Resurrection in Mark 12: Refining the Covenant Hypothesis

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Abstract

The defence of resurrection in Mk 12.18-27 has been understood in various ways, based on different reconstructions of the logic of Jesus’ citation of Exod. 3.6. These various approaches may be generally grouped under two broad categories: ‘present relationship’ hypotheses and ‘covenant/context’ hypotheses. This study evaluates those approaches, seeking to critique the existing covenant/context proposals of F. Dreyfus (1959) and Bradley R. Trick (2007) and extend their insights in new directions. In doing so, it focuses on citation context and similar reasoning in other early Jewish and Christian texts, including an overlooked analogue in Heb. 11. It will be argued that this context and these analogues lend support to a revised version of the covenant/context hypothesis that understands Mk 12 as predicking resurrection on divine faithfulness to the covenant between God and the patriarchs.

Keywords
Allusion, covenant, hermeneutics, levirate marriage, resurrection

An old church aphorism states that ‘the Sadducees were sad, you see, because they didn’t believe in the resurrection’. That Sadducees were sad is doubtful, but their denial of resurrection is well established and most famously illustrated in

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their encounter with Jesus as recorded in the Synoptic gospels. There, the Sadducees challenge Jesus by proposing an absurd scenario: if a woman is pre-deceased by seven consecutive husbands, which of them will be her husband in the resurrection? The question is designed to expose resurrection as a ludicrous (and perhaps subversive) idea. Jesus’ response makes use of a reference to the words of God at the burning bush in Exod. 3.6. This article will explore that encounter as presented in Mk 12.18-27, with a view to proposing a reconstruction of Jesus’ logic that is contextually more plausible than existing propositions. In doing so, it will consider why Exod. 3.6 (and not some other text) was cited, before considering the concept of levirate marriage and the logic of the Sadducean challenge. Taking into account a range of scholarly interpretations of Jesus’ response, it will propose a more coherent reading informed by the work of F. Dreyfus and Bradley R. Trick, though modified to avoid the shortcomings of both formulations. The plausibility of this reading will be supported with reference to ancient analogues, especially a previously neglected analogue from the letter to the Hebrews.

The Sadducees, Scripture and Resurrection: Exodus 3 as a Resurrection Text

Jesus’ response to the Sadducees defends resurrection by drawing upon Exod. 3—a passage which has no explicit bearing on the topic in question. Why this passage should be chosen (rather than a passage like Dan. 12.2-3 or Ezek. 37.1-14) may be explained in part by considering the grounds of Sadducean scepticism. Neither Mark nor Luke gives an explanation as to why the Sadducees denied resurrection, nor does Acts 23.6-8, which claims that the Sadducees did not believe in resurrection, angels or spirit. Josephus also provides no clear discussion of their reasoning, but he does suggest that their denial of punishment, reward or existence after death allows them to do as they please with relative impunity (J.W. 2.8.14; Ant. 13.5.9; 18.1.4). A class of wealthy aristocrats benefiting from the status quo has little reason to hope for eschatological revolution.

2. Mt. 22.23-33; Mk 12.18-27; Lk. 20.27-30.

3. This statement is puzzling, for there are numerous appearances of angels even in the Pentateuch. It may be that the Sadducees denied particular ideas about angels and their relation to humanity or resurrection, or else that Acts misrepresents their beliefs. For more on this, see Daube 1990: 493-97; Viviano and Taylor 1992: 494-98; Davies and Allison 1997: 227; Culpepper 2007: 472-75. Viviano and Taylor (1992: 498) advocate reading both ἄγγελος and πνεῦμα in apposition to ἀνάστασις, thus translating the first half of Acts 23.8 as ‘the Sadducees say that there is no resurrection either as an angel … or as a spirit’.

4. Though he does not say so, it seems that Josephus portrays the Sadducees as akin to the Epicureans, denying divine intervention and post mortem experience.
It is not entirely clear whether the Sadducees rejected the prophets and the writings outright, or whether they accepted these texts but preferred a non-literal interpretation of resurrection passages. Hippolytus (Haer. 9.29), Origen (Cels. 1.49) and Jerome (Comm. Matt. 22.31-32) all favour the former view. The same could be implied by Josephus’s statement that the Sadducees had ‘no observance of any sort apart from the laws’ (Ant. 13.10.6) – in other words, they accepted the Pentateuch but nothing else. On the other hand, this statement may mean only that the Sadducees rejected the additional (oral) traditions of the Pharisees (Bruce 1988: 40-41; Beckwith 1985: 88; cf. McDonald 2007: 140-41). It is hard to accept that a group with links to the temple and priesthood would accept only the Pentateuch when other texts were stored in the temple and used in its liturgy (Beckwith 1985: 86-91). Whether the Sadducees rejected the texts themselves or just the literal interpretation of resurrection passages remains unclear. Either way, any argument based on a literal reading of these texts could be dismissed out of hand.

That Jesus argues from Exodus (an authority his interlocutors could not deny) signals his intent to refute a Torah-grounded challenge with an equally Torah-grounded answer (Thiessen 2014: 274). This implies some knowledge of what his interlocutors would find compelling, as well as some intent to advance a cogent argument. Although exegetes may conclude that Jesus was unsuccessful in doing so, they should not be too quick to accept the idea that the argument rests on premises which Jesus’ interlocutors would dismiss out of hand. That Mark preserved this pericope also resists the suggestion that the argument was

5. It is possible that prophetic texts describing resurrection were originally written and understood as figurative predictions of national restoration, not as predictions of literal physical resurrection (Wright 2003: 120-22). On the contrary, Sloan (2012: 90-94) contends that there was some covenant-based expectation of resurrection even in the Pentateuch. While there are certainly expectations of restoration, and there may be hints towards a notion of post mortem existence in the Pentateuch and other early scriptures, overt belief in general resurrection did likely emerge along the lines suggested by Wright’s reconstruction.

6. Josephus states in Ag. Ap. 1.8 that all Jews accept the same 22 books, not entertaining any thought of addition or subtraction (see Beckwith 1985: 88).

7. The association of Sadducees with the priesthood rests on three main factors. First, the Jerusalem aristocracy (from whom the Sadducees were drawn) consisted largely of priestly families. Second, the term ‘Sadducee’ is likely (but not certainly) derived from the name of the priest Zadok. Third, rabbinic literature seems to make a connection between the Sadducees and the Boethusians, who were a priestly group. For this, see Stemberger 1999: 432-34.

