

Women Witnesses to the Risen Lord

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Abstract: Under Jewish law, the witnessing of Jesus as resurrected must occur by the third-day after death. Later witnessing can be corroborative, but the third-day witnessing is crucial. In Matthew and John, the sole percipient witnesses on the third-day are women, plural in Matthew, a single woman in John. This seems to cast doubt on Jesus' resurrection because in Greek, Roman, and Jewish culture, women were ineligible as witnesses or were considered vastly inferior as witnesses to men. Celsus inveighed, "Who saw this? A hysterical female!" Communicating to outsiders, having women witness casts aspersions on Jesus' resurrection making Christianity appear unthreatening to the imperial order. However, for Jews aware of the celebrated exception in the Pharisaic/rabbinic oral law/tradition that accepted women's testimony in the circumstances found in the gospels, having specifically women witness makes their testimony more credible than had the witnesses been men or any combination of men and women. Women witnessing the risen Lord fits within the interstices of the Law, so that, not just human testimony, but the Law lends its imprimatur endorsing Jesus.

Keywords: *Agunah*, genre, novel, resurrection, testimony, third-day, witness, women

In Matthew's and John's gospels, the sole percipient witnesses to Jesus' resurrection on the crucial third-day after death are women/a woman. Yet, in the Mediterranean and Near Eastern world, women were not permitted as witnesses or at least were considered vastly inferior as witnesses to men. Therefore, a plain surface reading suggests the witnessing of Jesus' resurrection by specifically women is inferior and suspect.

This article answers the mystery of why women witnesses. In post-colonial Bakhtinian polyglossia, different constituencies in the audience hear/read the same words differently; the text has one (erroneous) plain surface meaning for dominants (hostile outsiders) and another (correct) esoteric hidden transcript/meaning for subalterns (Jews).

In the first century, there developed an enormous body of *recondite*, specifically Jewish, oral law in which, in certain pertinent circumstances, the testimony of women was accepted—archetypically in the context of widows' remarriage, to prove whether someone they knew/know well, archetypically a husband, was alive or dead. Thus, for outsiders not appreciating this new enormous body of Jewish oral law, having women witnesses seems to trivialize the resurrection, making Christianity non-threatening to Rome.¹ But, for subaltern Jews, women witnesses invoke

¹ Simmonds, "Sub Rosa," 733-754 (734-735); Melzer, "On the Pedagogical Motive," 1015-1031; Ahl, "The Art of Safe Criticism," 174-208.

the beloved vaunted Jewish Law/tradition, giving Jesus' resurrection the great endorsement and imprimatur of *the Law*. Ironically, in an exception that proves the rule (of gendered witnessing),² in respect of Jesus' resurrection, from a Jewish perspective, specifically women's witness was superior and more credible and convincing than alternatively having as witnesses men or any combination of men and women. Women were *expected* to be the percipient witnesses to Jesus' resurrection.

As a corollary: having *the Law* endorse Jesus, Matthew and John endorse the Law—which is the Petrine (Jerusalem church) Jewish law-reverent position in contrast to the Pauline Gentile law-free position.³ This latter topic is too vast to discuss here. Suffice it to state, while Judaism traditionally placed enormous emphasis on the importance of widows' remarriage—in the stories of Tamar and Ruth, for instance, Paul favored celibacy preferring that widows not remarry (1 Cor 7:8). Some Pauline passages may be considered anti-women.⁴ Paul has all male resurrection witnesses (1 Cor 15:3–7). In Acts 6:1–7, providing for widows was a surprisingly early and important dispute in the Jerusalem church, in a controversy between Hellenist and Hebrews, focused on the role of the disciples, whether as waiters serving widows food or in prayer and preaching.⁵

Matthew's redactor, compiler, and editor, and in some places author, conventionally called M, is the author of the special M material generally not found in the other gospels or the rest of the New Testament. M uses Tannaitic legal allusions (of tradition/oral law) in stunning profusion.⁶ In the instance of the witnessing of Jesus' resurrection, John does so as well. Matthew and John also use classical allusions. Their allusions are so specific—like fingerprints—that they reveal authorial intent. Via Callimachean allusions, the text interprets itself to the perceptive reader/hearer. Reader response is channeled to the subaltern esoteric/hidden meaning *the author intended*.⁷

For a pertinent example of this allusive methodology, for a millennium and a half in the West, Mary Magdalene was considered a reformed sexual sinner. In 1969 the Church rehabilitated her (finding she had not been a sexual sinner after all), and in 2016 made her an apostle—was this a new modern revisionist development reacting to ascendant feminism, or is it equally perhaps a return to the old original stratum, the Mary of original Christianity, before a misogynistic perspective

2 In a top-down, big picture, "Greek" *deductive* analysis, a remote numerically/statistically inconsequential exception is irrelevant. In a bottom-up, detail-oriented, "Jewish" *inductive* analysis, the strikingly incongruous remote/minor exception is highly relevant. Simmonds, "Judas and Joseph," 147–179, esp. 149–150.

3 Simmonds, "Judas and Joseph," 147–148, 177–178.

4 Simmonds, "Judas and Joseph," 148. Pauline statements that some have considered anti-women include 1 Cor 11:7–10; 14:33–35; 2 Cor 11:3; Eph 5:22–24; Col 3:18; 1 Tim 2:9–15; 1 Pet 3:1–7.

5 Pao, "Waiters or Preachers," 127–144. Ferdinand Christian Baur suggested Acts tries to reconcile Petrine and Pauline Christianity.

6 Simmonds, "*Sub Rosa*," 748–753; Simmonds, "Judas and Joseph," 149–150.

7 See Dinkler, *Literary Theory*, 19–29, 120–129; Simmonds, "Judas and Joseph," 148–149.

took hold? This article answers that question. The allusions discussed herein tell us what her first-century contemporaries thought Mary was like.

This article deals first with Matthew, then with John. First, discussing the Jewish law of women witnesses and its then contemporary importance. Next, as a literary foil, these evangelists disparage competing witness of men, doubting or silent disciples and lying bribed guards. Women's witnessing was an appearance tradition, and Jewish law does not lend its imprimatur to an empty tomb. An appearance tradition is the original stratum.

Matthew's husband-wife motif conjures up Jesus and Mary in a physical, bodily, romantic marriage or fiancé relationship—in the specific archetypal background context of leniently allowing widows to remarry. More so than marriage, remarriage has individual and physical connotations. Thus, already in Matthew, Mary Magdalene and Jesus are portrayed in an individual human context, in addition to more broadly a spiritual communal context. John evidently understood Matthew's husband-wife motif because John copies it but “translated” for a non-Jewish audience *unfamiliar* with the Jewish law of women witnesses. Thus, John uses Greek (romantic) novel genre which also (like Matthew) has a husband-wife motif (one understandable by non-Jews). Even more than in Matthew, invoking novel romance, John depicts Mary and Jesus as human individuals, not only spiritually, communally, or allegorically.⁸ Not only is Mary more broadly the mystical/allegorical bride of Christ, she is a unique specific female individual human being witness to a specific event at a specific time and place.

1. On the Third-Day

In Pharisaic/rabbinic/tannaitic law and custom the first three days following death were “understood to have a special quality” such that “the unique status of the first three days is beyond question.”⁹ Absent unusual circumstances, not found in the gospels, that might produce a delay in decomposition, identification of the deceased had to occur by the third day after death (*m. Yebam.* 16.3; *b. Yebam.* 120a3 and n. 16).¹⁰ Under normal circumstances, by the fourth day, the corpse would have begun to decompose (*b. Yebam.* 120a3 and nn. 16–18; John 11:39).¹¹ An identification of a corpse that had (in some measure) decomposed was highly problematic, such that legally

⁸ See Pope John Paul II, *Return to the Subject of Human Love*.

⁹ Kraemer, *Death*, 123–124; Bassler – Cohen, *Matthew*, 707.

¹⁰ All citation to the Babylonian Talmud are to the dual English/Hebrew (and Aramaic) Schottenstein Edition, ArtScroll Series published by Mesorah Publications, Brooklyn, New York. Based on the classic Vilna Shas, ArtScroll is the first and only translated, unabridged, fully annotated Bavli.

¹¹ Kraemer, *Death*, 21.

speaking, it would have been out of the question for the Messiah/Jesus to be identified solely outside of the crucial three day window.

The Pharisaic/rabbinic rules requiring identification of a deceased person by a witnessing of the corpse during the three days after death are paralleled in the Pharisaic/rabbinic tradition that a resurrection of the body (outside of the general resurrection) occurs on the third day after death, prior to the commencement of decomposition.¹² Peter in Acts 2:31–32 and Paul in Acts 13:35–37 state that Jesus' body did not decompose.

There was the notion that the soul hovers around the body until the third-day; that until the third-day even the soul is not sure that the body is dead and clings to the hope of reentering the body.¹³ Only “from the third day is death irreversible; until that point, it is always possible that the soul will find its way back into the body.”¹⁴ Thus, under Jewish law and tradition, the identification of Jesus as resurrected has to occur specifically on the third-day.

