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Jesus Came “Not to Abolish the Law but to Fulfill It”: The Sermon on the Mount and Its Implications for Contemporary Law

David VanDrunen*

Abstract

This Article interprets Matthew 5:17–48 and argues that, because Jesus came not to abolish but to fulfill the law and the prophets, the Old Testament law takes on a new form for New Testament Christians. The law of God has been refracted through the ministry of Christ. While Matthew 5 does not address contemporary human law directly, its teaching does have radical implications for it. These implications flow particularly from the fact that Matthew 5 marks a decisive shift from the Mosaic theocracy to the worldwide new-covenant church that has no civil jurisdiction.

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I. INTRODUCTION

It’s a privilege to contribute to this festschrift in honor of my friend Bob Cochran. I remember our first conversation, when Bob called me out of the blue and invited me to Pepperdine to give a lecture on John Calvin’s view of law. I’ve had the honor of enjoying Bob’s company on many occasions since, as well as co-editing a book with him,¹ and even participating in a public discussion/debate with him on the relationship of law and love.²

Perhaps the thing I appreciate most about Bob is the way he promotes collaboration among scholars, even among scholars of different disciplines. I’ve benefited from many of his initiatives, especially through conferences and projects he’s led through the Nootbaar Institute. As one who teaches theology at a small seminary, I wouldn’t ordinarily have many opportunities to interact with law professors interested in issues I write about, but Bob’s labors have opened up many doors for this. I’m truly grateful.

I don’t know a better way for me to show my appreciation here than to write about a topic dear to Bob’s heart (even if we have some disagreements about it!): Jesus’s teaching about law in the Gospels.³ Of the many relevant texts, there is surely none more important than Jesus’s declaration in *Matthew* 5:17: “Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them.”⁴ As most interpreters agree, this is a thesis statement that provides hermeneutical guidance for understanding Jesus’s treatment of the Old Testament law through the rest of *Matthew* 5.⁵ But there the consensus immediately disappears. What Jesus

1. LAW AND THE BIBLE: JUSTICE, MERCY AND LEGAL INSTITUTIONS (Robert F. Cochran, Jr. & David VanDrunen eds., 2013) [hereinafter LAW AND THE BIBLE].

2. Robert F. Cochran, Jr. & David VanDrunen, *Should Justice or Agape Love be the Organizing Principle of Civil Law*, HOT TOPICS, COOL TALK: TERRENCE J. MURPHY INSTITUTE (Sept. 19, 2014) <https://www.stthomas.edu/murphyinstitute/events/pastevents/hottopicscooltalkseries/20140919---htct---should-justice-or-agape-love.html>.

3. See Robert F. Cochran, Jr., *Jesus, Agape, and Law*, in AGAPE, JUSTICE, AND LAW: HOW MIGHT CHRISTIAN LOVE SHAPE LAW? 13 (Robert F. Cochran, Jr. & Zachary R. Calo eds., 2017); Robert F. Cochran, Jr. & Dallas Willard, *The Kingdom of God, Law, and the Heart: Jesus and the Civil Law*, in LAW AND THE BIBLE, *supra* note 1, at 151, 155–82.

4. *Matthew* 5:17 (English Standard Version).

5. See, e.g., HANS DIETER BETZ, THE SERMON ON THE MOUNT 167 (1995); 1 W.D. DAVIES & DALE C. ALLISON, JR., THE GOSPEL ACCORDING TO SAINT MATTHEW 481 (1988); CRAIG S. KEENER, A COMMENTARY ON THE GOSPEL OF MATTHEW 175 (1999); ULRICH LUZ, MATTHEW 1–7: A COMMENTARY 259–60 (Wilhelm C. Linss trans., 1989) [hereinafter LUZ, COMMENTARY]; ULRICH LUZ, THE THEOLOGY OF THE GOSPEL OF MATTHEW 58 (J. Bradford Robinson trans., 1995) [hereinafter LUZ, THEOLOGY]; JOHN NOLLAND, THE GOSPEL OF MATTHEW: A COMMENTARY ON THE GREEK

means to teach in this beautiful, but challenging, chapter has long divided readers.⁶ What exactly does Jesus think he is doing with the Mosaic law? Christian legal scholars cannot help but wonder what implications this might have for human law in our own day.

In this Article, I argue that Jesus meant exactly what he said: he came not to abolish but *to fulfill* the law and the prophets, and that therefore the law of God takes on a new and eschatologically-determined, kingdom-shaped form for New Testament Christians.⁷ The law of God still binds the people of God, but only as refracted through the ministry of Christ.⁸ After explaining and defending this claim, I argue that while *Matthew 5* does not address contemporary human law directly, its teaching does have radical implications for it.⁹ These implications flow particularly from the fact that *Matthew 5* marks a decisive shift from the Mosaic theocracy to the worldwide new-covenant church that has no civil jurisdiction.¹⁰

II. JESUS FULFILLED THE LAW AND THE PROPHETS

As *Matthew 5* begins, Jesus goes up a mountain and his disciples come to him.¹¹ Then Jesus delivers the “Sermon on the Mount,” which extends through the end of *Matthew 7*.¹² The first section is the “Beatitudes,” in which Jesus pronounces a series of blessings.¹³ Then, after telling his disciples they are the salt of the earth and light of the world,¹⁴ Jesus addresses the Law—the

TEXT 218 (2005); FRANK THEILMAN, *THE LAW AND THE NEW TESTAMENT: THE QUESTION OF CONTINUITY* 49–50 (1999).

6. See LUZ, COMMENTARY, *supra* note 5, at 259 (“How [these passages] are related to the law in the understanding of *Matthew* is highly controversial.”).

7. See discussion *infra* Part II.

8. See discussion *infra* Part III.

9. See discussion *infra* Part IV.

10. I wish to thank my colleague Steve Baugh for several helpful conversations about *Matthew 5*, the fruits of which are reflected herein. I’m also grateful to Martin Spadaro, Brandon Crowe, and David Skeel for their comments on a draft of this Article.

11. *Matthew 5*:1 (“Seeing the crowds, he went up on the mountain, and when he sat down, his disciples came to him.”).

12. *Id.* at 5:1–7:29 (covering the Sermon on the Mount—Jesus’s first major sermon in the book of *Matthew*).

13. *Id.* at 5:3–12.

14. *Id.* at 5:13–16.

Old Testament law of Moses.¹⁵ After an introduction, Jesus declares six “antitheses,” where he contrasts what they heard “was said” with what “I tell you.”¹⁶ In this opening section of the Article, I discuss *Matthew* 5:17–18, in which Jesus explains what he himself does with respect to the law. The next section turns to *Matthew* 5:19–48, which unpacks the implications of Jesus’s work for the people of God.

Matthew 5:17 reads, “Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them.”¹⁷ This is the first of four times in *Matthew* in which Jesus says he has come to do or not to do something. In each case, he indicates some great, overarching purpose of his mission that was readily subject to misunderstanding. Thus, *Matthew* 5:17 should get our attention. Jesus is alerting readers to something central for his work.¹⁸

He did not come to “abolish” the Law or the Prophets. This seems straightforward. The reference to the “law and prophets” was a common way to identify the Old Testament as a whole.¹⁹ Despite what some might think, Jesus did not aim to invalidate or annul God’s ancient revelation to Israel.²⁰

But Jesus also states positively what he came to do with respect to the law and the prophets: he came *to fulfill* them.²¹ At this point, commentators differ in their exegesis. The choices one makes here have systemic implications for interpreting the rest of *Matthew* 5, and *Matthew* as a whole, so it is important to consider matters carefully and get the train moving on the right track. Many commentators interpret “fulfill” in 5:17 as though Jesus were reaffirming the law.²² They use a variety of terms—such as “confirm,” “emphasize,” “ratify,”

15. *Id.* at 5:17–20.

16. *Id.* at 5:17–48.

17. *Id.* at 5:17.

