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## Being Pharisaic Christians

### A study of Mark 7:10b and Matthew 15:4b<sup>1</sup>

*R. Barraclough*

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#### Abstract

This article contends that, at times, Christians validly practice a principle for which the Pharisees are condemned in Mark 7:8,13 and Matthew 15:3,6. The principle considered is when tradition is regarded as having greater weight than scripture in one's practice, which leads to the setting aside, or even opposition to, an express commandment of God. The paper will focus particularly on Mark 7:10b and Matthew 15:4b as it explores this thesis.

During the three years that I was a curate in Brisbane diocese here in Australia we were required to attend residential in-service courses. The courses taught me much over a wide range of pastoral and theological issues.

One session in particular I remember. Our guest speaker was Rabbi John Levi of Melbourne. He spoke of aspects of life as an observant Jew. It was an educative and worthwhile session. As was customary there was a time for questions. One of our more zealous protestant Anglicans asked John Levi if he had ever considered Christianity. It was not the most tactful of questions. I shall never forget the tenor of the rabbi's reply. I cannot recall his exact words. But John Levi commented gently that he had never been attracted to Pharisaism. It was a delightful answer and it has tickled my fancy ever since.

For centuries the term 'Pharisee' or 'Pharisaic' has been a negative appellation denoting self-righteousness, casuistry, a prizing of the letter of the law over its spirit, legalism, and a determined quest for

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<sup>1</sup> This paper was delivered at the ANZATS Conference, July 1999.

salvation by works. This array of negative associations stems, in large measure, from the mildly negative to the fiercely vituperative portrayals of the Pharisees in the gospels. Passages such as Matthew 23:13-36 have provided the main primary colours with which Christians down to the present day have painted condemnatory pictures of the Pharisees.

But in the last thirty years there has come a decisive reassessment amongst scholars of this negative portrayal of Pharisees. Scholars such as Louis Finkelstein *The Pharisees: The Sociological Background of Their Faith* (Fortress, Philadelphia, 1962), and E.P.Sanders *Jewish Law from Jesus to the Mishnah* (SCM, London, 1990) and *Judaism. Practice and Belief 63 BCE - 66CE* (SCM, London, 1992), have provided a much more rounded picture of Pharisaic practice and aspirations.

Christians have too readily forgotten that the Lucan Paul does not renounce his identity as a Pharisee. Rather, he is portrayed as deliberately claiming that heritage and identity: "I am a Pharisee, a son of Pharisees" - Acts 23:6.

Also there is recognition that key Christian beliefs (e.g. resurrection) and practices (e.g. expanded commentary on the Torah) are based on foundations shared with the Pharisees of the gospel era.

Across the spectrum of Christian confessions, tradition plays an integral role. Every Christian expression of faith is shaped by tradition. Even those churches which claim to be based solely on scripture interpret such scripture through traditions inherent in their particular history and identity.

In Anglicanism it is traditional, in describing the practice of, and appeal to, authority within the Anglican Church to refer to the tripodic foundation of scripture, reason and tradition. Anglican

apologists refer to such a foundation as based on ‘dispersed authority’.<sup>2</sup> That is a commodious phrase and a fine phenomenon.

But what is to be done when any of these three clash with another? The instinctive response of Christians is to try to rescue difficult scriptural passages by employing a tradition-based approach. For example, the universal call to discipleship inherent in Luke 14:33: “..so none of you can become my disciple if you do not give up all your possessions” is too uncomfortable a saying for the great majority of Christians. So reference is made to Luke 22:36 (where possessions are sanctioned) as overriding the direct challenge of 14:33. And our various apologists will call the process “submitting scripture to scripture” or “distinguishing timeless truths from temporary truths” or whatever casuistry our tradition brings readily to hand.

In this article I want to explore an instance of tension occurring between the observances of tradition and scripture. Particular passages in the gospels of Mark and Matthew will be in view. I wish to make a case, possibly a reasonable case, that in regard to a particular instance noted in these gospel passages contemporary Christians rightly follow a practice which the Pharisees are accused of practising. The principle involved is when tradition is regarded as having greater weight than scripture in our practice and when that leads to the setting aside or even the opposing of an express commandment of God.

The particular focus of this article will be on Mark 7:9-10 and Matthew 15:3-4. They read as follows:

Then (Jesus) said to them, “You have a fine way of rejecting the commandment of God in order to keep your tradition! For Moses said, ‘Honor your father and your

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<sup>2</sup> Keith Rayner ‘Authority in the Church: an Anglican Perspective’, *St. Mark’s Review* 131 (1987) pp. 4-15.

mother’; and ‘Whoever speaks evil (*kakologeo*) of father or mother must surely die (*thanato teleutato*)’”. (Mark 7:9-10 NRSV)

(Jesus) answered them, “And why do you break the commandment of God for the sake of your tradition? For God said, ‘Honor your father and your mother,’ and ‘Whoever speaks evil (*kakologeo*) of father or mother must surely die (*thanato teleutato*)’”. (Matthew 15:3-4 NRSV)

I readily acknowledge that these verses are not prominent in the context of the wider passage. My survey of commentaries certainly bears that out. Comment upon the implications of these two verses for Christians is rarely addressed. Usually, as will be shown, commentators tend to move the passages towards generalities and away from the clearly worded imprimatur for capital punishment.

