

CHAPTER XI

THE ESCHATOLOGICAL ROLE OF LAW IN PRE-  
AND POST-CHRISTIAN JEWISH THOUGHT

ROBERT BANKS

IN RECENT YEARS, A RENEWED INTEREST HAS BEEN DEMONSTRATED IN THE centrality and character of the Law in Apocryphal, Pseudepigraphal and Rabbinic eschatological speculations.<sup>1</sup> To a large extent this has been undertaken in the hope that such conclusions as can be reached will illuminate the eschatological preoccupations of various NT writers, both of a "realized" and "futuristic" nature. In particular, connexions between the outlook of Matthew, John and Paul and contemporary Jewish eschatological expectations concerning Moses and the Law, have come in for close consideration. As a result of these investigations, there has been a revival of interest in the view that the arrival of a new Torah in the Messianic Age and/or Age to Come was a well defined and accepted hope within Judaism. In the main, however, this has been restated in a qualified form i.e., that there were at least elements within Judaism expecting the modification or substitution of various parts of the Mosaic legislation. Without contravening the old, these were sufficiently comprehensive to justify the description "new".<sup>2</sup> It is the adequacy of this interpretation of the evidence, and by implication the conclusions that have been drawn from it for NT, particularly Matthaean, perspectives, that forms the theme of this study.

I

In the OT, it is only in the priestly and prophetic writings that there is any explicit reference to the future role of Law. The wisdom literature, with its exclusive concentration on the *torah* of the wise and its lack of eschatological concern, is quite silent on the matter. Throughout P,

<sup>1</sup> The most exhaustive treatment of the New Torah theme occurs in W. D. Davies, *The Setting of the Sermon on the Mount* (Cambridge, 1964), pp. 109-90 which incorporates, with minor alterations, his earlier monograph on *Torah in the Messianic Age and/or in the Age to Come* (Philadelphia, 1952). On pp. 109-10 of the former work he lists previous investigations of the subject. The more recent contributions of H. M. Teeple, J. Jocz, G. Barth, E. Bammel, H. J. Schoeps and R. N. Longenecker are detailed in the following pages.

<sup>2</sup> This is the view of Davies himself, as also of Teeple and Longenecker after him. The stronger view had been expounded by Edersheim, Dalman, Köhler and, in part, Aptowitzer in the earlier years of this century. More recently it has been reiterated by Jocz and Schoeps.

however, for the first time in OT legal material, individual statutes are described as having been given "forever" or as being "everlasting" in character. Though such statements are accompanied by occasional warnings against disobedience, the possibility of a dissolution of the covenant, together with its legal contents, does not seem to have been seriously entertained.<sup>1</sup>

It was the prophets who faced up most realistically to the inevitability of just such a dissolution. In so doing they not only predicted the certainty of the coming judgement but presented visionary glimpses of what lay beyond it. Along with the promise of a new Exodus and a new Covenant, in several passages there is reference to the role of the Law in the future as well viz., Is. 2:1-5 (cf. Mic. 4:1-5); Is. 42:1-4; Is. 51:4; Jer. 31:31-34; Ezek. 36:24-28.

In view of the equation of *torah* with the prophetic message throughout First Isaiah (Is. 1:10; 8:16, 20; 30:9), the term should almost certainly be interpreted in a similar sense in Is. 2:3. It would then refer to something far wider than the Law, particularly those fundamental ethical principles which are constantly re-iterated in the work, and would be equivalent to the phrase "word of the Lord" with which it appears to stand in parallelism.<sup>2</sup> In Is. 42:1 f. the servant is described as one who will give *torah* (v. 4), and here, taking into account the total setting of the passage, the word has almost the sense of "revelation". This is also surely the case in Is. 51:4-5 where *torah* is linked with such conceptions as "righteousness" and "salvation".<sup>3</sup>

Although *torah* is used in Jeremiah with reference to the traditional Law, in several contexts it appears in conjunction with the "word" of the prophet, indicating that it cannot be fulfilled properly unless the prophetic word is also heeded (2:8; 9:12-13; 16:10-12) while in others it is equated with that prophetic word itself (6:19; 26:4-5; 44:18).<sup>4</sup> The same conjunction of ideas occurs in 31:33-34 where the "law" (v. 33) written in the heart is linked with "knowledge" (v. 34) of the Lord. It is clear from Jer. 2:8; 3:15; 5:1-4; 8:7; 11:18; 24:7; 32:8 and 44:29 that knowledge of Yahweh embraces much more than obedience to the Law, and this is reinforced in the present passage by the phrase "they shall teach no more every man his neighbour" (v. 34). It seems probable then that *torah* in v. 33, as in the

<sup>1</sup> *olam* often means quite simply "for a long time" but in these passages it should probably be given its strongest connotation. See Köhler-Baumgartner, pp. 688-89.

<sup>2</sup> The commentators do, in fact, generally interpret the word in terms of "instruction". By dating the passage in the post-exilic age, W. D. Davies, *Setting*, pp. 138 f. nevertheless seeks to give the word a stronger legal connotation. According to the detailed investigation of these verses by H. Wildberger, *Jesaja* (1965), pp. 78-80, however, such a dating is unnecessary.

<sup>3</sup> On Is. 42:4 cf. C. R. North, *Second Isaiah* (Oxford, 1964), pp. 108-109 and C. Westermann, *Das Buch Jesaja: Kapitel 40-66* (Göttingen, 1966), p. 81. On Is. 51:4-5 see J. L. McKenzie, *Second Isaiah* (New York, 1968), pp. 36-38.