Moreover, it was common public knowledge that Jesus said he would rise from the dead on the third-day (Mark 8:31; 9:31; 10:34; Matt 16:21; 17:23; 20:19; Luke 9:22; 18:33; 24:46; 1 Cor 15:3–4).¹⁵ As corroboration, Matthew has the priests *and Pharisees* tell Pilate that Jesus announced publicly, and it became well known, that “after”¹⁶ three days he would rise again (27:62–63). Putting Jesus' prediction of his resurrection on the third-day in the mouths of his enemies, the priests, and his learned opponents, most capable debaters, and favorite debate partners,¹⁷ the Pharisees, significantly bolsters the credibility of Jesus' prediction.¹⁸ As further evidence that resurrection had to occur by the third-day, in Matthew, the guards secured Jesus' tomb for three days, after which the peril (that Jesus might resurrect) was avoided/obviated (27:64; *Gos. Pet.* 29).¹⁹

These third-day traditions, combined with the Pharisaic/rabbinic notion of actual full bodily physical resurrection, and that identification had to occur prior to decomposition—meant that the witnessing of the resurrected Jesus on the third-day has an importance incomparably greater than any subsequent identification or witnessing. Thus, it is extremely important to note that, in both Matthew and John,

¹² Hos 6:2 (“on the third-day he will rise us up, and we shall live in his sight”) is used repeatedly in rabbinic exegesis for the notion that resurrection of the dead will occur on the third-day. See Kraemer, *Death*, 84; Neusner, *Hosea*, 15, 44–45, 53, 138; McCasland, “The Scriptural Basis,” 124–137; Wijngaards, “Death and Resurrection,” 226–239.

¹³ Kraemer, *Death*, 125

¹⁴ Kraemer, *Death*, 84.

¹⁵ Heil, “The Narrative Structure,” 424.

¹⁶ The Greek preposition μετά means “after” or “with” the third-day. Any difference between “on” or “after” is “actually insignificant.” “The third day is the significant one.” The Talmud also debates whether “until” means to include the last stated period or not. Kraemer, *Death*, 156, n. 6.

¹⁷ Simmonds, “Woe to You . . . Hypocrites!,” 336–349.

¹⁸ Luz, *Matthew 21–28*, 587 (“officially certified”).

¹⁹ Heil, “The Narrative Structure,” 428; Kraemer, *Death*, 83.

the only people to see Jesus “on the third-day” (during the crucial three-day limitations period calculated the Jewish way from dusk to dusk) are women.²⁰

Under Pharisaic/rabbinic law, the other later eyewitness identifications of the risen Lord (by men outside of the three-day limitations period), may bolster the women’s testimony, but by themselves, the later testimony beyond the third-day (by men) is insufficient. In Matt 28:16–20, Luke 24:36–45, and John 20:19–23, Jesus appears to the disciples as a group. In Matthew it is at some unspecified time, but presumably much later than “the third-day” because the meeting is on a mountain in Galilee. In Luke and John, the meeting is on the third-day, but only calculated the Greco-Roman way from dawn to dawn (Pliny, *NH* 2.77), rather than calculated the Jewish way from dusk to dusk.²¹

The witnessing in Luke on the Road to Emmaus is interesting. The two travelers see but do not recognize Jesus. Recognition comes in the evening (perhaps/seemingly falling in the next day computed the Jewish way). Under rabbinic law, in Matthew and John (and perhaps in Luke), *the* crucial third-day testimony under Jewish law of Jesus’ resurrection comes from women, and famously women alone.

2. Famously, Women Were Not Permitted as Witnesses

In Jewish law, as a rule, only two, free, Jewish men could be witnesses (*b. Shev.* 30a2;²² John 8:18). Women were *the* paradigmatic category of persons who could *not* be witnesses.²³ Indeed, not only in Jewish society, in the ancient Mediterranean world in Greek and Roman society as well, whether in court proceedings or informal reporting of events, women were conventionally regarded as light-minded,²⁴ fickle,

²⁰ Computed in the Jewish manner by the day beginning at sunset (Matt 28:1–10, 17; Mark 16:1–11; contrast Luke 24:1, 13, 21, 29, 33; John 20:1, 19).

²¹ On the reckoning of hours in John’s Gospel, see Kubiś, “Roman versus Jewish,” 247–280.

²² Cohn, “Witness,” 115–116.

²³ Daube, “Witnesses,” 415–416 (“standard case of unfitness”) (all citations to Daube are to Collected Works); Josephus, *Ant.* 4.8.15 (209) (“on account of the levity and boldness of their sex”); Josephus, *C. Ap.* 2.24.201; Cohn, “Witness;” *b. Shev.* 30a1–3 and n. 2 (As a technical matter of rabbinic law, a woman never has the legal classification of a witness, merely occasionally her testimony is accepted as though she were); Wenger, *Chattel or Person?*, 120–126; Maccini, *Testimony*, 63–97; Ilan, *Jewish Women*, 163–166; Bauckham, *Gospel Women*, 257–261. In Greek and Roman law of the time, with rare exception, women were not permitted as witnesses. Discussed in van Hout, “Gender and Authority,” 201–220; Brundage, “Juridical Space,” 147–156.

²⁴ The ancient Greeks had a word, γυναικάριον, for a light-headed, foolish woman. In classical Greek invidious misogynistic stereotype, women were said to have minds of dogs, κύνεος νόος. Franco, *Shameless*, vii, 147, 161. In Rome, the stereotype was of a superstitious old woman (*anus*, adj. *anilis*, *anilis superstitio*, *animi leves*) who lacks courage, moderation, and steadiness, with a feeble “light” or “weak” mind, who trembles, weeps, and worries consumed with fear and anxiety, a distinction between “manly minds” and “old-womanly fears.” Gordon, “*Superstitio*,” 76–77, 87–91. Among all ancient societies discussed

flighty, unsteady, changeable, lacking in self-control, and unreliable, while masculine acting men were regarded as of sound mind, rational, self-controlled, weighty, thoughtful, and reliable—a contrast between women's *levitas* versus men's *gravitas*.²⁵ Sophocles says, “a woman's oath, he writes on water” (Frag. 649). *Varium et mutabile semper femina* (Vergil, *Aen.* 4.569–570), brought forward as *La donna e mobile, qual piuma al vento* (Verdi, *Rigoletto*). In 1 Cor 14:34–35 (see also 11:3–16), Paul relates that women are not to speak in church, but should be subordinate. If they want to learn they should ask their husbands at home.

Thus, whether in a legal setting or informally, even if the testimony of women were to be accepted, it would seem that women's testimony would be suspect and considered vastly inferior to men's. Indeed, that women were key witnesses of Jesus' resurrection proved embarrassing. Celsus derided the claim of Jesus' resurrection: “Who saw this? A hysterical female” (Origen, *Cels.* 2.55).²⁶

Moreover, having exclusively women as witnesses seems unnecessary. In the first place, the presentation need not be gendered. In Acts 13:30–31, Paul preaching on the Sabbath in a synagogue says that the risen Jesus “for many days was seen by those who came up with him from Galilee to Jerusalem, who are his witnesses to the people.” Moreover, there were other prominent accounts in which the witnesses are exclusively male. Thus, Paul recounts that Jesus appeared first to Peter, and then to the twelve, and then to more than 500 brothers at once, and then to James and all the apostles (1 Cor 15:3–7). The *Gospel of Peter* has a great many exclusively male witnesses, both Jewish and Roman, present at the moment of resurrection/ascension. The women arrive after Jesus has left. Hearing Jesus had risen, they depart, become frightened, and flee.

Caesar would not have had women witnesses. A senior senator testified under oath to the Senate that, at Augustus' cremation, he had witnessed Augustus' body ascending to heaven.²⁷ The Senate pronounced Augustus divine. Though the testimony was a man's, Augustus' widow, Livia, was involved paying him a million sesterces.

In Mark 16:8, the women flee, trembling and bewildered, telling no one for they were afraid. In Luke 24:11, the women relate what they had seen and heard, but the men regard the women's words as idle tales and they were not believed. Not so in Matt 28:10, 16: the women do as they were instructed, and were believed because the disciples follow the instruction relayed to them by the women by going to Galilee

here women's status was lowest in classical Greece, and higher in first century Rome and Israel. Among the ancient Etruscans and Egyptians, women had a much higher status than the rest of the Mediterranean world.

²⁵ Gaius 1.190 (*levitas animi*, frivolity of mind); Aeschylus, *Ag.*, 475–500 (gossip, baseless rumor). Women are easily swayed, literally, women's minds are light upon them. See also *b. Kid.* 80b2 and n. 17; *b. Shab.* 33b3 and n. 26 (in this case, women are more likely to succumb under torture); 1 Cor 11:3.

²⁶ Setzer, “Excellent Women,” 261.

²⁷ Beard – North – Price, *Religions of Rome*, 208–209.

to meet Jesus. Likewise, in John 20:18, the woman tells the disciples that she has seen Jesus and relates what he told her to tell them.

Nevertheless, whether in positive or negative parallel portrayals, in the canonical gospels and the *Gospel of Peter*, women play prominent roles in the events of Jesus' resurrection. Women (or a woman) go to Jesus' tomb, find the stone removed, meet an angel or angels, or in Mark and Luke a man or men, and so on. Claudia Setzer suggests that the tradition of women's involvement was so early and firmly entrenched that none of the canonical evangelists felt free to entirely eliminate it.²⁸

3. Why Women? The Answer Is Both Natural and Legal

There are two reasons for the prominence of women in the Passion narratives. In the first place, it is entirely natural and plausible to find women "at the foot of the cross" as seen, for example, in Rizpah at the foot of the crosses of seven sons of Saul—in the premier crucifixion story in the Hebrew Bible (2 Sam 21:1–14), or the woman of Ephesus story in Petronius' *Satyricon* 110.6–113.4. In Mark 14:27–28 and Matt 26:31–32, Jesus predicts that when the shepherd (himself) is stricken, the flock (his followers) will scatter (derived from Zech 13:7), but that later when he is risen, they will gather together again in Galilee. Fulfilling Jesus' prediction, after Jesus' arrest, Jesus' Jewish male followers flee (except Peter, who, denies Jesus three times, also flees, and Judas, who kills himself). With Jesus' male followers gone, in Matthew particularly, women take the fore (center stage) as halakhic women witnesses.

