

"Save the Adulteress!"

Ancient Jewish Responsa in the Gospels?

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The gospel story of the Woman caught in Adultery, has captured the hearts of many listeners (John 7:53-8:11) because it stirs up strong feelings of compassion for a human being in a vulnerable situation, even a woman who has betrayed her marriage vow and committed a serious wrong. The love, acceptance and forgiveness of Jesus as well as his profound wisdom as a respected teacher comes out of the episode. Jesus answers a question that solves a very severe problem. These elements of the dramatic scene from the life of Jesus are clear. The Jewish people in the story however, are viewed as antagonists who want Jesus to die. Is this the only possible interpretation of the Pharisees' role in the episode?

In reality the setting and the background that are usually assumed for the story rest for the most part upon one verse. The traditional interpretation of the story is based largely upon the first part of verse six, "This they said to test him, that they might have some charge to bring against him..." (John 8:6a). David Flusser has called my attention to very significant evidence regarding the text.¹ He has questioned the verse's authenticity on the basis of internal considerations. Flusser has suggested that it is a gloss, partly based on its similarity to Lk. 6:7 and Mt. 22:15, and partly on the fact that the style of the verse does not fit the rest of the passage. Moreover, Ulrich Becker in a fine extensive study of the entire text observes that the verse is missing in some manuscripts or appears in a different position in others. These facts may result in a quite different interpretation of the entire gospel episode.

Would the story have a different meaning without John 8:6a? Here we will explore the possibility that this verse was added later to the story by a scribe who had in view the events surrounding Jesus' trial and passion.² Since the scribe read the end of Jesus' life, he projected his knowledge of the trial into an earlier gospel pericope attempting to explain some of the motivations behind the actions of the Pharisees.³ When the episode is studied without the editorial addition, an entirely different setting in life is created. Perhaps the Pharisees wanted to save the adulteress. Is it even possible to think that they sought help from Jesus?

John 8:6a and its Textual Transmission

The textual transmission of John 8:6a has been the subject of intense scholarly debate. In 1907 Hans Lietzmann argued that John 8:6a was an interpolation.⁴ In fact, the twenty-fifth edition of the Nestle-Aland text enclosed the verse in single brackets. The editors of the critical editions of the Greek text view such verses in single brackets as having, "only a dubious claim to authenticity as part of the original text of the New Testament writings."⁵ In the twenty-sixth edition of the Nestle-Aland Greek New Testament, however, the brackets were removed. On the other hand, Becker tended to support Lietzmann's earlier conclusion that

the text is an interpolation. Some of the greatest textual critics have strongly disagreed about the authenticity of John 8:6a.⁶ Codex Beza, Codex M, and the minuscules 264 and 1071 all place John 8:6a in a different position in the story. In Beza and 1071 the sentence (with slightly different wording) appears in verse 4, while in M and 264 it is found after verse 11.⁷

Although Kurt and Barbara Aland apparently believe the verse is an original part of the pericope, they have observed "two reliable principles" of textual examination which call the verse into question:

(1) when the text of the New Testament has been tampered with in its transmission, the readings scatter like a flock of chickens attacked by a hawk, or even by a dog; and (2) every reading ever occurring in the New Testament textual tradition is stubbornly preserved, even if the result is nonsense.⁸

John 8:6a seems to be a very fine example of the chicken principle. In fact, one observant farmer who raises chickens graphically described the way they tend to move about in groups. He said, "If one chicken runs across the barnyard with a potato peel in his mouth, all the others will chase after him." The scattering effect in the position of 8:6a among the manuscripts is probably due to the fact that the story circulated originally without verse 6a.

The combination of Beza (D), Codex M, 1071 and 264 is of major import. After all, it is generally recognized that, "The evidence of D carries special weight when it is in agreement with other important witnesses."⁹ While Codex M, 1071 and 264 are not as important as some other manuscripts, the entire picture portrayed by the combination of all these witnesses should not be discounted lightly. This state of affairs strongly suggests a serious problem with John 8:6a. The editors of the twenty fifth edition of Nestle-Aland text possessed good reasons for inserting the text in single square brackets which now sadly have been deleted by the later twenty sixth edition. In fact the verse should probably be placed in double brackets or relegated to the critical apparatus.

The addition of the verse in John 8:6 interrupts the entire flow of the passage by inserting a distracting aside. The wording of the verse recalls another episode in John when it is Jesus himself who tests his disciples, "This he [Jesus] said to test (perazon) him [Philip]..." (6:6). There is also an echo of Mt. 22:15, "Then the Pharisees went and took counsel how to entangle him in his talk." Luke 6:7 mentions that the scribes and Pharisees watched Jesus, "...so that they might find an accusation against him (kategorein autou)." In John 8:6a, both peirzontes ("to test") and kategorein autou ("to find accusation against him") appear, which betray the hand of a later scribe who desired to emphasize his understanding of the evil intent of the Pharisees who brought the woman caught in adultery to Jesus. The later revisor desired to point the reader in the direction of the passion week. In his mind, all the Pharisees set out to trap Jesus.

The textual history of John 7:53-8:11 as a whole is notoriously complex. Too many pieces of the puzzle are missing. Here we will suggest six stages that provide an outline of its transmission. Admittedly, some the steps are conjectural, being based upon minimal evidence. However three aspects of this history have strong support. First, 7:53-8:11 did not originate as a part of John's gospel. Second, John 8:6a is an even later addition to the text. Third, in its original form the entire episode represents a realistic story that can be counted among the very best sources available for the life and teachings of Jesus.