<sup>4</sup> On the close relationship between traditional Law and prophetic word in Jeremiah see further J. Bright, *Jeremiah* (New York, 1965), pp. 63-64 (on 8:8).

Isaianic passages, refers primarily to the survival of Yahweh's prophetic instruction beyond the disintegration of the present covenantal framework.<sup>1</sup>

At first sight only the Law seems to be in view in Ezek. 36:24-28. In this prophecy, Yahweh speaks of a "new spirit" and a "new heart" which will bring with it obedience to "my statutes". It is significant, however, that Ezek. 40-48 contains items which have no parallel in the Mosaic Law, while Ezek. 43:11-12 and 44:5 explicitly refer to the presence of prophetic *torah*. One should be careful, therefore, in reading too traditional a meaning into the "statutes" referred to in 36:27.

In all these passages, then, the presence of *torah* in the new age of Israel's history is affirmed. Such *torah*, however, refers primarily to the prophetic instruction. This should not be separated from, indeed it includes, the traditional Law, but it is not that Law which is here primarily in view. It is most strongly in view in the Ezekiel passage and though in Jeremiah the emphasis is principally upon its ethical requirements, in view of 33:18 it must also have contained ritual stipulations. This would also certainly be the case in the Isaianic passages as well.

## II

In the post-biblical literature a significant shift in attitude can be detected, one associated with the coalescence of each of the major Israelite traditions more closely around the Law. In material of a legal character this leads to a strengthening of the tendency in P to insist upon the everlasting character of many of the Law's requirements, though now eschatological considerations begin to come into view. This may not be so in Tob. 1:6 but such are certainly present in the so-called "Formulary of Blessings" at Qumran. Though reference to it does not appear as frequently as one might expect, the rabbinic writings clearly presuppose the eternal validity of the Law throughout.<sup>2</sup> Not only of Torah as a whole is the idea expressed (Ex. R. 33:7), but even of the words, the very jots and tittles, that make it up (Ex. R. 6:1; Lev. R. 19:2). Both these emphases

<sup>1</sup> W. D. Davies, *Setting*, pp. 127 f. places the emphasis here upon the Mosaic Law, citing in support the somewhat similar terminology to Jer. 33:33 in Ps. 37:31; 40:8; Dt. 11:18 and 30:14. In light of Jeremiah's use of *torah* elsewhere, and the tenor of the present passage, I do not find these comparisons compelling.

<sup>2</sup> Cf. Strack-Billerbeck, I, pp. 244-47. In later rabbinic writings a clear distinction is drawn between the "Messianic Age" and the "Age to Come". This is already present in the statement of R. Johanan in b. Ber. 34b (and pars.) and in the discussion centring on the length of the Messianic time (b. Sanh. 99a *et al.*) as in the late apocalyptic writings (2 Bar. 40:3; 2 Esd. 7:28-31 and Rev. 20:4 f.). A rigid separation does not seem to occur in the sayings of the earlier teachers recorded in the Mishnah e.g., those of Eliezer, Hillel and Shammai, nor in the remainder of the apocryphal and pseudepigraphal literature. The period following upon the destruction of Jerusalem is therefore usually considered to be the decisive point from which the distinction became more apparent. See further on this point M. Löwy, "Messiaszeit und zukünftige Welt" *MGWJ*, 5 (1897), p. 401 and K. Schubert, *Die Religion des nachbiblischen Judentums* (Freiburg, 1955), p. 49.

exhibit a more comprehensive and stricter attitude than in P. Closer in mood to the latter is the statement in Yoma 5b that the sacrificial laws will be particularly observed in the time to come. An interesting tendency is noticeable in j. Meg. 1.70d where it is only of the Pentateuch that eternal duration is predicted, the Prophets and Writings having ceased in the Messianic time. No doubt this is based on the view expressed in b. Shabb. 104a, Ex. R. 42:8 and elsewhere that the prophets brought nothing additional to the Law but only reinstated commandments that had originally been formulated by Moses. For most rabbis, however, the other Scriptures also possessed eternal status, however inferior to the Pentateuch they may have been considered. Parallel to this, at the other end of the time-scale, is the affirmation of Torah's pre-existence in such passages as Ab. 3:15; Sif. Dt. 11:10 and Gen. R. 1:1.

A similar attitude to the Law is displayed in the apocalyptic tradition. In the book of Jubilees the eternal character of the Law is ceaselessly reiterated. Its enactments, written on heavenly tablets (3:31; 6:17) and mediated by angels to man (1:27) are considered to be the complete expression of Yahweh's will. Ritual laws are given special prominence, especially those dealing with the Sabbath (2:26 ff.), circumcision (15:26 f.), festivals (6:17; 16:29) and tithing (32:10). To all these is ascribed eternal validity. In the other apocalypses it is rather the Torah as a whole which is in view (1 Bar. 4:1; 1 En. 99:2, 14; 2 Esd. 9:37; 2 Bar. 77:15 cf. Ps. Sol. 17:37). In these, with the exception of 1 Enoch, the Law is also identified with Wisdom. This is indicated in 1 Bar. 3:9 f.; 2 Bar. 77:16 and 2 Esd. 8:52 f.; 13:54-55. In 1 Enoch, however, the identification is not explicitly made, indeed in 42:1 f. it appears to have been decisively rejected. It is interesting, therefore, that in this work, it is not Torah but wisdom and righteousness which are chiefly associated with the activity of the Elect One who is to come (39:6; 42:1 f.; 43:6; 48:1; 49:1; 53:7; 71:14, 16; 91:10). Thus here too we have testimony to the persistence of the prophetic tradition in which the Law, however highly it may be valued, is not in the Coming Age the only, or even central, factor. Even in the other apocalypses, however, the content of that Law has been considerably amplified.<sup>1</sup>