In the ancient Near East, the identification of people, and most especially deceased persons, had a distinctly female paradigmatic context. There was a long history of women's testimony allowed for the identification of (actual or presumed) deceased loved ones (or persons believed to be dead but who were alive), such as a child,²⁹ or especially a husband,³⁰ or other close (often male) friends or relations.³¹ Because of women's greater physical intimacy with children and adults, including members of the opposite sex³² (than men usually have with each other), and their in-

²⁸ Setzer, "Excellent Women," 259, 268.

²⁹ The classic example of otherwise disqualified testimony by women identifying a loved one is, of course, the Judgment of Solomon. There, not only were the two women disqualified because they were women, they were doubly disqualified because of their bad character as harlots. See *b. Shab.* 24b2–25b2; *b. Shev.* 301, n. 4.

³⁰ *b. Yev.* 87b3 and n. 2; see generally 87b–88b; Levy, "The Agunah," 53–58; Roth, "Widow," 4–7, 9, 14, 17–18, 22, 24–25; Paterson, "Divorce and Desertion," 161–170; Holtz, "To Go and Marry," 244–245.

³¹ The classic example from Homer's *Odyssey*, returned home disguised, Odysseus is recognized by only one person, a woman, his childhood nurse (19.428–454). See Auerbach, *Mimesis*, 1. Alluding to the low status of women witnesses in classical Greek tradition, Odysseus was only recognized by his old nurse and his dog.

³² Bassar – Cohen, *Matthew*, 709.

timacy among other women and knowledge of “women’s matters,” as wives, mothers, nannies, nurses, and caregivers, women were considered suited to identify certain close individuals.³³ As well, prosaically, women tend to outlive men. No one knows a man as well as his wife.

In Pharisaic/rabbinic law, there was very extensive and early legal development as to when a missing husband might be considered dead, and what happened if the presumed dead husband returned after his wife’s remarriage.³⁴ (Judging from Homer’s suitors, the returned husband motif was serious.) This was an especially important issue with respect to a widow’s right to remarry and recover her dowry from her husband’s relations,³⁵ and whether she was subject to the rules of levirate marriage.

Because of the *agunah* (“chained woman”)³⁶ problem that a woman might be prevented from remarrying (in this case, where her husband had died, but proof from male witnesses was lacking,³⁷) at an early date, the sages/rabbis relaxed the rules of witnessing in the specific exceptional case to establish a person’s (archetypically a husband’s) death, so as to allow testimony by the wife herself (developing to permit hearsay and even the testimony of any—even Gentile—woman) (*b. Yebam.* 121b3 and nn. 26–27; 122a5–122a6 and nn. 37–44, 51–53; 122b3), but concomitantly they created dire consequences for a wife who remarried when her husband was alive (*b. Yebam.* 116b5 and n. 41; 122b2 and nn. 14–15). The rationale was that a person claimed to be dead, but who was alive, was likely to return (*b. Yebam.* 115a3 and n. 19), and that people do not lie about any matter that is likely to be revealed (*b. Yebam.* 93b2 and n. 19). Thus, if a wife were to testify falsely that her husband had died, and he was alive, she would likely be exposed by his return, resulting in her complete ruin, which militated towards accepting her testimony (*b. Yebam.* 87b3–5 and nn. 19).

These early rules are found in *Mishnah Yebamot* (*Yevamos*) especially chapters 15–16 but elsewhere also and in the compilation of “house disputes” between Bet Shammai and Bet Hillel of *bo bayom*, “on that date” (c. ad 84) (*Ed. General Introduction*, 3a1(1.12), 8a1–2 (6.1), 9b1 and n. 2 (8.5); *b. Ber.* 27b1–28a2).³⁸ The historicity

³³ Recall Antigone caring for her father, while her brothers rejected him. See also 1 Tim 5:3–8.

³⁴ Roth, “Widow”; e.g., Middle Assyrian Laws para. 36, 45–46 in Roth, *Law Collections*, 165, 170–172; Council of Quinisext (Trullo), 93.

³⁵ *b. Yev.* 116b5 and n. 40; Roth, “Widow,” 1–26. Evidence of this tradition is found perhaps in the Dead Sea Scrolls. Davies – Taylor, “On the Testimony of Women in 1Qsa,” 223–235 (she may testify “against” her husband).

³⁶ In the context of a divorcee needing a get to remarry, the *agunah* problem continues in Orthodox Judaism to this day. Berger, “Rabbi Simcha Krauss,” A17.

³⁷ Due to short life spans, the danger of male occupations involving travel, and the young age of women and the higher age of men at marriage, there were many young widows desirable for remarriage and childbearing. Stol, “Women,” 132.

³⁸ Brewer, “The Use of Rabbinic Sources,” 292; Basser, “Gospels,” 112 and n. 2; Basser, *The Mind Behind the Gospels*; Basser, “Planting Christian Trees,” 107 (“antiquity and continuity of Rabbinic modes of thought are to be appreciated and validated by the study of New Testament”); Basser – Cohen, *Matthew*, 711

of these later accounts may perhaps be bolstered by their involving significant rulings in which (unusually) Bet Hillel gave in and agreed with Bet Shammai (*m. Yebam.* 15.2–3; *b. Yebam.* 116b2, 116b5).

The Mishnah (c. 200 CE) is a compilation taken from prior sources, some quoted verbatim.³⁹ *Mishnah Yavamot* obviously had extensive prior development evidenced from the many and painstakingly elaborate sub-rules and sub-exceptions, such as which categories of persons might not be allowed to controvert the wife's witness, including mother-in-law,⁴⁰ daughter of mother-in-law, co-wife, husband's brother's wife, husband's daughter (*m. Yebam.* 15.4) and for purposes of levitate rules the order of deaths of a son and husband (*m. Yebam.* 15.8). Bavli tractate *Yevamot*, incidentally, is famous for being among, if not *the*, most complex tractate of the famously labyrinthian complex Talmud.⁴¹

4. A Legal Category: Halakhic Women Witnesses

It is extremely difficult, nearly impossible to explain to Western readers (educated in the originally Greek Socratic philosophical tradition) the importance of Jewish/rabbinic law. In the first place, particularly among Protestant scholars,⁴² “legalism” became “the very definition and the all-sufficient condemnation of Judaism.”⁴³ In modern anti-Semitic racist thought, late Second Temple Judaism reached evolutionary degeneracy, reduced to sterile empty ritual devoid of feeling. On the contrary,

(“*M.Yeb.* 15.4 affirms that women could give testimony about presumed dead”); Gilat, “*Yevamot*,” 324; also Thomas, “The Fourth Gospel,” 175 and n. 49 (“pre-Yavnean”). Some accounts of the victories of the Pharisees against the Sadducees are heavily apocryphal. For example, *b. B. Bat.* 115b1–16a1.

³⁹ Halivni, *The Formation of the Babylonian Talmud*, 6, 103, 113–114, 116.

⁴⁰ Pope John Paul II (*Mary Was Witness*, no. 1) wonders why Jesus' mother is not recorded as having witnessed Jesus' resurrection speculating she might have been perceived (by resurrection deniers) as “too biased.” It is because the Jewish law of women witnesses considered a possible tension between mothers-in-law and fiancés/daughters-in-law such that presenting Jesus' mother as a witness would be unhelpful to support Magdalene's witness and would not be the paradigmatic case (wife) and so unhelpful to allude to the Law endorsing Jesus' resurrection. Two witnesses are as good as a 100 (*b. Yebam.* 88b5, 117b2). A group of women might not qualify because of possible rivalries and conflicts between them (*b. Yebam.* 117a2–3 and n. 19).

⁴¹ Gilat, “*Yevamot*,” 324; *b. Yebam.* xiviii (“formidable”).

⁴² Baumgarten, “Marcel Simon's ‘Versus Israel,’” 467, n. 12 (in the eyes of Protestant scholars “legalism” viewed as “the worst of all possible religious defects”); 470 (“a mania for sterile casuistry, and of pedantic formalism, for all of which the Talmud provides abundant evidence”); Pinkard, *Hegel*, 585 (Hegel believed that Judaism would and should have vanished from the world stage except for “tenacious unnecessary legalisms”); Jackson, “Legalism,” 1–22.

⁴³ Moore, “Christian Writers on Judaism,” 252 (“None of the learned adversaries of Judaism in the seventeenth and eighteenth centuries, though they knew the literature immeasurably better” espoused these later anti-legalism theories); Gerdmar, *Roots of Theological Anti-Semitism*, 385 and n. 67.

that era witnessed the greatest flowering of rabbinic/Talmudic exegesis in history, the time of the greatest of the greatest of all time, the leading Tannaim, Hillel, Johanan ben Zakkai, and Akiva.