Six Stages of "Save the Adulteress!"

Stage 1. In phase one, the story circulated without verse 6a and originally portrayed a realistic view of the

Pharisees which would be misunderstood by most subsequent readers.

Stage 2. In phase two, the story became popular enough to be inserted into one or more manuscripts of the text of John (after 7:52, 7:36, 7:44, or 21:25).¹⁰

Stage 3. Verse 6a was placed into the story in one or more manuscripts of John, by a scribe who revised the text in order to emphasize his understanding of the evil intention of the Pharisees. This later scribe was influenced by such passages as Luke 6:7, John 6:6 and Matthew 22:15 as a foundation for his revision.

Stage 4. The growing manuscript tradition therefore generated copies of John that lack 7:53-8:11 entirely, copies that contained the story without 8:6a, still other copies that contained the story including 8:6a.

Stage 5. Confusion arose over the position of John 8:6a (the gloss was placed in verses 4, 6, and 11 of John 8) because the interpolation obviously broke the continuity of the episode and because other texts omitted the verse.

Stage 6. John 8:6a achieves a permanent place in the gospel tradition. It is stubbornly preserved, and no scribe would dare remove it.

To what extent should the story of the woman caught in the act of adultery be considered as belonging among the better witnesses for Jesus' life? Bruce Metzger probably represents many scholars, if not the consensus, when he observes, "...the account has all the earmarks of historical veracity."¹¹ With the meager evidence readily available, however, this question is difficult to answer with absolute certainty. A major issue pertaining to the "historical veracity" of the story revolves around the portrayal of the Pharisees.¹² While this critical aspect of the story will be treated more extensively later, at this point it is worthwhile to note some elements from the text which have made scholars view it as being derived from the better sources for the life of Jesus.

First a form of the episode is attested in early patristic witnesses. Already Papias is quoted as referring to an early tradition which, "...expounded another story about a woman who was accused before the Lord of many sins, which the Gospel according to the Hebrews contains."¹³ Here Papias may be referring to a version of John 7:53-8:11 or a similar tradition where a woman was accused of many sins. Nonetheless some form of a story describing an accused woman who was defended by Jesus is known to be circulating in the Gospel of the Hebrews during the time of Papias. Secondly, scholars have found some agreement between elements in the narrative and expected Jewish custom. For example, the accuser is the first to throw the stone.¹⁴ Finally in my opinion, the wording of the entire text betrays Semitic influence though evidence of editorial work in Greek is also seen.¹⁵

Some questions will persist in an examination of the textual history of the story, but three aspects of the tradition should be considered very carefully. Although the pericope was not written by the author(s) of John's gospel, it seems to be from an ancient and reliable source. C.K. Barrett summarizes the available information concerning Johannine authorship, "It is certain that this narrative is not an original part of the gospel [of John]. Its textual history...is decisive on this score."¹⁶ ¹⁸ Furthermore, stage one of this hypothetical six-phase history of the text, which suggests that the story originally circulated without verse 6a, possesses great significance for a more realistic picture of Jesus' relationship with the Pharisees. On the other hand, once the interpolation was introduced into the text, it persisted as a powerful motif which not

only explained for the reader why the Pharisees questioned Jesus but also contained an allusion to the passion.^{17 19}

As a result, no one would dare remove the verse from the manuscripts. Once such a mistake entered the manuscript tradition, it is quite understandable how it would have been copied into many later versions. Some scribes probably sensed that it was out of place and changed its position within the text. Sometimes it was inserted into verse 4 and in other manuscripts it was positioned nearer to the end of the story in verse 11. The end result is that few interpreters have been able to read the story of the adulteress without the thought of John 8:6a influencing their analysis of the account.

History and Kerygma

The picture of the Pharisees which is portrayed by the addition of 8:6a is an unrealistic and grotesque characterization. They play an exaggerated role as the enemies of Jesus rather than as genuine human beings. As the story has usually been read, the Pharisees are anxious to use the death penalty against the adulteress. They bring the adulteress before Jesus. The evidence against her is irrefutable because she has been caught in the act. No one questions her guilt. The traditional approach has emphasized the willingness and the strong desire of the Pharisees to give her the penalty of death. Their plan is to accuse Jesus.

This description fuels the perception of a bloodthirsty and corrupt judicial system with the Pharisees acting as a lynch mob. The male party involved in the sin is not accused here. The Pharisees are anxious to stone the wicked adulteress. But in their zeal for blood, they recognize another opportunity. Jesus the troublemaker from Galilee is in town. He is known for his compassionate heart. If it is possible to trap him, perhaps two can be executed at the same time. The lynch mob approach to the story is pervasive in Christian preaching. The Pharisees literally desire to kill not one but two. From a traditional approach, the stress is placed on Jesus. He is in danger from the Pharisees. Above all, they want to kill him. Yet this traditional reading of the story of the adulteress seems in conflict with what is known about Pharisaic attitudes and practices both from non-Christian sources such as Josephus or rabbinic literature as well as from a New Testament source such as Luke-Acts. No Pharisee would desire to stone a rabbi for taking a lenient position on the issue of capital punishment. If one follows the traditional understanding of the meaning of John 7:53-8:11, the historicity of the entire story must finally be questioned, since it would amount to a portrayal of the Pharisees that would be quite unsupported by the best historical information about them and obviously would be better explained as a story contrived for the purposes of Christian anti-Pharisee polemic.