<sup>1</sup> The assertion of A. Schweitzer, *The Mysticism of Paul the Apostle* (London, 1956), pp. 191-92 (cf. also H. J. Schoeps, *Paul. The Theology of the Apostle in the Light of Jewish Religious History* (London, 1961), p. 172), that late Jewish apocalypses, while not expressing the idea that Law is of no further importance in the time to come are so dominated by the idea that they nowhere assert that Law will be in operation nor describe life in terms of perfect obedience to it, goes too far beyond the evidence. While it is true that in the Psalms of Solomon, 2 Baruch and 2 Esdras the term "Law" is not emphasised in passages dealing with the Messianic period, ideas of "wisdom" and "righteousness" which elsewhere in these works are equated with the Law do appear (cf. Ps. Sol. 14:1-2; 2 Bar. 67:6 and passages cited above). While, as we have seen, this does not occur in 1 Enoch, there is mention in this work of the eternal duration of the Law (1 En. 99:14). His attempt to bypass this with the statement "that the Law is eternal does not mean it is of eternal application", picturing its position in the Messianic Age as of the same order as its pre-existent state, is not particularly satisfying.

The Old Testament wisdom literature, geared as it is to the present world is silent as to the duration of its *torah*. In the apocryphal wisdom literature, however, the everlasting character of the Law does find expression in Ecclus. 24:9, 33 and most probably in Wisd. 18:4. Nevertheless it is implied that Wisdom, which though equated with the Law is also more comprehensive than it, can be spoken of in similar terms.<sup>1</sup>

Comparison with the later Old Testament writings, therefore, shows that in each of these traditions there is a heightened though not exclusive emphasis upon the future importance of the Law.

### III

We must now turn to those passages which allegedly testify to the occurrence of changes in the Law in the days to come.<sup>2</sup> In the first place, brief mention may be made of those texts in which certain difficulties and obscurities in the Torah are mentioned as being clarified in the Messianic era. It is above all Elijah who will return at that time to explain the significance of points in the Law that had perplexed the Rabbis. However, the solution of difficulties and apparent contradictions that was to take place through his activity only served to highlight the unity and perpetuity of the Law.<sup>3</sup>

Other passages seem to suggest that there will be an annulment of particular provisions in the Law. So according to Lev. R. 9:7, this will be the fate of all sacrifices and prayers but that of Thanksgiving. Such

<sup>1</sup> On the latter see W. J. Deane, *The Book of Wisdom* (Oxford, 1881), p. 209. Ecclus. 1:15 speaks of Wisdom as an "eternal foundation", a description which at first sight appears to be a direct statement of its everlasting character. The verse, however, is full of difficulties and has been amended by G. H. Box and W. O. E. Oesterley, *Apocrypha*, ed. R. H. Charles, I, p. 319, to read "established for ever" i.e., from eternity. There is a similar thought in Wisd. 7:26 where Wisdom is described as an "effulgence from everlasting light". In these verses, therefore, the theme of Wisdom's pre-existence, already affirmed in Prov. 8:1 f., is taken up anew (see further Wisd. 9:1 f.; Ecclus. 1:4 f.; 24:9). The implication is probably present, however, that it is eternal in the other direction as well and Ecclus. 24:9 illustrates just how closely the two thoughts are bound together. There is a further clear testimony to the eternal character of the Law in Philo De Vita Mos. 11.44.

<sup>2</sup> R. Longenecker, *Paul: Apostle of Liberty* (New York, 1964), pp. 128-29 has rightly warned that in taking up such a survey the concepts "abrogation of the Law" and "establishment of a new Law" are not, as is commonly assumed, complementary and that they must be treated as quite separate questions. A further clarification is provided by H. M. Teeple, *The Mosaic Eschatological Prophet* (Philadelphia, 1957), pp. 15 f., who states that there was a considerable variety of opinion concerning the degree of observance of the Law in the time immediately preceding the Messianic period (e.g., Tos. Eduy. 1:1; Cant. R.2:9) and to what extent the Law should be binding upon Gentiles (e.g., Gen. R.98:9). None of these discussions, however, were intended to "involve any change in the Law itself but merely a change in the degree of observance of it".

<sup>3</sup> Cf. Sh. Spiegel, "Ezekiel or pseudo-Ezekiel", *HTR*, 24 (1931), pp. 260-61. See also H. Danby, *The Mishnah* (Oxford, 1933), p. 436, n. 19 and G. Barth, "Matthew's Understanding of the Law", in *Tradition and Interpretation in Matthew* (London, 1963), p. 156, n. 4 on Eduy.8:7 against M. Löwy, *MGWJ* (1904), p. 324.

an attitude probably springs from the conviction that since in that period sin would not exist these sacrifices would be unnecessary. However, the passage is late and cannot be dated before the latter half of the second-century.<sup>1</sup> Yalkut on Prov. 9:2, probably to be dated earlier in the second century, speaks of Purim and the Day of Atonement as the only Festivals which will be celebrated in the Messianic time. One should reckon with the possibility, however, that both passages are more concerned to emphasise the importance of the activities mentioned than to deny the continuance of others.<sup>2</sup> One of the views expressed in Midrash Tehillim on Ps. 146:7 insists on the abrogation of the distinction between clean and unclean animals in this future period but this is immediately followed by two contradictory opinions.<sup>3</sup> A change in Torah also seems to be implied in Sif. Dt. 17:18. However, the parallel passage in Tos. Sanh. 4:4 f., which is most likely earlier, specifically defines the change as concerning only the script of Torah, not its contents.<sup>4</sup>

