

REVIEW ESSAY

***Jesus as Mamzer***

*A Response to Bruce Chilton's Reconstruction  
of the Circumstances Surrounding  
Jesus' Birth in Rabbi Jesus*

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In his book *Rabbi Jesus: An Intimate Biography*, Bruce Chilton argued that the circumstances surrounding Jesus' birth raised suspicions about his paternity that led his community to regard him as a *mamzer*. The classification of Jesus as a *mamzer* is foundational to Chilton's entire reconstruction of Jesus' life and teaching. This article challenges Chilton's theory that Jesus was a *mamzer* by suggesting that this theory misreads the NT evidence, misunderstands the rabbinic rulings concerning the criteria used to determine a child's birth status, and overstates the ostracism that a declared *mamzer* endured.

THE BIRTH AND CHILDHOOD OF RABBI JESUS

In Chilton's reconstruction of Jesus' life, Jesus was born in Bethlehem of Galilee about seven miles from Nazareth (p. 7). He was conceived through a union of Joseph and Mary after their betrothal but before they were formally married (pp. 8-13). Since Mary was visibly pregnant before the wedding ceremony, the identity of Jesus' father was questionable. Consequently, Jesus was a *mamzer*, an Israelite of suspect paternity (p. 13). As a *mamzer*, Jesus was ostracized from the community, excluded from the synagogue, and ridiculed by other children (pp. 13-16). Joseph died when Jesus was only 12 years old and was no

longer able to insist that Jesus belonged to his progeny or shield Jesus from the rumors of the community. After Joseph's death, Jesus' status was diminished even further. Jesus, now a *mamzer* without any defense of legitimate paternity, was even prohibited from attending his father's funeral service (p. 21). The exclusion that Jesus suffered as a *mamzer* had a profound effect on the formation of his religious teachings and in the development of his personality. Due to his isolation from the community, Jesus learned to distrust religious authorities (p. 17). Insults regarding his paternity prompted Jesus to develop his conviction that God was his Abba (pp. 17-18). The loneliness that Jesus suffered in these early years made him an intense, gregarious, critical, and independent person (p. 17). Jesus' experience as a *mamzer* prompted him to become a runaway who lived as a street child in Jerusalem. His experiences as a street child ultimately drove him to John the Baptist, where he was introduced to *merkabah* mysticism, the focus of Jesus' adult life and ministry (pp. 41-50).<sup>1</sup>

In Chilton's view, one of the most significant factors influencing Jesus' personal history and religious teaching was his birth as a *mamzer*. Consequently, many features of Chilton's reconstruction rise or fall with the validity of this claim. Chilton appeals to the canonical birth narratives as well as mishnaic and talmudic evidence to support this claim. However, close examination suggests that Chilton's arguments are based on a misreading of these sources.

#### CHILTON'S APPEAL TO NEW TESTAMENT EVIDENCE

Chilton appealed particularly to the birth narrative in the Gospel of Matthew to support his reconstruction of the events surrounding Jesus' birth:

Christians later used Matthew to support their claim that Mary was a biological virgin at the time of Jesus' birth. . . . In their frustration, many professors have dismissed Matthew's version of the nativity as mere legend, and have rejected its historical value.

I can understand my colleagues' frustration—but Matthew's Gospel is not to blame for the embellishments that came after it. The famous text in Greek, "a maiden (*parthenos*) shall conceive," became "a virgin shall conceive" when Matthew was translated into Latin during the second century, and the change of a word fed the development of the legend of Jesus' miraculous birth. Both *almah* in Isaiah's Hebrew and *parthenos* in Matthew's Greek (and come to that, even the Latin *virgo*) refer to a "maiden" rather than a biological "virgin." (pp. 7-8)

1. In an interesting departure from Synoptic chronology, Chilton suggests that Jesus was 12 and John was 27 when they first met.

Chilton is correct that the term *παρθένος* does not *necessarily* express true virginity.<sup>2</sup> However, Chilton seems to assume wrongly that the term cannot express true virginity despite the fact that the term does express virginity in the majority of NT occurrences.<sup>3</sup> In the LXX, the word *παρθένος* was used to translate *הַלְוִיָּהּ* in the great majority of instances. Thus it is not surprising that it frequently emphasizes virginity (Lev 21:13-15; Ezek 44:22; Deut 22:23, 28; Jdt 19:24; 21:11-12; 2 Kgdms 13:2, 18).<sup>4</sup> In non-Matthean NT usage, virginity is consistently implied by the term.<sup>5</sup> The figurative uses of the term in Rev 14:4 and 2 Cor 11:2 stress the purity of the redeemed community that parallels the sexual purity of a virgin.<sup>6</sup> The literal use in 1 Cor 7:25, 28, and 34-38 to refer to young unmarried women assumes biological virginity.<sup>7</sup> Mary's question in Luke 1:34, "How can this (conception of a child) be, since I do not know a man," uses the verb *γινώσκω* in a clearly sexual sense (paralleling the usage in Gen 4:1, 17; 19:8; Judg 11:39; 21:12; and 1 Sam 1:19) and thus demonstrates that *παρθένος* in the surrounding context means *virgo intacta*, virgin in the sense of one who has not previously engaged in sexual intercourse.<sup>8</sup>