18. See LUZ, COMMENTARY, *supra* note 5, at 265; MARTIN C. SPADARO, READING MATTHEW AS THE CLIMACTIC FULFILLMENT OF THE HEBREW STORY 78 (2015).

19. See, e.g., DAVIES & ALLISON, *supra* note 5, at 484; R. T. FRANCE, THE GOSPEL OF MATTHEW 181 (2007); Roland Deines, *Not the Law but the Messiah: Law and Righteousness in the Gospel of Matthew—An Ongoing Debate*, in BUILT UPON THE ROCK: STUDIES IN THE GOSPEL OF MATTHEW 53, 75 (Daniel M. Gurtner & John Nolland eds., 2008).

20. See, e.g., BETZ, *supra* note 5, at 177 (discussing the meaning of “abolish” (*kataluo*)).

21. See *Matthew* 5:17.

22. See, e.g., W.F. ALBRIGHT & C.S. MANN, MATTHEW 58 (1971); 1 JOHN CALVIN, COMMENTARY ON A HARMONY OF THE EVANGELISTS, MATTHEW, MARK AND LUKE 277–78 (William Pringle trans., 2003); KEENER, *supra* note 5, at 177; LUZ, COMMENTARY, *supra* note 5, at 268–69; 21 MARTIN LUTHER, *The Sermon on the Mount (Sermons) and the Magnificat*, in LUTHER’S WORKS 67 (Jaroslav Pelikan ed., 1956). Supporters of the “theonomic” movement of a previous generation also

or “establish”²³—but point in the same basic direction: Jesus was no innovator, but put an exclamation point behind the commandments that had long obliged Israel.²⁴ Yet although many respected scholars have taken this route, it is unsatisfying. If Matthew thought Jesus came to emphasize or re-establish what was already in place, there were better ways to communicate this in Greek than through “fulfill” (*pleroo*). In fact, “fulfill” is a loaded term in *Matthew*. *Matthew* says that Jesus “fulfilled” the Old Testament no less than ten times,²⁵ and Jesus’s very first words in *Matthew* proclaim that he had “to fulfill all righteousness.”²⁶ Unless some compelling reason indicates otherwise, we must assume that *Matthew* used this pregnant word in 5:17 in a way similar to its use elsewhere.²⁷

So then, what does “fulfill” mean in these other Matthean texts? Of the ten occasions on which Jesus “fulfills” the Old Testament, many communicate that the Scriptures prophesied some future event and Jesus accomplished what they foretold.²⁸ In some other instances, the text portrays Jesus as taking on the identity of an Old Testament figure and playing his, or its, role in an ultimate way: God called his Son Jesus out of Egypt as he had called Israel,²⁹ Jesus did what the psalmist-prophet of *Psalms* 78 did,³⁰ and Jesus was badly treated as was a prophet of old.³¹ In these examples, we might say that Jesus fulfilled typology.³² *Matthew* 3:15 does not speak of Jesus fulfilling a particular text of scripture, but records Jesus’s determination to be baptized in order

embraced this view. See GREG L. BAHNSEN, *THEONOMY IN CHRISTIAN ETHICS* 64 (1977).

23. See, e.g., ALBRIGHT & MANN, *supra* note 22; CALVIN, *supra* note 22; KEENER, *supra* note 5, at 177 (discussing various interpretations of the word “fulfill” in *Matthew* 5).

24. See ALBRIGHT & MANN, *supra* note 22, at 58 (“Certainly it can be argued that what Jesus is doing in this legal material . . . is trying to restore the original meaning of the Law where this seemed to be obscured by the accretions of commentary.”).

25. *Matthew* 1:22–23; 2:15, 17–18, 23; 4:14–16; 8:17; 12:17–21; 13:35; 21:45; 27:9–10.

26. *Id.* at 3:15.

27. Some writers do think “fulfill” means something different in 5:17 from what it (at least often) means elsewhere. See, e.g., J. Daryl Charles, *Garnishing with the ‘Greater Righteousness’: The Disciple’s Relationship to the Law (Matthew 5:17–20)*, 12 *BULL. FOR BIBLICAL RES.* 1, 8 (2002).

28. See FRANCE, *supra* note 19, at 182.

29. *Matthew* 2:15.

30. *Id.* at 13:35.

31. *Id.* at 27:9–10.

32. Jonathan T. Pennington calls it “figuration or typological interconnectivity.” JOHNATHAN T. PENNINGTON, *THE SERMON ON THE MOUNT AND HUMAN FLOURISHING: A THEOLOGICAL COMMENTARY* 147 (2017).

“to fulfill all righteousness.”³³ This indicates that Jesus accomplished the moral demands of the Old Testament in a comprehensive way. To summarize, Jesus “fulfilled” the Old Testament in the Gospel of Matthew by accomplishing what was promised by prophetic words, what was promised through types, and what was morally required.

What all of this has in common is the idea that Jesus’s ministry marked a climactic advance in redemptive history. On the first occasion *Matthew* says that Jesus fulfilled the Old Testament, an angel declares that Jesus “will save his people from their sins.”³⁴ Shortly thereafter, another fulfillment of scripture marks the occasion when Jesus begins to preach that *the kingdom of heaven* is near.³⁵ Jesus was achieving things to which the Old Testament looked forward but never truly accomplished. Jesus’s fulfillment of the scriptures was *eschatological*.³⁶ By “eschatological,” I mean things pertaining to the end of history and the dawning new creation. To put it another way, Jesus’s fulfillment of the scriptures was the goal and pinnacle of the history of salvation.³⁷

With these insights in hand, we may return to *Matthew* 5:17. When Jesus says that he came to “fulfill” the law and the prophets, he surely meant something similar to these other fulfillment texts. For one thing, *Matthew* 5:17 falls right in the midst of these eleven other uses of “fulfill.”³⁸ Furthermore, his fulfilling *the law and the prophets* is exactly what these other texts are getting at: Jesus accomplished the things foretold or foreshadowed in Old Testament *prophecy* and he obeyed the righteousness set forth in the Old Testament *law*. It is also significant that *Matthew* 5:17–20 itself contains several eschatologically-charged statements: Jesus refers to heaven and earth passing away,³⁹ to the accomplishment of all things, and to the kingdom of heaven.⁴⁰ In fact, the Sermon on the Mount begins by declaring the poor in spirit blessed because

33. *Matthew* 3:15.

34. *Id.* at 1:21–23.

35. *Id.* at 4:14–17.

36. See BRANDON D. CROWE, *THE LAST ADAM: A THEOLOGY TO THE OBEDIENT LIFE OF JESUS IN THE GOSPELS* 83–85 (2017) [hereinafter CROWE, *LAST ADAM*] (arguing that “fulfillment entails eschatology. . . . [And] marks a redemptive historical advancement, as Jesus bring salvation history to its goal.”).

37. See also *id.*; DAVIES & ALLISON, *supra* note 5, at 486–87; FRANCE, *supra* note 19, at 182–83, 186 (making similar comments); Deines, *supra* note 19, at 74.

38. See FRANCE, *supra* note 19, at 182.

39. *Matthew* 5:18.

40. *Id.* at 5:19–20.

*theirs is the kingdom.*⁴¹ Jesus’s fulfilling the law and the prophets in *Matthew* 5:17 evidently has to do with his entire mission as described throughout *Matthew*.⁴² In this light, claiming that *Matthew* 5:17 refers to Jesus confirming or re-establishing what God gave of old is not simply too weak a conclusion, but actually misses the point altogether.⁴³ Jesus was *not* confirming the old, but bringing something wonderfully new⁴⁴—albeit (and this is important) the new as promised and anticipated in the old.⁴⁵

The next verse, *Matthew* 5:18, emphasizes the holistic character of Jesus’s fulfillment of the Old Testament: “For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished.”⁴⁶ Some commentators take this to indicate that the law will retain its obligatory force for God’s people in meticulous detail until the end of the present world. That may be a plausible *prima facie* reading, but it is surely incorrect, since Jesus teaches, later in *Matthew* 5 and many times subsequently, that the new people of God who are citizens of his kingdom should *not* obey the Mosaic law in the same way as ancient Israel.⁴⁷ We return to this issue shortly. For now, it suffices to say that *Matthew* 5:18 does not contradict the idea in *Matthew* 5:17 that Jesus eschatologically fulfills the Old Testament, but clarifies that “the law or the prophets” refers to the *whole* of the Old Testament.⁴⁸ In particular, Jesus fulfilled even the tiniest details of the law. These ancient scriptures are God’s own revelation, and their authority endures

41. *Id.* at 5:3.