A more important passage is b. Shabb. 151b in which R. Simeon b. Eleazar (c. 165–200 A.D.) draws a comparison between the state of the dead and the Messianic era. In the latter, contrary to the present, "there is neither merit nor guilt" and W. D. Davies, comparing this text with the freedom of the dead from the Law mentioned in b. Nid. 61b, suggests this means that "the Torah no longer holds in the Messianic Age". H. J. Schoeps interprets b. Shabb. 30a and j. Kil. 9.4 in the same way. Freedom of the dead from the Law, however, need not involve any limitation of its validity. It is merely the case that such are now, by the nature of the case, no longer able to observe it.<sup>5</sup> Similarly, cessation of the *yetzer ha-ra'* in the Messianic time, the conception that appears to underlie the statement in b. Shabb. 151b, does not invalidate Torah but merely the possibility of acquiring merit or guilt through it. A prediction of the complete abrogation of Torah has been derived from b. Sanh. 97b and Ab. Zar. 9a: "The world is to exist six thousand years. In the first two thousand years

<sup>1</sup> So H. Loewe, *A Rabbinic Anthology* (London, 1938), p. 350 though J. Israelstam, *Midrash Rabbah: Leviticus* (London, 1939), p. 114 disputes his attributing it to Menahem of Galilee.

<sup>2</sup> Cf. J. Klausner, *From Jesus to Paul* (London, 1944), p. 321, n. 13.

<sup>3</sup> W. D. Davies, *Setting*, p. 165 makes the suggestion that the greater strictness of the Law's demands in the future reflected in the second contradictory opinion testifies to the possibility of a change in the Torah. However, though the statement does refer to an increased strictness in marital relations such are not regulated on the whole by statutes in the Old Testament, and it is God's presence, not Torah, which alters the situation here. It should be noted that some Jewish scholars are doubtful about the authenticity of these and related passages in the Midrash (cf. Davies, *op. cit.*, 164, n. 1).

<sup>4</sup> Against J. Bonsirven, *Le Judaïsme palastinien* (Paris, 1934–35), I, p. 453, n. 9.

<sup>5</sup> Against W. D. Davies, *Setting*, p. 170 and H. J. Schoeps, "ΧΡΙΣΤΟΣ ΤΕΛΟΣ ΝΟΜΟΥ", *Aus frühchristlicher Zeit: religionsgeschichtliche Untersuchungen* (Tübingen, 1950), p. 223. On b. Nid. 61b see also H. Silver, *A History of Messianic Speculation in Israel* (New York, 1927), p. 9; J. Jocz, *The Jewish People and Jesus Christ* (London, 1949), p. 155; R. N. Longenecker, *Paul*, pp. 130–31. W. Bächer, *Die Agada der babylonischen Amoräer* (Strassburg, 1967), p. 105, n. 23, however, limited this abrogation to the ceremonial commandments alone.

there was desolation, two thousand years the Torah flourished; and the next two thousand years is the Messianic era . . .". However, such schematizations, which are typically third century in outlook and not relevant for earlier periods, are aimed at fixing the date of the Messiah rather than limiting the validity of Torah.<sup>1</sup>

Thus the view that within the framework of a doctrine of the immutability of Torah expectations of its partial modification or abrogation are occasionally to be found, exceeds the evidence adduced in its support.

#### IV

We turn next to those passages in which, it has been alleged, a new Torah is explicitly indicated. Just as we commenced the previous set of texts with an examination of the future activity of Elijah and its possible connection with changes in Torah, so it is necessary here to enquire into the hope surrounding the return of Moses, or of a figure like him, and their bearing on the question of a new Torah. There is reference to a return of Moses in several rabbinic passages. These state that his death and burial in the wilderness took place so that in the future he might lead that generation into the promised land. All these, however, are later than the first century A.D. The earliest is probably Sif. Dt. 33.21 which is said to come from the school of R. Ishmael (120–140 A.D.) though the Midrash is not dated until the seventh century or later.<sup>2</sup> The return of Moses and Elijah together is mentioned in Dt. R. 3:17. Despite the later redaction of the Midrash it has been suggested that since the tradition is presented by Johanan ben Zakkai it is most probably early. However, this view has been strongly contested.<sup>3</sup> We must conclude that the idea of a reappearance of Moses at the beginning of the Messianic Kingdom is a later innovation.<sup>4</sup> Moreover, in none of these passages is his supposed return associated with any legislative activity.

<sup>1</sup> Cf. E. Bammel, "Νόμος χριστοῦ", *St. Ev.*, III (1964), p. 122 and H. Freedman, *Sanhedrin* (London, 1939), ch. 11, p. 657, n. 9.

<sup>2</sup> The most comprehensive discussion of these, and other, rabbinic passages is probably that in R. Bloch, "Die Gestalt des Moses in der rabbinischen Tradition", *Moses in Schrift und Überlieferung* (Düsseldorf, 1963), pp. 95–171.

<sup>3</sup> Thus against I. Abrahams, *Studies in Pharisaism and the Gospels* (Cambridge, 1924), II, p. 53; H. J. Schoeps, *Theologie und Geschichte des Judentums* (Tübingen, 1949), p. 96; H. M. Teeple, *Prophet*, p. 45 and T. F. Glasson, *Moses in the Fourth Gospel* (London, 1963), p. 27, n. 2 see J. Jeremias, *TDNT*, IV, p. 855, n. 96; G. H. Boobyer, "St. Mark and the Transfiguration", *JTS*, 41 (1940), p. 130 and J. Gibley, "Prophétisme et attente d'un messie prophète dans l'AT", *L'Attente du Messie* (Paris, 1954), pp. 102–103.

