Torleif Elgvin

Torleif Elgvin teaches at the seminary of the Independent Lutheran Church, Oslo. From 1985 to 1993 he was Director of the Caspari Center of Biblical and Jewish Studies in Jerusalem.

A crucified Messiah is an impossibility – the one hanged on the tree to die is a traitor or a blasphemer. Hanging on the cross, he is accursed by God and men. Such was the priestly doctrine in the days of Jesus, as we have learned from the Dead Sea Scrolls and other early Jewish sources.

In Deuteronomy 21:22-23 we find the following law:

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\text{If a man guilty of a capital offence is put to death and you hang him on a tree, you must not leave the body on the tree overnight. Be sure to bury it that same day, because anyone who is hung on a tree is a curse of God. You must not defile the land the Lord your God is giving you as an inheritance.}
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A radical reinterpretation

In the second century BC a Jewish author close to the Essene community made a new edition of the laws of Deuteronomy, incorporating verses from Leviticus and Numbers as well as priestly teaching from his own time. He published this new edition, which included a lengthy section on the temple, as authoritative Torah of God. In 1956 the Bedouins found two copies of this work north of the Dead Sea. In this book, today called the Temple Scroll, we meet a radical reinterpretation of these verses from Deuteronomy:

\[
\text{If a man informs against his people, delivers his people up to a foreign nation and betrays his people, you shall hang him on the tree so that he dies. On the word of two and three witnesses shall he be put to death, and they shall hang him on the tree.}
\]

\[
\text{If a man commits a crime punishable by death, and he defects into the midst of the nations and curses his people, the children of Israel, you shall hang him also on the tree so that he dies. And their bodies shall not remain upon the tree, but you shall bury them the same day, for those who hang on the tree are accursed by God and men, you must not defile the land which I give you as an inheritance. (Temple Scroll 64:6-13)}
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In Deuteronomy it is not clear whether the evildoer should be hanged alive upon the tree or only his corpse after he is executed (most interpreters do not note that the Hebrew can be translated either 'is put to death and you thereafter hang him on a tree' or 'is put to death when you hang him on a tree'). The Temple Scroll clearly ordains that certain evildoers shall be executed by being hanged alive on the tree. The word 'tree' can mean a tree, a pole or a cross. In Rabbinic sources 'to hang on the tree' primarily means execution by hanging on a pole. Crucifixion would also be considered a form of 'hanging somebody upon the tree'.

Earlier, it was held that crucifixion was the capital punishment of the Gentiles, never of the Jews. Crucifixion was invented by the Persians, then taken over by Alexander the Great and his successors, among them the Seleucids in Syria, and later by the Romans. It has therefore been argued that the fact that Jesus was crucified demonstrates that his death was the responsibility of the Romans, not of the Jews. The cry of the Jewish mob that is quoted in the Gospels, 'Crucify him!', is therefore viewed as unhistoric. As good Jews they should have shouted 'Have him killed!' or 'Have him stoned', but not 'Crucify him!'
"Hanging on the tree" in Jewish tradition

The Israeli scholar Yigal Yadin, who deciphered and published the Temple Scroll some years ago, changed these presuppositions. Yadin was a renowned archaeologist, general and politician. When Israeli forces entered the West Bank during the Six Day War, he ordered a special unit to search the antique dealers in Bethlehem and Hebron to find the scroll he suspected one of them was hiding. The dealer nicknamed Kando brought forth a 9-metre-long scroll hidden in a box below the floor tiles.

Yadin and others have shown that this interpretation of Deuteronomy 21 by the Temple Scroll reflects Jewish priestly halakhah (legal interpretation) from the early second century BC to the fall of the temple, which ordains that the one who is guilty of national treason or blasphemy shall die by being hanged upon the tree. A sinner of this kind should be killed in the most awesome way, by being hanged on the tree before his people (whom he has betrayed) and before God (whom he has blasphemed). And while he is hanging on the tree he is, according to the word of the Torah, accursed by God and men. Traces of this exegesis are found both in rabbinical literature and early Aramaic translations of the Bible.

Not only the Essenes, but probably also the other priestly group, the Sadducees, held this position. They were the party in power and the rulers of the temple in the days of Jesus. It is doubtful that the laymen's party, the Pharisees, shared this tradition on how the blasphemer should be killed. Their successors, the rabbis, prescribe that a blasphemer shall first be killed by stoning, and then be hanged on the tree. But the Pharisees would also view one crucified as being cursed by God according to the word of the Torah.

