

Orality, Scripturalisation and Mnemonic Keying

In order to develop an approach through which it is possible to evidence the impact of Jesus' use of the Old Testament, a discussion around three key aspects of scholarly study will now take place: first, a discussion regarding orality and textual traditions and their impact upon the New Testament, critically analysing the potential connections between oral and textual media within the NT; second, a critique of the concept of 'scripturalisation', focusing on an analysis of this concept of the OT being used to 'form' or 'develop' Jesus traditions and whether there are more reasonable alternatives to this process; and, third, a focus upon the aforementioned concept of mnemonic keys found within the use of the OT in the NT. After this, a basic framework will begin to be formed to support the analysis of the impact of Jesus upon the use of the OT in non-Pauline epistles. The object of this is to offer a scholarly overview of critical concepts linked to this study, while at the same time offering a methodological approach seeking to test and show the impact of Jesus' use of the OT upon the use of the OT in non-Pauline epistles. Consequently, these three areas will form the basis and building blocks to illustrate and show how Jesus impacted the use of the OT in epistolary literature.

I. Orality and Textuality

The way in which NT writers use both oral and textual traditions in the NT's construction¹ is significant as we seek to explore how those sources have impacted their use of the OT. First, the work studying orality and memory in relation to Jesus and the NT has developed a 'long way' from the initial work of form critical approaches to scholarship.² However, Eric Eve notes that tracing the development of traditions between Jesus and the NT is a difficult task.³ Eve challenges the way form critical approaches focus on individual oral traditions being traced from their social environment into their NT form.⁴ Yet, it is important to note that there is an intrinsic link between oral and textual traditions⁵ and that there was likely to be a tremendous overlap between oral traditions and written texts.⁶ This is helpful to consider, as the study of the OT and Jesus often delineates the two areas discretely into written and oral forms.⁷

In this regard, it is salient to assess the dynamic between oral and written sources in the New Testament era.⁸ In antiquity it is likely that the distinction between the two was much less clear, as many written

1. Eve, *Behind the Gospels*, 109. Also, Dunn, *Jesus Remembered*, 212-38. Eric Eve's *Behind the Gospels* is a key text as it seeks to trace the 'oral traditions' that led up to, and were incorporated into, the Gospels as we have them: Eve, *Behind the Gospels*, xiv.

2. Eve, *Behind the Gospels*, xiii.

3. *Ibid.*, 177-78. What is particularly pertinent is that Eve believes Paul to be both constricted by, and receptive of, authority from Jesus and expects his hearers to be also. Eve, *Behind the Gospels*, 167.

4. *Ibid.*, 15-32.

5. *Ibid.*, 14.

6. Often, texts such as Mark's Gospel were intended to be heard. See *ibid.*, 8, 59.

7. Lee notes how Paul may be using OT texts and Jesus' teaching in a similar fashion in which Paul cites an OT or Jesus for a rhetorical purpose. Yongbom Lee, *Paul, Scribe of Old and New: Intertextual Insights for the Jesus-Paul Debate* (London: T&T Clark, 2015), 169. Lee suggests that both the OT and Jesus are seen and used as 'authoritative' and Paul also quotes and alludes to both of them in a variety of divergent ways: Lee, *Paul*, 29.

8. Eve, *Behind the Gospels*, 8.

texts were intended to be heard.⁹ Because of this, there was likely to be a complex relationship between oral and written sources within, for example, the average Jewish person's interaction with the scriptures, which was likely to be primarily oral rather than textual.¹⁰ This is important within the present study as the binary distinction between written OT texts and oral traditions may not be as clear as one might imagine, and may blur the lines between seeing citations of OT texts as primarily written media and citations of Jesus as primarily oral media.¹¹ It is important to note that oral and written traditions are not interchangeable,¹² but neither are they entirely discrete. An example of this may be the possible oral nature of 'Q',¹³ which probably impacted Matthew and Luke, and epistolary literature such as James. Therefore, we may see oral and written traditions surrounding Jesus coming together in the composition of, say, Matthew's Gospel. As such, when studying combinations of Jesus and OT references within non-Pauline epistles, even though we have before us only the written form, we can also begin to think about how we might assess the dynamic relationship between written texts and oral traditions. For example, Kelber's focus on the oral aspects of the Gospels,¹⁴ and what he calls 'oral formulas' within the texts,¹⁵ led to his suggestion that with the writing of Mark's Gospel there is a marked change between