2. J. M. Ford, "The Meaning of 'Virgin,'" *NTS* 12 (1964): 293-99.

3. J. A. Fitzmyer, "*παρθένος*," *EDNT* 3:39-40. Fitzmyer notes that the term occasionally refers "just to a young woman of marriageable age." This meaning is probable for the parable of the ten virgins (Matt 25:1, 7, 11) and the description of Philip's daughters in Acts 21:9. Fitzmyer does not argue that the contexts of these passages precludes the nuance of virginity but merely that the point of these texts does not depend on the virginity of the women.

4. Gerhard Delling, "*παρθένος*," *TDNT* 5:832-33.

5. BAGD confidently defines the term as referring to "one who has never engaged in sexual intercourse, virgin, chaste person" and later "female of marriageable age w. focus on virginity."

6. G. K. Beale, *The Book of Revelation* (NIGTC; Grand Rapids: Eerdmans, 1999), 738-41; Robert H. Mounce, *The Book of Revelation* (NICNT; Grand Rapids: Eerdmans, 1977), 270; Ralph P. Martin, *2 Corinthians* (WBC 40; Dallas: Word, 1986), 332.

7. Gordon Fee, *The First Epistle to the Corinthians* (NICNT; Eerdmans, 1987), 322-57; Hans Conzelmann, *1 Corinthians* (Herminia; Philadelphia: Fortress, 1975), 130-32.

8. I. Howard Marshall, *Commentary on Luke* (NIGTC; Grand Rapids: Eerdmans, 1978), 69; Darrell Bock, *Luke* (Baker Exegetical Commentary on the New Testament 3A; Grand Rapids: Baker, 1994), 108, 118-21. The present-tense form of the verb "to know" instead of the perfect tense does not preclude interpreting the statement as an assertion of true virginity, as some interpreters have recently claimed. This appears to be an example of the "extending from the past present" or "present of past action still in progress." For a discussion of this syntactical category, see Daniel Wallace, *Greek Grammar beyond the Basics* (Grand Rapids: Zondervan, 1996), 519-20. Note that this usage occurs several other times in Luke—Acts (including Luke 13:7; 15:9; Acts 15:21; 27:33). B. M. Fanning insists that this syntactical category requires an adverbial phrase or other temporal indicator that is lacking here. See Fanning, *Verbal Aspect in New Testament Greek* (Oxford: Clarendon, 1990), 217. For a broader view of the category, see J. A. Brooks and C. L. Winberry, *Syntax of New Testament Greek* (Washington, D.C.: University Press of America, 1979), 77.

The argument that Matthew does not use παρθένος to describe true virginity in his birth narrative, simply because the term is fluid and occasionally describes the age or marital state of a person rather than lack of previous sexual experience, is somewhat naïve. Few Greek words (or words of any other language) have only one very precise meaning. The particular nuance of a term must be inferred from its context. Several explicit statements in the Matthean birth narrative weigh decidedly in favor of παρθένος as indicating true virginity. Matthew's statement that Mary's pregnancy was due to the activity of the Holy Spirit (ἐν γαστρὶ ἔχουσα ἐκ πνεύματος ἁγίου [Matt 1:18] and τὸ γὰρ ἐν αὐτῇ γεννηθὲν ἐκ πνεύματός ἐστιν ἁγίου [Matt 1:20]) implies that Jesus was not conceived by the ordinary means and suggests that Matthew had the stricter sense of παρθένος in mind.<sup>9</sup> Furthermore, the words οὐκ ἐγίνωσκεν αὐτὴν ἕως οὗ ἔτεκεν υἱόν (Matt 1:25) preclude an appeal to Matthew for support of Chilton's theory that Joseph was Jesus' natural father.<sup>10</sup> Chilton is confident that πρὶν ἢ συνελθεῖν αὐτούς (Matt 1:18) means only that Joseph and Mary were not yet cohabitating. However, Brown cautions that, although sexual relations are not necessarily implied by the verb, the verb commonly referred to sexual relations, as the usage in Josephus and Philo demonstrates.<sup>11</sup>