8. This language of rejecting, accepting and affirming scripture is somewhat simplistic and leads into broader discussion about concepts of scripture and authority in ancient Judaism. This cannot be explored here, but one might profitably start with the discussion of Old Testament canon and scripture in Barton 2013, especially 150-61.

9. There is one element in Jesus’ answer which could undermine this position, namely the reference to angels in heaven. For this, see note 3 above.
obviously implausible or incoherent. Such a conclusion should be affirmed only when other alternatives have been considered.

**Levirate Marriage: A Brief Survey**

The challenge of the Sadducees is grounded in the custom of levirate marriage, mandated in Deut. 25.5-10. When a man dies without offspring, his brother (the levir) will marry his widow, so she may still have children and her husband’s line may continue in spite of death. It was a source of shame and censure for the brother to neglect levirate duty. When Onan spills his semen to avoid impregnating Tamar, he is struck down by God (Gen. 38.8-10). A variation of levirate marriage appears in Ruth 3 and 4; Boaz may act as redeemer and marry his widowed relative Naomi. A closer relative had a stronger claim on Naomi should he wish to marry her, but relinquished the claim saying that such a marriage would ‘ruin my own inheritance’. This example suggests that both the responsibility of the levir and the shame of failing to fulfil this responsibility are both diminished in the later period.

In rabbinic literature there are numerous discussions of levirate marriage and ḥālîṣā – the rite of releasing widow and brother from their bond. Both levirate marriage and ḥālîṣā were deemed acceptable, but different circumstances or different rabbis may suggest one over the other. In some instances (e.g., *m. Yebam.* 2.7; 2.8, 3.1-4; 4.5-6), there is discussion of the complexities involved when there are multiple brothers! Interestingly, it seems that the rabbis generally considered children of a levirate union to be offspring of the levir (not his deceased brother) and affirmed that the estate of the deceased passed to the levir (*m. Yebam.* 4.4-7; Belkin 1970: 290; Weisberg 2000: 50 n. 16). If these rabbinic sources reflect the situation during the time of Jesus, this would suggest that levirate marriage was practiced in the first century but that it was not considered the only

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10. We must acknowledge the possibility that this pericope originates with Mark or his tradents rather than with Jesus. That would not negate the points made above, but it may reduce their force somewhat if this argument emerged in the generation after Jesus’ death. The major study of the historicity of this passage is Meier 2000.

11. This is the only example of levirate marriage (or failure thereof) in the Pentateuch.

12. In Deut. 25.8 a levir who neglected his duty was to be shamed by the widow removing his sandal and spitting in his face. In Ruth 4.7-8 the closer relative relinquishes his claim by removing his sandal. This tradition is developed in rabbinic literature. For discussion of rabbinic materials, see Belkin 1970, Weisberg 1998, 2000 and Kalmin 1992.

13. Weisberg (1998: 61; 2000: 43-50, especially 50). Sometimes ḥālîṣā was favoured or permitted when levirate marriage was not (*b. Yebam.* 39b, 109a; *m. Yebam.* 2.1-2; 12.6) and the Babylonian Talmud seems concerned to give women the possibility of avoiding unwanted levirate marriages (Weisberg 2000: 51-60; *b. Yebam.* 21a, 112a-112b). Sometimes levirate marriage was favoured (*b. Yebam.* 21a). For other salient examples, see *b. Yebam.* 101b; *m. Yebam.* 1.1-2; 2.3-4; *t. Yebam.* 6.9.
option for a childless widow. Yet the difficulties of using rabbinic literature as evidence for first-century realities are well known. Continuity between the Mishnah (and later rabbinic sources) and an earlier era is plausible but cannot always be taken for granted – it would be wise to follow Neusner’s recommendation, setting ‘a strong dose of skepticism’ against the assumption of continuity (2002: 369). Whether levirate marriage was common in the first century CE cannot be determined from the traditions of the rabbis.

First-century sources reveal little more. The treatment of levirate marriage in Josephus (Ant. 4.8.23) is essentially a paraphrase of Deut. 25. Josephus, Philo and Paul make clear that Jewish law allowed widows to remarry, but they do not introduce the levirate concept in those contexts. The best indication that levirate marriage was practised in this era is the fact that the Sadducees include it in their questioning of Jesus.

The Debate about Resurrection

The question posed by the Sadducees introduces an apparently impossible situation. If the woman and all her husbands are to be raised, which marriage will persist? With no obvious distinction, Jesus appears trapped between affirming polyandry and denying the resurrection. His response, however, exploits an alternative solution to the paradox: all will be raised, but none of the marriages will persist. When the dead are raised, they will neither γαμοῦσιν nor γαμίζονται. The pairing of active and passive forms (γαμοῦσιν and γαμίζονται) evokes male and female roles in the marriage process: marrying and being given in marriage (Witherington 2001: 328). The implication is that in order to be married in the resurrection, one must undertake the marriage process (again). None of the marriages will continue automatically: death constitutes a termination of the marriage covenant.

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14. A helpful synthesis of the issues is provided by Instone-Brewer 2011, especially pp. 1690-94.
15. It was normal and expected for Romans to remarry after the death of a spouse, and it was seemingly mandated by Augustan law (lex Iulia de maritandis ordinibus and lex Papia Poppaea) – though some might be exempt. There is no evidence for these laws being enforced outside metropolitan Rome, and the texts of first-century and rabbinic Judaism do not suggest that Jews had no option but to remarry. For more on this, see Nörr 1981: 351; Wallace-Hadrill 1981: 58; Treggiari 1991: 454; Kemezis 2007: 274; Bradley 1991: 80, 85, 97; Crawford 1996: 801-809, esp. 806. Crawford et al. differ from the majority position and suggest that the Augustan law did not require remarriage.
16. This is not an anomaly; Paul twice speaks of marriage being terminated with death (Rom. 7.2-3; 1 Cor. 7.39). Other first-century Jews condoned remarriage after spousal death, suggesting that they did not consider marriage to continue beyond death. See Josephus, Ant. 3.12.2 and Philo, Spec. Laws 1, 108.
This is an effective response regarding the practicability of resurrection, but both question and answer contain a further subtlety. Mark 12 largely uses forms from ἀνίστημι and ἀνάστασις to describe resurrection, as seen in vv. 18, 23 and 27:

12.18: Sadducees (who say there is no resurrection [ἀνάστασιν]) also came to him …

12.23: In the resurrection, when they rise again (ἀναστῶσιν), whose wife will she be?