9. Ibid. See also: Zwiep, *Jairus's Daughter*, 190. Also see the work of Borgman and Clark who suggest the oral nature of the Gospels is key to understanding both the meaning and structure of a given gospel: Paul Borgman and Kelly James Clark, *Written to be Heard: Recovering the Messages of the Gospels* (Grand Rapids, MI: Eerdmans, 2019).

10. Eve, *Behind the Gospels*, 12-13.

11. For example, Esler suggests that a citation of a text may be alluding to a communal memory primarily rather than simply the specific text in question. See Philip F. Esler, 'Collective Memory and Hebrews 11', in Alan K. Kirk and Tom Thatcher (eds), *Memory, Tradition, And Text: Uses of the Past in Early Christianity* (Atlanta, GA: SBL, 2005), 158-61.

12. Eve, *Behind the Gospels*, 14.

13. Armin D. Baum, *Der mündliche Faktor und seine Bedeutung für die synoptische Frage* (Tübingen: Francke, 2008), 386.

14. Werner H. Kelber, *The Oral and the Written Gospel* (Bloomington: Indiana University Press, 1997), 215.

15. Ibid., 27. For an overview of this, and similar arguments, see Zwiep, *Jairus's Daughter*, 203-5, 212.

the Gospel and the oral memories that preceded it.¹⁶ In one sense, this suggests that Mark was written in order to be heard and, as such, ‘orality’ is continued through a written form.¹⁷ To put it concisely, Kelber argues that Mark is written in order to silence oral tradition.¹⁸ This overt delineation between oral and textual, remembered and written, Jesus and OT is in contrast to what we are suggesting here, but is also an extreme example of the separation of oral and written sources of Jesus’ teaching. Rather, what this monograph seeks to show is the rich potential for finding written media evoking oral traditions via the use of the Old Testament evoking mnemonic activity linked to Jesus.

A. Orality, Memory and Keying

As a result, it is important to note that there is much less of a radical separation between oral and written forms when we think about the teachings and narratives of Jesus in the early formation of the New Testament. Rather, the written forms simply echoed the oral and mnemonic forms.¹⁹ Moreover, while memories can be dynamic in their nature,²⁰ it is also reasonable to suggest that these traditions were both robust²¹ and stable²² with the written forms of oral traditions being accurately encapsulated within the written text. On the one hand, it is important to note that we simply do not have access to the oral traditions in their original forms.²³ Yet, as Rodríguez notes, recurrent ‘performances’ of the narratives led to a cumulative constancy within the traditions.²⁴ As these oral traditions spread,

16. Kelber, *Written Gospel*, 90-139. Kelber also asserts a ‘tension’ between the synoptic Gospels and other written records of Jesus’ sayings. See Kelber, *Written Gospel*, 199-21.

17. *Ibid.*, 217-18. However, Kelber also suggests that there would be a sense of remoteness in relation to written communication, especially in rural areas. See Kelber, *Written Gospel*, 14-17.

18. *Ibid.*, 91.

19. Rafael Rodríguez, *Structuring Early Christian Memory* (London: T&T Clark, 2010), 3-6.

20. *Ibid.*, 3-6.

21. *Ibid.*, 23-26.

22. *Ibid.*, 50-64.

23. *Ibid.*, 4.

24. *Ibid.*

the stability within the traditions was able to be maintained, a point that can be underestimated.²⁵ As such, what can be realised is the similarity between written and oral sources in their oral presentation and reception, with certain idioms and statements becoming critical in the retelling of the tradition.²⁶ Consequently, *a key word or phrase can become both central to how a narrative is retold and also act as a mnemonic key which evokes a broader known oral tradition through a specific written word or phrase.* This dual dynamic is particularly important to hold in mind as we begin to assess the impact of Jesus upon the use of the OT in the NT.