9. W. D. Davies and D. C. Allison, *Matthew: I—VII* (ICC; Edinburgh: T. & T. Clark, 1988), 1:199-208; Rudolph Schnackenburg, *The Gospel of Matthew* (Grand Rapids: Eerdmans, 2002), 18-20. Both of these works raise questions regarding the historicity of Jesus' virginal conception. However, they recognize that Matthew intended to portray Jesus' birth as the product of virginal conception. See also Donald A. Hagner, *Matthew 1-13* (WBC; Grand Rapids: Eerdmans, 1993), 21; Craig Keener, *A Commentary on Matthew* (Grand Rapids: Eerdmans, 1999), 81-95; Craig Blomberg, *Matthew* (NAC; Nashville: Broadman, 1992), 56-61. For a helpful introduction to historical issues surrounding Jesus' birth, readers should consult Ben Witherington, "The Birth of Jesus," *Dictionary of Jesus and the Gospels* (Downer's Grove, Ill.: InterVarsity, 1992).

10. Two versional witnesses, the Old Syriac manuscript Syrus Sinaiticus (*sy'*), which dates to the third or fourth century, and one Old Latin manuscript (*k*), which dates to the fourth or fifth century, omit the words οὐκ ἐγίνωσκεν αὐτὴν ἕως; leading at least one scholar to suggest that the words were added by later scribes to tout the newly contrived doctrine of virginal conception (F. C. Burkitt, *Evangelion Da-Mepharreshe* [Cambridge: Cambridge University Press, 1904], 2.261). However, due to the strong external evidence for the inclusion of these words, Raymond Brown's suggestion that the words were objectionable to groups insisting on the perpetual virginity of Mary and thus omitted by some scribes is far more reasonable (Raymond Brown, *The Birth of the Messiah* [New York: Doubleday, 1979], 132). The insertion of *sy'* in Matt 1:16 states that Mary as a virgin gave birth to Christ, so the doctrine is not absent from the manuscript, despite the omission in Matt 1:25. This seems to confirm Brown's reconstruction of the transmission of the text.

11. *Ibid.*, 124. BAGD states that the verb may mean "to unite in an intimate relationship, *come together* in a sexual context (X. Mem. 2,2,4; Diod. S. 3,58,4; Ps. Apollod. 1,3,3; Philo, *Virt.* 40; 111; *Jos.*, *Ant.* 7,168; 213." In the NT, BAGD refers to 1 Cor 7:5

The genealogies in both Matthew and Luke likewise hint that Joseph was not Jesus' biological father. In the several instances in which Matthew's genealogy identifies the mother of a child, the consistent formula is "the father δέ ἐγέννησεν the child ἐκ the mother." However, when Matthew described Jesus' conception, he shifted to a passive voice form of the verb γεννάω that unambiguously identifies Mary as Jesus' biological mother but does not identify a biological father (Matt. 1:16). Davies and Allison correctly commented on ἐγεννήθη: "Mary now becomes the focus, Joseph being displaced. The 'divine passive' (absent in 1.2-16a) alludes to the activity of the Holy Spirit in Jesus' conception."<sup>12</sup> When Luke introduces his genealogy, he states that Jesus was the son of Joseph ὡς ἐνομιζέτο (Luke 3:23), implying that Jesus was not truly Joseph's offspring.

Chilton later cites Raymond Brown's admission that "the scientifically controllable biblical evidence leaves the question of the historicity of the virginal conception unresolved" to demonstrate that modern scholars are in no position to verify any of the biological facts related to Jesus' conception.<sup>13</sup> However, recognition that the virginal conception cannot be verified scientifically and insisting that Matthew did not describe Jesus as one born by virginal conception are two very different matters. Chilton's appeal to Brown seems to overlook Brown's own affirmation of Matthew and Luke's belief in the virginal conception:

The question of historicity goes beyond the intentions of Matthew and Luke which were my primary concern in the body of the commentary. By saying this, I do not imply that Matthew and Luke presented the virginal conception only as a symbol and were indifferent to what really took place. I think that both of them regarded the virginal conception as historical, but the modern intensity about historicity was not theirs.<sup>14</sup>

Chilton's insistence that the notion of Jesus' virginal conception postdates the Gospel of Matthew is unconvincing.<sup>15</sup> Chilton is free to

(P<sup>46</sup> M) as an example of the sexual sense and suggests that the verb in Matt 1:18 is an instance in which "domestic and marital relations are combined." The LXX intends the sexual sense of the verb in Prov 5:20 and Wis 7:2. The meaning "come together in marriage" is common in the papyri.

12. Davies and Allison, *Matthew: 1-VII*, 184.

13. Chilton, *Rabbi Jesus*, 5 citing Brown, *Birth*, 527. Readers who are unfamiliar with Brown's research might be surprised to know that Brown immediately added, "I think that it is easier to explain the NT evidence by positing historical basis than by positing pure theological creation."