12.37: For when they rise (ἀναστῶσιν) from the dead, they neither marry …

Another form derived from the same compound appears at v. 19, where the Sadducees recall levirate marriage: his brother must take the widow and raise up (ἐξαναστήσῃ) offspring for his brother.

Though ἐξαναστήσῃ features an additional prefix, there is no significant lexical distinction between ἀνίστημι and ἐξανίστημι. Instead, this seems to be a deliberate play on words – a signal that resurrection and levirate marriage are held up as alternative solutions to the same problem (Trick 2007: 237; cf. Gundry 1993: 701). Both purport to overcome death by ‘raising up’ life.

The conflict arises not just because the Sadducees consider resurrection laughably impractical, but also because they consider it an unwelcome alternative to the divinely-instituted solution. Levirate marriage was mandated in the Torah, where resurrection does not appear. Resurrection belief might thus be considered a late development implying inadequacies in the existing system. If God had ordained one method for restoring life, there was no reason to propose another. To do so was to undermine the law! The Sadducean challenge invites Jesus to deny the adequacy of the Torah in defending the alternative (Wright 2003: 421).

Recognizing this subtler challenge, Jesus goes on to make a positive case for the possibility and necessity of resurrection.

Now as for the dead being raised, have you not read in the book of Moses, in the passage about the bush, how God said to him, ‘I am the God of Abraham, the God of Isaac, and the God of Jacob’? He is not the God of the dead but of the living. You are badly mistaken!’ (Mk 12.26-27).

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17. Interestingly, the LXX text of Gen. 38.8 (which the Sadducees seem to be citing at this point) features the form ἀνάστησον rather than ἐξαναστήσῃ (which is included by Mk 12.19). There is not enough information to determine from where this variation came: from Mark himself, the Sadducees, some variant Greek text, or some other point in the transmission of this pericope.

18. Note that a full set of seven brothers have died with no offspring. To the Sadducees this might suggest that God had intended to not give children. In that case, the resurrection hypothesis is not only groundless and contrary to Torah, it also defies the apparent will of God in this situation (Janzen 1985: 48).
It is important to note that, while Jesus’ argument (on some reconstructions) may not explicitly prove the bodily resurrection of every individual, this may still follow if Jesus is able to prove that the patriarchs have some *post mortem* existence.19 This itself would refute the position of the Sadducees in favour of the Pharisaic resurrection hypothesis.20

Interpreting the Logic of Jesus’ Argument

The logic of Jesus’ answer has been understood in many ways. A substantial number of those readings may be grouped under two broad paradigms: ‘present relationship’ hypotheses and ‘context/covenant’ hypotheses. Trick (2007: 244) states that most interpreters regard the argument as turning on ‘1) lexical grammatical issues, 2) God’s nature as a “God of the living”, or 3) the literary context of the Exodus citation’. Within each of his three categories, Trick identifies two alternative formulations; he thus identifies six basic hypotheses, arranged across the three categories in question. I have opted here to consider Trick’s first two categories together under the heading of ‘present relationship’ hypotheses, for both take the Exodus citation as a claim about the present state of relationship between God and patriarchs, and both face similar difficulties.21 Interpretations centred on the literary context of the Exodus citation are ‘covenant/context’ hypotheses.

‘Present Relationship’ Hypotheses

Allowing for much variation between hypotheses, the first group in question constitutes those who regard the citation of Exod. 3.6 as an affirmation of an ongoing (that is, present and living) relationship between God and the patriarchs. As Trick notes, this can unfold in several ways. In the first place, it might hinge on the assumption that God would not define himself in relation to mortals – he would not choose to identify as the God of Abraham, Isaac and Jacob unless they were alive.

19. As seen below, *b. Sanh.* 90b suggests that the rabbis considered that proving patriarchal resurrection was enough to prove general resurrection from the Torah.

20. It may not quite be this simple, for Josephus (*J.W.* 2.8.11; *Ant.* 18.1.5) states that the Essenes believed in *post mortem* existence (immortality of the soul) but *not* resurrection. Pharisaic thought was more influential than Essenic thought, and the fact that this is touted as proof for resurrection implies that it confirms the Pharisaic scheme of ‘life after life after death’ (Wright 2003: 201) rather than an eternally disembodied existence for the soul.

21. For discussion of all of these hypotheses, see Trick (2007). This article will interact primarily with Trick 2007, Dreyfus 1959 and, to a lesser extent, Downing 1982.
Relationship argument 1:

• If God would not associate himself with the dead
• And God associates himself with the patriarchs
• Then The patriarchs cannot be dead

A similar line of argument identifies this attitude explicitly in Jesus’ words. His statement that God is ‘not the God of the dead, but of the living’ is taken as a premise.

Relationship argument 2:

• If God is God of the living
• And God is the God of the patriarchs
• Then The patriarchs are living

Finally, the present relationship argument might be made by emphasising the tense of the divine statement in Exod. 3.6: I am the God of Abraham, Isaac and Jacob. At the burning bush, God says in the present tense that he is the God of the Patriarchs, even some 400 years after their death. Assuming that God would not identify himself in the present with anyone who is dead, it follows that the patriarchs must be alive in the present of Exod. 3. The present tense of the quotation implies that the patriarchs have life after death. This focus on the present tense could lend force to either of the two relationship arguments already offered, as follows:

Relationship argument 3:

• If God would not associate himself with the dead
• And God is presently God of the patriarchs
• Then The patriarchs are not presently dead

Relationship argument 4:

• If God is the ‘God … of the living’
• And God is presently the God of the patriarchs
• Then The patriarchs are presently living

22. Janzen (1985: 43-44) and Gould (1897: 230), almost a century apart, both claim that such a reading was very common. For clear examples, see Anderson 1976: 279 and Brooks 1991: 196; Black 2011: 256 is slightly less obvious, but his interpretation also rests on the present tense. Juel (1990: 167-68) argues that the present tense is implied because the past tense is absented – this amounts to the same tense-dependent argument. More examples can be seen in Trick 2007: 245 n. 30 but note that Davies and Allison (1997: 232) argue for this reconstruction in Matthew. In recent times it seems that versions of this argument, which are not so tightly bound to verbal tense, are more common.
These four formulations appear structurally sound, but there are several ways in which they might be challenged. One is related to the statement that God is ‘God … of the living’. If this is taken as an explicit and necessary premise (as in arguments 2 and 4), then the argument cannot follow without it.23 There is no reason why the Sadducees should accept the premise: there is no statement in the scriptures (Pentateuch or otherwise) which closely resembles this phrase. On this reconstruction, Jesus assumes what he wishes to prove.