Hence, a key question relates to how texts and oral performances interrelate.²⁷ For example, Rodríguez contends that the written Gospels were shrouded in the oral traditions themselves and that those writing the Gospels were aware of the oral traditions of Jesus' teaching and ministry.²⁸ Moreover, a strong separation between oral and textual media is less probable than the likelihood that there is a complex connection between the two. Furthermore, when considering the scholarly field of the use of the OT in the NT, which is often strongly 'text' focused, the impact of this connection with oral traditions might prove significant.²⁹ This is particularly important because, when studying the texts of Hebrews, James, and 1 and 2 Peter, it is necessary to note not only the oral traditions that are present, but also the impact orality has on elements such as textual variation and the specific use of the OT within these texts. An example of this is found in the work of Karen Jobes, who suggests that the textual variation found within Hebrews' use of Psalm 40 LXX may be due to the inherently audial and oral nature of Hebrews.³⁰ Jobes asserts that direct textual citation was far less important in antiquity when compared to the quality of the rhetoric and the importance of the orality of the words.³¹ As such, it may have been rhetorical and

25. Ibid., 50-64.

26. Ibid., 81-88.

27. Ibid., 88-102. The study of performance criticism is important to note. Performance critics seek to analyse the impact of repeated recitations and memorisations of texts. See Keener, *Christobiography*, 432.

28. Rodríguez, *Christian Memory*, 27-31..

29. Meek, 'Intertextuality', 283.

30. Karen H. Jobes, 'Rhetorical Achievement in the Hebrews 10 "Misquote" of Psalm 40', *Bib* 72, no. 3 (1991), 387-96, 392.

31. Ibid., 394-96.

oratorical reasons that created the textual variants found in Hebrews 10:5.³² Therefore, these aspects of oral considerations of the use of the OT in the NT are key to the present analysis of the impact of Jesus, particularly oral traditions emanating from Jesus, upon Hebrews, James, and 1 and 2 Peter.

II. Scripturalisation, the Old Testament and Jesus

The question of what the presence of the Old Testament within the presentation of Jesus' passion may mean is addressed by Crossan and his work on the contrast between 'history remembered' and 'prophecy historicized'.³³ Crossan notes a connection between the Gospel authors and their use of psalms containing both suffering and vindictory elements³⁴ and contends that this is a sign of the Gospel authors creating history around OT texts.³⁵ However, Allison helpfully draws upon and critiques Crossan's study of Mark's passion narrative.³⁶ Of particular relevance is whether the presence of the OT within these passion accounts necessarily suggests a lack of historical reliability, as Crossan argues.³⁷ Conversely, there is no need to infer that the presence of the OT in Mark's passion narrative suggests that memories are being manipulated and crafted around the OT.³⁸ Instead, the presence of the OT does not reduce the likelihood of history or memory, rather those memories may be being recounted using the 'language' of the OT.³⁹ Again, this is highly relevant as the interplay of the OT and Jesus is core to what this monograph is seeking to address, as we find the impact of Jesus

32. Ibid., 396.

33. Cf. Allison, *Constructing Jesus*, 387. Cross, *Who Killed Jesus?*, passim.

34. Ibid., 190-91.

35. Ibid. Also, John Dominic Crossan, *The Cross That Spoke: The Origins of the Passion Narrative* (San Francisco: Harper & Row, 1988).

36. Allison, *Constructing Jesus*, 421.

37. Ibid., 387-90.

38. Ibid., 388-89.

39. Ibid., 389. Le Donne offers various examples of how this may have worked in relation to the OT by studying OT allusions within oral traditions: Le Donne, *Historiographical Jesus*, 4-5, 56. He suggests that to frame a memory within an OT text or narrative does not necessarily imply that mnemonic corruption or fabrication has taken place: Le Donne, *Historiographical Jesus*, 52-59, 115-36.

and the function of memory refracted into and through the reading communities, and the interplay of the OT and oral traditions in the development of the NT.⁴⁰