14. Brown, *ibid.*, 517.

15. Even those who express doubt about Matthew's reliability recognize this: "Without force, therefore, is the argument that Matthew's genealogy and that in Luke

reject the factuality of the virginal conception, but he should acknowledge that he is disregarding the Matthean account rather than suggest that Matthew never intended to present Jesus as conceived by a virgin.

#### CHILTON'S APPEAL TO RABBINIC LITERATURE

Chilton's appeal to the mishnaic and talmudic evidence to support his claim that Jesus was a *mamzer* also raises serious questions.<sup>16</sup> Chilton points out that the term *mamzer* did not speak of a child born out of wedlock but of a child born of a prohibited sexual union, such as incest.<sup>17</sup> Chilton is correct in this, although one should note that the precise definition of the term *mamzer* (מַמְזֵר) is debated in the Mishnah. *Mishnah Yebamot* 4:13, which is cited by Chilton in support of his definition, actually presents three different rabbinic opinions on the matter. Akiba argued that the product of an incestuous union as defined by Lev 18:6-18 was to be considered a *mamzer*. Joshua and Simon ben Azzai argued that a *mamzer* was the product of a union deserving of the death sentence by the Sanhedrin. According to *m. Sanh.* 7:4, these unions punishable by death at the hands of the Sanhedrin were relations with one's mother, one's father's wife, one's daughter-in-law, or a woman betrothed to someone else. However, the compilers of the Mishnah state that the *halakah* is in agreement with the opinion of Simeon of Teman that the offspring of any union for which the involved persons are subject to extirpation at the hands of heaven (Lev 18:29) should be considered a *mamzer*. The rabbis whose opinions are presented are second- and third-generation *tannaim*, suggesting that the definition of *mamzer* continued to be debated for an entire century after the time of Christ.<sup>18</sup> Furthermore, the Mishnah itself is somewhat inconsistent in its use of the term. While *m. Yebam.* 4:13

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must have been drawn up by people who, like the later Ebionites (Justin, *Dial.* 48; Irenaeus, *Adv. haer.* 3.21.1; Eusebius, *H.E.* 3.27; Epiphanius, *Haer.* 30.3.14), believed Jesus to be the actual son of Joseph and Mary. And in point of fact, at least Matthew's genealogy was composed by a believer in the virginal conception, for it was the redactor who expanded a traditional genealogy and linked it with Jesus and Joseph" (Davies and Allison, *Matthew*, 185). While Davies and Allison express doubt about the historicity of the virginal conception, they unequivocally state: "Matthew, we can be sure, believed in the virginal conception of Jesus" (*Matthew*, 221).

16. Readers searching for a general introduction to rabbinic discussions of the term *mamzer* should consult Stephen M. Passameck, "Some Medieval Problems in *Mamzeruth*," *HUCA* 37 (1966): 121-46. See also Charles Touati, "Le mamzer, la zona et le statut des enfants issus d'un mariage mixte en droit rabbinique: Étude d'un développement historique," *Juifs au regard de l'histoire* (Paris: Picard, 1985), 37-47.

17. Chilton, *Rabbi Jesus*, 12-13.

18. Simeon of Teman and Joshua ben Hananiah (80-120); Akiba and Simeon ben Azzai (120-40).

states that the *halakah* supported Simeon of Teman's interpretation, *m. Yebam.* 7:5 states that a son conceived by a priest's daughter's daughter and a slave or Gentile was a *mamzer*, and *m. Yebam.* 10:3 suggests that a child born to illegally married couples was considered a *mamzer*.<sup>19</sup> This demonstrates that debate about the proper definition continued even after the final composition of the Mishnah. That the definition of *mamzer* was still in dispute well after the time of Jesus weakens Chilton's claim that Jesus was recognized as a *mamzer* and suffered so greatly as a result. That one would be so severely ostracized for belonging to a stigmatized group when the parameters of the group were so fuzzy is questionable.<sup>20</sup>

The Babylonian Talmud confirms that Chilton overstated the stigma attached to the *mamzer*, even the "certain *mamzer*." Chilton appears to interpret the prohibition "A *mamzer* shall not enter the congregation of the Lord" (Deut 23:2) as completely excluding the *mamzer* from the religious community and barring his entrance into the Temple. However, Tannaitic literature consistently interprets the commandment as a prohibition of marriage of the *mamzer* to an Israelite rather than exclusion from the religious community. All things being equal, the Israelite did have a higher status than the *mamzer*. On the other hand, *b. Hor.* 13a states that the *mamzer* could achieve the status of a scholar and thus have precedence even over an ignorant high priest. *Tosefta Yebamot* 45b ruled that a *mamzer* could hold the highest public office—that is, a king of Israel. Passamanek rightly concluded: "Legally, it appears, he [the *mamzer*] was practically a full member of the community except for matrimonial law."<sup>21</sup>

19. The illegality of the union was due to incorrect testimony about the order of the deaths of a husband and an only son, so that the surviving wife married a man of her own choosing when she was obligated to contract a levirate union, or she contracted a levirate union when it was unauthorized. J. Jeremias is probably correct that the oldest view defined *mamzerim* as the product of an adulterous relationship. See J. Jeremias, *Jerusalem in the Time of Jesus* (Philadelphia: Fortress, 1984), 337-42.

