

that if we grant *all* his contentions he gains his end only by emptying the words of definite meaning and significance. They would read thus : “ And Yahwe spoke to Moses and said, I am Yahwe : and I appeared to Abraham Isaac and Jacob, being their God ; but my name I did not make known to them.” So we are left with the following bald and jejune statement as the gist of the communication imparted to Moses on a solemn occasion : that Yahwe had appeared to the three patriarchs but without giving His name ! Whether the meaning be that, while the patriarchs knew the name, it was not Yahwe who revealed it ; or that, they being ignorant of it, it had been revealed to Moses at an earlier time ; or that it is now revealed for the first time ; or that the name is something other than *Yahwe*—something ineffable, which had not been disclosed before and is not disclosed now—we cannot tell. Such is the plight to which we are reduced by a textual criticism which is divorced alike from exegetical intelligence and historical and religious insight.

JOHN SKINNER.

### *DID JESUS LEGISLATE ?*

THIS is to-day a question of urgency and importance ; for on the one hand modern society is in many of its current opinions and sentiments placing itself in evident antagonism to the Christian tradition in morals ; and on the other hand there are menacing problems, economic, social and international, where the world seems to the Christian believer to need the guidance which the teaching of Jesus alone can afford. To give only a few instances, the passage of the act legalising marriage with a deceased wife's sister appears to many churchmen to bring the law of the State into conflict with the canons of the church. The Protestant denun-

ciation of the *Ne Temere* decree often ignores that what is involved is nothing else or less than the right of a church to fix the conditions of marriage which it will recognise as valid for those who accept its authority ; we may deplore the ecclesiastical exclusiveness of Roman Catholicism, but in condemning it we must beware of asserting the principle that a church is bound to accept as final the decision of the State regarding this relationship. More recently still the Report of the Royal Commission on the question of divorce has raised in a very acute form the issue whether Christ has committed to the church a definite law on this subject, which it must in loyalty to Him seek to maintain through the State.

Taking the last subject as our starting-point, three questions in regard to the teaching of Jesus confront us. Did He absolutely forbid divorce, or did He allow it when either partner had been guilty of fornication ? But whichever way we answer this question, a second at once emerges, did Jesus ever intend His declaration on this matter to be treated as legislation which His followers must endeavour to enforce in society generally ? In trying to answer this second question we are at once led on to a third : Is the teaching of Jesus to be treated at all as legislation ? The first and second questions may be dealt with very briefly, as the writer desires to concentrate attention as much as possible on the third as of vital interest to the Christian Church in its present relation to and influence on human society.

#### I.

In Matthew's Gospel there are two references to the subject of divorce ; the first (v. 32) is in the Sermon on the Mount either in enforcement of the teaching of Jesus regarding the lustful look as itself adultery, or less probably as a separate illustration of the contrast between the old

law and the new. Here fornication is admitted as a valid reason for divorce. In this setting we have not a historical, but a topical context ; and we must, therefore, turn to the second reference (xix. 3-9) in order to discover if the concrete historical occasion of the teaching casts any light upon it. Jesus is replying to a question put to Him with a hostile intent by the Pharisees, " Is it lawful for a man to put away his wife for every cause " (v. 3) ? When His emphatic appeal to the intention of the Creator as forbidding divorce, evokes the further question, fraught with even the greater peril of bringing His claim into direct conflict with the authority of Moses, " Why then did Moses command to give a bill of divorcement, and to put her away ? " (ver. 7), He lays down a principle of far-reaching significance, as we shall see in the further discussion ; it was man's " hardness of heart " which necessitated the modification of the Creator's intention in the legislation permitting divorce. Again, as in the first passage, divorce is declared to involve adultery, and again the exception " for fornication " is made.

Confining our attention for the moment to this Gospel, and ignoring what the other Synoptics testify as to the teaching of Jesus, we may ask : Is it likely that Jesus would in these circumstances, when He was asserting the original intentions of the Creator against the modification made for " the hardness of men's hearts " in permitting divorce at all, weaken His own position by stating any ground on which divorce might be legitimately sought ? Was it not His habit of thought and mode of speech to state the maximum moral demand in any circumstances without any of the limitations and qualifications which human casuistry, the haunting shadow of morality, is only too ready to discover and apply ? It would be more in the manner of Jesus to affirm this ideal relation absolutely.