42. See 33A DONALD A. HAGNER, *MATTHEW* 1–13, at 105 (1993).

43. *Matthew* 5:18.

44. See Deines, *supra* note 19, at 74–75 (“According to the proponents of a Law-abiding Matthean community[,] the Evangelist created or used this logion to support his demand for a Law-observant attitude in the Christian communities. Against this I agree Jesus’ fulfillment of the Law and the prophets takes place . . . through his entire mission that includes his teaching, his deeds and especially his messianic works up to his death and resurrection. . . .”).

45. Bahnsen defends taking “fulfill” as “confirm” in important part because use of the Greek term *alla* (“not to abrogate *but* to fulfill”) indicates that “fulfill” must be in “strict contrast” to “abrogate”—i.e., be its “antithesis” or “antonym.” BAHNSEN, *supra* note 22, at 64–67. However, it is simply false to say that *alla* necessarily indicates two things that are antonyms. See *Matthew* 9:24 (“[T]he girl is not dead but [*alla*] sleeping.”).

46. See *Matthew* 5:18 (quoting Jesus’s proclamation to fulfill the law).

47. See FRANCE, *supra* note 19, at 179–80 (making similar observations).

48. *Matthew* 5:17 (“Do not think that I have come to abolish Law or the Prophets; I have not come to abolish them but to fulfill them.”).

as long as this world does (“until heaven and earth pass away”).⁴⁹ But *Matthew* 5:18 also reminds readers that this is not a static, ahistorical, or purposeless authority. The law looks forward to the time when “all is accomplished.”⁵⁰ In light of the previous verse, and of the intimate relationship between “fulfill” and “accomplish” elsewhere in *Matthew*,⁵¹ Jesus’s *fulfillment* is surely central to this *accomplishment*.⁵²

In summary, *Matthew* 5:17 presents a chief purpose of Jesus’s earthly ministry: to fulfill the law and the prophets. Jesus came to accomplish all that the Old Testament foretold and to complete all the righteousness the Old Testament required. He came to bring the authoritative scriptures to eschatological climax by saving his people and ushering in the kingdom of heaven.

III. THE OBEDIENCE OF KINGDOM CITIZENS IN LIGHT OF JESUS’S FULFILLMENT (5:19–48)

In *Matthew* 5:19, Jesus begins to explain the implications of his work of fulfillment for citizens of his dawning eschatological kingdom.⁵³ This explanation continues through the rest of *Matthew* 5 (and beyond).⁵⁴ In this section, I first make three important comments about *Matthew* 5:19–20 and then consider the six antitheses of *Matthew* 5:21–48.

49. *Id.* at 5:18 (quoting Jesus’s proclamation to fulfill the law).

50. *Id.*

51. *See, e.g., id.* at 26:54, 56 (showing where these two words are paired: “‘But how then should the Scriptures be fulfilled, that it must be so [accomplished] But all this has taken place [been accomplished] that the Scriptures of the prophets might be fulfilled.’”) (emphasis added).

52. *See* Deines, *supra* note 19, at 76–77; *see also* FRANCE, *supra* note 19, at 185–86; PENNINGTON, *supra* note 32, at 147–48 (discussing the tension of “not . . . until . . . ,” and the time-designation implicated in the words “accomplish” and “fulfill”).

53. *See Matthew* 5:19 (“Therefore whoever relaxes one of the least of these commandments and teaches other to do the same will be called least in the kingdom of heaven, *but whoever does them and teaches them will be called great in the kingdom of heaven.*”) (emphasis added).

54. F.P. Viljoen, *The Foundational Statement in Matthew 5:17–20 on the Continuing Validity of the Law*, in 45 *DIE SKRIFLIG* 385, 399 (2011) (describing *Matthew* 5:19 as a “foundational statement on the validity of the law continu[ing] with a parallel result of either ‘loosing and teaching’ or ‘doing and teaching’ the commandments or ordinances of the Torah”).

A. *Matthew 5:19–20*

Matthew 5:19–20 reads:

Therefore whoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven, but whoever does them and teaches them will be called great in the kingdom of heaven. For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven.⁵⁵

I note first that these verses concern the implications of Jesus’s work of fulfillment for *kingdom citizens*. Jesus is not beginning to expound some sort of universal human morality.⁵⁶ He mentions the “kingdom of heaven” three times in these two verses: Jesus calls for obedience fit for entering the kingdom⁵⁷ and determining one’s place within it.⁵⁸ In broader perspective, Jesus’s first public words in *Matthew* announce the coming of the kingdom,⁵⁹ and the first blessing of his Beatitudes proclaim kingdom membership.⁶⁰ Later in the Sermon on the Mount, Jesus binds together the *kingdom* and *righteousness*,⁶¹ just as he does here in 5:19–20.⁶² This evidence confirms that the obedience Jesus calls for is a consequence (“therefore”)⁶³ of his fulfillment of the law and prophets. He fulfills them in order to “save his people from their sins,”⁶⁴ and thus the ethic of 5:19–48 is a *kingdom* ethic,⁶⁵ an ethic for beneficiaries of Jesus’s saving work. As a kingdom ethic, it is ultimately an ethic of the

55. *Matthew 5:19–20* (quoting Jesus’s proclamation to fulfill the law).

56. *Contra* NICHOLAS WOLTERSTORFF, *JUSTICE IN LOVE* 127 (2011).

57. *See Matthew 5:20*.

58. *Id.* at 5:19.

59. *Id.* at 4:17.

60. *Id.* at 5:3.

61. *Id.* at 6:33.

62. *Cf.* HERMAN RIDDERBOS, *THE COMING OF THE KINGDOM* 286 (H. de Jongste trans., Raymond O. Zorn ed., 1962) (“This lends all the more force to the question about the general purport of Jesus’ commandments. If the righteousness demanded by Jesus is that of the kingdom, what is then its general character? Or, in other words, in what way is the content of the concept of righteousness determined by that of the kingdom of God? Here we are confronted with the question about what is generally called the relationship between ‘eschatology and ethics’ in the gospel.”).

63. *Matthew 5:19*.

64. *Id.* at 1:21–23.

65. For similar language, see HAGNER, *supra* note 42, at 112; and F. P. Viljoen, *supra* note 54, at 75.

age-to-come, albeit revealed in a form designed to be obeyed here and now. Granted, there is one important sense in which this ethic has a universal dimension: *Matthew* closes with the call to make disciples of *all nations* and to teach them “to observe all that I have commanded you”.⁶⁶ *Matthew* 5:19–48 is, thus, *potentially* an ethic for everyone in that the whole world is to be evangelized. But for those who would not believe and become a disciple, this kingdom ethic is inapplicable.

My second comment about 5:19–20 is that as Jesus came to fulfill the *whole* of the law,⁶⁷ his kingdom’s citizens must live in holistic devotion to the law as he declares it: to relax even one of the least of “these commandments” or to teach others to do so makes one least in the kingdom.⁶⁸ Subsequent exhortations in *Matthew* echo this call to holistic devotion, such as love for God with all of one’s heart, soul, mind, and strength,⁶⁹ seeking *first* the kingdom and its righteousness,⁷⁰ denying one’s self,⁷¹ and selling all of one’s possessions.⁷² The difficult question here is not whether Jesus calls for holistic obedience, but *which commandments* Jesus intends his followers to obey. The obvious answer is that “these commandments”⁷³ point back to the Mosaic law,⁷⁴ whose every iota and dot is authoritatively enduring.⁷⁵ But on reflection, this answer is not quite as obvious as it first appears. For one thing, as seen above, 5:17 highlights Jesus’s climactic, eschatological fulfillment of the

66. *Matthew* 28:19–20 (“Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you. And behold, I am with you always, to the end of the age.”).