20. Chilton's description of the severe ostracization of the *mamzer*, for example, his exclusion from Joseph's funeral, is inconsistent with descriptions of *mamzeruth* in tannaitic literature. "Aside from matrimony, the Talmud rarely discussed the legal status of the *mamzer*, so we are left to surmise his position in the community from scattered references. . . . The Mishnah mentions specific rules governing the conduct of the *mamzer* in regard to punishment for contracting an unlawful marriage, *ketuvoth*, the fine paid by the violator to the father of a *na'arah*, service as a judge in pecuniary cases, and tithes. The Talmud also deemed the *mamzer* a son and a brother in respect to rules of inheritance, levirate marriage, and conduct towards parents. Clearly the Talmud did not exclude the *mamzer* from participating in many areas of Jewish life, and it is safe to assume that theoretically at least, the *mamzer* led a normal life except for his limited marriage opportunities" (Passamanek, "Mamzeruth," 124).

21. *Ibid.*, 126. See also B. Z. Schereschewsky, "Mamzer," *EncJud* 11:829. For a portrait of the treatment of *mamzerim* similar to that suggested by Chilton, see Meir Bar-Ilan,

Chilton claims that, after their betrothal, but before Mary moved to Joseph's home, Mary slept with Joseph, and Jesus was conceived. But since Mary lived in Nazareth and Joseph lived in Bethlehem (Galilean Bethlehem, just seven miles away), Mary could not prove that Joseph was the father of her child. Since she could not produce witnesses to verify that she had been in the company of a licit father, the community assumed that she had been impregnated by a *mamzer* or prohibited person (*m. Ketub.* 1:8-9). Although Joseph "always openly acknowledged his paternity," Jesus was assumed to be a *mamzer*, a *shetuqi* or "silenced one," who had no voice in the public congregation (*m. Qidd.* 4:1-2).

An examination of the mishnaic evidence prompts several objections to Chilton's reconstruction. First, *m. Ketub.* 1:8-9 does not demonstrate unequivocally that unmarried pregnant women were never trusted to identify the father of their child without witnesses. The

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"The Attitude toward *Mamzerim* in Jewish Society in Late Antiquity," *Jewish History* 14, (2000): 125-70. Bar-Ilan suggests that the treatment of the *mamzerim* during the period immediately preceding the crystallization of rabbinic law was severe. *Mamzerim* were banned from entering the Temple and Jerusalem, were prohibited from studying Torah, were forced to shave their heads so that they could be easily recognized and ostracized, and lived in homes and were buried in tombs that were painted white. However, Bar-Ilan's research incorrectly assumes (a) that the treatment of *mamzerim* by the Qumran community as described in 4Q174 reflects widespread first-century Jewish practice, (b) that the School of Shammai's requirement that only sons of distinguished fathers and grandfathers should be taught as recorded in 'Abot R. Nathan presents a more accurate picture of the treatment of *mamzerim* in the first century than the Mishnah and Talmuds, and (c) that the portrayal of the treatment of *mamzerim* in Toledoth Yeshu reflects the author's knowledge of ancient Jewish customs. Regarding (a), *Some of the Deeds of the Torah* 39-40 contains a Qumran sectarian's critique of the Temple cultus that mentions Jewish failure to reject *mamzerim* from the community or to bar them from entrance into the Temple, thereby demonstrating that the position of the Qumran sect differed from that of mainstream Judaism. See E. Qimron and J. Strugnell, *Qumran Cave 4* (DJD 10; Oxford: Clarendon, 1994), 50, 146, 158-60. Regarding (b), the date of the various strata of material in the two major recensions of 'Abot R. Nathan is notoriously difficult to establish. See A. Saldarini, *Scholastic Rabbinism: A Literary Study of the Fathers according to Rabbi Nathan* (BJS 14; Chico, Calif.: Scholars Press, 1982), 135-42. Furthermore, 'Abot R. Nathan demonstrates that the School of Hillel accepted disciples regardless of their ancestry. The position of the School of Hillel was affirmed by the compiler(s) of recension B in the parable that followed the opposing positions of the rival schools. The parable demonstrated that including as many persons as possible in Torah study increased the likelihood of producing a few great scholars. Chapter 3 of recension A also records the opinion that some of the finest scholars came from among the unlikeliest candidates. See A. Saldarini, *The Fathers according to Rabbi Nathan* (Leiden: Brill, 1975), 51. Regarding (c), Toledoth Yeshu is recognized as a document of medieval origin. It is historically unreliable as is seen, for instance, in its assumption that Jesus was a contemporary of Akiba, Eliezer, and Joshua, three second-century *tannaim*. Reliance on this document is clearly anachronistic. See Morris Goldstein, *Jesus in the Jewish Tradition* (New York: Macmillan, 1950), 147-56, esp. p. 163.