Putting aside prejudice, Western academic thought tends to deduction, focusing on the big picture, the rule, axiom, unity, and coherence in the question: What is the law, the rule? However, more important than extensive similarity between Matthew's account and Jewish law is the way the law operates, the proverbial "weight" of the law, both metaphorically and even, for the sake of simplicity, taken quite literally, the sheer physical volume/weight of words/paper as though placed on a balance scale, proverbially, the quantity of spilt ink. Or, in those times of oral traditions, mental and oral exercise.

Close in time, in both the Jewish and Roman legal systems, two great competing schools developed that debated legal issues, often involving what might seem abstruse, arcane, recondite, legalistic minutia: Hillel and the Pharisees versus Shammai and the Sadducees in Jewish law and Labeo and the Proculians versus Capito and the Sabinians in Roman law.⁴⁴ Alan Watson finds extremely puzzling the importance Roman law attached to the opinions of such unpaid expert jurists who held no official position and whose opinions often conflicted.⁴⁵ The same could be said of the Jewish sages. Meanwhile, Roman and Jewish intensely legal orientation is foreign to rationalistic Greek thought and culture.⁴⁶

Operating under a different criterion of relevance than Western academic thought, Talmudic (Pharisaic/rabbinic) thought tends to induction,⁴⁷ focusing on "the granular," "minutia," unusual details, particulars, specifics, the different, statistically insignificant, odd-man-out, sit-up-and-take-notice unusual—the (*remote*) *exception (that proves the rule), not the rule*.⁴⁸ Never harmonizing texts.⁴⁹

Thus, thinking in this inductive way, the general rule assuredly was that only two, Jewish, free men could be witnesses. However, according to David Daube, the rabbis needed, but could not find, scriptural support for women's exclusion from testimony.⁵⁰

44 Zeitlin, "The Halaka," 32; Stein, "The Two Schools," 8–31.

45 Watson, "Roman Law," 609.

46 Which is why we have the Greek New "Testament" instead of the more appropriate New "Covenant;" covenant does not translate from Hebrew and Latin into Greek. See, Mickiewicz, "Theologization," 751–769 (esp. 762–763 and n. 41). The Greeks did not have (or had to a much lesser extent) sacred immutable treaties and covenants. In modern international law this is the difference between *pacta sunt servanda* and *rebus sic stantibus*. Law played a much greater role in Jewish and Roman culture than Greek. Simmonds, "Christianity and the Imperial Cult."

47 Jacobs, *Studies in Talmudic Logic*, 9–10, nn. 3–4; Silberg, *Talmudic Law*, 19–21; Maccoby, *Philosophy*, 191–196; Moscovitz, *Talmudic Reasoning*, 75–90; Sion, *Judaic Logic*, 18–20, 135–136, 196–200, 252.

48 See Feeney – Heit, *Inductive Reasoning*; Daube, "Two Tripartite Forms," 389–410.

49 Pertinent here Luke has Mary Magdalene exorcised of seven demons (8:2). That should not be read into Mark, Matthew, or John where it does not appear (cf. Mark 16:9) unless there is a demonstrably good reason to do so. Harmonizing makes for shoddy error prone exegesis and scholarship.

50 Daube, "Witnesses," 417.

Thus, in rabbinic law the disqualification of women is on technical textual interpretation, not women's supposed lack of credibility.⁵¹ The reason given is that Scripture uses the masculine form. However, Scripture uses the masculine form in cases where both sexes are referred to.⁵² Nevertheless, while scriptural support was slight, historical support was strong and longstanding. In Mesopotamian tradition, "the only legal capacity that a woman never had was to be a witness."⁵³

Thus, "no one bothered to provide a well reasoned basis" for the two male witness rule.⁵⁴ Hence, the actual physical volume or weight of Jewish law requiring that witnesses be male was minuscule and negligible compared to the enormous physical volume and weight of law for the exceptions that allowed for women's testimony to be accepted (though technicality, formally, they were still not witnesses⁵⁵). The rule that permitted only male witnesses seemingly was so clear (or conversely so flimsy) as to not warrant or encourage comment. Conversely, to create a major exception to such a clear, but largely unsupported rule, the volume of pages (or in an oral tradition the amount of words and thought) on the exception was enormous.

While there were a number of different exceptions that permitted women's testimony (e.g., *b. Ned.* 91a2; *b. B. Qam.* 114b2–3), witnessing by women for the purpose of establishing whether a person was alive or dead was by far by sheer volume or weight the foremost, indeed archetypal exception to the two, free, Jewish, male witnesses rule.

Thus, on the surface, women were the paradigmatic category of persons not allowed to be witnesses. At the same time, in Jewish readers'/hearers' precondition/predisposition, they were the paradigmatic category of persons, who in the exceptional and archetypal circumstances found in the gospels *were expected* to be the per-
cipient witnesses.

This enormous amount of legal background and development meant that the women witnesses to Jesus' resurrection (whose testimony fit within this vaunted legal exception to the male witness rule) were not merely women, who acted as reliable witnesses—women whose testimony in certain circumstances was as good as men's. They were a highly *developed legal category* of halakhic women witnesses,⁵⁶ who, for that reason, their testimony was superior to men's. An enormous legal edifice stood behind ("had their back" of) women's exceptional testimony, while no comparable edifice of law stood behind men's testimony. Due to the comparative

⁵¹ Maccini, *Testimony*, 95.

⁵² Deut 19:15–21; Cohn, "Witness," 115; Daube, "Witnesses," 416; cf. *b. Shev.* 30a1–3 and n. 18.

⁵³ Stol, "Women," 136, 140.

⁵⁴ Daube, "Witnesses," 417.

⁵⁵ This demonstrates the inherent vacuity/ambiguity of nouns versus the expressiveness of verbs.

⁵⁶ Moscovitz, *Talmudic Reasoning*, 6; Saiman, "Legal Theology," 74 (an ownerless ox is not an ox; an ox is an animal to which the laws of "ox" apply, a halakhic ox). Eye, tooth, ear, cheek, horn, hoof are all halakhic categories. Simmonds, "Indirect Causation," 641–686; Simmonds, "Measure for Measure," 123–172.

paucity of law requiring exclusively men's testimony, there was no specific legal category of halakhic male witnesses, except, where applicable, lying *zomamim*.⁵⁷

In sum, Jews knowledgeable in Pharisaic/rabbinic law and method would recognize the allusion to the celebrated legal exception permitting women's witnesses. In the inductive system of rabbinic law, Matthew's women witnesses are presented to fit within this most notable and celebrated legal exception, which enshrines these women's testimony within the mantle of *the Law*, with the Law, as it were, *bearing witness* to and corroborating these women's testimony. Which would not be the case had the witnessing been by men or any combination of men and women. Women witnesses qua gender is a literary device. By reason of their gender, the Law is a corroborating witness to these women's witness. From a Jewish perspective, having all women witnesses to the crucial first and only sighting on the third day, was exactly what the story called for. Jewish Law gave its stentorian roar of approval.

Moreover, though the classic fact pattern was of women (or a woman) testifying that a person was dead, the reverse could apply, that a person thought dead was alive. An interesting instance in rabbinic law similar to Matthew's narrative is women's testimony that, "He lives." Matthew's exceptional case is similar to the "novelty" (extreme exception) where a man testifies that a woman's husband is dead, but two women, testify that he lives, we are to believe the women over the man.⁵⁸ Thus, the testimony of the women in Matthew is similar to that testimony which in the Talmud is the great exception, the novelty, where we believe women over a man—where the women say, "He is not dead, he lives"—we believe their testimony over a man's testimony that he is dead.

5. An Appearance, Not Just an Empty Tomb

Mark is thought to have an empty tomb, not an appearance, ending. This is because the women did not see Jesus and being afraid did not tell the disciples the message about meeting Jesus in Galilee (16:8). However, the disciples went to Galilee. In 14:28, Jesus prophesied that after his death, he and his disciples will meet

⁵⁷ *Zomemim* must suffer the fate that would have befallen the falsely accused (Deut 19:18–21). The elders in the Susanna story are the classic case of *zomemim*. There is considerable Pharisaic/rabbinic legal development on the law of *zomemim*.

⁵⁸ *b. Yebam*. 117b3. Usually, unequivocal reliability is only afforded to two male witnesses (*b. Yebam*. 115a4 and n. 29). And, two or more women witnesses have the status of one male witness (*b. Yebam*. 117b). Matthew goes further than the Talmud where it is one man versus two women. Conceivably, because they are not named and due to their common indemnification by the priests, the guards as a group might be considered as a single witness. In a group, infirmities within the group can affect the entire group (*b. Mak*. 6a1–3). Also, if asleep, the guards never saw Jesus resurrected, and only said that his corpse was stolen, not mentioning whether it subsequently became alive or not, which does not precisely contradict the women.

in Galilee. In ancient writing style, if Jesus prophesied something, it happened. The Galilee meeting is emphasized by repetition, mentioned twice, first by Jesus, second the women at the tomb are instructed to *remind* the disciples to meet Jesus in Galilee (16:7). Thus, even without the women's reminding them, the disciples may have remembered and followed through. Therefore, Mark implies resurrected Jesus appeared to his disciple, just after the end of the text.