There are two aspects that I wish to address in regard to the parallel passages encompassing Mark 7:1-13 and Matthew 15:1-9:

- a. Commentary on Jesus’ endorsement of the death penalty as cited from Exodus 21:17 and Leviticus 20:9.
- b. Commentary on the relation between scripture and tradition when the latter differs from the former and is well established as a practice amongst Christians.

Several further questions sharpen that focus.

- Does the avoidance of this command by contemporary Christians express a following of tradition in defiance of a clear, scriptural commandment, a defiance that Mark 7:1-13 is meant to condemn?
- Is this a case where tradition and reason combine to gag the clear statement of scripture?

***Key words in the gospel passages***

Before exploring commentaries on the texts, attention needs to be given to the meaning of key terms in the passages. The word *kakologeō* conveys the sense of “abuse”, “calumniate” (so Acts 19:9) or “speak evil of” (so Mark 9:39).<sup>3</sup> It is used to translate the Hebrew term *qll* which “in the piel and hiphil means ‘to curse’ rather than simply ‘to speak evil of’”.<sup>4</sup> The term *kakologeō* is an ‘infelicitous translation’ (according to Davies and Allison)<sup>5</sup> but one “demanded by Rabbinic tradition” (according to Schneider)<sup>6</sup>. Eduard Schweizer translates it as “malicious gossip or incitement to violence”,<sup>7</sup> while Robert Gundry translates it as “to revile” as compared with the Hebrew “to curse”.<sup>8</sup>

Vincent Taylor detects a stronger sense intended than *kakologeō* usually conveys “for the implication is that the parents are brought into contempt or cursed, not merely that they are reviled or abused”.<sup>9</sup> He concludes that Jesus’ actual utterance was drawn from a Hebrew rendering.

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<sup>3</sup> Carl Schneider, *kakologeō Theological Dictionary of the New Testament* III, Geoffrey W. Bromley ed. Eerdmans, Grand Rapids, 1965, p.468.

<sup>4</sup> William L. Lane, *The Gospel According to Mark*, Eerdmans, Grand Rapids, 1974, p.250 n.27.

<sup>5</sup> W.D. Davies and Dale C. Allison, *A critical and exegetical commentary on the gospel according to St Matthew*, Clark, Edinburgh, 1988, p.523 n.26.

<sup>6</sup> Schneider p.468.

<sup>7</sup> Eduard Schweizer, *The Good News according to Matthew*, SPCK, London, 1976, p.328.

<sup>8</sup> Robert H. Gundry, *Mark – A Commentary on His Apology for the Cross*, Eerdmans, Grand Rapids, 1993, p.352.

<sup>9</sup> Vincent Taylor, *The Gospel According to St Mark*, Macmillan, London, 1966, p.340.

The Greek term usually used to render 'to curse' is *katarasthai* though in the Septuagint *kakologeō* is used for the particular commandment in Exodus 21.16 (LXX). The more polished phrase *kakos eipe* is used in Leviticus 20:9 while the verb 'to dishonour' (*atimazein*) is used in Deuteronomy 27:16. Lane, citing *M.Sanh.* VII.4,8, observes that "according to scribal interpretation the death penalty was decreed only for those who cursed their parents in the name of God".<sup>10</sup> Schneider comments that:

"Jesus rejects all such casuistry and gives the commandment new breadth and depth and strictness. Even those who keep back from their parents their due on a religious pretext transgress the commandment of God."<sup>11</sup>

The double-barrelled Hebraic expression *thanato teleutato* is literally translated in English as "let the person die a death". The double phrasing carries emphasis. As regards the obligation not to speak evil of one's parents, Nineham comments that "the double quotation underlines the overwhelming importance the written Law attached to this duty".<sup>12</sup>

### ***Commentary on Mark 7:10b:***

Some commentators make no reference to Mark 7:10b as they seek to exegete the contents of Mark.<sup>13</sup> A number of commentators seem

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<sup>10</sup> Lane, p.250, n.27.

<sup>11</sup> Schneider, p.468.

<sup>12</sup> D.E. Nineham, *The Gospel of St Mark*, Penguin, Hammondsworth, 1973, p.196.

<sup>13</sup> E.g. A.E.J. Rawlinson, *St. Mark*, Methuen, London, 1931, p.94-96; Sherman E. Johnson, *A Commentary on the Gospel of St Mark*, Adam and Black, London, 1972, p.132; Alan Cole, *St Mark*, Tyndale, London, 1963, p.119; C.H.Turner, *The Gospel According to St Mark*, SPCK, London, nd, p.34 ; Schweizer (pp.148-9) simply states that vss. pp.9-13 illustrate v.8. Morna D. Hooker (*The Gospel According to Mark*, Black,

to soften the saying by referring to it obliquely. For example, Nineham refers to v.10 in terms of its pointing to “one of the most clear and unmistakable obligations under the written Law, that of children towards their parents”.<sup>14</sup> Speaking in generalities he sees v.10 as a citation indicating “the law commanding respect and care for parents”.<sup>15</sup> Leitch sees v. 10 as illustrating fellowship and its importance in the family. He proffers a euphemistic homily: “(Christ) does not mean that...the fellowship can be maintained without the risk of our getting hurt and spoiled”.<sup>16</sup> Referring to being “hurt and spoiled” reads as a remarkable understatement as a description of capital punishment.