passage records the differing opinions of two rabbis, Gamaliel and Eliezer, who believed that the woman should be trusted, and Joshua who insisted that she should not be trusted. The passage does not state the opinion of the Sages regarding the matter to settle the issue. The familiar "but the Sages say" or "the Sages agree" or "the *halakah* is according to so and so" does not appear here. Chilton assumes that the opinion of Joshua was that of the Jewish community in Nazareth. When, in a later work, he acknowledges the dispute among the rabbis over the credibility of the woman's testimony, he adopts the position of Joshua, but without explanation:

Que son père naturel soit, Joseph, un autre homme (soldat romain ou non, Gentil ou non), ou la vertu de Très-Haut (dans le sens de Lc. 1.35), Jésus était un *mamzer* d'après l'enseignement mishnaïque selon Joshué (*Ketubot* 1.9). Ce statut a provoqué les interprétations disparates de sa naissance articulées dans le NT et la littérature rabbinique.<sup>22</sup>

However, one could as easily argue that the people of Nazareth held Gamaliel and Eliezer's view. Philip Blackman's commentary on the Mishnah argues that the final rabbinic ruling was in accordance with Gamaliel and Eliezer.<sup>23</sup> The debate between those holding these two positions continues in the Tosefta and both the Jerusalem and the Babylonian Talmuds. The most extensive discussion of the ruling

22. Bruce Chilton, "Jesus, le *mamzer* (Mt 1.18)," *NTS* 46 (2000): 227. Unlike this short article, *Rabbi Jesus* did not mention possible conception by a Roman soldier. While the purpose of my article is to respond to Chilton's claim that Jesus was a *mamzer* due to a nonverifiable conception by Joseph, good reasons also exist for rejecting the notion of conception by a Roman soldier. First, the earliest allusions to this theory postdate the Synoptic birth narratives by one century or more. In A.D. 178, Origen mentioned and refuted the theory that Jesus was conceived by a union of Mary and a Roman soldier named Pantera, in *Against Celsus* 1.32. The theory resurfaced in the tannaitic literature (*t. Hul.* 2.22; *y. Šabb.* 14d; *y. 'Abod. Zar.* 40d, 41a; *b. 'Abod. Zar.* 27b) with descriptions of Jesus as "son of Pantera." Thus, the earliest mention of this theory of Jesus' conception in extant sources dates to the late second century. However, the account of the virgin birth predates the Gospel accounts, and neither evangelist appears to be dependent on the other at this point. This solidly establishes a terminus ad quem of the middle of the first century for the origin of the account. For other evidence pointing to the existence of the virgin birth account before Matthew and Luke, see C. E. B. Cranfield, "Some Reflections on the Subject of the Virgin Birth," *SJT* 41 (1988): 178-80. Second, several scholars have argued convincingly that the name *Pantera* was an intentional alteration of *παρθένος* made by Jews in derogation of Jesus' virginal conception. The name may have originally portrayed Jesus as a product of bestiality, "son of a leopard," but was later applied to a human father, who would have made Jesus illegitimate. This suggests that the claim that Jesus was conceived by a Roman soldier named Pantera was a response to Christian claims of Jesus' virginal conception rather than vice versa. See Joseph Klausner, *Jesus: His Life, Times, and Teaching* (trans. Herbert Danby; New York: Menorah, 1979), 23-24, 48-51; and Johann Maier, *Jesus von Nazareth in der talmudischen Überlieferung* (Darmstadt: Wissenschaftliche, 1978), 198-200.

23. Philip Blackman, *Mishnayoth*, vol. 3: *Order: Nashim* (London: Mishna, 1953), 129.

appears in the Babylonian Talmud, with some rabbis asserting that Gamaliel and Eliezer were correct in their presumption of innocence regarding the women's state but insisting that they concurred with Joshua regarding the offspring's status and others insisting that "the decided law accords with R. Gamaliel."<sup>24</sup> The Babylonian Talmud rightly dismisses earlier attempts in the Tosefta and Jerusalem Talmud to reconcile the competing views.

Furthermore, Chilton does not accurately represent the opinion of Joshua in *m. Ketub.* 1:9. In a more detailed defense of his portrayal of Jesus as *mamzer*, Chilton writes:

Mais si une femme non-mariée se montre enceinte (c'est à dire vers le troisième mois de sa grossesse), et le père n'est pas connu, la Mishna pose la question: devrait-on lui faire confiance quand elle déclare que c'est un homme qui pourrait être légitimement son époux? Deux réponses sont données. Gamaliel et Eliézer conseillent de croire ses déclarations, quoique Joshué, lui, insiste sur le fait qu'on ne doit pas la croire; il exige qu'on suppose que le père était lui-même un esclave (un *Netin*) ou un *mamzer* (*Ketubot* 1.9). Dans ce dernier cas, l'enfant serait aussi un *mamzer*, exclu de la congrégation, et n'ayant la permission de se marier qu'avec une *mamzeret* (sa contrepartie féminine). Le soupçon de *mamzerut* ne pouvait que déclencher des conséquences importantes quelle que soit la réponse. D'après le conseil de Gamaliel et Eliézer, le père serait obligé de se marier avec la femme sans possibilité de divorce (Dt 22.28-29). D'après le conseil de Joshué, même le mariage de ses parents ne pourraient en aucun cas protéger un enfant né ainsi d'être traité en *mamzer*.<sup>25</sup>

However, the situation described in *m. Ketub.* 1:8-9 does not concern an unmarried woman who is discovered to be pregnant and claims that the father of the child is qualified to be her husband. The pregnant woman in this text claims that her child was conceived not merely by a qualified Israelite but specifically by a priest. The question of paternity took on new significance in this case because the issue was not merely one of whether the child was a true Israelite but of whether he qualified as a candidate for the priesthood.<sup>26</sup> In light of the context of the mishnaic debate (*m. Ketub.* 1:6-7), possibly the woman who claimed that a priest had impregnated her was betrothed to someone else at the time of the alleged encounter. Claims that a priest had intercourse with a betrothed woman were particularly scandalous (Deut 22:23-24) and naturally merited some kind of hard proof.

24. B. *Ket.* 13b.

25. Chilton, "Jesus, le *mamzer*," 224-25.

26. See especially the lengthy discussion of this issue in *b. Ketub.* 13b.

An appeal to *m. Ketub.* 1:6-7 might have better suited Chilton's reconstruction, since this text pertains to a man who marries a woman who lacks the tokens of virginity described in Deut 22:14 and consequently suspects that she had committed fornication. The rabbis debated whether she should be trusted if she claimed that the hymen had been ruptured through an accident or by rape. Rabbi Joshua did state that the woman should not be trusted in either claim, although R. Gamaliel and R. Eliezer disagreed. In Joshua's view, the woman easily could have discussed the accident or the rape with her betrothed before the wedding night. However, the situation addressed here in the Mishnah is one in which a husband suspects his new bride of previous illicit relationships. The text does not prohibit a community from trusting the testimony of a betrothed couple who conceive a child. Thus, neither text is applicable to Chilton's reconstruction of the conception of Jesus.

Another text in the Mishnah does directly address this matter. *Mishnah Qiddušin* 3:12-13 states that if a child is conceived by a betrothed couple, and marriage was not prohibited by the law of the forbidden degrees (Lev 18:6-18), the standing of the offspring follows that of the male parent. Furthermore, *m. B. Bat.* 8:6 states, "If a man said, 'This is my son,' he may be believed." This was true even in situations in which this declaration of sonship prevented a widow from the legal obligation of contracting a levirate marriage. The legal principle also would settle disputes regarding a child's ancestry.<sup>27</sup> A similar ruling appears in the Babylonian Talmud:

There was a betrothed couple that came to R. Joseph. She said, "It [the unborn child] comes from him." And he said, "Yes, it's mine." Said R. Joseph, "Of what contrary possibility should we take account? First of all, he concurs, and, furthermore, said R. Judah said Samuel, 'The decided law accords with Rabban Gamiliel: " (*b. Ketub.* 14a)<sup>28</sup>

Thus in the scenario that Chilton presents, one in which Joseph "always openly acknowledged his paternity" of Jesus, Jesus would have been recognized as being of true Israelite stock through Joseph's line, not a *mamzer*.

Chilton is also mistaken in his direct equation of *mamzer* and *shetuqi* stock.<sup>29</sup> *Mishnah Qiddušin* 4:1-2 describes both *mamzer* and *shetuqi*

27. This does not contradict the ruling in *b. Yebam.* 69b, since it pertains to the status of the child of a betrothed woman of low repute, literally, one "spoken of in a low voice by the world."