In Luke 13:31, the Pharisees warn Jesus that Herod Antipas desired to kill him.^{18 20} The Pharisees seek to save his life from the Roman puppet ruler who inherited his fiefdom from his father Herod the Great.^{19 21} Like his father, Herod Antipas maintained a strong control over his territory. He had executed John the Baptist and was now planning to kill Jesus. The Pharisees came to Jesus and warned him. They did not want to see Jesus killed. Jesus was in danger of being Herod's next victim. Unlike the Pharisees in the episode of the adulteress, in Acts the Pharisees in Judea are also less opposed to Jesus' movement than are the Sadducees. At least in Acts, Gamaliel, the grandson of Hillel and the reputed teacher of Paul, argued strongly for the defense of Peter and John. As a leader of the Pharisees, he saved the lives of the apostles (Acts 5:34f.).^{20 22} In doing this, he may have risked his own well-being to argue against the wishes of Rome. Certainly it is true that the Roman officials as well as some of their supporters among the Sadducean priests viewed the apostles as a danger to political stability but the Pharisees were not a part of this. The destruction of Jerusalem in 70 C.E. reveals that the eminence of such a threat from Imperial Rome was not without foundation. These descriptions from Luke-Acts fit the historical situation.

Josephus tells us that the Pharisees did not want to use the death penalty.²³ In fact, it is about this time that Johanan ben Zachai canceled the use of the bitter waters which were employed to test a suspected adulteress.²⁴ If she became sick after drinking the water, she was considered guilty. If not, she was acquitted of the charges. Johanan ben Zachai's decision represented a strong trend which was based upon the high view of every human being in the thought of the Pharisees. In all events, the historical sources indicate that the Pharisees were very reluctant to use capital punishment. In fact active efforts were made to restrict or prevent capital punishment. They believed that every individual was created in the image of God. They were very lenient in their judicial proceedings even against criminals accused of serious crimes. Already in the sayings of the fathers, Simeon ben Shetach says that all witnesses must be carefully examined to make certain that no false testimony be admitted as evidence (Abot 1:8-9).

The historical picture of the Pharisees is quite different from the image portrayed in the preaching of the church. The Christian kerygma has tended historically to present a different kind of Pharisee, one who is legalistic, quick to stone the sinner. But in contrast to traditional church teachings, the New Testament itself often portrays a much different picture of the Pharisees.^{21 25} In any case, the traditional picture of the Pharisees in the story of the woman caught in adultery seems to have little support from our best historical sources for the Pharisees. But is there a kernel of truth in this story about the adulteress? Perhaps the problem surrounds the addition of John 8:6a and its prevailing interpretations. When it becomes clear that John 8:6a is an addition to the text, the question of the Pharisees takes on an entirely different meaning. If the event in the life of Jesus is read without verse 6a these historical problems are largely resolved. It turns out that the traditional interpretation is actually based on only one sentence.

Ancient Jewish Responsa in the Gospel?

Once John 8:6a is removed, the episode actually describes a frequent occurrence in Jewish life. When a difficult religious issue arises in the life of the community which affects faith and practice, it was an accepted custom to seek a responsum. Perhaps the story of the adulteress in the gospel tradition originally described an ancient Jewish responsum which was given by Jesus as a dramatic parable in action. Why must we assume that the Pharisees wanted to kill both Jesus and the adulteress? The opposite may well be the case. Perhaps the Pharisees wanted to save her and sought out Jesus for his help in a complex legal problem.

The use of the term "responsa" in this context merits some explanation. Traditionally the responsa literature is considered to be the fruit of a later era. Technically it refers to questions and answers which often were passed on in writing between leading authorities in Jewish jurisprudence.^{22 26} Though the tradition of responsa is seen in the Talmud when sages exchanged questions and answers to problems relating to the halachah, the practice has continued to flourish down to the present time. Some of the manuscript treasures from the famous discoveries in the Cairo Genizah actually contained the responsa of Maimonides with his signature Moshe.^{23 27} The need for responsa was certainly not isolated to later periods of Jewish religious custom.^{24 34} Some such responses to legal issues were probably preserved orally. Certainly one problem was the prohibition against writing a law from the oral tradition, a restriction which persisted in the time of Jesus.^{25 28} Now the Dead Sea Scrolls give evidence that epistles with a halachic message were sent to religious leaders in the Hebrew epistle 4QMMT, Miktzat Maase Torah, "A Summary of the Works of Torah."²⁹

In the days of Hillel, the talmudic literature describes a crisis in a legal matter concerning whether the work required to observe the Passover took precedence over the Sabbath law. If the Passover happened to fall on the Sabbath, a complex problem emerged. Since this question was not treated in the written law, the Pharisees developed an oral tradition to deal with such issues. These oral teachings interpreted the written law. On the one hand, if one slaughtered the paschal lamb on the Passover, the Sabbath law would be violated. On the other, if one slaughtered the lamb one day before or after the Passover, in order to preserve the sanctity of the Sabbath, the Passover law would be transgressed. A lively debate of the issue is preserved in the Talmud where Hillel discusses the biblical foundation of the problem with the Elders of Bathyra.³⁰ Hillel gives many proofs from the Bible to support his position that the Passover takes precedence over the Sabbath. No one accepted his well argued position until he cited the authority of his learned teachers Shemayah and Avtalyon. When the people learned that the recognized Bible authorities and religious leaders taught this approach in the oral tradition, they accepted Hillel's arguments. The story illustrates the question-and-answer approach in the study of the Oral and Written Torah which is described in historical sources and provides insight into the setting in life. E.E. Urbach notes the significance of the event in the history of Jewish law.