In arguments 1 and 3 above, the claim that God is God of the living may be a result rather than a premise. Because God would not tie his identity to mortals, the patriarchs cannot be dead. If the patriarchs are living, then God is God of the living and not of the dead. This still rests on an assumption (similar to arguments 2 and 4) that God would not identify himself with reference to mortals. It has sometimes been asserted that this notion was held by Jews in the first century CE, but rarely has it been argued.24

The best argument of this kind is that of F. Gerald Downing (1982), who notes that Philo takes the three patriarchs to represent teaching (διδασκαλία), nature (φύσις) and practice (ἀσκησις), claiming that God bound himself to these eternal virtues rather than to specific human persons (Abraham 54-55). According to Downing, Philo (here and elsewhere: Migration 125; Names 12-14; and Moses 1.75-76) considers the binding of God to the patriarchs to be problematic, for the eternal cannot be bound to the mortal. Thus, the association of the patriarchs raised ‘awkward and inescapable questions about mortality’ (1982: 47). Downing affirms that Jesus shared this concern and resolved it not by allegory, but by positing that the patriarchs themselves were eternal and immortal (1982: 44-45).

Downing’s argument is questionable for at least two reasons. First, the fact that Philo allegorizes here does not prove that he did so out of concern for the separation of mortal and immortal. Downing makes no clear argument to justify that inference, and even concedes that there is ambiguity as to whether Philo found the junction of divine and mortal so problematic (1982: 50 n. 7).25 Secondly, Downing asserts that, while Philo’s solution reflects his Middle Platonic worldview, the problem itself was felt by his contemporaries outside this worldview. That claim is neither self-evident not justified by anything in Downing’s piece.

There are further reasons for maintaining that the Sadducees would reject the premise that God would not identify himself with reference to mortals. There are

23. This is the reasoning employed, for example, by Wright 2003: 424-25.
25. This concession is noted by Trick (2007: 248), who also remains unconvinced of Downing’s reconstruction of the sensitivities of Philo and Jesus.
many points in the Pentateuch where God is identified (by himself or others) as the God of the patriarchs, but these did not compel the Sadducees to believe in post mortem life. As God identified himself by past events (like the exodus), might he not identify himself by past relationships? This could be a statement about God that says nothing about the present state of the patriarchs. In that case, it would be akin to saying, ‘I am the same God who previously related with the patriarchs’ – a fitting way to introduce God to Israel in Egypt. This is the most natural way to read Exod. 3.6, and it invalidates Jesus’ argument on all four reconstructions offered above. These formulations suppose that Jesus addresses an ongoing relationship between God and patriarchs, but this amounts to a case of begging the question – asserting a conclusion as a premise.

There is a further problem that some ‘present relationship’ hypotheses must face, especially tense-based arguments (3 and 4): the crucial verb is absent.

Although it may be possible to supply εἰμί from the context, it is not actually written, and none of the manuscripts suggests that it was ever included. This is odd, for the LXX text as we have it does include the verb. It is conceivable that Mark is working from a variant text, or that he has made an accidental omission. Alternatively, it may be that Mark is not writing directly from a written source, but from memory or other forms of tradition. On any such reconstruction, it is implausible that the verb would be absent if the argument depended upon it. Further, if the ancients thought that this argument rested upon the verb, one might expect to find it as a textual variant in some early manuscripts. Such is not the case.

What can be said of ‘present relationship’ hypotheses? None of them avoids all the possible hurdles. The verb required by arguments 3 and 4 is absent. Arguments 2 and 4 supply a foreign premise which the Sadducees could reject. Likewise, arguments 1 and 3 imply something about God that the Sadducees need not affirm. All four take the divine statement to imply something about the patriarchs, an assumption which is easily dismissed. Unless we abandon our expectations and conclude that this argument was always weak and easily dismissed, alternative reconstructions must be considered.

26. Even with the verb, this would not match Exod. 3.6 LXX, which reads Ἐγώ εἰμι ὁ θεὸς τοῦ πατρός σου, θεὸς Αβρααμ καὶ θεὸς Ισαακ καὶ θεὸς Ιακωβ.
27. Perhaps Matthew supplies the verb for precisely this reason. See n. 47 below.
'Covenant/Context' Hypotheses

We come, then, to the second category in question: covenant/context arguments. These regard the citation of Exod. 3 not as a statement about the present existence of the patriarchs, but instead as a statement which evokes God’s covenant and faithfulness as grounds for affirming resurrection. The classic study along those lines is the 1959 article by F. Dreyfus, who rejects the notion that the citation is an instance of rabbinic exegesis and instead explores the suggestion made 30 years earlier by Lagrange.28 Lagrange (1929: 320; cf. Dreyfus 1959: 214) claims that Exod. 3.6 says nothing about the patriarchs but instead something about God: ‘he is the same God they loved during their life, without any allusion to their present state’, and the citation relies on the notion that ‘God does not abandon his people to death’.

Dreyfus seeks to refine and bolster the hypothesis by considering its specific relation to Exod. 3. If Lagrange is right, why does Jesus cite Exod. 3 rather than a text which explicates divine love and justice? In short, Dreyfus posits that Exod. 3 does connote divine protection. There is ‘deeper meaning’ in Jesus’ words: the name formula is shorthand for God’s (ultimate) protection of his covenant people.