28. Jacob Neusner, trans., *The Talmud of Babylonia: An American Translation*, vol. 14A: *Tractate Ketubot: Chapters 1-3* (Atlanta: Scholars Press, 1992), 53.

29. This is not to say that there was no relationship between the two categories. Rabbinic scholars distinguish between the "certain *mamzer*," "the *mamzer* at rabbinical

stock and clearly distinguishes the two. *Shetuqi* (שְׁתוּקִי) stock were those who knew their mother but not their father, as opposed to *asufi* (אֲסוּפִי) stock, who knew neither their father nor their mother. *Shetuqi* does mean "silent one" but, as Danby notes, this title is probably due to the fact that such a person must be silent when reproached regarding his origin.<sup>30</sup> *Babylonian Talmud Ketubbot* 13b identifies the *shetuqi* variously as one who cannot lay claim to his father's property or to the rights of the priesthood. The title has little to do with the individual's voice in the community.

In a later work, apparently after a more careful reading of *m. Qidd.* 4:1-2, Chilton partially corrected the equation of the *mamzer* and *shetuqi*, which he affirmed in, *Rabbi Jesus*. Chilton stated:

Dans cette liste, le statut d'un *mamzer* est nettement distinct de celui d'un 'misau silence'; la catégorie *mamzer* est vraisemblablement réservée pour les cas connus d'adultère, d'inceste, ou d'accouplement illicite (voir *Qiddushin* 3.12), quoique le terme *shetuqi* permette une conclusion plus douce à cause de l'incertitude de la paternité de l'enfant.<sup>31</sup>

Nevertheless, Chilton states: "On any theory of his birth, he belonged to the caste of the *mamzer* or silenced one."<sup>32</sup> On the contrary, even if the events surrounding Jesus' birth occurred exactly as Chilton suggested, the mishnaic evidence simply does not support Chilton's portrayal of Rabbi Jesus as a *mamzer* or one who would be excluded from the religious community.

Jonathan Klawans, a specialist in rabbinic studies, agrees with this conclusion. In his review of *Rabbi Jesus*, he wrote:

Much of the work is well-argued and well-substantiated scholarship. The problem is that some parts consist of inferences on inferences. . . . The problem is perhaps most evident in Chilton's first chapter, "A *Mamzer* from Nazareth." Some readers will recognize *mamzer* as the Yiddish equivalent of "bastard," but the term is actually Hebrew in origin and refers not simply to a child born out of wedlock, but specifically to the child born of an adulterous or incestuous union, as defined by the laws of Leviticus 18 and 20. As the title suggests, Chilton believes that Jesus was a *mamzer* (or something close to it) "on any theory of his birth." This kind of overstatement is characteristic of *Rabbi Jesus*.

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law," and the "doubtful *mamzer*." The *shetuqi* belonged to the category *safeq* or "doubtful *mamzer*." See Passarnaneck, *Mamzeruth*, 121-22. For helpful guidelines for defining the "doubtful *mamzer*," see B. Z. Schereschewsky, "Mamzer," *EncJud* 11:841.

30. Herbert Danby, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford: Oxford University Press, 1933), 327.

31. Chilton, "Jésus, le *mamzer*," 225.

32. Idem, *Rabbi Jesus*, 13.

Actually, it takes a rather complex scenario for Jesus to be a *mamzer*. If Jesus is the product of a premarital encounter between Joseph and Mary (as Chilton thinks is likely), then Jesus would not actually have been a *mamzer* at all. According to rabbinic law, which Chilton takes as his primary source of information, as long as the union in question has *potential* legal validity then a child resulting from that couple's premarital sex is not a *mamzer*.<sup>33</sup>

### CONCLUSION

Careful examination of the data of the NT and rabbinic literature leads one to conclude that Jesus was not a *mamzer*. Even if Jesus' conception occurred precisely as Chilton described in *Rabbi Jesus*, and such would clearly contradict the Synoptic birth narratives, Jesus would not have been a *mamzer*, nor would he have suffered the ostracism and disdain that supposedly formed his religious views and shaped his personality in Chilton's reconstruction. If valid, this critique would require Chilton to revise his description of the circumstances surrounding Jesus' birth or to develop new explanations for Jesus' supposed distrust of the religious establishment, his view that God is *Abba* of all, and his early interaction with John the Baptist that transformed a street urchin into a *merkabah* mystic.

33. Jonathan Klawans, "Review of *Rabbi Jesus*, by Bruce Chilton," *Bible Review* (February 2002): 42. Klawans later added: "Chilton's use of rabbinic material is so convoluted that I fear his misuse of rabbinic evidence will end up giving support to those who believe that rabbinic literature is of no use in the quest for the historical Jesus" (*ibid.*, 44).