

## Keeping the Kingdom

<sup>2</sup> The Pharisees approached and asked, “Is it lawful for a husband to divorce his wife?” They were testing him. <sup>3</sup> He said to them in reply, “What did Moses command you?” <sup>4</sup> They replied, “Moses permitted him to write a bill of divorce and dismiss her.” <sup>5</sup> But Jesus told them, “Because of the hardness of your hearts he wrote you this commandment. <sup>6</sup> But from the beginning of creation, ‘God made them male and female. <sup>7</sup> For this reason a man shall leave his father and mother (and be joined to his wife), <sup>8</sup> and the two shall become one flesh.’ So they are no longer two but one flesh. <sup>9</sup> Therefore what God has joined together, no human being must separate.” <sup>10</sup> In the house the disciples again questioned him about this. <sup>11</sup> He said to them, “Whoever divorces his wife and marries another commits adultery against her; <sup>12</sup> and if she divorces her husband and marries another, she commits adultery.” <sup>13</sup> And people were bringing children to him that he might touch them, but the disciples rebuked them. <sup>14</sup> When Jesus saw this he became indignant and said to them, “Let the children come to me; do not prevent them, for the kingdom of God belongs to such as these. <sup>15</sup> Amen, I say to you, whoever does not accept the kingdom of God like a child will not enter it.” <sup>16</sup> Then he embraced them and blessed them, placing his hands on them. (Mark 10:2–16)



*The Pharisees and the Sadducees Come to Tempt Jesus*  
| James Tissot | Brooklyn Museum, PD-US

### The Trap

Although not included in our reading, Mark 10:1 indicates that Jesus is again on the move: “He set out from there and went into the district of Judea (and) across the Jordan. Again crowds gathered around him and, as was his custom, he again taught them.” Jesus is leaving his native Galilee and is on the road to Jerusalem. The tense of the verbs indicate that these are crowds that are habitually following Jesus. Perhaps these people were following Jesus in Galilee, have crossed the Jordan, and are moving towards Jerusalem.

Notice that this passage follows a pattern: public engagement (vv.2-9) followed by a more thorough teaching for the disciples in a private setting (vv.10-12). The larger arrangement in Mark 10 consists of

three passages in which Jesus meets with individual characters (the Pharisees of v. 2; the young man of v. 17; and James and John in v. 35). Then Mark's Jesus uses the encounters to teach the Twelve privately (v. 10, v. 23, and v. 41). This is then followed by models for Christian discipleship (the child of vv. 13–16; Jesus himself in vv. 32–34; and the blind man in vv. 46–52).

Our Sunday gospel takes the form of a story with controversy in which the Pharisees seek to bring Jesus into conflict with what they regard as the clear teaching of Holy Scripture – in this case referring to the Hebrew scriptures, known to us as the Old Testament. Their intent was clear: they were testing (*peirazo*) Jesus. When this word is used in Mark, it is either Satan (1:13) or the Pharisees (8:11; 10:2; 12:15) who are "testing/tempting" Jesus. Their question begins, "*Is it lawful...?*" However, they aren't really asking Jesus to tell them what the law says. They already know what the law says: "*When a man, after marrying a woman and having relations with her, is later displeased with her because he finds in her something indecent, and therefore he writes out a bill of divorce and hands it to her, thus dismissing her from his house*" (Deuteronomy 24:1). There is a lot to "unpack" in that single verse and the context in which it is recalled in the gospel passage. But first, let us delve into the meaning of marriage in the 1st century context of Israel.

Malina & Rohrbaugh (*Social-Science Commentary on the Synoptic Gospels*, 240) point out that the first century understanding of marriage is quite different from ours today.