Taylor’s commentary, as we have noted, maps the linguistic geography of the terms *kakologeio* and *thanato teleutato*.<sup>17</sup> However, he does not explore the implications of accepting 7:10b except to assert that “while oral tradition is assailed by Jesus, the Law in the Decalogue is accepted by (Jesus) as binding: what God said through Moses stands”.<sup>18</sup> That 7:10b is not from the decalogue is not addressed by Taylor.

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London, 1991, p.177) simply comments that “the death penalty was no longer applied in the time of Jesus”.

<sup>14</sup> Nineham, p.190.

<sup>15</sup> Nineham, p.196. Wolfgang Roth (*Hebrew Gospel – cracking the code*, Meyer Stone, Oak Park, 1988, p.57) refers to how Jesus “discusses the commandment enjoining filial piety”.

<sup>16</sup> James W. Leitch, *The King Comes – an exposition of Mark 1-7*, SCM, London, 1965, p.119.

<sup>17</sup> Taylor p.340. So too C.E.B. Cranfield *The Gospel according to St. Mark*, Cambridge University Press, Cambridge, 1963, and despite fulsome notes on most other verses by Robert A. Guelich *Mark 1 - 8:26*, Word, Waco, 1989, p.368

<sup>18</sup> Taylor, p.340.



Commenting generally Gundry observes that “since commands usually appear in the aorist imperative, the present tense lends an emphasis to the crowd’s ongoing hearing and understanding”,<sup>19</sup> thus reinforcing the authority of the commandment. Gundry, in commenting on Mark 7:10b, considers that the use of the present imperative of *timao* and *teleutato* ‘carries emphasis’.<sup>20</sup> He does not expand on that pregnant suggestion. Is Jesus emphasising this commandment? Is the action of capital punishment being emphatically reinforced? The extensive notes that follow in his commentary<sup>21</sup> do not address 7:10b” with any particularity, nor provide answers to these kind of questions.

### ***Commentary on Matthew 15:4***

Commentary on the implications in Matthew 15:4b of the citation from Leviticus 20:9 is even more scarce than commentary on Mark 7:10b. This is surprising given that every commentary that I consulted pointedly noted Matthew’s redaction of Mark’s account at this point.

Matthew’s redaction changes Mark’s phrase “For Moses said” to the weightier statement “For God said”.<sup>22</sup> This redaction intensifies the very issue this article is addressing. Matthew thus made the commandments cited even more binding on hearers and readers. Sometimes a commentator’s piety has the same effect. For example,

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<sup>19</sup> Robert H. Gundry, *Matthew – A Commentary on His Handbook for a Mixed Church under Persecution*, 2<sup>nd</sup> edn, Eerdmans, Grand Rapids, 1994, p.305.

<sup>20</sup> Gundry, *Mark*, p.352.

<sup>21</sup> Gundry, *Mark*, pp.357-371.

<sup>22</sup> H. Benedict Green (*The Gospel according to Matthew*, Oxford University Press, Oxford, 1975, pp.144-5) suggests the Decalogue due to Ex. 20:1 is seen as “the *ipissima verba* of God, or to emphasize that though the ‘tradition of the elders’ may (in Jewish thought) go back to Moses, the Torah is the word of God..”.

Gundry comments on this pericope that “Jesus has authority to change the commandments because he is divine and the elders are not”.<sup>23</sup> Presumably, that gives a doubly divine emphasis to a commandment such as Matthew 15:4b. Hamann’s comments, while well motivated, also are little help in regard to the issue before us:

“Truly God-pleasing service is that which is in accordance with his clear will, revealed and expressed in his commandments. Self-chosen and self-devised service is of a different order...it dare never take the place of what God has ordained”.<sup>24</sup>

Kingsbury refers to several instances in Matthew’s gospel where the evangelist emphasises that the direct revelation of God came through the words of Moses. He cites 15:4, 19:1-12 (cf. Mark 10:1-12) and 22:31 (cf. Mark 12:26).<sup>25</sup> Kingsbury also notes the sharp distinction that Matthew consistently draws between divine and human ways, referring to it as the ‘evaluative point of view’.

“Within the world of the Matthew story...it is God’s evaluative point of view which Matthew the implied author has made normative...the reader is to regard the evaluative points of view of both Matthew as narrator and Jesus as being in complete alignment with the evaluative view of God. By contrast, as one moves, respectively, from the disciples to the Jewish crowd and to the Jewish

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<sup>23</sup> Gundry, *Mark*, p.356.

<sup>24</sup> H.P. Hamann, *The Gospel According to Matthew*, Lutheran Publishing House, Adelaide, 1984, p.167.