History shows that on a few occasions crucifixion or execution by hanging on the tree was indeed practised by Jews. Joshua executed the King of Ai by hanging him (possibly alive) on a tree (Jos. 8:29). According to Numbers 25:4, the foremost idols among the Israelites should be killed "before the Lord in view of the sun so that the Lord’s fierce anger may turn away from Israel". Crucifixion probably became Jewish custom in the Maccabean period, influenced by the practice of the Seleucid overlords in Syria. Antiochus Epiphanes used crucifixion in his persecution of Torah-obedient Jews in Judea (Josephus, Antiquities XII 256; Ass. Mos. 8:1). In 162 BC, the Hellenizing high priest, Aleimus, had 60 pious Jews executed by crucifixion, among them the priestly scribe Jose ben Joezer. In the aftermath of a revolt in 90 BC, in which the Pharisees allied themselves with the Syrians (cf. the phrase "delivers his people up to a foreign nation and betrays his people" in the Temple Scroll), King Alexander Janneus crucified 800 Pharisees in Jerusalem (Josephus, Wars I 97, 113; Antiquities XIII 380). According to Yadin, another Qumran scroll, the commentary on the book of Nahum, lauds Janneus for this deed, which followed the priestly tradition of law. According to rabbinical sources, the leader of the Sanhedrin, Shimon ben Shetah, had 80 witches from Ashkelon hanged on the tree some two decades later.

In light of this, the cry 'Crucify him!' is exactly what we should expect of the Sadducean leaders, 'the chief priests and their officials' (Jn. 19:5). The high priest had torn his garments when he heard Jesus talking about himself as the heavenly Son of Man seated on God's right hand: 'He has spoken blasphemy!' After Jesus raised Lazarus from the dead, the Sadducean high priests viewed Jesus as a threat against the temple and the people (Jn. 11:46-50). And they (the chiefs of the temple) certainly perceived Jesus' saying that he could rebuild the temple in three days (Jn. 2:19 with parallels) as blasphemy or national treason. Consequently, they deemed him as one who should be hanged on the tree. According to political reality, this had to be implemented by the Roman rulers of the land. When it was not in their own power to hang
the blasphemer on the tree, they pressured Pilate to do it. For the chief priests, a Roman crucifixion would certainly fall within the category 'to hang on the tree'.

At this point in the argument it must be remarked that it is historically incorrect to make the Jewish people as such responsible for the execution of Jesus; those responsible were the Sadducean temple leadership together with the Roman authorities. Neither is it plausible that those Jerusalemites who greeted Jesus with 'Hosanna' when he entered the city were the same who later shouted 'Crucify him!' It was a group handpicked by the high priests who shouted 'Crucify him!' It is a sad aspect of Church history that these verses have been misused to justify anti-Semitism and persecutions of the Jewish people. Preachers must be on guard against generalizing derogatory statements such as 'the Jews rejected Jesus', 'the Jews did not understand that Jesus was sent by God', 'Jesus reacted against the legalistic views of the Jews'.

A messiah should not hang on a cross, accursed by God and men. Therefore some of those passing by the cross of Jesus mocked, 'He is the King of Israel. Let him come down now from the cross!' The one who was crucified and cursed could not have been the Messiah. Peter knows this paradox when he boldly tells the Sanhedrin, the Jewish Council, that 'the God of our fathers raised Jesus from the dead — whom you had killed by hanging him on the tree' (Acts 5:30; cf. Acts 10:39; 1 Pet. 2:24). So does Paul, who 'preaches a crucified Messiah, a stumbling block to Jews and foolishness to Gentiles' (1 Cor. 1:23). And in Galatians 3:13 he puts forward a daring claim: 'The Messiah redeemed us from the curse of the Torah by becoming a curse for us, for it is written: "Cursed is everyone who is hung on a tree."' We note that both Peter and Paul use the phrase 'hang on a tree' which we know from Deuteronomy and later Jewish interpretations. Paul, raised as a Pharisee in Jerusalem, knew the priestly doctrine of his days. He knew that Jesus hung accursed on the cross. But the rabbi from Tarsus provides a new interpretation. He knows that God has raised the accursed from the dead and thereby demonstrated that he is the Messiah. This fact means that the curse Jesus did carry on the cross was not his own, it was ours. And by willingly taking the curse of the Torah on our behalf, he redeems both Israelites and Gentiles from the curse which befall us all because we did not manage to obey the Torah. Redemption is at hand!