"For an understanding of divorce one must understand what marriage meant in a specific culture. Under normal circumstances in the world of Jesus, individuals really did not get married. Families did. One family offered a male, the other a female. Their wedding stood for the wedding of the larger extended families and symbolized the fusion of the honor of both families involved. It would be undertaken with a view to political and/or economic concerns -- even when it might be confined to fellow ethnics, as it was in first-century Israel. Divorce, then, would entail the dissolution of these extended family ties. It represented a challenge to the family of the former wife and would likely result in family feuding."

Given their understanding of marriage as something arranged by parents, divorce was a sin against one's parents. The divorcing son was dishonoring his parents by undoing the marriage they had arranged. It was the parent's promise to the wife's parents that was being broken by the divorce.

### **The Meaning of Divorce**

It is clear that it is lawful for a man to divorce his wife. However, the law as written did raise an important question: "What constitutes 'something indecent?'" There were different answers to that question. R.T. France (*The Gospel of Mark*, 378-88) has a paragraph full of quotes about the marriage:

While the permitted grounds of divorce were debated in the rabbinic world, the admissibility of divorce (of a wife by her husband, not vice versa: Josephus, *Ant.* 15.259) as such was not questioned: Dt. 24:1-4 (the only legislation relating specifically to divorce in the Torah) was understood to have settled the issue. The more restrictive interpretation of the school of Shammai (only on the basis of 'unchastity', *m. Git.* 9.10) was almost certainly a minority view. More typical, probably, is Ben Sira 25:26: 'If she does not accept your control, divorce her and send her away', or Josephus's laconic comment (*Life* 426): 'At this time I divorce my wife, not liking her behavior.' Josephus paraphrases Dt. 24:1, 'He who wants to be divorced from the wife who shares his home for whatever cause -- and among people many such may arise -- ...' (*Ant.* 4.253), and the school of Hillel allowed this to cover a spoiled meal, or even, so R. Akiba, 'if he found another fairer than she' (*m. Git.* 9:10).

To our modern mind this seems as though there is a very wide range of understanding. The range may well be due to the root meaning of the Hebrew word, translated "*something indecent*," is "nakedness" or "nudity." This led the School of Shammai, as noted above, to conclude that only adultery was grounds for divorce. A secondary meaning of the Hebrew word is "offensive" or "shameful," which led the School of Hillel to conclude that anything the wife did that offended the man was grounds for divorce. Problematic of that understanding is the underlying word *ʿēr-wā(h)* is very strongly related to the body (especially sex related body organs) and nakedness. Yet as France shows, there is an extended and expanded understanding of the passage that certainly seems to be working in the favor of the view/whims of the husband.

It should also be noted that according to Jewish law only the husband could divorce his wife. A wife could not divorce her husband. The divorce proceedings were very simple. The husband would draft a certificate of divorce written on a piece of paper: "She is not my wife and I am not her husband." Give her the paper and kick her out of the house. They were divorced. It is easy to see how such a process might well cast questions about the understanding of marriage in 1<sup>st</sup> century Judaism.

In the ancient near east (ANE) family life was often political life. Pheme Perkins cites (642-43) the world of a range of ANE and biblical scholars in to offer another dimension of intrigue, perhaps buried, in the Pharisees' testing of Jesus – a political edge to it all:

“Essene interpretations of the Law argue for the permanence of marriage. Polemic against the polygamy or divorce and remarriage of the kings of Israel was generalized to apply to members of the sect as well. The Essene argument against divorce appealed to Gen 1:27; 7:9; and Deut 17:17. The political implications, hence the danger to which the Pharisees hoped to expose Jesus, become clearer when one recognizes that the Essene legislation was formulated on the basis of rulings about what it was permissible for a king to do. He was not permitted to have more than one wife. Nor could he divorce his wife to marry another. Viewed in the light of marriages and divorces among members of the Herodian family, as well as the political manipulation of political marriages in Rome, the Pharisees' question is much more dangerous. Readers of the Gospel did not need to be familiar with the Herodian family history. Mark's version of John the Baptist's execution has made it clear that the royal court was sensitive to prophetic criticism of the fact that Herod Antipas had divorced his wife in order to marry his brother's former wife (6:17–19). The connection between the execution of John the Baptist and this question put to Jesus would be even stronger if the geographical notice in v.1 refers to Herod Antipas's other territory, Perea. Despite Mark's assumption that the Baptist was held in Galilee, John was probably arrested while preaching on the east bank of the Jordan in Perea and was confined and executed in the fortress Machaerus, east of the Dead Sea. Mark quotes John the Baptist as saying to the king, “It is not lawful for you to have your brother's wife” (6:18), thus making it clear that the Baptist had made a statement about the Law in this particular case. Although Mark was probably unfamiliar with laws against divorce among the Essenes, he knew that royal marriages and divorces are politically dangerous. Behind the apparently stupid question posed by the Pharisees lurks the execution of John the Baptist, so Jesus answers their question at his own peril.”