<sup>25</sup> Jack Dean Kingsbury, *Matthew*, Fortress, Philadelphia, 1986, p.46. The critique offered by Dale C. Allison Jr (pp312,318) of this section of Kingsbury’s case while firm does not impinge on the aspect studied here except his endorsement of Gundry’s assessment that Matthew’s presentation reflects a desire “to sharpen and reiterate the opposition between the commandments of God and ‘your tradition’”-Gundry, *Matthew*, p.304.

leaders, the degree to which each group deviates from “thinking the things of God” and “thinks the things of (humans)” becomes ever greater”.<sup>26</sup>

For Kingsbury a consequence is that for Matthew Jesus’ teaching “reveals the will of God for all time to come”.<sup>27</sup>

It is not surprising then that Matthew omits Mark’s sweeping phrase that Jesus made all foods clean (7:19b). Matthew’s agenda about the Law (e.g. 5:18; 23:1-2) does not have room large enough for that daring assertion. There is scope for a reshaping of the Law in Matthew’s gospel, but for the evangelist “Jesus’ criticism of the law is actually its true fulfilment”.<sup>28</sup>

The following brief survey of commentaries on the passage illustrates the need for a more critical reading of the binding nature of 15:4b. Daniel Patte<sup>29</sup> sees 15:4 as referring both to honour of one’s father and honour to God (15:8). (His redaction of Matthew 15:4 omits any mention of one’s mother.) However he makes no mention of the commandment that endorses the death penalty for speaking evil of one’s “father and mother”.

Eduard Schweizer, in his general commentary on 15:1-20, makes the surprising comment that Jesus “defends people who might be

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<sup>26</sup> Kingsbury p.33. Noting 15:4, he observes that for Matthew Old Testament scripture ‘counts as the word of God’ p.34.

<sup>27</sup> Kingsbury, p.47.

<sup>28</sup> Alan S. Segal, ‘Matthew’s Jewish Voice’ in *Social History of the Matthean Community*, David L. Balch, ed., Fortress, Philadelphia, p.7. See Douglas R.A. Hare, *Interpretation – A Bible Commentary for Teaching and Preaching*, John Knox Press, Louisville, 1993, pp.172-3 for helpful comments on Jesus and ritual law.

<sup>29</sup> Danile Patte, *The Gospel According to Matthew – a structural commentary on Matthew’s Faith*, Fortress, Philadelphia, 1987, p.217.

endangered by malicious gossip or incitement to violence”.<sup>30</sup> Perhaps he is thinking of 15:19 with its reference to “murder...false witness, slander” springing from the heart. Yet the clearest reference to violence in 15:1-20 is the commandment for rebellious offspring to be put to death - a commandment that Matthew deliberately states as being spoken by God.

John Calvin endorses the commandment, even commenting that Jesus adds this particular clause in the dialogue:

“...the honour which God commands to be yielded to parents extends to all the duties of filial piety. The latter clause which Christ adds, that *he who curseth father or mother* deserves to be put to death, is intended to inform us that it is no light or unimportant precept to *honour* parents, since the violation of it is so severely punished.”<sup>31</sup>

Leon Morris’ comment on 15:4b seems to endorse and even extend the actual effect of this commandment. He interprets the offence of ‘speaking evil’ in general terms that widen the scope of its ambit. He observes that Jesus:

“links a further prescription that anyone who *speaks evil* of parents shall be put to death...Scripture leaves no doubt that parents are to be honoured, and that extends even to the way people speak of their parents”.<sup>32</sup>

In a footnote he states as regards *kakologeō* that ‘some translations render it “curse”, but the term is a wide one and covers smaller

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<sup>30</sup> Schweizer, p326.

<sup>31</sup> *Calvin’s Commentaries – The Gospels*, Associated Publishers, Grand Rapids, nd. p.319.

<sup>32</sup> Leon Morris, *The Gospel According to Matthew*, Eerdmans, Grand Rapids, 1992, p.392.

offences than cursing'.<sup>33</sup> Also, he underlines the *reference to death as the punishment*:

*'teleutato ..means "to complete" and is often used of the completion of life, 'that is, death. Here all doubt is removed with the addition of thanato..'.*<sup>34</sup>

In contrast to Morris, other commentators tend to soften the passage. Suzanne de Dietrich, in noting 15:4b, refers briefly to "the severe commandment".<sup>35</sup> Meier, influenced by the Corban context, categorises the content of 15:4 as "God's commandment concerning support of one's parents".<sup>36</sup> Davies and Allison consider "the citation of Exod 21.17 serves the purpose of stressing the seriousness of breaking the fifth commandment. To dishonour one's parents is a crime meriting severe punishment".<sup>37</sup>

### *Commentary on the relation between scripture and tradition*

My reflection on words attributed to Jesus in the canonical gospels subsequently being disregarded or even put aside by Christians was first sparked by David Brown's critical comment on pacifism that "despite the existence of this tradition and its apparent endorsement by Christ, it seems to me that Catholic moral theology was right to pursue a different course".<sup>38</sup>

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<sup>33</sup> Morris, p.392, n.9.

<sup>34</sup> Morris, p.322, n.10.

<sup>35</sup> Suzanne de Dietrich, *Saint Matthew*, SCM, London, 1962, p.89.