If the exceptions were not in the original utterance of Jesus, how has it found a place in the report of the first evangelist ? The explanation is not far to seek. Matthew regarded Jesus the Christ as the fulfilment both of law and prophecy ; and so it was natural for him to treat the teaching of Jesus as the new law. He had an interest in the formation of the Christian community ; accordingly the new law is presented by him not as abstract principle, but as concrete legislation for that community. In that community, as Paul's teaching shows, divorce was allowed ; and for the evangelist it would seem incredible that such a practice could exist apart from the sanction of the Master. Without being conscious of introducing anything new into Jesus' teaching, the evangelist would feel warranted in giving explicitly what he believed to be implicit in it. A comparison of sayings, e.g. the beatitudes in Matthew and Luke, drawn from the common source, the Q of Harnack's reconstruction, or the Logia of other scholars, shows that it was the evangelist's practice to remove any ambiguities or difficulties for his readers by adding the necessary explanatory words.

This conclusion is confirmed when we turn to the parallel passage in Mark x. 1-9 ; there divorce is forbidden without any qualification whatever. So also is it in Luke xvi. 18, where the saying about divorce is introduced out of proper historical context as an illustration of the inviolability of the law. When we look concretely at the historical situation the probability that Jesus never uttered any qualification of His absolute prohibition of divorce will rise to a certainty. He had doubtless before His mind the laxity of the scribal interpretation of the law of divorce on the one hand, and the actual case of Herod, who had divorced the daughter of Aretas that he might marry Herodias, who for the same base end had divorced her hus-

band Philip. It is certain that the enemies of Jesus in questioning Him about this matter desired not only to bring His claims into conflict with the authority of Moses, but also to arouse against Him the anger of Herod and still more of Herodias so that He might share the Baptist's fate. What Jesus had in view in His teaching was not then the general question of divorce, but the practice which prevailed, with the sanction of some of the scribes at least, of divorcing one wife in order to marry another. This Jesus condemns without any hesitation and qualification ; and it would simply have weakened the force of His denunciation had He gone beyond what the immediate occasion required to deal with the question of divorce generally, and to indicate the circumstances in which divorce might be legitimate. While Jesus does bring to bear permanent and universal principles, it is with concrete cases arising out of the immediate historical situation that He deals ; He does not indulge in general moral discussion.

## II.

But even if Jesus allowed divorce for fornication, or forbade it as a general moral precept, it does not at once follow, as seems to be taken for granted, that He intended that His precepts should be at once translated into the legislation of general society. Against such a conclusion there are two considerations. The first of them is this, that Jesus expressly refused to interfere with the existing authorities in church or state. If He intended to legislate about marriage and divorce, why did He so indignantly refuse the request to settle a family quarrel about property (Luke xii. 13-15) ? Even if covetousness was the petitioner's motive, the quarrel would involve issues of justice or injustice, right or wrong ! why should Jesus intervene in one case, and not in the other ? When He cleansed a leper,

He was careful to send him to the priest, that he might be pronounced clean (v. 14). He must have known something of the evil as well as the good of Roman rule ; and yet He gave no encouragement to the withholding of taxes from Cæsar, but enjoined the payment as a duty parallel to that to God (Matt. xxii. 15-22). Even although in the interests of godliness and goodness He had challenged the scribal interpretations of the Law, He bade the disciples accept the scribes as interpreters of the Law (xxiii. 2, 3). This acceptance of the existing order, and abstinence from the reform of it, even where improvement was desirable, is not fully explained by the historical necessity of His vocation, that at any cost He must avoid even the appearance of a political Messiahship ; but had a deeper ground in His positive method of changing men by divine truth and grace rather than by interfering with institutions. The work of inward transformation could be carried on without any outward revolution ; and the premature attempt at reform would have hindered the urgent duty of winning and changing men. The method of Jesus is moral and religious, and not primarily social, ecclesiastical or political.

The second consideration here is that Jesus Himself offers us two rules of action which explain and justify this acquiescence in the existing order. One of them has already been incidentally mentioned. As Jesus explained Moses' permission of divorce as an adaptation of the law to the moral incapacity of the subjects of it, so doubtless in the society around Him He recognised standards and practices which fell far short of His ideal, but which were the best of which the people then were capable. Whenever, in the scribal interpretation of the law, the law was made an encouragement of moral laxity, Jesus did not refrain from the necessary condemnation ; but when the law

did serve as the protective shell of the moral life, even while falling short of the moral ideal, Jesus was prepared to acquiesce in it. So tolerant of and patient with human imperfection was He that He did not in the manner of the Pharisees unduly increase the burden of the law. This was not moral indifference, but His recognition of the necessary conditions of moral progress.

A second rule of Jesus' own conduct was confessed when He bade Peter pay the temple tribute, "lest we cause them to stumble." The freedom of sons must not be claimed when such a claim might cause moral offence to another. This is Paul's method also in dealing with the "weak" and the "strong" in the church at Rome (Romans xiv.). Problems are not to be raised even if the raising of them might mark a moral advance, where there is the possibility of involving less developed moral natures in perplexity and difficulty regarding their duty.