Mark seems to contain traces/vestiges of the halakhic women witness tradition—an appearance tradition. Mark has the same women as witnesses to the first three related sequential events, (1) death, (2) burial, (3) empty tomb (15:40–41, 47; 16:1). Matthew has the same women witness those three events—plus, in addition (4) Jesus resurrected (see also Luke 23:49, 55; 24:10). Having the same women witness each of the sequential steps, bolsters their credibility—more than had the steps in the sequence been witnessed by different sets⁵⁹ of witnesses (*b. Yebam.* 114b5, 121a5b1–122b1; *b. Sanh.* 86a4 and nn. 39–41). In the law, this is called “qualifying” the witness or “laying the foundation/predicate,” “chain” for introducing their testimony into evidence. Thus, having the *same* women witness sequential events serves a legal/halakhic purpose. Since Mark has these same halakhic women witness the first three steps of the sequence (death, burial, empty tomb), Mark seems to use the halakhic women witnesses motif.

Paul, who wrote prior to Mark, has an appearance. Therefore, an appearance tradition predates Mark. Paul's formulation of it: to more than 500 brothers at once (1 Cor 15:4–7), is a Romanism. The number 500 references the Roman decimal system (ref. the *legis actio sacramento*, for example) unlike the Jewish (Egyptian and Near Eastern) sexagesimal system (ref. thirty pieces-of-silver, for example); in both cultures, the first fraction, half, was auspicious.)⁶⁰ Therefore, Paul's Romanization presupposes and translates an earlier Jewish appearance tradition.⁶¹

In Paul, the appearance tradition is gendered as exclusively to men. The *Gospel of Peter*, Matthew, Mark, Luke, and John all have scenes of exclusively women and exclusively men. All this gender segregation presupposes a reason for it—which is the Jewish law of specifically women witnesses. This body of law required witnessing that the person witnessed is *seen* to be alive or dead, not just disappeared. There is no halakhic empty tomb or standing alone halakhic empty tomb witnesses. The empty tomb is not a women's issue⁶² Pharisaic/rabbinic law does not corroborate (lend its imprimatur to) women witnessing just an empty tomb. The empty tomb is important; it is in all four gospels, but its importance is as part of a sequence/evidentiary chain leading to the appearance.

⁵⁹ They have to witness the events together, not “this one from here, that one from there” (*b. Mak.* 6b2–3).

⁶⁰ Simmonds, “Judas and Joseph,” 173.

⁶¹ Origen observed Paul frequently couches his messages in the cultural milieu of those whom he addresses (*Comm. Jo.* 10.5).

⁶² Cf. Osiek, “Women,” 217.

Witnessing of Jesus dying, buried, and resurrected is obviously dramatically superior and more satisfying than a mere empty tomb. Certainly, one cannot picture Caesar's apotheosis as an empty tomb. Moderns may like the empty tomb, but for the ancients, an empty tomb without an appearance is woefully insufficient.

6. Matthew's Doubting Male Witnesses

Matthew contrasts women's superior versus men's inferior witnessing as a literary foil to emphasize the excellence of the women's testimony. When the women meet Jesus they worship him believing in him (28:9). In inverse parallel, the men do the same when they meet Jesus, however, while the women believed, Jesus' male disciples doubted (28:17). (The phrase can mean "some doubted," a theme enlarged upon in John's figure of doubting Thomas, or it can mean all harbored some doubts.) This believing women/doubting men motif is not coincidental. Parallel episodes with a difference, draw extra attention to/emphasize (*significatio*) the difference, between the women's and men's witness, producing the doublet of believing women versus unbelieving (or less believing) men.

However, Matthew's construction of male doubt is not real but contrived as a literary foil. The men's doubt is sandwiched in a chiasmus ABA between their belief. A: the women told the men the instruction the women received (twice, first from the angel, second from Jesus). The men believe the instructions—because as instructed, they went to Galilee to meet resurrected Jesus. Since they believed the instruction to meet the resurrected Jesus, therefore, they were preconditioned and predisposed to believe in Jesus when they saw him. B: yet meeting Jesus they doubted. A: Immediately following their doubt, they are given the Great Commission, which in context as the end of the gospel suggests they believed and followed it doing as they were commissioned. Thus, the men's doubt is sandwiched between their belief.

A: believe message, go to Galilee.

B: doubt it is him.

A': believe Great Commission.

A and A' (men's belief) equivocate B (men's doubt): in concentric form of balance the men believed. They are evidently called doubters to make the point/literary foil of superior women witnesses.

7. Matthew's Lying Male Witnesses

Matthew sets up a further starker male inferior/female superior witness contrast of lying counter-testifying male witnesses, the guards, who with Pilate's permission, the chief priests and Pharisees post to guard Jesus' tomb. The chief priests and elders (but not including the Pharisees) bribed the guards to testify that Jesus' corpse had been stolen by his disciples while they, the guards, were asleep (Matt 28:12–13). That they were asleep amusingly/ridiculously impeaches them. If they were asleep, they would not have seen what they said they saw. Guards were strictly liable to produce the person or object they were commissioned to guard; failing which, they had to "pay" for the missing prisoner by taking their prisoner's place and suffer his same fate, the *zomamim* principle.⁶³ Liability was strict. For their failure to guard Jesus' corpse, the guards would have to take Jesus' place in the tomb. No guard would ever admit that he had been sleeping. Not an excuse, a sentry sleeping was an indictment. Thus, Matthew presents an exceptional case where, not only are we to *believe* the testimony of women, but we are to *disbelieve* the competing but false testimony of men, the bribed lying guards.

8. Unarmed Women Defeat Men-At-Arms

The testimony of the women "defeating" the testimony of men may allude to (what may be) the reason why women were not allowed as witnesses—their disqualification from combat—that primordially witnessing was associated with a physical fight, and the ancient notion that competing witnesses challenged each other's truthfulness producing insult, which could be challenged in combat.⁶⁴ In medieval times, anyone exempt from fighting could not be a witness. Even youthful robust male clergy forbidden to shed blood could not be witnesses in lay courts—to "prevent the appearance as witnesses of those who could not be compelled to accept the combat."⁶⁵

Indeed, according to Daube, the role of trial by combat/battle in the law of witnessing is reflected in the famous requirement of two witnesses—based upon the understanding that in combat two will defeat one.⁶⁶ Normatively, an offended litigant or witness might challenge one witness to fight, but not two together. Daube also points

⁶³ Daube, "Lex Talionis," 215 (substitution). In *Antigone*, Creon charges the guard with finding the culprit or facing death. The same rule is alluded to in Acts 16:25–31 and Petronius' Woman of Ephesus story.

⁶⁴ Daube, "Transferred," 397; Daube, *Witnesses*, 411–412; also Katz, "Testimonia ritus Italici," 183–217 (*testis* means both testicle[s] and witness).

⁶⁵ Lea, *Superstition*, 101–104; Olson, "Of Enchantment," 109, 120 (women, aged, or crippled could not engage in trial by battle).

⁶⁶ Daube, "Transferred," 397.

to the requirement in Deut 19:17 that witnesses “stand up” as related to rising to do battle.⁶⁷

Reflecting the trial by battle motif, in Matthew, in metaphoric martial combat, the women do not just defeat men, but the truly exceptional case—unarmed women defeat men-at-arms.⁶⁸ In Mark 16:8, the women cower in fear and amazement, trembling and distracted, they are alarmed. In Luke 24:4–5, the women are fearful and bewildered. Not in Matthew 28:8–10: the women are not bewildered or weak. Initially afraid, but overjoyed, the women are instructed twice (by an angel and subsequently Jesus), “Do not be afraid.” Enthusiastically, the women *run* to tell the disciples.

The fear of the women (in Mark and Luke), Matthew transfers to the guards, who are so scared they shook and looked as though dead (28:4).⁶⁹ Thus, in a role reversal, the women are stereotypically strong like men; the men are stereotypically weak like women.

Traditionally, a weak person called to testify could require that a champion be provided to fight in their place.⁷⁰ Hence, one would expect stereotypically weak women might have a champion to fight for and defend them, but it is the male guards who have a champion to defend them (28:14). Not just bribed, the guards are promised protection/indemnified by the chief priests and elders.⁷¹

These evident/apparent/seeming allusions to the reason for the disqualification of women’s testimony based upon trial by combat reflect a long tradition in antiquity of contrasting weak but amazingly powerful/strong women challenging men-at-arms. The most famous example is Sophocles’ *Antigone*, which also involves the burial of a loved one, inept, allegedly bribed male guard-witnesses, and a contest between spiritual and temporal authority, with an outwardly weak but inwardly strong woman battling against guards.

67 Daube, “Witness,” 411–412.

68 The theme is found in Achilles Tatius’ *Leucippe and Clitophen* 6.21–22: “Watch a new contest: a single woman competes with all the engines of torture and wins every round. . . I am unarmed, alone, a woman. My one weapon is my freedom. . . If you try to set it on fire, you will not find the fire hot enough.” In an ancient biblical context, this theme may be found in the story of Deborah in Judg 4:17–22 in which in an obvious sexual role reversal of rape in war, a woman nails an enemy military commander to the floor (*b. Yebam.* 103a4).

69 Setzer, “Excellent Women,” 263–264, 266–267.

70 Lea, *Superstition*, 101–104.

71 The indemnity may reference to Roman law, that the priests are acting like Romans. Reference the sophisticated use of indemnities in the area of women’s property/inheritance in the Babatha Archives.

9. Lying Men

Finally, on the subject of male witness stereotypes, *gravitas* aside, stretching from the resourceful Odysseus, Greeks had a “merry rogue” tradition that reveled in clever lying and deception.⁷² The most (in)famous line in ancient tragedy, Euripides’ Hippolytus confesses, “My tongue did swear, not my heart” (649–651). “Greeks to whom an oath is a joke, evidence a plaything” (Cicero, *Flac.* 9–10, 12).⁷³ Josephus lied to his troops (*J. W.* 3.8). Cicero threw dust in judges’ eyes (Quintilian, *Inst.* 2.17.21).