Dreyfus puts forward an argument in three parts. First, he proposes that the name formula was a statement about God (not about the patriarchs). More specifically, he provides examples from the pseudepigrapha of this formula being used to recall or invoke God’s faithfulness or protection. Consider this example from the Testament of Moses:

> Then all the tribes will lament, crying out to heaven and saying, ‘God of Abraham, God of Isaac, and God of Jacob, remember your covenant which you made with them, and the oath which you swore to them by yourself, that their seed would never fail from the land which you have given them’ (T. Mos. 3.9, trans. Priest 1983: 928).

Citing texts like this, Dreyfus contends that the name formula almost always says something about God rather than something about the present state of the patriarchs.29 Furthermore, he claims (1959: 218) that it is more common for the formula to characterize or identify God by his orientation or action toward the patriarchs (the God who protected the patriarchs) than it is for the formula to emphasize the patriarchs’ role in the relationship (the God in whom the patriarchs trusted).

28. There are elements of Jesus’ argumentation which do accord with rabbinic principles. While Cohn-Sherbok (1981) argued that Jesus’ argument does not accord with Tannaitic exegetical rules, some have noted points of contact with the rules of Hillel. See Davies and Allison 1997: 232-33; Yarbro Collins 2007: 562-63.

29. Dreyfus (1959: 218) discusses the following examples: the first prayer (Abot) of the Eighteen Benedictions; the Hebrew version of Sir. 51.1; the opening verse of Prayer of Manasseh; As. Mos. 3.9; Jub. 45.3; T. Reu. 4.10; T. Sim. 2.8; T. Jos. 2.2; 67; T. Gad 2.5; 3 Macc. 7.16, cf. Wis. 9.1; 1QM 8.7.
The first part of the argument concludes by bringing this perspective to biblical examples. Acts 3.13 casts Jesus’ resurrection as an act of divine faithfulness and identifies God by the patriarchs. Hebrews 11.16 states that God would identify himself by the name of the patriarchs because he was preparing a future for them. Both of these are taken to reinforce the connotative link between patriarchs and divine protection. Dreyfus (1959: 219-20) briefly argues that the pentateuchal instances of the formula accord with those in the Pseudepigrapha and the New Testament in using the formula to connote or recall God’s covenant protection of the patriarchs. This may not be the full picture, but it is a valid emphasis in light of examples like these:

God heard their groaning, God remembered his covenant with Abraham, with Isaac, and with Jacob, God saw the Israelites, and God understood (Exod. 2.24–25).

‘I will remember my covenant with Jacob and also my covenant with Isaac and also my covenant with Abraham, and I will remember the land’ (Lev. 26.42).

‘Instead, because of the wickedness of these nations the LORD your God is driving them out ahead of you in order to confirm the promise he made on oath to your ancestors, to Abraham, Isaac, and Jacob’ (Deut. 9.5).

‘Today he will affirm that you are his people and that he is your God, just as he promised you and as he swore by oath to your ancestors Abraham, Isaac, and Jacob’ (Deut. 29.13).

Dreyfus is right to suppose that Jews in antiquity could have read Exod. 3.6 as a statement about God’s faithfulness in the past and the present.

Dreyfus moves in the second part of his paper to consider the phrase ‘not the God of the dead but of the living’ in the second part of Jesus’ argument, suggesting that it highlights a paradox in the Sadducees’ position. On the one hand, they would insist that the patriarchs are dead. On the other, they would (presumably) accept the authority of Exod. 3 and the character of God as protector of the patriarchs. These are incompatible notions. God cannot be a protector to the dead (Dreyfus 1959: 221); if the patriarchs are absolutely and finally dead, then death rules over divine protection. If God the protector is not to be mocked, death cannot have the final word.

**Covenant argument 1 (Dreyfus):**

- If God is the protector of the patriarchs
- And Divine protection is incompatible with absolute and final death
- Then The death of the patriarchs is not absolute and final
If this is correct, then Jesus might well accuse the Sadducees of not recognizing the power of God. To exclude resurrection is to say that God’s protection was limited to the lifespan of the patriarchs. If their resurrection would facilitate more comprehensive fulfillment of divine promises, to deny the resurrection is to deny God’s ability to achieve complete fulfillment. Though Dreyfus does not overtly say so, his reconstruction makes sense of the critique: ‘you don’t know … the power of God’.

In part 3 of his paper, Dreyfus briefly argues that a similar logic can be found in the Hebrew scriptures. Jesus’ argument is an individual application of the same rationale that Ezek. 37 employs corporately: God’s faithfulness to his covenant will restore life beyond the grave (Dreyfus 1959: 223). While Ezekiel and similar passages were originally symbolic for the restoration of God’s people (and not claims about literal resurrection), Dreyfus is correct about their rationale: if God’s covenant and promises are to be realized, he must bring radical, life-giving restoration.30

Dreyfus’ argument is summed up nicely in his conclusion:

By invoking [Exodus], Jesus indicates how this dogma is profoundly linked with the central aspect of the revelation of the Old Testament: the Covenant, and how the salvation promised by God to the patriarchs and their offspring … contains implicitly the doctrine of the resurrection (1959: 224, translation is my own).

Though many do not cite Dreyfus, this notion that resurrection is tied to covenant faithfulness has gained more popularity in recent decades.31

The most detailed covenant-oriented reading of Mk 12 to date has been offered by Trick, who argues that the theme of covenant is the key to understanding both parts of Jesus answer: the refutation of the practical objection and the positive case for resurrection belief (2007: 55). He first proposes that the Sadducean error is a misunderstanding of covenantal terms. Their scenario fails to account for the fact that marriage covenants terminate with death. Trick supposes that Jesus’ response works on an analogy between marriage and the divine covenant, such that the covenant can persist only while the patriarchs are alive. The Sadducees would affirm that God’s covenant is still in effect. If covenant obligations terminate with death (as shown by the example of marriage covenant), the persistence of the covenant implies that the covenantal parties are still alive! Covenant

30. For the grounding of resurrection in divine faithfulness, see Wright 2003: 127-28, 202-205; Martin-Achard 1992: 681-82.
persistence presupposes the life of the patriarchs. Trick’s argument unfolds as follows:

**Covenant argument 2 (Trick):**

- If Marriage is a covenant
- And Marriage terminates with death
- Then Covenants terminate with death

- If Covenants terminate with death
- And The covenant with the patriarchs has not been terminated
- Then The patriarchs are still alive in some sense

The strength of this argument seems to be its thematic continuity. It makes good sense of how the practical refutation and the theological proof tie together, suggesting covenant as the means whereby Jesus proceeds from one to the other. In addition, it avoids the dependence on tense, and foreign premises of the relationship or grammatical approaches.

