forbidden sexual act. The House of Shammai understands the text to mean essentially that the couple may separate if there is a case of adultery. The House of Hillel focuses on the word *davar*, “thing,” which opens the permissibility of divorce to many more situations beyond infidelity. The third position of Rabbi Akiva extends this even further to a complete no-fault divorce position. The rabbinic consensus of the time followed the House of Hillel and essentially allowed for no-fault divorce.

Therefore, within the protorabbinic community, it seems there was a wide range of views, ranging from a very restrictive view of divorce in the House of Shammai to a fully permissive Rabbi Akiva, representing the more lenient wing of the House of Hillel. There were probably other positions along the continuum. However, there is no rabbinic voice that outright condemns divorce and remarriage.

This is not the case in the Book of the Covenant of Damascus (also called the Damascus Document), a fragment found in one of the caves at Qumran, the city where the Dead Sea Scrolls were discovered in 1947. The Damascus Document mentions a cryptic reference to the prohibition of “taking two wives at the same time,” which has been read as a condemnation of polygamy but also as a prohibition of divorce and remarriage.<sup>72</sup>

They are caught by two (snares). By sexual sin (זנות), (namely) taking (21) two wives in their lives (בחייהם), while the foundation of creation is “male and female he created them.” [Gen 1:27]. (5:1) And those who entered (Noah’s) ark went in two by two into the ark [Gen 7:9]. And of the prince it is written, (2) “Let him not multiply wives for himself”

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72. Gershon Brin, “Divorce at Qumran,” in *Legal Texts and Legal Issues; Proceedings of the Second Meeting of the International Organization for Qumran Studies*, Cambridge 1995, ed. Moshe Bernstein, Florentino García Martínez, and John Kampen (Leiden, Neth.: Brill, 1997), 231–44; John Kampen, “The Matthean Divorce Texts Reexamined,” in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies*, Paris 1992, ed. George J. Brooke and Florentino García Martínez (Leiden, Neth.: Brill, 1994), 149–67; Eileen Schuller, “Women in the Dead Sea Scrolls,” in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment*, ed. Peter W. Flint and James C. Vanderkam, 2 vols. (Leiden, Neth.: Brill, 1999), 2:123–31; David W. Kim, “Hearing the Unsung Voice: Women in the Qumran Community,” *International Journal of Humanities and Social Science* 2, no. 19 (2012): 275–82.

[Deut. 17:17] And David did not read the sealed book of the Torah which (3) was in the Ark (of the Covenant), for it was not opened in Israel since the day of the death of Eleazar (4) and Joshua and the elders. For (their successors) worshipped the Ashtoreth, and that which had been revealed was hidden (5) until Zadok arose, so David's works were accepted, with the exception of Uriah's blood, (6) and God forgave him for them.<sup>73</sup>

The Qumran texts base their view of marriage on texts in Genesis, where it says, "male and female created he them." It is the same text used by Jesus to justify his position in Matthew. This expresses the essence of marriage as the physical union between man and woman that cannot be broken.<sup>74</sup> A strict reading of the text would imply that only a widower would be allowed to be remarried at Qumran, implying a nearly absolute prohibition of divorce and remarriage.<sup>75</sup> If this reading is correct, the Qumran sect's view of marriage can be placed at the extreme prohibitive end of the spectrum, further prohibiting divorce beyond what the House of Shammai envisioned. The Gospel of Matthew's approach to divorce should be read with this continuum of options in mind: it is in agreement with the Qumran community and opposes the School of Hillel, which most likely reflects a common Pharisaic understanding of the Torah.

### Jesus's Teachings on Divorce

The Matthean Jesus addresses concerns of divorce and remarriage while agreeing with contemporary sources on the topic, placing his discussion firmly within the context of Second Temple Judaism and reflecting the concerns and the legal debates of the day. There are two instances of this in Matthew's Gospel. The first incident is found within the Sermon on the Mount, where Jesus makes a simple proclamation while quoting the proof text from the latter portion of Deuteronomy 24:1, cited above:

It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' But I say to you that anyone who divorces his wife, except on the ground of sexual immorality, causes her to commit adultery, and

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73. Covenant of Damascus 4:20–5:6, quoted in David Instone-Brewer, "Nomological Exegesis in Qumran 'Divorce' Texts," *Revue de Qumrân* 18, no. 4 (December 1998): 566, italics in original.

74. Geza Vermes, "Sectarian Matrimonial Halakhah in the Damascus Rule," *Journal of Jewish Studies* 25 (1974): 197–202, esp. 200.

75. Claude Cohen-Matlofsky, "The Halakhah in the Making at Qumran Where Women are Concerned," *Qumran Chronicle* 27, nos. 1–4 (2019): 83–99.

whoever marries a divorced woman commits adultery. (Matt. 5:31–32 NRSVue)

In the text from Deuteronomy, Moses provided for a bill of divorce, or permission to divorce. Jesus gave the intended “true interpretation” of the Torah in the antitheses section of Matthew (Matt. 5:21–47). His rule was provided to protect women and not as a means of no-fault divorce. However, he restricted it to cases where there is a “de-facto” divorce due to adultery.<sup>76</sup> This is made clear by Matthew’s use of the Greek *πορνεία* (*porneia*) to refer to the *ervat davar* (“indecent act”) from the Hebrew Bible. This term is used in Greek literature to refer to prostitution,<sup>77</sup> and the Syriac word has many of the same connotations throughout Aramaic literature.

Thus, Jesus concurs with both the House of Hillel and the House of Shammai that divorce is lawful, although undesirable in most cases, placing Jesus’s comments on divorce on the first-century Jewish and protorabbinic continuum. This also indicates that Matthew’s audience would have assumed that a marriage would be damaged by any form of sexual impropriety.

In Matthew’s second account of Jesus discussing divorce, another scriptural reference is added to the argument, this one using God as the authority:

When Jesus had finished saying these things, he left Galilee and went to the region of Judea beyond the Jordan. Large crowds followed him, and he cured them there. Some Pharisees came to him, and to test him they asked, “Is it lawful for a man to divorce his wife for any cause?” He answered, “Have you not read that the one who made them at the beginning ‘made them male and female,’ and said, ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’? So they are no longer two but one flesh. Therefore what God has joined together, let no one separate.” They said to him, “Why then did Moses command us to give a certificate of dismissal and to divorce her?” He said to them, “It was because you were so hard-hearted that Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you, whoever divorces his wife, except for sexual immorality, and marries another commits adultery, and he who marries a divorced woman commits adultery.” (Matt. 19:1–9 NRSVue)

76. Viljoen, “Jesus’ Halakhic Argumentation,” 11.

77. Silva, *New International Dictionary*, s.v. “πορνεία,” 4:114.

French theologian Élian Cuvillier reads Jesus's interpretation of the Torah here as Jesus proposing that the Pharisees oppose God's original purpose because God did not envisage the separation of a man and a woman from marriage. This leads to the conclusion that "when they [the Pharisees] obey the commandments of the law they disobey the will of God."<sup>78</sup>

When we focus on this aspect of Jesus's arguments, we see a contrast between what *God* says and what *Moses* says in Matthew's presentation of the text. The Pharisees ask, "Is it lawful for a man to divorce his wife for any cause?" and Jesus answers by stating what "the one who made them at the beginning" said regarding husband and wife, stringing together two portions of biblical text: "he made him, male and female he made them" (Gen. 1:27, LXX; compare Gen. 5:2) and "a man leave his father and his mother and shall cleave to his wife, and they two shall be one flesh" (Gen. 2:24, LXX). When Jesus adds his own interpretation to these divine statements, declaring that "what God has joined together, let no one separate," this clarifies his position against no-fault divorce.

### "God Said" and "Moses Commanded"

In his second discourse on divorce, Jesus uses the framing *God said* to explain what he thinks is the correct interpretation of the biblical law and the phrase *Moses commanded* to give the current Pharisaic interpretation. The use of the phrasing *Moses commanded* is also found in other places in Matthew's Gospel. For example, when Jesus heals the leper in chapter 8, he does so after the leper asks Jesus to make him clean, if he is "willing." Jesus agrees, heals him, and tells him to bring the offering to the Temple as "Moses commanded" (Matt. 8:4). Granted, in this case, it is God who is directly speaking in the referenced text, whereas in Deuteronomy, Moses presents a restatement of the Torah to the people of Israel. However, labelling this direction as Moses's command might hint at Matthew's context as post-Temple and at how Jesus now fulfills the role of the Temple for his Jewish community of Jesus-believers (see Lev. 14:1–32).