At any rate, in Hillel's times, expositions or exegeses alone were not sufficient; in order to be acceptable, the result of the exposition had to be supported by a tradition from a previous sage to give it authority. On the other hand, however, expositions which allowed flexibility in handing down decisions and in solving real problems, gave authority to their expositors.³¹

Technically speaking, neither the story of the adulteress in John 7:53-8:11 or Hillel and the Elders of Bathyra are examples of what would later be defined under the rubric of responsa literature. However, both stories serve to illustrate the fact that within Jewish tradition questions and answers became a foundation of establishing accepted custom and official jurisprudence. The authority of Hillel was established by his knowledge of the oral tradition and his ability to interpret the Bible. Interestingly, when the boy Jesus is found in the Temple at twelve years of age, he is described as asking questions and giving answers with the learned teachers of the law (Lk. 2:46). In the case of the adulteress, Jesus is asked a question about the Scriptural commandment to stone the person who commits adultery. To be sure, Jesus did not quote other religious authorities or cite the Bible as a proof for his approach. Nonetheless, his answer is very similar to halachic rulings or legal pronouncements from the oral tradition which deal with current issues of religious practice. Seeking answers to questions concerning biblical interpretation is a crucial part of the Jewish religious experience. The method of study involved asking questions and seeking answers.

In reality, this story which describes the Pharisees asking Jesus a valid question relating to the interpretation of the Torah is a good example of ancient Jewish responsa in the first century. Jesus writes in the dirt - but he gives his answer in an oral form which challenged the listeners with the higher purpose of Torah. In fact, the whole episode portrays the oral tradition as a living Torah which is adapted and applied in everyday life situations. Such a view is very close to the Pharisees. In his discussion of the development of the legal proceedings of the halachah, Urbach points out that the oral nature of the law was diversified and flexible.³² In fact, at times the oral tradition does not possess strong scriptural foundation in the written word.

Nowadays people read the wisdom saying of Jesus, "Let him without sin cast the first stone" and they marvel at his ingenious response. But modern readers have been conditioned to agree with Jesus. Steadfast

fundamentalists in regard to a literal interpretation of the written word might not have accepted his reply, because it did not treat the criminality of the woman or deal directly with the required punishment of the offense within the framework of the due process of law. Yet the Pharisees agreed with Jesus. Unlike some literalists who would naturally question such an answer, they accept the ruling of Jesus as the eldest one among them leads the way for the young to follow.

The Oral Torah Hangs by a Hair

The Pharisees were convinced because of their approach to the written and oral Torahs. The oral law often sought the higher intent of the divine revelation.

The Jewish interpretation of the law in the tradition of the Pharisees was not monolithic or legalistic. Sometimes it went well over and beyond the basic meaning of the written text of the Bible. In the Mishnah the early Jewish teachers marvel at the great number of rules which regulate the daily life of Jewry which have little direct support from the written word.

[The rules about] release from vows hover in the air and have nothing to support them; the laws of the Sabbath, the Festival offerings and Sacrilege are as mountains hanging by a hair, for [the teaching] of the Bible [about them] is scanty but the laws are many.³³

The oral tradition was not always supported by the written law. Sometimes all the intricate rules of the oral Torah are like mountains hanging by a hair. They hover in the air with no scriptural foundation. If the Pharisees were looking for a way out, the responsum of Jesus was just what they needed, because Jesus focused attention on the higher significance of Torah. The method is well known in the tradition of the Pharisees and many of their followers in the rabbinic literature. It is just such an approach to the diverse issues of religious faith and practice which made it possible for Jesus to give a response which saved this woman. She could not prove her innocence but the oral law made it possible to search for flexibility in such matters. The solution must come from the proper authority who is able to support his or her legal position with compelling evidence. Just as Hillel solved the problem of the Passover lamb, Jesus resolves a complex issue of Jewish jurisprudence.

This new approach to John 7:53-8:11 is supported by a much more authentic depiction of Jewish life during the first century. The Pharisees had a problem. A woman had been caught in the very act of adultery and the evidence was irrefutable. The Pharisees did not want to execute the woman. But the law of Moses taught that an adulteress should be stoned to death. On the one hand they wanted to obey the law, but on the other, they wanted to save her life. In an effort to accomplish two aims, they sought to find a loophole in the interpretation of the Torah which would guarantee her release or at least a more lenient and just ruling in her case. When they learned that Jesus, a young teacher with innovative ideas and a popular following was in the Temple, they believed that he might be of assistance. As a recognized teacher coming from Galilee, he might possess fresh insight. The Pharisees decided to seek a responsum from Jesus.