<sup>4</sup> Cf. P. Volz, *Die Eschatologie der jüdischen Gemeinde im neutestamentlichen Zeitalter* (Hildesheim, 1966 ed.), especially p. 195. It is also significant that no account of the assumption of Moses occurs in the apocalyptic work of that name. The earliest references appear to be post-Christian (2 Esd. 14:9; 2 Bar. 59:3–4), but rabbinic sources indicate that alongside it the biblical view also prevailed. See the discussion in H. M. Teeple, *Prophet*, pp. 41–43.

A further group of passages speak not of a return of Moses but of a figure who possesses Mosaic characteristics. In this connexion, references to the prediction in Dt. 18:15-18 of a "prophet like Moses" are first to be considered. It is rather surprising to find only three occurrences of this prophecy in the rabbinic literature, each of which relates the promise to one of the past prophets (Pesik. 112a; Sif. Dt. 18:15, 16).<sup>1</sup> In 1 Macc. 4:46 and 14:41 mention is made of the expectation of "a (faithful) prophet".<sup>2</sup> Even if Dt. 18:15-18 lies behind the passage, something that is by no means certain due to the general nature of the prediction, it is more likely that it does so only in the sense of prophesying the coming of a figure who, like Moses, will stand as a representative between God and the people, not in terms of any detailed similarity with the actual role of Moses. In fact, his task does not appear to be that of giving new legislation in an eschatological context, but of settling certain disputed points not covered by Torah.<sup>3</sup>

On the basis of CDC 6:8 f., and certain other passages, it has been maintained that the Teacher of Righteousness is also described in terms of Dt. 18:15-18.<sup>4</sup> Whether this is so or not, CDC 1:10-12 suggests that his task is that of setting out instructions for the life of the community rather than making alterations in the Mosaic Law or giving utterance to new Torah. CDC 6:14 implies that these were to be regarded as an interim-ethic, valid only until the dawn of the Messianic era.<sup>5</sup> A fragment of the Testimonies Scroll cites Dt. 18:15-18 in connexion with the further figure - the Prophet to come - and from 1 QS 6:14 it has been inferred that he also engages in legislative activity. Again it must be stressed that

<sup>1</sup> Cf. also Philo De Spec. Leg., I, 65. A further parallel in Ass.Mos. 10:15, despite R. H. Charles, *Pseudepigrapha*, II, p. 412, is uncertain, as J. Jeremias, *TDNT*, IV, p. 857, n. 114 points out. Test.Lev. 8:14 f. cannot credibly be derived from Dt. 18:15-18, as some have surmised.

<sup>2</sup> The similar reference in Test. Benj. 9:2 sometimes alluded to in this connection, is probably a christian interpolation. Cf. R. H. Charles, *Pseudepigrapha*, II, p. 358 against R. E. Brown, "The Messianism of Qumran", *CBQ* 19 (1957), p. 59, n. 35.

<sup>3</sup> So P. Volz, *Eschatologie*, pp. 193-94; J. Gible, "Prophétisme", p. 105 and W. D. Davies, *Setting*, pp. 143-45. A stronger link with Dt. 18:15-18 is insisted upon by R. Schnackenburg, "Die Erwartung des 'Propheten' nach dem NT und dem Qumran-Texten", *St. Ev.* I (1959), pp. 631-32 and F. Gils, *Jésus, Prophète d'après les Évangiles Synoptiques* (Louvain, 1957), pp. 30-31. However, if any figure is to be associated with the expectation of the prophet it is more likely to be Elijah, especially in view of the Torah ministry later connected with his return. Cf. J. Klausner, *The Messianic Idea in Israel* (London, 1960), p. 260.

<sup>4</sup> See, apart from the writings of Jeremias, Gils, Schoeps and Gible already mentioned, especially N. Wieder, "The Law-Interpreter" of the Sect of the DSS: A Second Moses", *JJS*, 4 (1953), pp. 158-75; G. Vermès, "Die Gestalt des Moses an der Wende der beiden Testamente", *Moses in Schrift und Überlieferung*, pp. 85 f. and O. Betz, *Offenbarung und Schriftforschung in der Qumransekte* (Tübingen, 1960), pp. 62 f. Other titles and descriptions are applied to both Moses and the Teacher - e.g. 'star', 'vessel', 'craftsman' - but since these were applied to other figures as well they are less relevant here. Cf. J. Morgenstern, *Some Significant Antecedents of Christianity* (Leiden, 1966), pp. 1 ff.

<sup>5</sup> In view of this, the translation "lawgiver" in these passages is better rendered "searcher of the law" (Ch. Rabin, *The Zadokite Documents* (Oxford, 1958, p. 22) or "law-interpreter" (N. Wieder, *JJS*, 4 (1953), p. 159).

it is only the Rule of the community, not at all the Mosaic Law, which is involved. It should be noted here that the identification of these two figures, despite some support, is highly questionable, as is the attaching of any Messianic significance to their activity.<sup>1</sup> Moreover, despite the appearance of some Mosaic traits in the Teacher, and the reference of the Deuteronomic passage to the prophet, if any one figure is to be associated with either it would again seem to be that of Elijah, especially in view of his dual role as preparer for the Messianic era and interpreter of uncertain aspects of the Law.