67. *Id.* at 5:17–18 (“I have come to . . . fulfill them. For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until *all* is accomplished.”) (emphasis added).

68. *Id.* at 5:19 (“[W]hoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven . . .”).

69. *Id.* at 22:37–38 (“And [Jesus] said to him, ‘You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment.’”).

70. *Id.* at 6:33 (“But seek first the kingdom of God and his righteousness, and all these things will be added to you.”).

71. *Id.* at 16:24 (“Then Jesus told his disciples, ‘If anyone would come after me, let him deny himself and take up his cross and follow me.’”).

72. *Id.* at 19:21–30 (“[I]t is easier for a camel to go through the eye of a needle than for a rich person to enter the kingdom of God.”).

73. *Id.* at 5:19 (“For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the [Mosaic] Law until all is accomplished. Therefore whoever relaxes one of the least of these commandments . . . will be called least in the kingdom of heaven . . .”).

74. *Id.* at 5:18.

75. Many commentators take this view; for example, see DAVIES & ALLISON, *supra* note 5, at 496; and NOLLAND, *supra* note 5, at 221.

Old Testament, and hence indicates that something new has dawned. It would be somewhat puzzling if Jesus now calls for rigorous adherence to every detail of the old law. For another thing, from here Jesus immediately proceeds to the antitheses of 5:21–48,⁷⁶ which point away from continuing obligation to the old law as such, as considered below. In addition, *Matthew* concludes with a call to obey all that *Jesus* commanded,⁷⁷ not what Moses commanded, which is consistent with 5:21–48. In light of these things, I suggest that choosing between the Mosaic law and the moral teaching of Jesus as the reference of “these commandments” in 5:19 is a false dilemma. The term “these commandments” does point back to the Mosaic law, mentioned in 5:18, but only to this law as Jesus has fulfilled it and now issues it to his kingdom’s citizens in the verses and chapters that follow.⁷⁸ The best way I know to describe this is that Jesus obligates his followers to obey the Mosaic law *as refracted through his redemptive mission*.

My final comment on 5:19–20 is that since Jesus has fulfilled the Mosaic law, the righteousness of his kingdom’s citizens must surpass that of the scribes and Pharisees, who pursue righteousness as if that law remains unfulfilled.⁷⁹ Part of this statement is straightforward: 5:20 calls for a righteousness greater than that of the scribes and Pharisees.⁸⁰ The challenging question is what kind of righteousness the scribes and Pharisees had and how exactly the righteousness of kingdom citizens is superior. My claim is that the chief deficiency of the scribes’ and Pharisees’ righteousness is that they sought it through the law as if Jesus had not come to fulfill it. That is, their main problem was not with respect to the law *per se*, but in failing to acknowledge the identity and work of Jesus and its implications for their relation to the law.

In support of this, one thing to recognize is that Jesus actually pays some respect to the scribes and Pharisees in 5:20.⁸¹ This verse is striking because

76. See *Matthew* 5:21–48 (describing Jesus’s six antitheses—anger, lust, divorce, oaths, retaliation, and love your enemies—to old law practices).

77. *Id.* at 28:20 (“[T]each[] them to observe all that I have commanded you. And behold, I am with you always, to the end of the age.”).

78. Among commentators drawing a similar conclusion, see Deines, *supra* note 19, at 78; and HAGNER, *supra* note 42, at 108; cf. 1 FREDERICK DALE BRUNER, *MATTHEW, A COMMENTARY* 199 (rev. ed. 2004).

79. See *Matthew* 5:19–20 (“[T]herefore whoever . . . does [these commandments] and teaches them will be called great in the kingdom of heaven. For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven.”).

80. *Id.*

81. See also DAVIES & ALLISON, *supra* note 5, at 500 (making a similar observation).

Jesus speaks of a righteousness surpassing that *of the scribes and Pharisees*.⁸² They were the religiously learned and serious people of that day. If anyone had a righteousness to admire and emulate, it was them. Yet *even this* was not enough. That Jesus thought the scribes and Pharisees had a certain kind of righteousness is easy to overlook, in light of their many conflicts with Jesus later in *Matthew*. But Jesus often criticizes them, not for lack of commitment to the law in its Old Testament context, but for blindness to the fact that, in *Jesus*, a new eschatological day had come.⁸³ Of course, the scribes and Pharisees had other problems too, such as hypocrisy and lack of compassion.⁸⁴ But, even these sins are inseparable from their resistance to the eschatological arrival of Jesus and his kingdom: the first of the “woes”⁸⁵ Jesus pronounces against the scribes and Pharisees in *Matthew 23* is that they “shut the kingdom of heaven in people’s faces,”⁸⁶ and this chapter concludes with Jesus lamenting over Jerusalem because *he* wished to gather her children together, but they were not willing.⁸⁷ The scribes and Pharisees had a *Jesus* problem, and only secondarily a *law* problem.⁸⁸

How, then, does the righteousness of Jesus’s kingdom citizens surpass that of the scribes and Pharisees? Because only kingdom citizens obey the law in its eschatologically climactic form. They recognize that Jesus came to

82. See *Matthew 5:20*.

83. See *id.* at 9:9–17; 12:1–21. In *Matthew 9:9–13*, the Pharisees have a good point, based on the Mosaic law, that Jesus should not have been eating with “sinners,” but they failed to reckon with *Jesus’s* mission to call sinners rather than the righteous. In *Matthew 9:14–17*, Jesus affirms that fasting was appropriate during the time of old, but now that *he* is present, it no longer is. In *Matthew 12:1–8*, the Pharisees have a legitimate concern about picking heads of grain on the Sabbath based on Mosaic regulations, but Jesus critiques them for not recognizing that *he* is present as the greater David and greater temple. Even in *Matthew 12:9–21*, Matthew responds to opposition to Jesus’s Sabbath healing by appealing to *Jesus’s* gentleness and compassion.

84. See *id.* at 23:2–36 (describing seven different ways in which the Pharisees are hypocrites, who “neither enter” the kingdom of heaven themselves nor “allow those who would enter go in”).

85. See *id.* at 23 (“Seven Woes to the Scribes and Pharisees”).

86. *Id.* at 23:13 (“But woe to you, scribes and Pharisees, hypocrites! For you shut the kingdom of heaven in people’s faces. For you neither enter yourselves nor allow those who would enter to go in.”).

87. *Id.* at 23:37 (“O Jerusalem, Jerusalem, the city that kills the prophets and stones those who are sent to it! How often I would have gathered your children together as a hen gathers her brood under her wings, and you were not willing!”).

88. An eminent contemporary Jewish scholar, Jacob Neusner, came to the same essential conclusion: the big stumbling-block for Jews is not Jesus’s teaching about the law per se, but what Jesus claimed about himself. See JACOB NEUSNER, *A RABBI TALKS WITH JESUS* 46–49, 62–68, 82–88, 108 (McGill-Queen’s Univ. Press ed. 2000) (1993).

fulfill all righteousness⁸⁹ through fulfilling the law and the prophets,⁹⁰ and thus, they obey the law holistically as refracted through Jesus’s work,⁹¹ as the antitheses show them how.⁹² Thus, we must turn to these antitheses.

B. *Matthew 5:21–48*

I make two main claims in this section. First, I argue that in all six antitheses Jesus compares his own teaching with *the Mosaic law itself*, not some misinterpretation of it. Second, I argue that Jesus’s own teaching communicates not the true or deeper meaning of the Mosaic law, but how the Mosaic law is transformed as a result of his ministry and the dawn of his kingdom. (Hence, “antitheses” is surely not the best word to describe this, but I retain the terminology because it is so familiar.) As part of this second argument, I will suggest that the movement from the Mosaic theocracy in Canaan to a peaceful church scattered throughout the world is a key thread holding these antitheses together.