Parabolic Action

With his finger, Jesus wrote in the dirt. Many theories have been advanced to suggest what he may have written. Joachim Jeremias as well as Rudolf Schnackenburg have been drawn to the interpretation of the church fathers who thought that he wrote Jer. 17:13, "...those who turn away from thee shall be written in the earth, for they have forsaken the LORD, the fount of living water."³⁵ It was supposed that the words "written in the earth" recall the dramatic scene in the story. Others have suggested that he wrote

commandments of Torah which had been violated by those bringing accusation against the woman. Sometimes the wide speculations concerning what he wrote are clear indicators that the traditional approach to the story possesses strong biases. Perhaps he did not desire to embarrass the ones asking the question and wanted to allow them sufficient time to make a dignified exit. But it would seem that if he wrote a message in the dirt so integral to the resolution of the conflict that the exact words would have been recorded in the narrative. Writing halachah was forbidden. Perhaps the parabolic action signaled the fact that the oral law did not require written proof. In any case, we should focus attention on what the text says rather than inviting unsubstantiated speculations. The action is a parable in the sense that it draws attention to Jesus and creates an atmosphere for serious reflection.

The writing in the dirt in some ways recalls the more dramatic actions of the Hebrew prophets. They would sometimes use object lessons to drive home a point. Handing down a court sentence of stoning was an extremely grave matter which required serious contemplation. With a prophetic gesture, Jesus wrote in the dirt to capture the attention and the careful consideration of his listeners.

When he uttered the famous response, "Let him without sin cast the first stone," every one was hearing the profound wisdom of his message.³⁶ It is doubtful that a lynch mob would be moved by such a remark. But if the Pharisees were searching for a way to save the adulteress, the words of Jesus gave just cause for acquittal. No unworthy witness should participate in fulfilling the death penalty. The higher purpose of the Torah which embodies love for all is not fulfilled in stoning the vulnerable woman. The proper attitude of the crowd is seen in their ready acceptance of the wise counsel of the teacher from Galilee. They leave the scene beginning with the eldest and ending with youngest. The responsum of the young rabbi does not fully satisfy all the issues surrounding proper interpretation and implementation of Torah, but it was an actualization of the true significance of the written law by its oral interpretation and application in life. His reply is enough for the Pharisees, who are quite liberal in their innovative approaches designed to give application of the law in their daily lives.

Jesus and the Pharisees

Perhaps this reading of the gospels will shock some students of the New Testament. However, the strength of this fresh approach rests on a break with the traditional views that dominate and distort so much of the discussion concerning Jesus and the Pharisees. For some, it is unthinkable that the Pharisees would approach Jesus with a question for the proper interpretation of Torah. For others, it will be difficult to imagine that the Pharisees would be so willing to accept Jesus' teaching even though he was quite near to them in their own approach to faith and practice. But when verse 6a is removed from the story, "This they said to test him, that they might have some charge to bring against him," we come nearer to an authentic memory of Jesus among his people. He was a Jewish teacher who lived and taught during the Second Temple Period. His message should never be divorced from this historical setting. Friction emerges between the Pharisees and some of the pious wonder working rabbis like Onias the circle drawer or Hanina ben Dosa, but their position within the context of ancient Judaism is secure.³⁷ Jesus follows in their tradition. However, because of traditional church teachings, it is far more difficult to read a gospel episode without the religious prejudices that have characterized the tragic history of relations between the church and the synagogue. But certainly Jesus had much more in common with the Pharisees than is often admitted by some Christian theologians.

Instead of viewing this beautiful gospel story from the prejudices of the past, it is time to see it in a new light. The Pharisees want to save the adulteress. They turn to Jesus for a responsum. Jesus resolved the

problem by the accepted approach to the oral teachings of Torah. The words of Jesus portray a dramatic answer to an urgent issue, and possess a timeless message of love, forgiveness and acceptance.

Notes

1) I am greatly indebted to David Flusser for his insights into this remarkable episode from the gospel texts. Without him this study would not be possible. I cherish greatly his vast contribution to the study of Christian origins and Jewish thought in late antiquity. In the present case, I was so enthralled by the results of his observations concerning this gospel pericope about the adulteress that I asked him if I could discuss its ramifications widely with other scholars. Prof. Flusser has graciously encouraged me to pursue the study of the pericope and to publish the results but I hope that the present study will not deter him from dealing with the text in the future. In addition to Prof. Flusser, I would like to express appreciation to numerous friends and colleagues who have offered valuable insight into this study but especially to Joseph Frankovic, Mark Hall and the editors of JBLe. 2) The textual issues have been considered in the very important work of Ulrich Becker, Jesus und die Ehebrecherin. Untersuchungen zur Text- und berlieferungsgeschichte von Joh. 7,53-8:11 (Berlin: Verlag Alfred Tpelmann, 1963), pp. 66ff. It has been argued that John 8:6a is an interpolation from John 6:6 or Luke 6:7 (see Becker who mentions such eminent names as A. Harnack, H. Lietzmann, W. Bauer, and M.J. Lagrange who have treated the question and viewed John 8:6a as an addition). One sees some differences between Becker's apparatus and that of K. Aland, Synopsis quattuor Evangeliorum (1964), pp. 325-326; and cf. Rudolf Schnackenburg, The Gospel according to St. John (Crossroad: New York, 1987), vol. 2, 165-166 and 480.

3) On the trial of Jesus, see especially the works of David Flusser collected in his book, Judaism and the Origins of Christianity (Jerusalem: Magnes Press, 1988), pp. 575-609 and cf. my work, Jesus and His Jewish Parables (New Jersey: Paulist Press, 1989), pp. 282-316.