Can these considerations be applied to a question such as divorce? If Jesus did not seek to dictate to Jewish church or nation, still less must the Christian Church arrogate to itself in modern society the authority to bind or loose laws or institutions. It will only provoke antagonism by such dictation; and it can hope to influence modern society only by the method of Jesus. That it should hold up the ideal of Jesus of marriage as an indissoluble bond, so that divorce should not even come within the range of possibility for those who are united in the Lord, must be insisted on. Here what the Master commands and forbids should be uttered with no uncertain voice as its testimony for Him, and discussions as to whether Jesus did or did not allow divorce for fornication can only weaken the testimony it must bear as to what the Christian ideal is. If we suppose the case of a Christian who desires to realise the Christian ideal and suffers the wrong of the infi-

delity of the other partner in the relation, we may well ask the question : Is it most in accord with the Christian ideal to claim the relief of divorce, or to seek by a moral solicitude to recover the sinful again to virtue and grace ? Divorce surely has no place in the Christian ideal of marriage as Jesus Himself presented it.

But the more strenuously and courageously this ideal is affirmed by the Church for all who would be its members, the more need of learning from Jesus how to deal with the world around. The Church must recognise that the society in which it finds itself does not consist of Christians only, all ready and able to take His yoke which His grace alone can make easy, or His burden which that same grace alone can make light. It must in its influence recognise Jesus' two rules. What does the "hardness of heart" of men and women in this relation necessitate in adapting the Christian ideal as actual legislation to the moral situation ? While the best practicable must be striven for in law, it must fall far short of the best ideal in morals. There must also be the intent not to cause others to stumble morally. Much tact is needed to distinguish when the Church may make concessions or must enforce obligations.

### III.

This conclusion will, it is hoped, find further confirmation in the answer which we can give to the last of the three questions proposed. Are we at the right point of view in regard to the teaching of Jesus when we regard it as in any sense legislation ? Several considerations bearing on this wider question have been advanced in dealing with the two narrower, and may be very briefly restated. First of all, Jesus in His teaching deals with concrete moral situations, to which He applies permanent and universal principles ; but He does not elaborate these principles into a



code of laws of wider application than the occasion demands. We may and must apply these principles more widely to our varying moral situations ; but not as social or civil law, but as moral ideal and influence. Secondly, Jesus did not aim at an immediate or direct transformation of the existing human society in its standards, customs, institutions, and laws, but sought to gather around Him a community in which His ideal would find realisation not as compelling law, but by constraining love. He was not a second Moses, for the fourth evangelist shows his insight in the contrast which he states, "The law was given by Moses ; grace and truth came by Jesus Christ " (John i. 17).

Thirdly, modern scholarship forces us to recognise a determining factor in the mind of Jesus, which the expositions of His teaching hitherto have not adequately admitted. Without accepting any of the extravagances of the eschatological school, who find in the teaching of Jesus only the vivid expectation of the imminent advent of the transcendent, supernatural Kingdom of God, and while emphasising the predominance of religious and moral conceptions, we must yet acknowledge that there is in the teaching of Jesus the belief in, and the hope of the speedy advent of God's Kingdom, the sovereignty on earth of the divine truth and grace. Only man's unbelief hindered and delayed that advent. While there are sayings that suggest a gradual progress of the Kingdom, as some of the parables in Matthew xiii., yet Jesus had not present to His mind a long historical vista, a continuance of His community for centuries upon earth ; and He made no provision for its own organisation, or for its ordering of human society generally. When He was so vividly conscious of the higher order of life as imminent, an order in which "they neither marry nor are given in marriage " (Matt. xxii. 30), is it likely that He would legislate regarding marriage and divorce,

or indeed any of the interests of the lower order of life ?

That Jesus was led by His expectation of the coming of the Kingdom of God to lay all the stress on the principles of that Kingdom, and to withhold His interest and attention from the details of social organisation has proved to be altogether to the advantage of the religion which has its source and object of faith in Him. It is the permanent and universal in man's relation to God, and consequently in the relationships of men to one another, which is the content of His teaching. Because He did not, after the manner of the casuist, apply His principles in the local and temporal details of the ordering of a community, His teaching has proved itself so adaptable to varied conditions and varying circumstances. A comparison of Christianity with Islam or Buddhism shows its superiority in its true universality. Gautama and Mohammed both organised and legislated, and accordingly, so far as their communities are loyal to their founders, the fetters of time and place hinder them from movement, for monasticism is the rule of the one, and polygamy and slavery are incorporated in the social order of the other. Had Jesus legislated after the manner of Gautama or Mohammed in the matter of divorce, He would have abandoned His higher standpoint of a revelation of God, and an ideal for man which have value in all lands, and are valid for all time. It is quite conceivable that Jesus might not have spoken a single word about marriage or divorce, had He not been questioned by His opponents on the subject, and had not the case of Herod forced attention upon it, just as He said nothing about slavery and many other topics of great and wide moral interest. That when challenged to express an opinion on this topic He should have affirmed the ideal of marriage as an inviolable bond according to the original intentions of the Creator, is entirely in accord with His

purpose and method ; but that He should have condescended from the height of that ideal to prescribe the circumstances in which that ideal might be modified seems to the writer at least entirely improbable.