First, then, when Jesus begins each antithesis with “you have heard that it was said” (or slight variation thereof), he refers to the Mosaic law, not an oral tradition or contemporary teaching that misrepresented that law in some way.⁹³ The latter view is by no means the scholarly consensus, but many interpreters, including eminent theologians of my own Reformed tradition, have held some version of it.⁹⁴ In my judgment, this is a completely untenable position. We can go through the six statements seriatim and see that Jesus is telling them precisely what they heard in the Mosaic law.⁹⁵ “You shall not

89. *Matthew* 3:15 (“But Jesus answered him, ‘Let it be so now, for thus it is fitting for us to fulfill all righteousness.’ Then he consented.”).

90. *Id.* at 5:17.

91. *Id.* at 5:18.

92. *Id.* at 5:21–48 (regarding Jesus’s six antitheses: anger lust, divorce, oaths, retaliation, and love your enemies).

93. *Id.* at 5:18–19.

94. Among Reformed writers, see CALVIN, *supra* note 22, at 281–83; RIDDERBOS, *supra* note 83, at 296–97. Among other interpreters, see BETZ, *supra* note 5, at 205, 208–09; CHARLES, *supra* note 27, at 8; HAGNER, *supra* note 42, at 103, 111–12; and KEENER, *supra* note 5, at 181.

95. Among others taking some version of this view, see ROGER MOHRLANG, MATTHEW AND PAUL: A COMPARISON OF ETHICAL PERSPECTIVES 19 (1984); DAVIES & ALLISON, *supra* note 5, at 506; SPADARO, *supra* note 18, at 62; THIELMAN, *supra* note 5, at 51. Jewish scholar Neusner claims that “everyone” hearing Jesus on the mountain would have known “that ‘it was said to the men of old’ refers to what God said to Moses at Sinai.” See NEUSNER, *supra* note 88, at 46.

murder; and whoever murders will be liable to judgment”⁹⁶—the first clause quotes the Decalogue⁹⁷ and the second describes the Mosaic penalty imposed for homicide.⁹⁸ “You shall not commit adultery”⁹⁹—this quotes the Decalogue. “Whoever divorces his wife, let him give her a certificate of divorce”¹⁰⁰—this alludes to the procedure described in *Deuteronomy* 24:1 in which a husband writes a “certificate of divorce” and “gives” it into his wife’s hands.¹⁰¹ “You shall not swear falsely, but shall perform to the Lord what you have sworn”—this does not quote any one verse, but perfectly summarizes what the Mosaic law says about oaths.¹⁰² “An eye for an eye and a tooth for a tooth”¹⁰³—three Mosaic legal texts use these words.¹⁰⁴ Finally, “You shall love your neighbor and hate your enemy”¹⁰⁵—the first phrase quotes *Leviticus* 19:18 and the second phrase summarizes a responsibility under the Mosaic law and elsewhere in the Old Testament.¹⁰⁶

I recognize that this last statement is controversial. Many claim that “hate your enemy” is a clear example of an oral tradition or contemporary teaching that illegitimately added something to the Mosaic law.¹⁰⁷ On the contrary, “hate your enemy” summarizes a line of Old Testament teaching. In fact, “hate your enemy” was such an important part of the Mosaic legal order that no one could be a faithful Israelite without doing it. And as I will argue later, the power of Jesus’s call to *love* one’s enemies¹⁰⁸ depends upon recognizing this.

96. *Matthew* 5:21.

97. *Exodus* 20:13.

98. *Id.* at 21:12.

99. *Matthew* 5:27.

100. *Id.* at 5:31.

101. *Deuteronomy* 24:1 (referring to when a man “takes a wife and marries her, . . . has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand”).

102. *Matthew* 5:33.

103. *Id.* at 5:38.

104. *Exodus* 21:24; *Leviticus* 24:20; *Deuteronomy* 19:21.

105. *Matthew* 5:43.

106. See *Leviticus* 19:18; Luke Wayne, *Does the Old Testament Teach to Hate Your Enemies?*, CHRISTIAN APOLOGETICS & RESEARCH MINISTRY, <https://carm.org/does-the-old-testament-teach-to-hate-your-enemies> (last visited Sept. 20, 2019).

107. See ALBRIGHT & MANN, *supra* note 22, at 71; CALVIN, *supra* note 22, at 303–04; LUZ, COMMENTARY, *supra* note 5, at 344; WILLIAM C. MATTISON III, *THE SERMON ON THE MOUNT AND MORAL THEOLOGY: A VIRTUE PERSPECTIVE* (2017).

108. *Matthew* 5:44.

In the Mosaic law, clearly not all enemies were to be hated.¹⁰⁹ *Leviticus* 19:18¹¹⁰ commanded the people to love their neighbors, referring to fellow Israelites: "you shall not hate your *brother*"¹¹¹ or the "sons of *your own people*."¹¹² Thus, if someone happened to run across the ox or donkey of one's "enemy" (under the circumstances, surely an Israelite neighbor), he should return it.¹¹³ That enemy may "hate" him,¹¹⁴ but he was not to hate in return. The Mosaic law also did not permit the Israelites to hate strangers who sojourned in their land; they were to "love" them.¹¹⁵ But the Mosaic law did recognize "enemies" against whom Israel would wage war.¹¹⁶ At least in some cases, Israel was not to view war as a tragedy to be avoided if possible. The Mosaic law *required* Israel to "clear away" the Gentile nations that lived in Canaan before them.¹¹⁷ Israel was to "defeat them," "devote them to complete destruction",¹¹⁸ destroy their altars, and "burn their carved images."¹¹⁹ Otherwise, they would turn to these nations' gods and kindle the Lord's wrath against them¹²⁰—which in fact happened.¹²¹ Subsequent texts repeated these commands,¹²² indicating that the Israelites were inclined *not* to do this, and God had to keep spurring them on. Why was Israel to pursue such shocking behavior? "For you are a people holy to the Lord your God."¹²³ The promised land, and God's covenant people within it, had to be separate and pure from all corruption.¹²⁴

Even if all of this is true, one may ask, was this really an obligation to *hate* some of their enemies? It is tempting to give a common-sense retort: if

109. Cf. James Moulder, *Who Are My Enemies? An Exploration of the Semantic Background of Christ's Command*, 25 J. THEOLOGY S. AFRI. 41–49 (1978) (discussing who would be considered enemies under Mosaic law).

110. *Matthew* 5:43 (quoting *Leviticus* 19:18).

111. *Leviticus* 19:17.

112. *Id.* at 19:17–18.

113. *Exodus* 23:4.

114. *Id.* at 23:5.

115. *Leviticus* 19:33–34; *Deuteronomy* 10:19.

116. *Deuteronomy* 20:1–4, 14; 21:10; 30:7.

117. *Id.* at 7:1.

118. *Id.* at 7:2.

119. *Id.* at 7:5.

120. *Id.* at 7:4.

121. *E.g.*, *Judges* 3:5–6.

122. *E.g.*, *Deuteronomy* 20:16–18; *Joshua* 10:13, 19, 25.

123. *Deuteronomy* 7:6.

124. See SPADARO, *supra* note 18, at 72.

completely destroying a people is not hating them, what would possibly count as hatred? But a better response is that *the Old Testament itself* speaks explicitly about hating enemies as an expression of righteous zeal for God’s honor.¹²⁵ *Psalms* 139 reflects on how wicked people speak against God and how “your *enemies* take your name in vain.”¹²⁶ Thus, the Psalmist responds: “Do I not *hate* those who hate you, O Lord? And do I not *loathe* those who rise up against you? I *hate* them with complete *hatred*; I count them my *enemies*.”¹²⁷ And so back to *Matthew* 5:43: where had the people heard it said, hate your enemy? They heard it, in various forms, in the Old Testament.

To recap the big-picture claim I have just defended: when Jesus speaks of things the people “have heard . . . said,”¹²⁸ he refers to what the Mosaic law itself teaches, not to oral tradition or contemporary rabbinic teaching. But are there any objections to this conclusion that compel us to reconsider? Let me address three issues briefly.

First, some commentators who defend an oral-tradition interpretation appeal to the fact that Jesus uses “you have heard it said” rather than “it is written.”¹²⁹ This has some initial plausibility. It is true that the New Testament writers, including Matthew, often introduce Old Testament quotations with “it is written.”¹³⁰ But this is hardly the only way they do so. Sometimes Paul uses the same word for “it is said” (*errethe*) used here in the antitheses when he refers to things God said in the Old Testament.¹³¹ And Matthew himself has already several times introduced Old Testament quotations not with “it is written” but with “the word of the Lord” or “the prophet *saying*.”¹³² These texts use a different form of the same Greek word for “say” (*legon*) from the one used in the antitheses, but that is irrelevant for the point at issue: for Matthew to introduce something by appealing to what is “said” rather than to what

125. See *Psalms* 5; 31; 58; 139.

126. *Id.* at 139:20 (emphasis added).

127. *Id.* at 139:21–22 (emphasis added). But see PENNINGTON, *supra* note 32, at 199–200 (describing such statements as “unbiblical” and as “descriptive” rather than “prescriptive.” But is dismissing material in the *Psalms* as contrary to God’s law consistent with his own view of scripture?).

128. *Matthew* 5:21–48.

129. See ALBRIGHT & MANN, *supra* note 22, at 60; BETZ, *supra* note 5, at 208.

130. See *Matthew* 4:4, 7; 21:13.

131. See *Romans* 9:12; *Galatians* 3:16; DAVIES & ALLISON, *supra* note 5, at 506 (indicating that Paul used “*errethe*” to refer to the speech of God in the Old Testament).

132. *Matthew* 1:22; 2:15, 17; 3:3; 4:14.

is “written” simply does *not* imply an appeal to oral tradition rather than scripture.¹³³ And it makes perfect sense that Jesus would speak in the way he does. In a day when most people did not own and read their own personal Bibles, they would have learned the scriptures primarily by *hearing* what was *said* when the scrolls were read in their synagogues.¹³⁴

Second, some interpreters have taken the appeal to “those of old” in the first and fourth antitheses as pointing to oral tradition.¹³⁵ But this reads something into the text that overrides its obvious implication. If Jesus says that something was said to “those of old” and then he quotes or summarizes the Mosaic law, the evident reference is to the Israelites at Sinai.¹³⁶ No one would think this is a reference to ancient oral tradition unless she was already convinced of that conclusion on other grounds. One writer claims the translation should read “*by* those of old” rather than “*to* those of old” (which is grammatically possible, though rare).¹³⁷ But he offers no exegetical reason for this and seems to make this move only because it fits his pre-existing, oral-tradition interpretation.¹³⁸

Third, I suspect (although cannot prove) that the primary reason why many interpreters adopt an oral-tradition or contemporary-teaching view is not on exegetical grounds at all, but fear that taking the view I have defended puts one in danger of sounding anti-Old Testament or perhaps even anti-Semitic. This comes to a head in the sixth antithesis. “[H]ate your enemy”¹³⁹ may sound so obviously wicked that many people cannot believe scripture really teaches this. That would be to impute something morally abhorrent to the Old Testament, to the God of the Old Testament, and to the Old Testament covenant people. It seems much easier to believe that a misguided group of teachers taught “hate your enemy”¹⁴⁰ and whatever else Jesus wanted to oppose or correct.

133. See also Mayer I. Gruber, *Jeremiah 3:1–4:2 between Deuteronomy 24 and Matthew 5: Jeremiah’s Exercise in Ethical Criticism*, in 1 BIRKAT SHALOM 233–49 (Chaim Cohen et al. eds., 2008).

134. See Luke 4:16–20; Colossians 4:16; Revelation 1:3.

135. E.g., ALBRIGHT & MANN, *supra* note 22, at 69; BETZ, *supra* note 5, at 208.

136. See generally FRANCE, *supra* note 19, at 195; HAGNER, *supra* note 42, at 115 (discussing the term “you have heard” and its implications which suggest that the first half of each contrast would be read in the synagogues).

137. RIDDERBOS, *supra* note 83, at 297.

138. *Id.*

139. *Matthew* 5:43 (“You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’”).

140. *Id.*

This is understandable. But the question is what the Old Testament teaches, and we need to be careful about substituting our own biases for objective answers to that question. We cannot avoid the fact that the Old Testament obligated Israel to destroy the previous inhabitants of Canaan.¹⁴¹ This raises difficult theological and moral issues, of course, and I will not try to offer a comprehensive resolution. I merely note that this biblical material is there to be reckoned with and that the Old Testament itself provides at least two basic rationales for it. I mentioned one above: it was to protect Israel’s holiness, so they would not be seduced into following idols and thus provoke God’s wrath.¹⁴² The second reason is that God was judging these previous inhabitants for their egregious sins.¹⁴³ In Old Testament perspective, the Israelites were supposed to hate certain enemies, not out of personal, petty vindictiveness, but to protect their own holiness and to serve as executors of God’s righteous judgment. This is the background of *Matthew* 5:43.

I turn now to my second main point about the antitheses, which is closely related to the first: Jesus’s own teaching in the antitheses (introduced by “but I say to you”¹⁴⁴) communicates how kingdom citizens are supposed to keep God’s law as refracted through Jesus’s fulfillment of it. Although there is organic continuity between the Mosaic law and its refracted version, the emphasis in *Matthew* 5:21–48 is that Jesus has brought something *new*. And crucial to this newness is that the old law addressed an Israelite theocracy while the refracted version addresses a church scattered throughout the world.

To defend this claim, I should begin by emphasizing that Jesus’s own teaching is *not* communicating what the Mosaic law really meant or what the latent, inner trajectory of that law was. Many commentators embrace some variation of these themes.¹⁴⁵ By looking for the true meaning or deep purpose of the old, this approach ends up missing the newness of what Jesus says. I

141. See *Deuteronomy* 7:1–2 (“When the Lord your God brings you into the land that you are entering to take possession of it, and clears away many nations before you, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations more numerous and mightier than you, and when the Lord your God gives them over to you, and you defeat them, then you must devote them to complete destruction. You shall make no covenant with them and show no mercy to them.”).

142. E.g., *Deuteronomy* 7:1–6.

143. E.g., *Leviticus* 18:27–28; 20:23; cf. *Genesis* 15:16 (discussing the Israelites’ destiny to wipe out the Amorites).

144. *Matthew* 5:22, 28, 32, 34, 39, 44.

145. See, e.g., BETZ, *supra* note 5, at 214; CALVIN, *supra* note 22, at 304; LUTHER, *supra* note 22, at 70; RIDDERBOS, *supra* note 83, at 297, 299; Cochran & Willard, *supra* note 3, at 153.

fear that it risks interpreting these texts as though the whole purpose of Jesus’s ministry—to fulfill the law and the prophets—did not actually accomplish anything, or as though the eschatological kingdom had not arrived.¹⁴⁶ To clarify my point: even if the Mosaic law was originally designed to be fulfilled by Christ (as I believe), what Jesus teaches in 5:21–48 is not the law as *Israel* was supposed to obey it, but the law as *New Testament Christians* are supposed to obey it.

The true-meaning or inner-trajectory view does have some attraction if we look at the first two antitheses.¹⁴⁷ Here, Jesus speaks against the evil desires of anger and lust that underlie the outward acts of murder and adultery.¹⁴⁸ Was he trying to show the moral depth of these Mosaic commands that mention only external action? Perhaps this is part of it, but it is evident that Jesus is not talking about what the *Mosaic law itself* was really about. The Mosaic law clearly required that “whoever murders will be liable to judgment”,¹⁴⁹ but Jesus could not possibly have thought the Mosaic law ultimately aimed to bring everyone who is angry before that same judgment.¹⁵⁰ The Mosaic law was designed to hold murderers accountable, but it had no resources for hauling every angry person into court.

Once we get beyond the first two antitheses, the true-meaning or inner-trajectory view begins to fall apart rapidly. Jesus says that people should not divorce at all (except on account of sexual immorality);¹⁵¹ that is hardly what the Mosaic law really intended to teach when it spoke of a husband giving his wife a divorce certificate.¹⁵² Jesus said that people should “not take an oath at all”;¹⁵³ that is hardly what the Mosaic law really intended to teach when it

146. CROWE, LAST ADAM, *supra* note 36, at 93 (providing pertinent comments on *Matthew* 5:20. Jesus’s disciples must pursue a righteousness that is “thoroughly christological and eschatological in character.” They must “identify themselves with the representative Messiah who fulfills all righteousness, who fulfills the Scriptures, and who brings the entire will of God to fruition.”).

147. *Matthew* 5:21–30.

148. *Id.*

149. *Id.* at 5:21.

150. *Id.* at 5:22; *cf.* SPADARO, *supra* note 18, at 67–68 (“The judgment to which Jesus refers must be something other than the Mosaic legal system.”).

151. *Matthew* 5:32 (“But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery”).

152. *Id.* at 5:31–32; *cf.* *Deuteronomy* 24:1 (“[I]f then [his wife] finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce . . .”).

153. *Matthew* 5:34.

required people to keep their oaths.¹⁵⁴ And the true-meaning or inner-trajectory view becomes utterly ridiculous when we reach the final two antitheses. Far from reflecting the deep purpose of the Mosaic law’s repeated command to take eye for an eye (in which they were to show no “pity”),¹⁵⁵ Jesus’s exhortation to take a second slap requires radically different behavior.¹⁵⁶ And it defies all plausibility to suggest that “love your enemy”¹⁵⁷ was what the obligation to “hate your enemy” was really aiming at. In some instances, it is clear, Jesus’s fulfillment of the Mosaic law means that his followers should not do what that law strictly required the Israelites to do. Jewish readers have certainly noticed this.¹⁵⁸

With this, we return to my claim that in *Matthew* 5:21–48 Jesus requires something strikingly *new*, a way of life made possible and appropriate by the fact that he had come to fulfill the law and to bring the kingdom of heaven. Jesus’s kingdom citizens are to obey the law only as it has been refracted through Jesus’s ministry, not according to its original intention or inner trajectory. The heart of this transition from old to new in *Matthew*, I suggest, is the move from the Israelite theocracy in the holy land (which the Mosaic law was designed to govern) to a kingdom-manifesting church scattered throughout the world (which *Matthew* 5:21–48 is designed to guide).

To see this, it is important to keep the larger story of Matthew’s Gospel in mind.¹⁵⁹ One of its key themes is that Jesus’s coming results in judgment against the old people of God, as represented by their religious leaders and the city of Jerusalem, who reject Jesus.¹⁶⁰ This old community has the “kingdom of God” taken from it,¹⁶¹ stands under the curse of six “woes,”¹⁶² will see its

154. *Id.* at 5:33–37.

155. *Deuteronomy* 19:21. *Contra* PENNINGTON, *supra* note 32, at 160 (trying to smooth over the difference between old and new by claiming that that the *lex talionis* was not required by the law but merely served to prevent or limit violence).

156. *Matthew* 5:38–42. For an example of a prominent exegete who labors (in vain) to show that Jesus’s call for non-retaliation fulfills the ultimate intention of the *lex talionis*, see BETZ, *supra* note 5, at 283–84; *cf.* MATTISON, *supra* note 107, at 79–80 (arguing that the “new law” shares the same “goal” as the “old law,” but instantiates it more completely).

157. *Matthew* 5:44 (“But I say to you, [I]love your enemies and pray for those who persecute you.”).

158. *See* NEUSNER, *supra* note 88, at 43–44.

159. *See* SPADARO, *supra* note 18, at 2 (reading *Matthew* as a “prophetic indictment against the nation of Israel”).

160. *See id.* at 12.

161. *Matthew* 21:33–46.

162. *Id.* at 23:13–36.

house left “desolate,”¹⁶³ and will face an unprecedented judgment.¹⁶⁴ In contrast, the new community is a forgiven people.¹⁶⁵ Jesus repeatedly declares these people “blessed,” for the “kingdom of heaven” belongs to them.¹⁶⁶ Though ultimately an eschatological realm, this kingdom is manifest in the present age in “the church,”¹⁶⁷ which possesses the “keys of the kingdom of heaven”¹⁶⁸ and exercises the mercy that Christ has shown to it.¹⁶⁹ Already in the Beatitudes, Jesus indicates how different this church is from Israel under Moses. Under the Mosaic law, God promised that the people’s righteousness would result in blessing through conquering their enemies and flourishing in their land.¹⁷⁰ Yet in *Matthew* 5:10–12, Jesus declares that his people’s righteousness would result in blessing through being persecuted, reviled, and slandered, with reward awaiting them in heaven.

How is this transition from old to new manifest in *Matthew* 5:21–48? While the antitheses address a variety of subjects, *coercive rectification of wrong* is prominent in the material Jesus cites from the Mosaic law.¹⁷¹ Three of the six instances explicitly mention judicial actions: a murderer is “liable to the judgment,”¹⁷² the husband gives a “certificate of divorce,”¹⁷³ and the person who inflicts bodily harm suffers “eye for an eye, tooth for a tooth.”¹⁷⁴ Another instance—“hate your enemy”¹⁷⁵—speaks primarily of judgment inflicted through warfare or such, as argued above. Still another—concerning oaths¹⁷⁶—has judicial overtones: oaths were part of at least some trials under

163. *Id.* at 23:37–39.

164. *Id.* at 24:15–25.

165. *Id.* at 18:23–35; 26:27–28.

166. *Id.* at 5:3–12.

167. *Id.* at 16:18; 18:17.

168. *Id.* at 16:18–19.

169. *Id.* at 18:10–35.

170. *Deuteronomy* 28:1–14.

171. *Matthew* 5:21 (murderers are liable to judgment); *id.* at 5:31 (divorcing wife results in giving a certificate of divorce); *id.* at 5:38 (suffering “an eye for an eye”).

172. *Id.* at 5:21.

173. *Id.* at 5:31.

174. *Id.* at 5:38.

175. *Id.* at 5:43.

176. *Id.* at 5:33.

the Mosaic law,¹⁷⁷ the law showed concern for truth-telling especially in context of witness-bearing,¹⁷⁸ and the exhortation to truthful witness in *Deuteronomy* 19:15–21 ends with a statement of the *lex talionis* (the same pattern of movement from the fourth to the fifth antithesis). Only one antithesis, concerning adultery,¹⁷⁹ has no immediate judicial connotation, although adultery was a capital crime under Moses. As the first antithesis adds “whoever murders will be liable to the judgment” after “you shall not murder,”¹⁸⁰ perhaps we should silently hear “whoever commits adultery will be liable to the judgment” after “you shall not commit adultery.”¹⁸¹

In contrast, Jesus’s “but I tell you” statements point in very different directions. Three of them call for a purity of heart and conduct that Mosaic courts were not required to handle and were not even competent to adjudicate: no anger,¹⁸² no lust,¹⁸³ and truth-telling in all ordinary speech.¹⁸⁴ Four of them call for peaceful response to conflict instead of litigation or warfare: be reconciled to your brother/accuser,¹⁸⁵ drop the divorce suit,¹⁸⁶ turn the other cheek,¹⁸⁷ and love your enemy.¹⁸⁸ And at least two of them envision an acceptance of suffering and loss that commitment to Jesus entails: put away *everything* that causes one to sin¹⁸⁹ and put up with slaps, nakedness, forced labor, and borrowers.¹⁹⁰ In various ways, therefore, the new ethic of Jesus’s kingdom is not about making things right here and now through court and sword—

177. See, e.g., *Numbers* 5:19–22.

178. See *Exodus* 20:16.

179. *Matthew* 5:27.

180. *Id.* at 5:21.