In another case, Matthew 22:23–33, Jesus is asked about marriage and the resurrection by a group of Sadducees, who relate a fictitious story about a family of seven brothers who fulfilled the commandment of levirate marriage.<sup>79</sup> Here, *Moses said* is stated by the Sadducees, perhaps to

78. Cuvillier, "Torah Observance," 156.

79. A levirate marriage describes a widow marrying the brother of her deceased husband. m. Yevamot; Josephus, *Antiquities* 4.254–256.

contrast their lack of belief in the resurrection with the Matthean community's belief. The Sadducees ask who will be married to the wife in the resurrection and quote what Moses said in Deuteronomy: "And if brethren should live together, and one of them should die, and should not have seed, the wife of the deceased shall not marry out [*of the family*] to a man not related: her husband's brother shall go in to her, and shall take her to himself for a wife, and shall dwell with her" (Deut. 25:5, LXX).

In answer, Jesus turns to the matter of interpretation, saying that the Sadducees do not understand scripture or the power of God. He says that in the resurrection, people will not "marry nor are given in marriage, but are like angels" (Matt. 22:30), reflecting the belief commonly found in Second Temple literature that angels do not die.<sup>80</sup> This was an idea found in rabbinic literature as well: "There is no eating, drinking, or reproduction nor negotiations, or jealousy or hostility or competition in the World-to-Come. Rather, the just ones sit and their crowns [are] upon their heads and they enjoy the splendor of the Shekhinah, as it says: And they beheld God, and they ate and drank."<sup>81</sup>

Jesus then quotes scripture again, using *God said* to prove the doctrine of the resurrection: "I am the God of thy father, the God of Abraham, and the God of Isaac, and the God of Jacob; and Moses turned away his face, for he was afraid to gaze at God" (Ex. 3:6, LXX).

In the Sermon on the Mount, the Matthean formula *you have heard it said* is used to refer to the Torah. The phrase comes before Jesus's reinterpretation of the law, usually to add to its intended meaning. The topics include murder (Ex. 20:13; Deut. 5:17), adultery (Ex. 20:14; Deut. 5:18), oath taking (Lev. 19:12), a reinterpretation of "an eye for an eye" (Ex. 21:24; Lev. 24:20; Deut. 19:21), and an expansion on the idea of loving one's neighbor.<sup>82</sup> These citations of Moses's teachings are then followed by Jesus's true interpretation of the Torah.

Placed as they are during Second Temple Judaism, the Gospel of Matthew's comments on divorce and Jesus's teachings about it contrast with the no-fault position adopted by the Pharisees while still differing from the Qumran position on divorce. When these passages are read

80. b. Berakhot 17a; See also 1 Enoch 15:6; 51:4; Wisdom 5:5; 2 Baruch 51:10; Qumran, Cave 1, Hodayoth 3.21–23.

81. b. Berakhot 17a, author's translation from the Munich manuscript:  
מרגלא בפומיה דרב העולם הבא אין בו לא אכילה ולא שתיה ולא פריה ולא רביה ולא משא ולא מתן [לא קנאה] ולא שנאה ולא איבה ולא תחרות אלא צדיקים יושבים ועטרותיהם בראשיהם ונהנים מזיו השכינה שנ יחזו את האלהים ויאכלו וישתו

82. Leviticus 19:18. Compare Viljoen, "Jesus' Halakhic Argumentation," 11.

together with Jesus's other comments toward the Pharisees, we see the tension between other Jewish Christian sects and the Matthean community. In Matthew 23:3 (NRSVue), Jesus instructs, "Do whatever they teach you and follow it, but do not do as they do, for they do not practice what they teach." The passage can be read as ironic<sup>83</sup> in the sense that it is Jesus's instruction to those believers found under bad leadership, meaning that there might be members of Pharisaic groups with some sympathy to Jesus-belief.<sup>84</sup> These potential believers were instructed to follow the Pharisaic regulations.<sup>85</sup> This implies a *temporary* ceding of authority to the Pharisees for Jesus-sympathetic believers.<sup>86</sup>

Jesus's reference to a "seat of Moses" (Matt. 23:2) just before this instruction could mean a literal chair or a symbolic representation of Pharisaic authority to interpret the law. There is some archeological evidence that points towards a literal chair,<sup>87</sup> but the lack of any additional textual evidence might indicate that Matthew coined a metaphor<sup>88</sup> to show the legal authority of Jewish leaders at the time.<sup>89</sup> Alternatively, it could refer to the authority of the scribes to guard the scrolls of the Torah and the permissibility to read the scrolls in public—that is, Jesus's followers should go to the scribes to read the texts but follow Jesus's interpretation in practice.<sup>90</sup> Unfortunately, the reference is something that cannot be fully understood due to a lack of context.<sup>91</sup>

The evolving interpretation of Judean law by Pharisees and Matthean Jesus-believers likely overlapped but still differed on key matters such as ritual purity, tithing, table fellowship, and so forth.<sup>92</sup> The use of the phrase *Moses said* is often used to refer to the added oral Torah laws and not to refer to the literal text of the Torah. The phrase *you have heard it*

83. Joachim Jeremias, *New Testament Theology: The Proclamation of Jesus* (New York: Charles Scribner's Sons, 1971), 210.