Samaritan expectations, centred around the coming of the Ta'eb, appear to have awaited a figure with similarities to Moses. In fact, Dt. 18:15-18 seems to form the basis of their eschatological speculation and was even regarded by them as the tenth commandment.<sup>2</sup> In view of their recognition of the Pentateuch alone this is scarcely surprising, and it is precisely this limitation which advises caution in arguing for a corresponding concept in orthodox Jewish thought at the same time, quite apart from the lateness of the sources which refer to this expectation. In any case, the Samaritans did not look for the Ta'eb to bring a new Law or make alterations in the old, but principally to instruct non-Samaritans in the existing Torah.<sup>3</sup>

In the New Testament several passages reflect popular expectations of a coming prophet (Mk. 6:15; 8:28; Mt. 11:9, 14; 17:12; Jn. 1:21, 25; 6:14; 7:40). The variety of figures put forward in these texts shows just how little uniformity there was in the popular hope and it is apparent that even if Dt. 18:15-18 played some part in the expectation, it was by no means the dominant category. The figure of Elijah is once again prominent.<sup>4</sup> It has also been claimed that the revolutionary prophets mentioned in Jos. Ant.

<sup>1</sup> Consult the detailed discussion in H. Braun, *Qumran und das NT* (Tübingen, 1966), I, pp. 149-50; II, pp. 67-68. The suggestion of W. D. Davies, *Setting*, pp. 149-50 that the future "making new" in 1 QS 4:18-26 included refashioning of the Law is highly conjectural.

<sup>2</sup> See M. Gaster, *The Samaritans* (London, 1925), p. 91; W. A. Meeke, *The Prophet-King* (Leiden, 1967), pp. 205 f.

<sup>3</sup> It is extremely doubtful whether the term "Messiah" should be ascribed to the Ta'eb expectation. Against S. Mowinckel, *He That Cometh* (Oxford, 1956), p. 293; J. Jeremias, *TDNT*, IV, p. 858 and H. M. Teeple, *Prophet*, p. 108, it must be noted that the term is never applied to him in the Samaritan writings. Since his function is only one of restoration, and he possesses no royal lineage, the description is probably inappropriate. Cf. J. MacDonald, *The Theology of the Samaritans* (London, 1964), p. 361. Indeed his inferiority to Moses has been emphasised by J. E. H. Thompson, *The Samaritans* (London, 1919), pp. 194-95 and A. Merx, *Der Messias oder Ta'eb der Samaritaner* (1909), p. 43. The description in Jn. 4:25, therefore, has its basis in christian terminology. Cf. P. Volz, *Eschatologie*, p. 200.

<sup>4</sup> See further E. Fascher, *ΠΡΟΦΗΤΗΣ* (Giessen, 1927), p. 208; R. Meyer, *Der Prophet aus Galiläa* (Leipzig, 1940), p. 98 and R. E. Brown, *The Gospel According to John* (New York, 1966), pp. 234-35 and note on 1:27. For all these passages but Jn. 6:14 it is generally agreed that a Messianic identification of the prophet is out of the question. This is true for Jn. 6:14 as well, see W. Baldensperger, *Das Selbstbewusstsein Jesu* (Strassburg, 1888), 114-15; R. Bultmann, *Das Johannesevangelium* (Göttingen, 1950), p. 61; J. H. Bernard, *The Gospel According to St. John* (Edinburgh, 1942), I, p. 37; H. Strathmann, *Das Evangelium nach Johannes* (Göttingen, 1955), p. 114.

XX, 97-99; 167-172; War II, 261 (cf. Ant. XX, 188; War VII, 438; Acts 21:38) held both Mosaic and Messianic pretensions. It is more likely, however, that parallels with Elijah and Elisha (for Theodos), and Joshua (for the prophet from Egypt) lie behind their activities. If Dt. 18:15-18 does, at least in part, lie behind such expectations, it cannot be said to involve any notion of lawgiving.<sup>1</sup>

There remain certain other passages which allegedly depict the Messiah as a second Moses even though there is no reference to Deuteronomy 18. These have as their basis the doctrine that the deliverance from Egypt is a type of Messianic redemption. While the two periods are typologically linked in the Old Testament, Apocrypha and Pseudepigrapha, no reference is made in these works to the later rabbinic principle "as the first redeemer (Moses), so the final redeemer (Messiah)". It has been suggested that earlier traces of this idea can be detected in the deliberate echoes of Mosaic times in the Qumran writings (CDC 1:7 f.; 4:3; 6:5; 8:14 f. *et al.*), the desert prophets mentioned by Josephus (*supra*) and certain other passages in the New Testament (Mk. 1:4 f.; Mt. 24:23 f.; Acts 21:38). However, the association with the wilderness is based less on the past appearance of Moses or the expected appearance of the Mosaic Messiah than on the fulfilment of prophetic pronouncements as to the place of the eschatological drama. There is also the strong possibility that quite other considerations, such as secrecy and convenience, played their part in the locations chosen.<sup>2</sup> In addition, the rabbinic examples are not only late but are scarcely representative.<sup>3</sup>

We must conclude, then, that there is no evidence for pre-Christian speculation on the return of Moses, or of a figure fashioned in his likeness and given his functions. Where the expectation of a "prophet like Moses" does occur the emphasis is laid more on God's action in raising up a prophetic spokesman than on any specific similarity to the ministry of

<sup>1</sup> Cf. E. Meyer, *Ursprung und Anfänge des Christentums* (Stuttgart, 1925), II, pp. 402-405 and O. Betz, *Offenbarung*, pp. 99-109 against W. Staerk, *Soter* (Gütersloh, 1933), I, p. 66; J. Jeremias, *TDNT*, IV, p. 859; G. Vermès, "Moses", p. 85; U. Mauser, *Christ in the Wilderness* (London, 1963), pp. 56-57. Messianic designations are denied these prophets by F. J. Foakes-Jackson and K. Lake, *BC*, IV, p. 276 and R. Schnackenburg, *St. Ev.*, I (1959), p. 628.