<sup>36</sup> John P. Meier, *Matthew*, Veritas, Dublin, 1981, p.101.

<sup>37</sup> Davies and Allison, p.523.

<sup>38</sup> David Brown, *CHOICES – Ethics and the Christian*, Blackwell, Oxford, 1983, p.135.

It is my estimate that, generally speaking, Australian Christians have expressed no support for the judgment of capital punishment cited in the commandment in Mark 7:10b and Matthew 15:4b. I know of no Christians, not even the extreme law-and-order variety on the right, who publicly advocate such a practice.

Such abandonment of the commandment would not be due to uncertainty over the wording or intention of the commandment. As I have indicated, the passages are clearly there both in the Old and the New Testaments. Rather other influences have combined to come into play. Such influences have been other Christian considerations and/or humanistic attitudes encouraged in a liberal democracy. These operate not to put a fence around this commandment but to keep the commandment quarantined from being practised.

The Christians who do not support the implementation of this commandment stand in the tradition that is judged so distinctly in Mark 7 and Matthew 15. They stand in the tradition of the Pharisees with regard to the terms used to criticise the latter in Mark 7:9: "You abandon the commandment of God and hold to human tradition".

Considering in particular Matthew's redaction of the Markan account, this defiance of the commandment is even more marked, given that evangelist's decided stress on the commandment being the words of God.

To my knowledge, no commentator explaining these gospel passages addresses the issue of Christian tradition overriding divine commandment. Given the desire of many commentators to deal with every verse in Mark or Matthew, it is surprising that those keen to appropriate the gospels for the practice of Christians seem to regard this commandment as either non-existent or subsumed under one or other of the generalised rubrics that were examined above. No commentator that I consulted (with the possible exception of Calvin and Morris) addressed the issue as to whether capital punishment was a justifiable penalty for a person who "speaks evil" of his father or mother.

This paper does not seek to address the question of the authenticity or otherwise of Jesus' words in the passages under scrutiny. The Jesus Seminar regards the words as inauthentic, thus placing the utterances beyond his era.<sup>39</sup> Those who regard Jesus as a devout Jew readily see him as endorsing the Torah. For example, E.P. Sanders<sup>40</sup> presents a lively case for seeing Jesus as supporting and observing the Law.

William Loader examines the contents of *Mark* 7:1-23 in regard to what portions of that section stem from the historical Jesus. He focuses particularly on the issues of purity, food laws and corban. His study is pertinent for this paper in regard to whether he views the historical Jesus as endorsing, within 7:1-23, the Mosaic law considered in this paper. However, he does not deal explicitly with 7:10b. He refers only generally to such a passage within the compass of "honouring parents" where his particular study is on the issue of honouring parents in relation to 'the corban system'. He sees the issue as: "a...serious division between religion of the heart and actual behaviour, between honouring parents and immorally robbing them of support through abuse of the corban system".<sup>41</sup> Presumably the endorsement of capital punishment in 7:10b comes within the category of "religion of the heart".

On the broader question of Jesus' response to the Torah, Loader concludes that within *Mark* 7:1-23 Jesus presents an "inclusive

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<sup>39</sup> *The Five Gospels – The Search for the Authentic Words of Jesus*, Robert W. Funk and Roy W. Hoover, eds. MacMillan, 1993. p.125. Johnston (130) considers Luke's omitted the passage because it no longer was pertinent to the Gentile church for which he was writing.

<sup>40</sup> E.P. Sanders, *The Historical Figure of Jesus*, Penguin, London, 1993, p.205ff. Rawlinson (p.92), locating the conflict in Jesus' time, considers Jesus' attitude to the Law "was broadly that of the Sadducees. On Mark's context for the polemic see Theodore J. Weeden, *Mark: Traditions in Conflict*, Fortress, Philadelphia, 1971, p.20, n.2.

<sup>41</sup> William Loader 'Mark 7:1-23 and the historical Jesus', *Colloquium* 30 (1998), p127.

antithesis”, namely, that Jesus’ words about food and purity reflect “the prioritising typical of Jesus’ teaching. People should be more concerned with loving attitudes and behaviour than with issues of outward purity”.<sup>42</sup>

Loader sees Mark’s redaction of the incident and saying as moving the sense so “that what began as an inclusive antithesis on the lips of Jesus came to be used as an exclusive antithesis in Mark’s Gentile tradition and is also understood in this way by Mark”.<sup>43</sup>

Loader regards Mark 7:6-13 “as a secondary addition undertaken in a Gentile context, dealing with conflicts which would concern a Gentile church under fire from Jewish or Christian Jewish criticism about ‘relaxing’ Torah”.<sup>44</sup>

Similarly, this paper does not pursue the question as to whether the Pharisees actually pursued the practice of ‘*corban*’ or if they did, when they did and to what extent.<sup>45</sup> Whether one locates the confrontation portrayed between Jesus and the Pharisees as occurring in Jesus’ time or in Mark’s time<sup>46</sup>, the issue raised in the citation in 7:10b is not resolved simply by reiterating that the Pharisees are at fault in observing their tradition.

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<sup>42</sup> Loader, p.148.

<sup>43</sup> Loader, p.149.