Other NT passages reflect the use of Deuteronomy 21:23 by Jewish opponents as a key argument against the messiahship of Jesus in the debate with Jewish Christians. G. Jeremias suggests that 1 Cor. 12:3, 'Αναπόθεμα Ἰησοῦς, 'Jesus is accursed', should be interpreted as a Jewish statement based on Deuteronomy 21:23, and that Acts 18:6, 26:11 and 1 Timothy 1:13 should be seen against the same background: Jews 'blaspheme' Jesus when they, in a confrontation with Jewish followers of his, relate this curse of the Torah to him.

A rabbinic parable

One of the famous rabbis of the early second century AD, Rabbi Meir, used a parable to explain the difficult verses from Deuteronomy:

'Anyone who is hanged on a tree is a curse of God.' That means: why was he hanged — because he cursed the name of God, and furthermore, the hanged one leaves the name of God profaned.' Rabbi Meir said: this can be understood through a parable: two identical twins were living in the same city, one was righteous and the other was a scoundrel. The first was made king of the city, the other committed robbery. Then the king ordered him to be hanged on the tree. But when he heard that all those passing by the executed shouted in distress: 'The king is hanging
on the tree', he ordered the body to be taken down. Thus we learn that when men feel sorry at such a sight, even more does God Himself who says: 'This is a disgrace for My head and for My arm'. For the hanged is an affront to God. Thus God says 'I feel grief even for the blood of the unrighteous ones, so how much more when the blood of the righteous ones is shed'.

The citizens saw the image of their king hanging on the tree. Man is God's image - this is true also for the unrighteous. When we see an executed man hanging on the tree, we see the image of the Great King hanging there. And such a blasphemous disgrace cannot be tolerated for long, therefore the body must be taken down before evening.

I dare to apply a new interpretation to Rabbi Meir's parable: not only does everyone hanged on the tree represent God's image, one of those thousands hanged on a cross by the Romans represented God's image par excellence. 'He is the radiance of God's glory and the representation of his nature' (Heb. 1:3). When we see him on the cross we see the image of the Great King - of the divine Messiah who took the curse of mankind upon himself to bring redemption to Jew and Gentile alike.

The further history

For Jews, the crucified one was accursed by God. It was not easy for Jews of the first centuries to swallow Paul's claim that the curse Jesus carried on the cross was ours, not his own. NT and patristic sources demonstrate that Jewish opponents used the meaning 'accursed by God', from Deuteronomy 21:23, to defame Jesus. Two Christian authors of the second century testify to the encounter between Jews and Christians (including Jewish Christians) about how Deuteronomy 21:22-23 relate to Jesus. Barnabas 7 portrays the scapegoat of Leviticus 16 as a type of the Son of God: the scapegoat 'is accursed', the Son of God could not suffer except for our sakes (7:2-7, 9). Combining Deuteronomy 21:23, Zechariah 12:10 and Leviticus 16, Barnabas concludes: 'they will say 'Is not this he whom we once crucified and rejected and pierced and spat upon? Of a truth it was he who then said that he was the Son of God'' (7:9).

In Dialogue with Trypho chapters 89-96, Justin (a second-century native of Samaria) treats this theme at length. In 32:1 and 89:1 he quotes the Jewish objection in the mouth of Trypho: 'But this so-called Messiah of yours was dishonourable and inglorious, so much so that the last curse contained in the Torah of God fell on him, for he was crucified'; 'But whether the Messiah should be so shamefully crucified, this we are in doubt about. For whosoever is crucified is said in the Torah to be accursed'. Deuteronomy 21:23 seems to be the ultimate argument of the Jews against the messiahship of Jesus. This argument is so heavy that Justin (with one short exception) falls short of repeating Paul's claim that Jesus was indeed under a real curse on the cross. In chapters 89-94 Justin, probably using an earlier Christian tradition, uses different OT passages to show that Jesus was only seemingly accursed on the cross. In chapters 95-96, he elaborates the argument from Galatians 3: The whole human race is found to be under a curse ... The Father of all wished the Messiah for the whole human family to take upon him the curses of all ... he suffered these things on behalf of the human family, as if he were accursed.' In chapter 96, Justin provides yet another interpretation of the phrase 'curse is everyone that hangs on a tree': the crucified one was not really cursed by God. But the Torah foretold that the Jews would curse the Christians and Christ himself in their synagogues.

This last claim could have a double reference: Jewish opponents who attributed the curse of Deuteronomy 21 to Jesus, and the curse against the
heretics, Birkaṭ ha-Minim, which was inserted into the Standing Prayer about AD 80. A main reason for this innovation was the high number of Jewish Christians who frequented the synagogue. After the fall of the temple it was important for the successors of the Pharisees to guard the doctrine and exclude from the synagogue Jewish Christians and other 'heretics'. The saying of Jesus, 'They shall expel you from the synagogue' (Jn. 16:2), foresees this painful development. The word of the evangelist, 'for already the Jews had decided that anyone who acknowledged that Jesus was the Messiah would be expelled from the synagogue', John 9:22, refers to Birkaṭ ha-Minim. When John writes his Gospel, this curse is already reality. And he sees this contemporary curse and the Judean establishment's rejection of Jesus 60 years earlier as two aspects of the same matter. Evidence from Matthew, Acts and Josephus indicates that Pharisaic-influenced synagogues were open to Jewish Christians at least until the fall of the temple.

The relation between Church and synagogue has a long and painful history. The first separating fences were put up from the side of the rabbis, against Jewish Christians. Birkaṭ ha-Minim was the first step in a development which marginalized Jewish Christians within the people of Israel. The second Jewish revolt under Bar Kochba ('The Son of the Star', a messianic designation; cf. Nu. 24:17) brought the next step. Jewish Christians could not follow a false messiah and did not join the revolt, and were therefore persecuted as traitors and executed by Bar Kochba when they refused to curse Jesus and join Bar Kochba's ranks. Later history has seen the Gentile Christian Church taking a manifold 'revenge'.

At the time of Justin there were still thousands of Jewish Christians in Roman Palestine and the neighbouring countries, believers who kept the Torah and the Sabbath and circumcised their children while they testified to their kinsmen about Jesus as the divine Messiah. Today also the Church must meet the people of our Lord. We should listen sensitively to their objections to the messiahship of Jesus without hiding our conviction that all the Scriptures do point to him, and that the gospel is the power of God for salvation, first for the Jew, then for us Gentiles. Paul and Justin provide us with good examples in this encounter.

1 Christian interpreters (and Jewish ones until the time of Justin) usually regard the phrase qilelat 'elohim as a subjective genitive, 'a curse of God', and translate it 'accursed by God'. Jewish traditions recorded from the Mishnah (c. AD 220) onwards have read the phrase as an objective genitive, 'an affront to God' (so also recently Tanakh. The Holy Scriptures. The New JPS Translation According to the Traditional Hebrew Text. Philadelphia/Jerusalem, 1985). Early Jewish sources see a double meaning in these words: in light of Ex. 22:28, 'do not curse God', the verse from Dt. also carries the meaning 'hung on the tree is [the one] cursing (blaspheming) God'. Among them is the Temple Scroll, which probably understood the deuteronomic qilelat 'elohim both as 'cursing God (and Israel)' and 'being accursed by God (and men)'.

2 This sentence is an interpretation of Lev. 19:16. 'It shall not be a slanderer in your people', where the same Hebrew words are used.

3 According to Est. 2:23 and 9:25 (cf. 5:14: 7:9), the two officials conspiring against the Persian king, as well as Haman and his sons, were executed when 'they hanged them on the tree'.

were found in Qumran Cave 11. A related work, *Revised Pentateuch* ([Discoveries in the Judean Desert, vol. XIII, 1995, pp. 187-351]), was found in five copies in Cave 4. The Temple Scroll was probably not the authoritative Torah of the Qumran community as proposed by Yadin (it lacks the distinctive terminology characteristic of books authored by this sect).

It was known by the community, but rather derives from related circles.


In contrast to Yadin, I tend to interpret the phrase ‘a crime punishable by death’ in the Temple Scroll as including blasphemy. Dt. 13 and Lev. 24 prescribe capital punishment for sorcerers and those preaching apostasy. The Temple Scroll, which interpreted the verses from Dt. 21:22-23 in light of Dt. 13, Lev. 24 and Ex. 22:28, probably shared with other early sources the understanding that *qilelat ʾelohim* also means ‘cursing God’. The tradition that 80 witches were executed by hanging on the tree c. 70 BC (see below), as well as the NT evidence, make it probable that the Temple Scroll also had the sin of blasphemy in view. If, however, the Temple Scroll only referred to treason and not to blasphemy, other Jewish sources which connect cursing God and hanging on the tree yet provide a background for NT texts about the crucifixion of Jesus.

*Targum to Ruth* 1:17: ‘Naomi said: We have four death penalties for the guilty: throwing of stones, burning by fire, death by the sword, and hanging on a tree’: *Targum Jonathan* to Nu. 25:4: ‘and you shall hang them before the Word of the Lord upon a tree towards sunrise and at sunset you shall take them down and bury them’: *Targum Neofiti* to Nu. 25:4: ‘And the Lord said to Moses: Take all the chiefs of the people and set them up in a Sanhedrin before the Lord and let them become judges. Every one who is guilty of death they shall hang on a pole and bury his corpse at sunset’. (We note that the tradition of Neofiti reflects a period when the Sanhedrin had capital jurisdiction; cf. Jn. 18:31; Acts 7:57-58.) Similarly the rabbinic commentary *Sifre* on Nu. 25:4: ‘and expose them before the Lord in view of the sun, [and appoint] judges, you shall hang the sinners on the pole in view of the sun’.

All these sources use the verb *slb*, which some scholars understand as ‘crucify’, others as ‘impale/hang’. Baumgarten, ‘Hanging’, argues that the word relates to hanging, not crucifixion. A problem with his interpretation is that hanging by gallows is not attested in the region in the centuries BC, while crucifixion is: see M. Hengel, *Rabbinische Legende und frühchristliche Geschichte: Schtmeon b. Sichtarch und die achtzig Hexen von Askalon* (Heidelberg, 1984), pp. 27-36; Kuhn, ‘Die Bedeutung der Qumrantexte’, p. 171, pp. 179-90. The Targums to Est. 5:14 (which reflect capital punishment as practised by the Romans in the second and third centuries AD) clearly understand the hanging on the tree, *slēbāh*, which Hanan planned for Mordecai and suffered himself, as crucifixion.

In Jewish sources the primary meaning of the Aramaic *slēbāh* or *sēlāb* ‘at qāyusa’, which renders the Hebrew *tālāh* ‘at haēs, is to hang somebody on
a pole with their arms tied around it. The phrase does not in itself indicate whether the culprit is killed before he is hanged on the pole. The origins of the traditions on 'hanging on the tree' go back to the time when the term referred to crucifixion. When the Jewish sources were written down from the third century AD onwards, most of them relate the term to hanging. The specific meaning 'crucify' is clear in the Esther Targums and Christian Aramaic traditions, in Syriac and in Christian Palestinian Aramaic, as well as a number of Talmudic references: see Halperin, 'Crucifixion', pp. 37-40.

The commentary Sifre on Dt. 21:22-23 relates the passage from Dt. to the blasphemer, but states that the culprit should first be put to death and then hanged on the tree. Similarly, Mishnah Sanhedrin 6:4: 'All that have been stoned must (thereafter) be hanged'.

The exact meaning of the verb used here is not clear to us. Proposals include: 'to expose the culprit with broken limbs or hang him on the pole'.

For the latter, cf. the Targumic versions quoted in n. 7.

1 Macc. 7:16; Josephus, Antiquities XII 396; Genesis Rabbah 65:22; Midrash Tehillim to Ps. 11:7; cf. E. Steueller, Jerusalem und Rom im Zettalter Jesu Christi (Bern, 1957), pp. 123-32. The wording of Genesis Rabbah and Midrash Tehillim clearly describes crucifixion.

4QpNah 1 6-8, which comments on the lion of Na. 2:13. Parts of the text are missing, but according to Yadin it could be reconstructed like this: 'Its interpretation concerns the furious young lion (= Janneus) who [found] those seeking smooth things (= the Pharisees) [guilty of a crime punishable] by death, and hanged men alive [on the tree as is the law] in Israel from of old.'

Mishnah Sanhedrin 6:4; Talmud Yerushalmi Hagigah 2:2; Sifre to Dt. 21:22. Hengel has put forward the hypothesis that this story conceals a specific historical event: that Shimon and the Pharisees crucified a number of their antagonists, the Sadducees, in an act of revenge when the Pharisaic party became the dominant political force after the death of Janneus (see Rabbinische Legende).

When asked, 'Are you the Messiah, son of the Blessed One', Jesus answers, 'Yes, I am' (Mk. 14:62, cf. Mt. 26:64; Lk. 22:70). Jesus' response probably reflects the Hebrew phrase 'ani hu' (or 'ani wehu', which was used as an appellation for God) from Dt. 32:39 and Is. 43:13; 52:6, words only God himself could use. On the 'I am' sayings of Jesus, see C.H. Dodd, Interpretation of the Fourth Gospel (Cambridge, 1953), pp. 127-31; F. Manns, John and Jamnia: How the Break Occurred Between Jews and Christians c. 80-100 A.D. (Jerusalem, 1988), pp. 68-70.

The Synoptic Gospels are probably correct in dating Jesus' temple action to his last visit to Jerusalem. This saying thus belongs to Jesus' provocative words and actions the last week before he was taken prisoner.

G. Jeremias, Der Lehrer der Gerechtigkeit (Göttingen, 1963), pp. 131-5.

This double explanation is found with the same words in Sifre to Dt. 21:23 and Mishnah Sanhedrin 6:4. The same mishnah states: 'None is hanged save the blasphemer and the idolator.'

The words of R. Meir, qeloni mer'eshi qeloni nizro't. 'This is a disgrace for My head and for My arm', remind us of the translation of his contemporary Symmachus of the biblical phrase qilelat 'elohim as βλασφήμια θεοῦ, 'a blasphemy to God'. Targum Jonathan to Dt. 21:23 adds that the hanged one is a curse of God (affront to God) 'because he is made in the image of God'. This tradition explains why, according to other sources, 'the hanged one leaves the name of God profaned' (as stated in Midrash Tannaim, Sifre and Mishnah Sanhedrin).

Midrash Tannaim to Dt. 21:23. Parallels in Mishnah Sanhedrin 9:5; Tosefta Sanhedrin 9:7; Talmud Bavli Sanhedrin 46b.

The word for 'accursed' is ἐξικνητὸς, the same word used by Paul in his dynamic rendering of Dt. 21:23 (cf. LXX to Dt. 27:26). See


21 The argument goes: when Moses made an image of the serpent in the desert, he suspended one of God’s commandments (Ex. 20:4). In a similar way, the Law (Dt. 21:23) will be suspended at the realization of this type, namely when Jesus is nailed to the tree. By fixing the serpent to a type of the cross, Moses proclaimed that death was to come to the serpent (Gn. 3) through the cross - Skarsaune, *The Proof From Prophecy*, p. 238. ‘... though a curse lies in the Law against persons who are crucified, yet no curse lies on the Messiah of God, for by him He saves all them that have done deeds that deserve a curse’ - Dialogue 94:5. When the Law appears to curse Christ – which should be impossible - this points to a deeper meaning of the ‘curse’. There is thus only an apparent, but no real, application of Dt. 21:23 to Christ. Cf. Skarsaune, *The Proof From Prophecy*, p. 218 n. 77; W.C. van Unnik, ‘Der Fluch der Gekreuzigten. Deuteronomium 21,23 in der Deutung Justins des Märtyrers’, in C. Andersen and G. Klein (eds), *Theologia crucis - signum crucis. Festschrift für Erich Dinkler zum 70. Geburtstag* (Tübingen, 1979), pp. 483-99.


23 The primary sources for this persecution are Justin, 1. Apology 31:6; *Apocalypse of Peter* ch. 2. The Bar Kochba correspondence found in various caves in the Judean desert confirms that the leader of the revolt treated dissidents with brutality. On Jewish hostility against Christians in the early centuries, see R. Hvalvik, *The Struggle for Scripture and Covenant. The Purpose of the Epistle of Barnabas and Jewish-Christian Competition in the Second Century* (Tübingen: Mohr, forthcoming).