With the full range of opinions from a variety of authorities, the question “*Is it lawful for a husband to divorce his wife?*” seems to be an occasion from which the Pharisees will have something with which to charge Jesus before some convening authority.

## Questions and Response

<sup>2</sup> The Pharisees approached and asked, “Is it lawful for a husband to divorce his wife?” They were testing him. <sup>3</sup> He said to them in reply, “What did Moses command you?” <sup>4</sup> They replied, “Moses permitted him to write a bill of divorce and dismiss her.”

As noted in the preceding section, the question is none too genuine. Both Jesus and the Pharisees – and anyone listening in on the dialogue – know that Dt 24:1, part of the Torah (Law), is the basis for the practice of divorce: “When a man, after marrying a woman and having relations with her, is later displeased with her because he finds in her something indecent, and therefore he writes out a bill of divorce and hands it to her, thus dismissing her from his house.” As ever, the Pharisees’ question has little to do with marriage or divorce, but concerns teaching authority (and their desire to trap Jesus so that they will be able to bring charges against him). We have already seen this pattern in 2:1-3:6 (challenging Jesus about fasting regulations and healing on the Sabbath) and 7:1-23 (the tradition of the elders debate). In those circumstances, Jesus responded with Scripture and challenged traditional understanding of the Pharisees’ teaching. Later we will see a question from the Sadducees about the resurrection (12:23) and the Herodian question about the tribute (12:15); they are also questions designed to make Jesus incriminate himself.

Jesus does not answer their question, since its answer is clear. Rather, Jesus asks them a question, “What did Moses command you?” One question which modern day students of Scripture should ask concerns the nature of his answer. Was Jesus avoiding the question by asking a question? Was he clarifying that this was really a matter of teaching authority? Was it a prelude to the full teaching regarding marriage and divorce? His private teaching to the disciples in vv.11-12 seems pretty clear: “He said to them, ‘Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery.’” But, consider other NT passages (when considering the question of the fullness of the teaching):

- In Mark, consistent with the permanence of marriage, in vv.11-12, Jesus says that you can't separate what has become one (Mk 10:8-9)
- In Matthew's gospel, Jesus provides an exception in the case of *porneia* (a difficult word to clearly understand what it implied in Jesus' time). But is this similar to the exception provided by Moses?
- Yet, Paul says that divorce is permitted in some instances when an unbelieving partner requests it (1 Cor 7:15). Is this an exception? Then again, Paul says that it is the sign of a good spouse not to divorce his or her unbelieving mate (1 Cor 7:12-13).

I point this out to indicate there is a simplicity and yet a complexity about the topic of divorce - even in the text of the New Testament. The Catholic scholar Raymond Collins' work, *Divorce in the New Testament*, points out a challenge to scripture scholars to answer the question: what did Jesus teach when Sts. Matthew, Luke and Paul seem to return to limited exceptions?

We can say what Jesus does not do. Jesus avoids taking a position on the hidden question of Herod Antipas' marriage to his sister-in-law. He does not comment on the Law by debating the circumstances under which a husband might be permitted to divorce his wife. Jesus does not deny that Moses established a procedure by which a husband might divorce his wife. At the core of it all, Jesus is pointing to the very same section (Dt 24:1) and implying, “This is what Moses gave you. It is a human tradition that arose from compromising God's intention because of the hard heartedness of humanity (v. 5). In other words, “You ask about what Moses commanded, but it is really about what Moses allowed because of hard heartedness. The fact that it is what “allowed” makes clear that it was not what God intended.” Mark's readers know that the kingdom of God, inaugurated by Jesus' ministry, does not belong to the hard-hearted, faithless generation with which Jesus constantly has to contend (9:19) – but this generation is called to discern the will of God in such matters.

The Pharisee do not seem to question the distinction Jesus makes, indicating that they understood that the real question is whether they are able to truly discern God's will.

### God's Creative Intent

Thus, Jesus moves the dialogue to a deeper question and asks about what God intended in the creation: *"But from the beginning of creation, 'God made them male and female.'<sup>7</sup> For this reason a man shall leave his father and mother (and be joined to his wife),<sup>8</sup> and the two shall become one flesh.'<sup>9</sup> So they are no longer two but one flesh.<sup>9</sup> Therefore what God has joined together, no human being must separate."*

Jesus has posed a question to the Pharisees that puts before them a choice between preserving the Law as they understood it or discerning and doing God's will. The former is a legislation that is based upon fallen human history. But is there something that precedes that history that will reveal God's intent? Jesus is also appealing to the Torah in his reference to the creation account in Genesis. Many scholars have offered that the Law given to Moses was part of a covenant with the people of Israel for a specific time in history. That covenant was broken and "subsumed" into the larger Davidic covenant. But the covenant in Genesis is timeless and is revealed in Creation. Paul seems to make the similar argument that the Mosaic law was but an 'inset' into God's earlier purpose and covenant of grace, which is eternal: *"the law, which came four hundred and thirty years [after Abraham] does not annul a covenant previously ratified by God, so as to cancel the promise [given in Genesis]."*(Gal. 3:17)

Jesus clearly has two passages in mind:

- *God created man in his image; in the divine image he created him; male and female he created them.* (Gen 1:27)
- *That is why a man leaves his father and mother and clings to his wife, and the two of them become one body.* (Gen 2:24)

Jesus describes the union of husband and wife as a bond rooted in the very nature of Creation, one that takes priority over the other divinely intended relationship: family. As close as the parent-child relationship is, the husband-wife relationship is closer. They are not to act as though one, they are to become one. And this union is the action of God, therefore, humans are not to separate what God has joined. Jesus' final pronouncement grounds the sanctity of marriage in the authority of God himself. This is consistent with the biblical perspective, which never considers husband and wife alone but always in the presence of God, subject to his commands and aided by his grace.

At one level, Jesus' is repeating his charge against the Pharisees for substituting human tradition and understanding for the commandment of God (7:9–13). Perkins [643] writes: "The conclusion Jesus draws from the Genesis passage is consistent with the picture of Jesus and the Law already presented in the Gospel. God intended men and women to be permanently joined in marriage, so no human tradition can claim the authority to override that fact (v. 9). Jesus exploits the metaphoric possibilities of Gen 2:24, 'they become one flesh,' to exhibit the absurdity of thinking that divorce 'law,' whatever conditions it sets down, represents God's will. Divorce would be like trying to divide one person into two."

**A Note About Annulments.** If the Divine intent was that husband and wife become one person, then on what grounds does the Catholic Church consider annulments. The most common question asked: isn't an annulment, just "Catholic divorce?" While not attempting a complete answer (and not close to it!), let me point out a few things for consideration.

Marriage as a sacrament was instituted by Christ; nothing changes that, but what changes in time is the Church's plumbing the depths of the meaning of the sacrament. It is easily seen in the context, legislation, and language the Church has used during different times in its history.

In the first three centuries the marriages of Christians were not legislated in any official manner; people married according to the customs of the place they lived. The fourth and fifth centuries saw legislation enacted by local Church councils that addressed pastoral problems associated with marriage. It was in this period that the blessing of the marriage by a priest began to replace the blessing of the father of the bride. In this same period, St. Augustine began to work out a systematic treatment of marriage – but one colored by his view that there were inherent dangers in sex that were compensated by the “goods” of children.

From the fifth century on there was an increasing stress upon the ecclesial dimension of marriage. In this age, theologians debated what constituted “marriage:” consent, the blessing of the Church, or consummation. It was in the 12<sup>th</sup> century, along with the rise of standardized “canon law” or “ecclesial law,” that the idea of a marriage “contract” arose – pointing to rights, duties, and obligations. There were several other major categories that arose, but it was “contract” that prevailed until the 2<sup>nd</sup> Vatican Council, where the Church Fathers insisted on a return to a more biblical and intrinsic understanding of marriage as covenant (*Pastoral Constitution on the Church in the Modern World*, §48). In that understanding, what is key is consent of the man and woman. (Foster, 38-41)

Today, people marry according to local customs, there is the presence of a civil contract, but the Church's concern is to ensure that unburdened consent is present in both parties to the covenant. Where the consent was burdened, there are possible grounds for considering an annulment because what is in question is was the covenant bond of marriage formed. (Disclaimer: I am not a canon lawyer, do not play one of television, nor did I stay at a Holiday Inn express) No doubt I have not done justice to the topic of annulment, but if you want a one sentence summary: “Did the couple share in the divine intent of the Creator?”

### **In Private**

<sup>10</sup> *In the house the disciples again questioned him about this.* <sup>11</sup> *He said to them, “Whoever divorces his wife and marries another commits adultery against her; <sup>12</sup> and if she divorces her husband and marries another, she commits adultery.”*

In the privacy of a house, the disciples question Jesus about “this” – presumably, “*what God has joined together, no human being must separate.*” Jesus has taken the question back to the divine intent. One way to understand the unstated question is that the disciples are not asking about divorce *per se*, but the broader question of all the things that cause the separation of what God has joined. Jesus declared without qualification that a man who divorces his wife and marries another commits adultery against her. The use of the word “adultery” directs the disciples back to the absolute command of God (Ex. 20:14) and clarifies the seriousness of the issue. But to be clear, Jesus is not saying that divorce and remarriage is the only circumstance that lead to adultery, but it is of the same gravitas.

One must not miss the new element in this teaching, which was totally unrecognized in the rabbinic courts. It was not conceived that a husband could commit adultery against his former wife. According to rabbinic law a man could commit adultery against another married man by seducing his wife (Deut. 22:13–29) and a wife could commit adultery against her husband by infidelity, but a husband could not be said to commit adultery against his wife. The unconditional form of Jesus’ statement served to reinforce the abrogation of the Mosaic permission in Deut. 24:1. This sharp intensification of the concept of adultery had the effect of elevating the status of the wife to the same dignity as her husband and placed the husband under an obligation of fidelity. Adultery is a sin against God’s creative love that joins two to become one.

“By treating marriage as grounded in God’s creative love, Jesus removes it from the realm of law. The first-century audience was familiar with marriage as a contract. As with any contract, it could be nullified. Indeed, marriage contracts often anticipate that happening. Sometimes people enter into marriage

assuming that it will not last. Jesus was not the only one to challenge the casual attitude of his day, but, unlike the Essenes, he did not think new laws would create the spirit in which disciples would live out his teaching. Sometimes people think that Jesus is merely the product of a stricter society. In fact, the legal protections around marriage were much more individual in his day than in ours. The questions he poses about a hard-hearted or utilitarian view of marriage are still crucial for our reflection, not because we want tough laws against divorce, but because we seek to make Christian families what God intended them to be.” (Perkins, 646)

### The Family as Kingdom

<sup>13</sup> *And people were bringing children to him that he might touch them, but the disciples rebuked them. <sup>14</sup> When Jesus saw this he became indignant and said to them, “Let the children come to me; do not prevent them, for the kingdom of God belongs to such as these. <sup>15</sup> Amen, I say to you, whoever does not accept the kingdom of God like a child will not enter it.” <sup>16</sup> Then he embraced them and blessed them, placing his hands on them.*

It is fitting that a passage on children should follow one on marriage since both were especially vulnerable in first century society. But this passage first addresses the Kingdom of God and what prevents people from being included. The Pharisees and scribes had already been rebuked for substituting the traditions of men for God’s law and intention. Jesus made an example of service to a little child to overturn the disciples’ arguments about which of them was the greatest in 9:33–37. That episode was followed by the disciples’ trying to prohibit an outsider from using Jesus’ name (9:38–39). This episode begins with the disciples’ attempting to enforce the standard social norms that children are not deserving of attention or time.

There are two sides to this teaching: (a) the disciples who need to not keep excluding folks but to open the gates to all, and (b) to all those to whom the Kingdom is opened, to realize that it is all gift – and to receive it as would a child.

This passage is not only well placed with the passage affirming the sanctity of marriage, but serves as a bridge to next week’s gospel when the man comes to Jesus asking what he must do to receive eternal life: *“Jesus, looking at him, loved him and said to him, ‘You are lacking in one thing. Go, sell what you have, and give to the poor and you will have treasure in heaven; then come, follow me.’ At that statement his face fell, and he went away sad, for he had many possessions.”*

Perhaps the man had earned much, but would not accept what he had not earned. He did not understand the gift. Can he be saved? *“For human beings it is impossible, but not for God. All things are possible for God.”* It is the gift; children have no problems receiving gifts.

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### Notes

**Mark 10:2 *Pharisees.*** Many manuscripts of Mark do not have “Pharisees” in the verse. Scholars think this was a later harmonization with Matthew’s text. In any case, Jesus will frequently enter into debate with various Jewish groups, including the Pharisees. ***divorce:*** the verb *apolyein*, used in the context of marriage, is generally translated divorce. More broadly it means sending the woman away from the household.

**Mark 10:3 *What did Moses command you?*** In fact, Moses commanded nothing that is recorded in Scripture. It is clear that divorce [“setting aside”] was the practice in Jesus’ time. Consider Joseph’s initial plans when he heard that Mary was with child.

**Mark 10:4 bill of divorce:** According to Dt 24:1,3 the husband wrote out a document declaring that he had divorced his wife and sent her away. Possession of this document provided the woman with the legal proof that the marriage has ended and she was free to marry another. In part, it was protection against the former husband making later claims against her.

**Mark 10:7 and be joined to his wife:** This phrase is missing in some manuscripts. Many scholars accept the text as original assigned it as an omission in the manuscript where the scribe's eye moved from *kai* to *kai* in the copy process.

**Mark 10:9 what God has joined together:** The underlying Greek word, *synezeuxein* (joined together) is the preposition with (*syn*) and the root *zeug-* which describes two animals yoked together.

**Mark 10:11 commits adultery:** This statement is consistent with 1 Cor 7:10, Luke 16:18 and Matthew 5:32. Some scholars postulate that 10:12 is a later addition adapting to the Roman custom whereby a woman could divorce her husband – something not permitted in Jewish custom. But this assumes that Jesus was not addressing a diverse group whose customs he would have been familiar with.

**Mark 10:13 they were bringing children:** “they” is ambiguous – one is left to assume people in the crowds who discovered Jesus was in the house. “Children” (*paidia*) could mean infant through 12 years old. The Gospel of Luke, in the parallel account uses *brephē*, leaving no doubt they were infants. **that he might touch them:** literally, “lay hands on them,” leaving open the question if the contact was for purpose of blessing (v.16) or healing.

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