84. Jonathan D. Stuckert, "Forgive Our Presumption: A Difficult Reading of Matthew 23:1–3," *Perichoresis* 16, no. 3 (2018): 4.

85. David E. Garland, *The Intention of Matthew 23* (Leiden, Neth.: Brill, 1979), 48–49.

86. Stuckert, "Forgive Our Presumption," 3–15.

87. Kenneth G. C. Newport, "A Note on the 'Seat of Moses' (Matthew 23:2)," *Andrews University Seminary Studies* 28, no. 1 (1990): 53–58; Kenneth G. C. Newport, *The Sources and Sitz im Leben of Matthew 23* (Sheffield, Eng.: Sheffield Academic Press, 1995), 80–84.

88. David L. Turner, *Matthew* (Grand Rapids, Mich.: Baker Academic, 2008), 546.

89. Newport, "Note on the 'Seat of Moses' (Matthew 23:2)," 53.

90. Mark Allan Powell, "Do and Keep What Moses Says (Matthew 23:2–7)," *Journal of Biblical Literature* 114, no. 3 (1995): 419–35.

91. Powell, "Do and Keep What Moses Says," 419–35.

92. Leon Morris, *The Gospel according to Matthew* (Grand Rapids, Mich.: Eerdmans, 1992), 572–92.

said was used to introduce a contrast with other understandings of the biblical text within various sects of Judaism and Jesus's novel interpretation. All of this suggests that Matthew frames Jesus as an interpreter of the Torah, providing an alternative to the Pharisaic "traditions of the fathers" and highlighting how a post-supersessionist reading of the text can help to uncover the original context of the Gospel without later anachronistic interpretations that paint Jesus as opposed to Judaism.

## Early Christian Responses to Matthew and the Torah

As mentioned earlier in this article, it is possible that Matthew anticipated the ways in which the church fathers would receive the Torah. Matthew's presentation of Jesus's teachings as the correct interpretation of the Torah provided an alternative to those church fathers who claimed the Torah was misinterpreted or corrupted. For example, Justin Martyr implies that the Jews had misinterpreted parts of the Torah and that the Jewish ritual laws were only given due to "hardness of [their] hearts."<sup>93</sup> Irenaeus of Lyons moves further in this direction and accuses the Jewish elders of adding and removing parts of the Torah, as well as supplementing it with their own interpretations.<sup>94</sup> Perhaps most famously, Marcion believed that the Torah was composed by a lesser deity, the Demiurge, in contrast to Matthew's Gospel, which was given by the higher god.<sup>95</sup> Marcion's rejection of the Torah was not due to his view that it was not divine or that it was necessarily incorrect, but rather due to a moral disagreement with the actions of the deity in its books.<sup>96</sup> Tertullian's counterarguments to Marcion read the laws of the Torah as existing in one of two categories, either temporal or eternal.<sup>97</sup>

Additionally, the example of Ptolemy's Letter to Flora, recorded by Epiphanius, interprets Matthew's comments in Matthew 5:17 as distinguishing between the divine law and human additions, presumably here

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93. Justin Martyr, *Dialogue with Trypho* 12, 18, 43, in *Ante-Nicene Fathers*, ed. Alexander Roberts and James Donaldson, 10 vols. (Peabody, Mass.: Hendrickson Publishers, 1995), 1:200, 203, 216.

94. Irenaeus, *Against Heresies* 4.12.1, in Roberts and Donaldson, *Ante-Nicene Fathers*, 1:475.

95. Markus Vinzent, "Marcion's Gospel and the Beginnings of Early Christianity," *Annali di Storia dell'Esegesi* 32, no. 1 (2015): 71–72; compare Tertullian, *Against Marcion* 4.1.1.

96. Joseph B. Tyson, "Anti-Judaism in Marcion and His Opponents," *Studies in Christian-Jewish Relations* 1, no. 1 (2005): 198–99.