Greeks (Athenians) and Jews, but not Romans, had the legal procedure of the oath to avoid testifying (ἔξωμοσία, *Shevu’as ha’ Edus*)—alluded to in Peter’s trice-denial of Jesus, that the person called to testify lacks knowledge to testify to. “I don’t know what you are talking about” and twice “I do not know the man” (27:70–74). Peter may not have been (fully) culpable (unintentionally he forgot his promise to Jesus—until reminded by the cock’s crow, or in Mark, it crowded again). Nonetheless, previously lying three times under oath might detract from Peter acting as the/a perceptive witness. Having Mary be a repentant sinner might/would also detract from her credibility.

The most famous male witnesses—and, as *zomemim*, *halakhic* witnesses—are the lecherous elders in the story of Susanna and the Elders, hilariously embellished in the Talmud (*b. Sanh.* 93a3–4). The maleness of the witnesses/elders is emphasized by their gendered sexual crime against a woman and in the bawdy innuendo of Daniel’s cross-examination.

10. John Follows Matthew

Turning from Matthew to John. Matthew and John are considered the least alike among the canonical gospels: except in their resurrection scenes.⁷⁴ Notice, John does not need a resurrection scene because the crucifixion is so glorified, giving latitude for John’s resurrection scene to resemble Matthew’s.⁷⁵ In both, women (or a woman) meet an angel or angels (Matthew has two women, one angel; John one woman, two angels) and then meet Jesus. Both have angel(s) rather than a (young) man/men (in Mark and Luke). In both, actors repeat an identical phrase, first the angel(s) and then Jesus tell the women—“do not be afraid” in Matthew, “why do you weep” in John. In both, the women seeing/recognizing Jesus, grab (or attempt to grab) ahold of him,

⁷² Parker, *Miasma*, 186; Dillon, “By Gods,” 141; Titus 1:12.

⁷³ Erskine, “Greek Gifts,” 33–45.

⁷⁴ Dodd, *Historical Tradition*, 137, 147; Barker, *John’s Use of Matthew*, 25–26 (Neiryneck), 38, 41, 47, 130; Allison, *Resurrecting Jesus*, 247 and n. 196.

⁷⁵ Bauckham, “The Gospel of John,” 670–674, 685–687; Smith, *John*, 19–31, 212–214, 230–236.

he tells them/her not hold him and instructs them to go and tell his “brothers” a message. Both Matt 28:10 and John 20:17 use the word “brothers”/brethren, only used here in John.⁷⁶ In both, the women/woman faithfully, enthusiastically, and convincingly report Jesus’ appearance and message. In Matthew, the two women run to tell the disciples; in John, the two men run to the tomb. In Matt 28:13, the guards are bribed to say there was a tomb robbery. In John 20:2, 13, 15, Mary suspects a tomb robbery.

11. Like Matthew, John Alludes to Jewish Law

If, as stated above, by having women witnesses, Matthew invites incredulity/disbelief, by having just one woman witness, John invites still more. Ordinarily, in Pharisaic/rabbinic law, two women witnesses were incomparably better than one (a two women witness rule analogous to the two male witness rule). However, as with Matthew’s legal allusions, John seems to reference a celebrated exception in the Pharisaic/rabbinic law of women’s witness that allowed for one witness rather than the customary two.

The *Mishnah* and both Talmuds relate that in the Yavneh period, only *one sage* in Eretz Israel, Yehudah ben Bava, permitted women’s remarriage based on the *testimony of one witness*. However, visiting Babylon, Akiva received a tradition from Nechemyah of Bet Deli that previously Gamaliel the Elder (Gamaliel I) had allowed women to remarry on the testimony of one witness. In Acts, Gamaliel I defends Jerusalem’s Christians (5:34) and taught Paul (22:3).

Akiva discussed the report from Babylonia with Gamaliel II (Gamaliel I’s nephew now ascended to his uncle’s position), who, delighted, exclaimed now there were *two* authorities (*m. Yev.* 6.7; 16.7; *b. Yev.* 115a3 and n. 18; 122a4–122a6 and nn. 44, 51–58, 122b3). Gamaliel II seems to suggest an analogy between two sages’ authority as superior to the authority of one—with the authority of two witnesses as superior to one—humorously in this case supporting the law of *one* witness.

Gamaliel II’s more prominent brother-in-law, Eliezer, was, or was thought, a Christian or Christian sympathizer.⁷⁷ Gamaliel II and his wife’s (Eliezer’s sister) haggadic dispute over *women’s* inheritance rights (citing Matt 5:17–18 where Jesus endorses the Jewish Law) is the closest match between the Talmud and New Testament (*b. Shab.* 116b).

⁷⁶ Schnackenburg, *John*, 319 (comes from a source which agrees with Matthew).

⁷⁷ Neusner, *Eliezer ben Hyrcanus*, 252–264; Bassler – Cohen, *Matthew*, 593. Acts 15:5; 21:20 indicates there were many Pharisees in the church.

12. Mary Conducts an Investigation

At some stage of Jewish legal development, a line of thought held, allowing the testimony of one witness was a rabbinic dispensation, and one witness would not be believed without her/him having conducted an investigation (*b. Yebam.* 84b4–5 and n. 26; 87b3 and n. 5; 88a; 91a4 and n. 36; 92a1–2 and n. 8; 93b3; 94a4). Mary seems to conduct an investigation as would fulfill this Jewish legal requirement. In a “searching motif,”⁷⁸ in a crescendo, Mary consults in ascending order of prominence the two disciples, two angels, and finally, the supposed gardener/Jesus.⁷⁹

Rudolf Bultmann calls John’s Mary foolish.⁸⁰ Prematurely, without looking into the tomb, she impulsively jumps to a mistaken conclusion that there has been a tomb robbery and persists in her foolishness interrogating the “gardener.”⁸¹ However, Mary is ironically prescient. Someone has removed the body, and whom she comes to suspect, confront, and accuse, ironically, the “gardener” did it. However she got there, her search proved productive. The credibility of Mary’s witness hinges, not on whether Mary had originally been “foolish” or not, but it fitting within the interstices of *the Law*.

13. Like Matthew, in John, Female Witnessing Is Superior

Like Matthew, in John, Mary’s female witnessing is superior to the male witnessing—of Peter, the beloved disciple, and doubting Thomas. The motif of competition in John is found in the footrace between the beloved disciple and Peter. John’s Peter has a lesser role than the beloved disciple. Reprimanded by Jesus, doubting Thomas is obviously inferior (21:20).

As between Mary and the beloved disciple, it has been widely believed that John favors the beloved disciple while marginalizing Mary—that the beloved disciple, not Mary, is John’s perceptive witness.⁸² However, in John, Mary’s witness is superior to the beloved disciple’s.

At the empty tomb, the beloved disciple “sees and believes” (21:8), but the next verse says he did “not yet know/understand the scripture that Jesus must rise from

⁷⁸ Schnackenburg, *John*, 316.

⁷⁹ Brown, *The Gospel According to John*, 1009.

⁸⁰ Bultmann, *John*, 686. Notice, however, that Mary is completely fearless. Mary assumes a dominant role interrogating. The gardener would have jurisdiction over the garden containing the tomb. Charles Dodd (*Historical Tradition*, 148) perceives a psychological dimension.

⁸¹ Schnackenburg, *John*, 308; Bultmann, *John*, 683. On the Old Testament allusions here see Kubiś, “The Creation Theme,” 398–400 and especially 402.

⁸² Maccini, *Testimony*, 232; Bauckham, *Gospel Women*, 9; O’Brien, “Written That You May Believe,” 284–302.

the dead” (20:9), which necessarily lessens the value of his seeing and believing.⁸³ Unlike Mary, the beloved disciple does not see or speak with the angels or Jesus, which are obviously important events for a percipient witness in weighing her testimony. The subjective undisclosed faith of the beloved disciple is unconnected to the action. The beloved disciple does not even witness: he does not report or testify to anyone what he has seen and believed. He simply leaves and goes home (20:10, cf. Luke 24:12). Doubting Thomas at least in the end bears witness. Not reporting/bearing witness, the beloved disciple’s witness is clearly inferior to that of Mary *apostolorum apostola*, who does report and is believed. And, her report is heard and believed not just by the disciples but (breaking the literary fourth wall) by us.

One reason the superiority of Mary’s testimony in John is obscured is because in novel genre the recognition scene is the literary climax, and John has a most beautiful and arresting recognition scene, with which we associate Mary, so beautiful that we cannot get it out of our minds. However, John’s true literary climax is not its recognition scene, as in novels, but Mary’s dramatic witnessing/messaging *apostolorum apostola*, “I have seen the Lord.” Mary’s exclamation is repeated by the disciples, producing an emphasis by repetition, indicating importance (20:18, 25).

14. John Uses Romance Novel Genre

Matthew is the most Jewish of the gospels. John, on the other hand, seems largely directed to a non-Jewish audience.⁸⁴ Hence, Matthew’s Jewish women witness motif is largely meaningless for John’s audience. Nevertheless, following the tradition in Matthew, John evidently wants to indicate that the percipient witness is a woman, and her testimony is credible. To do this, John has to portray Mary in a then contemporary literary genre understandable by a non-Jewish audience—one which contrary to prevailing misogynistic stereotype esteems women as credible. There is only one such genre available, Greek romance novel genre.