<sup>44</sup> Loader, p.130.

<sup>45</sup> “But practically all references to the custom are second century ones ... the evidence makes it clear that this rite was not a practice of all the Jews in Jesus’ day –not even of all the Pharisees.” B. Harview Branscomb, *The Gospel of Mark*, Hodder & Stoughton, London, 1962, p.121. The eventual decisions of Jewish Rabbinism, as codified in the Mishnah were in agreement ... with the teaching of Jesus in the matter of *Corban*” - Rawlinson, pp.95-96.

<sup>46</sup> Michael Fitzpatrick OFM, ‘From Ritual Observance to Ethics: The Argument of Mark 7:1-23’, *Australian Biblical Review*, XXXV (1987), p.26.



Consider the issue of oaths and honour to one's parents. The Torah required oaths to be kept. Johnson comments that "the law enforcing oaths was as much a part of the written Law as the Decalogue".<sup>47</sup> For examples of this note Deuteronomy 23:21-23 and Numbers 30:1-2. Remembering Matthew's redaction, we can note that adherence to an oath was thus also a commandment of God. It is worth noting that when a decision had to be made between faithfulness to an oath and the requirement to honour one's parents, the familial tug of the Torah became paramount.

"Whatever may have been the case in Jesus' time, later Pharisaism was more liberal and humane; by A.D. 100, the rabbis ruled that a vow taken to the detriment of father or mother could be abrogated (Mishnah *Nedarim* ix.1) The eventual decisions of Jewish Rabbinism, as codified in the Mishnah, were in agreement with the teaching of Jesus in the matter of *Corban*."<sup>48</sup>

To return to my interest in what Christians do with the words in Mark 7:10b and Matthew 15:4b, so far as we know the motivation for the development of interpretative traditions amongst the Pharisees in regard to the Torah was to facilitate godly observance of the Torah. It was not rejection of the Torah but the desire to protect its sacredness through chartered borders of observance ("putting a fence around the Torah") that was ostensibly the guiding principle. For the Pharisees the oral law came to be regarded as of equal force as the written Torah and both were regarded as having been given by God to Moses on Mount Sinai.<sup>49</sup> Jacob Neusner<sup>50</sup> sees such a development as the contextualising of the Torah:

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<sup>47</sup> Johnson, p.133.

<sup>48</sup> Rawlinson, pp.95-96.

<sup>49</sup> "Moses received Torah at Sinai and handed it on to Joshua, Joshua to the elders, and elders to prophets. And prophets handed it on to the men of the great assembly. They said three things: Be prudent in judgment, raise up many disciples, make a fence for the Law."— *Aboth 1:1 in The Mishnah: a new translation*, Jacob Neusner, Yale University Press, New Haven, 1988, p.672.

**“Pharisees developed traditions which either clarified and specified the ...laws or which amplified the law’s principles, making them applicable to new situations”.**

Any reader versed in the traditions of church practice is familiar with this phenomenon. Church members participate in its practice. As with the Pharisees, the practice is based on a desire to discern and to do God’s will. This desire is shared with the Pharisees. To see such a practice as inherently prone to distort the law reflects a superficial reading of realities. An instance of such superficiality is Lane’s pronouncement that:

“Theoretically, the oral law was a fence which safeguarded the people from infringing the Law. In actuality it represented a tampering with the Law which resulted inevitably in distortion and ossification of the living word of God”.<sup>51</sup>

His words perpetuate stereotypes but shed no sustained light on the inter-relation of tradition and scripture in Christian practice. Is to oppose, or even no longer to support, the death penalty for the offence described in Mark 7:10b a ‘distortion and ossification of the living word of God’?

The same failure to grapple with the issue emerges in Heil’s commentary on the text. Heil does denote negative and positive commandments in seeing the citation of Exodus 21:17 and Leviticus 20:9 as a “negative Mosaic injunction (to) underline the great seriousness of the positive commandment calling for honor and support of one’s parents”.<sup>52</sup> However his comments fail to address the issue here under discussion. Would that it were as simple as he avers that ‘by powerfully reaffirming God’s word over human

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<sup>50</sup> A summary of Neusner’s position as cited by Jerome H. Neyrey ‘A Symbolic Approach to Mark 7’ *Forum* 4 (1988) p.74.

<sup>51</sup> Lane, pp.248-9.

<sup>52</sup> John Paul Heil, *The Gospel of Mark as a model for action: a reader response*, Paulist, New York, 1992, p.155.

tradition, Jesus invites us to allow the original, genuine and clear word of God, such as the fundamentally humane commandment calling for parental respect and support'.<sup>53</sup>

Nineham's description of the role of tradition in scriptural hermeneutics on the part of the Pharisees presents it fairly:

“...over the years an oral code had grown up alongside the written Law; especially it was designed to ensure the full observance of the written Law by prescribing for its detailed application, settling disputed points of interpretation, reconciling apparent inconsistencies, and the like....the Pharisees claimed that the purpose of the oral tradition was not the evasion of the written Law but, on the contrary, its more complete and exact performance”.<sup>54</sup>

That comment reads as a very apt description of the varied series of commentaries that Christians avidly peruse to help them appropriate holy scripture. A number of the commentaries I have cited that are strongly critical of the Pharisees fit comfortably into this Pharisaic mould.