97. Tertullian, *An Answer to the Jews*, in Roberts and Donaldson, *Ante-Nicene Fathers*, 3:151–73.



the interpretation of the Pharisees. After quoting Matthew 15:4–9 and Isaiah 29:13, Ptolemy argues that

from these passages, then, it is plainly shown that that Law as a whole is divided into three. For in it we have found Moses' own legislation, the legislation of the elders, and the legislation of God himself, . . . and this division of that Law as a whole which I have made here has made clear what in it is true. But the one portion, the Law of God himself, is again divided into some three parts. It is divided into the pure legislation with no admixture of evil, which is properly termed the "law," which the Saviour came not to destroy but to fulfill.<sup>98</sup>

Ptolemy associates the divine law with the Ten Commandments and claims that the ritual laws were meant to be interpreted spiritually.<sup>99</sup>

Many scholars claim that Pseudo-Clementine literature<sup>100</sup> and *Didascalia Apostolorum* functioned as forms of nonrabbinic Judaism, combining adherence to Jesus's teachings with the Torah. As Karin Hedner Zetterholm summarizes, "I argue that their theologies as a whole, not just particular traditions, ideas or interpretive practices, would have made sense to Jews in antiquity as coherent Jewish visions of the history and calling of the people of Israel, provided we allow for expressions of Judaism other than the rabbinic one."<sup>101</sup> Zetterholm's reflections confirm that Matthew's version of Jesus-believing Judaism existed within a broad spectrum of viewpoints during the Second Temple period.

Matt Jackson-McCabe's reading of the Jewish culture and way of life represented in the fourth-century Pseudo-Clementine literature shows how the notion of a united "Jewish Christianity" should be discarded. "Neither Christians nor Christianity [are] in the *Homilies*; there are only Judeans, the Nations, and those called 'from the Nations' to become proselytes of the Judeans and even Judeans themselves."<sup>102</sup> The Pseudo-Clementine literature imagines a "perpetual law" (*nomon aionion*) to which the Jews and the proselytes of the Nations adhere. In this view,

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98. Epiphanius, "Ptolemy's Letter to Flora," in *Panarion* 33.4.11–5.1, in Frank Williams, trans., *The Panarion of Epiphanius of Salamis: Book I (Sects 1–46)*, 2nd ed. (Leiden, Neth.: Brill, 2009), 218.

99. Zellentin, "One Letter," in Lindstedt, Nikki, and Tuori, *Religious Identities*, 209 n. 12.

100. This refers to a body of pseudepigraphal literature attributed to Clement of Rome but generally not considered to have been authored by him.

101. Karin Hedner Zetterholm, "Jesus-Oriented Visions of Judaism in Antiquity," *Scripta Instituti Donneriani Aboensis* 27 (2016): 38.

102. Matt Jackson-McCabe, *Jewish Christianity: The Making of the Christianity-Judaism Divide* (New Haven, Conn.: Yale University Press, 2020), 156.

observance of the law is a reflection of God's will, and "worshiping God" is seen as a synonym to "Jew."

For the Ebionite sect,<sup>103</sup> Jesus was a prophet who provided a perfect guide to observing the law but did not supersede or even really add anything to the Mosaic legislation. The author of the Pseudo-Clementine literature only sees Ebionite conflict with the Pharisees for their reluctance to spread the message of the Torah to the Nations—the primary mission of Jesus's prophecy. However, it is important to note that "The Pseudo-Clementine *Homilies* . . . do not articulate a distinctly Jewish form of Christianity . . . but a Judaism seeking Gentile converts."<sup>104</sup> The term *Ebionite* is even problematic because it was used by Christian heresiologists to discredit the Jewish followers of Jesus.

The Pseudo-Clementine *Homilies* also refer to the Matthean Jesus teaching on divorce:

Whence it is impossible without His teaching to attain to saving truth, though one seek it for ever where the thing that is sought is not. But it was, and is, in the word of our Jesus. Accordingly, He, knowing the true things of the law, said to the Sadducees, asking on what account Moses permitted to marry seven, "Moses gave you commandments according to your hard-heartedness; for from the beginning it was not so: for He who created man at first, made him male and female."<sup>105</sup>

Pseudo-Clementine literature seems to rely on the same dichotomy between what God said and what Moses said, as in Matthew. The Pseudo-Clementine community maintained the Matthean interpretation and rationale for its opposition to divorce. We can conclude that the Pseudo-Clementine literature exists in a continuum with other Jewish Christian literature, each with varying approaches to the continued applicability of Torah observance.