4) See H. Lietzmann, "H. von Sodens Ausgabe des Neuen Testamentes die Perikope von der Ehebrecherin." Zeitschrift fr die neutestamentlich Wissenschaft (1907), p. 46. In opposition to von Soden, Lietzmann rejects verse 6a as an interpolation. "Dass sie eine aus Joh 6, 6 + Luc 6,7 stammende und zu tilgende Interpolation seien, war die communis opinio der neueren Kritiker. Die ussere Bezeugung dieses spteren Eindringens fand man darin, dass D die Worter (vgl. 5) nicht hier, sondern in V. 4, M hinter V. 11 einschoben, 264 sie ganz fortliess (wie ich aus Tischendorf entnehme). Wer die Richtigkeit dieser opinio bezweifelt, der wird es begreiflich machen mssen, dass es gerade diese anderswoher entlehnten, in ihrem Zweck durchsichtigen Worte sind, die so auffllig den Platz wechseln."

5) See Kurt Aland and Barbara Aland, The Text of the New Testament (Grand Rapids: Eerdmans, 1987), p. 227. Many of the differences between the twenty-fifth and the twenty-sixth editions of the Greek New Testament have been noted in the important study by David Holly, Comparative Studies in Recent Greek New Testament Texts (Rome: Biblical Institute Press, 1983).

6) For a discussion of H. von Soden's approach to the earlier form of the text as well as the work of H. Lietzmann who opposed him and the current treatment by U. Becker, see K. Aland, Studien zur berlieferung des Neuen Testaments und seines Textes (Berlin: Walter de Gruyter, 1967) p. 39.

7) See also A. Merk, Novum Testamentum Graece et Latine (Rome: Pontifical Biblical Institute, 1964), p. 338.

8) Kurt Aland and Barbara Aland, The Text of the New Testament (Grand Rapids: Eerdmans, 1987), p. 291.

9) See Kurt Aland and Barbara Aland, "Introduction," Greek-English New Testament (Stuttgart: Deutsche Bibelgesellschaft, 1981), p. 11*. The Alands continue, "When D goes its own way in opposition to them, the motives involved should always be given very careful consideration." Here I would contend that the evidence cannot be construed as Codex Beza going its own way.

10) On the placement of the pericope after Luke 21:38 in nine minuscule manuscripts, see K. Aland, Studien zur berlieferung des Neuen Testaments und seines Textes (Berlin: Walter de Gruyter, 1967), p. 43. In his view, this is probably a later development. Aland points out the wide disagreement among the textual witnesses concerning the position of the story in the gospels (ibid, pp. 44-45). Could the text have originated in Luke or one of his sources? Was it moved to John from Luke? Was it copied to Luke from John? Was the story employed as an independent source by scribes of both Luke and John? These questions are very difficult to answer with certainty. C.K. Barrett has pointed out the similarity of wording between John 7:53-8:11 and the language of Luke-Acts. I tend to think that at one point the story was taken from the sources of Lucan writings which Luke did not originally incorporate into his gospel. The narrative was inserted into John. Later editors believed it belonged to Luke and hence moved it after Luke 21:38. See also C.K. Barrett, The Gospel according to St. John (London: SPCK, 1970), p. 492.

11) Bruce Metzger, A Textual Commentary on the Greek New Testament (London, 1975), p. 220.

12) In fact, the removal of 8:6a completely overturns one (perhaps the) major objection that might otherwise be raised against the historicity of the narrated scene. In the final analysis, moreover, viewing the verse as an interpolation would best explain the other readings. V. Taylor has spoken about the great importance of this consideration in textual criticism, "Of two other or more alternative readings, that one is more likely to be right which most easily accounts for the origin of the others." See Taylor, The Text of the New Testament (New York, 1961), p. 4.

13) See K. Lake, trans. Eusebius the Ecclesiastical History (Cambridge, Massachusetts: Harvard University Press, 1980), vol. 1, p. 299, III, 39, 16. The passage is discussed by Barrett, The Gospel according to St. John, p. 491. Here Papias makes reference to the "Gospel according to the Hebrews." Relatively little is known about this ancient source. See now Ph. Vielhauer and G. Strecker, "Jewish-Christian Gospels," in the revised edition of W. Schneemelcher, English translation, R.McL. Wilson, New Testament Apocrypha (Louisville, Kentucky: Westminster, 1991), vol. 1, pp. 172-178. Vielhauer and Strecker do not discuss the words of Papias and his reference to the "Gospel of the Hebrews." It is difficult to know whether all the patristic references to the Gospel of the Hebrews make mention of the same work. Of interest however, is the fact that Jerome describes this source as the Gospel which "was written in the Hebrew speech" which might indicate the original language of composition (Comm. on Is. IV on Is. 11:2, Schneemelcher, New Testament Apocrypha, vol. 1, p. 177). The gospel seems to have been used by Christians from a Jewish background. It may well have circulated in Greek as well as in Hebrew (and/or Aramaic). A very important treatment of the entire question of the "Gospel of the Hebrews" was written by Ray A. Pritz, Nazarene Jewish Christianity (Magnes Press: Jerusalem-Leiden, 1988), pp. 83-94. Within his careful discussion of the "Gospel of the Hebrews," Pritz includes the reference to the story of a woman accused of many sins as cited by Eusebius in the name of Papias. These references seem to suggest an early tradition about the life of Jesus. Compare also Apostolic Constitutions II, 24 (= the Syriac Didascalia 7) which has been discussed by Barrett, ibid.