The issue in the passages we are considering is the relation of tradition and Torah. Neither party to the dispute – the Pharisees or Jesus (eg *Mark* 1:44) – are to be designated as being anti-Torah. Bruce Malina's view that

“the problem underscored in the text segment under consideration (*Mark* 7) is the *value and function of the tradition of the elders*. It is the tradition of the elders that

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<sup>53</sup> Heil, p.156.

<sup>54</sup> Nineham, pp.189-190.

serves as the major interactional device to advance the interests of Jesus' opponents"<sup>55</sup>

does not do justice to the Pharisees' devotion to the Torah. So, too, Pilch generalises from Mark 7 the Pharisees practice of *corban* with his view that:

“A society whose pivotal values are honor and shame obviously bestows selective advantage upon a social institution that increases honor and avoids shame. A commandment that commands children to honor parents (Exod 20:12; Deut. 5:16) and forbids them from cursing, insulting or reviling parents (Exod 21:17) holds a selective advantage over a “tradition of elders” that seemingly intends to honor and support the Temple but ends up shaming the family by threatening its integrity and continuity.”<sup>56</sup>

Again, the issue of capital punishment seems to be eluded from the text. Pilch does give the Pharisees some honour in his comment that:

“the ‘motives’ for the distinct behaviors in Mark 7 are difficult to ascertain. Everyone would appear to be primarily motivated by a desire to honor and obey God and God’s rules. The Pharisees see their adherence to the traditions of the elders as yet another step in the same direction. The manifest function is clear, but the latent function, actual overthrow of the commandments, was perhaps not as clear and perhaps not at all intentional”.<sup>57</sup>

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<sup>55</sup> Bruce J. Malina ‘A Conflict Approach to Mark 7’, *Forum* 4 (1988), p.17.

<sup>56</sup> John J. Pilch ‘A Structural Function Analysis of Mark 7’, *Forum* 4 (1988), p.43.

<sup>57</sup> Pilch 57. Neyrey expresses a similar positive estimate of the intentions of the two protagonists. “Christians and Pharisees ... would

I contend in this paper's focus that the supposedly black and white division between scripture and tradition, with scripture overriding tradition, is not valid in this case. If one wishes to posit such black and white demarcation, then traditional avoidance of the commandment cited in Mark 7:10b is likely to carry the day with contemporary Christians. In other words, I believe that in practice tradition wins out on this one.

Such contemporary Christians, (and I number myself amongst them), would not see themselves as judged by the allegation levelled at Jesus' protagonists in 7:8-9: "You abandon the commandment of God and hold to human tradition.... You have a fine way of rejecting the commandment of God in order to keep your tradition!"

Yet such Christians (and I number myself amongst them) are aligned with the position attributed to the Pharisees, a position that is clearly condemned. It is alleged that the Pharisees hold to a tradition that puts aside the clear expression of a commandment. If Christians refuse to carry out the death penalty on one who speaks evil of his parents, does their action come within Plummer's comment on Mark's use of the term *kalos* as ironical judgment: "The irony is stronger here. This was the beautiful result of their putting a fence about the Law; their fence had shut off the Law so completely that the sight of it was lost".<sup>58</sup>

The Christians I have in view would not want to encourage anyone to speak evil of their parents, so in that sense sight of this commandment is not lost. But for such Christians to oppose capital punishment for such an offence, (which punishment Mark 7:10b supports), would bring them within Plummer's stricture. Yet such Christians would most likely appeal to humane considerations for

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both claim to be faithful to Israel's God ... but they are construing their systems on different core values" – p.80.

<sup>58</sup> Alfred Plummer, *St. Mark*, Cambridge University Press, Cambridge, 1914, p.183.

opposing the thrust of the commandment. They would thus be turning Moule's critique of the Pharisees into a defence. Moule, for his part, detects "the subtle...casuistry by which the teachers of the Jewish Law got around the humanity and true religion which the law was originally meant to protect, and turned it topsy turvy".<sup>59</sup>

Does this enactment of capital punishment express the practice of "humanity and true religion"?

Mark, of course, presents Jesus as annulling a key aspect of the Mosaic law (presumably Matthew would say 'divine law') within this same pericope. Mark makes a point of indicating to his readers that Jesus' words about things coming from inside of a person rather than the things (types of food) coming from outside into a person defile a person. Mark clearly states, by way of his own commentary, that this rendered all foods permissible (7:19b). Clearly enunciated food laws in books such as *Leviticus* and *Deuteronomy* are obviously abrogated here. R.T. France comments that "this was not just an attack on scribal *halakah* but on a principle of Mosaic law".<sup>60</sup>

Support on the part of Christians for the death penalty (whether for offspring who 'speak evil' of their parents or for other offences) needs to be considered. The overall story of how Christians have viewed capital punishment over the past two thousand years is not one to proclaim from the housetops. As regards the New Testament itself, the reference usually noted is in Romans 13:4b. There has been debate over whether its words "...for authorities do not bear the sword in vain" refer to capital punishment administered by the magistrate, or to armed suppression of revolt, or to the military power of the empire.<sup>61</sup> But certainly Christians down the ages who

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<sup>59</sup> C.F.D. Moule, *The Gospel According to Mark*, Cambridge University Press, Cambridge, 1968, p.55.