Another document, the *Didascalia Apostolorum*, distinguishes itself from Pseudo-Clementine literature in its approach to the Torah. Preserved in Syriac and Latin, this document was written by a Jewish *episkopos* ("overseer") in Syria, who sought to distinguish his community

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103. The Ebionite sect was a Judaist Christian sect, known only through attributions in heresiological literature. They maintained belief in Jesus and the observance of Jewish law.

104. Jackson-McCabe, *Jewish Christianity*, 165. The same reluctance should be held with regard to the name *Nazarene/Nazoraean* as well.

105. *The Clementine Homilies* 3:54, in Roberts and Donaldson, *Ante-Nicene Fathers*, 8:248.

from paganism and rabbinic Judaism.<sup>106</sup> Directed at Christians who were either converted pagans or Jews, among others,<sup>107</sup> the *Didascalia Apostolorum* notes that the “lost” must be saved through faith in Christ.<sup>108</sup> The “lost” include the pagan and the converted Jew who still observe the Torah law because the Torah itself is a mixture of the pure divine law in the Ten Commandments and material added by Jewish elders. According to this view, Jesus came to liberate Jews from the burden of the “second legislation,”<sup>109</sup> or the additional restrictions that were seen as a punishment given by God for worshiping the Golden Calf.<sup>110</sup> The true law, consisting only of the Ten Commandments, is still valid for Christians,<sup>111</sup> and the author of the *Didascalia* exhorts Jewish believers to embrace their new Christian identity and cease the practice of the legal prohibitions of the second legislation.<sup>112</sup>

## Conclusion

Matthew presents Jesus as a Second Temple Jew who followed the precepts of the Torah according to the standards of that time. This paper analyzed Jesus’s teaching on divorce and how the language in the verses discussing divorce revealed Jesus’s adherence to the Torah. Jesus’s teachings position the Matthean community as possessing the true interpretation of the Torah and distinguishes them from both the Pharisaic schools of Hillel and Shammai and the Qumran community, making Matthew’s

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106. Charlotte Elisheva Fonrobert, “The *Didascalia Apostolorum*: A Mishnah for the Disciples of Jesus,” *Journal of Early Christian Studies* 9, no. 4 (2001): 483–509.

107. Bruno Steimer, *Vertex Traditionis: Die Gattung der altchristlichen Kirchenordnungen*, vol. 63 of *Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche* (Berlin: Walter de Gruyter, 2010), 349.

108. Daniel Benga, “‘Defining Sacred Boundaries’: Processes of Delimitation from the Pagan Society in Syrian Christianity according to the *Didascalia Apostolorum*,” *Zeitschrift für Antikes Christentum* [Journal of Ancient Christianity] 17, no. 3 (2013): 526–59. Compare *Didascalia* 21 (206, 3–4 V.; trans. 188, 20–21 V.).

109. *Didascalia* 2 (18, 15–19, 2 V.; trans. 15, 17–26 V.). Compare Wilem C. Van Unnik, “The Significance of Moses’ Law for the Church of Christ according to the Syriac *Didascalia*,” in *Sparsa Collecta: The Collected Essays of W. C. Van Unnik: Part Three*, Supplements to *Novum Testamentum* 31 (Leiden, Neth.: Brill, 1983), 535 n. 42.

110. *Didascalia* 2 (18.4–23/ 15.6–23); 26 (243.10–245.16/225.7–227.12; 250.28–251.24/ 233.1–25); compare Marcel Simon, *Verus Israel: A Study of the Relations between Christians and Jews in the Roman Empire, AD 135–425* (Oxford: Littman Library of Jewish Civilization, 1996).

111. *Didascalia* 26 (243.1–17/224.14–225.14).

112. *Didascalia* 26 (241.9–15/ 223.3–8, alt.).

interpretation a unique sectarian viewpoint. When the Matthean Jesus uses the phrases *Moses said* and *you have heard it said* in Matthew's Gospel, he contrasts himself as the ideal Torah interpreter with various Jewish sects of the time. Jesus's Sermon on the Mount and responses to questions about divorce show the debates going on within Judaism. Jesus's teachings in Matthew's Gospel do not indicate supersessionist ideas: that the Jews could not be Christians, or that Christians were his new covenant people, or that Christians were to replace the Jews. Instead, the Matthean Jesus participated in debates within the Judaism of the time and did not separate himself or his followers from Judaism. Even at the time of Matthew's Gospel, the followers of Jesus were solidly located within the confines of Judaism and not yet conceiving of themselves as a separate religion.

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