There are doubtless Christian believers to whom the position now stated will bring disappointment ; they both demand and expect Jesus to be a second Moses ; they want their Christian life hedged about by laws and rules. But this is surely entirely to misconceive the Christian religion, which is not law imposed by an external authority, but truth which makes its own appeal, and is its own witness to man's moral insight and spiritual discernment, and grace, which so meets the moral and religious need of man as to evoke by its very nature the faith which fully receives and freely responds to it. We do not need to import the Epistles of Paul into the Gospel of Jesus to be led to the conclusion that in the teaching of Jesus during His earthly life, even as in the life in Him as the Risen Saviour and Lord, we are not under law, but under grace. The gracious invitation in Matthew xi. 25-30 is to a yoke and a burden that is the freedom of the children of God. Whenever, even in our zeal for the supreme Lordship of Jesus Christ, we represent His teaching as a legislation to be imposed on ourselves or others we do misrepresent the kind, aim, and ground of His authority as the effective Saviour who liberates us from every bondage into the freedom of the children of God. We must ever be on our guard against lapsing from the evangelical to the legal point of view, from the new to the old covenant.

But further, this anxiety to get from the very lips of Christ Himself a law to which we must ourselves submit, and which we must try to impose on others, is surely a distrust of the presence and operation of the Spirit in imparting wisdom and prudence to the Christian community

according to its varying needs for such higher guidance. May not the Christian conscience of to-day be the organ of the continued revelation of the Christian ideal, a revelation which we may be confident will not supersede, or contradict the teaching of Jesus, but will give direction in situations and for necessities which lay entirely beyond the historical horizon in His earthly life ? To rely, as some do, on traditions, precedents, canons in dealing with the living moral issues of the age, such as marriage and divorce, is surely to abandon the distinctively Christian standpoint. If we cannot expect, and rely on the present guidance of the Living Lord through His own Spirit on this question, but must fall back on, if not the words of Jesus Himself, yet some decision of the Christian Church in days past, what are we to do in the many instances of altogether new moral problems which are pressing for a Christian solution from the Church as Christ's present interpreter ?

These considerations are advanced not in the interests of a lower morality than the Christian ideal presents, but rather to indicate the historical process of a gradual approximation to that ideal which not only man's moral capacity, but also the constitution of human society shows to be alone practicable. Legislation for the hardness of men's hearts must still be recognised, while its moral imperfection is being urged. The higher requirements must not be prematurely forced lest there be moral offence. There must be tolerance of moral immaturity and incapacity, and patience with the slow growth of moral conviction and habit. The Christian ideal must be kept before modern society as a constant and potent inspiration to progress in moral standards and social institutions. The Christian Church must influence the world around by the integrity, purity, and beneficence of the lives of its members, and not try to coerce it to submit to laws which have not yet even

the assent of the common conscience. Most of all must the Christian Gospel be so ministered as the power and the wisdom of God unto salvation, that the world will be brought within the Church, not to be subjected to a foreign and galling yoke, but to be emancipated into a life in which holiness will be attained by the way of a joyous freedom in Christ. Thus and only thus will the moral and social problems which are so menacing to-day find their solution in a grace which takes law up into liberty.

ALFRED E. GARVIE.

*THE HISTORIC SETTING OF THE PASTORAL  
EPISTLES.*

(iii.) *The Historical Setting.*

THIS is the aspect of the Pastoral Epistles to which I have given more particular study, not only as being the one which really weighs most against a Pauline origin with cautious men of all schools, but also as that on which I most differ from the rest of those who hold to their authenticity. It has occupied my attention for a good many years, owing to the fact that, in writing in 1899 on the Apostolic Age, I felt it wise to approach so difficult a subject as the Pastorals first of all from the side which seemed least dependent on subjective estimates as to Paulinism and other large questions; and this meant starting from the concrete personal notices and the historic setting, which really afford more data than is generally realised. In the carrying out of this plan, however, I had, owing to a publisher's time-limit, to commit myself for the moment to hypotheses which I had not leisure to test from all points of view. Very soon I had the sad experience, which comes to those who print prematurely, of realising that the particular form of my theory was defective, while none the less it still seemed to be on the right lines.