14) "This recalls Deut. 13.10(9); 17.7, The hand of the witnesses shall be first upon him to put him to death." Barrett, p. 492.

15) While it is generally acknowledged in gospel research that Semitisms may indicate the more reliable sources for the life of Jesus (e.g. J. Jeremias, N. Perrin, M. Black, G. Vermes, D. Flusser, R.L. Lindsey, R. Brown, E.P. Sanders, J. Fitzmyer, J. Charlesworth, B. Metzger), the definition of what constitutes a Semitism in the Greek text continues to be hotly debated. The cause of these alleged Semitic constructions in the Greek text is also a matter of intense discussion. It is beyond the scope of the present article to deal with this issue in depth. In my opinion, a Semitic document which was probably originally written in Hebrew (in late biblical and/or mishnaic) rather than Aramaic is the best explanation for the Semitisms in the synoptic gospels and the first fifteen chapters of Acts. A similar language and style seems detectable in John 7:53-8:11, though admittedly if the story of the adulteress were longer the linguistic examination of the passage would be more decisive. In this case, the style is similar to the synoptics and the Septuagint (cf. John Thackeray, A Grammar of the Old Testament in Greek, Cambridge, 1909, pp. 16-54). Cf. also W.F. Howard, "Semitisms in the New Testament," in J.H. Moulton, A Grammar of New Testament Greek (Edinburgh: T. & T. Clark, 1976), vol. 2, pp. 413-485. The seventeen criteria of syntax criticism established by R. Martin are of great importance for our passage, see Martin's work, Syntactical Evidence of Semitic Sources in Greek Documents (Missoula, Montana: Society of Biblical Literature, 1974) and Syntax Criticism of the Synoptic Gospels (Queenston: Edwin Mellen Press, 1987). In relation to the synoptic gospels and the original language of the parables, I have treated this question in greater depth in my book, Jesus and His Jewish Parables, pp. 40-54 and pp. 144-148. In some of these related issues, I have found helpful the work of Randall Buth, "Luke 19:31-34, Mishnaic Hebrew and Bible Translation," JBL 104 (1985), pp. 680-685 and idem, "Hebrew Poetic Tenses and the Magnificat," Journal for the Study of the New Testament 21 (1984), pp. 67-83. In recent discussion of the linguistic situation of the first century, see now the very informative article by Gary A. Rendsburg, "The Galilean Background of Mishnaic Hebrew," The Galilee in Late Antiquity, edited by Lee I. Levine (New York: The Jewish Theological Seminary, 1992), pp. 225-240.

16) See the discussion of Raymond Brown, The Gospel according to John (Garden City: Doubleday, 1966), vol. 1, p. 336.

17) For scholars who have discussed the matter, see note 2 above.

18) C.K. Barrett, The Gospel according to St. John (London, 1970), p. 490.

19) Other possibilities could be considered. At least three possible revisors come to mind: 1) a scribe who added the verse to the source text of the canonical gospels; 2) a scribe who placed it in the gospel texts or 3) a later scribe who edited the story of the adulteress after it was accepted into the gospels. In the six stage history, we have argued for the third possibility. This approach best accounts for how the textual tradition scattered in Beza, Codex M, 1071 and 264. When the text came to John (or Luke?), it did not contain John 8:6a. A later scribe revised the text and added verse 6a.

20) A common fallacy of earlier commentators viewed the Pharisees as trying to set a trap for Jesus by luring him away into a place of danger where they could kill him. Regarding the warning of the Pharisees in Luke 13:31, J.A. Fitzmyer has wisely noted, "Their report is not simply a mark of their 'hypocrisy.' ...they [some of the Pharisees] are depicted giving Jesus sage advice; these at least are well disposed toward him." The Gospel according to Luke X-XXIV (Garden City: Doubleday, 1985), p. 1030. Compare also Fred Craddock, Luke (Louisville: John Knox Press, 1990), p. 173.

21) Even before the tragic events of the holocaust, it was the fine scholarship of G.F. Moore which made many Christian scholars question traditional theological views concerning the Pharisees. See Moore,

Judaism in the First Centuries of the Christian Era (Harvard University Press, 1927, in three volumes). It is quite different to criticize the hypocritical practices of some Pharisees than to attack Pharisaism as a spiritual and religious movement. In the gospels, Jesus speaks against hypocrisy but never utters a word against the movement itself. In a unique Matthean text, the scribes and Pharisees sit on Moses seat, their teachings are to be obeyed but warning is given not to follow their example (Mt. 23:1-2). At times some of them preach but do not practice. For a more recent discussion of the primary sources, see J. Bowker, Jesus and the Pharisees (Cambridge University Press, 1973). The problems relating to the New Testament and anti-Semitism have been discussed by, Samuel Sandmel, Anti-Semitism in the New Testament? (Philadelphia: Fortress, 1978). For a different view of Luke's writings than what has been suggested by the scholarly writings of David Flusser and the present study, see the work of Jack T. Sanders, The Jews in Luke-Acts (Philadelphia: Fortress, 1987). The redaction of Luke-Acts and the portrayal of the Jewish people are subjects of intense interest and worthy of further study. At this stage, however, the views of David Flusser though not treated by Sanders present compelling evidence for rethinking some traditional stereotypes.