There are nonetheless several problems with this reconstruction, which need to be addressed. Although it facilitates a feasible case for *post mortem* existence and (by extension) resurrection, it does not explain why the patriarchs (or anyone else) should have such life. Trick is careful to argue that it is the continued life of the patriarchs that preserves the covenant, and not the other way around:

> Just to be clear, it is not God’s covenant with Abraham, Isaac and Jacob that preserves their lives beyond physical death but their life beyond physical death that preserves the covenant (Trick 2007: 250-51).

This is precisely the opposite of the argument made by Dreyfus, and it leaves one asking why the patriarchs should persist beyond death. It must be taken axiomatically. Compare this with Dreyfus’s argument, which can explain patriarchal persistence because the covenant stands. Though not firm proof, this makes Dreyfus’s case more compelling.

More significantly, one must attend to the procession of premises and conclusions outlined above. That marriage covenants terminate with death is not problematic. That covenants *in general* terminate with death, however, is problematic. It follows inductively due to the analogy between marriage and divine covenants—an analogy asserted by Trick without providing reasons and without considering the anomalous nature of a divine–human covenant. While the Hebrew scriptures do employ marital metaphors for the relationship between God and his

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32. Trick (2007: 250): ‘the fact that the Exodus represents an act of God’s faithfulness to his covenant … must imply that the three patriarchs are in some sense still alive to God’.
people, such poetics do not justify the conclusion that the terms of these covenants are identical. Trick’s argument requires that the covenant could not persist if the patriarchs had died, but this rests only on that questionable analogy. With this in mind, one must again consider T. Mos. 3.9:

Then all the tribes of Israel will lament, crying out to heaven and saying, ‘God of Abraham, God of Isaac, and God of Jacob, remember your covenant which you made with them, and the oath which you swore with them by yourself, that their seed would never fail from the land which you have given them.

While it concerns their seed, the promise here was made to the patriarchs themselves. It was made with the patriarchs, but the covenant is still in effect. There is no hint here, or anywhere else (from available evidence), that this requires the patriarchs to be still alive. This shows that covenants could be understood in a way indicating that death would not terminate God’s future obligations. This destabilizes Trick’s idea that covenant could not persist if the patriarchs were dead.

Finally, Trick’s argument features a troubling inconsistency. First, Jesus affirms that since all husbands are dead, all marriage covenants are terminated. Secondly, Jesus affirms that the patriarchs are still alive, such that covenants were never terminated. Trick’s argument requires that the woman and her husbands are dead so that covenants end, but that the patriarchs are alive enough for covenants to remain. Recognizing that the discussion of patriarchs is meant to illuminate the Sadducees’ scenario, we find ourselves affirming that the woman is dead so that covenants are to be cancelled, yet alive enough for them to continue and allow resurrection. There are two ways in which this problem may be avoided. The first is to deny the analogy between patriarchal resurrection and general resurrection, severing the link between the woman and the patriarchs, rendering the defence useless. The other is to admit that the covenants are not analogous: although marriage ends at death, the divine covenant may persist. Accepting the second proposal makes better sense of the passage, but it requires one to discard Trick’s reconstruction.

Does God’s covenant protection ensure post mortem existence? Or does post mortem existence ensure the persistence of the covenant? Given the problems with Trick’s argument and the relative strength of Dreyfus’s proposal, the former notion seems more likely. Limiting divine protection and faithfulness to the

33. E.g., Isa. 54.5-6; Jer. 3.19; 31.32; Hos. 2.2-20.
34. Thiessen (2014: 276 n. 15) appears not to have noted this inconsistency as he summarizes Trick’s argument (which he finds compelling). He supposes Trick to be saying that while death annuls marriage, it does not annul the covenant. As seen above, this is not quite the claim made by Trick. Instead, Trick (2007: 250-51) claims that the covenant is not terminated precisely because the patriarchs are still alive in some sense.
mortal lifespan is ultimately a restriction of divine power to fulfil promises. In order to fully realize his covenant purposes, God will raise people from the dead. This reading may be bolstered by paying closer attention to citation context and some instances of parallel reasoning.

Dreyfus notes that, in the context of ancient Judaism, the patriarchal name formula connotes divine protection. Since the pioneering work of Richard Hays (1989) and the subsequent boom in the study of scriptural allusions, scholars are more alert to the possibility that citation context may be crucial for determining the meaning of a citation.\(^{35}\) This general movement provides in-principle justification for considering context-based arguments (like that of Dreyfus) rather than assuming the reliance of Mk 12 on wordplay, midrash or other rabbinic methods. Further, it encourages one to consider how the content of Exod. 3 might be significant in the logic of Jesus’ argument.

There is much in Exod. 3 that supports a covenantal understanding of Jesus’ defence. The exodus story is firmly linked to the patriarchal covenant, as may be seen in Exod. 2, where ‘God heard their groaning, God remembered his covenant with Abraham, with Isaac, and with Jacob, God saw the Israelites, and God understood’ (2.24–25). His self-revelation and the explanation of his plan for redemption occurs immediately after this link has been established, implying that what follows (the exodus plan) is God attending to his promises. In the epiphany of Exod. 3 itself, God identifies himself some three times in relation to the patriarchs (vv. 6, 13, 15, 16) as he describes his rescue plan. Furthermore, the destination outlined – a prosperous land flowing with milk and honey – is clearly the land promised to the patriarchs.\(^{36}\) In short, the exodus story is the paradigmatic story of God restoring his people in accordance with his covenant, and ch. 3 is a vivid focal point of that faithfulness. It would be a fitting passage for citation if one wanted to evoke covenant faithfulness (Wright 2003: 425–29; Sloan 2012: 89). While not firm proof, this too bolsters the plausibility of the covenant hypothesis.

**Analogues in Judaism and Christianity**

The plausibility of the covenant hypothesis will be further established if it can be shown that parallel reasoning was present in analogues from Judaism and Christianity in the first century CE. It has earlier been suggested that Trick’s

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35. The work of Hays has been controversial, receiving much criticism from some as it garnered much support from others. For a brief but insightful discussion of this criticism, see Shaw 2013. Shaw concludes that the basic approach is valid and helpful, although the terminology is sometimes imprecise and inconsistent.