181. *Id.* at 5:27. This seems a reasonable suggestion, analogous to the widely-accepted notion that although “to those of old” only appears in two of the antitheses, it should be implied in the other four. See *id.* at 5:27–32 (regarding the antitheses for lust and divorce); *id.* at 5:38–48 (regarding the antitheses for retaliation and loving your enemies); FRANCE, *supra* note 19, at 195; HAGNER, *supra* note 42, at 115.

182. *Matthew* 5:22.

183. *Id.* at 5:28.

184. *Id.* at 5:37. I realize that Jesus says “everyone who is angry with his brother will be liable to judgment.” *Id.* at 5:22. I take this as a figure of speech meant to point *away* from focus on sins justiciable in human courts, since it is ridiculous to imagine such courts attempting to adjudicate accusations of anger.

185. *Id.* at 5:23–25.

186. *Id.* at 5:32.

187. *Id.* at 5:39–42.

188. *Id.* at 5:44.

189. *Id.* at 5:29–30.

190. *Id.* at 5:39–42.

in contrast to the Mosaic law, in which justice through court and sword was prominent.¹⁹¹

To close this section, I might note how these same themes recur throughout *Matthew*. The theme of inward purity not justiciable in human courts continues through Jesus's emphasis upon the heart as the source of moral action.¹⁹² The theme of peaceful response to conflict rather than litigation continues especially in the account of how the church seeks to reconcile with the sinner in its midst and in the adjacent parable of the unmerciful servant, in which kingdom citizens follow the example of their heavenly Father, the shepherd who leaves his ninety-nine sheep to seek the one that goes astray.¹⁹³ And the theme of suffering and loss finds special expression in Jesus's call to deny oneself and take up one's cross, in imitation of him.¹⁹⁴

IV. IMPLICATIONS FOR CONTEMPORARY LAW

The issues under consideration are important for Christian ethics generally, but we have special interest in their relevance for contemporary law. I do not believe *Matthew* 5:21–48 says anything directly about contemporary law.¹⁹⁵ It sets forth an ethics of the kingdom, and while *Matthew* identifies the church with the kingdom,¹⁹⁶ neither he nor any other New Testament writer associates earthly governments or legal systems with it. Nevertheless, *Matthew* 5:21–48 has at least two momentous implications for contemporary law.

First, *Matthew* 5:21–48 has momentous implications for *civil jurisdiction*. Under the Mosaic law, the covenant people of God had jurisdiction over matters of civil justice.¹⁹⁷ The law required Israel to appoint judges and to rectify

191. This conclusion is similar to Neusner's repeated observation that Jesus's ethic, in *Matthew*, does not address Israel as a continuing people in this world, and is not designed to govern a state or broader society. See NEUSNER, *supra* note 88, at 45, 58–59, 72, 86, 103, 133, 152–53, 156–59. But I believe Neusner errs in portraying Jesus's teaching too individualistically and not sufficiently recognizing its deeply communal nature in *Matthew*. See, e.g., *id.* at 46, 161.

192. *Matthew* 12:33–37; 15:1–20.

193. *Id.* at 18:10–35.

194. *Id.* at 16:21–28.

195. As Thielman puts it, "Jesus has no interest in the legal refinements necessary for making a society work politically." THIELMAN, *supra* note 5, at 58.

196. *Matthew* 16:18–19; 18:15–20.

197. *Exodus* 18:25–26 ("Moses chose able men out of all Israel and made them heads over the people, chiefs of thousands, of hundreds, of fifties, and of tens. And they judged the people at all times. Any hard case they brought to Moses, but any small matter they decided themselves.").

wrongs through fines, corporeal punishment, and even capital punishment.¹⁹⁸ The *lex talionis* was a prime standard for judgment.¹⁹⁹ Accordingly, the antitheses associate what was said of old with acts of coercive judgment that rectify wrongs, as observed above. But as also observed, Jesus’s new ethic points away from such judgment. The fifth antithesis expresses this climactically: Jesus’s kingdom is characterized by *bearing* others’ rightful punishment rather than *imposing* it upon them.²⁰⁰ The implication is that now, unlike under the Mosaic law, the covenant people of God have no jurisdiction over matters of civil justice. The church has no sword to rectify wrongs. *Matthew* recognizes the church’s jurisdiction over sin within its own ranks, but this is peaceful rather than coercive and it aims at reconciliation rather than talionic justice.²⁰¹ *Matthew* 5 itself does not tell us whether, after Jesus’s coming, jurisdiction to administer justice through coercion exists elsewhere, although other New Testament texts teach that it does.²⁰² Therefore, to put things simply, jurisdiction over legal judgment and law-enforcement used to lie with God’s covenant people, but it does not after Jesus’s coming. Many Christians today take that for granted, but we can be sure the Israelites of Jesus’s day did not. This first implication of *Matthew* 5:21–48 marked a radical change in the covenant people’s relationship to civil law.

Second, *Matthew* 5:21–48 has important implications for *religious freedom*. The Mosaic law granted nothing remotely resembling freedom of religion. On pain of death, the law prohibited the worship of any god but the one who created heaven and earth and brought Israel out of Egypt.²⁰³ Israel was to destroy the previous inhabitants of Canaan, in order to purify the Promised Land of idolatry.²⁰⁴ Accordingly, the sixth antithesis acknowledges that they had heard it said: “hate your enemies.”²⁰⁵ But now, Jesus’s new ethic tells

198. See, e.g., *id.* at 21:12 (requiring that a man who kills another to be killed); *id.* at 22:1 (requiring that a man who steals, kills, or sells an ox or sheep to “repay five oxen for an ox, and four sheep for a sheep.”).

199. See *id.* at 21:23–25 (“But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for good, burn for burn, wound for wound, stripe for stripe.”).

200. *Matthew* 5:38–42 (discussing the *lex talionis*).

201. See, e.g., *id.* at 18:15–20; see also 1 *Corinthians* 5; *Galatians* 6:1–2.

202. See, e.g., *Romans* 13:1–7; 1 *Peter* 2:13–17.

203. *Deuteronomy* 8:19 (“And if you forget the Lord your God and go after other gods and serve them and worship them, I solemnly warn you today that you shall surely perish.”).

204. *Id.* at 7:5 (“But thus shall you deal with them: you shall break down their altars and dash in pieces their pillars and chop down their Asherim and burn their carved images with fire.”).

205. *Matthew* 5:43 (“You have heard it was said, You shall love your neighbor as your enemy.”).

them to love their enemies and pray for their persecutors, in imitation of God who sends sun and rain on the evil and good alike. In other words, rather than exercising divine judgment toward idolaters, they are to mimic God’s common, preservative grace. Kingdom citizens and their church are to live at peace with and do good to those of other faiths. The church is to spread through all the world,²⁰⁶ but having no holy land of their own, its members must seek the good of their non-believing neighbors as God required the Israelites in Babylonian exile.²⁰⁷ Followers of Christ have no business waging holy war against non-Christians. And since they certainly do not want non-Christians waging war against them, they have every reason to promote a robust religious liberty. Many Christians today also take that for granted, but again we can be sure that the Israelites of Jesus’s day regarded this as a radical change of course. And to Christianity’s shame, many Christians throughout history have appealed to things said of old to justify religious persecution.²⁰⁸

V. CONCLUSION

I am profoundly grateful for the many contributions Bob Cochran has made to Christian legal scholarship, and perhaps especially for the ways he has promoted serious biblical reflection on the law. I offer this Article, with thanks, as an effort to continue the conversations that Bob has so wonderfully kindled.

206. *Id.* at 13:31–33; *id.* at 28:19.

207. *Jeremiah* 29:7.

208. To give but two examples, Augustine and John Calvin appealed to the examples of Israelite kings who defended true worship in accord with the law of Moses. See 4 SAINT AUGUSTINE, LETTERS 159–60 (Sister Wilfrid Parsons trans., The Catholic Univ. of Am. Press 1955); JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION 658 (Henry Beveridge trans., WM. B. Eerdmans Publ’g Co. 1989) (1559).