Greek romance novel genre is excellent for the purpose because it (1) exalts the status of women giving Mary’s witness unique credibility, and like Matthew (2) uses the husband-wife motif, and (3) involves the motif of witnessing that a loved one (typically a spouse or fiancé) thought dead is alive. On the downside, however, Greek romance novel genre is often, perhaps almost inherently, fantastical and fictitious, and therefore for a canonical gospel must be used sparingly, if at all.

⁸³ Bonney, *Caused to Believe*, 149–150. On the understanding of “scripture” in this verse see Kubiś, “Zechariah 6:12–13,” 168–186.

⁸⁴ Simmonds, “Caiaphas.” A major theme in John is that Christianity is not threatening to Rome (“My kingdom is not of this world”).

Classical mainland Greek culture was frequently misogynistic. But, Greek novels were later (early Roman period) and not from mainland Greece but from the post-Alexander ex pat Greek diaspora. In these novels, well-born “Greek” women were accorded equal status with their men (above the colonial natives). Not light-minded, novel heroines were brave, intelligent, often educated and literate, heroic, incredibly resourceful, deeply religious, and indomitable. They were also extraordinarily beautiful and romantically desirable (with men just seeing them falling in love with them), but entirely virtuous, anxious/desirous for sex, but only with the one and only man she loves/adores, within the bonds of matrimony.⁸⁵

John’s scene is also similar and alludes to the Song of Songs (garden, search, hold).⁸⁶ Manifestly, many readers/hearers where and when Matthew and John were written and first received must have thought that Jesus having a fiancé, a romantic partner was unobjectionable and agreed with their prior understanding of Mary’s role. But notice, portraying Mary and Jesus as the lovers of Song is insufficient for her witness to be credible. That required making her a stereotypical Greek novel heroine. And, this was done by the unmistakable, most characteristic scene of romance novel genre: non-recognition turning to recognition accompanied by heart-wrenching (tear-jerking) dialogue. Ordinarily, naturalistically, that Mary at first did not recognize Jesus and mistook him for the gardener (prior inconsistency) would weaken Mary’s credibility. But, ironically, prior non-recognition is a literary device that identifies her as a novel heroine, which makes her incomparably more credible. In Song, there is no non-recognition. The protagonists are a couple deeply in love, who despite knowing each other so well, yet initially do not recognize each other. Their initial non-recognition is because they think the other has died or permanently disappeared (also absent in Song).

Notice the similarity between John’s Jesus-and-Mary’s romantic recognition scene and contemporary Chariton’s romantic recognition scene in *Chaereas and Callirhoe* (8.1).⁸⁷ She: weeping. He: “Don’t be frightened lady, whoever you are. You shall have the husband you want.” Instantly, recognizing his voice, Callirhoe throws off her face covering, they both cry out: “Chaereas!” “Callirhoe!”

In John, She: weeping. He: “Why do you weep? Whom do you seek?” She: “Sir, If you have carried him off, tell me where, and I will (raise/lift up) take him away.” (Alluding to women’s weakness, can she believe, a weak woman, she can summon

⁸⁵ Reardon, “General Introduction,” *Collected Ancient Greek Novels*, 2 (“Virginity or chastity, at least in the female, is of crucial importance, also fidelity to one’s partner”).

⁸⁶ On the use of Song of Songs in the Gospel of John see Cambe, “L’influence,” 13–19; Winandy, “Le Cantique,” 166–173; Roberts Winsor, *A King is Bound in the Tresses*; McWhirter, *The Bridegroom Messiah, passim*, esp. 96–98; Fehribach, *The Women*; van den Eynde, “Love, Strong as Death?,” 901–912, esp. 905–906; Beavis, “Reconsidering Mary of Bethany,” 287–288; Villeneuve, *Nuptial Symbolism*, 120–189; Kubiś, “The Old Testament Background,” 512–514 (on John 19:5).

⁸⁷ Reardon, *Collected Ancient Greek Novels*, 111.

enough strength to carry Jesus' body!?) Evidently overwhelmed by her devotion, Jesus blurts out, "Mary!"⁸⁸ Her non-recognition instantly turning to recognition, in unison Mary exclaims (in Hebrew/Aramaic) "Rabbouni" (diminutive, "sweet/be-loved teacher," "Master-mine"⁸⁹)!

Thus, written in novel romance genre, John's Mary and Jesus are presented stereotypically as deeply in romantic love, bonded together, *promessi sposi*.⁹⁰ John has other episodes where Jesus interacts with unexpected familiarity with individual women, the flirtatious sexual innuendo discoursing with the Samaritan woman at the well (4:4–42)⁹¹ and Martha's sister Mary anointing Jesus feet with nard and drying them with her hair (12:3).⁹²

Luke's Road to Emmaus story uses novel genre non-recognition/recognition with heart-wrenching dialogue but not of the romantic type. Addressing the *unrecognized* Jesus: "Are you the only visitor to Jerusalem who does not know of the events that have transpired?" (24:18). Ironically, it is they who do not know—that he, to whom they speak, knows them best.

15. Husband and Wife Motifs Are Inescapable

Adeline Fehribach points out that John "portrays Mary as the wife of Jesus seeking her husband."⁹³ Fehribach says Mary represents the "entire faith community." This is a macro level communal mystical-bride motif. It is impossible to ignore the macro communal level. All Hittite-Assyrian form treaties and covenants were predicated on fictive family relationships, father-son, husband-wife, loving brothers. The new covenant, "written on heart" is in husband-wife form (Jer 31:31–33). Origen recognized (*Comm. Matt.* 14.19), probably from discussions with Caesarea's Jewish sages (who understood the influence on Matthew of the Pharisaic/rabbinic abolition of the *sotah*/suspected adulterers ordeal), that Matthew uses the husband-wife motif with Jesus as husband and the Jewish people as wife/suspected adulteress (and

⁸⁸ It is sometimes thought that Jesus reveals himself to Mary out of compassion for her tears. But, Jesus' response is to her statement that she will take him away. Cf. Congregation for Divine Worship and Discipline of the Sacraments, *The First Witness of the Resurrection* (June 3, 2016).

⁸⁹ The diminutive of master/rabbi does not translate well into English, a diminutive poor language.

⁹⁰ Adeline Fehribach ("The 'Birthday' Bridegroom," 115–118) suggests that the reason John has one woman rather than two is in order for John's non-recognition/recognition scene to more closely follow the standard romance plot of Greek novels.

⁹¹ Kot, "Jesus and the Woman," 615–636.

⁹² Beavis, "Reconsidering," 281–297; Beavis – Kateusz, *Rediscovering the Marys, passim*.

⁹³ Fehribach, *The Women*, 146.

Barabbas as suspected paramour).⁹⁴ Thus, the communal dimension is unmistakably present in the text (not just later gloss). Jesus' message to Mary "to my Father and to your Father; to my Lord and to your Lord" is the formula of and related to the husband and wife covenantal form, "I shall be your God; you shall be my people," also used by individuals, as in Ruth 1:16, for example. Nor can one ignore the nuptial motifs. Jesus is called and portrayed as the bridegroom.

Just because Jesus is portrayed at macro level, as husband in a communal covenant with the entire people as his wife, does not preclude Jesus also being portrayed at a micro literal level as the individual husband or fiancé of one woman, Mary. Matthew and John both draw on the motif of women witnesses identifying whether a loved one, in the archetypal case her husband, is alive or dead. Matthew's *agunah* and John's novel heroine allusions imply Mary and Jesus were an individual couple, affianced, engaged, committed to each other. Her intimate knowledge of him—romantic knowledge is exceedingly intimate—is what makes her such a reliable witness of him.

Song of Songs (very popular in that day, most associated with Akiva, who owed his success to and adored his wife) was viewed macro as between God and his people while at the same time micro sensually between individuals. Over time, the bride of Song was associated with John's Mary, including by Hippolytus, Gregory the Great, Bernard of Clairvaux, and John of the Cross. Pope John Paul II regarding Song (that John alludes to) points out that both meanings are present, the human, individual, sensual as well as the communal. Because Mary Magdalene was associated with the bride of Song, and the recognition by John Paul II and most modern scholars that Song has a sensual human individual dimension, the same consideration should be given to Mary Magdalene and Jesus. Just as the bride and groom of Song can read as human lovers, Mary and Jesus can read as individual human lovers. The mystical bride can have a flesh and blood human bride counterpart or component. And, Jesus too can be a human sensual bridegroom as well as a spiritual bridegroom. The communal/spiritual and individual/sensual husband and wife motifs are not mutually exclusive but comfortably coexist/are not in conflict and may be synergetic. This, of course, may not be much like Pauline preaching of the inferiority of *sarx*, "flesh" or Origen's exclusively allegorical view of Song. However, we are dealing here with the specific context of exclusively *women* witnessing Jesus' resurrection *on the third-day*.

Augustus and Roma (reference their colossal statues in Herod's harbor Temple at Caesarea, for example) is a contemporary parallel communal husband-wife theme.

⁹⁴ Simmonds, "His Blood," 50; Simmonds, "Sub Rosa," 747. Matthew has Jesus offer his blood defined as the blood of the covenant and his people unwittingly accept it on that same fateful Passover day. Moses made the Mosaic covenant by putting the blood of the covenant on the people (Exod 24:8). Indeed, the landing of the blood represented the acceptance of blood sacrifices.