In this respect, Ellen Aitken offers a substantial and important approach to both memory and the OT.⁴¹ Aitken argues that each reading community developed Jesus narratives independently,⁴² meaning that each community did not have a single 'Jesus tradition', but developed its own by using key OT texts.⁴³ In a broader sense, this view notes that the information about Jesus we have within epistolary literature arose through a variety of communal activities, including liturgy, worship and use of the OT.⁴⁴ As such, Aitken suggests that the individual communities would have drawn Jesus traditions out of OT texts and developed them to interweave with those texts.⁴⁵ Aitken also notes that for many communities there would already be an existing Jesus narrative known and respected⁴⁶ and, as such, the OT and other devices are used to articulate those traditions.⁴⁷ In turn, it appears that NT writers and communities find in the OT words and phrases that are helpful in framing the ministry of Jesus.⁴⁸ Therefore, when an OT reference is heard, that OT text also evokes a specific Jesus tradition within a specific community.⁴⁹ Some of this is helpful to note within the context of our current thesis. The difficulty with

40. Le Donne, *Historiographical Jesus*, 65-79. Anthony Le Donne, 'The Criterion of Coherence: Its Development, Inevitability, and Historiographical Limitations', in Chris Keith and Anthony Le Donne (eds), *Jesus, Criteria, and the Demise of Authenticity* (London: T&T Clark, 2012), 95-114, 95.

41. Aitken, *Jesus' Death*.

42. Ibid., 16ff. Also see Kloppenborg, 'Book Review: Jesus' Death', 155-56.

43. Aitken, *Jesus' Death*, 133.

44. Ibid., 95-96.

45. Ibid., 22.

46. Ibid., 132.

47. Ibid., 133. Cf. Rikk E. Watts, 'Rethinking Context in the Relationship of Israel's Scriptures to the NT: Character, Agency and the Possibility of Genuine Change', in David Allen and Steve Smith (eds), *Methodology in the Use of the Old Testament in the New: Context and Criteria* (London: T&T Clark, 2019), 155-56.

48. Aitken, *Jesus' Death*, 168.

49. There is a clear crossover here with Thatcher, 'Early Christian Memory', 749-50.

Aitken's work, however, is regarding the suggestion that the *initiating factor* for the connections between Jesus and the OT is *the reading community's creation of the material through its interaction with the OT*. The critical argument that we shall explore, however, seeks to suggest not how Jesus traditions were developed from and through OT engagement, but, rather, *that Jesus, and the oral traditions emanating from Jesus, impact the way the reading communities interact with the OT*. The primary difference, therefore, may be a question of source and origin. Specifically, rather than narratives about Jesus being developed through communal engagement with the OT, this study seeks to assess the impact of the received, pre-existing teachings and narratives of Jesus upon the development of epistolary literature and their use of the OT.

A. Craig Evans and Jesus' Use of the Old Testament

Therefore, there is much to commend about Aitken's thesis, but also some limitations. As such, it seems reasonable to question a process of 'scripturalisation' taking place in discrete locations. Perhaps, rather than individual communities forming individual memories around the OT, it is more likely that these connections originated from the received or pre-existing oral tradition and refracted outwards. Thus, Jesus' teachings impacted and refracted from an individual source through a variety of means into the discrete reading communities, impacting their use of the OT. This is a concept and contention that will be argued throughout this monograph. In this regard the work of Evans is again helpful as he suggests that NT reading communities interacted with the OT for two primary reasons: first, they grounded any 'religious claim' via various uses of the OT; and, second, their use of the OT was influenced by Jesus' use of the OT.⁵⁰ Evans suggests that Jesus' own appeals to sections of the Old Testament deeply impacted New Testament use of those passages.⁵¹ For example, Evans argues that the impact of Jesus' reference to a 'new covenant' can be found in the NT and is a new concept clearly inaugurated by Jesus.⁵² As a result, Evans begins to argue that reading communities' interactions

50. Evans, 'New Testament Writers', 36.

51. Ibid., 44.

52. Ibid., 45. The exact meaning of this phrase is debated. See a helpful discussion regarding it being a 'renewed' rather than 'new' covenant: