

**Bethel AME Church**  
**Insights from the Rabbis 2**  
**Class Notes 3/28/21**

P. Crime and Punishment

1. A Woman Taken in Adultery

My favorite gospel song by the great Dorothea Love Coates is called “Strange Man,” where each verse tells of the life-changing encounter by a woman with a stranger. The first two are the woman at the well and the woman taken in adultery but the climax of the song is the third verse where the singer tells of her own encounter “one Tuesday evening” with the same man. It is a brilliant composition and its literary power is matched by the power of Sis. Dorothea’s singing.

The only problem is that, like most Christians, she gets the story wrong.

The stranger was next seen in a city  
Standing off an angry mob  
Defending a woman that had been caught  
In the very act of adultery  
For pity and mercy she sought

This simply is not the story we find in the gospel, even though it is the one we think is there because of the many sermons we have heard on it. I want to look more closely at that very strange story to see what we can make of it.

a. In John’s Gospel

The story of the woman taken in adultery is one of the more puzzling stories in the gospels (John 7:53-8:11). It is puzzling for a number of reasons. First, because Jesus seems to be taking a very casual attitude towards a very serious sin. He essentially tells the woman, “It’s okay. Everyone does bad things from time to time. Just don’t do it again.” How can Jesus turn a blind eye to adultery? Is this just another story about Jesus contradicting Jewish legalism? Christians have been willing to think that Jesus overturned the laws about the Sabbath or kosher foods, but adultery? What is this story really about?

Second, the story is not included in the copies of the gospel of John contained in our earliest and most reliable Greek manuscripts of the New Testament. Modern scholars are virtually unanimous in agreeing that it was not written by the author of John’s gospel, and did not originally belong where it is now. Someone added it several centuries after John was written. (Some manuscripts have it at the end of John, others in various places in Luke, where it makes more sense both thematically and stylistically.) For this reason some conservative New Testament scholars say it shouldn’t be considered as inspired Scripture.

Yet for most Christians it has functioned as inspired Scripture because it was included in their version of the Bible and they have heard lots of sermons about it. And many scholars think that it is quite likely to be an authentic story about Jesus that kind of floated around orally (perhaps because of its problematic implications) and eventually was written down and included in later copies of the New Testament. But no one knows for sure where

it came from or who wrote it. The story raises some very interesting issues that I would like to look at in relation to what we have been studying.

Jesus is teaching in the temple courtyards and a group of scribes and Pharisees bring a woman to him who they say has been caught committing adultery. The Law of Moses, they say, commands us to stone her to death. What do you think, Jesus? This seems to be another test of how Jesus interprets and applies the Law. There is clearly some animosity towards Jesus on the part of his questioners, who are looking to find something to accuse him of (v. 6).

Rather than answering them, Jesus crouches down and starts doodling on the ground—another puzzle in this passage that scholars and preachers alike have let their imaginations run wild with. What did Jesus write? The suggestions are legion. But the text doesn't tell us and I suggest that rather than trying to fabricate something that is not there, we respect the text and look at what Jesus actually does: he deliberately ignores the question and his questioners. He turns his focus away from them and acts like he hasn't heard them. When they persist in trying to get his attention, he shuts them down with a sharply pointed barb and then goes back to ignoring them until they finally go away. Jesus' response, or non-response, simply avoids the issue of how to interpret the Law and closes off the discussion. His opponents were not arguing for the sake of Heaven; it was merely a powerplay. Jesus refuses to play the game.

So what is Jesus doing here? Is he condoning adultery? Is he establishing a general principle that no sinful human being can make moral judgments on others? Should criminals not be punished? It is surprising that this difficult text ever was included in the Bible.

#### b. In Torah

The question about adultery in the Law of Moses is not quite as simple as the Pharisees make it out to be. They are right that Torah prescribes the death penalty for adultery, although it does not specify stoning in so many words (Leviticus 20:10; Deuteronomy 22:22). But Torah recognizes that it takes two people to commit adultery and stipulates that both partners be put to death, not just the woman. In fact, the wording of these verses places the emphasis on the man's action, not the woman's. So the fact that they only bring the woman to Jesus is already a problem.

In addition, there must be some sort of trial before the death penalty can be inflicted. Torah requires two or three witnesses to convict someone, especially in the case of capital crimes (Deut. 17:6-7; 19:15). This was a high legal standard to set; how many executions would America have been spared if we simply had that biblical standard in our courts? In the case of adultery, coming up with two or three eyewitnesses would be especially difficult. And those witnesses must be the first to cast stones. There is no indication that the religious leaders who bring the woman to Jesus were actual witnesses to the adultery, in which case they would not have been able to cast the first stone.

That trial was to take place at the city gates (Deut. 17:5), traditionally the place where local judges sat to hear cases, and the execution would have taken place outside the city walls so as not to defile the city with corpses. So despite Sis. Dorothea's song and the

many fanciful sermons you have heard on this story that imagines an angry mob of self-righteous legalistic Jews standing around with rocks in their hands only waiting for Jesus to say the word, in fact none of that is in the story. We have been taught to see things in the Bible that simply are not there, and this particular reading of the story comes from the anti-Jewish prejudices of our tradition. Jesus is teaching in the Temple courts, the last place anyone would carry out an execution. This is neither an angry mob nor a firing squad; it is a group of Bible scholars. No witnesses have been summoned, no trial has taken place, and no one is holding any stones.

The question posed to Jesus is one of a number of questions about the Law of Moses that we find him addressing in the gospels. But it is not clear how it is a trap or how his answer could give the authorities something to charge Jesus with. One suggestion is that it pits the law of Moses against Roman law (like the question about paying the tax to Caesar). Supposedly, only Rome had the authority to execute people (see John 18:31), so if Jesus says to follow the law of Moses he is going against Roman law.

The problem with this suggestion is that the historical evidence we have on the issue is uncertain at best. Rome did not have one empire-wide law that prohibited local authorities from carrying out capital punishment. We know that in at least some of its provinces that prohibition did exist but that in others it didn't. Rome may well have allowed local populations some freedom to carry out executions for religious matters like blasphemy or adultery that were not against Roman law. (Pilate tells the religious leaders who bring Jesus to him to take him away and judge him according to Jewish law: John 18:31. So that verse can be read both ways!)

The Talmud seems to assume that at some point the Jewish high court (the Sanhedrin) did have the authority to carry out executions, because it contains lengthy discussions of methods and other related legal issues. Certainly the New Testament contains a number of instances of attempted stoning, both of Jesus (John 8:59; 10:31) and Paul (Acts 14:19; see 2 Cor. 11:25). But none of these is a proper legal procedure. Rather they are clearly spur-of-the-moment acts of mob violence. Only in the case of Stephen (Acts 6:12-15; 7:54-58) is there something resembling a trial by the Sanhedrin that results in an actual execution by witnesses. Here there is no suggestion that they are operating outside the boundaries of their authority or that Rome intervened to prevent it. So the historical and NT evidence is mixed.

Since the story itself does not mention Caesar or Rome (unlike the passage about taxes), it is little more than guesswork to interpret it in this way. And Jesus' response does not give us much to go on either. He does not answer the question (as he usually does) by arguing for his own interpretation of Torah on the basis of other biblical passages. Rather, as we have seen, he just refuses to get involved in the debate. Whatever the trap, he does not fall for it.

What particularly interests me here is that Jesus sidesteps the whole issue of punishment. The woman was brought to Jesus not so he could decide her guilt or innocence, but rather to give his opinion as to what her punishment should be. Many have seen this story as an example of Jesus' mercy and forgiveness, in contrast to the harsh

judgmental legalism of the Jews. Certainly Jesus was merciful to the woman, but there is no mention of forgiveness. She does not come to Jesus asking for mercy (contrary to the gospel song) nor does she repent of her sin. Jesus takes it for granted that she has actually committed adultery and simply tells her not to keep on sinning. He says in effect, “No court has issued a verdict in your case and I do not choose to play the role of judge. Even though you may be guilty, I do not condemn you to be punished.”

I emphasize the legal aspect of this because even though Jesus tells her to sin no more and most sermons on this passage talk about sin, in fact what the woman has done is also a crime. That is why I have entitled this section “Crime and Punishment.” We tend to think of sins like adultery as a personal issue. But the Bible doesn’t look at it that way. In ancient Israel, as well as many other traditional societies, adultery was not just a private sin. It was a public crime. The extended family or household was the basic social, political, and economic institution of the society. So adultery threatened the economic structures and family stability in that society. It was taken very seriously not just for religious reasons but also for what we would call political ones. Adultery endangered the well-being of the whole community.

So how are we to interpret and apply Jesus’ actions here? Does this mean that Jesus was against the death penalty, or against punishment for sin in general? Most Christians have not read this story that way. I want to look a little more closely at the issue of crime and punishment in the Bible and in Judaism.