At the same time, the imperial cult exalted Augustus' individual wife, Livia, and their family (reference the *Ara Pacis* or Judean coins with her image, for example).

16. Romance Novel Genre Often Seems/Is Fictitious

Since, the romantic love of Greek romance novel genre reasonably approximates the *agunah* husband/wife motif, in the circumstances, John's is a good translation—achieving John's purpose of (for its non-Jewish audience) elevating Mary's credibility. However, Greek novel genre tended to the fantastic, fictitious. Indeed, over time, Christian Greek novels became increasingly fantastic/fictitious, as in, for example, Thecla defended by a lioness in *Acts of Paul and Thecla* or the talking dog and plethora of recognitions in *Ps.-Clem. Hom.* And, novels' elevation of women met with hostility. Tertullian inveighed against Greek novels as leading women to demand leadership roles in the Church, remarking Thecla's preaching and baptizing hardly comports with Paul's command that women not speak at all (*Bapt.* 17).

If novel genre is inherently fictitious, employing it, John risks winning the battle (boosting Mary's credibility) but losing the war (damaging the credibility of Jesus' resurrection). Having women witnesses, already Matthew and (still more) John, invite disbelief (make their gospels seem harmless to Rome) but are rescued and made credible by their hidden transcripts referencing Jewish law. However, using romantic Greek novel genre, John has gone too far and risks being handcuffed a prisoner of genre. Somehow, John must escape quickly.

17. John's Escape—From Novel to Epic

John escapes by a favorite Johannine literary device—genre bending, jumping from one genre to another, to be successful usually a closely related genre.⁹⁵ In this case, Jesus is/was a novel hero; abruptly Jesus becomes instead an epic hero. Novel genre and epic genre are related—in the story of long-lost but returned Odysseus unrecognized by Penelope, for instance.

No longer romantic novel hero, but instead epic hero, in John, Jesus in archetype is Aeneas in Vergil (Hector in Homer) in one of the most iconic scenes in all literature—Aeneas/Jesus telling Dido/Mary not to try to restrain/detain him (hold him

⁹⁵ Attridge, "Genre Bending," 3–21, esp. 20 (John plays with generic conventions; makes literary forms do things not natural for them); Larsen, *The Gospel of John*, 13–14, *passim*; Kubiś, "The Literary Form," 121–145.

back, cling to him). Aeneas/Jesus sincerely loves Dido/Mary, and were the choice his own to make, he might/would joyfully remain with her. But, Aeneas/Jesus cannot remain with her because he is duty-bound to complete “the quest”—his divinely fated mission that he committed to.⁹⁶ Vergil’s Aeneas leaving Dido presented a feminist debate between the positions of male and female.

The phrase μή μου ἅπτου in John 20:17 was (poorly) translated into Latin as *noli me tangere*, in English, “Do not touch me.” (Rarely found in translations today.) Some have thought resurrected Jesus was not fully human, but if the resurrected Jesus appearing to Mary is not human, that poses witness credibility/reliability issues. In a stock trope, in Luke 24:40–43, to prove he is human, Jesus eats food, which gods/spirits/angels do not (or rarely) do.⁹⁷ Grabbing ahold of someone was thought a reasonably good way to tell whether or not they were just a spirit. From John’s allusions to Song, Matthew, and Greek romance novels, we know in John, Mary is in the act of grabbing ahold of Jesus.

John’s word ἅπτου (‘touch/hold’), only in John here (20:17), has sexual overtones, found, for example, in 1 Cor 7:1, “it is better a man not *touch* a woman.” Matthew’s parallel uses κρατέω, which does not have a sexual meaning (28:9). Because of the sexual overtones, in ribald humor, John’s Latin (not so much the Greek) “do not touch me” can suggest that Jesus is sexually timid/frightened. But, that is impossible because in these verses John portrays Jesus in the stereotypes of romance novel hero and then epic hero, who stereotypically are not squeamish about sex with the heroine, they seek it, and since Jesus is written in these stereotypes, we have no leeway to read him differently. We know stereotypically Jesus desires sexual union with Mary. He only leaves Mary, as Aeneas did Dido, reluctantly because of a higher duty/destiny, to fulfill fate’s decree.

Alluding to Vergil, John presents Christianity sympathetically to Rome. Earlier, John alludes to another iconic scene from Vergil—Caiaphas’ speech in John is modeled on Juturna’s speech in Vergil.⁹⁸

18. *Mary apostolorum apostola* Is in Drama Genre

Epic genre was useful to exit novel genre, but though better, epic genre is still somewhat fictitious and unstable. Jesus going to his father cannot be fully analogized to

⁹⁶ See, e.g., Šubrt, “Jesus and Aeneas,” 10–17. Dido, incidentally, is a widow, who vowed not to remarry, until Cupid shot her.

⁹⁷ In Seneca’s *Pumpkinification*, Romulus in heaven is unable to give up his Roman favorite, turnips.

⁹⁸ Simmonds, “Caiaphas,” 6–17. In Vergil, Turnus’ sister and charioteer; in mythology, raped by Jupiter (Rome), distraught desiring death, Juturna was “compensated” with immortality. Juturna’s inverse parallel, Palinurus, the helmsman/coxswain of Aeneas’ ship, became compared to Jesus.

Aeneas sailing for Italy because, instead of going to his father right away (sailing for Italy), Jesus makes several more earthly appearances, including one that evening. Also, Mary cannot be fully analogized to spurned, “abandoned woman” Dido—because like an Aeneas figure (and un-like a Dido figure) Mary is commissioned for great things.⁹⁹ So John jumps genres again, this time to classical Greek drama genre, related to epic another easy transition. Thus, *Mary apostolorum apostola* is not written in (fictitious) novel or epic genre. “I have seen the Lord!” is a classical Greek drama messenger speech (extremely common and highly effective) by an eye-witness, first-person narrator, in historical present, reliving a memory as experienced first-hand, conveying an air of vivid realism far better than simple narration.¹⁰⁰ The messenger replaces the narrator. Messenger speeches often concerned whether persons were alive or dead. Messenger speech drama genre removes us from the fiction danger, and after *Mary apostolorum apostola*, John transitions from messenger speech to reliable *bios* genre narration that we conventionally expect for the canonical gospels.

Classical dramatic allusions were highly regarded and characteristic of the Second Sophistic. John previously used a classical allusion in the exchange between Jesus and Pilate that evokes the exchange between Dionysos and Pentheus in Euripides’ *Bacchae* (Origen, *Cels.* 2.33–34).¹⁰¹ *Bacchae* also has one of antiquity’s foremost messenger speeches (recounting Pentheus’ death). Matthew also uses a classical allusion in its Pilate scene.

Conclusion

There has been an enduring mystery why in Matthew and John so important a function as the witnessing of Jesus’ resurrection on the crucial third-day is filled by women and exclusively women, when, as a rule, women were not allowed as witnesses or were considered inferior as witnesses to men. By fitting within a vaunted exception of Pharisaic/rabbinic law, acting like an enormous band shell, *the Law* echoes, amplifies, radiates, corroborates, endorses, and lends its imprimatur to their/her testimony, making it better than had the same testimony come from men or any

⁹⁹ Brown, “Roles of Women,” 693 and n. 14 (citing Rabanus Maurus); Vatican decree *The First Witness of the Resurrection* (also citing Rabanus Maurus). The greatest of the great Carolingian scholars, Rabanus Maurus was sympathetic to Judaism and consulted with the Jewish scholars of Mainz, which had a leading yeshiva. Saltman, “Rabanus Maurus,” 45–46. Consulting with the Jewish sages Rabanus Maurus is like Origen, who gaining invaluable insights into the meaning of New Testament texts, such as, pertinent here, the husband-wife motif.

¹⁰⁰ De Jong, *Narrative in Drama, passim*.

¹⁰¹ Simmonds, “His Blood,” 61–62.

combination of both men and women. The excellence of women's testimony is contrasted in literary foils with doubting or silent male disciples and lying bribed guards.

Remarkably, John alludes to the same, very specific, recondite Pharisaic/rabbinic oral law of women witnesses as Matthew, and like Matthew, contrasts Mary's superior female witnessing with the inferior male witnessing of Peter, Thomas, and the beloved disciple. Because the Jewish legal motif was hardly understandable for a non-Jewish audience, John initially "translates"/presents Matthew's Jewish *agunah* witness theme in Greek romance novel genre.

Stereotypically, uniformly, novel heroines were sexually virtuous. Portrayed in Greek romance novel genre, necessarily John's Mary has the stereotypical attributes of novel heroines. She is highly physically desirable and desired, but super sexually virtuous. Since she is written in stereotype, we have no leeway to view her otherwise. Certainly Mary was not conceivably a former sexual sinner. Novel heroines never are. A novel then an epic hero, Jesus is equally keen for Mary, but like Aeneas and other epic heroes, Jesus must complete the quest. John then goes to messenger speech drama genre for Mary *apostolorum apostola*.

The Pharisaic/rabbinic women witness tradition was an appearance not a disappearance/empty tomb tradition. Paul has a Romanized appearance tradition, apparently modeled on an earlier Jewish appearance tradition. Hence, an appearance tradition preceded Mark's empty tomb. Moreover, Mark's redundant legalistic/formalistic repetitions of the same women witness in sequential steps of witnessing: death, burial, and empty tomb, and the double reference to meeting resurrected Jesus in Galilee, imply a post-text Markan appearance. Only as part of an overall *appearance* story does the female gender of the witnesses vouch for their credibility.

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