<sup>2</sup> For John the Baptist see C. C. McCown, "The Scene of John's Ministry . . .", *JBL*, 59 (1940), p. 130 and for Josephus especially F. J. Foakes-Jackson and K. Lake, *BC*, IV, p. 277. The contrary view is put by J. Jeremias, *TDNT*, IV, pp. 861-62 and H. M. Teeple, *Prophet*, p. 113.

<sup>3</sup> See Qoh.R.1:9 in the name of R. Jic̄haq II (c. 300). The parallel in Midrash Samuel 14:9 ascribes it to R. Levi (cf. Num.R.11:2 and Ruth R.5:6) who is to be dated about the same time. The theme is developed in a number of detailed comparisons between Moses and the Messiah elsewhere. See further R. Bloch, "Moses", pp. 159-64. The reference in Tanchuma *egeb* 7b, ascribed to R. Akiba, which is claimed by Jeremias and Teeple (*supra*) to be the earliest occurrence, is a comparison with Mosaic times not Moses himself, and the scriptural reference is to Job 30:4 not Dt. 8:3 as in the later examples. Moreover, R. Akiba seems to have thought of the Messiah in Davidic rather than Mosaic terms. In any case his view is immediately contradicted. Again it must be emphasised that, in all these examples, reference to a new Law is nowhere in view.

Moses himself. This is, in fact, the purport of both Hebrew and Greek renditions of the passage from Deuteronomy, a point that is often overlooked in this whole discussion.<sup>1</sup> It has been too readily assumed that Moses is predicting the future appearance of an alter ego. In the later references, as we have seen, whatever Mosaic characteristics may be present, the dominant type seems rather to have been Elijah. Certainly Messianic identifications cannot be sustained for in our period those seem first to have taken place in Christian exegesis.<sup>2</sup> In no single instance is any legislative activity *vis-à-vis* the Mosaic Law associated with these expectations. Indeed in Dt. R. 8:6, whether it be a case of anti-Christian polemic or not, such activity is expressly prohibited. "Moses said to them: So that you may not say 'another Moses will rise and bring us another Torah from heaven', I have long made known to you: the Torah is not (any longer) in heaven". The Messiah when he comes will rather be the great teacher of Torah.<sup>3</sup>

## V

Quite apart from the expectation surrounding Moses there are four other places in which the idea of a "new Law" is said to be present. Tg. Jn. on Is. 12:3, based on first century traditions, states that in the Messianic time "ye shall receive 'ulpan *ha-dat* with joy from the *mabhire šaddiqayya*'. D. Daube, equating 'ulpan with *torah*, understands from this that Israel will be given a better Law, a new and final revelation. *mabhire šaddiqayya*' must, however, refer to a group rather than a single individual, and in this case it becomes difficult to see how 'ulpan could refer to new Torah.<sup>4</sup> Qoh. R. 11:8 maintains that "the *torah* which a man learns in this world is vanity compared with the *torato shel Mashiah*". The similar, and earlier, saying in Qoh. R. 2:1 (in the name of R. Simon b. Zabdai c. 300 A.D.) makes it clear, however, that it is not Torah itself which will be subject to change, but man's study and knowledge of it.<sup>5</sup> In Lev. R. 13:3 R. Abin b. Kahana

<sup>1</sup> As well as the commentaries on Deuteronomy of S. R. Driver, G. A. Smith, H. Wheeler Robinson and J. Reider *ad loc*, see also H. J. Cadbury, *BC*, I, 5, p. 372, n. 2 and F. F. Bruce, *The Acts of the Apostles* (London, 1952), p. 113.

<sup>2</sup> Even so the emphasis is upon the raising up of a prophetic spokesman as such, not on any particular likeness to Moses. See further F. Hahn, *Christologische Hoheitstitel* (Göttingen, 1963), pp. 353-54. Cf. also W. A. Meeks, *Prophet-King*, p. 29 who nevertheless places too much weight on the importance of Moses with respect to the expectation of a prophet and O. Cullman, *The Christology of the New Testament* (London, 1959), p. 23 who, however, admits the fusion of the two at some points in the New Testament. H. M. Teeple, *Prophet*, pp. 102 f. also recognizes the distinction but confuses the issue by referring to a "Prophet-King Messiah" when the latter is rather to be regarded as a "Prophet-King" *in lieu* of the Messiah.

<sup>3</sup> See especially P. Seidelin, "Der Ebed Jahwe und die Messiasgestalt im Jesajatargum," *ZNTW*, 35 (1936), pp. 194 ff. and the passages cited by W. Gutbrod, *TDNT*, IV, p. 1057.

<sup>4</sup> W. D. Davies, *Setting*, p. 174 admits that what is meant by the plural is not clear. But see D. Daube, "ἑξουσία in Mark 1.22 and 27", *JTS*, 39 (1938), p. 55.

<sup>5</sup> Cf. A. Cohen, *Midrash Rabbah: Ecclesiastes*, p. 51.