22) See the valuable assessment by David Flusser concerning the recently discovered tomb of the Caiaphas family and the role of Joseph Caiaphas in the trial of Jesus, "...To Bury Caiaphas, Not to Praise Him," Jerusalem Perspective (July-October, 1991), pp. 23-28 and also in Atiqot XXI (Jerusalem, 1991), pp. 81-87.

23) See Josephus, Ant. XIII, 294 (13, 10, 5) (Loeb vol. 7, pp. 374-375), "...and they replied that Eleazar deserved stripes and chains; for they did not think it right to sentence a man to death for calumny, and anyway the Pharisees are naturally lenient in the matter of punishments." The text describes the break between John Hyrcanus and the Pharisees. The Pharisees risked their position of political favor and the scorn of Hyrcanus because of their views concerning jurisprudence. They were naturally lenient and did not want to use the death penalty. See also E.P. Sanders, Jewish Law from Jesus to the Mishnah (London: SCM Press, 1990), p. 19.

24) The unfaithful wife is discussed in Num. 5:11-31. R. Johanan ben Zachai changed the accepted practice (see m. Sotah 9:9, Ch. Albeck, Shisah Sidre Mishnah, Jerusalem: Bialik Institute, 1979, vol. 3, p. 258, b. Sotah 47a and parallels). See the references and commentaries on the practice in traditional Jewish interpretations, M. Kasher, Torah Shelemah, (Jerusalem, 1982), vol. 36, pp. 400ff. See also the discussion by I. Abrahams, Pharisaism and the Gospels (KTAV: New Jersey, 1967), first series, pp. 72-74.

25) Cf. e.g., Heinz Schreckenberg, Die christlichen Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld (1.-11.Jh.) (Bern: Peter Lang, 1982).

26) See e.g. b. Hullin 95b, Yebamot 105a and compare Shlomo Tal, "Responsa," Encyclopaedia Judaica, vol. 14, cols. 83-84.

27) See Paul Kahle, The Cairo Geniza (Oxford: Blackwell, 1959, second edition), p. 12 and see also the fine three volume work by L. Ginzberg, Genizah Studies (New York: Hermon Press, 1969).

28) See e.g., b. Gittin 60b and also B. Gehardsson, Memory and Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity (Lund: C.W.K. Gleerup, 1961).

29) See now Yaakov Sussmann, "The History of Halakha and the Dead Sea Scrolls - a Preliminary to the Publication of 4QMMT" Tarbiz LIX (1990), pp. 11-76 (Hebrew).

30) See j. Pesachim chap. 6, hal. 1, 33a, tos. Pesachim 4:13 (Lieberman, p. 165) and b. Pesachim 66a. E.E. Urbach has discussed the exegetical methods mentioned in the story, see his The Halakhah its Sources and Development (Israel: Massada, 1986), p. 384 note 25. Concerning the Elders of Bathyra and Hillel, Epstein notes that the oral teachings of halachot were passed on as a collection in the language of the Mishnah and were not merely interpretations of the written Torah, see J.N. Epstein, Mevoot Lasifrut Hatannaim (Jerusalem: Magnes Press, 1957) p. 510.

31) See E.E. Urbach, The Halakhah its Sources and Development, p. 100. See also Shmuel Safrai, "Halakha," The Literature of the Sages (Assen: Van Gorcum, 1987), pp. 160-161.

32) Urbach, The Halakhah its Sources and Development, p. 108.

33) M. Chagigah 1:8 (Albeck, p. 393) and see especially, Shmuel Safrai, "Halakha," The Literature of the Sages, p. 124.

34) Certainly the form of responsa literature would take on a different character in the future. Already during the Second Temple Period, serious questions regarding faith and practice were discussed openly. The famous debates between the houses of Hillel and Shammai offer some evidence of the lively interchange between schools of thought in the rich diversity of Judaism during the days which the Temple stood. As Safrai notes, "Nevertheless, we are witness to an impressive list of disputes between Hillel and Shammai, and an even more impressive corpus (over 300 cases) of disputes attributed to the two schools bearing the names of these two luminaries. Granted, many of the disputes probably emerged years, decades or even generations after Hillel's death (c. 10 C.E.), and the debates would not be conclusively resolved until after the destruction." Shmuel Safrai, "Introduction," The Literature of the Sages, p. 10-11. Needless to say, not everything attributed to Hillel and Shammai in the rabbinic literature is dated from their time.

35) See R. Schnackenburg, The Gospel according to St. John vol. 2, p. 165-166 and J. Jeremias, The Parables of Jesus (London: SCM Press, 1972), p. 228.

36) One may recall the observation of Israel Abrahams, "It is interesting to note that 'Aqiba - whose view on divorce was so 'lax' - nobly said of the ordeal: 'Only when the (accusing) husband is himself free from guilt will the waters be an effective test of his wife's guilt or innocence' (Sifre, Naso 21; Sota 47b). With this may be compared the fine utterance (John viii. 7): 'He that is without sin among you, let him be the first to cast a stone at her.'" Abrahams, Pharisaism and the Gospels (KTAV: New Jersey, 1967), first series, p. 74.

37) See G. Vermes, Post-Biblical Jewish Studies (Leiden: Brill, 1975), pp. 178-214 and S. Safrai, "Teaching of Pietists in Mishnaic Literature," Journal of Jewish Studies 16 (1965), pp. 15-33.