36. Exod. 3.8, 17; cf. 3.5; Deut. 6.3 (immediately preceding the *Shema!*); 11.8; 26.15; 27.3; 31.20; Josh. 5.5; Jer. 11.5; 32.22.
reconstruction does not accord with what is known of first-century Judaism. The earlier example from Testament of Moses supports Dreyfus’s argument more than that of Trick. Two further analogues will be considered.

The first comes from the Babylonian Talmud, amidst rabbinic proof of resurrection from the Torah:

R. Simai said: Whence do we learn resurrection from the Torah? From the verse, ‘And I have established my covenant with them, to give them the land of Canaan’: ‘you’ is not said, but ‘them’; thus resurrection is proved from the Torah…

[Rabban Gamaliel] quoted this verse, ‘which the Lord swore unto your fathers to give to them’; not to you, but to them is said; hence resurrection is derived from the Torah (b. Sanh. 90b, trans. Freedman 1935: 266-67).

The rabbis advance essentially the same argument, although they cite different verses (Exod. 6.4 and Deut. 11.21). The promise is made specifically to the patriarchs, not just to their descendants, so the patriarchs must be raised to receive fulfilment of the promises. On the one hand, the argument depends on a grammatical particularity, not on the context of the citation or a broader evoked concept. In that respect, it employs a method more like those supposed by ‘present relationship’ hypotheses. On the other hand, the proposed theological rationale closely resembles that put forward by Dreyfus: if there is no resurrection, then God will not have kept his promises. To deny resurrection is to deny that God will fulfil his covenant purposes. This excerpt thus resembles (in different ways) both broad approaches considered above.

If this talmudic passage represents what some in the first century taught or thought, it supports the supposition that some Jews in Jesus’ time (perhaps including Jesus himself) drew an explicit link between resurrection and divine faithfulness. Dreyfus takes it to be a valid analogue, and thus evidence in favour of his hypothesis. Yet such methodological optimism does little justice to the complex and uncertain history of rabbinic literature. There may be some warrant for cautious optimism about the attribution (and thus the date) given to halakhic material, but the same is not true for aggadic tradition as in this case (Instone-Brewer 2011: 1693-94, 1701-702). This is especially so when supposedly first-century traditions appear nowhere before the Babylonian Talmud, and when they

37. Gamaliel presents several different arguments for resurrection from various texts, with this comment on Deut. 11.21 framed as the final proof to persuade interlocutors. For discussion of the logic of these proofs, including the dynamics of ‘contextual’ and ‘non-contextual’ exegesis, see Hayes 1998: 262-66.
38. Again, Trick’s reconstruction is unsupported.
39. As noted earlier, this notion that divine faithfulness required resurrection (of some kind) already informed passages like Ezek. 37.
concern a rabbi of the stature of Gamaliel II who is likely to attract false attributions (Instone-Brewer 2011: 1693). While it is possible that authentic first-century tradition might have come to the Babylonian redaction via some unknown Tannaitic baraita, it may be that the attributions are fallacious and this material dates to the Amoraic period.\textsuperscript{40} The latter seems more likely, but neither position can be affirmed with any confidence.\textsuperscript{41} The connection drawn in these passages between resurrection and divine faithfulness does accord with the logic supposed by the covenant/context interpretation of Mk 12, but without proving a first-century origin for these rabbinic sayings they cannot be taken as clear evidence that such thinking was current in the first century. This analogue is suggestive, but far from decisive.

Nevertheless, the notion that divine faithfulness requires resurrection can be found in another text which has not been introduced to the discussion of the debate between Jesus and the Sadducees. The passage in question is Heb. 11.17-19. Dreyfus draws upon Heb. 11.16 in his argument, but neither he nor (to the best of my knowledge) anyone else has brought these verses from later in Heb. 11 into consideration. Hebrews and Mark may have emerged independently from different communities and traditions within the broader Christian movement, but both are Christian compositions that may be confidently dated to the first century CE. This renders Heb. 11 a more suitable analogue than many – perhaps any – of those already considered in the relevant scholarship.

The majority of Heb. 11 is filled by a catalogue of the faithful: a list of those who obeyed God and trusted the fulfilment of his promises when this was counter-intuitive or costly. Several examples of trust and obedience from the life of Abraham are mentioned. One such example comes in vv. 17-19, which refer to the Aqedah, the binding (and near sacrifice) of Isaac.

By faith Abraham, when he was tested, offered up Isaac, and he who had received the promises was in the act of offering up his only son, of whom it was said, ‘Through Isaac shall your offspring be named’. He considered that God was able even to raise him from the dead, from which, figuratively speaking, he did receive him back (Heb. 11.17-19).

Hebrews depicts Isaac as the child of promise; he is considered Abraham’s only son, the only viable channel for fulfilment of the promise to Abraham.

\textsuperscript{40} It should also be noted that the sayings of Simai and Gamaliel were not necessarily transmitted together prior to their talmudic redaction.

\textsuperscript{41} Hayes concludes (1998: 288-89) that exegetical attitudes and assumptions (especially regarding midrashic or ‘non-contextual’ exegesis) were not uniform in either the Tannaitic period or the Babylonian Talmud. Accepting this argument, the fact that both ‘non-contextual’ and ‘contextual’ exegesis appear in b. Sanh. 90b (see Hayes 1998: 262-66) does not allow for confident dating of the passage or any of its elements to any particular era.
Slaughtering Isaac would jeopardize the promise, cutting the line whereby blessing would be realized. Abraham’s willingness to sacrifice Isaac and still trust God’s promise is taken here as confidence that God would raise Isaac in order to fulfil his promise. God will raise life rather than let his promise fail; resurrection is expected because God is faithful to his promises. It must be noted that this is a different claim from that made by Jesus (according to the covenant/context hypothesis) in Mk 12. Abraham here is supposed to expect a ‘temporal’ resurrection of Isaac that will allow him to produce offspring in accordance with the promise. This is a very specific claim. It cannot directly justify the resurrection of Abraham (for his death after Isaac’s birth would not jeopardize the promise of progeny), nor can it directly justify a general eschatological resurrection.