<sup>60</sup> R.T. France, *Divine Government – Kingship in the Gospel of Mark*, SPCK, London, 1990, p.59.

<sup>61</sup> Franz J. Leenhardt, *The Epistle to the Romans*, Lutterworth, London, 1964, p.333; C.H. Dodd, *The Epistle to the Romans*, Hodder &

have approved of the death penalty have readily quoted this text to support their view.<sup>62</sup>

Moving into post-New Testament times, generally speaking the church fathers who referred to capital punishment opposed its practice. For example, Lactantius can be cited:

“It is not therefore befitting that those who strive to keep to the path of justice should be companions and sharers in this public homicide. For when God forbids us to kill, He not only prohibits us from open violence, which is not even allowed by the public laws, but He warns us against the commission of those things which are esteemed lawful among men...the act of putting to death is prohibited.”<sup>63</sup>

The Constantinian embrace of Christianity changed Christian views. On a number of fronts theology could be found to endorse state practice. Such was the case also for capital punishment. Potter’s summary estimate of the change that occurred in the Constantinian era and its succession into medieval and Reformation eras as regards Christian attitude to capital punishment is salutary.<sup>64</sup>

A quotation illustrates the change. It comes from a sermon preached by John Chrysostom where he expounds one of the particular passages that we have in view. He endorses the punishment

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Stoughton, London, 1937, p.203-204; C.E.B. Cranfield, *The Epistle to the Romans*, Clark, Edinburgh, 1979, p.667.

<sup>62</sup> Harry Potter, *Hanging in Judgment: Religion and the Death Penalty in England*, SCM, London, 1993, pp.164-165. He refers to the tradition that an executioner’s sword in Freiburg, Germany, bore the inscription “Lord Jesus thou art the Judge” p.165.

<sup>63</sup> Lactantius, *Divinae Institutiones* VI.xx. pp.15-17; *Origen Contra Celsum* iii.p.7.

<sup>64</sup> Potter, p.62.

described in *Matthew* 15:4b. In his sermon on the passage his anti-Jewish polemic reshapes the wording: ‘and what (Jesus) says is like this: “They taught the young, under the garb of piety, to despise their fathers”. Thus “the punishment...threatened to such as dishonour (their parents)...He implies them to be for this worthy of death”.<sup>65</sup>

Potter, in his survey of the religious context for the practice of the death penalty in England, notes that, in the period from the Tudors to the early nineteenth century, the tendency was for the list of capital offences to be extended and not reduced. Nor were Christians loath to support such expansion. Space does not permit the extensive citation that could be arrayed to support his view. But conservatism combined with the fear of reducing punishment for a wide range of offences led in 1810 to the Archbishop of Canterbury, Charles Sutton, and six other bishops voting in the House of Lords “against a Bill which would have abolished the death penalty for stealing five shillings from a shop”.<sup>66</sup> Not till 1838 was capital punishment for shoplifting deleted from the law code.<sup>67</sup>

But what of the offence cited in *Mark* 7:10b? Ironically, in England in the late eighteenth century for a person to attempt to kill a parent was regarded as a misdemeanour and not a capital offence. This was not due to compassion or leniency. It seemed to be a quirk of the law. In the same era “forgery of birth certificates, or of baptism or marriage registers, were capital offences. Hanging was proscribed for impersonating a Chelsea Pensioner”.<sup>68</sup>

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<sup>65</sup> *The Homilies of John Chrysostom, Archbishop of Constantinople, on the Gospel of Matthew*, Part II Hom. XXVI-LVII, Oxford, 1854, 691 57. Potter p.iii.

<sup>66</sup> Potter, p.vii

<sup>67</sup> Potter, p.38.

<sup>68</sup> Potter, p.6.



What is striking in regard to this study is that those Christians who, in times past, appealed to the bible to support capital punishment, scarcely refer to the texts under consideration in this article. They tended to let these texts lie unnoticed as do many contemporary commentators.

A report written for the United Nations in 1989 listed Australia amongst thirty-five countries which do not provide for the death penalty for any crime.<sup>69</sup> Around the ridges, so the pollsters tell us, there is a swell of support for the death penalty. The history of unjust executions alone persuades me to oppose its re-introduction. I would be surprised to hear of any Christian in the mainline churches in Australia urging the reintroduction of the death penalty in regard to a person who “speaks evil” of either or both parents.

I certainly do not support such a step. The effect of tradition, including Western Christian tradition as well as Western humanistic tradition, shapes my view. That these traditions stem from my heritage qualify them to be regarded as traditions passed on from my elders. If that makes me a Pharisaic Christian then I feel I have many for company.

Rev. Dr. Ray Barraclough

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<sup>69</sup> Roger Hood, *The Death Penalty – A World-wide perspective: A report to the United Nations Committee on Crime Prevention and Control*, Clarendon Press, Oxford, 1989, p.169.