

occur in ancient Israel and apparently without being considered as an act of adultery. Legally, a woman given a valid divorce is free to remarry, for this was the purpose of divorce in the first place. The Mishnah gives the shortest valid wording of the *get*: “Lo, you are permitted to any man” (m.*Gittin* 9.11). The idea, then, that Yeshua permitted divorce but prohibited remarriage is invalid. In the 1st Century CE, divorce and the right to remarry were bond together. In fact, this is Yeshua’s point: an invalid divorce gives no right to remarry in God’s eyes. A valid divorce does. However, in the case of the unfaithful wife who is given a valid divorce, her status as one who has engaged in *porneia* is made clear, and one would have to wonder what kind of man would be willing to marry her under these circumstances.

and whoever marries a divorced woman commits adultery – This final clause of our text must be read in light of the context in which Yeshua is apparently speaking to the “no fault” divorces that abounded in His day. Whereas the legal authorities considered a divorce valid as long as the “paper work” was properly filed, Yeshua rather returns to the words of the Torah (Deut 24:1) in order to bring its divine message to bear upon the events of His day. “No fault” divorce was, as far as Yeshua was concerned, no divorce at all. Women who were dismissed from their husband’s home by such invalid “bills of dismissal” were, in God’s eyes, still rightfully married. As such, they were not “free to marry” another man, even though the *get* they held in their hand said they were. Therefore, any man who married such a woman was taking to himself the wife of another man, and this constituted adultery.

33–37 “Again, you have heard that the ancients were told, ‘You shall not make false vows, but shall fulfill your vows to the Lord.’ But I say to you, make no oath at all, either by heaven, for it is the throne of God, or by the earth, for it is the footstool of His feet, or by Jerusalem, for it is the city of the great King. Nor shall you make an oath by your head, for you cannot make one hair white or black. But let your statement be, ‘Yes, yes’ or ‘No, no’; anything beyond these is of evil.

This fourth antithesis relates to the issue of vows and oaths. Normally a vow (נדר, *neider*; נדר, *nadar*, “to vow” / ὄρκος, *orkos*, “vow”) is offered to God, while an oath (שבועה, *sh’vu’ah*; שבוע, “to swear” / ὀμνύω, *omnuo*, “to swear”) is made with one’s fellow man. However, the terms were often used interchangeably so we should not make a major point of their appearance together in this text.¹

The opening phrase “you have heard that the ancients were told” matches the opening line of v. 21 and is probably used structurally to group the sayings into two groups of three. Thus, this antithesis marks the beginning of the second set.

The well known axiom prohibiting false oaths and the command to fulfill one’s vows to the Lord is based upon texts like Lev 19:12, “You shall not swear falsely by My name, so as to profane the name of your God; I am the LORD” and Num 30:2 “If a man makes a vow to the LORD, or takes an oath to bind himself with a binding obligation, he shall not violate his word; he shall do according to all that proceeds out of his mouth.” The opening statement, then, is not a direct quote from the Torah but a general paraphrase combining several Torah texts. Nor does the Greek of Matthew match that of the Lxx in either of these two texts.² It may be that Ps 50:14 (Lxx 49:14) is in mind: “Offer to God a sacrifice of thanksgiving and pay your vows to the

¹See the comments of Lachs, *Rabbinic Commentary*, pp. 100-101.

²The DuTillet of v. 33 offers no substantial help. The Hebrew is essentially a translation of the Greek. The Münster has the same reading as the DuTillet with the exception that it has the plural “vows” where the DuTillet has the singular. The Even Bohan has a different text from either the DuTillet or the Münster. It reads: לא תשבוע בשמי לא תשבוע בשמי, “Do not swear in My name falsely and return to Adonai your vow.”

Most High.”

Obviously Yeshua is not contradicting the clear statement of the Torah which commands that a person is to make honest vows which he intends to fulfill. At first reading, the Master’s words seem to prohibit oaths or vows altogether, but if we put His words into the context of early Judaisms as we know them, a different emphasis is recognized.

As far as we can tell, the taking of oaths and vows had become a common thing in Yeshua’s time, so common that it had become customary to utter thoughtless, even outrageous vows. In *b. Shabbat 116a*; *b. Bava Metzia 85a*; *b. Makkot 5b* we read of vows such as “may I lose my sons if...,” “may I not see the comfort of the Messianic Age if...” and similar vain words. Such thoughtless uttering of oaths prompted the Sages to find ways to limit the taking of oaths. Their words directly parallel those of Yeshua in regard to oaths. After a typical Talmudic story of a person who swears and suffers, the Sages conclude, “Be you guilty or innocent, do not swear.”¹ In like manner we read,

Be careful with vows, and not hasty with them, for he who is hasty with vows will end by false swearing (מועל בשבועיה), and he who swears falsely, denies me, and will never be forgiven.²

The Holy One, blessed be He, said to Israel, ‘Do not imagine that you are permitted to swear by My name even in truth...’³

In Philo we read:

To swear not at all is the best course and most profitable to life, well suited to a rational nature which has been taught to speak the truth so well on each occasion that its words are regarded as oaths; to swear truly is only, as people say, a second-best voyage, for the mere fact of his swearing casts suspicion on the trustworthiness of the man. Let him, then, lag and linger in the hope that by repeated postponement he may avoid the oath altogether.⁴

Josephus indicates that the Essenes avoided taking oaths,⁵ and the Qumran sect appears to share a similar reluctance regarding vows (though there is some ambiguity, cf. 11QTemple 53-54; CD 7.8; 9.9-12; 15-16; 1QS 5.8; 6.27).

Yeshua continues by prohibiting oaths by “heaven,” “earth,” Jerusalem,” or by one’s own “head.” We find similar references in the Mishnah among the debates of what constituted a valid or binding oath, and what did not:

“I impose an oath on you,” “I command you,” “I bind you,”—lo, these are liable. “By heaven and earth,” lo, these are exempt. “By [the name of] Alef-dalet [Adonai]” or “Yud-he [Yahweh],” “By the Almighty,” “By Hosts,” “By him who is merciful and gracious,” “By him who is long-suffering and abundant in mercy,” or by any other euphemism—lo, these are liable. “He who curses making use of any one of these is liable,” the words of R. Meir. And sages exempt. “He who curses his father or his mother with any one of them is liable,” the words of R. Meir. And sages exempt. He who curses himself and his friend with any one of them transgresses a negative commandment. [If he said,] “May God smite you,” “So may God smite you,” this is [language for] an adjuration which is written in the Torah (Lev.

¹y. *Shavu’ot* §6 37a.

²b. *Mattot* 79a.

³Mid. Rab. Num 22.1.

⁴Philo, *On the Decalogue* 17.

⁵Bell. 2.135.

5:1). "May he not smite you," "may he bless you," "may he do good to you"— R. Meir declares liable [for a false oath taken with such a formula]. And sages exempt. (m.*Shevu'ot* 4.13)

He who says, "Not-unconsecrated produce shall I not eat with you," "Not-valid [food]," and, "Not pure," "[Not] clean [for the altar]," or "Unclean," or "Remnant," or "Refuse"— is bound. [If he said, "May it be to me] like the lamb [of the daily whole offering]," "Like the [temple] sheds," "Like the wood," "Like the fire," "Like the altar," "Like the sanctuary," "Like Jerusalem"— [if] he vowed by the name of one of any of the utensils used for the altar, even though he has not used the word *qorban*—lo, this one has vowed [in a binding way as if he had vowed] by *qorban*. R. Judah says, "He who says, 'Jerusalem,' has said nothing." (m.*Nedarim* 1.3)

[If] he said to him, "If one litigant said to the other, 'I accept my father as reliable,' 'I accept your father as reliable,' 'I accept as reliable three herdsmen [to serve as judges]'" — R. Meir says, "He has the power to retract." And sages say, "He has not got the power to retract." [If] one owed an oath to this fellow, and his fellow said, "[Instead of an oath], take a vow to me by the life of your head," R. Meir says, "He has the power to retract." And sages say, "He has not got the power to retract." (m.*Sanhedrin* 3.2)

If these rabbinic discussions give evidence of the early debates over what did and did not constitute a binding oath, then it becomes clear that the problem addressed by Yeshua was one of legal ambiguity in the matter of oaths and vows. The tangle of legal rulings surrounding the whole matter of oaths and vows had made them practically ineffective. As such, the integrity of a person's words had lost their value to the "red tape" of the legal system. Yeshua therefore teaches that one's word should be enough without needing to rely upon legal constructs that could be manipulated to one's advantage later on.

Moreover, it becomes clear that Yeshua is not prohibiting oaths or vows altogether, but is teaching that one's oath should be simple and honest, and made with the full recognition that God is witness to one's oath. For this reason, to swear by "heaven" or "earth" is the same as to swear by God's name, for heaven and earth belong to Him. Is 66:1 says, "Thus says the LORD, 'Heaven is My throne and the earth is My footstool.'" Likewise, Jerusalem is His dwelling place, and to swear by the Holy City is the same as evoking the witness of God: "Beautiful in elevation, the joy of the whole earth, is Mount Zion in the far north, the city of the great King" (Ps 48:2). "To swear by one's head" is equivalent to the Hebrew *הַיְי רִאשְׁתִּי*, "by the life of your head," meaning by oneself (as we noted in the above quote from m.*Sanhedrin* 3.2). Once again, such an addition to one's oath is superfluous, since one should recognize that God alone is the One who maintains life. Black hair may represent youth, and white hair the aged. In other words, we cannot halt time and keep from growing old. Our times are in His hands, for it is "in Him we live, and move, and exist" (Acts 17:28).

But let your statement be, 'Yes, yes' or 'No, no'; anything beyond these is of evil. Thus, our Master's conclusion is not that oaths or vows are prohibited, for saying "yes" or "no" was considered an oath:

R. Elazar said, "Yea is an oath, and nay is an oath": Raba said, "But

only then if yea and nay are said twice.” (b.*Shavu’ot* 36a)

Likewise, the Sages taught the same thing regarding simply saying “yes” and “no” as a valid oath:

“Let your nay and yea be both zedek.” (b.*Bava Metzia* 49a)

R. Huna said, “The yea of the righteous is a yea; their no is a no.” (Mid Rab *Ruth* vii. §6, on 3.18)

According to *Mechilta*, the Israelites answered “Yea, yea and nay, nay to the commands at Sinai” (*Mechilta* on Exodus, 20:1, 2).

Thus, while not prohibiting vows or oaths altogether, Yeshua does bring us back to the very import and message of the Torah, namely, that our words should be fully spoken in truth and with integrity. James reiterates the essence of our Master’s teaching:

But above all, my brethren, do not swear, either by heaven or by earth or with any other oath; but your yes is to be yes, and your no, no, so that you may not fall under judgment. (James 5:12)

It seems apparent that Yeshua’s words here were understood by His Apostles as we have construed them, that is, not as prohibiting oaths altogether, but requiring that His disciples make simple vows with full intention of fulfilling them. Thus, Paul himself took a Nazirite vow (Acts 18:18), and he helped four men complete their vow in Jerusalem (Acts 21:23) which would have required the taking of a vow. Likewise, Paul uses oath formulae in Rom 1:9; 2Cor 1:23; Gal 1:20; Phil 1:8, and the angel of John’s Apocalypse swears “by the God of heaven” (Rev 10:6). Once again, the antithesis that Yeshua gives us is between a superficial adherence to Torah commandments for the sake of men, and obedience from the heart that longs to please the Almighty Himself.

38–39 You have heard that it was said, ‘An eye for an eye, and a tooth for a tooth.’ But I say to you, do not resist an evil person; but whoever slaps you on your right cheek, turn the other to him also.

The law of *lex talionis* (law of retaliation) is found in Ex 21:25; Lev 24:19ff, and Deut 19:21. The Sages have always understood the application of the *lex talionis* of the Torah to be in the sense of equivalence, that is, equivalent payment equal to the evaluation of the loss. The idea of physical mutilation as a means of lawful punishment has no example in the Scriptures, except for the penalty for a woman who injures a man’s private parts—her hand is to be cut off (Deut 25:11–12). However, the Sages interpret this as they do *lex talionis*, and understand the penalty to be the equivalent value of a hand. The only example we find is during warfare, when the soldiers of Israel defeated Adoni-Bezek, and cut off his thumbs and big-toes (Judges 1:6). But this is not a penalty of justice *per se* but a humbling of a defeated enemy in war.

In our context, however, Yeshua quotes a representative line from the *lex talionis* but places it in the context, not of physical injury but of public humiliation. For a slap on the cheek is not an injury to the body but to one’s