Nonetheless, there are indicators that the author of Hebrews saw this same rationale at play in the resurrection of others as well as that of Isaac. The first of these indicators may be seen later in ch. 11: ‘Women received their dead by resurrection. Others were tortured, refusing to accept release, in order to obtain a better resurrection’ (Heb. 11.35).

Hebrews 11 catalogues those who were willing to do the counter-intuitive and the costly, trusting in the promises of God. The author maintains that hope of ‘a better resurrection’ motivated some to endure torture, implying that the fulfilment of divine promises would require resurrection for those tortured individuals. As Cockerill concludes: ‘for God will keep His promise to deliver (vv. 11-12, 23), even if it means raising the dead (vv. 17-19) – which it surely will (v. 35)’ (2000: 230)

The second indicator that the author of Hebrews considered the faithfulness logic of 11.17-19 to apply also to general resurrection is found in v. 19, which states that Abraham received Isaac back from death ἐν παραβολῇ. There is disagreement as to how this phrase should be translated: from ‘in a sense’ (NET) or ‘in a manner of speaking’ (NIV), through ‘figuratively speaking’ (NRSV) to ‘as an illustration’ (HCSB), ‘in a foreshadowing’ (Lane 1991: 362) or ‘as a type’ (NASB; BDAG). These latter translations are to be preferred, for the only other use of παραβολή in Hebrews (9.9) connotes typological foreshadowing. Many commentators affirm that παραβολή in Heb. 11.19 indicates typology, but there is disagreement about whether the type is general (for the eschatological resurrection) or specifically christological (for the resurrection of Jesus). The christological reading was known among the church fathers, and finds favour with some modern commentators.42 It is suggested that in designating Isaac as μονογενής,

42. Origen, Hom. Gen. 8.1 cites Heb. 11.19 and notes shortly thereafter that Isaac prefigures Christ. Clement of Alexandria, Paed. 1.5.23.1-2, sees Isaac as a type of Christ, linking Isaac’s escape from the sacrifice to the resurrection of Christ, although he does not cite Heb. 11.17-19. Theodoret, Interpretatio Epist. Ad Hebr. 11 (at PG 82:764), takes Heb. 11.19 to claim that Isaac is a type of Christ. He sees in the Aqedah a prefiguration of Jesus’ suffering and of the resurrection – whether the general resurrection, the resurrection of Christ, or both is unclear.
Heb. 11.17 establishes an understated christological connection.43 Yet Hebrews nowhere calls Jesus μονογενής, and the lack of any overt link to Jesus (when such link might be easily established) suggests that christological overtones were not central to the typology introduced in Heb. 11.19.44 Accordingly, the receiving of Isaac back from death serves as a type for resurrection in general.45 The rationale that demanded it – the power of divine faithfulness even over death – is thus associated indirectly with general resurrection.

With or without this typological connection, the logical shape of Heb. 11.17-19 is very similar to that of the covenant/context reading of Mk 12.26-27. This reconstruction of Mark and the logic of Heb. 11.17-19 agree as follows: should death disrupt the fulfilment of divine promises, God’s faithfulness demands that death is overturned so that divine purposes may be fully realized.

As formulated above, that reading interprets Jesus’ argument from Exod. 3.6 as depending on divine faithfulness. The Sadducees consider resurrection to be an absurd contradiction of scripture. Yet if divine purposes and promises are more fully realized in resurrection, to deny resurrection is to deny God the complete fulfilment of his purposes – it is to minimize the power of God to realize his faithfulness. That such logic might be plausible in Jesus’ context is supported by the presence of similar reasoning in the background of first-century Judaism – in the Hebrew Bible (Ezek. 37), in the literature of the Second Temple period (T. Mos. 3.9), and perhaps in the teaching of the rabbis (b. Sanh. 90b). Hebrews 11.17-19 goes further, demonstrating not just that such reasoning was plausible in Jesus’ context, but that it was actually present in some form among first-century Christians.46 It is reasonable to suppose that Jesus might employ this reasoning, and evoking Exod. 3 to recall divine faithfulness would be a powerful way to do so.

The covenant/context reading outlined above bypasses the pitfalls of ‘present relationship’ hypotheses. It likewise avoids the contradictions inherent in Trick’s

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43. Bockmuehl 2009: 372; cf. Cockerill 2000: 230 n. 41. Bockmuehl also identifies a christological overtone in the identification of Isaac as συγκληρονόμος in Heb. 11.9, after the designation of Jesus as κληρονόμον πάντων in Heb. 1.2. Hays (2009: 163) advances a different argument, suggesting that the history of faithful Israelites in Heb. 11 serves to establish not just a pattern for faith, but also and especially a type of Christ.


45. So Attridge 1989: 335; Lane 1991: 363; Cockerill 2012: 556-57; cf. Ellingworth 1993: 602-603 for more on the notion that the power for resurrection is generalized rather than restricted to Isaac alone.

46. It is tempting to speculate that this rationale may have found its way into early Christianity (i.e. Hebrews) because Jesus used it. There is no way to establish whether such might be the case.
hypothsis. This article has ultimately proposed an interpretation of Mk 12.18-27 sharing some affinities with that of Dreyfus, though modified to avoid Dreyfus’s occasional uncritical use of problematic sources and to account for recent developments in scholarship. In addition, the study has introduced a previously neglected analogue (Heb. 11.17-19) into the discussion, one which does much – arguably more than any previously proposed parallel or analogue – to bolster the plausibility of the covenant/context reading. All things considered, it seems most likely that Mk 12 presents Jesus as defending resurrection on the grounds of covenant faithfulness.47

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47. It should be briefly noted that the synoptic parallels do not necessarily require such a solution. Matthew 23.31-32 does supply the verb εἶμι (omitted by Mark). This renders ‘present relationship’ hypotheses more plausible for Matthew than they are for Mark – might Matthew or a scribe have inserted εἶμι to allow such an interpretation (Davies and Allison 1997: 232)? Luke 20.37-38 presents the citation not as divine speech, but as the words of Moses, albeit without supplying the verb εἶμι; whether this employs a ‘present relationship’ rationale or a ‘covenant/context’ rationale is unclear. Interestingly, none of the Synoptic gospels cites Exod. 3.6 in the known LXX form. This may reflect the variability involved in allusion and citation, the variety of variant texts, or both.
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