(fourth century A.D.) provides a solution to the problem raised by the illegal procedure involved in the slaying of Behemoth by Leviathan in the Messianic Age by quoting Is. 51:4 "(new) instruction shall go forth from me" (only some MSS read "new"). Quite apart from the variation in the manuscripts, it would be more in line with rabbinic processes to think here in terms of a new interpretation of the Law by which the contradiction will be abolished.<sup>1</sup> A more fundamental passage is Yalkut on Is. 26:2 which states that "God will sit and expound *torah hadashah* which he will, one day, give by the Messiah's hand". It is, however, grammatically possible to interpret the phrase *ta'ame torah hadashah* if it read *ta'ame torah hadashim* i.e., "new grounds of Torah". Moreover, the compilation to which it belongs is extremely late, not earlier than the thirteenth century. It is doubtful, therefore, whether the passage is sufficiently early to warrant serious attention.<sup>2</sup>

In this discussion we have observed the basis for the view that the Law is eternal in the priestly writings of the Old Testament. The prophets also spoke of the permanence of Torah but in different terms, laying greater stress on the presence of prophetic revelation, within which the Mosaic Law was encompassed, in the days to come. With only one exception, however, the inter-testamentary writings, including for the first time the wisdom literature, spoke only of the traditional Law in this fashion and this was further elaborated upon in later rabbinic teaching. On investigation, no adequate basis was found for the view that within the framework of a doctrine of the immutability of Torah occasional expectations of its modification or partial abrogation were to be found. Such alterations as were to take place only enhanced its authority and indicated that in the future it would be understood more accurately and observed more closely.

It would be unwarranted to infer from the presence of an untypical opinion to the contrary (viz. Midr. Tehillim on Ps. 146:7) or from the occasional anti-Christian polemical utterance on the subject (e.g. Dt. R. 8:6) that there was a more widely-held minority belief in the coming of a new Torah within pre-Jamnian Judaism. So far as the first is concerned, the

<sup>1</sup> Thus J. Israelstam, *Midrash Rabbah: Leviticus*, p. 167 against K. Köhler, *JE*, V, p. 216; H. J. Schoeps, *Paul*, p. 172, n. 4 and W. D. Davies, *Setting*, p. 167. See also the similar ideas mentioned in the passage Tg.Cant. 5:10 W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur* (Leipzig, 1965), I, p. 56; II, p. 64 claims that *hadash* and *hadosh*, in both Tannaitic and Amoraean periods, were technical terms for the outlining of a new halakah as a legitimate interpretation of Torah.

<sup>2</sup> On the grammatical point see Gesenius-Kautsch, p. 492 comparing 1 Sam 2:4; 1 Kngs. 1:41; Is. 2:11 *et al.* That a new Torah is implied here is the view of G. Friedländer, *The Jewish Sources of the Sermon on the Mount* (London, 1911), p. 57; K. Köhler, *JE*, V, p. 216; H. J. Schoeps, *Zeit*, p. 224, n. 4; H. M. Teeple, *Prophet*, p. 26 and W. D. Davies, *Setting*, p. 177. The references in Sib.Or. 3:373-74 and 3:757-58 which do seem to advocate a new Torah owe too much to the Greek ideal of a universal law of nature to be relevant here. The passages in Justin Martyr referring to Is. 51:4-5 and Jer. 31:31 ff. ought not to be regarded as evidence for the attitude of contemporary Judaism to the question (see Just.Dial. 11:4; 13:3; 18:3).

eneration with which the Law was held within all Jewish groups during this period, however differently this may have been expressed, and the centrality it possessed in their outlook and conduct, including their views on the future, makes any such possibility extremely unlikely.<sup>1</sup> With respect to the second, it is highly improbable, despite recent suggestions to the contrary, that the earliest Christian writers, notably Matthew, thought in terms of Jesus as the new Lawgiver at all.<sup>2</sup> In addition to these factors, when in the later centuries flexibility was once again allowed to rabbinic eschatological speculations, no such view of Torah re-emerged. Had it done so, the possibility of its temporary suppression due to the ascendancy of rabbinic elements opposed to apocalyptic speculation would carry more weight, but this is not the case.

It is for this reason that the very circumstantial case built up by W. D. Davies for the presence of such a belief in the earlier period, relying as it does almost entirely on his interpretation of the later rabbinic speculations, loses most of its plausibility when a different construction is placed upon them. Thus against those who claim that the idea of a new Torah was widely held in rabbinic literature or that there were at least elements in Judaism which thought in such terms, it must be insisted that all such passages belong to a considerably later period than the first century A.D. and that insofar as more is meant than a new interpretation of the old Torah one cannot speak of such an expectation in the later period either.<sup>3</sup>

<sup>1</sup> See G. F. Moore, *Judaism in the First Centuries of the Christian Era* (Cambridge, Mass., 1932), I, p. 273.

<sup>2</sup> See further, R. Banks, *Jesus and the Law in the Synoptic Tradition* (Diss: Cambridge, 1969), pp. 231-96. There is, in any case, a difficulty with this line of reasoning reluctantly acknowledged by Davies himself. Having hesitantly agreed with the thesis of J. Klausner, *Messianic Idea*, pp. 466-69 that the New Torah doctrine arose when relations between Church and Synagogue had become less antagonistic and speculation along similar lines less unthinkable, he admits that he is "not quite sure that he (i.e. Klausner) is correct in thinking that it would be easier for later Judaism to contemplate a New Torah than it would have been for first-century Judaism. The antipathy to Christianity had become greater, not less". He sidesteps the problem raised by such an admission by proposing that "the concept of a new Torah might perhaps have been indigenous and not merely the result of Christian influences". In distinction from Davies, Klausner, of course, argued that it was *only* in the later post-apostolic period that belief in a new Torah arose.

<sup>3</sup> For similar judgements based on a less comprehensive survey of the material, see E. Bammel, *St. Ev.*, III (1964), p. 123 and G. Barth, "Law", pp. 154-56.